

POLICY 5006
DISCIPLINE POLICY: SUSPENSION AND EXPULSION
2012-2013

THE INTENT OF THIS POLICY IS TO PROVIDE FOR THE MAINTENANCE OF A SAFE, ORDERLY AND PEACEFUL EDUCATIONAL ENVIRONMENT FOR ALL STUDENTS AND TO ALIGN WITH ZERO-TOLERANCE LEGISLATION AND STATUTORY REQUIREMENTS.

THIS POLICY, ITS RULES, AND PROCEDURES SHALL APPLY TO ALL ACTIVITIES OCCURRING ON SCHOOL GROUNDS, ON OTHER SITES BEING USED FOR SCHOOL ACTIVITIES, AND IN ANY VEHICLE AUTHORIZED FOR THE TRANSPORTING OF STUDENTS. FURTHER, THIS POLICY, ITS RULES AND PROCEDURES SHALL ALSO APPLY TO ALL SCHOOL-AUTHORIZED FUNCTIONS AND/OR ACTIVITIES, INCLUDING, BUT NOT LIMITED TO, FIELD TRIPS, ATHLETIC EVENTS, AND CLUB ACTIVITIES. THIS POLICY SHALL BE APPLIED EQUALLY TO ALL STUDENTS WITHOUT DISCRIMINATION BASED ON ECONOMIC STATUS, RACE, RELIGION, NATIONAL ORIGIN, SEXUAL ORIENTATION, ETHNICITY OR DISABILITY (FOR STUDENTS WITH DISABILITIES ELIGIBLE UNDER THE INDIVIDUALS WITH DISABILITIES EDUCATION ACT [IDEA] OR SECTION 504, THERE ARE ADDITIONAL RIGHTS THAT MUST BE APPLIED).

ALL STUDENTS HAVE A RIGHT TO A HIGH-QUALITY EDUCATION. AS SUCH, SCHOOL DISCIPLINARY MEASURES SHOULD NOT BE USED TO EXCLUDE STUDENTS FROM SCHOOL OR OTHERWISE DEPRIVE THEM OF SUCH AN EDUCATION, UNLESS IT IS NECESSARY TO PRESERVE THE SAFETY OF STUDENTS AND STAFF.

THE DISTRICT WILL MAKE EVERY REASONABLE EFFORT TO CORRECT STUDENT MISBEHAVIOR THROUGH SCHOOL-BASED RESOURCES AT THE LOWEST POSSIBLE LEVEL, AND TO SUPPORT STUDENTS IN LEARNING THE SKILLS NECESSARY TO ENHANCE A POSITIVE SCHOOL ENVIRONMENT AND AVOID NEGATIVE BEHAVIOR. THE VAST MAJORITY OF DISCIPLINARY ISSUES SHOULD BE ADDRESSED AT THE CLASSROOM LEVEL BY TEACHERS. IN ALL INSTANCES, SCHOOL DISCIPLINE SHOULD BE REASONABLE, TIMELY, FAIR, AGE-APPROPRIATE, AND SHOULD MATCH THE SEVERITY OF THE STUDENT'S MISBEHAVIOR. ANY DISCIPLINARY OR PROSECUTORIAL ACTION TAKEN AGAINST A STUDENT WHO VIOLATES THIS POLICY MUST BE BASED ON PARTICULAR CIRCUMSTANCES OF THE STUDENT'S MISCONDUCT.

THE DISCIPLINE MATRIX, ATTACHED AS APPENDIX A TO POLICY 5.8, CODE OF STUDENT CONDUCT, IS HEREBY INCORPORATED INTO AND MADE PART OF THIS POLICY. THE DISCIPLINE MATRIX SETS FORTH THE GUIDELINES FOR ASSIGNING 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 DISCIPLINE MATRIX IF HE OR SHE DETERMINES IN HIS OR HER SOLE DISCRETION THAT THERE ARE MITIGATING OR AGGRAVATING CIRCUMSTANCES.**

STUDENTS ELIGIBLE FOR PUBLIC-SUPPORTED EDUCATION IN THE BROWARD COUNTY PUBLIC SCHOOL SYSTEM SHALL NOT BE SUSPENDED OR EXPELLED FROM SCHOOL FOR DISCIPLINARY REASONS FOR ANY PERIOD UNLESS SUCH STUDENT IS PROVIDED AN OPPORTUNITY FOR A STUDENT CONFERENCE/HEARING PURSUANT TO RULES OF THE SCHOOL BOARD. STUDENTS WHO ARE IDEA AND SECTION 504 ELIGIBLE HAVE SUPPLEMENTAL RIGHTS UNDER THE INDIVIDUALS WITH DISABILITIES EDUCATION ACT (IDEA) AND STATE BOARD RULE.

STUDENTS WITH DISABILITIES WHO ARE ELIGIBLE UNDER THE INDIVIDUALS WITH DISABILITIES EDUCATION ACT (IDEA) OR SECTION 504 OF THE REHABILITATION ACT OF 1973 (SECTION 504) HAVE SUPPLEMENTAL RIGHTS UNDER IDEA OR SECTION 504 AND STATE BOARD RULE. THE STUDENT'S INDIVIDUAL EDUCATION PLAN OR 504 PLAN TEAM SHOULD CONVENE AS SOON AS POSSIBLE TO ADDRESS THE STUDENT'S PROGRAM AND DETERMINE APPROPRIATE ACTION, INCLUDING, BUT NOT LIMITED TO, CONDUCTING MANIFESTATION DETERMINATIONS.

AS NECESSARY.

