

**THE SCHOOL DISTRICT OF VOLUSIA COUNTY**  
**Community Information Services**  
**Post Office Box 2118, DeLand, Florida 32721-2118**  
**2023-24 School Calendar**

**Make-up days for inclement weather include November 20 and November 21.**

August 8 (Tuesday) ..... Preplanning Begins – Teachers Report

August 14 (Monday)..... First Day of School for Students

September 4 (Monday) ..... Labor Day Holiday

September 22 (Friday) ..... Professional Development Day/Student Holiday

October 16 (Monday)..... Teacher Duty Day/Student Holiday

November 10 (Friday)..... Veterans Day Holiday

November 20 (Monday) ..... Thanksgiving Holiday Begins

*\*\*\*November 20 and 21 will be used as makeup days for inclement weather if needed\*\*\**

November 27 (Monday) ..... Classes Resume

December 18 (Monday) ..... Winter Holiday Begins

January 2 (Tuesday)..... Teacher Duty Day/Student Holiday

January 3 (Wednesday)..... Classes Resume

January 15 (Monday)..... Martin Luther King's Birthday Holiday

February 19 (Monday) ..... President's Day Holiday

March 22 (Friday) ..... Teacher Duty Day/Student Holiday

March 25 (Monday)..... Spring Holiday Begins

April 1 (Monday) ..... Classes Resume

May 27 (Monday)..... Memorial Day Holiday

May 31 (Friday)..... Last Day of School for Students

June 4 (Tuesday)..... Last Day of School for Teachers

## 2022-2023 School Immunization Requirements For School Entry and Attendance

Vaccine / Grade	# of Doses	Pre-K	K	1	2	3	4	5	6	7	8	9	10	11	12
DTP/DT/DTaP	4/5*	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Polio (OPV/IPV)	3/4 **	X	X	X	X	X	X	X	X	X	X	X	X	X	X
MMR	Shot #1	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Measles / MMR	Shot #2	-	X	X	X	X	X	X	X	X	X	X	X	X	X
Tdap/Td	1	-	-	-	-	-	-	-	-	X	X	X	X	X	X
Hepatitis B	2/3***	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Varicella	2/1****	X	X	X	X	X	X	X	X	X	X	X	X	X	X

\* If the 4<sup>th</sup> dose of DTP/DT/DTaP is given on or after the 4<sup>th</sup> birthday, a 5<sup>th</sup> dose is not required.

\*\* If the 3<sup>rd</sup> dose of Polio (OPV/IPV) is given on or after the 4<sup>th</sup> birthday, a 4<sup>th</sup> dose is not required.

\*\*\* Three dose series required for all students entering or attending pre-k and kindergarten. An alternative two dose hepatitis B vaccine series for adolescent 11 through 15 years of age has been approved. Children who receive the two-dose series is in compliance.

\*\*\*\* Beginning with the 2008/2009 school year, children entering kindergarten will be required to receive two doses of varicella vaccine. The one dose varicella requirement started in the 2001/2002 school year. Varicella is not required if there is a history of documented disease.

### Pre K – 5th Grades:

- ☐ Varicella (chicken pox) vaccine, unless the disease has been documented on DH Form 680.

### Kindergarten – 12th Grades:

- ☐ completed diphtheria, tetanus, pertussis series (DTP, DT or DTaP)
- ☐ completed polio series (OPV or IPV)
- ☐ two doses of measles vaccine, preferably MMR
- ☐ completed hepatitis B series

### 7th Grade Requirement

- ☐ Tetanus-diphtheria booster (Td) Tdap
- ☐ a second measles vaccination (preferably MMR)
- ☐ completed hepatitis B series

**\*If a child has not completed a vaccine series (Hepatitis B, DTP, or Polio) which requires more than one shot over a period of months, a Temporary Medical Exemption, with an expiration date, must be completed on the (DH 680) form.**

## FLORIDA CERTIFICATION OF IMMUNIZATION FORM DH 680

Form DH 680, Florida Certification of Immunization, sometimes referred to as the “blue card,” is the only document that schools are permitted to accept as proof of immunization. The child’s name, date of birth, parent/guardian’s name, all the vaccines and dates, and the appropriate section(s) on the reverse side of the form, must be completed. If a child has not had all doses required to complete each immunization series, the Temporary Medical Exemption section (Part B) of the DH 680 should be completed.

### SOME POINTS TO REMEMBER WHEN ACCEPTING DH 680s form:

- The complete date for each immunization must be entered on the front of the form.
- The appropriate section(s) (Part A-1, A-2, B, and/or C) are completed and signed on the reverse side.
- For Permanent Medical Exemptions (Part C), each vaccine and the specific contraindication must be listed. Part C can only be signed by a licensed physician.
- Religious exemptions can only be issued by the Volusia County Health Department.

# School Way Cafe

## School Way Cafe

[Menus](#)[MySchoolBucks](#)[Prices](#)[Special Diet Request](#)[FAQs](#)[VCS Wellness Policies](#)[SWC Permits, Reports and Wellness Policy Plans](#)[Department Contacts](#)[USDA Nondiscrimination Statement](#)[Meal Viewer](#)[Dietary Guidelines for Americans](#)

**We offer complimentary breakfast and lunch to all VCS students attending in-person classes.**

### Meal Prices for Adults and Non-Enrolled Children

- Breakfast: \$2.00
- Lunch: \$3.50

Meals for adults and visiting children who are not enrolled in VCS are not funded by the USDA; therefore, we are required to charge them for meals.

Meals are priced at a breakeven point, which includes the food, supplies, and labor it takes to produce a meal.

#### Optional Online Pre-Payment Service for Snacks

We gladly accept cash and checks for parents who wish to prepay for snacks. Parents may also set up a [MySchoolBucks](#) account to prepay with a credit or debit card.

Parents may find the student's 10-digit ID number on the [VCS Parent Portal](#) needed to create a MySchoolBucks account.

Creating a MySchoolBucks account and viewing student purchase history is free; however, prepayment transactions incur a fee of \$2.75.



# Code of Student Conduct 2022-2023

MIDDLE

HIGH

The Volusia County School District provides translation of the *Parent Resource Manual and Student Code of Conduct*. Request for a translated hard copy may be made to the school principal or an electronic version is available at

[www.VCSEDU.ORG](http://www.VCSEDU.ORG).

**The English language version is considered the most accurate.**

In the event of a disagreement or discrepancy between the translation and the original English version of this handbook or any notice or disclaimer therein, the original English version will prevail.



## Parent Acknowledgment and Consent of Required School Information

Florida law requires school districts to publish important information for public school students and their parents/guardians. This information includes:

1. Student & Family Policy Guide and Code of Student Conduct and Discipline; and
2. Electronic Information Services (EIS) Acceptable Use Agreement for Students and School Board Policy 518, "Use of Electronic Information Services and School Office Equipment."

These documents are available online at <https://www.vcsedu.org/parents/beginning-school-year-forms>. A hard copy of each document is also available at your school's front office.

### PLEASE COMPLETE AND RETURN THIS FORM TO YOUR CHILD'S SCHOOL

Parents/Guardians and students are required to sign this form in the spaces provided below.

Student Name (print): \_\_\_\_\_

Last Name

First Name

MI

School: \_\_\_\_\_ Student ID: \_\_\_\_\_ Grade: \_\_\_\_\_

My signature acknowledges that I have read and understand the documents outlined above, and that I agree to comply with them.

\_\_\_\_\_  
Student's Signature

\_\_\_\_\_  
Date

My signature acknowledges that I have read and understand the documents outlined above, and that I agree to comply with them.

\_\_\_\_\_  
Parent/Guardian Name (print)

\_\_\_\_\_  
Parent/Guardian Signature

\_\_\_\_\_  
Date

### Parent Printed Copy Request

- ☐ Parents/Guardians, please check this box ONLY if you wish to receive a printed copy of the documents for this school year rather than view each document via our district website. Your signature and submission of this document confirms receipt of each document and/or knowledge of their location online.

\_\_\_\_\_  
Receiving Staff Signature

\_\_\_\_\_  
Date

*Staff signature denotes all requirements of this document have been fulfilled to the best of your knowledge (e.g., paper copies have been provided if PARENT PRINTED COPY REQUEST was checked).*

## **Parent Acknowledgment and Consent of Required School Information**

### **Student and Family Policy Guide and Code of Student Conduct and Discipline**

The Student Conduct and Discipline Code is published to communicate the expectations of the School Board for students' behavior in grades K-12 and to summarize the policies of Volusia County Schools related to the management of student conduct. Accordingly, this handbook:

1. Defines the responsibilities and rights of students;
2. Defines the rules of conduct, attendance and the behavioral expectations for students;
3. Establishes the consequences for violations of the rules of conduct; and
4. Describes the procedures for processing disciplinary violations.

**Failure to return this acknowledgment will not relieve a student of the parent(s)/guardian(s) from responsibility for knowledge of the contents of the code and policies and will not excuse non-compliance by the student with the provisions of the code.**

### **Electronic Information Services (EIS) Acceptable Use Agreement for Students**

#### *Computer/Educational Technologies/Internet Use Consent*

- I understand that my computer use is not private and that the District may monitor my activity on the networked communication system.
- I understand that any use of the wireless network provided for student-owned technology in designated classrooms under the direction of the teacher is with the understanding that such is generally not secure, not private, and is not anonymous.
- I understand that any use of Volusia County Schools-owned devices for use at home and school under the direction of specific schools/classrooms is with the understanding that I have read and agree to the terms and conditions outlined by the school.
- I have read the Student Support Services Policy 518 and agree to abide by the provisions. Access to Internet sites is filtered and in compliance with the Children's Internet Protection Act (CIPA). Any attempt to bypass the filter is a violation of district policies and procedures governing student conduct.
- I understand that violation of these provisions may result in revocation of network access or may result in disciplinary action under the Code of Student Conduct.

## Opt-Out Form

### Notice for Release of Student Directory Information Family Educational Rights and Privacy Act (FERPA)

Valid for the 20\_\_\_\_ - 20\_\_\_\_ School Year

\_\_\_\_\_  
Last Name

\_\_\_\_\_  
First Name

\_\_\_\_\_  
Middle Initial

\_\_\_\_\_  
School

\_\_\_\_\_  
Student ID

\_\_\_\_\_  
Grade

In accordance with the School District of Volusia County's Public Notice Regarding Student Records (as published in the Student and Family Policy Guide and Code of Student Conduct and Discipline), I hereby request directory information from my child's education records **not be released** for use by the school district or outside organizations. *Note: The School District of Volusia County limits the release of student directory information to entities with a legitimate educational purpose, such as companies that manufacture class rings or public yearbooks, colleges/universities, and military recruiters.*

*Please note that you have the choice to opt out of releasing all directory information or only address and/or telephone listing. If you choose to opt out from allowing all directory information to be released, your child's name, photograph and other information will not be made available in publications, including:*

- A playbill showing your student's role in a drama production
- The annual yearbook
- Honor roll or other recognition lists
- Graduation programs
- Sports activity sheets, such as for wrestling, showing weight and height of team members
- District and school publications, websites, videos, and social media platforms (including Facebook and Twitter)

The following information is designated as directory information by FERPA and the School District of Volusia County:

- Student's name
- Parent/Guardian's name
- Address
- Telephone listing
- Photograph and images
- Date of birth
- Major field of study
- Dates of attendance
- Grade level
- Participation in officially recognized activities and sports
- Weight and height of members of athletic teams
- Degrees, honors, and awards received
- The most recent educational agency or institution attended

Check options below:

- ☐ Do not release my child's address. (update S313)
- ☐ Do not release my child's telephone listing. (update S313)
- ☐ Do not release any of my child's directory information as defined above (update S319)

\_\_\_\_\_  
Parent/Guardian Name (please print)

\_\_\_\_\_  
Parent/Guardian Signature

\_\_\_\_\_  
Date

This Opt-Out form will become part of the student's cumulative record. After you have read and signed the permission form, please return it to your child's school.



## Media Release

The undersigned hereby authorizes the School District of Volusia County to permit his/her child, named below, to be interviewed, photographed, videotaped and/or sound recorded by staff of Volusia County Schools, community organizations, and members of the news media, with the understanding that the results of these interviews, photographs, videotapes and/or other recordings may be used in any publication, television/radio broadcast, public presentation, website and/or social media platform.

Valid for the 20\_\_\_\_ - 20\_\_\_\_ School Year

Last Name	First Name	Middle Initial
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School	Student ID	Grade
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I represent that I am this child's parent/guardian, and I agree to the foregoing on his/her behalf.

\_\_\_\_\_  
Parent/Guardian Name (please print)

Parent/Guardian Signature	Date
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Revised: 6/2021

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Form # 2005-036

Owner: Community Information

Print Locally



## Media Release

The undersigned hereby authorizes the School District of Volusia County to permit his/her child, named below, to be interviewed, photographed, videotaped and/or sound recorded by staff of Volusia County Schools, community organizations, and members of the news media, with the understanding that the results of these interviews, photographs, videotapes and/or other recordings may be used in any publication, television/radio broadcast, public presentation, website and/or social media platform.

Valid for the 20\_\_\_\_ - 20\_\_\_\_ School Year

Last Name	First Name	Middle Initial
-----------	------------	----------------

School	Student ID	Grade
--------	------------	-------

I represent that I am this child's parent/guardian, and I agree to the foregoing on his/her behalf.

\_\_\_\_\_  
Parent/Guardian Name (please print)

Parent/Guardian Signature	Date
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Revised: 6/2021

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Form # 2005-036

Owner: Community Information

Print Locally



# **CODE OF STUDENT CONDUCT AND DISCIPLINE (208S)**

## **PREFACE**

Prior to the beginning of each school year, the school board may revise the Code of Student Conduct and Discipline. The code shall be applied in a uniform manner throughout the school district. The code shall be distributed to each student and to all teachers and administrators. Additional copies will be made available to other persons upon request. Each school will, to the extent possible, obtain a written acknowledgment of receipt of the code by the student and his/her parents/guardians. The absence of a signed acknowledgment of receipt does not affect the application of the code to every student under jurisdiction of the school board.

The code covers student rights and responsibilities as well as violations of conduct, which could lead to disciplinary responses up to and including expulsion. Discipline problems not listed in the code shall be within the jurisdiction of each school under the guidance of the district discipline office. Each school is authorized to attach local school rules to the Code of Student Conduct and Discipline as long as such rules and regulations do not conflict with this code.

Throughout this code, reference will be made to other policies that are incorporated herein by reference and can be found in full form on the Volusia County School Board Policies website located on BoardDocs.

## **INTRODUCTION**

This Code of Student Conduct and Discipline is intended to address the responsibilities and requirements in regard to student discipline set out in the following sections of the Florida Statutes: section 1006.07 – District School Board Duties Relating to Student Discipline and School Safety; section 1006.13 – Policy of Zero Tolerance for Crime and Victimization; section 1006.08 – District School Superintendent Duties Relating to Student Discipline and School Safety; and section 1006.09 – Duties of the School Principal Relating to Student Discipline and School Safety. The purpose of this code is to make available to school personnel, students, and parents/guardians rules governing student conduct and discipline adopted by the School Board of Volusia County in order to ensure that:

1. students will understand what behavior is expected of them as well as the range of consequences for misbehavior; and
2. students will be assured of fair and consistent treatment and will understand the procedures for discipline and appeal.
3. schools will identify students in need of additional behavioral support and provide positive intervention(s) matched to their needs.
4. schools will inform parent/guardian if more intensive, positive behavioral interventions are required.

The code is intended to be an instructive policy based on interventions and supports for students. However, when consequences are warranted, they shall be implemented based on a system of progressive discipline. Minor infractions and first offenses have a less serious consequence than major infractions and repeat offenses. Factors such as age, grade level, social, emotional, and intellectual development, disability, special education status, other contributing factors to the student's behavior, the degree of harm caused and the student's willingness to repair the harm shall also be considered. Disciplinary issues will be resolved by every means possible prior to exclusion from school, however, it is recognized that some events are of a nature that require immediate removal from the campus. The safety and security of all individuals on campus is paramount.

## **PARENT/GUARDIAN RESPONSIBILITIES**

The cooperation of parents/guardians/family members, school personnel, and students is essential if good discipline in the school is to be achieved. Parents/guardians are expected to contribute to good discipline by:

1. maintaining a positive attitude toward education;
2. showing an interest in their children's progress through regular communication with their children and the school;
3. assuring that their children are neat, clean, and appropriately dressed;
4. ensuring their children's timely daily attendance;

5. reporting and explaining promptly to the school officials any absence;
6. teaching their children respect for authority of school personnel;
7. informing the school immediately of any condition or circumstance, which may affect their children's ability to learn, to attend school regularly, or to participate in school activities;
8. cooperating with school personnel in solving disciplinary problems; and
9. not allowing their children to disrupt the education of others.

