

SUMMARY OF CHANGES
Effective School Years 2019-2022

DATE: February 26, 2019

POLICY #: 5.8

POLICY TITLE: Code of Student Conduct

Page #	Recommended Change/Addition/Deletion	Rationale
4	<p>Change:</p> <p>Students have a right to know how the District defines and handles excused absences, unexcused absences, and tardiness. The District's <i>Discipline Matrix</i> that assigns specific consequences for misbehavior is part of the school's discipline plan. The <i>Discipline Matrix</i>, attached hereto as Appendix A, is hereby made part of this Code of Student Conduct. The Discipline Matrix sets forth the guidelines for assessing consequences for violations of School Board policies. School principals have the discretion to deviate from these guidelines by assessing an appropriate consequence other than stated in the Matrix if he or she determines in his or her sole discretion that there are mitigating or aggravating circumstances. Principals may deviate by one level when applying consequences per the Discipline Matrix, except for substance related and mandatory expulsion incidents.</p>	Clarifying language
6	<p>Addition:</p> <p>EXCUSED ABSENCES</p> <p>7) Scheduled doctor, or dentist appointments, or treatment for autism spectrum disorder by a licensed health care practitioner or certified behavior analyst (F.S. s. 1003.21(2)(b)).</p>	Alignment to F.S. 1003.21(2)(b))
9	<p>Change:</p> <div style="background-color: #e0e0e0; padding: 5px; text-align: center;"> <p>DISRUPTIVE INCIDENTS (INCLUDING, BUT NOT LIMITED TO)</p> </div> <ul style="list-style-type: none"> Sole possession of personal technology is not a violation of the <i>Code of Student Conduct</i>. Personal technology, should be turned off and kept out-of-sight during 	Clarifying language

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	<p>all instructional and class time activities. No cell phone, video, audio, voice-monitoring/recording or image capturing devices, or other personal technology may be used for communication purposes except under the direction of a teacher or administrator for instructional purposes. Using personal technology during all non-instructional or non-class time activities or during class time at the direction of a teacher will not be subject to discipline under this policy. Time before or after school, passing time between classes, or during lunch is not considered instructional time for secondary students. For elementary students, instructional time is defined as time from the beginning bell until the end of the school day bell: non- instructional time is time prior to the first bell or the bell at the end of the school day. Due to school and safety concerns, personal technology (headphones, earbuds, or other accessories) is restricted to minimal volume only to be heard by its user. One ear must remain free of the accessory at all times. When personal technology is used headphones, earbuds, or other accessories must be used, so that others cannot hear it. Violations of this policy will result in confiscation, and the device will only be released to the parent. Progressive discipline will apply for repeated violations</p>	
15	<p>Addition:</p> <p style="text-align: center;"><u>THE HOPE SCHOLARSHIP PROGRAM</u></p> <p>Pursuant to F.S. 1002.40, the Hope Scholarship Program was established to provide the parent of a public school student who was subjected to a specific incident an opportunity to transfer the student to another public school or to request a scholarship for the student to enroll in and attend an eligible private school.</p> <p>Beginning with the 2018-2019 school year, contingent upon available funds, and on</p>	Alignment to F.S. 1002.40

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	<p><u>a first come, first-served basis, a student enrolled in a Florida public school in kindergarten through grade 12 is eligible for a scholarship under this program if the student has been subjected to an incident of battery; harassment; hazing; bullying; kidnapping; physical attack; robbery; sexual offenses; sexual harassment; sexual assault; sexual battery; threat or intimidation; or fighting at school.</u></p>	
<p style="text-align: center;">17</p>	<p>Deletion:</p> <p style="text-align: center;">SECTION IV - TECHNOLOGY USAGE</p> <p>Computers, networks, and online communications and information systems such as the Internet and e-mail are becoming more commonplace in our classrooms and media centers every year. Digital Curriculum and Resources for students provided by SBBC are becoming commonplace via the Broward Enterprise Education Portal (BEEP) and accessible via the Internet. While these systems deliver a huge number of resources to our classrooms, their ability to serve students and teachers depends on the responsible and ethical use of every device and system.</p> <p>SB Policy 5306 defines the appropriate use of technology throughout the District. This policy describes how computers and networks must be used to support research and instructional activities in our classrooms, labs, and media centers. It also includes the use of the digital resources provided by SBBC, and made available through the Broward Education Enterprise Portal (BEEP) for students. First, it promotes the use of technology as a powerful educational tool that is increasingly becoming a common part of every student's day. Second, it provides those students who use these computers, and the networks to which they are connected, to act in accordance with prescribed rules and behavioral codes detailed in the policy. Several major provisions are noted below. The full text of SB Policy 5306 is available upon request from each school's media center and on the School Board web site. You may view the complete</p>	<p>Clarifying language</p>

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	<p>technology policy and all School Board policies on the Web at http://www.broward.k12.fl.us/sbbcpolicies.</p>	
<p>21-23</p>	<p>Change:</p> <p style="text-align: center;">SECTION V - STUDENT ACTIVITIES AND ASSEMBLY</p> <p>Rights</p> <p>Students have a right to take part in the following without discrimination on the basis of age, color, disability, ethnicity, gender, gender identity, gender expression, linguistic differences, marital status, national origin, race, religion, socioeconomic background, sexual orientation, physical appearance, or on any other basis:</p> <ul style="list-style-type: none"> • Extracurricular activities, assemblies, and school-approved organizations • Electing officers for student government • Consultation with faculty advisors of school-approved clubs and groups • Seeking office in student government and/or school-approved clubs and groups • Attend educational field trips or educational school-sponsored activities. 	<p>Clarifying language</p>

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	<p><u>However, non-educational field trips are a privilege. Students on field trips will have the same rights, as it pertains to make-up work, as students with excused absences</u></p> <p>extracurricular activities, assemblies, and school-approved organizations without discrimination on the basis of age, color, disability, ethnicity, gender, gender identity, gender expression, linguistic differences, marital status, national origin, race, religion, socioeconomic background, sexual orientation, physical appearance, or on any other basis.</p> <p>Students have a right to take part in electing officers for student government.</p> <p>Students have a right to consult with faculty advisors of school-approved clubs and groups.</p> <p>Students have a right to seek office in student government and/or school-approved clubs and groups without discrimination on the basis of age, color, disability, ethnicity, gender, gender identity, gender expression, linguistic differences, marital status, national origin, race, religion, socioeconomic background, sexual orientation, physical appearance, or on any other basis.</p> <p>Students have a right to attend educational field trips or educational school-sponsored activities. However, non-educational field trips are a privilege. Students on field trips will have the same rights, as it pertains to make-up work, as students with excused absences.</p> <p>RULE - Many students take part in school-related activities that are extracurricular (take place outside of</p>	
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	<p>School hours), social, and interscholastic (engage in competition with other schools). Students must attend half of the classes on the day of an activity in which they want to take part unless they have been excused or exempted from class by the school administration in advance. Students are expected to have prior approval from the school administration for many activities related to school-approved and school-sponsored clubs and groups. They need approval to:</p> <ul style="list-style-type: none"> • Present a program or an assembly • Create and hold meetings for clubs or organizations on campus • Collect funds as prescribed by SB policy. Items cannot be sold for personal gain such as food, jewelry, T-shirts, etc. • Have a school-related fundraising project on or off school grounds. Fundraising drives among students initiated by outside organizations such as the Salvation Army, United Way, Girl Scouts, etc., are not permitted in the schools • Hold a demonstration • Have a guest speaker and/or vendor on campus 	
24-25	<p>Addition:</p> <p style="text-align: center;">SECTION VI – STUDENT FREE SPEECH AND DISTRIBUTION OF MATERIALS</p> <p><i>The Constitution of the United States guarantees to its citizens the right to express ideas freely. A basic education should prepare students to do that in responsible ways. For rules governing non-discrimination, please see Policy 4001.1.</i></p> <p>1) No printed, or written materials or electronic media (hereafter “material”) may be distributed in the schools or on school grounds unless the principal or</p>	Clarifying language

