

MARTIN COUNTY
SCHOOL DISTRICT

ELEMENTARY
2010 - 2011

STUDENT CONDUCT
AND
DISCIPLINE CODE

NANCY KLINE, SUPERINTENDENT
An Equal Opportunity Agency

MARTIN COUNTY SCHOOL BOARD

NON-DISCRIMINATION POLICY

1. No person shall, on the basis of race, religion, national origin, sex, age, marital status, or disability, be excluded from participation, be denied the benefits of, or be subjected to discrimination under any education program or activity, or in any employment conditions or practices conducted by this School District, except as provided by law.
2. The School Board shall comply with all state and federal laws, which prohibit discrimination and are designed to protect the civil rights of applicants, employees, and/or students or other persons protected by applicable law.
3. The School Board shall admit students to Martin County District Schools, programs, and classes without regard to race, religion, national origin, sex, age, marital status, or disability.
4. For information on filing complaints of discrimination, please refer to School Board Grievance Procedure 3142.01 for employees and Procedure 5517.01 for students, or you may also contact:

District Equity Officer

David Ruiz, JD CPCU
Equity Coordinator
Risk & Employee Benefits Manager
500 E. Ocean Boulevard
Stuart, Florida 34994-2572
Phone: (772) 219-1200 Ext. 30371
Fax: (772) 219-1226

Elementary

I. INTRODUCTION:

The School Board of Martin County considers quality education for all the children of this county its most important task. This task requires a partnership among parents, teachers and the School Board. This Student Conduct and Discipline Code has been developed with the cooperation of students, parents, teachers, guidance counselors and administrators. It provides a guideline so students will know what behaviors are expected. Students and parents have an affirmative responsibility to report suspected violations of this code to school staff. Students also will know that the same code is being used in all elementary schools with consideration of:

- Age and/or grade level of student.
- Frequency of misconduct.
- Seriousness of particular misconduct.
- Attitude of student.
- Student records.
- Any other relevant factor, including but not limited to, disabled students who are governed by provisions outlined in the School Board policy.

This cooperation of parents and students is essential if discipline in the school is to be achieved.

Parents can contribute to good discipline in the school by:

- Maintaining a positive attitude toward their child's school and education.
- Showing interest in their child's schoolwork.
- Showing interest in how their child is doing in school by keeping in touch with the teacher(s), guidance counselor(s), and/or the principal on a regular basis.
- Teaching their child how to dress neatly, be clean, well groomed and wear clothes which are appropriate for school.
- Making sure their child goes to school, on time, every day.
- Having their child immunized, according to Florida Statutes and School Board policies relating to immunization.
- Keeping their child out of school when the child is obviously ill or has a contagious disease.
- Reporting and explaining any absence of their child to the school in accordance with Florida Statute and School Board policies.
- Informing the school immediately of anything, which may affect their child's ability to learn, to attend school regularly, or to participate in school activities; and updating information annually or as needed.
- Teaching their child respect for authority.
- Cooperating with school personnel in solving disciplinary problems.
- Knowing the contents of this book and discussing it with their child.

II. APPLICATION OF DISCIPLINE:

This code applies to every student who is under the authority of the Martin County School System.

Students shall be subject to this code:

- A. During the time the student is, or otherwise should be, en route to or from school;
- B. During the time the student is being transported to and from school at public expense;
- C. During the time the student is, or otherwise should be, attending school;
- D. During any time the student is on school premises;
- E. During the time the student is attending, participating or present for school related activities, regardless of the location of such activities;
- F. During such other times and under such other circumstances for which the student misconduct is sufficiently related to or impacts the Martin County School System so that a disciplinary response is appropriate.

Elementary

III. STUDENT DISCIPLINE CODE:

Students are afforded the opportunity to receive a free appropriate public education and have the right to be treated with respect and dignity. Students have the responsibility to treat other persons and property with respect and dignity. Student misconduct which jeopardizes the health, safety or welfare of other people or which disrupts the educational environment will not be tolerated.

This section identifies various disciplinary infractions and guidelines for a corresponding disciplinary response. Although every effort is made to address most foreseeable occurrences, the fact that a particular type of misconduct is not specifically described will not preclude disciplinary action if a reasonable person should know that the conduct is outside the bounds of acceptable student behavior.

A. Zero Tolerance. In accordance with the requirements of F.S. 1006.13 and State Board of Education Rule 6A-1.0404, the School Board of Martin County has adopted a policy of zero tolerance with regard to school violence, substance abuse, possession or use of weapons and other crime(s) as part of a comprehensive approach to reducing school violence and crimes. In accordance with that policy, **recommendations for expulsion is mandatory** for the following offenses committed at any time this code applies:

1. Homicide (murder, manslaughter)
2. Sexual battery
3. Armed robbery
4. Aggravated battery
5. Battery or aggravated battery on a teacher or other school personnel
6. Kidnapping or abduction
7. Arson
8. Possession, use or sale of any firearm - **Note: Any student who is determined to have brought a firearm, as defined in 18 U.S.C. § 921, to school, any school function or on any school-sponsored transportation will be expelled, with or without continuing education services, from the student's regular school for a period of not less than one (1) full year and referred for criminal prosecution.**
9. Possession, use, placement or sale of any explosive device.

The principal or principal's designee shall notify local law enforcement when any of the offenses listed above are committed on school property, on school-sponsored transportation or at school-sponsored activities.

