

**CODE OF  
STUDENT CONDUCT**

**For**

**Elementary Students**

**2018-2019**

***NASSAU COUNTY  
SCHOOL BOARD***



Board Approved 10/11/18

## NASSAU COUNTY SCHOOL DISTRICT

### *MISSION STATEMENT*

**Our mission is to develop each student as an inspired life-long learner and problem-solver with the strength of character to serve as a productive member of society.**

### **Our Core Values**

#### **We believe that:**

- all people have intrinsic worth.
- all people are responsible for their actions.
- effective relationships are developed and maintained through mutual respect, trust, and communication.
- the higher the expectations, the higher the performance.
- everyone can learn and that life-long learning is essential for individuals and communities to thrive.
- the role of family is critical in the moral development of an individual.
- strength of character is essential to making quality life choices.
- the community is strengthened when the potential of each person is developed.

<http://www.nassau.k12.fl.us>

# **TABLE OF CONTENTS FOR STUDENTS TO READ**

|  |       |
|--|-------|
| Roles of the Parents, Student, School and School Staff ..... | 5-6   |
| Students' Rights and Responsibilities.....                   | 6     |
| Attendance.....  | 6-7   |
| Help With Problems.....                                      | 7     |
| Free Speech.....   | 7-8   |
| Privacy.....   | 8     |
| Grades.....  | 8     |
| General Code of Appearance.....                              | 8-9   |
| Behavior Rules.....  | 9     |
| Class I Rules.....   | 9-10  |
| Class II Rules.....  | 10-13 |
| Class III Rules.....   | 13-15 |
| Class IV Rules.....  | 15-17 |
| School Bus Code.....   | 17-19 |

**TABLE OF CONTENTS**  
**FOR PARENTS TO READ**

Jurisdiction of the School Board.....19-20

Student Records.....20

Rights and Responsibilities of Students, Parents, and Guardians.....20

Formal Disciplinary Action and Procedure.....20-22

Definitions Relating to Formal Disciplinary Actions.....20-22

Discipline for Exceptional Education Students.....22-23

Procedures of Administration of Formal Disciplinary Action.....23

Suspension.....24

Procedures for Appealing a Principal’s Decision.....24

Procedures for Disciplinary Hearing.....24

Class IV Offenses.....24

Disciplinary Hearings.....25

Documentation of Offense.....25

Extenuating Circumstances.....25-26

Administrative Hearing.....26

Felony Committed on Property Other Than School Property.....26-27

Student with Reported Attendance Issues.....27

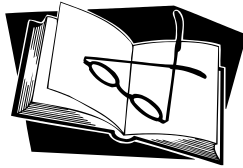
Equity and Non-Discrimination.....28

## FOR STUDENTS TO READ

A school is a place where students are expected to learn. The school must be a safe place. **Everyone** must work together to make sure students can learn.

### **This Code of Student Conduct will explain**

- what is expected of students, parents, and the school staff.
- what the rules mean.
- what will happen if rules are broken.



## ROLES OF THE PARENTS, STUDENTS AND SCHOOL STAFF

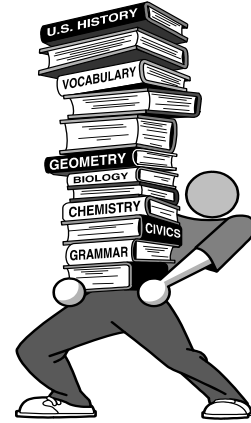
### **Parents or guardians are expected to**

- get students to school on time everyday.
- work with school staff.
- make sure students have the things they need for class.
- keep students healthy, clean and dressed according to the rules.
- tell school staff about special needs and ask for help when needed.
- treat school staff with respect and courtesy.
- talk with and help students with school work and grades.
- give the school current home, work and emergency phone numbers.
- send a note to school when your child has been absent.
- follow rules about sending medicine with students.
- dress appropriately on school grounds and at school functions.



## Students are expected to

- be at school on time everyday.
- bring all the things needed for class.
- respect the rights of others.
- treat students and parents fairly, with respect and courtesy.
- talk kindly to and about others.
- act in a safe way.
- be neat and clean.
- do their own work.
- follow the rules.