ALL STEPS NECESSARY TO PROTECT THE VICTIM, OF ANY ACTS SET FORTH IN THIS POLICY, FROM FURTHER VICTIMIZATION WILL BE TAKEN. WITH INFRACTIONS THAT REQUIRE MANDATORY EXPULSION (SEE SECTION V), OR INVOLVE SERIOUS, REPEATED ACTS OF BULLYING, SUCH ACTIONS MAY INCLUDE ASSIGNMENT OF THE STUDENT (PERPETRATOR) TO A DIFFERENT SCHOOL FROM THAT WHERE THE OFFENSE OCCURRED. ONLY THE SUPERINTENDENT/DESIGNEE MAY ASSIGN A STUDENT TO ANOTHER SCHOOL AFTER COMPLETION OF THE MANDATORY REQUIREMENTS FOR EXPULSION ABEYANCE OR AFTER COMPLIANCE WITH THE BULLYING COMPLAINT PROCEDURES. SHOULD THE DISTRICT MAKE SUCH A REASSIGNMENT, TRANSPORTATION WILL BE PROVIDED BY THE DISTRICT. ALL "NO CONTACT ORDERS" ENTERED BY A COURT SHALL BE ENFORCED. TRANSPORTATION IS NOT PROVIDED BY THE DISTRICT WHEN THERE IS A COURT ORDER FOR NO CONTACT REQUIRING REASSIGNMENT OF THE STUDENT TO ANOTHER SCHOOL, UNLESS THERE IS TRANSPORTATION AVAILABLE AT NO ADDITIONAL COST TO THE DISTRICT.

RULES, PROCEDURES AND DEFINITIONS RELATED TO DISCIPLINARY ACTION, SUSPENSION AND EXPULSION ARE ORGANIZED INTO THE FOLLOWING SECTIONS IN THE POLICY:

- SECTION I** Offenses Leading to and Procedures for Disciplinary Action and/or Suspension
- SECTION II** Over the Counter Medication, Use, Possession, Sale, and/or Transmittal Leading to Suspension and Possible Expulsion
- SECTION III** Drug and Substance Abuse Offenses Leading to Suspension and Possible Expulsion (non-drug and non-substance abuse offenses)
- SECTION IV** Other Offenses Leading to and Procedures for Suspension and Possible Expulsion
- SECTION V** Mandatory Expulsion Offenses and Procedures
- SECTION VI** Reporting to Law Enforcement Requirements
- SECTION VII** Definitions

SECTION I: OFFENSES LEADING TO AND PROCEDURES FOR DISCIPLINARY ACTION AND/OR SUSPENSION

A. OFFENSES/UNACCEPTABLE BEHAVIOR

A student shall be subject to disciplinary action and/or placement in an assigned School Board approved program as deemed appropriate by the principal/designee when the student commits such acts deemed as “petty acts of misconduct” (i.e., acts which do not, directly or indirectly, pose a significant risk of serious injury) including, but not limited to the following:

- 1 Willfully disobeys
- 2 Openly defies authority of a member of the staff
- 3 Uses profane or obscene language
- 4 Repeatedly exhibits behavior that interferes with the teacher’s ability to communicate effectively
- 5 Commits petty theft
- 6 Is found to have intentionally made false accusations against a member of the school staff that could jeopardize the employee’s employment, professional reputation or certification
- 7 Has possession of drug paraphernalia

B. PROCEDURES FOR DISCIPLINARY ACTION OTHER THAN OUT OF SCHOOL SUSPENSION

For the commission of any of the above behaviors, principal or designee may implement any of the following disciplinary actions including, but not limited to:

- 1 Conference with the student and parent/guardian.
- 2 Counseling
- 3 Detention
- 4 In-school suspension
- 5 Saturday school
- 6 Alternative to suspension
- 7 Suspension from bus transportation but not from school
- 8 * Restorative Justice
- 9 * Civil Citation

* Only the identified schools as determined by the Superintendent participating in a pilot program, may use these disciplinary actions as alternatives to out of school suspension.

Where the use of any of these actions constitutes a change in placement for a student with a disability, the principal or designee must involve the IEP/504 Team in the placement determination.

C. PROCEDURES FOR SUSPENSIONS FROM SCHOOL AND SCHOOL ACTIVITIES

The principal or designee shall have the right to suspend a student from school and/or all school activities for a period of time up to ten (10) days. Students with disabilities (IDEA eligible and 504) cannot be suspended out of school

for more than 10 school days in a school year without providing a free and appropriate public education (FAPE). All out-of-school suspensions shall include a provision for schoolwork to be completed (FS 1003.01(5)(a)). School Board Policy 5.5 provides the provision for make-up work related to suspension.

The following procedures shall be followed for all disciplinary actions:

1. Student Conference/Hearing – Due Process

- a. The student shall be given an oral and/or written notice of the charge(s) against him/her, including the basis for the charge(s).
- b. If the student denies the charge(s), the student shall be given an explanation of the charges and an opportunity to respond.
- c. If a determination has been made that the student should be suspended, the principal/designee shall immediately attempt to contact the parent or guardian by phone and provide documentation of attempted notification.
- d. Notice of the suspension, using the district-approved suspension form, shall be sent within twenty-four (24) business hours from the suspension decision by mail or hand-delivered to the parent/guardian (F.S. 1006.09(1)(b)) or to the student, if the student is not a dependent (18 years or older) student as defined in the Internal Revenue Code §152 or ~~and~~ has been emancipated per Florida Statute, Section 743.015 or whose parent is unknown as per policy 5.5: Attendance.

2. Emergency Suspension

If, in the opinion of the principal/designee, there is justifiable reason to believe that a student conference/hearing prior to suspension is not feasible because the student's presence at school poses a continuing danger or an ongoing threat of disruption to the orderly conduct of school, then the principal/designee may immediately suspend the student and subsequently conduct a student conference/hearing within 72 hours of the student's removal. In the case of a student with a disability, the IEP/504 Team should convene as soon as possible to address the student's program and to determine appropriate action.

- 3. Suspension From School Board Transportation** The principal/designee shall have the right to suspend a student from bus transportation for recurring, unacceptable bus behavior. The suspension may be for a period of time up to ten consecutive school days. Any further exclusion from bus transportation beyond that described requires School Board approval. When determination has been made that the student will be suspended from bus transportation, the principal/designee shall immediately contact the parent or guardian and provide documentation of notification. In the case of a student with a disability where transportation is an IEP related service or 504 Plan accommodation for the student, suspension from the bus may constitute a change in placement and the student's IEP/504 Team will need to be involved if suspension from the bus will total more than ten (10) school days in the school year.

PREVENTING RECIDIVISM through OPPORTUNITIES, MENTORING, INTERVENTIONS, SUPPORTS and EDUCATION (PROMISE)

PROMISE is an intervention-based program designed to correct student behaviors that violate this policy or Policy 5.8: Code of Student Conduct through a comprehensive set of supports and education. PROMISE is designed to address these policy violations that rise to the level of entrance into the delinquency system. The intent of PROMISE is to safeguard the student from entering the said system.