B. Required Notice. In accordance with F.S.1006.07 (2) students and their parents or guardians are hereby notified that:

1. Illegal use, possession or sale of controlled substances, as defined in chapter 893 by any student while such student is upon school property or in attendance at a school function is grounds for disciplinary action by the school and may also result in criminal penalties being imposed.
2. The possession of a firearm, a knife, a weapon or an item which can be used as a weapon by any student while the student is on school property or in attendance at a school function is grounds for disciplinary action and may also result in criminal prosecution.
3. Violence against any school district personnel by a student is grounds for in-school suspension, out-of-school suspension, expulsion or imposition of other disciplinary action by the school and may also result in criminal penalties being imposed.
4. Violation of School Board transportation policies, including disruptive behavior on a school bus or at a school bus stop, by a student is grounds for suspension of a student's privilege of riding on a school bus and may be grounds for disciplinary action by the school and may also result in criminal penalties being imposed.
5. Violation of the School Board's sexual harassment policy by a student is grounds for in-school suspension, out-of-school suspension, expulsion or imposition of other disciplinary action by the school and may also result in criminal penalties being imposed.
6. It is a violation of this code for any person to threaten to throw, project, place or discharge any destructive device with intent to do bodily harm to any person or with intent to do damage to property. It is also a violation of this code for any person to make a false report with intent to deceive, mislead or otherwise misinform any person concerning the placing or planting of any bomb, dynamite or other deadly explosive. Any student who is determined to have committed either of these acts which involves a school, school personnel's property, school transportation or school sponsored activity will be expelled with or without continuing educational services from the student's regular school for a period of not less than one full year and referred to criminal prosecution. The School Board may assign the student to a disciplinary program or a second chance school for the purposes of continuing educational services during the period of expulsion. The Superintendent may consider the one year expulsion requirement on a case-by-case basis and request that the School Board modify the requirement by assigning the student to a disciplinary program or alternative school if it is determined to be in the best interest of the student and school system.

C. Discipline Guidelines. This code attempts to match specific disciplinary action with specific behavior. The numbers that precede each rule designate the disciplinary action(s) appropriate for each misbehavior. The disciplinary actions are listed in the following section of this code. In applying this code, it is not necessary to use **EVERY** disciplinary action that is listed after the rule.

Nothing in this Code of Discipline shall infringe upon those due process rights guaranteed to individuals by the United States Constitution or state or federal law.

NOTE:

FOR PURPOSES OF THIS CODE, POSSESSION IS DEFINED AS "IN OR ON YOUR PERSON OR PROPERTY OR IN A PLACE OVER WHICH YOU HAVE CONTROL, OR IN WHICH YOU HAVE HIDDEN OR CONCEALED THE OBJECT."

UNDER CERTAIN CIRCUMSTANCES SPECIFIC DISCIPLINARY ACTION IS MANDATORY AND IS IDENTIFIED BY AN ASTERISK (*).

D. Disciplinary Menu. In selecting consequences to use for unacceptable behaviors, it is not necessary to use each one or even use them in the order listed. Normally suspension shall occur only after other corrective measures have been used without success unless the situation is of a serious nature and warrants immediate suspension. **CORPORAL PUNISHMENT MAY NOT BE USED UNDER ANY CIRCUMSTANCES.** Professional staff as well as support staff, within the scope of their employment, may use and apply reasonable force and restraint to quell a disturbance threatening physical injury to self and others, to obtain dangerous objects upon or within the control of the student, in self-defense, or for the protection of persons or property. (SBR 5600)

NOTE: All consequences are equally applicable for incoming students from any in-state or out-of-state public or private school.

1. Teacher/student conference including record review.
2. Disciplinary action initiated by teacher.
3. Compensation, detention**, work detail etc.
4. Referral to guidance/administration.
5. School/parent or guardian contact.
6. School/parent guardian conference.
7. Confiscation.
8. Principal involvement.
9. Administrative/guidance referral to the attendance/truancy officer.
10. Suspension from bus; student must attend school and parent must provide transportation.
11. Internal suspension (or its equivalent at the elementary level) from classes and all school activities in accordance with School Board Policy.
12. Administrative referral to student services and/or outside agencies for evaluation which may result in placement in special programs such as: alcohol/substance abuse, anger management, smoking cessation or alternative school assignment.
13. External suspension from classes and all school activities in accordance with School Board policy.
14. Referral to Superintendent and/or police.
15. Immediate parent/guardian notification.
16. Restitution by parent(s) or guardians(s) for damage done by student in accordance with Florida Statutes.
17. Students and parent(s)/guardian(s) may be held liable for medical expenses.
18. Consideration for expulsion in accordance with School Board policies.
19. District level involvement.
20. Issuance of a citation by law enforcement to constitute a civil infraction.
21. Recommended expulsion with possible assignment to an alternative school setting.
22. Denial of participation in district sponsored activities such as graduation, prom, homecoming, extracurricular programs etc.

**When using detention as a disciplinary measure or to complete work, the teacher and the principal should consider the distance between the student's home and school and whether transportation is an issue. If it is necessary to detain a student after school, parents shall be notified at least one (1) day prior to the detention, unless special arrangements have been made with the parent or guardian.

Note: Some offenses may result in criminal prosecution.

Elementary

INFRACTIONS

DISCIPLINARY ACTIONS

- 1. Failure to be Prepared:** Refusal or failure to bring appropriate materials and supplies such as papers, pencil, pen, etc. Refusal or failure to complete assigned work. Refusal or failure to take home and return required forms. #Ref 1-6, 8, 22
- 2. Cheating:** Willful or deliberate unauthorized use of the work of another person for academic purposes, or inappropriate use of notes or other material in the completion of an academic assignment or test. Students who assist others in the act of cheating by providing information or assistance may also face disciplinary action for cheating. In addition to disciplinary responses, the granting of credit for this assignment may be considered null and void. #Ref 1-8, 11, 13, 22
- 3. Dress Code Violation:** Non-conformity to school dress code. #Ref 1-8, 11, 13, 22
- 4. Classroom Disruptions:** #Ref 1-22
Conduct or behavior which interferes with or disrupts the teaching/learning process.
- 5. Disruptive Conduct:** #Ref 1-9, 11, 13, 18, 19, 21, 22
Conduct or behavior which interferes with or disrupts the orderly process of the school environment, a school function or extracurricular/co-curricular activity.
- 6. Disrespect for Others:** Conduct or behavior which demeans, degrades, antagonizes, humiliates or embarrasses a person or group of persons. #Ref 1-6, 8, 9, 11, 13, 14, 18, 19, 21, 22
- 7. Failure to Report to Detention:** #Ref 1-9, 11, 13, 14, 18-22
Failure to report for assigned detention.
- 8. False and/or Misleading Information:** Intentionally providing non-valid or misleading information or the withholding of valid information to a school system staff member. Also included shall be the possession or use of false identification. #Ref 1-6, 8, 9, 11-13, 18, 19, 21, 22
- 9. False and/or Misleading Accusations:** The making of false accusations that jeopardize the professional reputation of a member of the school staff. #Ref 1-6, 8, 9, 11-13, 18, 19, 21, 22
- 10. Insubordination:** Refusal or failure to comply with a direction or an order from a school system staff member; failure to comply with the state law, school board policy, local school rule, behavior contracts or classroom rules. #Ref 1-22
- 11. Misconduct on School Bus or Other School Approved Transportation:** #Ref 1-6, 8, 10, 11, 13-22
Conduct or behavior which interferes with the orderly, safe and expeditious transportation of students or other authorized riders.
NOTE: a student may be suspended from the bus for a period exceeding ten (10) days for willfully and persistently violating school board rules.
- 12. Profane, Obscene, Abusive Language/Materials:** #Ref 1-6, 8, 9, 11-13, 15, 19, 21, 22
The use of oral or written language or the drawing of pictures that include racial slurs, gang-related/cult-related gestures or signs, objects or pictures which are disrespectful or socially unacceptable and which tend to disrupt the orderly school environment, a school function or extracurricular/co-curricular activity.
- 13. Tardiness/Skipping:** #Ref 1-6, 8, 9, 11-13, 15, 19, 21, 22
Late arrival to school or class. Unauthorized absences from class and/or school.