## School Staff is expected to

- come to school everyday on time.
- have the right materials to teach.
- respect the rights of others.
- talk kindly to and about others.
- use good judgment.
- be clean and neat.
- follow the rules.
- work with others for improvement.
- help students when needed.
- listen to students' ideas.
- help students learn.
- keep school clean and safe.
- treat students fairly.
- help students work with everyone.
- keep parents informed.
- ask others to work with the school.



## STUDENT'S RIGHTS AND RESPONSIBILITIES

The school will have fair, equitable rules and a good learning environment. It is the students' job to follow the rules and learn.

### ATTENDANCE

#### The school will

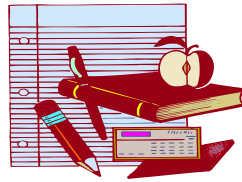
- tell students the rules about coming to school.
- call students' families when they are out of school too much.

- ask a school resource officer or home family liaison to talk with students' families when needed.

### **Students will**

- come to school everyday unless they are sick and notify the school when they are out of school or tardy.
- report to class on time each morning.

**THE MORE DAYS YOU ARE IN SCHOOL, THE MORE YOU WILL LEARN**



## **HELP WITH PROBLEMS**

### **The school will**

- let students and families know about the help they can get when they have problems.
- give students help when they need it.
- give all students the chance to learn.
- have good teachers.
- teach basic skills to help students.

### **Students will**

- ask for help when needed.
- work with people who are trying to help.
- ask school staff for help with their work.
- work with teachers to give all students a chance to learn.
- do their best to learn.

## **FREE SPEECH**

### **The school will**

- let students talk or write about their ideas unless those ideas break the rules.

- let students meet with others unless the reason for the meeting breaks the rules.

### **Students will**

- respect the rights of others.
- not have anything that has bad pictures or words at school.
- not use bad talk, bad words, or bad gestures.

## **PRIVACY**

### **The school will**

- respect the things you bring to school unless you bring something that is against the rules.

### **Students will**

- not bring things to school which are against the rules.
- respect the things that belong to others.

## **GRADES**

### **The school will**

- let students and families know when and what work will be graded.
- let students and families know how well the students are doing.
- let students and families know when students might fail.

### **Students will**

- learn how grades are given.
- do their best to make good grades.

|                                   |
|-----------------------------------|
| <b>GENERAL CODE OF APPEARANCE</b> |
|-----------------------------------|

### **The school will**

- expect students to wear proper clothes and use good grooming.
- decide what is proper clothing for students to wear.

### **The student will**

- wear proper clothes and use good grooming.
- not distract others by his/her clothing or grooming.

### **The following rules will help you make safe and healthy choices:**

- shoes must have closed heels, backs, or straps, and no cleats or wheels.
- tops must have backs, cover the stomach and not have thin straps.



- see-through clothes are not allowed.
- tank tops may not be full cut.
- clothes should not be too tight or too short.
- clothes with improper language or pictures will not be allowed.
- hats, caps or other items, such as curlers or sunglasses, will not be worn at school unless a doctor or principal gives you permission.
- pants or shorts must be worn at the waist. If belts/suspenders are used, they must be fastened.
- jewelry or other items that may cause injury will not be allowed.

**If a staff member finds any clothes or jewelry to be distracting, unsafe or not healthy for the student they may**

- send the student to the office and/or;
- call the parent to bring other clothes
- refer to administrative rule 5.85

|                   |
|-------------------|
| <b>BEHAVIORAL</b> |
|-------------------|

There are four classes of rules that protect all students at school. These rules tell students what they should do and what may happen if students break the rules.

The school staff will work to help students behave. They will listen to students and may talk to others before deciding if a rule has been broken.

**NOTICE:** A student who mistreats others because they are different, may receive more serious consequences.

## **CLASS I RULES**

**1.01 Excessive distraction**

A student must not bother other students.

**1.02 Illegal organization**

A student must not belong to a secret club.

**1.03 Gambling**

A student must not play games at school to win money or things.

**1.04 Tardiness**

A student must be on time for school and class.

**1.05 Profane and obscene language**

A student must not use bad language or make bad signs. A student must not use a computer to look at or show anyone else bad pictures or writing.

**1.06 Nonconformity to general code of appearance**

A student must wear proper clothing. A student must not wear clothing in a manner that shows underwear or body parts.

**1.07 Inappropriate public display of affection**

A student must not show inappropriate affection to other children at school.