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	<p>his/her designee has granted permission. A principal or designee may deny permission to distribute if the material can reasonably be interpreted as:</p> <ol style="list-style-type: none"> a. Obscene or pornographic b. Libelous or slanderous c. Likely to create a substantial disruption of, or material interference with, normal school activity or appropriate discipline in the operation of the school. Material will not be deemed to fall within this subsection only because students, faculty or staff may disagree with or find the contents of the material offensive d. Profane, vulgar, or lewd language e. Selling a commercial product or attempting to make a commercial profit from the sale of products. (For rules governing student/school fundraisers, refer to Section V, Student Activities and Assembly <ol style="list-style-type: none"> 2) If material is denied distribution, the principal or designee must state to the student the specific reasons why such material was denied distribution 3) If the material is denied distribution under Subsection (1)(c) as likely to cause a substantial disruption or material interference, the principal or designee must state to the student the specific reasons why a disruption is likely to occur as a result of the distribution and why such disruption would be substantial 4) Notices of student non-curricular group meetings posted on general-purpose student bulletin boards do not represent the viewpoint of the School Board and/or the administration. The Board is only offering physical space to such groups and does not promote, endorse, or otherwise sponsor such materials. Students are encouraged to be sensitive to other viewpoints and beliefs when posting such notices 5) Students may not hand out petitions or surveys during class time unless they are curriculum-based 6) A principal or designee must either approve or reject a request from a student to distribute materials within 24 hours, excluding non-school days, of the 	
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	<p>request by the student. Any request to distribute materials not acted upon within 24 hours, excluding non-school days, by the principal or designee is deemed approved</p> <ul style="list-style-type: none"> a. For approved materials, the principal or designee may assign reasonable restrictions with regard to time, place, and manner of distribution b. For approved materials, the publication shall contain this phrase: "THE OPINIONS AND/OR ACTIVITIES ARE NOT ENDORSED OR SPONSORED BY THE SCHOOL BOARD" <p>7) Any student aggrieved by a decision made under this section has the right to appeal such decision as specified in Section X of this policy</p>	
<p>27-31</p>	<p>Change:</p> <p style="text-align: center;">FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT (FERPA) NOTICE</p> <p>The Family Educational Rights and Privacy Act (FERPA) is a federal law that protects the accuracy and privacy of students' educationaleducation records.</p> <p>FERPA, F.S. 1002.22, F.S. 1002.221 and SB Policy 5100.1 (Student Records: Confidentiality and Family Educational Rights) The Family Educational Rights and Privacy Act (FERPA), F.S. 1002.22, F.S. 1002.221, and SB Policy 5100.1 afford parents, guardians or eligible students (students over 18 years of age or attending a postsecondary institution) certain rights with respect to the student's education records maintained by the District. These rights are:</p>	<p>Clarifying language</p>

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	<ol style="list-style-type: none">1) <i>The right to inspect and review a student's education records within 30 days of the day the District receives a request for access.</i> Parents or eligible students should submit to the school principal a written request that identifies the record(s) they wish to inspect. The principal will make arrangements for access and notify the parent or eligible student of the time and place where the records may be inspected. When the educational <u>education</u> records contain information about more than one student, parents may review the information related only to his or her child. E-mails not maintained in a student's file folders kept by the schools or District departments are not educational records. In addition, records created and maintained <u>solely</u> by <u>Special Investigative Unit (SIU) Broward District Schools Police (the District's law enforcement unit)</u> are not educational records.2) <i>The right to request the amendment of a student's education records.</i> Parents or eligible students may ask the<u>The</u> Broward County School <u>Board of Broward County, Florida (SBBC)</u> District to amend a record that they believe is inaccurate, misleading, or in violation of the student's privacy rights. They should write the school principal, clearly identify the part of the record they want changed, and specify the reasons for the request. If the District decides not to amend the record as requested, the District will notify the parent or eligible student of the decision and advise them of their right to a hearing within a reasonable period of time regarding the request for amendment. Additional information regarding the hearing procedures will be provided when the parent or eligible student is notified of the right to a hearing.3) <i>The right to consent to disclosures of personally identifiable information contained in the student's education records, except to the extent that FERPA authorizes disclosure without consent.</i> FERPA permits disclosure without consent in many situations, including:	
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	<ul style="list-style-type: none"> • to SBBC a school officials¹ with a legitimate educational interest², • <u>to contracted outside agencies and organizations, whose personnel perform their duties in a “school official” role and who are prohibited from re-disclosing personally identifiable information from education records, except as required or permitted by law,</u> • <u>to school officials of other institutions for the purposes of student transfer or student enrollment,</u> • <u>to authorized federal, state, and local officials, including educational authorities, and for audits or evaluations of federal and state supported programs,</u> • <u>to comply with judicial orders or lawfully issued subpoenas; the parent/guardians/majority age student will be notified in advance of SBBC’s intent to comply in ten (10) days so the parent or majority age student may seek protective action, except where the law prohibits or does not require said notification,</u> • <u>to</u> appropriate parties in connection with an emergency if necessary to protect the a health or safety emergency, and, 	
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¹ **School official** is a person employed by the District as an administrator, supervisor, instructor, or support staff member (including health and medical staff and law enforcement unit personnel); a person serving on the School Board; a person or company with whom the District has contracted to perform a special function that would normally be performed by SBBC personnel (such as an attorney, auditor, medical consultant or therapist); a clerical or paraprofessional staff member assisting another school official in performing his or her professional duties.

² **Legitimate educational interest** exists when a school official needs to review an education record in order to fulfill his or her professional responsibility.