- 14. Insubordination/Open Defiance:** #Ref 1-6, 8, 9, 11-15, 17-22
 Either verbal or non-verbal refusal to comply with school rules or directions from school staff; exhibiting contempt or resistance to direct order.
- 15. Unauthorized Assembly, Publications, etc.:** #Ref 1-11, 13-15, 18-22
 Unauthorized demonstrations and/or petitions by students, or possession and/or distribution of unauthorized publications which interfere with the orderly process of the school environment, a school function, or extracurricular/co-curricular activity.
- 16. Illegal Organizations:** #Ref 4-6, 8, 11, 13, 14, 18, 19, 21, 22
 Establishing and participating in a secret society, including a “criminal street gang” as defined by section 874.03 FS, on school system property, at a school function or extracurricular activity.
- 17. Misuse of Telecommunication Service:** #Ref 1-9, 11-16, 18, 19, 21, 22
 Misuse of telecommunication services or networking for illegal, inappropriate or obscene purposes, or in support of such activities, shall be prohibited. Illegal activities shall include all acts defined as a violation of local, state or federal laws. Inappropriate use includes any act that violates or is inconsistent with the District's mission, goals, policies or procedures. Obscene activities include all acts that violate generally accepted social standards for use of a publicly owned and operated communication vehicle.
- 18. Possession of Contraband Material:** #Ref 1-15, 18-22
 Possession, use and/or distribution of materials or items which are forbidden at school, including but not limited to matches, lighters, ammunition, fireworks and lasers. Contraband shall be confiscated and may not be returned to student. Possession of a common pocketknife or other item that is not designed or constructed for use as an offensive weapon may be considered under this heading if (1) there has been no threatening or intimidating display of the item,(2) the item does not constitute a "concealed weapon" as defined in Section 790.001(3), Florida Statutes, (3) the item is not a gun or firearm of any type, **and** (4) no criminal charge is filed against the student as a result of the incident being reported to and investigated by law enforcement, as required by this code.
- 19. Smoking and other use of Tobacco Products:** #Ref 1-6, 8-13, 20, 22
 The possession use, distribution or sale of tobacco products on school system property, at a school or extracurricular activity.
- 20. Trespassing:** Unauthorized entry into school system #Ref 8*, 11-14, 15, 16*, 18, 19, 21, 22
 property, a school function or extracurricular/co-curricular and/or remaining after the administrator/designee has directed such person to leave that location.
- 21. Inciting, Leading or Participating in a Student Disorder:** #Ref 4-6, 8, 11, 13, 14, 18*, 19, 21, 22
 The willful act of inciting, leading or participating in any disruption or disturbance which interferes with the educational process, or which can result in damage or destruction to public or private property, or cause personal injury to participants and others.
- 22. Manipulating Computer Data:** #Ref 1-9, 11-16, 18, 19, 21, 22
 The changing, erasing, removing or accessing inappropriate material or otherwise manipulating computer data through unauthorized entry.
 See: *Student Acceptable Use Policy for Networked Communications*, page 20
- 23. Public Display of Affection:** #Ref 1-13, 15
 Acts including but not limited to; hand holding, kissing or hugging.
- 24. Indecent Exposure:** #Ref 1-6, 8, 9, 11-15, 17*, 18*, 19*, 21*, 22
 To be naked or otherwise exhibit or exposure of sexual organs, buttocks or breasts.

- 25. Sexual Harassment:** #Ref 1-6, 8, 11-15, 19-22
Any slur, innuendo or other verbal or physical conduct reflecting on an individual's gender which has the purpose of intimidating and creating a hostile or offensive educational environment, has the purpose or effect of unreasonably interfering with an individual's work or school performance or participation or otherwise affects an individual's employment or educational opportunities.
- 26. Threats:** #Ref: 1-6, 8, 9, 11-15, 17-22
The verbal or physical threat to do harm or violence another student(s) or the property of another person. A threat to cause death or great bodily harm to any person may result in expulsion.
- 27. Assault:** #Ref: 8*, 11-14, 15*, 18*, 19-22
An intentional threat by word or act to do physical harm to another student, coupled with an apparent ability to do so, an intentional threat by word or act to use deadly force against another student, whether or not the student has the apparent ability to use such force.
- 28. Battery (Fighting):** #Ref 8*, 11-14, 15*, 18*, 19-22
The actual and/or intentional touching of another student(s) against his or her will. In severe cases, such actions may be the basis for expulsion.
- 29. Destruction of Property/Vandalism:** #Ref 1-6, 8-16, 18-22
The willful or malicious destruction, damage or defilement of school system real or personal property or the property of others.
- 30. Alcohol Offenses:** #Ref 8*, 9, 13, 14, 15*, 18*, 19, 21, 22
The use, selling, possession, transmitting or being under the influence of alcoholic beverages or substances represented to be of said nature. "Alcoholic beverages" shall include, but not be limited to, beer, wine, wine coolers or any hard liquors. "Use" is defined as consumption at any time this code applies and may include consumption off of school premises prior to entering school property or attending a school activity.
NOTE: If a student is reasonably suspected to be "under the influence of and/or of having consumed alcohol", the student may be required to take a breathalyzer/Intoximeter test. Recommendation for administration of this test will be determined by the Principal and or their designee.
- 31. Arson:** #Ref 8*, 11-14, 16*, 18*, 19, 21, 22
The willful malicious burning of or attempt to use incendiary device to destroy school system property, contents in or on the property, or personal property of others.
- 32. Assault of Employees and Volunteers:** An intentional #Ref 8*, 10, 11, 13-17, 18*, 19*, 20-22 threat by word or act to do physical harm to a school employee or a volunteer, coupled with an apparent ability to do so, an intentional threat by word or act to use deadly force against a school employee or volunteer, whether or not the student has the apparent ability to use such force.
- 33. Battery of Employees and Volunteers:** #Ref 8*, 10, 11, 13-17, 18*, 19*, 20-22
The actual reckless or intentional touching or striking of a school system employee or a volunteer against his or her will. In severe cases, such actions may be the basis for expulsion.
- 34. Bombs/Threat/Explosions:** Any communication #Ref 8*, 11-14, 15*, 16*, 18*, 19*, 21*, 22 which has the effect of threatening an explosion to do malicious, destructive or bodily harm to school system property, at a school function or extracurricular/co-curricular activity, or the persons in or on that property or attending the function. Preparing, placing, possession or igniting explosives on school system property, at a school function, or extra-curricular/co-curricular activity.