**1.08 Unauthorized absence from class or school**

A student must be at school and in class each day unless he/she is sick or has permission.

**1.09 Unauthorized personal items**

A student must not bring toys, games, radios or other items without prior permission.

**If a student breaks a Class I Rule, the following things may happen**

**The first time,**

- the student will have to talk to school staff about the problem,
- school staff may call parents or guardian or send a written notice about the problem and/or
- school staff may ask parents or guardian to come to the school to talk about the problem.

**After the first time,**

- school staff will call parents or guardian or send a written notice about the problem,
- school staff may ask parents or guardian to come to school to talk about the problem,
- school staff may set up a contract with the student about the problem,
- the student may have to stay after school,
- the student may have in-school suspension or time out and/or,
- school staff may refer the student to someone outside the school to talk about the problem,
- school staff may refer the student to the IEP or 504 team.

**CLASS II RULES**

**PARENTS:** See Definitions for Formal Disciplinary Actions

**2.01 Defiance of School Board employee's or agent's authority**

A student must do what he/she is told by those in authority.

- 2.02 Possession and/or use of tobacco products, matches or lighters**  
A student must not bring tobacco, cigarettes, matches or lighters to school.
- 2.03 Battery upon students**  
A student must not push or hit another student on purpose.
- 2.04 Simple assault on School Board employee or agent**  
A student must not say or do anything to school staff to make them think they will be hurt.
- 2.05 Fighting**  
A student must not fight.
- 2.06 Vandalism**  
A student must not tear up or break anything that does not belong to him/her including hardware or software.
- 2.07 Stealing – larceny**  
A student must not take someone else’s things.
- 2.08 Possession of stolen property**  
A student must not bring anything to school when he/she knows it has been stolen.
- 2.09 Threats of extortion**  
A student must not threaten someone to get that person to do something.
- 2.10 Trespassing**  
A student must never be on school property without permission.
- 2.11 Possession of fireworks or firecrackers**  
A student must not bring fireworks/firecrackers to school.
- 2.12 Possession of a knife or similar instrument**  
A student must not bring a knife or something similar to school.

- 2.13 Threats, bullying, harassment, intimidation, or offensive touching of another student**  
A student must not say or do something over and over again that hurts others or makes them afraid.
- 2.14 Sexual harassment**  
See “Parent Section”
- 2.15 Lewd/indecent behavior**  
A student must not draw, write or have materials that are bad.
- 2.16 Directing obscene or profane language to a School Board employee**  
A student must use only good language when talking to school staff or others.
- 2.17 Leaving school grounds without permission**  
A student must stay on school grounds or leave only if permission is given by the staff.
- 2.18 Disrespect to a School Board employee or agent**  
A student must be courteous to school staff or agent.
- 2.19 False information**  
Student must always tell the truth.
- 2.20 Possession of firearm facsimiles**  
A student must not bring anything to school that looks like a gun. Pretending you have a firearm or weapon while playing is not grounds for disciplinary action.
- 2.21 Unauthorized use of an electronic device**  
A student may not use pagers, beepers and cellular phones during school hours and/or on school sponsored transportation.
- 2.22 Refusal to attend or participate in other previously assigned discipline**  
A student must always attend or participate in assigned discipline.
- 2.23 Repeated violations of bus rule(s)**

## **2.24 Multiple Class II offenses**

A student must not get into trouble over and over.

**If a student breaks a Class II Rule, the following things may happen:**

**The first time,**

- school staff may call parents or guardian or send a written notice about the problem,
- school staff may ask parents or guardian to come to school to talk about the problem,
- the student may not be allowed to come to school for 1-3 days,
- the student may have to stay after school,
- the student may be paddled, and/or
- see other options listed in “Parent Section”.

**After the first time,**

- the student may have to stay after school,
- the student may have to work before or after school,
- the student may not be allowed to come to school for 1-5 days,
- school staff may refer the student to talk to someone outside the school about the problem, and/or
- the student may be paddled,
- school staff may refer the student to the IEP or 504 team.

***NOTICE: STUDENTS WHO BREAK THE LAW WILL ALSO BE REPORTED TO THE POLICE.***

## **CLASS III RULES**

These rules are very important. A student will be in **serious** trouble if he/she breaks one of these rules.

### **3.01 Simple battery upon School Board employees or agent**

A student must not touch in a harmful way, hit or hurt school staff or agent on purpose.