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	<ul style="list-style-type: none"> to an agency caseworker or representative of a state or local child welfare agency, or tribal organization, when the agency is legally responsible for the care and protection of the student, and to governmental agencies. <p>Additional requirements and conditions may apply to non-consensual disclosures. See SB Policy 5100.1 a for full listing of FERPA-permitted disclosures for which prior written consent is not required.</p> <p>TYPES OF DIRECTORY INFORMATION</p> <p>Directory Information is personally identifiable information that would not generally be considered harmful or an invasion of privacy if disclosed. Pursuant to the Family Educational Rights and Privacy Act (FERPA), The School Board of Broward County, Florida (SBBC) may disclose – in its discretion – directory information of a student in any grade level, if the parent or student age 18 or over did not “opt out” of the disclosure. SBBC designates the following as “directory information”: student’s name, parent’s name, residential address, telephone number(s), date of birth, and place of birth, major field of study, participation in school-sponsored activities and sports, height and weight of athletic team members, school grade level, room number, dates of school attendance, degrees and awards*, and the name of the most recent previous school or program attended and room number.</p> <p><i>*Note: Degrees and awards include exemplary work (including artwork), recognitions of all types, and graduation status (i.e., a list of graduating students), and excludes Grade Point Average (GPA).</i></p> <p>PURPOSES OF DISCLOSURE OF DIRECTORY INFORMATION</p> <p>SBBC reserves the right to release Directory Information only: The School Board reserves the right to release Directory Information only (a)</p>	
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	<p>a) to colleges, universities or other institutes of higher education in which the student is enrolled, may seek enrollment or may be recruited, (b)</p> <p>b) for school publications, instructional materials and other school communication tools (including, but not limited to, yearbooks, athletic programs, graduation programs, recruitment brochures, theatrical programs, school and District websites, social media, and postings and displays throughout the school facility), (e)</p> <p>c) to Broward County health officials for purposes of communicating with parents to address conditions of public health importance as determined by Florida Department of Health (64D-3, F.A.C.), including information to meet or to prepare for a potential or confirmed health threat, and/or (e)</p> <p>d) to class reunion committees (and the like) for purposes of class reunion activities.</p> <p><u>OPT OUT PROCEDURE</u> Parents/guardians of students in any grade level (or eligible students, those over the age of 18 or attending a postsecondary institution) may opt out of (refuse to permit) the release of any or all of the above Directory Information. On the FERPA Opt Out Notification Form provided in this the Code of Student Conduct Handbook, parents/guardians or eligible student must indicate the types of Directory Information they do not want disclosed. The FERPA Opt Out Notification Form must be submitted to the school principal annually. Regarding former students, SBBC shall continue to honor any valid request to opt out of the disclosure of directory information made while a student was in attendance, unless the former student rescinds the opt out request (34 CFR 99.37(b)).</p> <p><u>DISCLOSURE TO MILITARY, ARMED FORCES AND POSTSCONDARY INSTITUTIONS</u></p>	
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	<p><u>SBBC is required to disclose, upon request.</u> The School Board of Broward County may also release student name, address, and telephone number of 11th and 12th grade students to the armed services, military recruiters, and/or postsecondary institutions <u>without prior written consent, unless the parent/guardian or eligible student opts out of disclosure.</u> Parents/guardians of students or eligible students in 11th and 12th grade may opt out of having <u>student's name, address and telephone number provided</u> Directory Information provided to the armed services, military recruiters, and/or postsecondary institutions. On the Every Student Succeeds Act (ESSA) Opt Out Form provided in this the Code of Student Conduct <u>Handbook</u>, parents/guardians and eligible students must indicate the categories they wish not be disclosed. The ESSA Opt Out Form must be submitted to the school principal annually.</p> <p>4) <i>The right to file a complaint with the U.S. Department of Education concerning alleged failures by the District to comply with the requirements of FERPA.</i> The name and address of the office that administers FERPA is Family Policy Compliance Office • U. S. Department of Education • 400 Maryland Avenue, S.W. • Washington, DC 20202. <i>If you wish to discuss and try to resolve any FERPA concerns before contacting the Family Policy Compliance Office, you may contact the SBBC Privacy Officer at 754-321-1914.</i></p> <p>For additional information refer to SB Policy 5100.1. This policy outlines the privacy rights of parents and students with respect to students' educational records. You may view the complete student records policy and all School Board policies on the Web at https://www.browardschools.com/Page/37754http://www.broward.k12.fl.us/sbbcpolicies.</p>	
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**PROTECTION OF PUPIL RIGHTS AMENDMENT (PPRA)
NOTICE**

Pursuant to the Protection of Pupil Rights Amendment (PPRA) (20 USC §1232h; 34 CFR Part 98), parents, guardians, or eligible students (over the age of 18 or emancipated) have certain rights pertaining to surveys, the collection and use of information for marketing purposes, and certain physical exams. ~~These rights are as follows:~~

PPRA RIGHTS

- 1) The right to give prior written consent before students are required to submit to surveys concerning “protected information.” if the survey is funded in whole or in part by a program of the U.S. Department of Education. “Protected information” includes ~~(regarding:~~
- a) ~~mental~~ Mental or psychological ~~problems~~ conditions of the student or student’s family;
 - b) ~~sex~~ Sex behavior or attitudes;
 - c) ~~illegal~~ Illegal, anti-social, self-incriminating, or demeaning behavior;
 - d) ~~critical~~ Critical appraisals of others with whom survey respondents have close family relationships;
 - e) ~~legally~~ Legally recognized privileged relationships, such as with lawyers, doctors, or ministers; ~~or~~
 - f) ~~income~~ Income, other than as required by law to determine program eligibility)

Pursuant to Florida Statute 1002.222, ~~if the survey is funded in whole or in part by a program of the U.S. Department of Education.~~ ~~The~~ the District will not collect, obtain or retain information on political affiliation, voting history, religious affiliation or biometric information of a student or a parent or sibling of the student. ~~(F.S. 1002.222)~~

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	<p>⊖ “Biometric information” means information collected from the electronic measurement or evaluation of any physical or behavioral characteristics that are attributable to a single person, including fingerprint characteristics, hand characteristics, eye characteristics, vocal characteristics, and any other physical characteristics used for the purpose of electronically identifying that person with a high degree of certainty</p> <p>1)2) The right <u>to receive notice and an opportunity</u> to opt a student out of participation in any other protected information survey, regardless of funding.</p> <p>2)3) The right to <u>receive notice and an opportunity to</u> opt a student out of any non-emergency invasive physical exam or screening required as a condition of school attendance administered by the school or its agent, and not necessary to protect the immediate health and safety of a student.</p> <p><u>Pursuant to Florida Statute 381.0056(4)(a)(6-9) and (6)(e), parents/guardians have the right to opt out of selected health screenings listed in Florida Administrative Code 64F-6.003(1-4) and the School Health Services Plan. These screenings – offered to students in selected grades – include vision, hearing, scoliosis, and body mass index (BMI), which is also referred to as “growth and development” and includes the calculation of height and weight.</u></p> <p>3) The right to opt a student out of non-invasive health screenings, including vision, hearing, scoliosis, or body mass index (also known as “growth and development”) screenings, for any reason (F.S. 381.0056)</p> <p>4) The right <u>to receive notice and an opportunity</u> to opt a student out of activities involving the collection, disclosure, or use of personal information obtained from students for marketing or to sell or otherwise distribute the information to others. <u>This does not include information collected from students for the exclusive</u></p>	
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	<p><u>purpose of developing, evaluating, or providing educational products or services for, or to, students and educational institutions.</u></p> <p>5) The right to inspect, upon request and prior to administration or use (a) protected information surveys of students, <u>and surveys created by a third party,</u> (b) instruments used to collect personal information from students for any marketing, sales, or <u>other</u> distribution purposes, and (c) instructional material used as part of the educational curriculum.</p> <p>5)6) These rights transfer from the parents/guardians to a student who is 18 years old or an emancipated minor under Florida law. used in connection with activities noted above.</p> <p><u>PRIVACY AND NOTIFICATION</u></p> <p>The District will ensure that student privacy is protected in the administration of protected information surveys and the collection, disclosure, or use of personal information for marketing, sales, or other distribution purposes.</p> <p>The District will directly notify (including, but not limited to, mail, e-mail, in-person, or by acknowledgement form) parents of their PPRA rights at least annually at the start of each school year and after any substantive changes. <u>Direct notification includes, but is not limited to, the Code Book of Student Conduct, mail, e-mail, in-person, or by acknowledgment form.</u> The District will also directly notify parents of students who are scheduled to participate in the specific activities or surveys noted above and will provide an opportunity for the parent to opt his or her child out of participation of the specific activity or survey. The District will make this notification to parents at the beginning of the school year if the District has identified the specific or approximate dates of the activities or surveys at that time. For surveys and activities scheduled after the school year starts, parents will be provided reasonable notification of the planned activities and surveys and will be provided an opportunity to opt their child out of such activities and surveys and to review any pertinent surveys.</p>	
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	<p>Those who believe their rights have been violated may file a complaint with the Family Policy Compliance Office, U.S. Department of Education, 400 Maryland Avenue, S.W., Washington, D.C. 20202. If you wish to discuss and try to resolve any PPRA concerns before contacting the Family Policy Compliance Office, you may contact the SBBC Privacy Officer at 754-321-1914.</p>	
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PPRA PROCEDURES

- 1) To inspect surveys, instruments used to collect personal information, and instructional materials, parents/guardians must submit their requests in writing to the school. Such inspection must be conducted in-person under the supervision of designated staff and at the location designated by the school principal.
- 2) Prior to the administration of protected information surveys, principals or designated District staff will provide direct notification (including but not limited to mail, e-mail, in-person, or by acknowledgement form) to parents, guardians, or eligible students and provide the required consent forms. All completed forms must be returned to the child's school.
- 3) Principals or designated staff will directly send parents opt out forms for any instruments used to collect personal information for marketing, sales or distribution purposes. All completed forms must be returned to the child's school.
- 4) All surveys containing protected information and all instruments used to collect personal information for marketing, sales, or distribution will be administered in a manner that protects students' privacy.