- 35. Breaking and Entering:** #Ref 8*, 11-14, 15*, 16*, 18*, 19, 21
The unlawful and willful entry or attempted forcible entry of any school system property or the personal property of students and school system personnel.
- 36. Disorderly Conduct:** Behavior not specifically described above which #Ref 1-22
substantially disrupts the orderly learning environment or poses a threat to the school health, safety and/or welfare of students, staff or others. Examples include but are not limited to; tampering with the Automatic External Defibrillator (AED), building service or fire protection equipment.
- 37. Drugs:** #Ref 7, 8*, 13*, 14, 15*, 18*, 19*, 21*, 22
Possession, use manufacture, selling, purchase or transmitting of drugs, facsimile or counterfeit drugs, drug paraphernalia, any substance capable of modifying mood or behavior and/or any substance or substance represented to be of said nature, or being under the influence of drugs or substances capable of modifying mood or behavior. The term "drugs" includes, but is not limited to, any drug or controlled substance, the possession of which: (a) is unlawful under state or federal law, or (b) requires a valid prescription and the student does not have such a prescription. The term "any substance capable of modifying mood or behavior, and/or any substance represented to be of said nature" includes, but is not limited to, (a) counterfeit controlled substances, (b) imitation controlled substance that have a potential for abuse, (c) over-the-counter non-prescription medications. "Use" is defined as consumption, injection, snorting or any other means of taking a substance within the body at any time. If a counterfeit drug is portrayed as a real drug it will be considered the same as if it were a real drug. This code applies and may include activity off of school premises prior to entering school property or attending a school activity.
- 38. Extortion/Threats:** #Ref 8*, 11-14, 15*, 16*, 18, 19, 21, 22
The willful or malicious threats of harm, injury or violence to the person, property or reputation of another with the intent to obtain money, information, services or other items of material worth.
- 39. Theft, Robbery and Related Crimes:** #Ref 1-8, 10, 11, 13-16, 18-22
A person commits theft if he/she knowingly obtains or uses or endeavors to obtain or to use the property of another with intent to either temporarily or permanently deprive the other person of a right to the property or benefit from the property; or to appropriate the property to his/her own use or to the use of any person not entitled to the use of the property. "Robbery" means that taking of property from the person or custody of another with intent to either permanently or temporarily deprive the person or owner of the property when in the course of the taking there is a use of force, violence, assault or putting in fear.
- 40. Forgery:** The making of a false or misleading written #Ref 8*, 11-14, 15*, 16*, 18, 19, 21, 22
communication to a school staff member with either the intent to deceive the staff member or under circumstances which would be reasonable calculated to deceive the staff member.
- 41. Hazing:** #Ref 1-6, 8, 11-15, 17, 18*, 19, 21, 22
Any act of coercing another, including the victim to perform any act of initiation into any class, team or organization that causes or creates a substantial risk of causing mental or physical harm.
- 42. Robbery:** #Ref 8*, 11-14, 15*, 16*, 18, 19, 21, 22
The act or attempted act of taking of money, property or possessions from another, against his or her will, through the use of force, violence or fear.
- 43. Sexual Battery:** Any sexual act or attempt directed #Ref 8*, 10-14, 15*, 17*, 18-21*, 22
against another person, forcibly and/or against the person's will where the victim is incapable of giving consent because of his or her youth or because of temporary or permanent mental incapacity.

- 44. Sex Offenses:** #Ref 8*, 10-14, 15*, 17*, 18-21*, 22
 This is unlawful sexual intercourse, sexual contact or other unlawful behavior or conduct intended to result in sexual gratification without force or threat and where the victim is capable of giving consent. Included in this category is indecent exposure (exposure of private body parts to the sight of another person in a lewd or indecent manner in a public place), and obscenity (conduct by which the community standards are deemed to corrupt public morals by its indecency and /or lewdness such as phone calls or other communication; unlawful manufacture, publishing, selling, buying or possession of materials such as literature or photographs).
- 45. Weapons:** The possession, use or control of any #Ref 7, 8*, 10-14, 15*, 18*, 19-21, 22
 instrument that could be used to cause harm, injury or death to or subdue or incapacitate another person and whether or not designed, used or intended for offensive or defensive purpose. Weapons include but are not limited to guns, knives, box cutters, razors, clubs, explosives, tear gas guns, chemical weapons or devices, or any other object (toy weapons, rock, chain, pipe, pen, pencil, other pointed or sharp instrument, etc.) which may be used to harm or intimidate others.
- 46. Repeated Misconduct:** Repeated misconduct which tends to substantially disrupt #Ref 1-22
 the orderly conduct of a school, school function or extracurricular/co-curricular program or activity.
- 47. Violation of Early Reentry Plan/Probation:** Any act or series of acts #Ref 8*, 10-22
 which violates or has the practical effect of violating an early reentry plan or a probationary plan.
- 48. Criminal Acts:** To commit or attempt to commit, or conspire to #Ref 8*, 10-22
 commit any other acts which are of a criminal nature, including participation in a “gang related incident” as defined in section 874.03 FS, regardless of whether a crime is actually charged.
- 49. Other Serious Misconduct** #Ref 1-22
- 50. Bullying and Harassment:** #Ref 1-6, 8*, 9-14, 15*, 16*, 18, 19, 21, 22
Bullying means systematically and chronically inflicting severe physical hurt or psychological distress on one or more students. It is further defined as unwanted and repeated written, verbal or physical behavior, including any threatening, insulting or dehumanizing gesture by a student that is severe or pervasive enough to create an intimidating, hostile or offensive educational environment; cause severe discomfort or humiliation; or unreasonably interfere with the individual’s school performance or participation and may involve but is not limited to: teasing, social exclusion, threat, intimidation, stalking, cyberstalking*, physical violence, theft, sexual, religious, or racial harassment, public humiliation and destruction of property.
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 students which is so severe and pervasive that it places a student or students in reasonable fear of harm to his or her person or damage to his or her property, has the effect of substantially interfering with the student’s educational performance, opportunities or benefits or has the effect of substantially disrupting the orderly operation of a school.
Bullying and harassment also include retaliation against a student by another student 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 as is the 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 by incitement, coercion, accessing or knowingly and willingly providing access to data or computer software through a computer, computer system or computer network within the scope of the district school system. This definition includes acting in a manner that has an effect substantially similar to the effect of bullying or harassment.