### **APPLICATION OF THE CODE**

This code applies to EVERY student who is under the jurisdiction of the School Board of Volusia County. It will be in effect on school property, at other places where teachers and school administrators have jurisdiction over students, such as extracurricular activities (athletics, dances, concerts, field trips, etc.) and applies to all student use of electronic hardware, software, and/or internet applications being used in a class, school, or district activity, including where such use occurs off campus. This code also applies to students when they are being transported on school buses and at all bus stops, to students participating in Hospital/Homebound, Off-campus Instruction Program and for any off-campus conduct as provided by law. In addition, jurisdictional control over students may be extended as per Florida Statute Sections 1006.07, 1006.08, 1006.09, 1006.13, 1006.147, and 1003.31 whenever the conduct of a student is deemed to have a detrimental effect on the health, safety, and welfare of any member of the school community or the learning environment of the school.

### **SAFETY AND SECURITY**

The following safety and security protocols apply to all students, including students with disabilities. The application and enforcement of the safety protocols for a student with disabilities, however, must be in accordance with the student's IEP/BIP/504 plan (when applicable), Rule 6A-6.93312 of the Florida Administrative Code, and Title II of the Americans with Disabilities Act (ADA).

With the increase of security awareness and protocol, Volusia County Schools has implemented the following procedures for the safety and security of students, staff and visitors to Volusia County Schools sites and sponsored events:

**Prohibited Items** - (non-exhaustive list): controlled or illegal substances such as alcohol or drugs; drug paraphernalia including matches, lighters, and vapes; weapons including knives, chains, sling shots, tear gas, razor blades, etc.

**Backpacks** – Bookbags and/or backpacks should be limited to standard dimensions. Those larger than 15” x 21” are prohibited. Duffel or large bags are prohibited from being used and may be confiscated upon entering a Volusia County School site or event. Only clear bags are allowed at after school events such as sporting events, graduations or programs in the auditorium or cafeteria. This includes school-sponsored events that take place off campus. Small handbags (clutches) and diaper bags are the exception. All bags, however, are subject to search. Any backpack, bag, carrying device or musical instrument carrying case is subject to search prior to entering the campus or off campus event as posted on all school board sites.

**Earbuds**- In order for students to be made aware of security announcements or other hazardous situations in a timely manner, it is expected that all students will adhere to single earbud use while on campus, at school-sponsored events and on school-sponsored transportation.

**ID Badges** – All middle school and high school students will be issued a school identification badge (ID) which is required to be visibly displayed at all times while on campus.

Safety is the responsibility of everyone. All should be active and engaged in our shared school safety and security responsibility. Students are required to report any threats to an adult and staff are required to immediately report to administration. FortifyFL is an anonymous mobile app for reporting suspicious activity which can be used by anyone to report any threats towards a person or school. All are encouraged to download and utilize FortifyFL at [www.getfortifyfl.com](http://www.getfortifyfl.com). Remember, if you see it, don't spread it. Report it!

## **I. Students' Rights and Responsibilities**

Students are entitled to a public education as long as they adhere to the guidelines set forth in this code. School authorities will place limitations on the rights of students when necessary to prevent disruption on the school campus, on school buses, and at school-sponsored activities.

### **ATTENDANCE**

#### **RIGHTS**

Students have the right to a prescribed number of days of meaningful learning experience.

#### **RESPONSIBILITIES**

Students enrolled in Volusia County Schools have the responsibility to attend school regularly.

### **RESPECT FOR PERSONS AND PROPERTY**

#### **RIGHTS**

Students have the right to use school property in a manner approved by the school center.

Students have the right to use their personal property in a manner approved by the school.

Students have the right to privacy consistent with applicable laws.

Students have the right to be respected and accepted as individuals.

#### **RESPONSIBILITIES**

Students have the responsibility to respect the rights of others and not to interfere with their learning.

Students have the responsibility to respect and adhere to the rules and regulations of the school system.

Students have the responsibility to report evidence of an illegal act or violation of the code.

Students have the responsibility to exhibit respect for themselves and others by dressing appropriately and in accordance with the adopted dress code, recognizing the role that appropriate dress and respect for self and others has on an orderly learning environment.

### **KNOWLEDGE AND OBSERVATION OF RULES AND CONDUCT**

#### **RIGHTS**

Students have the right to know the rules and regulations regarding their conduct. They also have the opportunity for input in the development of these rules and regulations.

Students have the right to be assured of a school environment, which does not jeopardize their safety, health, or welfare.

#### **RESPONSIBILITIES**

Students have the responsibility to follow the rules and regulations of the school center.

Students have the responsibility to follow the rules and regulations of the school center so as not to jeopardize the safety, security, health, and welfare of others. This includes having your school-issued identification badge displayed during school and at all school activities.

### **RIGHT TO LEARN**

#### **RIGHTS**

Students have the right to learn and pursue an education without interference.

Students have the right to a school atmosphere that is conducive to appropriate learning.

#### **RESPONSIBILITIES**

Students have the responsibility to learn and pursue an education.

Students have the responsibility to be present on time, prepared and attentive in class so that they are ready to learn.

### **RIGHT TO FREE SPEECH AND PUBLICATION**

#### **RIGHTS**

Students have the right to be appropriately involved in their education on an equal basis with their peers.

Students are entitled to freedom of expression of their views unless there are legal reasons to regulate their speech or publications.

#### **RESPONSIBILITIES**

Students have the responsibility to contribute to a positive atmosphere.

Students have the responsibility to refrain from speech and/or the distribution or display of material, which could cause conduct that would interfere with discipline or cause disorder, including the display of the Confederate flag.

### **RIGHT TO ASSEMBLE**

#### **RIGHTS**

Students have a right to assemble peacefully without disrupting regular activities.

#### **RESPONSIBILITIES**

Students have the responsibility to assemble according to the prescribed rules and regulations of the school.

### **PARTICIPATION IN SCHOOL ACTIVITIES**

#### **RIGHTS**

Students have the right to participate in school programs and activities in accordance with eligibility requirements.

#### **RESPONSIBILITIES**

Students have the responsibility to contribute to these activities in a beneficial manner.

## **MEDIA ACCESS TO SCHOOL ACTIVITIES**

The media may have access to school activities, events, and functions. Such access may result in photographs or other directory information being released and or published. Parents objecting to such a release and/or publication must notify the school principal.

### **II. Disciplinary Offenses and Responses**

#### **A. Definitions**

1. Alcohol - all beverages and/or edible items or substances containing alcohol in any percent by volume, including distilled spirits.
2. Alternative Education - An educational program used in lieu of suspension or expulsion. Students assigned to an alternative education program are prohibited from attending or participating in other Volusia County Schools' events or activities, where the code of conduct is in effect. For the purpose of this policy, the term "alternative education" does not include schools of choice.
3. Ammunition - the various projectiles together with their fuses, propelling charges, and primers that are fired from guns.
  4. Arson - willful and malicious damage to any structure by fire or explosion.
5. Assault - intentionally threatening by word or act to do violence to another person, combined with an apparent ability to commit violence, which creates a well-founded fear in the person that violence is imminent.
6. Battery - physically striking another person against that person's will causing bodily harm to another person.
7. Bomb threats - intentionally making a false report to any person, including school personnel, concerning the planting, or placing of any bomb, dynamite or other arson causing device.
8. Bullying - shall have that meaning provided in School Board Policy 525 and shall include cyberbullying and cyberstalking. See BoardDocs to review the referenced policy.
9. Burglary - breaking and entering a building or vehicle with the intent to commit a crime.
10. Case management - The collaborative process that assesses, plans, implements, coordinates, and monitors services required to meet the student's educational and service needs.
11. Cheating/Academic dishonesty - to influence by deceit, trick, or fraud, to violate rules for personal gain or the gain of others. To obtain by deceit a grade or reward to which one is not entitled. To plagiarize.
12. Civil citation program – a process established in section 985.12, Florida Statutes for providing an alternative to custody by the Department of Juvenile Justice to children who commit non-serious delinquent acts. This process requires an admittance of guilt, must be agreed to by the student and his/her family, is only available to first time offenders and involves an assessment of consequences that may include community service, case management, counseling, and other intervention services. Eligibility for the civil citation program is made by law enforcement in conjunction with the Department of Juvenile Justice. The District promotes the appropriate use of civil citation. If consulted by law enforcement, school personnel may recommend consideration of the program, but do not determine eligibility under state law.

13. Cyberstalk - to engage in a course of conduct to communicate, or to cause to be communicated, words, images, or language by or through the use of electronic mail or electronic communication, directed at a specific person(s), causing substantial emotional distress to that person(s) and serving no legitimate purpose.
14. Disorderly conduct - any act which substantially disrupts the orderly conduct of a school function, or substantially disrupts the learning environment or poses a threat to the health, safety, and/or welfare of others.
15. Disruption - behavior which is willful and overt initiated on the part of the student, and which requires the attention of school personnel to deal with the incident. This would include promoting or inciting other students to fight.
16. District Student Placement Committee - the committee, whose membership is designated by the superintendent, with the responsibility for determining whether a student should be recommended for expulsion or for another placement.
17. Drug paraphernalia - all equipment, products, and materials of any kind which are used, intended for use, or designated for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling, or otherwise introducing into the human body a controlled substance in violation of Chapter 893, Florida Statutes. The term includes, but is not limited to, items listed in Section 893.145 of Florida Statutes, and items which may be determined to be drug paraphernalia under the criteria set out in Section 893.146 of Florida Statutes.
18. Drugs - all substances defined as controlled substances under Chapter 893, Florida Statutes, including marijuana, hallucinogens, inhalants; any substance represented as a controlled substance by any person intending to deliver or sell said substance to another, whether or not the substance is a controlled substance.

19. Drugs and Alcohol:

- a. Possession - to have unlawful custody or control over any substance defined as a drug or alcohol under this code; prescription medication is exempt from the definition of possession if the student in possession of the medication has a valid prescription for that medication and has followed the prescribed procedures for administration of medication.
  - b. Distribution - the delivery of a drug or alcohol to another by one who is responsible for the introduction of the drug or alcohol upon school board property or at a school-sponsored event. Where quantities of the drug or alcohol are extremely small, or where there is some question as to whether the substance was willingly distributed, or where there was a number of individuals passing the same item or substance, the classification of distribution versus possession may be determined by the charging document filed in juvenile and/or criminal court.
  - c. Sale - the delivery of a drug or alcohol to another in return for money or other consideration.
  - d. Use - introduction of alcohol or a drug into the body. Use means the person is caught in the act of using, admits to using or is discovered to have used in the course of an investigation.
20. Electronic tampering/Electronic device misuse - the use of a computer, fax machine, telephone, cell phone, smart phone, camera, or other electronic device to take any of the following actions or any similar action is unauthorized and prohibited: violating the acceptable use policy,

unauthorized hacking into or accessing or breaking into restricted accounts, networks, or private accounts; modifying or destroying files without permission; illegally copying software; and entering, accessing, viewing, distributing, or printing inappropriate/unauthorized files, images, videos, programs, pornographic sites, or sites advocating hate, violence, and/or illegal activity. This includes, but is not limited to, “sexting”. The use of an electronic device to distribute pictures or video obtained without consent or to distribute pictures or videos freely given, but without consent to forward.

21. Exclusionary Discipline – Disciplinary consequences that remove students from learning in their regular classroom, including referrals to law enforcement, expulsion, involuntary discipline transfers, out-of-school suspension, in-school suspension, class suspension, and other informal short-term removals. Exclusionary does not refer to short-term consequences or interventions used by teachers to address misconduct, including through brief time-outs, or other interventions, while generally keeping the student in the classroom environment. Such “exclusionary” consequences also do not include other consequences or interventions that do not remove students from learning in their regular classroom, such as contact with parent(s)/guardian(s), lunch or after-school detention, Saturday school, or counseling.
22. Explosive device - a prepared chemical or powder device designed to explode or burn, not unaltered commercial fireworks.
23. Expulsion - the discontinuation of educational services provided by Volusia County Schools for a period of time prescribed by the school board. Students under expulsion are prohibited from attending or participating in Volusia County Schools ‘events or activities, where the code of conduct is in effect.
24. Extortion/threats - threatening another with the intent to obtain money or other property or to compel that person to do an act or refrain from doing an act against his/her will.
25. False alarms - intentionally initiating any false alarm, including but not limited to contacting 911.
26. False document - to make, possess, or sign a counterfeit or forged school related document such as a pass or an excuse.
27. False report - Knowingly filing a false report. Willfully giving or conveying to any law enforcement officer or school official false information or reports concerning the alleged commission of any crime under the laws of the state, or ethical violation of school board policy, knowing that such information is false, in that no crime or ethical violation has been committed.
28. Fighting - mutual participation in a fight involving physical violence where there is any degree of injury or where physical restraint is necessary. Does not include verbal confrontations, tussles, or other minor confrontations.
29. Firearm - any weapon which will, is designed to, or may readily be converted to expel a projectile by the action of an explosive; the frame or receiver of any such weapon; any firearm or firearm silencer; any destructive device; or any machine gun. A destructive device is any bomb, grenade, mine, rocket, missile, pipe bomb, or similar device containing some type of explosive that is designed to explode and is capable of causing bodily harm or property damage. Includes firearms of any kind (operable or inoperable, loaded or unloaded), including but not limited to hand, zip, pistol, rifle, shot gun, starter gun, and/or flare gun.
30. Fireworks - explosives or combustibles used to produce light, smoke, odor, or noise.
31. Forgery - to make a document with the intent to defraud.
32. Gambling - to bet money or other stakes on an outcome or a game, contest, or event.
33. Harassment - any threatening, insulting, or dehumanizing gesture, use of data, or electronic

communication, or written, verbal or physical conduct directed against a student or school employee that places a student or school employee in reasonable fear of harm to his or her person or damage to his or her property, has the effect of substantially interfering with a student's educational performance, opportunities, or benefits and/or has the effect of

34. substantially disrupting the orderly operation of a school. (See also School Board Policy 509 – Prohibition of Harassment.)
35. Hazing - any action or situation that recklessly or intentionally endangers the mental or physical health or safety of a student for purposes, including, but not limited to, initiation, admission into, affiliation with or the perpetuation or furtherance of a tradition or ritual of any organization operating under the sanction of a district school. Hazing includes, but is not limited to, pressuring, forcing or coercing the student into violating state or federal law, consuming any food, liquor, drug, or other substance, or any brutality of a physical nature, such as whipping, beating, branding or exposure to the elements. Hazing does not include customary athletic events or other similar contests or competitions or any activity or conduct that furthers a legal and legitimate objective. Soliciting another to commit an act or being actively involved in the planning of an act of hazing is also considered an offense. Disciplinary action for hazing may not be based solely on an anonymous report.
36. Hitting/Striking - Purposely making forceful contact with another against his/her will which does not result in an injury, and which does not constitute battery; biting, spitting, or throwing bodily fluids (not covered under battery.)
37. Hitting/Striking with injury - purposely making forceful contact with another against his/her will resulting in an injury and which would constitute battery, but where the injured party elects not to pursue criminal charges.
38. Horseplay - rowdy, rough play that interferes with proper order.
39. Inappropriate touching - any contact or touching of a sexual nature which is inappropriate for an educational setting or event.
40. Indecent exposure - exposing or exhibiting sexual organs in any public setting.
41. Informal Removals – do not include short-term consequences or interventions, including, but not limited to, brief breaks, cooldown sessions, sensory breaks, or other timeouts that may remove the student from the learning environment for brief periods that are part of an Individualized Education Plan (IEP), Section 504 plan, or Behavioral Intervention Plan (BIP); evidence-based interventions used by teachers or classroom support personnel to address behavioral challenges, including through brief time-outs or other interventions, while generally keeping the student in the classroom environment; or other consequences or interventions that do not remove students from learning in their regular classroom, such as contacting parent(s)/guardian(s), after-school detention, Saturday school, or counseling.
42. Insubordination - behavior, acts, or words which are disobedient. Failure to respect the authority of the school or its faculty.
43. Laser lights - any device, which projects a concentrated beam of light in one or more discrete wavelengths.
44. Look alike guns - any replica firearm or toy gun or object which looks like an actual firearm, or toy gun or object which is purposely displayed or represented as a firearm.
45. Malicious threats of violence - threats that do not constitute assault. Words or acts that are not coupled with an apparent ability to do so or which do not create a well-founded fear that such violence is imminent. This would also include social media, text messaging, hand-written notes,



verbal communication, etc. used to incite fear on the school campus. This does not require but may include law enforcement involvement.