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- 5) Regarding non-invasive health screenings, parents/guardians choosing to opt out must complete the Health Screening Opt-Out Form in the Code Book of Student Conduct and submit this form to the school in the time frames listed on the form.

- 6) Parents will be provided reasonable advance notification of (a) the administration of protected information surveys of students, (b) the collection, disclosure, or use of personal information from students for marketing, sales, or distribution, and (c) any non-emergency, invasive physical examination or screening. Notification of items (a), (b), and (c) shall occur at the beginning of the school year if the dates of surveys and activities have been identified, or after the school year starts if the dates are not available earlier, as long as parents have the opportunity to opt their child out.

**HEALTH INSURANCE PORTABILITY AND
ACCOUNTABILITY ACT (HIPAA) NOTICE**

THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA'S
NOTICE OF PRIVACY PRACTICES RELATED TO STUDENTS
& FAMILY MEDICAL/MENTAL HEALTH RECORDS
PROTECTED BY HIPAA

This notice describes how medical information about you and/or your child may be used and disclosed and how you can get access to this information.

PLEASE REVIEW IT CAREFULLY
Effective Date of Notice: ~~5/2/17~~TBD

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	THE SCHOOL BOARD OF BROWARD COUNTY (SBBC) DUTIES UNDER HIPAA	
	<p>All medical and health records are protected by Florida Statute, the Family Educational Rights and Privacy Act (FERPA) or HIPAA depending on who the health care provider is who created the records and who is in possession of the records, the age of the student. Medical records of a student received from health care providers who are not acting on behalf of the School District are protected by HIPAA. This HIPAA notice pertains only to the information that is protected by HIPAA. Copies of medical records or health-related records submitted to schools (for example, by physicians) become education records (protected by FERPA) when they are in possession of the school.</p> <p>HIPAA, a Federal law, requires entities covered by this law, including school districts in some limited situations, to maintain the privacy of all mental and physical health records. These records are referred to as “protected health information”(PHI).</p> <p>HOW THE SCHOOL DISTRICT USES AND SHARES YOUR AND YOUR CHILD’S PROTECTED HEALTH INFORMATION</p> <p>PHI includes demographic and medical information about the past, present, or future physical or mental health of an individual. Demographic information may include your and your child’s name, address, telephone number, Social Security number, and any other means of identifying you and/or your child as a specific person.</p> <p>PHI is information the school district has received from outside health care providers, such as a report from your child’s doctor. If a school or District department conducts</p>	

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	any transactions electronically in connection with health care (for example, Medicaid billing), the information transmitted is covered by HIPAA.	
36	<p>Addition:</p> <p><u>E. ZERO TOLERANCE</u></p> <p><u>Pursuant to F.S. 1006.13, District school boards shall promote a safe and supportive learning environment in schools by protecting students and staff from conduct that poses a serious threat to school safety. A threat assessment team may use alternatives to expulsion or referral to law enforcement agencies to address disruptive behavior through restitution, civil citation, teen court, neighborhood restorative justice, or similar programs. Zero-tolerance policies may not be rigorously applied to petty acts of misconduct and misdemeanors, including, but not limited to, minor fights or disturbances. Zero-tolerance policies must apply equally to all students regardless of their economic status, race, or disability.</u></p> <p><u>The threat assessment team shall consult with law enforcement when a student exhibits a pattern of behavior, based upon previous acts or the severity of an act, which would pose a threat to school safety.</u></p> <p><u>Zero-tolerance policies do not require the reporting of petty acts of misconduct and misdemeanors to a law enforcement agency, including, but not limited to, disorderly conduct, simple assault or battery, affray, theft of less than \$300, trespassing, and vandalism of less than \$1,000. However, if a student commits more than one misdemeanor, the threat assessment team must</u></p>	Alignment to F.S. 1006.13

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	<p><u>consult with law enforcement to determine if the act should be reported to law enforcement.</u></p> <p><i><u>Note: A threat assessment team may use alternatives to expulsion or referral to law enforcement agencies unless the use of such alternatives will pose a threat to school safety.</u></i></p>	
<p>36-37</p>	<p>Change:</p> <p><u>The PROMISE program is eligible to students of at least 11 years of age and/or enrolled in a District 6-12 school program. PROMISE incidents for said students shall accrue through 12th grade with a maximum of three (3) referral assignments to the program.</u></p> <p><u>Note:</u></p> <ol style="list-style-type: none"> <u>1. The PROMISE program is not intended to limit the discretion of law enforcement.</u> <u>2. Any student committing more than one misdemeanor must be referred to the threat assessment team, which includes law enforcement, to determine if the act should be reported to law enforcement for further action.</u> <u>3. Additionally, a student who has accrued three cumulative incidents from the list above shall be referred to a community youth support diversion program, and to the Behavior Intervention Committee, as appropriate.</u> <p>The list of PROMISE eligible incidents are outlined below.</p>	<p>Clarifying language and alignment with the Marjory Stoneman Douglas Commission Report Recommendations</p>

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1. Disruption on Campus-Major*
2. Trespassing*
3. Alcohol-Use/Possession/~~Under the Influence*~~
4. Alcohol Sale/Attempted Sale/Transmittal*
5. Drug-Use/Possession/~~Under the Influence*~~
6. Drug Paraphernalia ~~Possession*~~
- ~~7. Bullying~~
- ~~8. Harassment~~
- ~~9.7.~~ Fighting-Mutual Combat*
- ~~10. False Accusation Against School Staff*~~
- ~~11.8.~~ Assault/Threat (no harm or injury)*
- ~~12.9.~~ Theft-Petty <\$300*
- ~~13.10.~~ Vandalism/Damage to Property <\$1,000*

Although this policy (Policy 5006: Suspension and Expulsion) specifically outlines consequences for drug offenses by incident (i.e. first, second, third offense, etc.), the continuum of consequences for all ~~other~~ PROMISE incidents are referenced in the Discipline Matrix (see Policy 5.8: Code of Student Conduct – Appendix A).

For PROMISE eligible incidents/violations: if the parent/student refuses the PROMISE program assignment as outlined in the Discipline Matrix, then ~~they~~ the student shall ~~will~~ be referred to the Juvenile Justice System of Care. The Juvenile Justice System of Care (JJSC) is an intervention created by an Interagency Agreement of which Broward County Public Schools is a party.