### **3.02 Robbery/Extortion**

A student must not get someone to do something or steal anything from someone by hurting them or scaring them.

### **3.03 Stealing**

A student must not steal something that belongs to someone else. (This rule is for items worth \$200 or more. For stolen items worth less than \$200, see rule 2.07).

**3.04 Burglary of school property**

A student must not break into or stay in a school when the school is closed.

**3.05 Criminal mischief/vandalism**

A student must not tear up or damage something that belongs to someone else. (This rule is for items worth \$200 or more. If the items damaged are worth less than \$200, see rule 2.06). A student must not change or damage the computer network.

**3.06 Weapons**

A student must not use a knife, bat, rock, chain or anything else to scare or hurt someone.

**3.07 Possession of prohibited object**

A student must not bring a dangerous thing to school which might hurt someone, like a switchblade, BB gun, tear gas gun or bullets.

**3.08 Battery upon students resulting in bodily harm**

A student must not hurt another student on purpose.

**3.09 Inciting or participating in major student disorder**

A student must not start or be a part of a major disturbance.

**3.10 Unjustified activation of a fire alarm system**

A student must not pull the fire alarm unless there is a fire.

**3.11 Sexual Acts**

Refer to “Parent Section”

**3.12 Threat to Kill**

A student may not say or do anything to anyone to make them think they will be killed.

**3.13 Repeated bullying, harassment, and intimidation**

A student must not say or do something over and over again that hurts others or makes them feel afraid.

**If a student breaks a Class III Rule the following things may happen:**

- the principal will meet with the student's parent or guardian to talk about the problem,
- the student may have to leave his/her school and/or
- the student may not be allowed to come to school for up to 10 days,
- school staff may refer the student to the IEP or 504 team.

**CLASS IV RULES – ZERO TOLERANCE**

Students who break a Class IV rule will receive the **most severe** punishment and will also be reported to the police.

**4.00 Alcohol**

A student must not drink or bring alcohol to school to drink, give, trade or sell to someone else.

**4.01 Drugs**

A student must not bring drugs to school to use, give, trade or sell to someone else.

**4.02 Arson**

A student must not burn any part of the school or anything in it.

**4.03 Aggravated battery upon a School Board employee or agent**

A student must not seriously hurt school staff on purpose.

**4.04 Armed Robbery**

A student must not steal anything from someone by hurting or scaring them with a gun or other weapon.

**4.05 Use of prohibited objects**

A student must not scare someone else by using a dangerous object.

**4.06 Bomb threat**

A student must not say there is a bomb at school unless he/she knows there really is a bomb at school.

**4.07 Sexual battery**

Refer to parent section.

**4.08 Aggravated battery**

A student must not severely hurt someone else on purpose.

**4.09 Other**

Any other offense which is reasonably likely to cause great bodily harm or to seriously disrupt the educational process.

**4.10 Kidnapping/abduction**

Forcibly, or by threat, confining, abducting, or imprisoning another person against his/her will and without lawful authority.

**4.11 Homicide/murder/manslaughter**

The killing of one human being by another.

**4.12 Victimization of student**

Based upon judicial directive.

**4.13 Explosives\***

Student must not make, have or cause something to explode at school.

**4.14 Possession of firearm\***

A student must not bring, have, sell or shoot a gun at school.

**4.15 Use of a deadly weapon\***

A student must not scare someone else by using a deadly weapon.

**4.16 Repeated acts of bullying, harassment and intimidations**

A student must not continue to say or do something that hurts others or makes them feel afraid.



**If a student breaks a Class IV Rule,**

- the police will be called,
- the school staff will require parents or guardians to come to the school to talk about the problem,
- the principal will suspend the student for up to 10 days, and
- the principal may recommend placement in a program at another school or expulsion.

\*The Gun-Free Schools Act requires any student who brings a firearm, weapon or explosive device (as defined in Section 921 of Title 18 of the U.S. Code) to school, any school function or on any school-sponsored transportation be automatically recommended for expulsion for not less than one calendar year and be referred to the criminal justice or juvenile justice system. The Superintendent may consider the one-year expulsion on a case-by-case basis and request the School Board to modify the requirement if in the best interest of the student and school system.

**SCHOOL BUS CODE**

Anytime a student breaks a Class I, II, III or IV rule when on the bus, he/she will be punished according to the Student Code of Conduct.