46. Motor vehicle theft - theft or attempted theft of a motor vehicle.
47. Multi-Tiered System of Supports (MTSS) – an evidence-based model using data-based problem-solving to integrate academic and behavioral instruction and intervention delivered to students in varying intensities (multiple tiers) based on need, which ensures district resources reach the appropriate students/schools at the appropriate levels to accelerate the performance of all students to achieve and/or exceed proficiency.
48. Non-prescription medication - use, distribution, or sale of any over-the-counter medication(s).
49. Off-campus felony - any student who is reported to have been formally charged (petition filed) by the state attorney with a felony offense may be suspended and expelled from school attendance in accordance with the district's procedure. This section also applies to any student reported by the court who has been found to have committed a delinquent act, which, if committed by an adult, would be a felony.
50. Off-campus instruction - for the purpose of this policy, an alternative educational program that may be used for students who are being considered for expulsion. Off-campus instruction is offered to students whose suspension is extended beyond 10 days. Students assigned to the off-campus instruction program are prohibited from entering any school during the period of suspension without express permission of the principal/designee or attending or participating in other Volusia County Schools' events or activities.
51. Pornographic materials and communications - vulgar or obscene materials or communications, oral or written. This includes notes and phone calls and other communications such as Internet communications, as well as the possession of lewd or obscene drawings, pictures, or magazines. Magazines, which depict nude models, are included in this category.
52. Possession - to have custody or control over an item or items. This includes, but is not limited to, having an item on your person, or in your personal belongings. This includes lockers and vehicles.
53. Principal to a criminal act - aiding, abetting, counseling, hiring, or otherwise procuring a criminal offense, where such offense is committed or is attempted to be committed.
54. Problem Solving Team - intervention driven/progress monitoring teams at each school site which assists students, families, and teachers in seeking positive solutions for all students. A critical component of problem-solving teams is the collaboration of all stakeholders within the school community (i.e., school administrators, teachers, school psychologists, guidance counselors, school social workers, speech/language clinicians, reading specialists, parents, and other relevant personnel including community agencies when necessary).
55. Profane, obscene, or vulgar language - any expression in any language, either verbal, written, or by gesture which is disruptive and/or offends individuals or groups and violates the norms of the school and community.
56. Propellants - a gas or liquid, which is expelled from a canister or container designed for personal protection.
57. Qualified Individual with a Disability (Student with a Disability) – an individual with a disability who, with or without reasonable modifications to rules, policies, or practices, the removal of architectural, communication, or transportation barriers, or the provision of auxiliary aids and services, meets the essential eligibility requirements for the receipt of services or the

participation in programs or activities provided by a public entity. This includes any student with a disability, regardless of whether the student receives services or accommodations under an IEP or section 504 plan.

- 58. Riot - a violent disturbance by three or more students with a common purpose.
- 59. Robbery - taking money or other property from the person or custody of another by the use of force or threat.
- 60. Scuffling - wrestling, grappling, hitting, or tussling on the part of two or more students in which there is no degree of injury.
- 61. Secret societies - the organization of, establishment of, promotion of, membership in, or pledge of membership in any secret fraternity, sorority, or group (including a gang) wholly or partly composed of student(s) enrolled in the public schools and which perpetuates itself wholly or partly by taking in additional members on the basis of the decision of its membership rather than on the right of any student who is qualified by the rules of the school to be a member. Displaying or wearing any secret society organization logo in any way disruptive of the educational program is prohibited.
- 62. Sexual battery - any sexual act or attempt directed against another person, forcibly and/or against the person's will where the victim is incapable of giving consent because of his or her youth or because of temporary or permanent mental incapacity. This category includes rape, indecent liberties, child molestation, and sodomy. This category requires law enforcement involvement and the filing of criminal charges.
- 63. Sexual harassment - as defined in School Board Policy 509, including any of the following actions or activities: unwanted, verbal, or physical sexual behavior which is offensive and objectionable to the recipient causes discomfort or humiliation and interferes with school performance. Examples include, but are not limited to, touching breasts or buttocks, verbal comments, touching oneself in front of others, and/or spreading sexual rumors.
- 64. Suspension - a temporary removal of a student from all classes of instruction on public school grounds and all other school-sponsored activities except as authorized by the principal or the principal's designee, for a period not to exceed ten (10) school days and remanding of the student to the custody of the student's parent(s)/guardian(s) with specific homework assignments for the student to complete. Students under suspension are prohibited from entering any school during the period of suspension without the express permission of the principal/designee or attending or participating in Volusia County Schools' events or activities.
- 65. Synthetic/Counterfeit drugs - any substance that is represented to be, represented to contain, mimics, or looks like a narcotic drug, hallucinogenic drug, amphetamine, barbiturate, marijuana, alcoholic beverage, stimulant, depressant, intoxicant, or controlled substance of any kind under the law of Florida or federal law. This includes, but is not limited to, any substance that produces the same effect as or is represented to produce the same effect as a controlled substance or any analogue of a controlled substance including, but not limited to "Bath Salts" or "K-2", also known as "Spice" or "legal weed."
- 66. Telecommunication devices - any device that is capable of transmitting voice, text, video, or pictures from one person to another.
- 67. Theft - the unlawful taking of the property of another without threat of violence or bodily harm.
- 68. Time-out - A behavior modification technique where a student is removed from classroom activities for a period of time. While it is permissible to issue a brief time-out to a student with a disability while generally keeping the student in the classroom environment, it would not be permissible to issue a time-out that would deny the student with a disability the opportunity to participate in or benefit from instruction.

69. Tobacco citation – a non-criminal civil citation issued by law enforcement for underage possession of tobacco or tobacco products that may result in an assignment to a cessation or educational program and/or fine, etc.
70. Tobacco products - all items, which in total or in part, include tobacco or a by-product of tobacco, or any other smoking product and any smokeless or spitless tobacco, including but not limited to, cigarettes, cigars, chewing tobacco, snuff, and pipe tobacco or electronic cigarette/vaping device in any form.
71. Toxic plants - any plant, tree, or shrub, that when ingested causes a mind or mood-altering state, or which is poisonous to the body.
72. Trespassing - willfully entering or remaining on any school board property, building or vehicle without permission or authority. This includes returning to any school board property while under suspension or expulsion.
73. Vandalism - willfully injuring or damaging by any means any real or personal property belonging to another.
74. Vehicle violation - Any violation of campus rules involving a motor vehicle.
75. Walkie-talkies - a battery powered portable sending and receiving radio or instrument.
76. Weapons (other) - possession, use or intention of use of any instrument or object to inflict harm on another person, or to intimidate any person. Included but not limited to in this category are items not being used for a curricular purpose such as all types of knives, chains (any not being used for the purpose for which it was normally intended and capable of harming an individual), pipe (any length of metal not being used for the purpose it was normally intended), hunting equipment including bows and/or arrows, hunting grade sling shots, razor blades or similar instruments with sharp cutting edges, ice picks, dirks, other pointed instruments, nunchakus, brass knuckles, Chinese stars, Billy clubs, tear gas gun, electrical weapons or device (stun gun), BB or pellet gun, explosives or propellants over 2 oz. Possession of any long blade or switch blade knife is included here. A common pocketknife will not be considered to be a weapon unless used as one. Weapons and other items of contraband are also prohibited from being in vehicles while on school board property or while at school sponsored events. Pursuant to F.S. 790.115(2)(a)(3), the district specifically waives the exception regarding weapons possession in vehicles provided in 790.25(5).

#### B. Classification of Violations

Violations of this code are grouped into four levels: Minor, Intermediate, Major I, and Major II. Each level has appropriate discipline responses, which are listed under each category. For the purpose of record retention, “Major” will be considered an offense listed under Level IV - Major Offenses. For the purpose of section 1006.13, Florida Statutes (Policy of Zero Tolerance for Crime and Victimization), the first two levels, Minor and Intermediate, shall be considered petty acts of misconduct, and offenses listed under Level IV – Major Offenses II, shall be considered to be acts that

pose a serious threat to school safety. The categorization of offenses listed under Level III – Major I Offenses shall be determined by the principal based upon the severity of the offense. These responses are the only disciplinary actions that principals or their designees may use. Paddling, corporal punishment or other punitive physical contact are not permitted responses to a disciplinary offense.

#### C. General Expectations

1. In any situation where a violation of this code is alleged, the principal or designee will hear the student's explanation and investigate the matter fully before determining if a violation has

occurred. If a violation has occurred, the principal or designee will determine the level of that violation.

2. A student with a disability who is alleged to have committed a violation of this code based on a behavior that the school knows may be the result or manifestation of the student's disability shall be given the opportunity to make a written statement in response to the alleged disciplinary infraction, which must be considered by the principal, or designee, before the discipline is administered.
3. Each classroom teacher is expected to deal with any student's general classroom conduct. The teacher may take the following actions: in-class disciplinary action, contact the student's parent/guardian, and/or schedule conferences with the student's parent/guardian and other staff including the problem-solving team/MTSS team. The student should be referred to the principal or designee only after the actions taken by the teacher are ineffective or the disruption is severe. Teachers have the authority to remove students from the classroom in accordance with the Florida Statute and district procedures, subject to the procedures and requirements set forth in the Student Attendance Policy located in full on BoardDocs – see 206.
4. All teachers are expected to utilize proactive strategies and other permissible interventions and modification, including those set forth in the PST, MTSS, and ESE Guides (Problem-Solving Team, Multi-Tiered System of Support, and Exceptional Student Education respectively). When working with a student with a disability who is engaging in conduct that may constitute an offense under the Student Code of Conduct and Discipline, that is a result or manifestation of the disability, administrators, teachers, and staff must first attempt to address such conduct through the use of positive corrective measures, before resorting to exclusionary discipline, except when the principal or superintendent determines that the student's presence causes a danger to persons, or when it is otherwise permitted by law. These strategies and interventions must be in accordance with the student's IEP/BIP (if applicable). When a student with a disability engages in conduct that may constitute an offense under the Student Code of Conduct and Discipline, administrators, teachers, and staff must document their attempt to employ positive corrective measures and, if unsuccessful or if exclusionary discipline is otherwise warranted (i.e., where the student's presence causes a danger to persons or when it is permitted by law), the reasons for using the exclusionary discipline. This documentation must be included in the student's discipline file.
5. Students making verbal or written threats of violence toward themselves or others or who engage in behavior that is a physical threat to themselves or others are to receive appropriate intervention in accordance with district procedures. Disciplinary action will be taken as is appropriate according to this policy. The degree of each threat is assessed as directed by Volusia County School's Safety and Security Manual and discussed with the student's parent/guardian.
6. Failure to bring materials and equipment to class, refusal to do homework, or refusal to work in class are not grounds for discipline referral unless classroom disruption results from these acts. The teacher should notify the parent/guardian when a student exhibits poor work habits.
7. Staff members are required to report any offense to administration that might be considered a criminal act under Florida law. Law enforcement will be contacted by administration to determine whether the incident meets criterion for a charging affidavit or civil citation. In addition, all school board employees who have first-hand knowledge of a level III or IV code of conduct violation by a student shall immediately report the violation to a school administrator.
8. The decision to involve Law Enforcement Officials, including but not limited to School Resource Deputy (SRD), or School Resource Officer (SRO), shall be in accordance with the Safety and Security Policy located in full on BoardDocs – see 510.

D. Statutory Notices

1. The illegal use, possession, or sale of controlled substances, as defined in chapter 893, by any student while the student is upon school property or in attendance at a school function is grounds for disciplinary action by the school and may also result in criminal penalties being imposed. Any student who is subject to discipline or expulsion for unlawful possession or use of any substance controlled under chapter 893 may be entitled to a waiver of the discipline or expulsion: (a) if the student divulges information leading to the arrest and conviction of the person who supplied the controlled substance to him or her, or if the student voluntarily discloses his or her unlawful possession of the controlled substance prior to his or her arrest. Any information divulged which leads to arrest and conviction is not admissible in evidence in a subsequent criminal trial against the student divulging the information; or (b) if the student commits himself or herself, or is referred by the court in lieu of sentence, to a state-licensed drug abuse program and successfully completes the program.
2. The use of a wireless communications device includes the possibility of the imposition of disciplinary action by the school or criminal penalties if the device is used in a criminal act. The superintendent shall establish rules and procedures governing the use of wireless communications devices by students while on school property or in attendance at a school function. Such rules and procedures shall be designed to promote quality instruction and effective maintenance of student discipline.
3. The possession of a firearm or weapon, as defined in Chapter 790, Florida Statutes, while the student is on school property or in attendance at a school function is grounds for disciplinary action by the school and may also result in criminal penalties being imposed. Any student who is determined to have brought a firearm or weapon, as defined in chapter 790, Florida Statutes, to school, to any school function, or onto any school-sponsored transportation, or to have possessed a firearm at school, will be expelled, with or without continuing educational services, from the student's regular school for a period of not less than 1 full year and referred to the criminal justice or juvenile justice system. The school board may assign the student to an alternative education program for the purpose of continuing educational services during the period of expulsion. The superintendent may consider the 1-year expulsion requirement on a case-by-case basis and request the school board to modify the requirement by assigning the student to an alternative education program if the request for modification is in writing and it is determined to be in the best interest of the student and the school system.
4. Violence against any school board personnel by a student is grounds for in-school suspension, out-of-school suspension, expulsion, or imposition of other disciplinary action by the school and may also result in criminal penalties being imposed.
5. The violation of school board transportation policies, including disruptive behavior on a school bus or at a school bus stop, by a student is grounds for suspension of the student's privilege of riding on a school bus and may be grounds for disciplinary action by the school and may also result in criminal penalties being imposed. Any action taken in response to a violation of school board transportation policies, that involves a student with a disability, must be in accordance with Title II of the ADA (including the requirement to provide reasonable modifications to avoid discrimination on the basis of disability), Section 504 of the Rehabilitation Act, and the Individuals with Disabilities Education Act (IDEA), as applicable. The full policy on transportation is located on BoardDocs – see 504.
6. The violation of the school board's sexual harassment policy by a student is grounds for in-school suspension, out-of-school suspension, expulsion, or imposition of other disciplinary action by the school and may also result in criminal penalties being imposed. Any action taken in response to a violation of school board transportation policies, that involves a student with a disability, must be in accordance with Title II of the ADA (including the requirement to provide reasonable modifications to avoid discrimination on the basis of disability), Section 504 of the

Rehabilitation Act, and the Individuals with Disabilities Education Act (IDEA), as applicable. The full policies prohibiting bullying as well as harassment are located on BoardDocs – see 509 and 525.

7. Any student who is determined to have made a threat or false report, as defined by sections 790.162, 790.163, and 790.164, Florida Statutes, respectively, involving school or school personnel's property, school transportation, or a school-sponsored activity will be expelled, with or without continuing educational services, from the student's regular school for a period of not less than 1 full year and referred for criminal prosecution. The school board may assign the student to an alternative education program for the purpose of continuing educational services during the period of expulsion. The superintendent may consider the 1-year expulsion requirement on a case-by-case basis and request the school board to modify the requirement by assigning the student to an alternative education program if it is determined to be in the best interest of the student and the school system. Any action taken in response to a violation of the false reporting policy, that involves a student with a disability, must be in accordance with the Title II of the ADA (including the requirement to provide reasonable modifications to avoid discrimination on the basis of disability), Section 504 of the Rehabilitation Act, and the Individuals with Disabilities Education Act, as applicable.
8. A student may be disciplined or expelled for unlawful possession or use of any substance controlled under chapter 893 upon the third violation of this provision.
9. Volusia County Schools will adhere to the basic eligibility and participation requirements for athletics and activities for all public schools as authorized in section 1006.15, Florida Statutes, as well as the bylaws of the Florida High School Athletic Association. Additional requirements may be implemented by a school. If so, those requirements will be published and distributed by the coach/school prior to tryouts for the specific sport. Minimum requirements for eligibility in athletics and activities may be found in School Board Policy 313. Transfer students wishing to be considered eligible for good cause beyond the scope of Section 1006.15, Florida Statutes, may request review by the District Athletic Eligibility Review Committee whose membership is designated by the superintendent. The decision of the committee shall be final and binding.

E. Discipline Offenses and Responses

Pursuant to Section 1006.07(1), Florida Statutes, the following program of positive reinforcement shall be used:

1. Level I - Minor Offenses

- Bus disturbance - minor disruption on school sponsored transportation
- Class or school rule violation
- Disruption - minor disruption or disturbance of a school activity, class, or campus
- Dress code violation
- False document
- Horseplay
- \*Tardiness
- Vehicle Violation
- Any other violation which the principal may reasonably believe falls within this category which is not listed under the other three levels.

Level I - Responses

First Offense - In-school conference with student, and contact with parent/guardian.

Subsequent Offenses - In-school conference with student, contact with parent/guardian, and one or more of the following disciplinary actions:

- Behavioral contract
- Cafeteria restriction
- Conference with student
- Community service in lieu of suspension
- Detention
- Extended detention
- In-school suspension
- Loss or suspension of privileges including extracurricular events/activities
- Mediation
- Parent/guardian conference
- Parent/guardian visitation
- Problem Solving Team/Multi-Tiered System of Support Team
- Restitution
- Saturday school
- Student services referral (i.e., school counselor, school social worker or school psychologist)
- Suspension
- Suspension from the bus
- Time out
- Warning
- Work detail

Dress Code Offenses - Per SS 1006.07, any student who violates the provisions of the dress code policy that prohibits a student from wearing clothing that exposes underwear or body parts in an indecent or vulgar manner or that disrupts the orderly learning environment is subject to the following:

- a) For a first offense, a student shall be given a verbal warning and the parent/guardian shall be called.
- b) For the second offense, the student is ineligible to participate in any extracurricular activity for a period not to exceed five (5) days and the parent/guardian shall meet with the principal/designee.
- c) For a third or subsequent offense, a student shall receive an in-school suspension pursuant to s. 1003.01(5) for a period not to exceed three (3) days, the student is ineligible for any extracurricular activity for a period not to exceed 30 days, and the parent/guardian shall be called and sent a written letter regarding the student's in-school suspension and ineligibility to participate in extracurricular activities.