The list of PROMISE eligible incidents are outlined below.

- 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. Fighting-Mutual Combat
- 10. False Accusation Against School Staff

- 11. Assault/Threat (no harm or injury)
- 12. Theft-Petty <\$300
- 13. 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, then they 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.

Should the parent/student still refuse to participate in the PROMISE program, the child may be arrested.

When a parent/student accepts the PROMISE program 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 arrested.

SECTION II: MEDICATIONS, USE, POSSESSION, SALE, AND/OR TRANSMITTAL LEADING TO SUSPENSION AND POSSIBLE EXPULSION

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).

General Information - Violations of Policy 6305:

- School Board Policy 6305, Administration of Medications/Treatments, provides the guidelines for the administration of medication and/or treatment for students receiving prescription and over the counter (OTC) medication.
- A new Authorization for Medication/Treatment Form must be completed and signed by the healthcare provider and parent for any medication(s), changes in dosage, or changes in current medication(s).
- ~~As per Pursuant to~~ Policy 6305, students with special health conditions, e.g., asthma, diabetes and hypersensitivity, regardless of grade, may carry medication on self, only if approved by their physician and noted on the Medication/Treatment Authorization form.
- All other medications, including over-the-counter, must be transported by the parents/guardians. Therefore, students are prohibited from possessing any medication while on school grounds, except as indicated above.
- Students found to be in violation of School Board Policy 6305 shall be subject to the disciplinary action identified below.

A. ~~USE AND/OR POSSESSION OF UNAUTHORIZED OVER-THE-COUNTER MEDICATIONS AND SALE OR ATTEMPTED SALE, AND/OR TRANSMITTAL OF AUTHORIZED OR UNAUTHORIZED OVER THE COUNTER MEDICATIONS~~ IS PROHIBITED.

~~1. The first time occurrence for the use and/or possession of over the counter medications and sale or attempted sale, and/or transmittal of authorized or unauthorized over the counter medications, shall be counted at any time during which the student is enrolled in a Broward County Public School. If the 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.~~

1. First and Second Offense Procedures:

~~ba. Upon committing the first or second offense, a student may be referred to the area substance abuse case manager who shall refer the student to an appropriate counseling program. the substance shall be confiscated from the student. The student shall receive a verbal warning and the parent shall be notified. School administration shall inform the parent if medication (prescribed or over-the-counter) needs to be taken/carried by the student, then an Authorization for Medication/Treatment form should be completed annually or as needed by the parent and a physician.~~

~~2. Second Offense Procedures:-~~

~~a. The student shall be suspended from the regular school program for one to two (1-2) days. In the case of a student with a disability, the IEP/504 Team should convene as soon as possible to address the student's program and to determine appropriate action.~~

~~b. The student may be referred to the area substance abuse counselor.~~

3. Third and Subsequent Offenses Procedures:

a. The student shall be administered a consequence suspended for a ten (10) day out of school suspension as outlined by the Discipline Matrix (see Policy 5.8: Code of Student Conduct – Appendix A). ~~In the case of student with a disability, the IEP/504 Team should convene as soon as possible to address the student's program and to determine appropriate action.~~

b. The students shall be referred to the District substance abuse case manager.

~~e. The incident shall be considered first offense under Section III (A) of this policy.~~

Note: Use of over-the-counter medication in excess of the manufacturer's prescribed limits may be treated as a mood-altering substance and assigned a consequence under Section III of this policy.

B. SALE, ATTEMPTED SALE, AND/OR TRANSMITTAL OF AUTHORIZED OR UNAUTHORIZED OVER-THE-COUNTER MEDICATION IS PROHIBITED.

1. First Offense Procedures:

a. Upon committing the first offense, the substance shall be confiscated from the student. The parent shall be notified and the student shall receive a consequence as outlined by the Discipline Matrix (see Policy 5.8: Code of Student Conduct – Appendix A).

2. Second and Subsequent Offense Procedures:

a. Upon committing the second and subsequent offense, the substance shall be confiscated from the student. The parent shall be notified and the student shall receive a consequence as outlined by the Discipline Matrix (see Policy 5.8: Code of Student Conduct – Appendix A).

b. The student shall be referred to the District's substance abuse case manager.

SECTION III: DRUG AND SUBSTANCE ABUSE OFFENSES LEADING TO SUSPENSION AND POSSIBLE EXPULSION OR MANDATORY EXPULSION

General Information:

- 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 alcoholic beverage or inhalant, and shall be exempt from civil liability when making such reports.
- 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.

A. USE, POSSESSION, AND/OR BEING UNDER THE INFLUENCE OF MOOD-ALTERING SUBSTANCES

Use, possession, and/or being under the influence of mood-altering substances, including alcohol and alcoholic beverages, is prohibited.

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).

1. First Offense Procedures:

a. ~~The first time occurrence for the use, possession or being under the influence of mood altering substances, including alcohol and alcoholic beverages, shall be counted at any time during which the student is enrolled in a Broward County Public School. If the 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.~~

b. Elementary students, (Grades K-5): The student shall be suspended from the regular school program for ~~ten (10)~~ four (4) days and referred to the District substance abuse case manager who shall refer the student to an appropriate counseling program. ~~Two (2) Up to seven (7)~~ days of the suspension ~~may be 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 ~~full ten (10) initial four (4)~~ day suspension shall be imposed. ~~In the case of a student with a disability, the IEP/504 Team should convene as soon as possible to address the student's program and to determine appropriate action.~~

c. Secondary students, (Grades 6-12): 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.

2. Second Offense Procedures:

a. Elementary students, (Grades K-5): The student shall be suspended from the regular school program for ten (10) days and referred for the Behavior Intervention Program. ~~expulsion shall be mandatory. In the case of a student with a disability, expulsion would constitute a change in placement and would require action by the IEP/504 Team. The student shall be placed on a Probationary Substance Contract in lieu of the Behavior Intervention Program Assignment. The Behavior Intervention 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 a Behavior Intervention Program, with Substance Workback. The student shall complete the state-certified drug/alcohol rehabilitation or treatment program with a certified addiction professional.