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	<p>Should the parent/student still refuse to participate in the PROMISE program assignment as outlined in the Discipline Matrix, the child may be arrested referred to the State Attorney's Office.</p> <p>When a parent/student accepts the PROMISE program assignment as outlined in the Discipline Matrix, but fails to fulfill the requirements of the program, the parent/student shall be referred to the Juvenile Justice System of Care. Should the parent/student still refuse to complete the program, the child may be referred to the State Attorney's Office arrested.</p> <p>Note:</p> <p>1. A student, who has accrued three cumulative incidents from the list above, in a school year, shall be referred to the Behavior Intervention Committee.</p> <p>2. *Upon the fourth cumulative incident within a school year of any incident denoted with an asterisk in the above list, the student shall be referred for consultation with law enforcement, unless the Discipline Matrix requires such a referral sooner.</p>	
37	<p>Revision:</p> <p>SECTION II: MEDICATIONS: USE, POSSESSION, SALE, AND/OR TRANSMITTAL LEADING TO SUSPENSION AND POSSIBLE EXPULSION</p> <p>For incidents within this category, accruals occur by school level (Grades K-5 and 6-12).</p>	Alignment to Policy 5006

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	<p>A. USE AND/OR POSSESSION OF UNAUTHORIZED OVER-THE-COUNTER MEDICATIONS IS PROHIBITED.</p> <p>Disciplinary consequences for violations at the elementary level (Grades K-5) shall not be counted when subsequent violations occur at the secondary level (Grades 6-12).</p>	
<p>39-41</p>	<p>Addition:</p> <p>DRUG AND SUBSTANCE ABUSE OFFENSES LEADING TO SUSPENSION AND POSSIBLE EXPULSION OR MANDATORY EXPULSION</p> <p><u>For incidents within this category, accruals occur by school level (Grades K-5 and 6-12) and require reporting per the School Environmental Safety Incident Reporting (SESIR) guidelines to the Florida Department of Education.</u></p> <p>General Information:</p> <ul style="list-style-type: none"> • Each principal shall post, in a place readily seen by students, a notice stating that a student’s locker or other storage area may be subject to search based upon reasonable suspicion of possession of prohibited, unauthorized, or illegal materials/objects or substance and may also result in a search of person, possessions, locker and/or vehicle (Florida Statute 1006.09(9)). • School personnel shall report to the principal/designee the suspected unlawful use, possession, transmittal, sale or attempted sale by a student of any drugs, over-the-counter or prescription substances, including any 	<p>Alignment to Policy 5006</p>

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	<p>alcoholic beverage or inhalant, and shall be exempt from civil liability when making such reports.</p> <ul style="list-style-type: none">• If a student has been suspended or expelled for a prior drug offense by any in-state or out-of-state public, private, charter or research school, then the disposition of this offense shall constitute a second offense and the procedures for second offenses shall apply.• <u>Pursuant to F.S. s. 1006.07(7)(e), if an immediate mental health or substance abuse crisis is suspected, school personnel shall follow policies established by the threat assessment team to engage behavioral health crisis resources.</u> <p><u>A. USE, POSSESSION, SALE, AND/OR TRANSMITTAL OF TOBACCO, TOBACCO PRODUCTS, E-CIGARETTES, VAPOR DEVICES AND/OR COMPONENTS OF E-CIGARETTES, VAPOR DEVICES OR SIMILAR</u> <u>Use, possession, sale, and/or transmittal of tobacco, tobacco products, vapor devices and/or components of vapor devices or similar are prohibited.</u></p> <p><u>A1. USE, POSSESSION, SALE, AND/OR TRANSMITTAL OF TOBACCO AND/OR TOBACCO PRODUCTS</u> <u>First Offense Procedures:</u> <u>a. Elementary students, (Grades K-5):</u> <u>The student shall be issued a one (1) day detention and be referred to the School Counselor.</u></p> <p><u>Secondary students, (Grades 6-12):</u> <u>b.</u> <u>The student shall be issued a one to two (1-2) day in-school suspension</u></p>	
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	<p><u>and be referred to the Substance Abuse Case Manager.</u></p> <p><u>Second and Subsequent Offense Procedures:</u></p> <p><u>a. Elementary students, (Grades K-5):</u> <u>The student shall be issued a one to two (1-2) day in-school suspension and be referred to the Substance Abuse Case Manager.</u></p> <p><u>Secondary students, (Grades 6-12):</u></p> <p><u>b.</u> <u>The student shall be issued a three to five (3-5) day in-school suspension and be referred to the Substance Abuse Case Manager.</u></p> <p><u>A2. USE, POSSESSION, SALE, AND/OR TRANSMITTAL OF E-CIGARETTES, VAPOR DEVICES AND/OR COMPONENTS OF E-CIGARETTES, VAPOR DEVICES OR SIMILAR</u></p> <p><u>First Offense Procedures:</u></p> <p><u>a. Students, (Grades K-12):</u> <u>The student shall be suspended from the regular school program for three to five (3-5) days and be referred to the Substance Abuse Case Manager.</u></p> <p><u>Second Offense Procedures:</u></p> <p><u>a. Students, (Grades K-12):</u> <u>The student shall be suspended from the regular school program for six to nine (6-9) days, be referred to the Substance Abuse Case Manager and placed on an Alternative Probationary Contract for a period of one (1) calendar year commencing with the date of the offense.</u></p>	
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Subsequent Offense Procedures:

a. Students, (Grades K-12): The student shall be suspended from the regular school program for ten (10) days, be referred to the Substance Abuse Case Manager and expulsion shall be mandatory. The student shall be placed in the Expulsion Abeyance Program for a period of one (1) calendar year commencing with the date of the offense with Substance Workback. The expulsion shall be held in abeyance if the student completes the District approved or state-certified drug/alcohol rehabilitation or treatment program with a certified addition professional. The District substance abuse manager shall monitor/verify that the student has completed the program. The student may return to the regular school program upon completion of the prescribed rehabilitation or treatment program.

The following section addresses: ~~(AB) USE, AND/OR POSSESSION OF LEAF MARIJUANA AND/OR ALCOHOL, (C) POSSESSION, AND/OR BEING UNDER THE INFLUENCE OF LEAF MARIJUANA AND/OR MOOD-ALTERING SUBSTANCES, (BD) USE/POSSESSION OF UNAUTHORIZED SUBSTANCES, (CE) BEING UNDER THE INFLUENCE OF UNATHORIZED SUBSTANCES AND (DF) POSSESSION OF LEAF MARIJUANA WITH INTENT TO SELL, SALE, ATTEMPTED SALE, AND/OR TRANSMITTAL IS PROHIBITED.~~

Note: In the case of a change of placement, IEP/504 TEAM should convene as soon as possible to address the student's program and determine appropriate action

~~AB. USE, AND/OR POSSESSION, AND/OR BEING UNDER THE INFLUENCE OF LEAF MARIJUANA AND/OR ALCOHOL MOOD-~~

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	<p>ALTERING SUBSTANCES Use <u>and/or</u>, possession, and/or being under the influence of <u>leaf marijuana and/or other mood-altering substances, including</u> alcohol and/or alcoholic beverages, is prohibited.</p> <p>Disciplinary consequences for violations at the elementary level (Grades K-5) shall not be counted when subsequent violations occur at the secondary level (Grades 6-12).</p>	
42-43	<p>Addition:</p> <p><u>C. BEING UNDER THE INFLUENCE OF LEAF MARIJUANA AND/OR MOOD-ALTERING SUBSTANCES</u> <u>Being under the influence of leaf marijuana and/or other mood-altering substances, including alcohol and alcoholic beverages, is prohibited.</u></p> <p><u>First Offense Procedures:</u> <u>a. Elementary students, (Grades K-5): The student shall be suspended from the regular school program for four (4) days and referred to the District substance abuse case manager who shall refer the student to an appropriate counseling program. Two (2) days of the suspension shall be waived if the student attends a counseling program authorized by the principal/designee in conjunction with the District substance abuse case manager. If the student does not complete the recommended counseling program, the remaining days of the initial four (4) day suspension shall be</u></p>	Alignment to Policy 5006

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	<p><u>imposed.</u></p> <p>b. Secondary students, (Grades 6-12): <u>The student shall be suspended from the regular school program for six (6) days and referred to the District substance abuse case manager who shall refer the student to an appropriate counseling program. Three (3) days of the suspension shall be waived if the student attends a counseling program authorized by the principal/designee in conjunction with the District substance abuse case manager. If the student does not complete the recommended counseling program, the remaining days of the initial six (6) day suspension shall be imposed.</u></p> <p>Second Offense Procedures:</p> <p>a. Elementary students, (Grades K-5): <u>The student shall be suspended from the regular school program for ten (10) days and referred for the Behavior Intervention Program via the Expulsion Abeyance Office. The student shall be placed on a Probationary Substance Contract in lieu of the Behavior Intervention Program Assignment via the Expulsion Abeyance Office. The Behavior Intervention Program via the Expulsion Abeyance Office will not be required if the student successfully completes the requirements of the Probationary Substance Contract while at a regular school program. The District substance abuse case manager shall monitor/verify that the student remains in compliance with the terms of the Probationary Substance Contract.</u></p> <p><u>If the student violates the terms of the Probationary Substance Contract then the student shall be placed in a Behavior Intervention Program via the</u></p>	
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Expulsion Abeyance Office, with Substance Workback. The student shall complete the state-certified drug/alcohol rehabilitation or treatment program with a certified addiction professional. The student may return to a regular school program upon successful completion of the prescribed rehabilitation or treatment program. The District substance abuse case manager shall monitor/verify that the student has completed the program.