Elementary

Cyberstalking* as defined in s. 784.048(1) (d), F.S., means to engage in a course of conduct to communicate, or 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.

CELL PHONES, PAGERS and OTHER WIRELESS COMMUNICATION DEVICES

The possession of a cellular telephone, pager etc. is not, in and of itself, a violation of the Student Conduct and Discipline Code (SC&DC). The SC&DC allows for the possession of cellular telephones: however, when the cellular telephone disrupts the educational process, or the cellular telephone is used on a school campus during school hours, or the cellular telephone is used while a student is being transported on a school district owned or contracted vehicle, then it would be a violation of the SC&DC. For the purpose of this code “use” is defined as permitting the device to be in plain sight during the prohibited times and in the locations described above. Cell phones are required to be turned off while on campus or on the school bus. When it is determined that use has occurred in violation of this policy then the device will be confiscated and returned to the parent upon their request and other applicable sections of the SC&DC may be implemented as a result.

NOTICE: When it is determined that use has occurred in violation of this policy then the device will be confiscated and returned to the parent upon their request. The inappropriate use of a wireless communication device for the taking, transmission and/or reception of photographs, text messages or other applications of the device, in violation of this policy, includes the possibility of the imposition of disciplinary action by the school or criminal penalties if the device is used in a criminal act.

NOTE: Digital media players such as iPod, Zunes, etc., are prohibited. Listening accessories such as headphones, earplugs, ear “buds”, etc., that are used with cellular phones or digital media players are prohibited on the school campus. Exceptions to this rule include listening accessories that are medically prescribed to persons with identified disabilities and electronic equipment that is owned and issued by the school for use in a school sanctioned educational activity.

E. **Expulsion Procedures.** The School Board of Martin County, Florida may expel a regular program student who has committed a serious breach of conduct. The recommendation for expulsion is generally preceded by a suspension which remains in effect until the expulsion proceedings are complete. A commission of a criminal act by a student may also result in a referral to the appropriate law enforcement authority

The following steps shall be generally applicable in expulsion proceedings.

1. **Step One - Principal's Investigation.** Upon receipt of information that a student has committed a serious breach of conduct, the principal or designee shall conduct an appropriate investigation.
2. **Step Two - Principal's Recommendation.** Any principal who feels that expulsion of a student is required shall so recommend to the Superintendent in writing. The recommendation shall include a detailed report by the principal, or the principal's designee, complete with names, witnesses and facts to which each witness may testify. The principal shall notify the parent/guardian of the recommendation for expulsion, and direct the parent/guardian to contact the Assistant Superintendent for further review of the matter.
3. **Step Three - Superintendent Investigation.** Upon receipt of the recommendation for expulsion, the Superintendent or designee will investigate the occurrence.
4. **Step Four - Superintendent's Informal Review.** At the conclusion of the investigation, the Superintendent or designee will provide an opportunity to the student and parent/guardian to informally review the results of the investigation. If the Superintendent or designee has found that cause exists to recommend the student's expulsion, the Superintendent or designee will offer the student the opportunity to avoid a fact-finding hearing by agreeing not to contest the charges.
5. **Step Five - Superintendent's Recommendation.** If the matter is not resolved at Step Four and the Superintendent determines that cause exists to recommend the expulsion of the student, the Superintendent must give written notice of the charges to the student which states the facts and grounds which justifies expulsion under the regulations of the Board and a list of witnesses against the student and the facts to which each will be expected to testify. The Superintendent will also provide notice of the date for a hearing with the School Board.
6. **Step Six - School Board.** At this stage of the process, the School Board will conduct a hearing regarding the Superintendent's recommendation for expulsion in accordance with the procedures of the Administrative Procedures Act, Florida Statutes Chapter 121. This expulsion hearing is exempt from public meeting requirements unless the parent or legal guardian elects a public hearing.

Disciplinary placements to the alternative school shall be in lieu of expulsion and the assignment may be made by a district hearing officer. If a student is recommended for expulsion and receives an alternative placement for a time period that includes the graduation ceremony they will not be allowed to participate in the graduation ceremony.

The School Board hearing is conducted as an impartial review of the Superintendent's recommendation. Student and parent/guardian may be represented by legal counsel at their own expense and have the opportunity to present evidence in support of their positions. At the conclusion of the hearing, the Board may accept, reject or modify the Superintendent's recommendation.

F. Suspension on the Basis of Felony Charges. When a student is formally charged with a felony by a proper prosecuting attorney for an incident which allegedly occurred off school property but which incident is shown to have an adverse impact on the educational program, discipline or welfare in the school in which the student is enrolled, the principal may conduct an administrative hearing for the purpose of determining whether or not the student should be suspended pending court determination of his or her guilt or innocence or the dismissal of the charge is made by the court. In the event that a student is to be suspended pending resolution of felony charges, the following procedures shall apply.