~~b. The student shall be placed in an expulsion abeyance program and the expulsion shall be held in abeyance if the student completes a state-certified drug/alcohol rehabilitation program or a treatment program with a certified addiction professional.~~

~~e.~~ The student may return to ~~the 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.

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

3. Third and Subsequent Offenses Procedures:

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 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. ~~The student shall be suspended from the regular school program for ten (10) days and expulsion shall be mandatory. In the case of a student with a disability, expulsion would constitute a change in placement and would require action by the IEP/504 Team.~~

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)). ~~In the case of a student with a disability, expulsion would constitute a change in placement and would require action by the IEP/504 Team.~~ 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 no Workback allowed and shall complete a state certified drug/alcohol rehabilitation program. In the case of a student with a disability, the IEP/504 Team should convene as soon as possible to address the student's program and to determine appropriate action.~~ 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 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. USE/POSSESSION OF UNAUTHORIZED SUBSTANCES IS PROHIBITED

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).

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.

First Offense Procedures:

1. 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 for a period of one (1) calendar year

commencing with the date of the offense, with Substance Workback. The student shall complete the District approved or state-certified drug 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.

2. Secondary students, (Grades 6-12): The student shall be suspended from the regular school program for ten (10) days and expulsion shall be mandatory. ~~In the case of a student with a disability, expulsion would constitute a change in placement and would require action by the IEP/504 Team.~~ 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. ~~Workback option is allowed as referenced in this Policy under SECTION V, B, #6.~~ The expulsion shall be held in abeyance if the student completes the District approved or state-certified drug rehabilitation or treatment program with a certified addiction professional. ~~In the case of a student with a disability, the IEP/504 Team should convene as soon as possible to address the student's program and to determine appropriate action.~~ 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.

Second and Subsequent Offense Procedures:

1. 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, for a period of one (1) calendar year commencing with the date of the offense, with Substance Workback. The student shall complete the District approved or state-certified drug rehabilitation or treatment program. 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.
2. Secondary students, (Grades 6-12): The student shall be suspended from the regular school program for ten (10) days and expulsion shall be mandatory. ~~In the case of a student with a disability, expulsion would constitute a change in placement and would require action by the IEP/504 Team.~~ 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 no Workback option allowed. The student shall complete the District approved or state-certified drug 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. ~~In the case of a student with a disability, the IEP/504 Team should convene as soon as possible to address the student's program and to determine appropriate action.~~
3. ~~The student must complete a State Certified drug rehabilitation program~~

C. SALE, ATTEMPTED SALE, AND/OR TRANSMITTAL: 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~~ is prohibited on a school campus or any school or School Board of Broward County sponsored event.

Note: Broward School employees shall report this offense to the Department of Children and Families (F.S. 39.201) as appropriate.

I. PROCEDURES FOR SALE, ATTEMPTED SALE, AND/OR TRANSMITTAL OF ALCOHOL OR ALCOHOLIC BEVERAGES, INCLUDING SUBSTANCES HELD OUT OR REPRESENTED TO BE ALCOHOL OR ALCOHOLIC BEVERAGES:

First Offense Procedures:

- a. Elementary students, (Grades K-5): The student shall be referred to the District substance abuse case manager who shall refer the student to an appropriate counseling program. The student shall be assigned to internal suspension for one to two (1-2) days.
4. b. Secondary students, (Grades 6-12): The ~~s~~student shall be suspended from the regular school program for

ten (10) days and expulsion shall be mandatory. ~~In the case of a student with a disability, expulsion would constitute a change in placement and would require action by the IEP/504 Team.~~ The student shall be placed in the Expulsion Abeyance Program not to exceed for a period of one (1) calendar year commencing with the date of the offense, with no Substance Workback allowed. ~~In the case of a student with a disability, the IEP/504 Team should convene as soon as possible to address the student's program and to determine appropriate action.~~ The expulsion shall be held in abeyance if the student completes the District approved or state-certified 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.

Second Offense Procedures:

a. Elementary students, (Grades K-5): The student shall be referred to the District substance abuse case manager who shall refer the student to an appropriate counseling program. The student shall be suspended from the regular school program for two (2) days.

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 in the expulsion abeyance program for a period of one (1) calendar year commencing with the date of the offense, with Workback. The expulsion shall be held in abeyance if the student completes the District approved or state-certified alcohol rehabilitation or treatment program with a certified addiction professional and all other components of the prescribed Workback Program. The District substance abuse case manager shall monitor/verify that the student has completed the program.

Third and Subsequent Offense Procedures:

a. Elementary students, (Grades K-5): The student shall be referred to the District substance abuse case manager who shall refer the student to an appropriate counseling program. The student shall be suspended from the regular school program for four (4) days.

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 in the expulsion abeyance program for a period of one (1) calendar year commencing with the date of the offense, with no Workback. The student shall complete a District approved or state-certified 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.

~~*Note:— Students found to have sold, attempted to sell or transmitted alcohol or alcoholic beverages shall be eligible for Workback. See Workback section for details.~~

2. PROCEDURES FOR 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:

First Offense Procedures:

a. Elementary students, (Grades K-5): The student shall be referred to the District substance abuse case manager who shall refer the student to an appropriate counseling program. The student shall be suspended from the regular school program for two (2) days.

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 in the expulsion abeyance program for a period of one (1) calendar year commencing with the date of the offense, with Workback. The expulsion shall be held in abeyance if the student completes the District approved or state-certified drug rehabilitation or treatment program with a certified addiction professional and all other components of the prescribed Workback Program. The District substance abuse case manager shall monitor/verify that the student has completed the program.

Second Offense Procedures:

a. Elementary students, (Grades K-5): The student shall be referred to the District substance abuse case manager who shall refer the student to an appropriate counseling program. The student shall be suspended from the regular school program for three to five (3-5) days.

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 in the expulsion abeyance program for a period of one (1) calendar year commencing with the date of the offense, with no Workback. The student shall complete a District approved or state-certified drug 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.

Third and Subsequent Offense 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 for a period of one (1) calendar year commencing with the date of the offense, with Workback. The student shall complete the District approved or state-certified drug 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.