If the student fails to complete the state-certified drug/alcohol rehabilitation or treatment program, the full term of the Behavior Intervention Program Assignment shall be implemented.

b. Secondary students, (Grades 6-12): The student shall be suspended from the regular school program for ten (10) days and expulsion shall be mandatory. The student shall be placed on a Probationary Substance Contract in lieu of an expulsion abeyance program. The Expulsion Abeyance Program will not be required if the student successfully completes the requirements of the Probationary Substance Contract while at a regular school program. The District substance abuse case manager shall monitor/verify that the student remains in compliance with the terms of the Probationary Substance Contract.

If the student violates the terms of the Probationary Substance Contract then the student shall be placed in an expulsion abeyance program, with Substance Workback. The expulsion shall be held in abeyance if the student completes the state-certified drug/alcohol rehabilitation or treatment program with a certified addiction professional. The student may return to a regular school program upon successful completion of the

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prescribed rehabilitation or treatment program. The District substance abuse case manager shall monitor/verify that the student has completed the prescribed program. If the student fails to complete the state-certified drug/alcohol rehabilitation or treatment program, the full term of the expulsion abeyance program shall be implemented.

Third and Subsequent Offenses Procedures:

a. Elementary students, (Grades K-5): The student shall be suspended from the regular school program for ten (10) days and recommended for the Behavior Intervention Program via the Expulsion Abeyance Office, for a period of one (1) calendar year commencing with the date of the offense, (F.S. 1006.09(3)), with Substance Workback. The student shall complete the District approved or state-certified drug/alcohol rehabilitation or treatment program with a certified addiction professional. The District substance abuse case manager shall monitor/verify that the student has completed the program. The student may return to a regular school program upon successful completion of the prescribed rehabilitation or treatment program.

b. Secondary students, (Grades 6-12): The student shall be suspended from the regular school program for ten (10) days and expulsion shall be mandatory (F.S. 1006.09(3)). The student shall be placed in the Expulsion Abeyance Program for a period of one (1) calendar year commencing with the date of the offense, with Substance Workback. The expulsion shall be held in abeyance if the student completes the District approved or state-certified drug/alcohol rehabilitation or treatment program with a certified addiction professional. The District substance abuse case manager shall

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monitor/verify that the student has completed the program. The student may return to a regular school program upon successful completion of the prescribed rehabilitation or treatment program.

~~C.~~D. USE/POSSESSION OF UNAUTHORIZED SUBSTANCES IS PROHIBITED

Note: For the purposes of this policy, unauthorized substances refers to prescription medication not prescribed for the student who is in possession of the medication, or any prescription medication not authorized by Policy 6305, substances/drugs deemed illegal under Chapter 893, are drugs or controlled substances that constitute a felony under Florida statute, are derivatives of the cannabis sativa plant, including, but not limited to, marijuana and hemp, and derivatives of such, including, but not limited to THC and CBD products.

Note: Students violating Policy 6305: Administration of Medication/Treatment, by possessing their own prescription medication on school grounds, on school transportation, or at a school-sponsored activity shall not receive a consequence under this section of the policy. In such instances, students shall be required to follow Policy 6305 and receive a consequence as outlined in Section II, A of this policy.

~~Disciplinary consequences for violations at the elementary level (Grades K-5) shall not be counted when subsequent violations occur at the secondary level~~

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	<p>(Grades 6-12).</p>	
<p>44-45</p>	<p>Change:</p> <p>d.E. BEING UNDER THE INFLUENCE OF UNAUTHORIZED SUBSTANCES IS PROHIBITED</p> <p><u>For the purposes of this policy, unauthorized substances refers to prescription medication not prescribed for the student who is in possession of the medication, or any prescription medication not authorized by Policy 6305, substances/drugs deemed illegal under Chapter 893, are drugs or controlled substances that constitute a felony under Florida statute, are derivatives of the cannabis sativa plant, including, but not limited to, marijuana and hemp, and derivatives of such, including, but not limited to THC and CBD products.</u></p> <p>Disciplinary consequences for violations at the elementary level (Grades K-5) shall not be counted when subsequent violations occur at the secondary level (Grades 6-12).</p> <p>First Offense Procedures:</p> <p>a. Elementary students, (Grades K-5): The student shall be suspended from the regular school program for ten (10) days. The student shall be referred to the District substance abuse counselor for assignment to engage in the District approved or state-certified drug rehabilitation or treatment program with a certified addiction professional. The student may return to school subsequent to the ten (10) day suspension. The District</p>	<p>Alignment to Policy 5006</p>

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~~substance abuse case manager shall monitor student participation in the assigned program.~~ The student shall be suspended from the regular school program for ten (10) days and referred to the District substance abuse case manager who shall refer the student to an appropriate counseling program. Six (6) days of the suspension shall be waived if the student attends a counseling program authorized by the principal/designee in conjunction with the District substance abuse case manager. If the student does not complete the recommended counseling program, the remaining days of the suspension shall be imposed.

- b. **Secondary students, (Grades 6-12):** ~~The student shall be suspended from the regular school program for ten (10) days. The student shall be referred to the District substance abuse counselor for assignment to engage in the District approved or state-certified drug rehabilitation or treatment program with a certified addiction professional. The student may return to school subsequent to the ten (10) day suspension. The District substance abuse case manager shall monitor student participation in the assigned program.~~ The student shall be suspended from the regular school program for ten (10) days and referred to the District substance abuse case manager who shall refer the student to an appropriate counseling program. Six (6) days of the suspension shall be waived if the student attends a counseling program authorized by the principal/designee in conjunction with the District substance abuse case manager. If the student does not complete the recommended counseling program, the remaining days of the suspension shall be imposed.

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44-45	<p>Change:</p> <p>D.F. SALE, ATTEMPTED SALE, AND/OR TRANSMITTAL: <u>POSSESSION OF LEAF MARIJUANA WITH INTENT TO SELL, SALE, ATTEMPTED SALE, AND/OR TRANSMITTAL OF DRUGS OR MOOD-ALTERING SUBSTANCES, UNAUTHORIZED SUBSTANCES, OR OTHER SUBSTANCES HELD OUT OR REPRESENTED TO BE DRUGS OR MOOD-ALTERING SUBSTANCES, INCLUDING ALCOHOL OR ALCOHOLIC BEVERAGES IS PROHIBITED.</u></p>	Alignment to Policy 5006
46	<p>Change:</p> <p>PROCEDURES FOR <u>POSSESSION OF LEAF MARIJUANA WITH INTENT TO SELL, SALE, ATTEMPTED SALE, AND/OR TRANSMITTAL OF DRUGS OR MOOD-ALTERING SUBSTANCES, UNAUTHORIZED SUBSTANCES, OR OTHER SUBSTANCES HELD OUT OR REPRESENTED TO BE DRUGS OR MOOD-ALTERING SUBSTANCES, OTHER THAN ALCOHOL OR ALCOHOLIC BEVERAGES</u></p> <p><u>For the purposes of this policy, unauthorized substances refers to prescription medication not prescribed for the student who is in possession of the medication, or any prescription medication not authorized by Policy 6305, substances/drugs deemed illegal under Chapter 893, are drugs or controlled substances that constitute a felony under Florida statute, are derivatives of the cannabis sativa plant, including, but not limited to, marijuana and hemp, and derivatives of such, including, but not limited to THC and CBD products.</u></p>	Alignment to Policy 5006