For violations of the school uniform policy, please reference School Board Policy 217.

\*A student may not be suspended for tardiness.

*Note: Where a disciplinary infraction is committed by a student with a disability, any action taken by VCS must be in accordance with the Title II of the ADA (including the requirement to provide reasonable modifications to avoid discrimination on the basis of disability), Section 504 of the Rehabilitation Act, and the Individuals with Disabilities Education Act, as applicable.*

## 2. Level II - Intermediate Offenses

- Bus disturbance - considerable disruption on school sponsored transportation
- Cheating/Academic dishonesty
- Disruption - considerable disruption or disturbance of a school activity, class, or campus
- Failure to appear for Saturday school, detention, or extended detention
- Gambling
- Introduction of a foreign substance (non-harmful) into food or drink

- Laser lights
- Matches, lighters, or other flammables
- Possession of chemical spray under 0.5 oz.
- Profane, obscene, or vulgar language or expression (in any language); either verbal, written, or by gesture directed at others
- Tobacco products - use, possession, or distribution
- Unauthorized absence from class/leaving class, or leaving school grounds without permission
- Vehicle violation – traffic citation
- Any other violation, which the principal may reasonably believe, falls within this category, and is not listed under the other three levels.

## Level II - Responses

In-school conference with student, contact with parent/guardian, confiscation of contraband, loss of grade, zero on assignment (for cheating), and one or more of the following disciplinary actions:

- Behavioral contract
- Cafeteria restriction
- Community service in lieu of suspension
- Concern of harm referral
- Detention
- Extended detention
- In-school suspension
- Loss of privileges: extracurricular events/activities
- Mediation
- Parent/guardian conference
- Parent/guardian visitation
- Problem Solving Team
- Restitution
- Saturday school
- Student services referral (i.e., school counselor, school social worker or school psychologist)
- Suspension
- Suspension from the bus
- Suspension of privileges
- Time out
- Tobacco citation or Online Tobacco Class
- Warning
- Work detail

*Note: Where a disciplinary infraction is committed by a student with a disability, any action taken by VCS must be in accordance with the Title II of the ADA (including the requirement to provide reasonable modifications to avoid discrimination on the basis of disability), Section 504 of the Rehabilitation Act, and the Individuals with Disabilities Education Act, as applicable.*

*The appropriate law enforcement agency must be notified if the offense involved is a criminal act under Florida law where the act posed a serious threat to school/student/employee safety. In accordance with section 1006.13, Florida Statutes (Policy of Zero Tolerance for Crime and Victimization), zero-tolerance policies are not intended to be rigorously applied to petty acts of misconduct and misdemeanors, including but not limited to minor fights or disturbances.*

## 3. Level III - Major I Offenses

- Alcohol - use, possession or under the influence of alcohol



- Ammunition - possession, or distribution
- Bullying (including cyber-bullying)
- Burglary
- Bus Disturbance - major disruption on school sponsored transportation
- Cyberstalk
- Disruption - major disruption or disturbance of a school activity, class, or campus
- Drug paraphernalia - possession, use, or distribution of
- Drugs - use, possession, or under the influence of
- Electronic tampering/Electronic device misuse
- Extortion
- False alarm
- Fighting
- Fireworks - use, possession, or distribution of
- Forgery
- Harassment
- Hazing
- Hitting/Striking
- Hitting/Striking an employee
- Hitting/Striking with injury
- Inappropriate touching
- Indecent exposure
- Insubordination or defiance of authority
- Introduction of a foreign substance (toxic or harmful) into food or drink
- Knowingly filing or participating in filing a false report
- Look Alike Guns - use or possession
- Malicious threats of violence
- Non-prescription medication - use, possession, distribution, or sale
- Paintball and air soft guns - use and/or possession of
- Pornographic materials and communications including Internet material - possession, distribution, or display
- Possession of a chemical spray between 0.5 and 2 oz.
- Possession of a common pocketknife
- Principal to a Level III Criminal Act
- Racial, ethnic, or religious harassment or harassment based upon a disability
- Secret society - organization, establishment, promotion, membership, participation in any secret society related activity or displaying or wearing any secret society organization or gang logo in any way disruptive of the educational program.
- Sexual harassment
- Synthetic/Counterfeit Drugs - use, possession or under the influence of
- Telecommunication devices – the exhibition of, either by sight or sound, or use of during normal school hours or while riding school sponsored transportation unless approved by the bus operator or supervising teacher, permitted by district procedure, or permitted by district or school instructional programs.
- Theft
- Toxic plants - use, possession, distribution, or sale
- Trespassing
- Vandalism under \$1,000
- Walkie-talkies, possession/use
- Any other violation which the principal may reasonably believe falls within this category and is not listed under the other three levels.

### Level III - Responses

Parents/Guardians may request a conference with the principal and one or more of the following disciplinary actions:

- Assignment to an alternative education program
- Civil citation program
- Community service in lieu of suspension (Not appropriate for all Level III Offenses - consult with the District Office)
- Confiscation
- Concern of harm referral
- Expulsion recommendation from school or bus
- In-school suspension
- Problem Solving Team
- Restitution
- Saturday school
- Student services referral (i.e., school counselor, school social worker or school psychologist)
- Suspension from school or bus (suspension must be considered for the possession of a common pocketknife)
- Suspension from driving/vehicle restriction
- Threat Assessment

*Note: Where a disciplinary infraction is committed by a student with a disability, any action taken by VCS must be in accordance with the Title II of the ADA (including the requirement to provide reasonable modifications to avoid discrimination on the basis of disability), Section 504 of the Rehabilitation Act, and the Individuals with Disabilities Education Act, as applicable.*

*The appropriate law enforcement agency must be notified if the offense involved is a criminal act under Florida law where the act posed a serious threat to school/student/employee safety. In accordance with section 1006.13, Florida Statutes (Policy of Zero Tolerance for Crime and Victimization), zero-tolerance policies are not intended to be rigorously applied to petty acts of misconduct and misdemeanors, including but not limited to minor fights or disturbances.*

### 4. Level IV - Major II Offenses

- Alcohol - distribution or sale, or attempted sale (including substances represented as alcohol)
- Arson
- Assault on a school board employee
- Assault on a student(s)
- Battery on a school board employee
- Battery on a student(s)
- Bomb threat
- Disorderly conduct
- Drug distribution, attempted distribution, sale, or attempted sale
- Explosives
- Firearm distribution, sale, use, or willful possession
- Homicide
- Kidnapping
- Principal to a Level IV Criminal Act
- Riot
- Robbery
- Sexual battery
- Synthetic/Counterfeit drug distribution, attempted distribution, sale, or attempted sale
- Vandalism over \$1,000

- Vehicle theft
- Weapon use, threat, or possession
- Any other violation which the principal may reasonably believe falls within this category and is not listed under the other three levels

#### Level IV - Responses

Parents/Guardians may request a conference with the principal and one or more of the following disciplinary actions:

*Expulsion must be recommended to the District Student Placement Committee for all Level IV offenses. Unless otherwise recommended by the superintendent, expulsions for firearms or disorderly conduct shall be for no less than one calendar year.*

- Administrative assignment to an alternative education program
- Expulsion (pending expulsion, students will be suspended and will lose all privileges pertaining to extracurricular events and activities).
- Concern of harm referral
- Restitution
- Student Services Referral (i.e., school counselor, school social worker or school psychologist)
- Threat Assessment

*Note: Where a disciplinary infraction is committed by a student with a disability, any action taken by VCS must be in accordance with the Title II of the ADA (including the requirement to provide reasonable modifications to avoid discrimination on the basis of disability), Section 504 of the Rehabilitation Act, and the Individuals with Disabilities Education Act, as applicable.*

*The appropriate law enforcement agency must be notified if the offense involved is a criminal act under Florida law where the act posed a serious threat to school/student/employee safety.*

### III. Code of Student Conduct and Discipline Procedures

- A. State and federal law recognizes that teachers and school administrators have a need to stand in the place of parents over children entrusted to them at school. This is a concept called *in loco parentis*. While this power is not equal to a parent's power over a child, it permits school personnel to exercise a degree of supervision and control over students that could not be exercised over free adults.

Consistent with this concept, school personnel can search without a warrant based on reasonable suspicion and are not held to the higher standard of "probable cause" by which law enforcement is bound. Also consistent with this concept, school personnel can question a student without providing him or her with Miranda warnings or allowing the student to call a parent or attorney.

#### B. Suspension Procedure

1. The principal or the principal's designee may suspend a student only in accordance with the code of student conduct and discipline. The principal or the principal's designee shall make a good faith effort to immediately inform a student's parent by telephone of a student's suspension and the reasons for the suspension. Each suspension and the reasons for the suspension shall be reported in writing within 24 hours to the student's parent by United States mail. Each suspension and the reasons for the suspension shall also be reported in writing within 24 hours to the Superintendent. A good faith effort shall be made by the principal or the principal's designee to employ parental assistance or other alternative measures prior to suspension, except in the case of emergency or disruptive conditions which require immediate suspension or in the case of a serious breach of conduct as defined in this policy. Such rules shall require oral and written notice to the student of the charges and an explanation of the evidence against him or her prior to the suspension. Each student shall be given an opportunity to present his or her side of the story. All disciplinary meetings between the principal, the

student and the parent or guardian shall be informal and not in the nature of an evidentiary hearing. Therefore, requiring testimony, cross-examination, or similar legal proceedings are not permitted. Should the parent disagree with the principal's decision to suspend the student, the parent shall have the right to meet with the principal and explain why he or she believes the suspension to be unwarranted and/or not appropriate for the student. At the meeting, the principal shall review the charges and supporting information with the parent. The parent shall then be given the opportunity to present any additional information he or she may have and to explain why he or she believes the suspension to be unwarranted or inappropriate. The principal shall then consider the information provided and communicate their determination to the parent. If the parent is not satisfied with the determination made by the principal, the parent may request that the superintendent/designee review the matter. The superintendent/designee shall review all information considered by the principal, and may choose, in his or her own discretion, to meet with the parent to discuss the matter further. The decision of the superintendent/designee shall be final and binding. No student shall be suspended for unexcused tardiness, lateness, absence, or truancy. The principal or the principal's designee may suspend any student transported to or from school at public expense from the privilege of riding on a school bus for violation of district school board transportation policies, which shall include a policy regarding behavior at school bus stops, and the principal or the principal's designee shall give notice in writing to the student's parent and to the district school superintendent within 24 hours. It is expected that any student displaying a pattern of misbehavior be referred to the Problem-Solving Team/MTSS Team whereby evidence-based interventions are identified and implemented and the student's responses to those interventions are documented. School personnel shall not be held legally responsible for suspensions of student made in good faith.

2. When a student is suspended for possession, distribution, attempted distribution, sale, or attempted sale of a controlled substance, or willful possession of a firearm or a weapon, or has committed any other offense which is a crime under Florida law, parents/guardians, law enforcement officials, and the superintendent shall be notified by the principal or designee as soon as possible. The full policies regarding safety and security are located on BoardDocs – see 510.
3. A principal may suspend a student from school or from riding the school bus for up to ten (10) consecutive school days. Any action taken in response to a violation of school board transportation policies, that involves a student with a disability, must be in accordance with Title II of the ADA (including the requirement to provide reasonable modifications to avoid discrimination on the basis of disability), Section 504 of the Rehabilitation Act, and the Individuals with Disabilities Education Act (IDEA), as applicable. The full transportation policy is located on BoardDocs – see 504.
4. The exclusion of a student with a disability for more than ten (10) consecutive school days constitutes a “significant change in placement” under Section 504 regulations at 34 C.F.R. Section 104.35 and under IDEA regulations at 34 C.F.R. Section 300.530 and triggers an evaluation of whether behavior that the basis for the exclusion is a result or manifestation of the student's disability. The determination of whether the series of suspensions creates a pattern of exclusions that constitutes a significant change in placement must be made on a case-by-case basis. In no case, however, may a series of short-term exclusions be used as a means to avoid the Supreme Court's prohibition of suspensions of more than ten (10) days.
5. Unless otherwise limited by Title II of the ADA, Section 504 of the Rehabilitation Act, and/or IDEA, the superintendent shall have the authority to extend the suspension of a student beyond ten (10) days where such suspension period expires before the next meeting of the school board, where the school board will be considering a recommendation from the superintendent to expel the student. The superintendent may further recommend an extension of a suspension to the school board for the purpose of providing proper notice of a recommendation for expulsion, or for further study and review of the student and matter at issue. During such extended suspension, the student shall be provided educational services.

6. Suspension proceedings may be initiated against any enrolled student who is formally charged with a felony, or with a delinquent act which would be a felony if committed by an adult, by a proper prosecuting attorney for an incident which allegedly occurred on property other than public school property, if that incident is shown, in an administrative hearing with notice provided to the parents of the student by the principal of the school pursuant to rules adopted by the State Board of Education and to rules developed pursuant to section 1001.54, Florida Statutes, to have an adverse impact on the educational program, discipline, or welfare in the school in which the student is enrolled. Any student who is suspended as the result of such proceedings may be suspended from all classes of instruction on public school grounds during regular classroom hours for a period of time, which may exceed ten (10) days, as determined by the superintendent. The suspension shall not affect the delivery of educational services to the student, and the student shall be immediately enrolled in an alternative education program. If the court determines that the student did commit the felony or delinquent act which would have been a felony if committed by an adult, the school board may expel the student, provided that expulsion under this subsection shall not affect the delivery of educational services to the student in any residential, nonresidential, alternative, daytime, or evening program outside of the regular school setting.

C. District Student Placement Committee

1. The principal shall have the authority to make referrals for expulsion for students having committed a Level III or Level IV offense under this code. All referrals for expulsion must be forwarded to the coordinator of student discipline and records who shall convene the District Student Placement Committee to consider what action should be taken. The membership of the committee shall be designated by the superintendent. Based on the facts and evidence in each case, the committee shall decide if the student should be recommended for expulsion. The committee's recommendation shall be transmitted to the superintendent for appropriate action.
2. The committee also has the authority to place a student in an alternative setting in lieu of a recommendation for expulsion. Notice of the placement shall be provided to the parent in writing. Should the parent disagree with the committee's determination to place the student in an alternative setting, the parent shall have the right to meet with the committee and explain why he or she believes the placement to be unwarranted and or not appropriate for the student. The parent shall have ten (10) calendar days from receipt of the notice to request to meet with the committee. At the meeting, the coordinator of student discipline and records shall review the charges and supporting information with the committee and the parent. The parent shall then be given the opportunity to present any additional information he or she may have, and to explain why he or she believes the placement to be unwarranted or inappropriate. The committee shall then deliberate, consider the information provided, and provide the parent with a response within five (5) calendar days of the meeting. If the parent is not satisfied with the determination made by the committee, the parent may request that the superintendent/designee review the matter. The superintendent/designee shall review all information considered by the committee, and may choose, in his or her own discretion, to meet with the parent to discuss the matter further. The decision of the superintendent/designee shall be final and binding.
3. Additionally, the committee has the authority to determine the most appropriate educational placement for the following students: student completing alternative education programs, students returning from the Department of Juvenile Justice commitment programs and students entering Volusia County Schools from a specialist program or being considered for expulsion in another district or state.

D. Expulsion Procedures

1. Only the school board has the authority to expel a student or cancel an expulsion. The term of expulsion may be for no more than the remainder of the school year and one additional school year.

2. If a student is referred for possible expulsion, the parent/guardian will receive a letter explaining the reason for the referral. If the student is recommended for expulsion by the superintendent, the student's parent/guardian may request a hearing before the school board. The hearing will be held in accordance with section 120.569 and 120.57(2), Florida Statutes. Expulsion hearings are exempt from section 286.011. However, the student's parent must be given notice of the provisions of section 286.011 and may elect to have the hearing held in compliance with that section. If the evidence at any hearing does not support a finding that the offense charged has occurred, the school board may find that any lesser offense provide by the evidence has occurred, if the lesser offense is also described in the recommendation for expulsion. Failure to submit a timely request for a hearing shall be deemed a waiver of the student's right to a hearing before the school board. The meeting with the school board shall follow a meeting with the District Student Placement Committee. Failure to appear before the school board when the recommendation for expulsion is to be considered shall be deemed a waiver of the student's right to a hearing. The student and parent/guardian have the right to legal counsel and representation at their own expense, the right to present witnesses on the student's behalf, the right to cross-examine witnesses, and the right to present a defense.
3. The school board has the authority to honor the final order of expulsion or dismissal of a student by any in-state or out-of-state public district school board or private school, or lab school, for an act which would have been grounds for expulsion according to this Code of Student Conduct and Discipline. For this action to be taken, the prior order of expulsion must have been recorded in the school district's records and the expelled student applying for admission to the school district must have been advised of the final order of expulsion. The superintendent may recommend to the school board that the final order of expulsion be waived, and the student be admitted to the school district, or that the final order of expulsion be honored and the student not be admitted to the school district. If the student is admitted by the school board, with or without the recommendation of the superintendent, the student may be placed in an appropriate educational program at the direction of the school board.