**STUDENT'S RESPONSIBILITY****Students must**

- get on the bus and be seated right away
- face forward
- talk quietly
- make no loud noises.

**Students must not**

- damage any part of the bus or make damage done by someone else worse.

## **BUS SAFETY RULES FOR STUDENTS**

1. Arrive at bus stop before the scheduled arrival of the bus.
2. Obey all directions given by driver.
3. Occupy the seat assigned by the driver and refrain at all times from moving around while the bus is in motion. In cases where standing is necessary, the student shall stand in the area designated by the driver.
4. Observe classroom conduct at all times (except for ordinary conversation).
5. Observe proper rules of conduct while waiting for the bus. Students should stay off the road and private property other than that on which the stop is established.
6. Wait until the bus has come to a complete stop before attempting to get on or off the bus.
7. Enter or leave the bus only at the front door after the bus has come to a complete stop, except in cases of emergency or on instruction from the bus driver.
8. If necessary, cross the highway in the proper manner, at least ten (10) feet in front of the bus so that the driver can observe all students.
9. Keep all parts of the body inside the bus windows at all times.
10. Refrain from throwing objects inside or outside the bus at any time.
11. Refrain from the use of profane or objectionable language. There shall be no pushing, fighting, or any other type of misconduct at any time.
12. Avoid damaging or defacing the bus or bus equipment. The student shall be responsible for the cost of any such damage.
13. Refrain from displaying any sharp instrument or from bringing any type of weapon on the school bus.
14. No flowers, nor glass containers, can be on the bus including science specimens of dead or live animals.
15. Bring no band instruments which may interfere with the seating and safety of others.
16. No pupil will be permitted to leave the bus other than his/her assigned stop, except on written authorization from the school principal or principal's designee.
17. No talking on school bus at railroad crossings.
18. Refrain from eating, or drinking on the bus!

**Vandalism/Criminal Mischief (Rule 2.06 or 3.05) to a school bus will not be tolerated.**

**Parents will be responsible for damage to a school bus. (F.S. 741.24)**

## **DISCIPLINARY ACTIONS**

### **5.31 BUS RULES**

Students residing two (2) miles or more from school are entitled to transportation to and from school by school buses. Physically handicapped students and students in grades Pre K-6 who are subjected to hazardous walking conditions as provided in 1006.23, F.S. are entitled to free transportation regardless of distance. It is the responsibility of students to abide by rules for riding the bus to assure the safety of all students. Failure to abide by these rules will result in the student's being reported by the driver to the principal. The principal has the authority to suspend and/or recommend expulsion of the student from bus riding privileges in accordance with section 1006.10(2), F.S. The following guidelines shall be used by principals for recommending school bus expulsions:

- I.** Severe violations that would adversely affect the health, safety and security of students and/or School Board personnel, such as, but not limited to: use or possession of weapons, controlled substances or alcohol; physical attacks; or, any act that would severely jeopardize personal health, safety or security.
  
- II. For Elementary School Students:**
  
- III.**
  - A.** After three referrals the principal may recommend parent/driver/principal/transportation conference.
  - B.** After six referrals the principal may impose a ten (10) school day suspension from the bus and recommend expulsion for the remainder of the school year.

## **PARENT SECTION**

### **NASSAU COUNTY SCHOOL BOARD**

#### **CODE OF STUDENT CONDUCT**

#### *FOR PARENTS TO READ*

### **Jurisdiction of the School Board**

Nassau County public school students are subject to the rules and regulations of the School Board of Nassau County: during the school day and regular school sponsored school activities; while being transported on school buses, or otherwise at the public's expense to and from school or other educational activities; at times and places including, but not necessarily limited to, school

sponsored events, field trips, athletic functions, and other activities where appropriate school personnel have jurisdiction over students.

All school regulations and prohibitions pertain to automobiles driven or parked on school property. In addition to the foregoing, jurisdictional control over the student may be extended to the immediate vicinity of the school when the conduct of the student is deemed to have a detrimental effect on the health, safety and welfare of the school.

## **Student Records**

### **Philosophical Basis:**

Student records contain information needed for making appropriate educational decisions for the student. Student records are to be treated confidentially and should contain information that is relevant, accurate, and appropriate.