1. Upon receiving proper notice that a student has been formally charged with a felony, the principal shall immediately notify the parent or guardian of the student, in writing, of the specific charges against the student and the right to a hearing prior to disciplinary action being instituted
2. Such notice shall stipulate a date for hearing which shall be not less than two (2) school days nor more than five (5) school days from postmarked date, or delivery, of the notice and shall also advise the parent of the conditions under which a waiver of suspension may be granted, as prescribed in subsections (2) and (3) of Section 1006.09, Florida Statutes. Pending such hearing, the student may be temporarily suspended by the principal.
3. The hearing shall be conducted by the principal or designee and may be attended by the student, the parent, student's representative or counsel and any witnesses requested by the student or the principal. The student may speak in his or her own defense, may present any evidence indicating his or her eligibility for waiver of disciplinary action, and may be questioned on his or her testimony. However, the student shall not be threatened with punishment or later punished for refusal to testify.
4. In conducting the hearing, the principal or designee shall not be bound by rules of evidence or any other courtroom procedure and no transcript of testimony shall be required.
5. Following the hearing, the principal shall provide the student and parent with a decision, in writing, as to whether or not suspension will be made. Any suspension pending adjudication of guilt shall be made only upon a finding, based upon conclusive evidence, that a felony charge has been formally filed against the student by a proper prosecuting attorney.
6. Suspension may exceed 10 days. The student will be enrolled in an Alternative Education Program during this time in lieu of expulsion.

NOTHING IN THIS SECTION SHOULD BE CONSTRUED TO PROHIBIT OTHER DISCIPLINARY ACTION UP TO AND INCLUDING EXPULSION FOR MISCONDUCT WHICH OCCURS AT A LOCATION AND/OR DURING TIMES AT WHICH THIS CODE OTHERWISE APPLIES

IV. ATTENDANCE

Regular school attendance has been found to be crucial to the educational process and to the reduction of juvenile delinquency and destructive behavior. All students enrolled in the Martin County School District are required to attend all of each and every regular school day unless the student's absence is excused in accordance with this section. In addition, Florida law provides that each parent and legal guardian of a child from the ages of six to sixteen is responsible for the child's school attendance in accordance with this section and that a parent or legal guardian of a student must justify each absence of a student in accordance with these policies.

A. Minimum Required Attendance of a Student.

1. Annual Session.

- A student is required to attend ninety (90) percent of instructional time in an annual session. For schools on a semester basis, the student must be in attendance for ninety (90) percent of the instructional time required for each course.
- A student not in attendance the required number of days in a scheduled class will not receive credit or consideration for promotion unless a favorable decision is rendered by an attendance review committee. A student receiving a favorable decision by the committee shall:
 - Have met the criteria for promotion as specified in the Student Progression Plan (Grades K-8).

2. Summer School.

- A student in the K-8 summer school session must attend ninety (90) percent of the hours to be considered for promotion.

B. Attendance Review Committee. When a student's absences exceed the attendance requirements, both the reasons for the absences and the student's overall attendance pattern, will be considered by an attendance review committee. This committee will be comprised of at least three (3) voting members representing the school. Membership shall be representative of faculty, student services and administration. Petition, application and procedures will be made available in a designated location in each school. It is the responsibility of the student and the parent or guardian to meet all deadline dates established by the school. The committee will render one of the following decisions for each case:

1) **Favorable** - The student's general attendance pattern is good and appropriate documentation of reasons for absences is submitted.

Additionally:

(Grades K-8) Promotion criteria as specified in the Student Progression Plan must be met.

2) **Qualified** - The student's general attendance pattern is questionable and/or appropriate and acceptable documentation of reasons for absences is not submitted. In such cases:

(Grades K-8) the attendance review committee will consult with the principal for determination of whether promotion criteria have been met as specified in the Student Progression Plan.

The committee decision shall be forwarded to the principal for further action.

C. Reporting an Absence.

Unless an absence is excused or occurs without the parent's knowledge, consent or convenience, parents are subject to legal action if students are not in regular school attendance.

1. It shall be the responsibility of each student's parent or guardian to notify and explain the student's absence to the attendance office or school no later than the first day of the student's return to school. **Failure to provide the school with verification of an absence by the tenth school day will result in the absence being recorded as unexcused.**
2. Student absences will be considered individually and designated **EXCUSED or UNEXCUSED.**
3. **Excused Absences Are:**
 - a. Illness of the student. (A doctor's statement may be required by school officials.)
 - b. An accident resulting in bodily injury to the student.
 - c. A death in the immediate family of the student.
 - d. An observance of an established religious holiday in line with the recorded specific faith of the student.
 - e. A subpoena by a law enforcement agency or a court appearance.
 - f. Principal-approved participation in academic, vocational or non-instructional activities.
 - g. Insurmountable conditions as defined by regulations of the state board and determined by the principal.
 - h. As otherwise determined by the principal in accordance with state laws and School Board Rules.
4. **Physician/Medical Provider Certification.** A physician or other licensed medical provider's certification is required in the event that a student is absent due to illness, injury or other medical or physical condition for **three or more consecutive school days or nine cumulative days within any ninety calendar day period.** The physician or other licensed medical provider's **certification must be provided to the school by no later than the tenth school day after return of the student.** Failure to timely provide the written certification will result in the absence being recorded as unexcused.

D. Make-Up Work. While it is possible to make up written assignments due to absences, the actual classroom experiences can never be duplicated. Therefore, students should conscientiously establish good attendance patterns. When absences occur, the following shall govern the making up of class work.

- Students who are absent from class, regardless of the reason, are required to make-up class work and/or tests.

E. Habitual Truants

A child who is repeatedly absent from school with or without the knowledge or consent of the child's parent or legal guardian may be considered a habitual truant. A habitually truant student is defined as one who has fifteen (15) or more days unexcused absences within ninety (90) calendar days. If School District interventions prove unsuccessful, a complaint shall be filed with the circuit court.

F. Transfer/Late Enrolling Students.

1. Students who transfer and enroll in a Martin County school or class late, but before the end of the attendance requirements, shall be allowed to make-up class work in order to receive full semester credit.
2. Students who transfer within the county shall enroll within three (3) school days from their withdrawal in order to be eligible to earn full credit for the semester's work.

G. Tardiness. Regular and punctual attendance at school is recognized as essential to the maintenance of the integrity of the instructional process. Students who demonstrate a pattern of habitual tardiness, and/or early dismissal from the school day, may be assigned unexcused absences equal to the accumulated instructional time lost.