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 in the expulsion abeyance program for a period of one (1) calendar year commencing with the date of the offense, with no Workback. The student shall complete a District approved or state-certified drug 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.

SECTION IV: OTHER OFFENSES (NON-DRUG AND NON-SUBSTANCE ABUSE OFFENSES) LEADING TO AND PROCEDURES FOR SUSPENSION AND POSSIBLE EXPULSION

A. OFFENSES (AS DEFINED IN SECTION VII) A STUDENT SHALL BE SUSPENDED AND MAY BE RECOMMENDED FOR EXPULSION WHEN THE STUDENT:

1. Repeatedly commits a serious breach of conduct, including, but not limited to, willful disobedience and/or open defiance of authority or violations of Policy 5.9: Anti-Bullying
2. Commits an assault
3. Commits a battery
4. Commits or threatens to commit vandalism/damage to property
5. Commits any act on campus or off campus that substantially disrupts the orderly conduct of the classroom or school activities
6. Commits grand theft, including motor vehicle theft
7. Possesses and/or displays or transmits a Class B weapon
8. ~~Possesses, displays, transmits or handles~~ Use of laser pens/pointers and other laser devices in a manner that could potentially harm or injure another individual
9. 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

10. 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
11. Transmits or distributes any video voyeurism or “sexting” information or images that depict nudity or sexual content as defined in Section II, Definitions of the Code of Student Conduct, Policy 5.8 or that violate the rights of individuals having a reasonable expectation of privacy and/or violate privacy laws
12. 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:
 - a. is found, formally charged by a court to with haveing 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
13. **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 6.**

Note: Administrative reassignment may be imposed when a student is formally charged under 12a above, for an event that takes place off campus and is determined via an administrative hearing that the incident may have adverse impact on the educational program, discipline or welfare in the school in which the student is enrolled (F.S. 1006.09(2)).

B. PROCEDURES FOR DISCIPLINARY ACTION IN LIEU OF EXPULSION

1. For offenses in this category, which shall result in suspension, and may result in recommendation for the Behavior Intervention Program or expulsion, the principal or designee, with the approval of the Executive Director of Student Support Initiatives/designee, may offer the student an Alternative Probationary Contract in lieu of recommending the Behavior Intervention Assignment or expulsion. This contract shall allow the student to continue attending his/her current school under the terms of the probationary contract. The Alternative to Probationary Contract shall remain in effect for one (1) year from the date of execution. If a student transfers to another school during the term of the probationary contract, the terms of the probationary contract will still apply.
2. If the student violates the Alternative Probationary Contract by committing another expellable offense, such violation shall result in a recommendation for expulsion to the School Board. **PROCEDURES FOR MANDATORY EXPULSION: See Section V of this policy.**
3. The principal may recommend to the appropriate Superintendent’s Designee the administrative placement assignment of a student in a disciplinary center for any offenses listed above in Sections IV or V of this policy, which may have resulted in repeated disciplinary action. The recommendation, ~~approved~~ by the Behavior Intervention eCommittee, chaired by the Superintendent’s Designee, will/must include documentation of actions initiated by the home-referring school to address the repeated offenses and will reflect referrals, interventions and outcomes. The length of such placement-assignment and conditions for return to a regular educational program, based on documented program progress, will be determined by a transition team composed of the home-referring school representative(s) and the disciplinary center staff.
4. Instruments or tools which are defined as a weapon in this policy, Section VII, Definitions, may be brought by the student only if needed for class work and with the written request of a teacher, with a description of the instrument(s). The teacher must obtain prior written approval of the principal/designee. However, if such instrument is used as a weapon by the student during school activities or events or on School Board property, all penalties called for in this policy shall apply.

Note: A recommendation for the Behavior Intervention Program applies when the student commits an offense which a secondary student would receive a mandatory expulsion under this policy. Since the policy does not contemplate the expulsion of elementary students (except where noted), other disciplinary actions may be taken (i.e., administrative assignment to the Behavior Intervention Program).

SECTION V: MANDATORY EXPULSION OFFENSES AND PROCEDURES

General Information:

- Students shall not be subject to mandatory suspension and expulsion proceedings when the principal determines that an instrument was used solely for the purpose of self-defense against an aggressor.
- A student shall not be subject to mandatory expulsion proceedings if it is determined that the student immediately* returned a firearm to the person who gave it to him/her, or if the student took a firearm to a staff member or was in the process of taking it to a staff member.

*The term "immediately" means without delay.

A. OFFENSES LEADING TO MANDATORY EXPULSION

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 of not less than one (1) full year, and will be referred to the criminal justice or juvenile justice system:

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.
2. Making a threat or false report, as defined by FS 790.162 and 790.163, respectively, involving school or school personnel's property, school transportation, or a school-sponsored activity, including:
 - a) Threats 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.
 - 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.
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 which shall be mandatory suspension and administrative assignment to the Behavior Intervention Program or expulsion, referral for appropriate counseling services, and may be referred for criminal prosecution to the local law enforcement agency and/or State Attorney's Office. These acts pose a serious threat to school safety, i.e., acts which directly or indirectly pose a significant risk of serious injury.
 1. Serious assault
 2. Arson or attempted arson
 3. Sexual battery (rape) or attempted sexual battery (rape)
 4. Possessing, displaying, using, selling or transmitting a Class A weapon
 5. Homicide
 6. Kidnapping or abduction
 7. Bringing, possessing, using or selling any explosive propellant or destructive device
 8. Robbery or attempted robbery.
 9. Armed robbery or attempted armed robbery
 10. Serious battery
 11. Battery on a School Board employee, sports official, or other specified officials as listed in F.S. 1006.07(g) 784.07 and 1006.13(5)
 12. Battery on a law enforcement officer, firefighter, emergency medical care provider, and others as listed in FS 784.07
 13. Found, by a court, to have committed an assault on specified officials, or School Board employees, or Sports Official (F.S. 784.081)
 14. Found, by a court, to have committed an assault on a law enforcement officer, fire fighter, emergency medical care provider, etc., (F.S. 784.07)
 15. Extortion
 16. Threatening to throw, project, place or discharge a destructive device with that may cause bodily

- harm to any person or with intent to damage any property of any person
17. Making a false report concerning the placing or planting of any bomb, dynamite or other deadly explosive. (F.S. 784.081)

Note: When charged with acts listed in numbers 11 through 14 above the student shall be immediately removed from the classroom and placed in an alternative school setting pending disposition ~~(Chapter 2009-53)~~ (F.S. 1006.13(5)).