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47-48	<p>Change:</p> <div style="background-color: #e0e0e0; padding: 10px; text-align: center;"> <p>OTHER OFFENSES (NON-DRUG AND NON-SUBSTANCE ABUSE OFFENSES) LEADING TO SUSPENSION AND POSSIBLE EXPULSION</p> </div> <p><u>For incidents within this category, accruals occur by school level (Grades K-5 and 6-12) and require reporting per the School Environmental Safety Incident Reporting (SESIR) guidelines to the Florida Department of Education.</u></p> <p><u>Note: Pursuant to F.S. 1006.07(7)(e), if an immediate mental health or substance abuse crisis is suspected, school personnel shall follow policies established by the threat assessment team to engage behavioral health crisis resources.</u></p> <p>Students shall be suspended and may be recommended for expulsion when they:</p> <ol style="list-style-type: none"> <u>1.</u> Commits repeated violations of Policy 5.9: Anti-Bullying 1.<u>2.</u> <u>Commits repeated violations of harassment</u> 2.<u>3.</u> Commits an assault/<u>threat - medium</u> 3.<u>4.</u> Commits a battery - <u>medium</u> 4.<u>5.</u> Commits or threatens to commit vandalism/damage to property 	Alignment to Policy 5006
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	<p><u>6.</u> Commits any act on campus or off campus that substantially disrupts the orderly conduct of the classroom or school activities</p> <p>— 7. Commits grand theft/motor vehicle theft</p> <p>4.8. Commits burglary – unlawful breaking/entering</p> <p>8.9. Commits a physical attack</p> <p>9.10. Commits a sexual assault</p> <p>10.11. Commits sexting</p> <p><u>12.</u> Commits a sexual harassment</p> <p><u>13.</u> Commits a sexual misconduct (sexual offense)</p> <p><u>14.</u> Uses/possesses/transmits drug paraphernalia</p> <p><u>15.</u> Commits a false accusation against school staff</p> <p><u>16.</u> Commits a false fire alarm/911 call</p> <p><u>17.</u> Commits a trespassing</p> <p><u>18.</u> 2nd offense – use, possession, sale, and/or transmittal of vapor devices and/or components of vapor devices or similar</p> <p>11.19. Possesses /displays/uses/ transmits a Class B weapon, <u>which includes laser pens/pointers and other laser devices used in a manner that could potentially harm or injure another individual</u></p> <p>12.20. Commits fire starting* – starts a fire on campus or school property and/or at a school bus stop</p> <p><i>*Note: The school administrator shall refer the student for participation in a</i></p>	
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	<p><i>local Fire Starter Program. The suspension shall be reduced by 3 days upon parent/guardian agreement to participate in said program. Failure on the part of the student to successfully complete the program may result the reissuance of the 3 days.</i></p> <p>13. Uses laser pens/pointers and other laser devices in a manner that could potentially harm or injure another individual</p> <p>14. Makes an internet/electronic transmission of a threat to do harm to person(s) on school grounds, or to school property, that results in a substantial disruption (See definition in Section VII) to the school climate</p> <p>15.<u>21.</u> Conducts, recruits, or participates on campus in a formal or informal manner in order to foster youth gang activity. This activity may include, but is not limited to, an association or group of three or more persons who are gang related individually or collectively who engage in a pattern of youth or street gang activity and have a common name or common identifying clothing, jewelry, buttons, colors, signs, symbols or markings with the intent or purpose to threaten and/or present a danger to public order and safety</p> <p><u>22. Electronic device – the use of an electronic device to possess, display, or transmit offensive images, images that depict nudity or sexual content, video voyeurism, or the use of an electronic device to capture said images, or any other images of people which violates reasonable expectation of privacy.</u></p> <p>16. Transmits or distributes any video voyeurism or images that depict nudity or sexual content or that violate the rights of individuals having</p>	
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	<p style="text-align: center;">a reasonable expectation of privacy and/or violate privacy laws</p> <p>17.23. <u>23.</u> Commits other criminal actions, on school board property, or during school events or activities, not already set forth above in this policy including, but not limited to, when the student:</p> <ul style="list-style-type: none"> a. is formally charged with having committed a delinquent act which would be a felony, if committed by an adult (F. S.1006.09(2)); b. has had an adjudication withheld for a delinquent act which, if committed by an adult, would be a felony; or c. has been found guilty of a felony <p>19. <u>23.</u> Uses the school district's technology and/or software for any unauthorized purpose. The unauthorized use of a computer/technology, including, but not limited to, accessing or breaking in to restricted accounts or networks, creating, modifying or destroying files/records without permission, copying software, entering, distributing or printing unauthorized files/records, uploading to the internet, and/or sharing or distributing, offensive or inappropriate material, including video, and any other misuse or violation of the School Board of Broward County Technology-Acceptable Use Policy 5306, Section VI.</p>	
48-50	<p>Change:</p> <p style="text-align: center;">MANDATORY EXPULSION</p>	Alignment to Policy 5006