### **Rights of Students, Parents, and Guardians**

- to inspect, review, and challenge the information contained in records directly relating to the student.
- to be protected by legal provision which prohibit the release of personally identifiable information to other than legally authorized persons without the consent of the parent, guardian, or eligible student. (Eligible students are those 18 years of age or over and/or those attending a post-secondary institution).

### **Responsibilities of Students, Parents, and Guardians**

- to inform the school of any information that may be useful in making appropriate educational decisions.
- to authorize release of pertinent information to those individuals or agencies who are working actively and constructively for the benefit of the student. (Release of records of students 17 years of age or younger who attend an elementary or secondary school requires the signature of the parent or guardian).

## **Formal Disciplinary Action and Procedure**

### **Definitions Relating to Formal Disciplinary Actions**

The following are examples of formal disciplinary actions which may or may not be used in each school. Students and parents who desire to have further information about the disciplinary actions used in a specific school should contact officials at the school.

#### **Administrative Hearing**

Hearing conducted by the superintendent or his designee for a Class IV offense.

#### **After School Detention**

Assignment to a designated area on campus at the end of the regular school day for a specified period of time.

#### **Behavioral Contracts**

A contract entered into between a teacher or administrator, a student and his/her parent(s) or guardian, in which all parties agree to certain actions in an attempt to modify a student's behavior. The contract shall also contain certain consequences for breaking the contract.

#### **Cafeteria Suspension**

Denial of privilege of eating meals in the cafeteria with other students for specified period of time and assignment to another area in the school for meals.

#### **Class Suspension**

Denial of the privilege of attending an individual class for a specified period of time and assignment to another area in the school for the time that class meets.

#### **Disciplinary Work Assignments**

Supervised activities related to the upkeep and maintenance of school facilities.

#### **Expulsion**

Removal of the right and obligation of a student to attend a public school under conditions set by the School Board for a period of time not to exceed the remainder of the school year and one (1) additional year of attendance.

### **In School Suspension Program**

Assignment to a designated area within the school when a student is removed from the regular school program for a specified period of time pursuant to F.S. 1003.53.

### **Saturday Detention**

Assignment to a session at the school on Saturday for work assignments, academic work or guidance.

### **Work Detail**

Work assignments (non-academic)

### **School Bus Suspension**

Denial of the privilege of riding a school bus, based on misconduct occurring while the student is being transported at public expense.

### **Suspension**

Removal of students from their regular school program for a period not to exceed ten (10) school days. Pursuant to F.S. 1006.09 no student who is required by law to attend school shall be suspended for unexcused absence or truancy. Therefore, suspension is not an appropriate disciplinary action for Code violation 1.08 as it relates to students who fall within the mandatory state attendance requirements.

### **Notification of Rights Under the Protection of Pupil Rights Amendment (PPRA)**

As of the 2004/05 school year, the Nassau County School Board now requires that for any student to participate in a survey, written parental consent is required. Surveys associated with fifth grade Puberty classes are given. Exact dates will be given prior to each survey.

PPRA affords parents certain rights regarding the taking of surveys by students. Any survey that contains one or more of the protected areas and is funded whole or in part by the Department of Education requires prior written consent from the parents. The eight protected areas identified by PPRA are:

1. Political affiliations or beliefs of the student or the student's parent;
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.

## **DISCIPLINE FOR EXCEPTIONAL EDUCATION STUDENTS**

The Nassau County School Board is committed to providing all students with disabilities a free, appropriate public education. This in no way lessens the School Board's intention to maintain a safe, orderly learning environment for the entire school population. Formal disciplinary actions described in the Nassau County Code of Student Conduct may be used with students with disabilities. Students with disabilities may be suspended to ensure the overall safety, welfare, and/or order of the school environment.

Suspension after 10 consecutive or 10 cumulative school days that represents a pattern, constitutes a change in placement. The following procedure must be followed:

1. The school will convene an Individual Education Plan (IEP) team meeting to develop an assessment plan to conduct a functional behavior assessment (FBA) and develop a behavior intervention plan (BIP). The IEP team must obtain parental consent for the FBA if it is more than just a review of existing data.
2. When a BIP is in place, the IEP team shall meet to review the plan and its implementation and modify the plan and the implementation as necessary to address the behavior.