B. PROCEDURES FOR EXPULSION:

For those expellable offenses listed in this policy and for which a recommendation for expulsion has been made to the Executive Director of Student Support Initiatives/designee, the following procedures shall be followed:

1. **SUSPENSION & PRE-EXPULSION ~~PLACEMENT ASSIGNMENT~~** Students shall be suspended immediately and a notice sent to the Executive Director of Student Support Initiatives/designee. ~~In the case of a student with a disability action by the IEP/504 Team is required where a change of placement will occur as a result of the suspension.~~ The recommendation for expulsion shall be processed to final conclusion even ~~when though~~ the student in question has withdrawn from the school system subsequent to the violation. Students who are being recommended for expulsion shall be given the opportunity to participate in a Pre-Expulsion Alternative Education Program for a period of time commencing with the end of the ten (10) day suspension.

While in the District approved Pre-Expulsion Alternative Education Program ~~and the subsequent~~/Expulsion Abeyance Program, the student is not permitted on any regular school campus, school grounds or school sponsored events, during this period of time and may be subject to trespass arrest pursuant to F.S. 810.09(1)(b). For non-disabled students, this ~~placement assignment~~ can be executed with or without student or parent permission. Additionally, this ~~placement assignment~~ shall continue until such time the School Board approves a Final Order of Expulsion. ~~In the case of a student with a disability, this would constitute a change in placement and would require action by the IEP/504 Team, including a determination of services that will be offered to a student during any expulsion period.~~

2. **SUSPENSION & PRE-EXPULSION ~~PLACEMENT ASSIGNMENT~~, Special Circumstances and Interim Alternative Educational Setting (IAES) for students with disabilities (IDEA and 504 eligible)**

School personnel may remove a student to an IAES for not more than forty-five (45) school days without regard to whether the behavior is determined to be a manifestation of the student's disability, if the student:

- carries a weapon to or possesses a weapon at school, on school premises, or to a school function under the jurisdiction of a state education agency or school district.
- knowingly possesses, transmits, uses, sells or solicits the sale of illegal drugs/controlled substances while at school, on school premises, or at a school function under the jurisdiction of a state education agency or a school district.
- has inflicted serious bodily injury upon another person while at school, on school premises, or at a school function under the jurisdiction of a state education agency or a school district.

3. PRE-EXPULSION CONFERENCE

The Executive Director of Student Support Initiatives/designee will investigate the alleged offense and provide an opportunity for a Pre-Expulsion Conference with the student and the parent/guardian. During this conference, the Executive Director of Student Support Initiatives/designee shall inform the parent/guardian and student of the expulsion charges and the expulsion procedures, including the right to a formal hearing, as well as their right to be assisted by anyone they choose at their own expense. Additionally, the parent/guardian will be informed that they have the right to call and question witnesses. ~~In the case of a student with a disability, any change in placement would require action by the IEP/504 Team.~~

4. EXPULSION HEARING

If a hearing is requested, either the parent/guardian or student must make the request in writing and submit it to the Executive Director of Student Support Initiatives/designee. The Executive Director of Student Support Initiatives/designee shall schedule the hearing and the Superintendent of Schools/designee shall appoint an impartial Hearing Officer on behalf of the School Board who is not an administrator from the school at issue.

At the conclusion of the hearing, the Hearing Officer shall submit his/her recommended order. The hearing officer's recommended order, with documentary evidence, shall be placed on the next regular School Board meeting agenda. ~~The School Board shall act on the recommended order or, in the case of a student with a disability shall make a recommendation and refer the matter to the IEP/504 Team for appropriate action, including a placement determination.~~ The School Board may reject the hearing officer's findings of fact only if it is determined that there is no substantial competent evidence to support the findings of facts. The School Board may reject the conclusions of law only if it is determined that this policy was misinterpreted or not applied correctly. The School Board may reduce or increase the penalty only upon a review of the complete record and must state with particularity its reasons by citing to the record to justify the action.

~~In the case of a student with a disability, the School Board shall make a recommendation and refer the matter to the IEP/504 Team for appropriate action, including a placement determination.~~

If the parent waives their his/her right to a hearing, a request for the Final Order of Expulsion shall be forwarded by the appropriate Executive Director of Student Support Initiatives/designee for approval by the School Board. ~~In the case of a student with a disability, any change in placement that may occur as a result of these procedures must be made by the IEP/504 Team. The School Board shall act on the recommended order or, in the case of a student with a disability shall make a recommendation and refer the matter to the IEP/504 Team for appropriate action, including a placement determination. The School Board may reject the hearing officer's finding of fact only if it is determined that there is no substantial competent evidence to support the facts. The School Board may reject the conclusions of law only if it is determined that this policy was not applied correctly.~~

~~If the parent waives their right to a hearing, a request for the Final Order of Expulsion shall be forwarded by the Executive Director of Student Support Initiatives/designee for approval by the School Board. In the case of a student with a disability, any change in placement that may occur as a result of these procedures must be made by the IEP/504 Team.~~

5. EXPULSION/EXPULSION ABEYANCE

- a. The expulsion shall commence with the date of the School Board's Final Order or, in the case of student with a disability, the date established by the IEP/504 Team. However, the term of exclusion from the regular school shall not exceed one calendar year from the date of the offense. ~~However Additionally,~~ the expulsion shall be held in abeyance and the student shall be given the opportunity to participate in an established Expulsion Abeyance Program. ~~In the case of a student with a disability, movement to such a program would constitute a change in placement and would require action by the IEP/504 Team.~~
- b. If a student enrolls in an Expulsion Abeyance Program or in a program designated by the Superintendent and successfully completes the program, the expulsion shall not be documented on ~~expunged from~~ the student's official transcript. The area student services substance abuse/expulsion case manager will facilitate the student's re-entry into the regular school program, except where otherwise indicated in this policy. In the case of a student with a disability, return to a school placement will may require action by the IEP/504 Team.
- c. The District student services case manager shall monitor/verify that the student has completed the expulsion abeyance or agreed upon program.
- d. Refusal or failure to meet conditions specified in the Expulsion Abeyance Agreement may result in the removal of the abeyance option and the student may be expelled from all programs and schools in the Broward County school system until the duration of the original expulsion has lapsed. ~~In the case of a student with a disability, expulsion would constitute a change in placement and would require action by the IEP/504 Team.~~
- e. The appropriate expulsion code shall be entered into the student's permanent record. This record shall be forwarded to any school requesting that record for the purpose of student admission.