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	<p><u>For incidents within this category, accruals occur by school level (Grades K-5 and 6-12) and require reporting per the School Environmental Safety Incident Reporting (SESIR) guidelines to the Florida Department of Education.</u></p> <p>Students may not be subject to mandatory suspension and expulsion proceedings when the principal determines the student used an instrument or object in self-defense. Self-defense is an attempt to “prevent” an attack or a threatened injury or to stop the process of confrontation. It is not self-defense when the student uses an instrument/object to become an aggressor or to continue the confrontation after the original aggressor has retreated.</p> <p><i>Note: Florida Statutes 776.012, 776.013 and 776.032, commonly known as the Florida Stand Your Ground law, are not applicable to charges of violations of the Code of Student Conduct and/or Board Policy 5006.</i></p> <p><u>Pursuant to F.S. s. 1006.07(7)(e), if an immediate mental health or substance abuse crisis is suspected, school personnel shall follow policies established by the threat assessment team to engage behavioral health crisis resources.</u></p> <p>OFFENSES LEADING TO MANDATORY EXPULSION</p> <p>Students found to have committed one of the following offenses will be expelled, with or without continuing educational services, from the student’s regular school for a period not less than 1 full year, will be referred to the criminal justice or juvenile justice system <u>and referred to mental health services identified by the school district pursuant to F.S. 1006.04 and F.S. 1006.07(7), for evaluation and treatment as appropriate:</u></p> <ol style="list-style-type: none">1) Bringing a firearm or weapon, as defined in Chapter 790, to school, to any school function, or onto any school-sponsored transportation or possessing, displaying, using, selling or transmitting a firearm at school.	
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	<p>Note: A student may not be subject to mandatory expulsion proceedings if it is determined that the student immediately* reported or delivered the firearm or weapon to a staff member. *The term “immediately” means without delay as determined by the principal after considering the totality of the circumstances and prior to being reported by another individual.</p> <p><u>It is unlawful 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, other deadly explosive, or weapon of mass destruction as defined in s. 790.166, or concerning the use of firearms in a violent manner against a person or persons.</u></p> <p>2) Making <u>posting, transmitting, including internet/electronic transmission of a threat or false report, to conduct a bomb threat, mass shooting or an act of terrorism in writing or other record in any manner that would allow another person to view the threat,</u> as defined by FS <u>790.161, 790.1615, 790.162, and 790.163, 790.164, 790.165, and 790.166</u> respectively, involving school or school personnel’s property, school transportation, or a school-sponsored activity, including:</p> <p>a. Threatening to throw, project, place, or discharge a destructive device with intent to do bodily harm to any person or with intent to damage any property of any person</p> <p>b. Making a false report, with intent to deceive, mislead, or otherwise misinform a person concerning the placing or planting of any bomb, dynamite, or other deadly explosive, or weapon of mass destruction</p> <p>3) In addition, students found to have committed the following offenses on school property, school-sponsored transportation, or during a school-sponsored activity shall receive the most severe consequences provided in this policy</p>	
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	<p>which shall be mandatory suspension and administrative assignment to the Behavior Intervention Program or expulsion, referral to appropriate counseling services, and may be referred to the local law enforcement agency for criminal prosecution. (See section on Workback. This provision is not available for some of the following offenses.) These acts pose a serious threat to school safety and include:</p> <ul style="list-style-type: none"> ▪ Serious-a Assault/threat – serious ▪ Assault/Threat - high ▪ Arson or attempted arson ▪ Sexual battery (rape) or attempted sexual battery (rape) ▪ Possessing/displaying/using/selling/transmitting of a Class A weapon ▪ Homicide ▪ Kidnapping or abduction ▪ Bringing, possessing, using, or selling of any explosive propellant or destructive device ▪ Robbery or attempted robbery ▪ Armed robbery or attempted armed robbery ▪ Motor vehicle theft ▪ Serious-b Battery - serious ▪ *Battery on School Board of Broward County employee, sports official, or other specified officials as listed in F.S. 784.07 and 1006.13(5) ▪ *Battery on a law enforcement officer, firefighter, emergency medical care provider, and others as listed in F.S. 784.07 ▪ *Found, by a court, to have committed an assault on specified officials, or School Board employees or sports official. (F.S. 784.081) ▪ *Found, by a court, to have committed an assault on a law enforcement officer, firefighter, emergency medical care provider, etc., (F.S. 784.07) ▪ Extortion 	
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	<ul style="list-style-type: none"> • Threatening to throw, project, place, or discharge a destructive device that may cause bodily harm to any person or damage any property of any person • Making a false report, concerning the placing or planting of any bomb, dynamite, or other deadly explosive ▪ Hazing (F.S. 1006.135) <p>*When charged with these acts, the student shall be immediately removed from the classroom and placed in an alternative school setting pending disposition (F.S. 1006.13(5)).</p> <p><i>Note: A recommendation for the Behavior Intervention Program assignment via the Expulsion Abeyance Office, applies when an elementary level student commits an offense, within this section for which a secondary level student would receive a mandatory expulsion under this policy. However, Class "A" Weapons, Bomb Threat (Placing) and Bomb Threat (False Reporting), shall be expellable offenses for all students, Grades K-12 (F.S. s. 1006.13(3)).</i></p>	
50	<p>Change:</p> <p>WORKBACK PROGRAM OPPORTUNITIES</p> <p>Success within all Workback programs shall be based upon the requirements of the Workback agreements as determined by the District case managers. Workback requirements are reviewed with the student by the District case manager and include specific responsibilities the student must comply with to be considered for</p>	Alignment to Policy 5006

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	Workback.	
	<u>SECTION IV INCIDENTS</u> Elementary Students	
	a. Arson or attempted arson <u>Assault/threat – medium</u>	
	b. Sexual battery (rape) or attempted sexual battery (rape) <u>Physical attack</u>	
	c. Possession, use, sale, or transmittal of a firearm, electric weapon or device, or flare gun <u>Sexual assault</u>	
	d. Homicide <u>Sexual harassment</u>	
	e. Kidnapping or abduction <u>Sexual misconduct (sexual offense)</u>	
	f. Armed robbery or attempted armed robbery <u>False accusation against school staff</u>	
	g. Battery of a School Board of Broward County employee <u>Gang activity</u>	
	h. Battery on a law enforcement officer <u>Other criminal actions/delinquent act</u>	
	<u>SECTION V INCIDENTS</u> Secondary Students	
	a. Arson or attempted arson <u>Bomb threat</u>	

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	<u>(placing/actual)</u>		
	b. Sexual battery (rape) or attempted sexual battery (rape) <u>Assault/threat-serious</u>		
	c. Possession, use, sale, or transmittal of a firearm, electric weapon or device, or flare gun <u>Assault/threat - high</u>		
	d. Homicide <u>Arson or attempted arson</u>		
	e. Kidnapping or abduction <u>Sexual battery (rape) or attempted sexual battery (rape)</u>		
	f. Armed robbery or attempted armed robbery <u>Class A weapon</u>		
	g. Second and subsequent offense for use/possession of an unauthorized substance <u>Homicide</u>		
	h. Third and subsequent offenses of sale, attempted sale, and/or transmittal of alcohol or alcoholic beverages, including substances held out or represented to be alcohol or alcoholic beverages <u>Kidnapping or abduction</u>		
	i. Second and subsequent offenses of sale, attempted sale, and/or transmittal of drugs or mood-altering substances, unauthorized substances, or other substances held out or represented to be drugs or mood-altering substances, other than alcohol or alcoholic		

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	<p>beveragesRobbery or attempted robbery</p> <p>j. Battery of a School Board of Broward County—employeeArmed robbery or attempted armed robbery</p> <p>k. Battery on a law enforcement officerMotor vehicle theft</p> <p>l. Battery – serious</p> <p>m. Battery on School Board employees, sports officials, law enforcement, fire fighters & emergency medical care providers</p> <p>n. Hazing</p>		
52	<p>Change:</p> <p style="text-align: center;">OUT-OF-DISTRICT EXPULSIONS AND OTHER ACTIONS</p> <p>If a student who has been expelled or dismissed from another district, charter school or private school wishes admission, he/she shall be placed in an appropriate expulsion abeyance program or a program designated by the Superintendent/designee for a period of time to commensurate with the terms of the original expulsion. The student shall also be referred to mental health services identified by the school district pursuant to s.1012.584(4), when appropriate, at the direction of the district school board</p> <p>Note: Per F.S. 1006.07(1)(b), upon receipt of an out-of-district final order of expulsion, the order shall be recorded in the records of the receiving school district and the expelled student shall be advised of the final order of expulsion.</p>	Alignment to Policy 5006	

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53-54	<p>Change:</p> <p style="text-align: center;">OTHER DEFINITIONS FOR THIS POLICY</p> <p>Assault is defined as an intentional, <u>unlawful</u> threat by words or action to do harm <u>violence</u> to the another person <u>of another</u>, coupled with an apparent ability to <u>do so</u>, carry out the threat, and/or committing <u>and doing some</u> an act <u>which</u> that creates a well-founded fear in such person that such violence is imminent.</p> <p>Battery is defined as an <u>actually and</u> intentionally touching or striking another person without their consent or against their will <u>of the other</u> or <u>intentionally</u> causing bodily harm <u>injury</u> to another person. In the case of “battery on a School Board employee” or “Law Enforcement Officer” there must be evidence of <i>an unprovoked, deliberate act</i> with intent to cause physical harm to the person.</p> <p>Unauthorized Substances/Drugs include any</p> <ol style="list-style-type: none"> 1. <u>substance/drug deemed illegal under Chapter 893</u> 2. <u>drug or controlled substance that constitute a felony under Florida statute</u> 3. <u>derivatives of the cannabis sativa plant, including, but not limited to, marijuana and hemp, and derivatives of such, including, but not limited to THC and CBD products</u> 4. <u>prescription medication not prescribed for the student who is in possession of the medication, or any prescription medication not authorized by Policy 6305.</u> 	Alignment to Policy 5006
Appendix	Discipline Matrices Updated	