NOTE: Discipline actions after 10 consecutive or 10 cumulative days of suspension requires the IEP team and other qualified personnel to conduct a manifestation disability review. This review (manifestation of disability) may be conducted at the same time as the IEP meeting listed in the procedure above. If the behavior is determined to be a manifestation of disability, the IEP team needs to modify the BIP to prevent the likelihood of a future occurrence of the behavior. If the behavior is not a manifestation of disability, the IEP team decides the proper placement and educational services needed to provide an environment where the student will benefit from educational services.

### **PROCEDURES FOR ADMINISTRATION OF FORMAL DISCIPLINARY ACTION**

When formal disciplinary action is required, the principal or designee will make every reasonable effort to contact the parent(s) or guardian immediately. If telephone contact cannot be made, written notice will be sent home with the student or placed in the U.S. mail.

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

When disciplinary action reaches the level of corporal punishment or denial of educational participation, the following procedural steps shall be adhered to for the protection of the rights of students.

## **Suspension**

Students shall be given notice of the charges against them and shall have an opportunity to present their explanation of the situation before any action is taken.

When a suspension is necessary, the principal or designee will make every reasonable effort to contact the parent(s) or guardian immediately. Written notice shall be sent to parent(s) or guardian regarding the reason disciplinary action was taken. Generally, a notice and conference should precede the student's suspension from school. However, if the immediate suspension of the student is justified because the student's presence endangers others or school property or would seriously disrupt the orderly academic process, the necessary notice will follow as soon thereafter as practical.

Parent(s) or guardian may request a conference with the principal or designee regarding the suspension if one is desired.

## **Procedures for Appealing a Principal's Decision**

Parent(s) or guardian wishing to appeal a principal's decision regarding disciplinary action for an offense in Class II, III or IV would appeal through the Superintendent. This is not a formal appeal involving a hearing, but is a review of the documentation.

# **PROCEDURES FOR DISCIPLINARY HEARING**

## **CLASS IV OFFENSES**

### **Disciplinary Hearing**

The principal is initially responsible for determining that an offense has been committed. Investigating such incidents, the student will be given in writing the pending charges and an opportunity to admit or refute those charges. It should be noted that any statement the student makes may be used, with other documentation, to prove whether the student is guilty of the offense(s) charged.

### **Documentation of Offense**

The principal's conclusion should be based on the documentation of the facts pertaining to the incident. Said documentation shall include all information available, including, but not limited to, the following categories:



1. specific definition of the offense(s) committed and supporting facts
2. full names of all persons involved in the incident: witness(es), suspect(s), victim(s)
3. signed and dated statement(s) of the persons involved in the incident, witnessed by the principal or his/her designee and one other adult
4. list of special program(s), if any, in which student is enrolled or being considered for enrollment
5. past disciplinary record(s) of student involved
6. academic records

### **Extenuating Circumstances**

The principal will review the above documentation with the parent(s) or guardian. If, at the disciplinary conference the principal concludes that extenuating circumstances exist, and that decision is approved by the Superintendent or his/her designee, the student is eligible for admission back to school following the determination of appropriate disciplinary action to be taken.

The principal may, at his/her discretion, recommend other alternative schools for programs provided by the school district. Should the parent(s) or guardian be offered this opportunity and decline it, the principal shall recommend expulsion and send immediately all documentation of the incident to the Superintendent.

The Superintendent or his designee shall review the facts pertaining to the offense and shall request a conference with the parent(s) or guardian and the suspended student within the suspension period imposed. The purposes of the conference are

1. to review the facts pertaining to the offense with parent(s), student and appropriate school personnel to determine if the facts support the charge.
2. to explain the expulsion process and alternatives to expulsion, if any. Such alternatives may include:
  - a) placement in special programs designed by the school district. Date of entry into the program will be determined at the hearing.
  - b) Voluntary withdrawal of the student from the Nassau County Public School System. The student must be withdrawn for the remainder of the school year, plus one additional year.

The above mentioned hearings will be conducted pursuant to F.S. 1001.42(9-20)(22) and 1001.51(11)(24). The conduct of the hearings will be consistent with F.S. 120.57(2).