6. WORKBACK

Elementary students, (Grades K-5) shall be administratively placed in the Behavior Intervention Program for one (1) calendar school year. Elementary students may complete a Workback Program within 45-school days and be reinstated to a traditional school program. If the student is unsuccessful at Workback Program completion within 45-school days, then the student shall continue in the Workback Program for up to 90-school days. If the student is unsuccessful after 90 school days, the full term of the administrative assignment shall be served.

Secondary students, (Grades 6-12) shall be expelled for one (1) calendar school year. For infractions that are eligible for Workback consideration, the student may complete the Workback Program within 90-school days and be reinstated to a traditional school program. If the student is unsuccessful after 90-school days, the full term of the expulsion shall be served.

Substance Workback

Substance Workback shall mean that the student is eligible to return to a regular school program upon successful completion of the state-certified rehabilitation or treatment program as determined by the District substance abuse case manager.

~~The Workback Program is designed to allow a student who has been recommended for expulsion to reduce the one year period of expulsion by no more than ninety (90) school attendance days, except where otherwise indicated in this policy.~~

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 Workback. ~~However,~~

~~s~~Students who commit the following offenses are **not** eligible for the Workback Program:

<u>Elementary Students</u>	<u>Secondary Students</u>
a. Arson or attempted arson	a. Arson or attempted arson
b. Sexual battery (rape) or attempted sexual battery (rape)	b. Sexual battery (rape) or attempted sexual battery (rape)
c. Possession, use, sale, or transmittal of a firearm, projectile device* , electric weapon or device, or flare gun	c. Possession, use, sale, or transmittal of a firearm, projectile device* , electric weapon or device, or flare gun
d. Homicide	d. Homicide
e. Kidnapping or abduction	e. Kidnapping or abduction
f. Armed robbery or attempted armed robbery	f. Armed robbery or attempted armed robbery
g. Battery of a School Board of Broward County employee	g. Second and subsequent offense for use/possession of an unauthorized substance
h. Battery on a law enforcement officer	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
	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 beverages
	j. Battery of a School Board of Broward County employee
	k. Battery on a law enforcement officer

- ~~a. Arson or attempted arson~~
- ~~b. Sexual battery (rape) or attempted sexual battery (rape)~~
- ~~c. Possession, use, sale, or transmittal of a firearm, **projectile device***, electric weapon or device, or flare gun~~
- ~~d. Homicide~~
- ~~e. Kidnapping or abduction~~
- ~~f. Armed robbery or attempted armed robbery~~
- ~~g. Second and subsequent offenses for possession or use of an unauthorized substance~~
- ~~h. Third and subsequent offenses for use, or being under the influence of mood altering substances, including alcohol and alcoholic beverages~~

~~i. Sale/attempted sale/transmittal of mood-altering substances~~

~~Note: Students found to have sold, attempted to sell or transmitted alcohol or alcoholic beverages shall be eligible for Workback.~~

~~j. Sale or transmittal of unauthorized substances or the sale or transmittal of the student's own prescription medication.~~

~~k. Battery on a School Board of Broward County employee.~~

~~l. Battery on a law enforcement officer~~

***Elementary students, Grades K-5, (at the time of infraction) in possession of a projectile device on campus or any school-sponsored event, will be eligible for a 45-day Workback program. Students unable to meet the requirements of the 45-day Workback program will have an opportunity to complete a 90-day Workback program.**

***Secondary students, Grades 6-8, (at the time of infraction) in possession of a projectile device on campus or any school-sponsored event, will be eligible for a 90-day Workback program.**

Upon successful completion of the Workback Program, the student shall transition back to the regular school program, except where otherwise indicated in this policy. In the case of a student with a disability, return to a school placement will require action by the IEP/504 Team.

7. OUT-OF-DISTRICT EXPULSIONS

Expulsion or dismissal of a student from any in-state or out-of-state public, private, charter or research school will be honored by the Broward County School Board if the act committed is one that would be grounds for expulsion under this policy.

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 commensurate with the terms of the original expulsion.

SECTION VI: REPORTING REQUIREMENTS

- A. Disciplinary infractions shall be reported to the state in accordance with School Environmental Safety Reporting (SESIR) requirements through the approved reporting tool provided by the School Board.
- B. All SESIR incidents, with the exception of petty offenses as listed in Section I and as defined in Section VII, shall be reported to Broward District Schools Police and the appropriate Law Enforcement Agencies.
- C. Students found to have committed one of the following offenses must be referred to the criminal justice or juvenile justice system:
 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.
 2. Making a threat or false report, as defined by FS 790.162 and 790.163, respectively, involving school or school personnel's property, school transportation, or a school-sponsored activity, including but not limited to:
 - a. Threats 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.
 - 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.
- D. Petty offenses as defined in Section VII should not be reported to Law Enforcement Agencies or Broward District Schools Police.

SECTION VII: DEFINITIONS

- A. Serious assault. An assault in which a Class A or Class B weapon is used to commit the assault.
- B. Serious battery. Committing battery using a Class A or Class B weapon or causing serious injury.
- C. Assault. An intentional threat by words or action to do harm to another person, coupled with apparent ability to carry out the threat, and/or committing an act that creates a well-founded fear in such person that such violence is imminent.
- D. Battery. An intentional touching or striking another person without their consent or against their will or causing bodily injury to another person. In the case of “battery on a School Board employee” or “Law Enforcement Officer” under Section V, Sub-Section B, there must be evidence of *an unprovoked, deliberate act* with intent to cause physical harm to the person.
- E. Injury.
 - Minor Injury:** An injury which solely requires immediate first aid.
 - Serious Injury:** An injury which requires treatment by professional medical personnel.
- F. Change in Placement. For a student with a disability, any disciplinary removal for more than ten (10) consecutive school days or for more than ten (10) days cumulatively in a school year.
- G. Days. Days shall be construed to be school days (as determined by the applicable school calendar) whenever mentioned in this policy.
- H. Grand theft. Taking property worth \$300 or more.