Additional Requirements: All students must attend school three hundred (300) minutes per day. Any exception must be approved by the principal.

V. RESPECT FOR PERSONS AND PROPERTY - DRESS CODE:

RIGHT: Students have the right to learn without being offended or distracted by the way other people are dressed.

RESPONSIBILITY: Students have the responsibility to dress neatly, be clean and well groomed, and avoid dressing in a manner that offends or distracts others.

General: Clothing or hairstyles worn by students of all grades shall be neat and clean (**not distracting or disruptive to the learning environment**), and shall not present a safety or health hazard to the wearer or to others.

Specific: **Clear or mesh book bags will be required if approved by the individual school sites' School Advisory Council.**

- 1) At the discretion of the administration, blouses, shirts without sleeves and-sleeveless dresses may not be permitted. Administration may require that students wear shirts with collars.
- 2) Clothing that exposes the torso is not allowed. Clothing that displays/exposes cleavage is not allowed. The following examples include but are not limited to what is considered unacceptable: tube tops, tank tops, spaghetti straps and halters, bare back or midriff clothing, skin-tight clothing, see-through clothing, bathing suits (except with permission for specified events).
- 3) Skirts, skorts and dresses may be no shorter than 2 inches above the top of the knee. Shorts must be no shorter than 4 inches above the knee.
- 4) Appropriate undergarments must be worn but shall not be exposed, i.e., boxer shorts, underwear, bras. Pajamas shall not be worn to school.
- 5) Shoes must be worn at all times. For safety reasons, no sandals, shoes without a back, shoes with wheels, open toe shoes, flip-flops, tap shoes or shoes with cleats may be worn. Shoes with built in containers are prohibited. Shoes with laces and/or straps must be secured at all times. Athletic shoes may be required for Physical Education classes.
- 6) Sunglasses and headgear (with the exception of safety helmets) are not to be brought to school unless for medical purposes.
- 7) No clothes or accessories with metal studs, ornaments, chains, or other objects which can scratch furniture, damage property, or cause harm to oneself or others, may be worn.
- 8) No messages, pictures, symbols or clothing may be worn or displayed which portray ideas that are harmful to the health safety, and welfare of students, e.g., messages which relate to drugs, smoking, alcohol, sex, gangs, profanity or violence.
- 9) Clothing which is not worn appropriately, is not properly fastened, or has tears or holes will not be permitted.

10) Pants, jeans, slacks and shorts must be worn to the top of the hipbone or higher. Pants must be secured at the hip, must not be baggy or oversized and the hem of the pant leg must not drag on the ground.

11) No hairstyle, jewelry, or tattoo that is a distraction to the learning environment is allowed.

These samples are not all-inclusive but serve as a guide for individual schools. **Individual schools may have a stricter dress code**, but all such restrictions must be justifiable with a rationale related to the health, safety or welfare of the students. All school dress codes should be reviewed and approved by the Superintendent/Superintendent's designee before implementation.

Disciplinary Actions: Students may be subject to disciplinary action for violation of dress code. See Student Discipline Code, Section V, for more information.

Violations: Parents will be requested to bring alternative clothing to the school, and/or the student will be subject to disciplinary action when he/she violates the dress code.

VI. STUDENT TRANSPORTATION RESPONSIBILITIES AND SAFETY RULES:

The responsibilities of students transported by Martin County School District shall be as follows:

- To be at the bus stop with time to spare.
- To comply with all rules of student conduct at the bus stop.
- To keep off the road while waiting for the bus.
- To board bus single file, courteously.
- Be seated quickly in assigned seats.
- To wear and secure the lap belt (if provided) when the bus is in motion.
- To keep the aisle and doorway clear of all obstacles; no hazardous or unauthorized items are permitted; band instruments must be kept in assigned areas.
- To keep hands and arms inside the bus; no objects may be thrown at anytime.
- To refrain from eating or drinking while riding the bus.
- To exit only through front door, except in emergency.
- To observe classroom conduct, quiet talking allowed.
- To be absolutely quiet when dome lights are on; (Railroad crossings, emergencies)
- To cross highway in front of the bus; (Cross highways after thoroughly checking 10 feet in front of the bus. On a four-lane highway that has a median strip, only traffic behind the bus is required to stop. Children should cross the median with extreme care.).
- To respect the drivers and their instructions.
- To report all hazardous conditions to the bus driver or principal.
- No objects may be thrown out of bus windows.
- To not use cellular telephones, pagers and other wireless communication devices while on school district owned or contracted vehicles.

Bus referral slips must be signed by the principal or the principal's designee before a student may resume riding the bus. Written permission signed by the principal or the principal's designee is required for non-route riders.

VII. FREE SPEECH AND STUDENT PUBLICATIONS:

RIGHT: Students have the right to express their opinions and points of view.

RIGHT: Students have the right to hear all sides of controversial issues.

RESPONSIBILITIES: Students have the responsibility to listen courteously to the opinions and points of view of others.

Rules - Students Must:

- Inform the principal/designee of the intent to circulate petitions or surveys.
- Get approval of principal/designee before distributing or posting materials.
- Obtain approval of contents by the principal/designee before producing or printing any school publication.
- Obtain permission to solicit funds or sell advertisements and receive approval for said advertisements prior to publication and distribution for school publications.

Rules - Students Must Not:

- Circulate petitions or surveys during class time.
- Display symbols which disrupt or interfere with the orderly operation of schools.
- Print articles, picture, or comments which could be harmful or cause embarrassment to others, the school or the community.
- Post or distribute on school grounds any commercial, political, pornographic or other unauthorized materials.

VIII. EXTRACURRICULAR SCHOLASTIC REQUIREMENTS:

In order to participate in any extracurricular activity, students must maintain a minimum unweighted grade point average of 2.0 for the nine weeks immediately preceding participation. Additionally, a student must maintain satisfactory conduct and, if a student is suspended, expelled or convicted of, or is found to have committed, a felony or a delinquent act which would have been a felony if committed by any adult, regardless of whether adjudication is withheld, the student's participation in interscholastic activities may be denied by the principal.

IX. PRIVACY:

RIGHT: Students have the right to expect that the schools will protect and maintain the privacy of their student records.