E. Last Resort Expulsion Procedures

1. A student may be expelled from school attendance if the student persists in violating the rules of the School District of Volusia County. Expulsion may result from continued violation of this code or school rules. In contrast to drug expulsions and expulsions for dangerous weapons and/or violence against person or property, prior to any expulsion under this paragraph the school must first have exhausted alternative methods of attempting to modify the student's behavior and the student must continue to refuse to conform to the rules of the school and/or district. Alternative methods include but are not limited to a Problem-Solving Team/MTSS Team referral whereby appropriate, evidence-based interventions are identified and implemented and the student's responses to those interventions are documented.
  - Changing the placement of a student with a disability, including an expulsion, must be in accordance with IDEA, Section 504 of the Rehabilitation Act, and Rule 6A-6.03312 of the Florida Administrative Code.
2. The school need not try all those items enumerated under "Discipline Responses," but the school must attempt any corrective measures, which have a reasonable chance of modifying the student's behavior to bring the behavior into conformity with the rules of the school and/or district.
3. Parents/guardians and students should be aware that even if the student reaches the point of last resort at the student's regular school, placement into an alternative education or exceptional student program is possible. However, placement in any of these programs depends on the student's meeting the criteria for admission to the program and being placed there by the District Student Placement Committee.

F. Peer Mediation

Some of Volusia County Schools operate a peer mediation program to handle minor code violations and student disputes. Interested students may be selected to participate in this program. Parents or guardians may elect not to have their children participate in such a program by providing notification to the school.

G. Waiver of Expulsion

1. The parent/guardian of an expelled student may make a request for waiver of the expulsion to the principal who may forward the request with recommendation to the superintendent or designee. In addition, evidence must be submitted with the waiver request documenting the successful completion of an identified drug/alcohol program or other counseling/treatment program related to the behavior/incident, which resulted in the expulsion. The superintendent's recommendation for action on the waiver request shall be placed on the school board's agenda for final action.
2. Together with or after an application for waiver of expulsion, a student or the parent/guardian of a student may apply to the superintendent, and the school board may approve the deletion or expunction of a record of expulsion as inappropriate in light of the circumstances of the expulsion or the overall discipline record of the student.

IV. Additional Requirements and Procedures for Students with Disabilities

A. Expulsion Proceedings for Student with Disabilities

Parents/guardians of students with a disability shall be advised of their rights to due process/procedural safeguards.

1. If a principal refers a student with a disability who has an IEP for expulsion, the superintendent or designee shall convene an Individual Education Plan (IEP) review committee in accordance with applicable law. The IEP committee shall review the appropriateness of the student's individual education plan. The committee shall meet and determine whether the misconduct is a manifestation of the student's disability.
2. If the misconduct is a manifestation of the student's disability, the school is required to follow the process set forth in Rule 6A-6.3312 of the Florida Administrative Code, and the Individuals with Disabilities Education Act. A change of placement may be initiated providing that all state and federal regulations have been followed including obtaining the required parent/guardian consent. Services must ensure the student can continue to appropriately progress in the general curriculum and advance toward achieving his/her IEP goals.
3. If the misconduct is not a manifestation of the student's disability, then the student may be expelled in accordance with the Code of Student Conduct and Discipline as set forth for general education students. However, in cases such as these, educational services must be continued in accordance with the IEP, and the IEP committee must determine the services necessary to ensure the student can continue to appropriately progress in the general curriculum and advance toward achieving his/her IEP goals.

B. Expulsion Proceedings for Students with a Section 504 Plan

Parent/guardians of students with a Section 504 Plan shall be advised of their procedural safeguards.

1. If a principal refers a student with a Section 504 Plan for expulsion, the superintendent or designee shall convene a Section 504 committee meeting in accordance with applicable law. Under Section 504, a team of people knowledgeable about the student and his/her disability must

convene and decide if the student's misbehavior was a manifestation of the student's disability.

2. If the misconduct was not a manifestation of the student's disability, then the disciplinary action can proceed as it would for any general education student.

C. Reasonable Modifications

1. Under Title II of the ADA, VCS must provide reasonable modification to its policies, practices and procedures governing student conduct and discipline, including those set forth in the Student Code of Conduct and Discipline, when such modifications are necessary to avoid discrimination on the basis of disability.
2. A student with a disability or their parent(s)/guardian(s) may request a reasonable modification to VCS' disciplinary policies, practices, or procedures for that student. Where such a request has been made, VCS shall not implement disciplinary measures until the request for a reasonable modification has been resolved, and the student and/or parent(s)/guardian(s) has received written notification of the resolution of the modification request.
3. VCS shall not require a specific request for modification where VCS knows or should have known that the student's conduct may be the result or manifestation of the student's disability. In such an instance, VCS will consider and make reasonable modifications to its disciplinary policies and/or procedures when it is necessary to avoid discrimination on the basis of the student's disability

D. Manifestation of a Disability

1. If the school district, parent(s)/guardian(s), and relevant members of the IEP/504/Child-Find team(s) determine that the violation of the Student Code of Conduct and Discipline is the result of a manifestation of the student's disability, VCS will pursue the steps set forth in those respective policies and procedures, as applicable and including but not limited to conducting a functional behavioral assessment (FBA) with parental consent.
2. A student with a disability is entitled to a Free Appropriate Public Education (FAPE). VCS shall maintain FAPE while ensuring a safe and secure learning environment for all students.
3. Pursuant to Rule 6A-6.03312 of the Florida Administrative Code, school personnel may remove a student to an Interim Alternative Educational Setting, for not more than forty-five (45) school days, without regard to whether the student's behavior is determined to be a manifestation of the student's disability when the student:
  - Carries a weapon to or possess 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 or uses illegal drugs or sells or solicits the sale of a controlled substance, while at school, on school premises, or to a school function under the jurisdiction of a state education agency or school district; and/or,
  - Has inflicted serious bodily injury upon another person while at school, on school premises, or to a school function under the jurisdiction of a state education agency or school district.

***Parents must be notified and provided with a copy of the Notice of Procedural Safeguards upon the decision to remove a student under these conditions.***

In an effort to make this Code of Conduct user-friendly, some of the subsections have been separated into individual sections when presented to the public. However, each of the policies and procedures related to students, in any program, and/or level, including students with a disability, as well as the expectation and possible consequence are incorporated herein by reference as if set forth in full. This includes but is not limited to the ESE Handbook, the ESE Policies and Procedures (SP&P), the PST and MTSS policies and procedures (as the district transitions between the approach to interventions), each of which is incorporated herein by reference, as well as the policies and procedures set forth on the school district's BoardDocs website (<https://go.boarddocs.com/fla/vcs/lf/Board.nsf/Public>). It is imperative that anyone reading this Code of Conduct also refer to BoardDocs to ensure complete comprehension of all policies and procedures which this code includes and enforces.



Legal Authority:

Sections 1001.41, 120.54, Florida Statutes

Laws Implemented:

Sections 1006.07(2), 1001.42(8), 1003.57, 1003.24, 1003.31, 1006.08, 1006.09, 1006.10, 1003.32, 1006.11, 1006.13, 1006.135, 1006.14, 893.145, 893.146, Florida Statutes; Every Student Succeeds Act (ESSA) of 2015; Rule 6A- 6.0331(7), Florida Administrative Code

History:

(Adopted -- August 13, 1985)

(Revised -- June 27, 1989; August 27, 1990; July 23, 1991; May 26, 1992; May 25, 1993; June 28, 1994; May 23, 1995; May 28, 1996; June 9, 1998; June 15, 1999; June 13, 2000; June 12, 2001; May 14, 2002; May 27, 2003; May 4, 2004; July 27, 2004; July 26, 2005; May 23, 2006; May 22, 2007; June 10, 2008; June 9, 2009; June 22, 2010; July 26, 2011; June 26, 2012; June 25, 2013; July 22, 2014; June 23, 2015 -Emergency Adoption; August 11, 2015; July 25, 2016-Emergency Adoption; September 13, 2016; July 25, 2017 – Emergency Adoption; September 26, 2017; July 24, 2018 – Emergency Adoption; September 11, 2018; July 22, 2019; Emergency Adoption; July 28, 2020; September 22, 2020; July 26, 2022)

(Effective Date –July 26, 2022)

## **PROHIBITION OF HARASSMENT**

### **(509)**

#### **I. GENERAL STATEMENT OF POLICY**

It is the policy of the Volusia County School District ("School District") to maintain a work environment that is free from harassment because of an individual's race, color, sex, religion, national origin, marital status, age, political beliefs, sexual orientation, gender identity or expression, or disability. The Volusia County School District prohibits any and all forms of harassment because of race, color, sex, religion, national origin, marital status, age, political beliefs, sexual orientation, gender identity or expression, or disability. This shall include same sex harassment, male to female harassment, and female to male harassment.

For the purpose of this policy, the term "school personnel" includes school board members, agents, volunteers, contractors, or persons subject to the supervision and control of the School District. For the purpose of this policy, the term "other person" shall be defined as any other person involved with school business or activities, or on school grounds.

It shall be a violation of School District policy for any student, teacher, administrator, other school personnel, or other person to harass a student, teacher, administrator, other school personnel, applicant for employment or other person through conduct of a sexual nature, or regarding race, color, religion, national origin, marital status, age, political beliefs, sexual orientation, gender identity or expression, or disability, as defined by this policy.

It shall also be a violation of this policy for any teacher, administrator, or other school personnel to tolerate sexual harassment or harassment because of a student's, subordinate employees, or other person's race, color, national origin, marital status, age, political beliefs, sexual orientation, gender identity or expression, or disability by a student, teacher, administrator, other school personnel or by any third party.

The School District will act to promptly investigate all complaints, either formal or informal, verbal or written, of harassment because of race, color, sex, religion, national origin, marital status, age, political beliefs, sexual orientation, gender identity or expression, or disability. The school system will promptly take appropriate action to protect individuals from further harassment. If it is determined that bullying or harassment in violation of this policy has occurred, the district will: (1) promptly and appropriately discipline any student or employee who is found to have violated this policy; (2) take appropriate action against any other person who is found to have violated this policy; and/or (3) take other action reasonably calculated to end the bullying and/or harassment and to correct the discriminatory effects on the complainant or other individuals who were subject to bullying and/or harassment, if appropriate.

The superintendent shall appoint an equity officer from among school personnel. The equity officer shall have the responsibility of counseling individuals who believe they may have been subjected to harassment in violation of this policy. Such counseling shall include providing necessary assistance and support in submitting the allegation to the appropriate investigator. The equity officer shall also provide the superintendent with recommendations regarding training that may benefit the School District in the prevention of unlawful discrimination and harassment, and coordinate compliance with civil rights protection. The equity officer shall also have the responsibility of reporting to the superintendent, deputy superintendent, area superintendent, assistant superintendent, principal, or whomever the equity officer deems appropriate whenever he or she believes that an individual who has filed a complaint has not had the charge properly investigated in compliance with this policy.

#### **II. DEFINITIONS**

##### **A. Sexual Harassment**

For purposes of this policy, sexual harassment consists of unwelcome and unsolicited sexual advances, requests for sexual favors, sexually motivated physical conduct, or other verbal or physical conduct or communication of a sexual nature when:

1. submission to that conduct is made a term or condition, either explicitly or implicitly, of obtaining or retaining employment, or of obtaining an education; or
2. submission to or rejection of that conduct by an individual is used as a factor in decisions affecting that individual's employment or education; or

3. that conduct has the purpose or effect of substantially or unreasonably interfering with an individual's employment or education, or creating an intimidating, hostile, abusive, oppressive, or offensive employment or education environment.

Sexual harassment may include but is not limited to:

1. sexual advances;
2. touching, patting, grabbing or pinching another individual's intimate parts;
3. coercing, forcing or attempting to coerce or force the touching of anyone's intimate parts;
4. coercing, forcing or attempting to coerce or force sexual intercourse or a sexual act on another;
5. graffiti of a sexual nature;
6. sexual gestures;
7. sexual or dirty jokes;
8. touching oneself sexually or talking about one's sexual activity in front of others;
9. spreading rumors about or rating other employees as to sexual activity or performance;
10. unwelcome, sexually motivated or inappropriate physical contact. This prohibition does not preclude legitimate non-sexual conduct such as the use of necessary restraints to avoid physical harm to persons or property; or
11. other unwelcome sexual behavior or words, including demands for sexual favors, when accompanied by implied or overt threats concerning an individual's employment, educational status, or employment, or implied or overt promises of preferential treatment.

B. Harassment Because of Race, Color, Religion, National Origin, Marital Status, Age, Political Beliefs, Sexual Orientation, Gender Identity or Expression, or Disability

For purposes of this policy, harassment on the basis of race, color, religion, national origin marital status, age, political beliefs, sexual orientation, gender identity or expression, or disability consists of verbal or physical conduct relating to an individual's race, color, religion, national origin, marital status, age, political beliefs, sexual orientation, gender identity or expression, or that of an individual's parents, family members or ancestors, or an individual's physical or mental disability, when the conduct:

1. has the purpose or effect of creating an intimidating, hostile, abusive, oppressive, or offensive working or educational environment;
2. has the purpose or effect of substantially or unreasonably interfering with an individual's work or educational performance; or
3. otherwise adversely affects an individual's employment or educational opportunities.

Harassment because of race, color, religion, national origin, marital status, age, political beliefs, sexual orientation, gender identity or expression, or disability may include but is not limited to:

1. graffiti containing offensive language;
2. name calling, jokes or rumors;
3. threatening or intimidating conduct directed at another because of the other's race, color, religion, national origin, marital status, age, political beliefs, sexual orientation, gender identity or expression, or disability;
4. notes or cartoons;
5. slurs, negative stereotypes, and hostile acts, which are based upon another's race, color, religion, national origin, marital status, age, political beliefs, sexual orientation, gender identity or expression, or disability;
6. written or graphic material containing comments or stereotypes which is posted or circulated, and which is aimed at degrading individuals or members of protected classes;
7. a physical act of aggression or assault upon another because of, or in a manner reasonably related to race, color, religion, national origin, marital status, age, political beliefs, sexual orientation, gender identity or expression, or disability; or
8. other kinds of aggressive conduct such as theft or damage to property, which is motivated by race, color, religion, national origin, marital status, age, political beliefs, sexual orientation, gender identity or expression,

or disability.

### **III. REPORTING PROCEDURES**

#### **A. General Procedures**

Any student, parent/guardian of a student, employee, other school personnel or other person who believes he or she has been the victim of sexual harassment or harassment based on race, color, religion, national origin, marital status, age, political beliefs, sexual orientation, gender identity or expression, or disability as described by this policy, is encouraged to immediately report the alleged acts to an appropriate School District official designated herein.

Any administrator or other school employee who receives notice that any student, employee, other school personnel or other person may have been the victim of sexual harassment or harassment based on race, color, religion, national origin, marital status, age, political beliefs, sexual orientation, gender identity or expression, or disability as described by this policy, is required to immediately report the alleged acts to an appropriate School District official designated herein. Failure to forward any harassment report or complaint as provided herein may result in disciplinary action against the employee, administrator or other school personnel who had been informed of the report or complaint. The individual receiving the report or complaint may request but may not insist upon a written complaint.

The School District shall, to the extent possible, protect the confidentiality and privacy of the individual filing the complaint, the individuals against whom the complaint is filed, and the witnesses involved. Such confidentiality and privacy may be limited by investigative and legal requirements that apply to the School District.

The School District encourages the reporting party or complainant to use the report form available from the appropriate office, but oral reports shall be considered complaints as well. Use of formal reporting forms is not required.

#### **B. Submission of Complaints**

1. Teachers who have observed or been told of bullying or harassment among students shall take the appropriate corrective action and shall make the necessary referrals to the school administration as may be warranted by the situation. For other school personnel and other persons, any allegation that a student has been subjected to harassment in violation of this policy by another student shall be submitted to the affected student's building principal for investigation in accordance with the Code of Student Conduct and Discipline.
2. Any allegation that a teacher, administrator, other school personnel or other person has been subjected to harassment in violation of this policy by a student shall be submitted to the building principal for the student against whom the allegation was made.
3. Any allegation that a student, teacher, administrator, other school personnel or other person has been subjected to harassment in violation of this policy by a teacher, administrator, other school personnel or other person shall be submitted to the equity officer with the exception of allegations of harassment on the basis of sex. All complaints of harassment on the basis of sex shall be referred to the director of Professional Standards.
4. Complaints of harassment must be submitted within sixty (60) calendar days of the alleged action.
5. The equity officer shall be notified of all incidents of harassment that are the subject of an investigation.