**Offenses 2.14, 3.11 and 4.07:** Offenses 2.14, 3.11 and 4.07 deal with sexual acts, and discussion about these may or may not be appropriate for elementary students. The offenses are as follows:

**2.14 Sexual Harassment:** Isolated cases of unwelcome sexual advances, requests for sexual favors and other inappropriate verbal, written, or physical contact of a sexual nature when such conduct which has the purpose or effect of creating an intimidating, hostile or offensive educational environment. It includes, but is not limited to, verbal harassment or abuse based upon

gender, pressure for sexual activity, remarks to a person with sexual implications, unwelcome or offensive touching, or suggesting or demanding sexual involvement accompanied by implied or explicit threats.

**NOTE: Violation of the School Board’s sexual harassment policy 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.**

**3.11 Sexual Acts:** Acts of sexual nature including, but not limited to, indecent exposure, repeated sexual harassment, consensual sexual acts and sexual acts committed without force or threat of force.

**4.07 Sexual Battery/Rape:** Any sexual act directed against another person with force, violence, and/or against the other person’s will, including, but not limited to, sexual battery, attempted rape or rape.

District procedures for Exceptional Education students (other than gifted) shall be followed while disciplining students for inappropriate behavior.

### **Felony Committed on Property Other Than School Property**

Following appropriate due process procedures, a student charged with a felony or delinquent act that would be a felony if committed by an adult, whether it occurred on or off the school property, may receive alternative educational services. Such assignment may be made upon the determination that the student is eligible according to federal or state program criteria, and

1. the nature of the offense is such that the student poses a threat to the safety of other students or personnel at school;
2. the student’s safety is at-risk by remaining in school with other students or,
3. an alternative educational placement will better meet the educational, emotional, and social needs of the student.

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

## **Title IX of No Child Left Behind of 2001**

**Age Discrimination in Employment Act of 1967 (ADEA)**, as amended – prohibits discrimination on the basis of age with respect to individuals who are at least 40.

**Florida Educational Equity Act** – Part 1, Section 1000.05, F.S., prohibits discrimination on the basis of race, sex, national origin, marital status, or handicap against students or employees.

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

**Americans with Disabilities Act of 1990 (ADA)** – prohibits discrimination against the individuals with disabilities in employment, public service, public accommodations, and telecommunications.

**Student with Reported Attendance Issues** – Upon referral by the school to the Attendance Office, all excuses presented by parents or guardians will remain in abeyance for truancy records for the school year. (Once the student is referred to the Attendance Office, the unexcused absences that initiated the referral are not to be changed to excused absences in the student data base.)

**Nassau County School Board**  
**Equity and Non-Discrimination Statement and Contacts**

The Nassau County School Board does not discriminate in admission, access, treatment or employment in its programs and educational or extra-curricular school activities, on the basis of race, color, religion, age, sex, national origin, marital status, disability, genetic information, sexual orientation, gender identity or expression, or any other reason prohibited by law. The School Board also provides equal access to facilities for the Boy Scouts of America and other patriotic youth groups. The following district contacts have been designated to handle inquiries regarding non-discrimination and harassment policies, reports of alleged violations, concerns about compliance and/or the grievance procedure(s):

**Equity/Non-Discrimination Contact:**

**Joyce Menz**  
**Director of Professional Development**  
**1201 Atlantic Ave.**  
**Fernandina Beach, FL 32034**  
**(904) 491-9888**

**Harassment:**

**Mark Durham**  
**Executive Director of Curriculum, Instruction, and School Improvement**  
**1201 Atlantic Ave.**  
**Fernandina Beach, FL 32034**  
**(904) 491-9905**

**Americans with Disabilities Act (ADA)**

**Kevin Burnette**  
**Director of Facilities**  
**86334 Goodbread Rd.**  
**Yulee, FL 32097**  
**(904) 225-5343**

**Section 504:**

**Misty Mathis**  
**Director, Exceptional Student Education**  
**1201 Atlantic Ave.**  
**Fernandina Beach, FL 32034**  
**(904) 491-9881**

**Title IX:**

**Dr. Cynthia Grooms**  
**Coordinator of Student Services**  
**1201 Atlantic Ave.**  
**Fernandina Beach, FL 32034**  
**(904) 491-9918**

**THE SCHOOL BOARD OF NASSAU COUNTY**

**Dr. Kathy K. Burns**

Superintendent

**Board Members**

**Donna Martin, Chairman**

District 1

**Gail Cook, Vice-Chairman**

District 2

**Jamie Deonas**

District 3

Vacant

District 4

**Jonathan Petree**

District 5

**Leonard Hackett, Attorney**