

SUMMARY OF RECOMMENDED CHANGES

DATE: April 15, 2014

POLICY #: 5006

POLICY TITLE: Discipline Policy: Suspension and Expulsion

Page (Item)	Recommended Change/Addition/Deletion	Rationale
1	Addition: <u>UNDER FLORIDA LAW, THE SUPERINTENDENT OF SCHOOLS/DESIGNEE SHALL HAVE THE AUTHORITY TO REMOVE FROM THE CLASSROOM, THE SCHOOL BUS AND THE SCHOOL CAMPUS DISOBEDIENT, DISRESPECTFUL, VIOLENT, ABUSIVE, UNCONTROLLABLE, OR DISRUPTIVE STUDENTS, IN SUPPORT OF THE AUTHORITY OF TEACHERS, SCHOOL BUS DRIVERS AND SCHOOL PRINCIPALS, AND TO PROVIDE FOR A PROPER PLACEMENT OF SUCH STUDENTS, INCLUDING IN AN ALTERNATIVE SETTING, WHEN APPROPRIATE (F.S. 1001.42, 1001.51(24), 1003.31, 1003.32 AND 1006.08).</u>	Clarifying and aligning language to Florida Statutes
3	Addition: 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 <u>and PROMISE (Preventing Recidivism through Opportunities, Mentoring, Interventions, Supports and Education)</u>	Clarifying language
3	Addition: <u>8. Use, possession, sale, attempted sale or transmittal of tobacco or tobacco related products on school property, school sponsored transportation, or during a school sponsored activity is prohibited</u>	Alignment to Policy 2401
3	Change: B. PROCEDURES FOR DISCIPLINARY ACTION OTHER THAN OUT OF	Clarifying language

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	<p>SCHOOL SUSPENSION</p> <p>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:</p> <ol style="list-style-type: none"> 1. Conference with the student and parent/guardian. 2. Counseling 3. Detention 4. In-school suspension 5. Saturday school 6. Alternative to suspension, including PROMISE 7. Suspension from bus transportation but not from school 8. *Restorative Justice 9. *Civil Citation <p>* 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.</p>	
4-5	<p>Addition:</p> <p>PREVENTING RECIDIVISM through OPPORTUNITIES, MENTORING, INTERVENTIONS, SUPPORTS and EDUCATION (PROMISE)</p> <p>The list of PROMISE eligible incidents are outlined below.</p> <ol style="list-style-type: none"> 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* 	<p>Alignment with the Collaborative Agreement on School Discipline</p>

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	<p>10. False Accusation Against School Staff*</p> <p>11. Assault/Threat (no harm or injury)*</p> <p>12. Theft-Petty <\$300*</p> <p>13. Vandalism/Damage to Property <\$1,000*</p> <p><u>Note: A student, who has accrued three cumulative incidents from the list above, in a school year, shall be referred to the Behavior Intervention Committee. *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 to law enforcement, unless the Discipline Matrix requires such a referral sooner.</u></p>	
11	<p>Addition:</p> <p>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)). <u>The procedures set forth in State Board Rule 6A-1.0956 F.A.C. shall be followed as applicable.</u></p>	Alignment to State Board Rule 6A-1.0956 F.A.C.
11	<p>Change:</p> <p>PROCEDURES FOR DISCIPLINARY ACTION IN LIEU OF EXPULSION</p> <p>Note: A recommendation for the Behavior Intervention Program <u>assignment</u> applies when the<u>an elementary level</u> student commits an offense, <u>within this section for</u> which a secondary <u>level</u> 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).</p>	Clarifying language

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12	<p>Change:</p> <p>SECTION V: MANDATORY EXPULSION OFFENSES AND PROCEDURES</p> <p>General Information:</p> <ul style="list-style-type: none"> Students shallmay not be subject to mandatory suspension and expulsion proceedings when the principal determines that the student used an instrument/object in was used solely for the purpose of self-defense against an aggressor. <u>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.</u> <u>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.</u> 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. <p>*The term "immediately" means without delay.</p>	Clarifying language
12	<p>Addition:</p> <p>A. 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 of not less than one (1) full year, and will be referred to the criminal justice or juvenile justice system:</p> <ol style="list-style-type: none"> 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. <p><u>Note: A student may not be subject to mandatory expulsion proceedings if it is</u></p>	Clarifying language