### **IV. INVESTIGATION**

- A. Upon receipt of the harassment report or complaint, the building principal, equity officer or the director of professional standards, whichever is applicable, shall immediately undertake or authorize an investigation.
- B. The investigation will consist of personal interviews with the complainant, the individual(s) against whom the

complaint is filed, and others who may have knowledge of the alleged incident or circumstances giving rise to the complaint. The investigation may also consist of any other methods and documents deemed pertinent by the investigator.

- C. In determining whether alleged conduct constitutes a violation of this policy, the person investigating shall consider the surrounding circumstances, the nature of the behavior, past incidents, past or continuing patterns of behavior, and the context in which the alleged incidents occurred.
- D. In the course of the investigation the building principal or the director of professional standards may determine that reason exists to make a recommendation regarding the protection of the student, employee or others named in the complaint. Such recommendation will be made immediately to the superintendent.
- E. The investigation will be completed as soon as practicable, with cases involving allegations against students being completed within ten (10) days, and cases involving allegations against adults taking no more than 60 days. If the allegation is against an employee, the director of professional standards or equity officer, whichever is applicable shall, upon completion of the investigation, provide a written report to the professional standards committee and shall make a recommendation to the superintendent. If the complaint involves the superintendent, the report may be filed directly with the school board. The report shall include a determination of whether the allegations have been substantiated as factual and whether they appear to be violations of this policy and should be completed with 90 days of the date of the complaint.

If the allegation is against a student, and is substantiated, the building principal shall take whatever action is appropriate under the Code of Student Conduct and Discipline. If the allegation is against a teacher, employee or other school personnel, and is substantiated, the superintendent and school board shall take appropriate action in accordance with school board policy, Florida Statutes and the Administrative Rules of the Florida State Board of Education. Such actions shall be taken in a timely manner.

- F. The result of any investigation conducted by a school or district administrator under this policy will be reported in writing to the parties to the extent allowed by law.

## **V. RETALIATION**

The School District will discipline or take appropriate action against any student, teacher, administrator, or other school personnel who retaliates against any individual who reports alleged harassment under this policy or any person who testifies, assists, or participates in an investigation, or who testifies, assists or participates in a proceeding or hearing relating to such harassment. Retaliation includes, but is not limited to, any form of intimidation, reprisal, or harassment.

## **VI. DISSEMINATION OF POLICY, TRAINING AND PREVENTION**

- A. This policy shall be accessible to all students, school personnel and members of the public via the School District's web site on the Internet.
- B. The policy will also be referenced in employee handbooks and student handbooks.
- C. The superintendent shall make arrangements for periodic training for staff to ensure that employees understand and recognize prohibited harassment activity pursuant to this policy.
- D. The prohibitions and requirements of this policy shall be reviewed with students at the same time the Code of Student Conduct and Discipline is reviewed.
- E. The School District shall conspicuously post in all schools and departments the name of the equity officer, including mailing address and telephone number.

Legal Authority:

Sections 1001.41, Florida Statutes

Laws Implemented:

History:

(Adopted -- April 25, 2001)

(Revised -- July 28, 2009, March 29, 2011; March 13, 2012)

(Effective Date -- March 13, 2012)

POLICY AGAINST BULLYING AND HARASSMENT

I. General Statement

It is the policy of the Volusia County School District that all of its students and school employees have an educational setting that is safe, secure, and free from harassment and bullying of any kind. The district will not tolerate bullying and/or harassment of any type. Conduct that constitutes bullying and harassment, as defined herein, is prohibited. Issues regarding sexual harassment, and harassment based upon race, color, sex, religion, national origin, marital status, age, political beliefs, sexual orientation, gender identity or expression, or disability shall be dealt with under School Board Policy 509, Prohibition of Harassment.

II. Definitions for the Purpose of this Policy

**Bullying**, for the purpose of this policy, shall be defined as systematically and chronically inflicting physical hurt or psychological distress on one or more students or employees. The term “bullying” shall include “cyberbullying” It is further defined as unwanted and repeated written, verbal, or physical behavior, including any threatening, insulting, or dehumanizing gesture, by a student or adult, that is severe or pervasive enough to create an intimidating, hostile, or offensive educational environment; cause discomfort or humiliation; or unreasonably interfere with the individual’s school performance or participation; and may involve but is not limited to:

1. Teasing
2. Social Exclusion
3. Threat
4. Intimidation
5. Stalking
6. Physical violence
7. Theft
8. Sexual, religious, or racial harassment
9. Public or private humiliation
10. Destruction of property

**Cyberbullying**, for the purpose of this policy, bullying through the use of technology or any electronic communication, which includes, but is not limited to, any transfer of signs, signals, writing, images, sounds, data, or intelligence of any nature transmitted in whole or in part by a wire, radio, electromagnetic system, photoelectronic system, or photo optical system, including, but not limited to, electronic mail, Internet communications, instant messages, or facsimile communications. Cyberbullying includes the creation of a webpage or weblog in which the creator assumes the identity of another person, or the knowing impersonation of another person as the author of posted content or messages, if the creation or impersonation creates any of the conditions enumerated in the definition of bullying. Cyberbullying also includes the distribution by electronic means of a communication to more than one person or the posting of material on an electronic medium that may be accessed by one or more persons, if the distribution or posting creates any of the conditions enumerated in the definition of bullying.

**Harassment**, for the purpose of this policy, shall be defined as any threatening, insulting, or dehumanizing gesture, use of data or electronic communication or written, verbal or physical conduct directed against a student or school employee that:

1. Places a student or school employee in reasonable fear of harm to his or her person or damage to his or her property
2. Has the effect of substantially interfering with a student's educational performance, opportunities, or benefits
3. Has the effect of substantially disrupting the orderly operation of a school

**Bullying and harassment**, for the purpose of this policy, also encompasses:

1. Retaliation against a student, group or school employee by another student, group or school employee for asserting or alleging an act of bullying or harassment. Reporting an act of bullying or harassment that is not made in good faith is considered retaliation.
2. Perpetuation of conduct listed in the definition of bullying or harassment by an individual or group with intent to demean, dehumanize, embarrass, or cause emotional or physical harm to a student or school employee by:
  - a. Incitement or coercion;
  - b. Accessing or knowingly and willingly causing or providing access to data or electronic communication through a computer, computer system, or computer network, or electronic devices within the scope of the district school system. For purposes of this policy, within the scope of the district school system means, regardless of ownership, any computer, computer system, or computer network or electronic device that is physically located on school property or at a school-related or school-sponsored program or activity;
  - c. Acting in a manner that has an effect substantially similar to the effect of bullying or harassment.

**Cyberstalking**, as defined in s. 784.048(1)(d), F.S., means to engage in a course of conduct to communicate, or to cause to be communicated, words, images, or language by or through the use of electronic mail or electronic communication, directed at a specific person, causing substantial emotional distress to that person and serving no legitimate purpose.

It is expected that the incident(s) of bullying and/or harassment must be reported to a school administrator by any knowledgeable stakeholder.

### III. Behavior Expectations

#### General Expectations

The Volusia County School District expects students to conduct themselves as appropriate for their levels of development, maturity, and demonstrated capabilities with a proper regard for the rights and welfare of other students and school staff, the educational purpose underlying all school activities, and the care of school facilities and equipment.

The school district believes that standards for student behavior must be set cooperatively through interaction among the students, parents/legal guardians, staff, and community members producing an atmosphere that encourages students to grow in self-discipline. The development of this atmosphere requires respect for self and others, as well as for district and community property on the part of students, staff, and community members. Since students learn by example, school administrators, faculty, staff, and volunteers will demonstrate appropriate behavior, treat others with civility and respect, and refuse to tolerate bullying or harassment.

The bullying or harassment of any student, group or school employee is prohibited:

- a. During any school district program or activity.
- b. During any school-related or school-sponsored program or activity;
- c. On school sponsored transportation;
- d. Through the use of data or electronic communication that is accessed through a district owned or operated computer, computer system, computer network, or other electronic device(s). The physical location or time access of a computer-

related incident cannot be raised as a defense to a disciplinary action initiated under this policy. The application of this policy shall be consistent with the standards that exist under the Constitution of the United States of America; or

- e. Through the use of data or computer software that is accessed at a non-school-related location, activity, function, or program or through the use of technology or an electronic device that is not owned, leased, or used by a school district or school, if the bullying substantially interferes with or limits the victim's ability to participate in or benefit from the services, activities, or opportunities offered by a school or substantially disrupts the education process or orderly operation of a school. This paragraph does not require a school to staff or monitor any non-school-related activity, function, or program. Pursuant to section 1006.147, Florida Statutes, nothing in this policy shall be interpreted or relied upon, or establish an expectation that, the school district will staff or monitor any non-school-related activity, function, or program.

#### Students' Rights and Responsibilities

- Respect for Persons and Property

Students have the right to use school property in a manner approved by the school center.

Students have the responsibility to respect the rights of others and not to interfere with their learning.

Students have the right to use their personal property in a manner approved by the school.

Students have the responsibility to respect and adhere to the rules and regulations of the school system.

Students have the right to privacy consistent with applicable laws. Students have the responsibility to report evidence of an illegal act or violation of the code.

Students have the right to be respected and accepted as individuals. Students have the responsibility to exhibit respect for themselves and others by dressing appropriately and in accordance with the Adopted dress code, recognizing the role that appropriate dress and respect for self and others has on orderly learning environment.

- Knowledge and Observation of Rules and Conduct

Students have the right to know the rules and regulations regarding their conduct. They also have the opportunity for input in the development of these rules and regulations. Students have the responsibility to follow the rules and regulations of the school center.

Students have the right to be assured of a school environment, which does not jeopardize their safety, health, or welfare. Students have the responsibility to follow the rules and regulations of the school center so as not to jeopardize the safety, health, and welfare of others.

- Respect for Authority

Students shall abide by the standards of conduct established in the Policy Guide and Code of Student Conduct and Discipline set out in School Board Policy Number 208, this policy, and by rules established by the school administrators and classroom teachers, which rules shall be consistent with Policy Guide and the Code of Student Conduct and Discipline, this policy and applicable law. Students who do not conduct themselves in accordance with such policies and rules are subject to discipline in accordance with the Code of Student Conduct and Discipline.

#### Student Recognition

All administrators, faculty, and staff, in collaboration with parents, students, and community members, will incorporate systemic methods for student and staff recognition through positive reinforcement for good conduct, self-discipline, good citizenship, and academic success, as seen in the school's recognition plan or school rules.

#### Sanctions and Due Process



Proper prevention and intervention steps shall be taken based on the level of severity of infraction as outlined in the Policy Guide and Code of Student Conduct and Discipline and this Policy.

#### IV. Consequences

##### Student Consequences

The consequence for a student who commits an act of bullying and/or harassment or who is found to have wrongfully and intentionally accused another of an act of bullying or harassment shall be consistent with the responses set out in School Board Policy 208, Code of Student Conduct and Discipline, for “Level III – Major I Offenses”, which include the following:

- Assignment to an alternative education program
- Community service in lieu of suspension \*Not appropriate for all Level III Offenses -consult with the District Office
- Expulsion recommendation from school or bus
- In-school suspension
- Concern of harm to self or to others referral
- Problem Solving Team
- Restitution
- Saturday school
- Civil Citation Program
- Student Services referral
- Suspension from school or bus

NOTE: A student's IEP or 504 plan must be considered when determining the response to a disciplinary infraction.

##### Employee Consequences

Consequences and appropriate interventions for a school/district employee (s) or third-party contracted employees found to have committed an act of bullying and/or harassment or to have wrongfully and intentionally accused another of an act of bullying and/or harassment will be instituted in accordance with District policies, procedures, and agreements (Policy 418, Standards of Conduct, Procedures of the Office of Professional Standards, department and school rules and procedures applicable to the employee, and the relevant collective bargaining agreement). Additionally, acts of bullying or harassment by certified educators may, as determined by the Principles of Professional Conduct of the Education Profession in Florida, result in a sanction against an educator's state issued certificate (Rule 6B-1.006 F.A.C.).

##### Visitor and Volunteer Consequences

Consequences and appropriate interventions for a visitor, volunteer found to have committed an act of bullying and/or harassment or to have wrongfully and intentionally accused another of an act of bullying and/or harassment will be instituted in accordance with School Board Policy 418 Standards of Conduct, which provides that the individual engaging in such inappropriate behavior may be directed by the principal/designee to leave the school, other school district facility, or school activity. In addition, if determined to be appropriate by the principal, a trespass warning may be issued in accordance with state law.

#### V. Incident Report and Investigation

##### Submission of Complaints

- a. Any student, parent/guardian of a student, employee, visitor or volunteer or stakeholder who believes he or she (or the child/student) has been the victim of bullying and/or harassment in violation of this policy is expected to immediately report the alleged acts to an appropriate School District official designated herein. In accordance with the law, persons shall be permitted to anonymously report such allegations, but no disciplinary action may be based solely upon an anonymous report.
- b. Section 1006.147 (6), Florida Statutes, states as follows: “A school employee, school volunteer, student or parent who promptly reports in good faith an act of bullying or harassment to the appropriate school official designated in the school district’s policy and who makes this report in compliance with the procedures set forth in this policy is immune from a cause of action for damages arising out of the reporting itself or any failure to remedy the reported incident.”
- c. Students who believe they have been subject to or have observed bullying and/or harassment in violation of this policy shall report the allegation to the teacher, building principal or designee (e.g., student dean). Teachers who have observed or been told of bullying and/or harassment among students shall take the appropriate corrective action and shall make the necessary referrals to the school administration as may be warranted by the situation. Employees who believe they have been subject to or have observed bullying and/or harassment in violation of this policy shall report the allegation to their supervisor or Professional Standards. Visitors or volunteers who believe they have been subject to or have observed bullying and/or harassment in violation of this policy shall report the allegation to the administrator supervising the facility or program with which the visitor or volunteer is involved. The administrator receiving the complaint shall (in consultation with the Office of Professional Standards if the allegation is against an adult, or the Area Superintendent if the allegation is against a student) determine whether he or she has authority over the individual against whom the allegation has been made. If the administrator does not have such authority, then he or she shall forward the allegation to the appropriate administrator. If it is determined that the investigation is outside of the jurisdiction of the district, then the administrator shall, (in consultation with the Professional Standards Department if the allegation is against an adult, or the Director of Student Assignments if the allegation is against a student) determine whether there is an appropriate jurisdiction to which the matter can be referred. Such consultation shall also include a determination of whether local law enforcement should be notified of the allegation.

#### Investigation

- a. Upon receipt of the harassment/bullying report or complaint, the building principal, administrator, or Director of Professional Standards, whichever is applicable, shall immediately undertake or authorize an investigation. The investigation of a reported act of bullying and/or harassment is deemed to be a school-related activity and begins with the report of such an act. Incidents that require a reasonable investigation when reported to appropriate school authorities shall include alleged incidents of bullying and/or harassment allegedly committed against a child while the child is en route aboard a school bus or at a school bus stop.
- b. The investigation will consist of personal interviews with the complainant, the individual(s) against whom the complaint is filed, and others who may have knowledge of the alleged incident or circumstances giving rise to the complaint. The investigation may also consist of any other methods and documents deemed pertinent by the investigator.
- c. In determining whether alleged conduct constitutes a violation of this policy, the person investigating shall consider the surrounding circumstances, the nature of the behavior, past incidents, past or continuing patterns of behavior, and the context in which the alleged incidents occurred.
- d. In the course of the investigation the building principal or the Director of Professional Standards may determine that reason exists to make a recommendation regarding the protection of the student, employee or others named in the complaint. Such recommendation will be made immediately to the Superintendent.
- e. The investigation will be completed as soon as practicable, with cases involving allegations against students being completed within ten (10) days, and cases involving adults taking no more than sixty (60) days. If the allegation is against an employee, the Director of Professional Standards shall, upon completion of the investigation, provide a written report to the Professional Standards Committee, who shall make a recommendation to the Superintendent. If the complaint

involves the Superintendent, the report may be filed directly with the School Board. The report shall include a determination of whether the allegations have been substantiated as factual and whether they appear to be violations of this policy. If the allegation is against a student, and is substantiated, the building principal shall take whatever action is appropriate under the Code of Student Conduct and Discipline. If the allegation is determined to be unsubstantiated, it must be recorded as such in the student information system. If the allegation is against a teacher, employee, or other school personnel, and is substantiated, the Superintendent and School Board shall take appropriate action in accordance with School Board policy, Florida Statutes and the Administrative Rules of the Florida State Board of Education. Such actions shall be taken in a timely manner. If the allegation is against a visitor or volunteer, and is substantiated, the administrator shall take action in accordance with School Board Policy 418 Standards of Conduct, which provides that the individual engaging in such inappropriate behavior may be directed by the principal/designee to leave the school, other school district facility, or school activity. In addition, if determined to be appropriate by the principal, a trespass warning may be issued in accordance with state law.