RIGHT: Only students who are eighteen (18) years or older have the right of access to their own school records.

RIGHT: Students have the right to personal privacy.

RESPONSIBILITY: Students have the responsibility to respect the privacy of others.

RESPONSIBILITY: Students have the responsibility to have in their possession only items allowed by law.

Rules - Students Must:

- Have authorization in accordance with School Board policy, before taking medication on school grounds.
- Respect the confidentiality of any information about another person.

Rules - Students Must Not:

- Conduct non-school related money-raising drives among student or school personnel.
- Possess, store or distribute any materials prohibited by law, such as drugs, drug paraphernalia, alcohol, weapons, pornographic material, etc.

Schools Must:

- Maintain and protect the privacy of all student records and not use student aides in areas where they would have access to confidential student records and files.
- Grant parents/guardians access to the records of their minor child.
- Grant students who are eighteen (18) years or older access to their own records.
- Grant parent(s) of a student who is eighteen (18) years or older and is considered dependent under the IRS Code access to their records.

SEARCH: Students are subject to a search of their person and possessions if school personnel have reasonable suspicion that they are in possession of illegal materials or other forms of contraband. The use of metal detection devices or electronic surveillance equipment may be employed.

X. DISCRIMINATION COMPLAINT PROCEDURE:

This grievance procedure exists to provide formal resolution of complaints that School Board Policy 5517 has been violated. It does not prohibit the informal adjustment of any complaint. Although pursuit of an informal adjustment is not a valid reason for missing a filing deadline, a timely filed complaint may be continued by consent of the parties in order to allow pursuit of an informal adjustment.

The Risk and Employee Benefits Manager is hereby designated as the District's equity officer. His name is David Ruiz and he can be contacted by telephone at 219-1200 extension 30371. The equity officer shall be informed of the progress of all informal adjustments and grievances at each step by the District employee responsible for each step of the grievance so that the equity officer may be abreast of all matters concerning this policy and may be ready at any time to report on the same to the Superintendent, Board or an outside agency.

Where a statute or administrative rule provides a scheme for resolution of complaints arising under that statute or rule, this grievance procedure shall not be applicable.

The Board will vigorously enforce its prohibition against discrimination/harassment based on race, religion, national origin, sex, age, marital status, disability or any other unlawful basis, and encourages those within the District community as well as third parties, who feel aggrieved to seek assistance to rectify the problems. The Board will investigate all allegations of discrimination/harassment and in those cases where unlawful discrimination/harassment is substantiated the Board will take immediate steps to end the discrimination/harassment. Individuals who are found to have engaged in unlawful discrimination/harassment will be subject to appropriate disciplinary action.

The procedure for processing a complaint alleging a violation of School Board Policy 5517 shall be as follows:

1. Within sixty (60) calendar days of the occurrence of an alleged incident of discrimination/harassment, the complainant may file a written complaint with the principal or supervisory administrator setting forth the date of the alleged incident, the nature of the alleged discrimination/harassment, the names of the persons involved, any witnesses to the incident, other details as appropriate and the remedy sought. Visitor complaints shall be filed with the equity officer for determination. Any complaint not filed within this time period shall be deemed untimely filed and shall not be processed.
2. The principal, supervisory administrator or equity officer shall investigate the complaint and issue a written ruling within twenty (20) calendar days of receipt of the complaint.

3. In the event the principal or supervisor is the person involved in the alleged discrimination/harassment the complainant may file a written complaint with the equity officer or next level administrator who shall investigate the complaint and issue a written ruling within (20) calendar days of receipt of the complaint.
4. The complainant may appeal the ruling to the Superintendent within ten (10) calendar days following receipt by the individual of the ruling. Any appeal not timely filed shall not be processed.
5. The Superintendent or his/her designee shall review the ruling and conduct such further investigation as may be appropriate. The Superintendent's disposition of the complaint shall be issued within twenty (20) calendar days.
6. The complainant may appeal the Superintendent's decision to the School Board within fifteen (15) calendar days of the receipt by the complainant of the Superintendent's decision, by filing a request for a public hearing before the Board. Any appeal not timely filed shall not be processed.
7. Deadlines herein are directory only and not mandatory upon the District. If more than twice the allotted time has expired without a response, the appeal may be taken to the next step.
8. A complainant who fails to comply with the timeliness requirements for filing appeals as contained herein shall be deemed to have accepted the ruling or decision at the given level as satisfactory and acceptable, and to have waived the right to appeal further.

Refer to School Board Policy for other Student Grievance Procedures.

THE MARTIN COUNTY SCHOOL DISTRICT

Student Acceptable Use Policy for Networked Communications

Also see School Board Rules 7540.00 and 7540.02

The Martin County School District (MCSD) provides computers and network capabilities to students for the purpose of enhancing instruction through technological resources. Students may be granted access to the District's networked communication system (the Network), which could include access to the Internet. The Martin County School District has taken safeguards to meet the requirements of the *Children's Internet Protection Act (CIPA)*.

Successful participation in the Network requires that its users regard it as a shared resource and that members conduct themselves in a responsible, efficient, and legal manner in accordance with the mission and policies set forth by the Martin County School District. The following guidelines have been established for users of the network. Failure to adhere to these guidelines may result in suspending or revoking the offender's privilege of access, school disciplinary action and/or appropriate legal actions.

Acceptable Uses of the Network/Internet

- Activities which support learning in the Martin County School District
- Activities which support the educational goals and objectives of the Martin County School District
- Respecting copyright laws and giving credit to authors

Unacceptable Uses of the Network/Internet

- Activities which interfere with or disrupt network users, services, or equipment
- Using profanity, obscenity, or other language which may be offensive to another user
- Activities for financial gain, commercial use, or illegal activity
- The access, download, or distribution of pornographic, obscene, or sexually explicit material
- Disclosure of personal information about self or others
- Plagiarism
- Unauthorized access of another's resources, programs, or data
- Modifying or damaging equipment

The Martin County School District makes no warranties of any kind, whether expressed or implied, for the services provided and will not be responsible for any damages a user suffers, including loss of data caused by the District's negligence or by user's errors or omissions. Use of any information obtained via the Internet is at the user's own risk. The MCSD specifically denies any responsibility for the accuracy or quality of information obtained through MCSD Networked Communications. All users need to consider the source of any information they obtain and consider how valid that information may be.