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	<p><u>determined that the student immediately* reported or delivered the firearm or weapon to a staff member.</u></p> <p><u>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.</u></p>	
13	<p>Addition:</p> <p>A. OFFENSES LEADING TO MANDATORY EXPULSION</p> <p><u>Note: A recommendation for the Behavior Intervention Program assignment 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.</u></p>	Clarifying language
17	<p>Change:</p> <p>M. Self-defense. An attempt to “ward-off <u>prevent</u>” an attack <u>or a threatened injury or,</u> not to accelerate or retaliate, but to stop the process of confrontation. <u>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. and not to become an aggressor in the process of the confrontation.</u></p> <p><u>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.</u></p>	Clarifying language
18	<p>Change:</p> <p>Use/Possession/Transmittal of Class “A” weapons include, all w<u>Weapons and Firearms</u> defined in Chapter 790, Florida Statute. and:</p> <p><u>This category includes, but is not limited to:</u></p>	Alignment to Chapter 790, Florida Statute, addition of ice pick to Class A Weapons & clarification of the term knife

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	<ul style="list-style-type: none">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 gunsc. Explosive propellants or destructive devices (operable or inoperable).d. Dirkse. Metallic/Brass knucklesf. Billie clubsg. Tear gash. 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 strapj. Chemical weapon or device with the capacity to hold more than 2 ounces of the chemicalk. Flare gunl. Ice pickm. 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. Any knife that may inflict harm on another person, or could be used to intimidate/threaten another person, including but not limited to, fixed blade knives, regardless of size, switch blade knives, razor blades, or box cutters, but excluding blunt-bladed table knives and common pocket knives (see Class B Weapons for exclusions). Any knife that may inflict harm on another person, or could be used to intimidate/threaten another person, including but not limited to, fixed blade knives, regardless of size, switch blade knives, razor blades, or box cutters, but excluding blunt-bladed table knives and common pocket knives (see Class B Weapons for exclusions).	
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18	Change:	Clarification of Class B Weapons
	<p>Use/Possession/Transmittal of Class “B” weapons includes s, <u>but is not limited to:</u></p> <ul style="list-style-type: none"> a. Toy gun possession b. Toys which resemble weapons, when used in a threatening manner e. 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. b. Chains — any chain not being used for the purpose for which it was normally intended <u>(i.e., household, industrial)</u> e. c. Pipe — any length of metal or other hard substance not being used for the purpose for which it was normally intended <u>a hollow cylinder or tube made of metal, wood, plastic, or similar material</u> f. Razor blades of any kind or similar instruments with a sharp cutting edge g. d. Ice picks and o Other pointed instruments <u>or sharp objects, other than school supplies (i.e., pencil, compass)</u> h. e. Nunchakus, Chinese stars i. f. <u>Chemical weapon or device such as P</u>pepper spray; <u>or M</u>mace —device with <u>the</u> capacity to hold two ounces or less of the chemical j. g. <u>Any tool or instrument when used in a threatening manner including, but not limited to bullets, Ammunition and any component thereof, including but not limited to, bullets</u> shotgun shells, bullet shell casings, magazines s or clips k. h. Slingshots — A slingshot is a hand-held and hand-powered device consisting of a frame with attached rubber strap/straps, used for shooting objects 	

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	<p><u>i. Flammable liquids or combustible materials</u></p> <p><u>j. Blunt bladed-table knives and common pocket knives. A common pocket knife is a knife that folds into its handle, with a blade measuring three (3) inches or less.</u></p> <p><u>k. Any instrument, tool, object or substance used in a threatening manner toward another person</u></p>	
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