- f. In the course of investigations, computers without web-filtering software or computers with web-filtering software that is disabled shall be used when complaints of cyberbullying are investigated. A principal or designee will assign a designee that is trained in investigative procedures to initiate an investigation of whether an act of bullying and/or harassment is within the scope of the scope of the district.

The trained designee will provide a report on results of investigation with recommendations for the principal to make a determination if an act of bullying and/or harassment falls within the scope of the district. If it is within the scope of the district, move to procedures for investigating bullying and/or harassment. If it is outside the scope of the district, and determined a criminal act, refer to appropriate law enforcement. If it is outside the scope of district, and determined not a criminal act, inform the parents/guardian of all students involved.

## VI. Parental Notification and Referrals for Counseling

- a. Where the victim or perpetrator of the bullying or harassment is a student, then the parents of the student shall receive immediate notification of the act of bullying and/or harassment via telephone, personal conference, and/or in writing. The result of any investigation conducted by a school or district administrator under this policy will be reported in writing to the parties, to the extent allowed by law. Notification must be consistent with the student privacy rights under the applicable provisions of the Family Educational Rights and Privacy Act of 1974 (FERPA).

If the bullying or harassment incident results in the perpetrator being charged with a crime, the principal or designee, shall by telephone or in writing by first class mail, inform the parents/legal guardian of the victim(s) involved in the bullying or harassment incident about appropriate school options

Schools shall refer victims of bullying and/or harassment to school counselors or the problem-solving team for appropriate interventions and shall notify the parent if other actions are taken and/or planned to protect the victim. The school shall take the necessary actions to have perpetrators of bullying and/or harassment referred to appropriate programs and/or services. The school shall also take other action reasonably calculated to end the bullying and/or harassment and to correct the discriminatory effects on the complainant or other individuals who were subject to bullying and/or harassment, if appropriate.

NOTE: A student's IEP or 504 plan must be considered when determining appropriate interventions for students with disabilities.

- b. Where the victim or perpetrator of the bullying or harassment is an employee, the district shall offer referrals to counseling through the district's Employee Assistance Program. Counseling may be required for the perpetrator.

## VII. Data Collection/Reporting and Instruction

- a. The district shall coordinate with principals to insure that the safety and discipline data that principals are required to report under section 1006.09(6), F.S., includes reported incidents of bullying and harassment. The district will utilize Florida's School Environmental Safety Incident Reporting (SESIR) Statewide Report on School Safety and Discipline Data, which includes bullying and harassment as incident codes as well as bullying related as a related element code. \_

All reports of bullying will be entered into the discipline section of the district's Student Information System either as a bullying incident or an unsubstantiated report.

The district will provide bullying and/or harassment incident, discipline, and referral data to the Florida Department of Education in the format requested, through Surveys 2, 3, and 5 and at designated dates provided by the department.

- b. The Superintendent will take the necessary steps to ensure that the evidenced based bullying and harassment prevention programs conducted by the district provide instruction on identifying, preventing, and responding to bullying and/or harassment for students, parents, teachers, school administrators, counseling staff, and school volunteers. This instruction shall include awareness of behaviors that lead to bullying and/or harassment as well as information concerning preventive action.

## VI. Authorized Bullying and Harassment Prevention Programs

The Volusia County School District provides the following list of authorized programs including, but not limited to:

- Olweus Bullying Prevention Program (OBPP)
- PBS/PBIS (Positive Behavior Support)/Positive Behavioral Interventions & Supports
- Monique Burr Foundation for Children, Inc.
- Second Step
- Aggressors, Victims, and Bystander (AVB)
- i-Safe
- RULER
- Character Counts
- I Can Problem Solve
- Coping Cats
- Why Try
- Social Skills Improvement System
- Skills Streaming
- Responsive Classrooms
- Caring Classroom Community

The district ensures that schools sustain healthy, positive, and safe learning environments for all students. It is important to change the social climate of the school and the social norms with regard to bullying and/or harassment. This requires that efforts of everyone in the school environment – teachers, administrators, school counselors, school nurses, itinerant personnel, and non-teaching staff such as bus drivers, cafeteria workers, media specialists and custodians, parents/legal guardians, and students.

## IX. Publicizing the Policy

At the beginning of the school year, the Superintendent or designee shall, in writing inform school staff, parents/legal guardians, or other persons responsible for the welfare of a student of the district's student safety and violence prevention policy.

Each district school shall provide notice to students and staff of this policy through appropriate references in the code of student conduct and employee handbooks, and/or through other reasonable means. The Superintendent or designee shall also make all contractors contracting with the district aware of this policy.

Each school principal shall develop an annual process for discussing the school district policy on bullying and harassment with students in a student assembly or other reasonable format. Reminders of the policy and bullying or harassment prevention messages such as posters and signs will be displayed around each school and on the district school buses.

Legal Authority:

Sections 1001.41, 1001.42, Florida Statutes

Laws Implemented:

Section 1006.147, Florida Statutes

History:

(Adopted -- January 13, 2009)

(Emergency Rule -- November 12, 2008; February 11, 2009; August 13, 2013)

(Revised -- March 29, 2011, March 13, 2012; October 8, 2013; August 12, 2014; December 13, 2016)

(Effective Date --December 13, 2016)-

## **DATING VIOLENCE AND ABUSE (520)**

It is the policy of the Volusia County School District that all of its students have an educational setting that is safe, secure, and free from dating violence and abuse. The District shall not tolerate dating violence and abuse of any kind. Dating violence or abuse by any student is prohibited on school property, during any school related or school sponsored program or activity, or during school sponsored transportation.

### **I. Definition**

*Dating violence and abuse* includes conduct which constitutes bullying or harassment under School Board Policy 525 – Bullying and Harassment when used by one person in a current or past dating relationship to exert power and control over another when one or both of the partners is a student.

- *Dating violence and abuse* can include physical contact intended to cause harm or intimidation, such as hitting, punching, slapping, scratching, and other unwelcome physical contact.
- *Dating violence and abuse* may also include *sexual violence*, including sexual coercion.
- *Dating violence and abuse* can also include verbal or emotional mistreatment/maltreatment, including pervasive put-downs or social sabotage, such as spreading gossip or rumors.

### **I. Reporting Dating Violence or Abuse**

School employees shall report to the Principal or designee suspected cases of dating violence and abuse. Students should report suspected cases of dating violence and abuse to the Principal or designee and may do so anonymously. Student victims should report any incidences of dating violence and abuse to the Principal or designee as soon after it occurs as possible.

### **II. Investigations**

- A. The Principal or designee will conduct an investigation. If the Principal or designee determines that inappropriate behaviors have occurred on school property, the Principal or designee will make a determination if disciplinary action is warranted as outlined in the Code of Student Conduct and take the necessary action.
- B. Confidentiality to the extent allowed by law will be upheld regarding the submission of a complaint or a report of dating violence and/or abuse and the investigative procedures that follow.
- C. If the principal believes the conduct in question could be a crime, the appropriate law enforcement agency shall be notified.

### III. Curriculum

- A. The curriculum for students in both middle and high school shall include dating violence and abuse. The dating violence and abuse component shall include, but is not limited to, the definition of dating violence and abuse, the warning signs of dating violence and abusive behavior, the characteristics of healthy relationships, measures to prevent and stop dating violence and abuse, and community resources available to victims of dating violence and abuse.
- B. The curriculum shall have an emphasis on prevention-based education.

### IV. Training

Training on the District's policy prohibiting dating violence and abuse and related procedures will be provided.

#### Legal Authority:

Sections 1001.41, 1001.42, Florida Statutes

#### Laws Implemented:

Sections 1000.21, 1001.43, 1003.42, 1006.07, 1006.148, Florida Statutes

#### History:

(Adopted -- July 26, 2011)

(Effective Date -- July 26, 2011)

## **STUDENT EDUCATION GRIEVANCE PROCEDURE (508)**

### A. Definitions

- 1. Grievance: (a) An allegation that a student's rights under school rule, school board policy, state law and/or federal law have been violated; (b) An allegation that a parent's or guardian's rights under school board policy, state law and/or federal law relating to the education of a child over whom he or she has responsibility has been violated.
- 2. Days: Workdays as defined under the school district's twelve-month calendar.
- 3. Grievant: Either a student enrolled in the Volusia County School District, or the parent or guardian of a student enrolled in the Volusia County School District.

### B. Procedure

- 1. Step One - Within twenty (20) days of the event which gave rise to the grievance, the student and/ or the student's parent or guardian shall meet with the school principal to resolve the matter informally. The grievant shall inform the principal that the meeting is for the purpose of initiating the grievance procedure. A student and/or the student's parent or guardian may choose to first contact the equity officer regarding the grievance prior to meeting with the school principal. If such contact occurs, the twenty (20) day period set out in this step shall be extended to thirty (30) days. Within five days of the meeting, the principal shall provide the grievant with a written response to the issues raised. The principal shall include a grievance form with the response to the student and/or the student's parent or guardian. The principal shall complete the applicable portions of the form and acknowledge the date on which the conference occurred.

2. Step Two - If the grievant is not satisfied with the results of his or her meeting with the principal, the grievant may advance the grievance to step two of this grievance procedure. To do so, the grievant must, within ten days after receipt of the response from the principal, file a copy of the grievance form with the area superintendent responsible for the school. The grievant shall be responsible for completing the sections of the form requiring a statement of the grievance and the facts involved, the remedy requested, and the school rule, school board policy, state law and/or federal law that is alleged to have been violated. The grievance form must be complete at the time it is filed. The area superintendent shall discuss the facts and the applicable school rule, school board policy, state law and/or federal law raised by the grievance with the grievant. The area superintendent shall contact the school principal to ascertain the principal's position on the issues raised by the grievance. The area superintendent shall also have the authority to, while maintaining required student confidentiality, discuss the grievance with other individuals who may provide relevant information. While the grievance meeting is not a trial and the rules of civil procedure and evidence do not apply, the grievant may present witnesses and evidence at the meeting in support of his or her grievance. The area superintendent shall render a decision within fifteen (15) days of receipt of the grievance and shall notify the grievant of the decision by certified mail, return receipt requested. A copy of the decision will also be sent to the school principal. Any determination involving an alleged violation of a school rule shall be considered final and may not be further advanced.
3. Step Three - If the grievant is not satisfied with the area superintendent's decision, the grievant may advance the grievance to step three of this grievance procedure, providing the grievance relates to school board policy, state law and/or federal law. To do so, the grievant must, within ten days of receipt of the area superintendent's decision, file a written request for an informal hearing with the area superintendent. The area superintendent shall forward the request for informal hearing to the superintendent, who shall designate a hearing officer. The hearing officer shall schedule the date, time, and place for the informal hearing. The grievant, the area superintendent and the school principal shall be present. The hearing officer and superintendent may establish additional rules for the conduct of this informal hearing, provided these additional rules do not conflict with this policy. These rules must be written, published and made available to the grievant and administration prior to any informal hearing. The grievant and the administration have the right to be represented by counsel. Should the grievant choose not to be represented by counsel, another person of their choice may accompany him or her. The parties will be called upon by the hearing officer to state their position on the issues raised by the grievance. The parties may choose to present witnesses who have personal knowledge of the facts. However, the informal hearing is not evidentiary and does not include any right to subpoena or to cross-examination, nor shall any transcript be kept. The hearing officer shall render a written decision within ten (10) days of the close of the hearing. A copy of the decision shall be sent to the grievant by certified mail, return receipt requested. A copy of the decision shall also be forwarded to the school principal, the area superintendent, the equity officer, and the superintendent. The hearing officer's decision shall be considered final action. However, the superintendent shall have the authority to amend the decision when, in his or her sole discretion, the superintendent believes such amendment is appropriate under school board policy, state law and/or federal law. The superintendent shall have the discretion to establish the process for such amendment.

Legal Authority:  
Section 1001.41, Florida Statutes

Laws Implemented:  
Section 1000.05, Florida Statutes

History:  
(Adopted -- June 12, 2001)  
(Revised -- July 28, 2009; February 25, 2014)  
(Effective Date -- July 28, 2009)

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## Discrimination & Harassment Complaint/Inquiry Procedures

The School Board of Volusia County does not discriminate based on race, color, national origin, sex, disability, marital status, pregnancy, political beliefs, sexual orientation, or age in its educational programs, services, or activities, or in its hiring or employment practices. The district also provides equal access to its facilities to the Boy Scouts and other designated youth groups, as required by the Boy Scouts of America Equal Access Act.

- Any student, program participant, employee, or applicant who believes he/she has been discriminated against in violation of Federal or State statutes or School Board Policy Number 507 (Non-Discrimination and Educational Equity) or Policy Number 509 (Prohibition of Harassment) may register a complaint or inquiry by submitting a completed Complaint/Inquiry form to the Equity and Compliance Officer. Any student/parent who has concerns or complaints pertaining to Section 504 of the Rehabilitation Act should contact ESE and Students Services as shown below.
- The Equity and Compliance Officer will review the Complaint/Inquiry form for completeness to determine what action (if any) should be taken. The Equity and Compliance Officer may require additional information through follow-up phone calls or meetings.
- Complaints involving harassment or bullying as defined in School Board Policy Number 525 (Policy Against Bullying and Harassment) will be referred to the school/program administrator or Office of Professional Standards, and/or appropriate School District official(s).
- Complaints or inquiries pertaining to employee-involved sexual harassment or other forms of misconduct will be referred to the Department of Professional Standards for further investigation.
- Any complaint or inquiry which the Equity and Compliance Officer determines to present a \*prima facie case of discrimination (other than harassment) in violation of statute or policy will be referred to the General Counsel for further inquiry and/or action.
- For complaints not presenting an inference of discrimination or harassment, attempts will be made, whenever practical, to resolve the issues through other means or to refer the individuals to the most appropriate sources for assistance.
- A complainant has the right at any time during the complaint/inquiry process to seek redress through other means available.

Questions, complaints, or requests for additional information regarding discrimination or harassment may be sent to:

For Employment Concerns:

Anne Marie Wrenn, Equity & Compliance Officer  
Professional Standards  
200 North Clara Avenue  
DeLand, Florida 32721  
(386) 734-7190, ext. 20313  
[amwrenn@volusia.k12.fl.us](mailto:amwrenn@volusia.k12.fl.us)

For Student/Section 504 Concerns:

Erin A. Harrigan, Esq.  
ADA Compliance Officer  
200 N. Clara Avenue  
DeLand, Florida 32721  
(386) 734-7190, ext. 20251  
[eaharrig@volusia.k12.fl.us](mailto:eaharrig@volusia.k12.fl.us)



## **STUDENT EDUCATIONAL RECORDS**

### **Definition**

Student educational records are defined as those records, files, documents, or other materials including cumulative records that contain information directly related to students, and which are created, maintained, and used by the school in the normal course of business. Information contained in student educational records shall be classified as follows:

**Category A** - permanent information, which includes verified information of educational importance, which shall be retained permanently in accordance with Florida law and school board policy;

**Category B** - temporary information, which includes verified information subject to change, which shall be eliminated periodically in accordance with Florida law and school board policy.

The principal of each school shall be responsible for the control, supervision, security, and interpretation of any student educational records maintained in the school. The superintendent or his/her designee shall be responsible for the privacy and security of all student records not under the supervision and control of the principal. The department of student services and exceptional student education shall be responsible for assisting schools in the implementation of this policy.

### **Rights of Parent/Guardian or Student**

With respect to student educational records, Florida law provides that parents, guardians, and students may exercise the following rights:

1. Right of access to records upon request.
2. Right to copies of records or reports upon request.
3. Right to waiver of access to confidential letters or statements of recommendation or evaluation.
4. Right to challenge the content of any record or report.
5. Right to request a hearing.
6. Right of privacy.
7. Right to be notified annually of the right to access.

The department of student services and exceptional student education will prepare detailed procedures incorporating the provisions and requirements of state law to enable parents, guardians, and students to avail themselves of their rights. The department of student services and exceptional student education will notify parents, guardians, and students in writing annually of these enumerated rights. Hearings are to be held upon request in accordance with Section 228.093(c), Florida Statutes, and school board policy.

### **Transfer and Release of Records**

Every student shall have the right of privacy with respect to the student's educational records. Procedures for transferring and maintaining records of students who transfer from school to school, whether in-county, out-of-county or out-of-state, shall be developed by the superintendent or his designee and will ensure confidentiality of educational records.