I. Mood-Altering Substance. Any substance that is or may be detrimental to the user or to others. Examples of mood-altering substances may include, but are not limited to:

1. Alcohol or alcoholic beverages
- ~~2. Cocaine~~
- ~~3.2. Marijuana (less than 20 grams)~~
- ~~4.3. Hallucinogens/chemical intoxication~~
- ~~5.4. Inhalants~~
- ~~6. Narcotics, which include hydrocodone and oxycodone~~
- ~~7. Stimulants, which include Ritalin, Adderal, and Ecstasy~~
- ~~8. Depressants, which include Xanax and benzoids~~
- ~~9.5. Steroids~~ Over-the counter medication taken in excess of prescribed amount

“Over-the-counter (OTC) medications” are medications that may be sold directly to a consumer without a prescription from a physician or licensed healthcare provider.

- J. Petty Offenses or Petty Acts of Misconduct. IN addition to those listed in Section I. A., petty offenses are limited to acts that solely constitute violations of School Board policies, infractions or misdemeanors which do not involve bodily harm, including, but not limited to, minor fights or disturbances, disorderly conduct, disrupting a school function, assault without the use of a weapon, battery without serious bodily injury, affray, theft of less than \$300, trespassing, and vandalism of less that \$1,000. Further examples can be found in the Code of Student Conduct, Policy 5.8.
- K. Petty theft. Taking property worth less than \$300.
- L. Possession. Knowing, intentional, deliberate or inadvertent control of any article, object, asset or property.
- M. Self-defense. An attempt to “ward off” an attack, not to accelerate or retaliate, but to stop the process of confrontation and not to become an aggressor in the process of the confrontation.

N. Substantial Disruption. An incident which results in the temporary suspension of the educational process due to a school evacuation, interference with learning activities/educational process, and/or requires the intervention of outside agencies such as the police or fire department.

O. Transmittal. The transfer of an object, thing, electronic message or image, or substance from one person to another. Transmittal does not occur when the person immediately returns the item back to the person who gave it to them or if it is immediately delivered to a teacher or school administrator. (The term "immediately" means without delay.)

P. Unauthorized Substances/Drugs shall include:

a. Any substances deemed to be illegal under Chapter 893, ~~or mood-altering substances.~~

b. Any drugs or controlled substances that constitute a felony under Florida Statute.

~~b.c.~~ Any prescription drug (not prescribed for the student who is in possession of the medication) and any medication not authorized as part of Policy 6305.

Q. Violent Behavior. Behavior using physical force that causes damage or injury or violates or abuses another person or property.

Fighting-Mutual Combat/Altercation. When two or more persons mutually participate in use of force or physical violence that requires either 1) physical restraint or 2) results in injury requiring first aid or medical attention.

Disruptive Behavior. Behavior that causes confusion or disorder or interrupts, interferes, or impedes normal classroom or school activities.

R. Weapons. For purposes of this policy, weapons are defined in two categories, Class "A" or Class "B." An object which can be defined as a Class "A" weapon pursuant to this policy shall be conclusively determined to be a Class "A" weapon and further classifications shall not be considered.

Use/Possession/Transmittal of Class "A" weapons include:

All weapons defined in Chapter 790, Florida Statute and:

- a. Firearms –including, but not limited to, hand gun, zip gun, pistol, rifle, shotgun, and starter gun (operable or inoperable, loaded or unloaded).
- b. Projectile Devices-including, but not limited to: BB guns, pellet (hard or soft) guns, and paint ball guns
- c. Explosive propellants or destructive devices (**operable or inoperable**).
- d. Dirks
- e. Metallic/Brass knuckles
- f. Billie clubs
- g. Tear gas
- h. Electric weapon or device (stun/Taser gun)
- i. Slungshot - A slungshot is a striking weapon consisting of weight or other hard object affixed on a flexible handle or strap
- j. Chemical weapon or device
- k. Flare gun
- l. Knives – All knives, including razor blades, box cutters but excluding blunt-bladed table knives and common pocketknives. A common pocketknife is defined as a folding knife with a blade measuring not greater than three (3) inches.

Use/Possession/Transmittal of Class "B" weapons include:

- a. Toy gun possession
- b. Toys which resemble weapons, when used in a threatening manner
- c. Knives – Blunt-bladed table knives and common pocketknives. A common pocketknife is defined as a folding knife with a blade measuring not greater than three (3) inches.
- d. Chains – any chain not being used for the purpose for which it was normally intended, capable of harming an individual

- e. Pipe – any length of metal or other hard substance not being used for the purpose for which it was normally intended
- f. Razor blades of any kind or similar instruments with a sharp cutting edge
- g. Ice picks and other pointed instruments.
- h. Nunchakus, Chinese stars
- i. Pepper spray, Mace device with capacity to hold two ounces or less of the chemical
- j. Any tool or instrument when used in a threatening manner including, but not limited to bullets, shot gun shells, bullet shell casings, magazines or clips
- k. Slingshots – A slingshot is a hand-held and hand-powered device consisting of a frame with attached rubber strap/straps, used for shooting objects

Authority: 1001.41

Laws Implemented: 1006.09, 1006.13, Fla. Stat.

Rule Adopted: 8/2/73 and re-adopted 9/5/74

Approved As Emergency Rule: #ER78-2: 8/17/78; #ER80-14: 10/6/80; #ER85-86-10: 8/15/85; #E93-94-2 : 2/24/94.

Rule Amended: 7/29/76, 3/3/77, 9/21/78, 11/20/80, 6/3/82, 9/5/85, 1/17/89, 10/17/89, 10/15/91, 4/20/93, 7/20/93, 3/15/94, 7/18/95, 1/20/98, 9/15/98, 4/25/00, 4/18/06, 4/21/09, 6/15/10, 4/19/11, 3/20/12, 5/7/13