#### **Legal Authority:**

Sections 1002.22, 1002.221, 1003.44, Florida Statutes

#### **Laws Implemented:**

Sections 1002.22, 1002.221, 1003.44 Florida Statutes  
Rule 6A-1.0955, Florida Administrative Code

#### **Reference:**

Student Educational Records Manual  
Student Services Comprehensive Plan

## **ESTABLISHMENT OF ATTENDANCE AREAS FOR VOLUSIA COUNTY SCHOOL DISTRICT (202)**

The School Board of Volusia County shall establish geographic attendance areas (zones) for each public school, grades kindergarten through twelve, in Volusia County. The superintendent may recommend to the school board changes in existing school attendance areas as school enrollments, state mandated school plant classifications or the opening of new school's warrant. School attendance area boundaries are identified in the Zone Description Manual, which is available for public inspection at the School Board Administrative Offices, and which is incorporated into this policy by reference.

#### **Legal Authority:**

Sections 230.22(1), 230.232, 230.32(4), Florida Statutes

Laws Implemented:

Section 230.33(6)(a), Florida Statutes

Rule 6A-1.043, Florida Administrative Code

History:

(Adopted -- May 8, 1984)

(Revised -- July 1, 1986; October 10, 1989)

(Effective Date -- October 10, 1989)

## STUDENT ATTENDANCE POLICY

### Preamble

Under Florida's compulsory school attendance law, each parent of a child within the compulsory attendance age is responsible for such child's school attendance. All children who have attained the age of six years, on, or before February 1<sup>st</sup> of the school year are required to attend school regularly during the entire school term. A student who attains the age of 16 years is not subject to compulsory school attendance if the student files a formal declaration of intent to terminate school enrollment and must be signed by the student and parent or legal guardian. Compulsory school requirements shall apply until the student turns eighteen, graduates or until the parent or legal guardian signs the declaration of intent to terminate school enrollment.

"Attendance" means being present at school or away from school on a school day and engaged in an educational activity which constitutes a part of the school-approved instructional program for the student. The parent has the responsibility to report any non-attendance and explain the cause of any school absence of a child. The superintendent has the responsibility to enforce the compulsory school attendance laws and has an obligation to notify the parent when no valid reason is found for a child's non-enrollment over a period of time.

The sole purpose of this policy is to set forth procedures as such are required under Florida's compulsory school attendance laws and the enforcement thereof.

The superintendent shall develop and distribute procedures that meet the school district's obligation regarding attendance under this policy, state statute and state rules and regulations, including the enforcement of school attendance requirements. The procedures must provide that schools track excused and unexcused absences and contact the home in the case of an unexcused absence from school, or absence for which the reason is unknown, to prevent the development of patterns of non-attendance.

### I. Excused Absence

- A. Illness or other legitimate causes will be excused with the permission of the parent/guardian and the school principal, up to 15 days within the school year. After 15 days of absence, excused or unexcused, a student must have a doctor's verification for subsequent absences due to illness. In addition, the school shall also have the discretion to require that subsequent absences or tardinesses be accompanied by a statement explaining the reason for such absences and tardinesses. The legitimacy of a cause for being absent shall be determined by the building principal or designee based on the following criteria: (a) whether the reason for absence is equivalent in importance to the student's need to be in attendance; (b) the needs of the student and the student's family; (c) the number of absences accumulated by the student; and (d) other justifiable rationale.
- B. Schools must be notified of excused absences by either personal communication or written explanation from the parent/guardian in accordance with procedures established by the school. If the parent/guardian fails to provide notification, the absence will be recorded as unexcused.
- C. For students with chronic illnesses that may require more than the allowed 15 days of absences, the parent must provide a letter from the student's doctor stating that the student suffers with a chronic illness that will likely require more than 15 days of absences each year. This letter must be provided to the school each year that the condition continues. The parent may then call-in illnesses beyond the 15 days without providing additional medical documentation.

- D. Medical and dental appointments should be made after school hours. When this is not possible, students may be excused to fill these appointments. An excuse from the doctor or parent/guardian is required.
- E. Religious holidays or religious instruction: Students may be excused from school for observance of established religious holidays or for religious instruction in accordance with School Board Policy 207. Where a student is absent for the observance of an established holiday or for religious instruction and the school has been so notified in accordance with the terms of this policy, such absence shall not disqualify the student from qualifying for an attendance recognition given by the school.

## II. Unexcused Absence

- A. The fact that the student's parent/guardian knew of the absence does not, in and of itself, require that the absence be recorded as an excused absence by school personnel.
- B. Absence without notification of school officials by the parent/guardian is considered an unexcused absence.
- C. Out-of-school suspensions are considered unexcused absences.

## III. Tardies/Lates/Early Checkouts

- A. A student shall be considered tardy when he or she arrives to school after the beginning of the official school day or is not in the assigned class at the official beginning of a class period. A parent/guardian shall notify the school as to the reason of the tardiness or early checkout.
- B. Early checkouts occur when a parent/guardian removes a student from class prior to the official end of the day.
- C. Tardies and/or early checkouts will be excused with the permission of the parent/guardian and the school principal. The legitimacy of a cause for being tardy or checked out early shall be determined by the building principal or designee based on the following criteria: (a) whether the reason for absence is equivalent in importance to the student's need to be in attendance; (b) the needs of the student and the student's family; (c) the number of absences accumulated by the student; and (d) other justifiable rationale.
- D. Schools shall have the discretion to establish attendance guidelines providing that an excessive number of tardies may impact a student's conduct or effort grade.
- E. In cases of truancy and habitual truancy that are referred to the Problem-Solving Team, tardies/early checkouts will be recognized and calculated in the truancy instances. For truancy purposes in the Problem-Solving Team (PST) documentation that may be used for court action, five unexcused tardies and/or five unexcused checkouts will equal one unexcused absence.

## IV. Procedures for Addressing Absences

- A. Upon each unexcused absence, or absence for which the reason is unknown, the school principal or their designee should contact the parent to determine the reason for the absence.
- B. If a student has had at least five unexcused absences within a calendar month or 10 unexcused absences within a 90-calendar day period, excluding out-of-school suspensions, school personnel should evaluate the attendance to determine if a pattern of non-attendance is developing. Unless there is clear evidence that the absences are not a pattern of non-attendance, the principal or designee shall refer the case to the school's Problem-Solving Team. Teachers can consult with school social workers about attendance concerns at any point throughout the problem-solving process. The Problem-Solving Team chair, school representative, and school social worker will review the attendance reports to determine which students/cases are serious enough to forward to PST. Data determines whether the problem should be addressed through the PST or through a PST meeting designated for attendance concerns only. If the Problem-Solving Team determines that a pattern of non-attendance is developing, whether the absences are excused or not, a meeting with the parent must be scheduled to identify potential remedies. If the initial meeting does not resolve the problem, the Problem Solving Team shall implement the following: (a) frequent attempts at communication between the teacher and the family; (b) evaluation for alternative education programs; or an (c) attendance contract.

- C. A referral may be made to the school social worker if interventions implemented by the Problem-Solving Team are not successful in resolving the truancy problem.
- D. When a student has accumulated 15 unexcused absences, excluding out-of-school suspensions, within a 90-calendar day period they have met the state's legal definition of habitual truancy. After appropriate interventions by the Problem-Solving Team have been implemented, a referral may be forwarded to the agencies identified in F.S. 1003.27 if the truancy issue is not resolved.
- E. When a student reaches the age of 16, in order not to be subject to compulsory school attendance, the student must file a formal declaration with the school district acknowledging his or her intent to terminate enrollment in the school district. The declaration must acknowledge that terminating school enrollment is likely to reduce the student's earning potential and must be signed by both the student and the parent/legal guardian. The guidance counselor or other school personnel must conduct an exit interview with the student to determine the reasons for their decision to terminate school enrollment and actions that could be taken to keep the student in school. The student must be informed of opportunities to continue their education in a different environment, including adult education and GED test preparation. Additionally, the student must complete a survey intended to provide data on the student's reason for terminating enrollment and the actions taken by the schools to keep students enrolled in school.
- F. If the family notifies the school of their plans to leave for an extended amount of time, schools should encourage them to enroll their child in the school district where they are temporarily residing. If they agree, the student should be withdrawn with the appropriate code.

If it is learned that a family has left, but the parent/guardian has neglected to notify the school, the school should follow-up as with any attendance situation when a student is not attending. Attempt phone contact, send a letter, and if no response is received within a reasonable amount of time, follow-up with the school social work referral in attempts to obtain information on the status of the student.

If a student is not attending school even after proper procedures have been exhausted, schools should contact School Social Services for consultation. A student may not be withdrawn by the school until all avenues have been exhausted. Due to the fact that the district does not conduct the adult high school education program and therefore does not have access to confidential student information for students who are enrolled in that program, such students shall be coded as having been withdrawn from the district to enroll in the adult high school educational program. Such coding shall only be changed upon notice from the student or the student's parents.

- G. A student who attains the age of 18 years during the school year is not subject to compulsory school attendance beyond the date upon which he or she attains that age.
- H. When a student's accumulated unexcused tardies/unexcused checkouts, and/or unexcused absences (or a combination of both) reach 5 unexcused absences within a calendar month, the student's attendance history shall be reviewed to see if a pattern of non-attendance is occurring. The school can send the parent a 5-day letter as documentation to communicate this information. A student with fewer accumulated unexcused tardies/checkouts may be considered for further intervention if patterns of non-attendance are developing.

## V. Habitual Truancy

Habitual truancy is defined as 15 unexcused absences within a 90-calendar day period. When a student is habitually truant, the principal must ensure that the following actions required by procedures developed by the superintendent in accordance with statutory requirements have been followed, in order to determine the cause and attempt the remediation of the student's truancy. Parents who disagree with the remediation recommended shall have the right to meet with the Student Placement Committee to discuss the matter. If the parent is not satisfied with the action recommended by the Student Placement Committee, then the parent shall have the right to request a hearing before the school board.

## VI. Parental Notification of Grades K-12 Student Absences

Parents/guardians are responsible for their child(ren)'s safe arrival either at school or onto the assigned bus. When a student is absent from school due to illness or other reasons, the parent/guardian is responsible for notifying the school, preferably the

morning of the absence. If the school has not been notified about a student's absence, school staff will attempt to notify the parent by telephone.

VII. Grades 9-12

Schools providing services to students in grades 9-12 shall have the discretion, on a school-wide basis only, to implement a requirement that where a student is absent more than nine days in a semester and does not have an overall grade of "C" or higher in a course, including make-up work, such student shall not be awarded credit in that course until the student demonstrates proficiency (70% or higher). If the determination is made to exercise this discretion, the school shall establish the method for demonstrating proficiency, e.g., attaining a grade of 70 or higher on the end of semester exam.

VIII. Make-up Work

For an excused absence, a reasonable time will be allowed for the student to complete make-up work requirements for credit as set forth in individual school policy. Make-up work for unexcused absences shall be governed by the terms established in each individual school's policy, which may include the assessment of a letter grade penalty. However, students who are suspended shall be provided with specific homework assignments to be completed.

IX. Educational Trips

School sponsored trips are part of the educational program and are not to be considered as unexcused absences. Written permission by the parent is required to participate.

X. Leaving School Grounds

No student may be permitted to leave school grounds prior to dismissal except by combined approval of parent(s) or legal guardian and the principal or designee. Exceptions to the requirement of approval by the parent/guardian shall be where a high school allows for an open lunch, and communicates that fact to the parents, or where the student is leaving campus to participate in an academic program with the approval of the parent/guardian. No student may leave the school grounds during the school hours without following duly authorized procedures.

XI. Driving Privileges

Students who, due to failure to comply with attendance requirements may lose their driving privileges, may seek a hardship waiver for a personal or family hardship to retain driving privileges for employment or medical care. The student may request a hardship waiver from the building principal. If the request is denied, the student may appeal the denial to the Student Placement Committee. If the appeal is denied, the student may then pursue the matter through a hearing before the school board.

XII. Military Dependents

Florida Statutes Section 1000.36, Article V(E), Interstate Compact on Educational Opportunity for Military Children, states that a student whose parent or legal guardian is an active duty member of the uniformed services, as defined by the Compact, and has been called to duty for, or is on leave from, or immediately returned from deployment to a combat zone or combat support posting, shall be granted additional excused absences at the discretion of the school superintendent. The additional excused absences are to allow the student to visit with his or her parent or legal guardian for the reasons specified.

Section 1003.05, Florida Statutes, provides additional information regarding the smooth transition to school districts for military dependents and gives first preference to special academic programs, including magnet programs.

XIII. Virtual Instruction

The district full-time virtual instruction program is required by state law to report attendance for every student enrolled. The nature of a virtual course allows students the flexibility of working in their course at any time from any place; therefore, attendance is based on weekly monitoring of student progress and pacing in each course. Students enrolled in Virtual Off-Campus-Instruction are required to login to every course, every day of the school week. This means attendance must be taken for full-time virtual students and these students have the same guidelines related to truancy as students in brick-and-mortar schools.

Legal Authority:

Section 1001.41, Florida Statutes

Laws Implemented:

Sections 1001.42, 1003.02, 1003.04, 1003.231, 1003.23, 1003.24, 1003.26, Florida Statutes

History:

(Adopted -- July 23, 1991)

(Revised -- October 28, 1997; August 17, 1999; July 25, 2000; August 25, 2009, June 14, 2016)

(Effective -- June 14, 2016)

**STUDENT ABSENCES FOR RELIGIOUS INSTRUCTION AND OBSERVANCE OF RELIGIOUS HOLIDAYS  
(207)**

A student may be excused from school to attend off-campus religious instruction or to observe a religious holiday provided that such absence neither impedes the student's educational progress nor impairs school board compliance with other school board policy, state board rules or state or federal law.

The school board shall not be liable for the health, safety, and welfare of a student while on release time during the school day for religious instruction or holidays. The student's parent or legal guardian shall execute an appropriate form which indemnifies and holds harmless the school board from all liability for conduct which occurs on property over which the school board has no control or supervision as a condition precedent to approval of the requested release time for religious instruction. The student's parent or legal guardian shall be responsible for transporting the student to and from the religious institution where the religious instruction or holiday observance is held.

Requests for, and review of such requests and the criteria for approval for release time during the school day shall be made in accordance with the procedures attached hereto and incorporated herein by reference.

Students and parents shall be notified annually of this policy and of the rules and procedures relative thereto.

Legal Authority:

Sections 230.22(1), (2), 230.32(3)(4), Florida Statutes  
Rule 6A-1.044, Florida Administrative Code

Laws Implemented:

Sections 232.021, 232.0225(2)(b), 232.2462, Florida Statutes  
Rule 6A-1.09514, Florida Administrative Code

History:

(Adopted -- July 23, 1991)

(Effective -- July 23, 1991)

**ADMINISTRATION OF PRESCRIPTION MEDICATION BY SCHOOL PERSONNEL  
(211)**

School personnel shall be authorized to assist students in the administration of prescription medication or to administer prescription medication to students while on school property or off campus on official school business when failure to take such medication during the school day could jeopardize the student's health.

Only the principal or his designee shall administer prescription medication to the student or assist the student in the administration of such medication. Administration of prescription medication by school personnel shall be done only by those persons who have been trained to do so by the Volusia County Health Department or Volusia County School Board designated licensed student health services personnel and only pursuant to authorization by the student's parent or guardian and in accord with procedures established by the superintendent.

Prescription medication shall not be allowed on school property or off campus at school sponsored activities unless the provisions of this policy and the procedures established by the superintendent have been followed.

Legal Authority:

Sections 1001.41(2), 1001.43(7), 120.54, Florida Statutes

Laws Implemented:

Section 1006.062, Florida Statutes

History:

(Adopted -- February 12, 1985)

(Revised -- October 10, 1989; November 9, 1999; July 27, 2004)

(Effective -- July 27, 2004)

***PROCEDURE FOR ADMINISTRATION OF PRESCRIPTION MEDICATION***

1. At the request of a student's parent or guardian and doctor, administration of prescription medication may be done by a principal or his/her designee. The principal and the designated staff member shall have appropriate training and certification by the Volusia County Health Department or Volusia County School Board designated licensed student health services personnel prior to the administration of any medication.
2. A district form, "Authorization for School Personnel to Administer Prescription/Non-Prescription Medication to Students," must be completed by the student's parent or guardian and doctor prior to the administration of prescription medication. A separate authorization form shall be completed by the student's parent/guardian for each prescription medication that must be taken during the school day.
3. Each prescription medication to be administered by school personnel shall be delivered to and/or retrieved from the designated school staff member by the student's parent, guardian, or other adult designee. An adult designee must have written authorization from the child's parent or guardian.
4. A parent or guardian may allow his/her child to self-administer prescription medicine in school or away from school on a school-sponsored activity provided that the parent/guardian shall have on file in the office of the principal a completed "Authorization for Student Administered Prescription Medication." A separate authorization form shall be completed by the student's parent/guardian for each prescription medication that must be taken during the school day. The school system will not be responsible for administration of such medication.
5. The above mentioned "Authorizations" must be reviewed at three-month intervals by the school health nurse.
6. Each prescription medication to be administered (or self-administered) in school or off-campus at a school-sponsored activity must be prescribed by a duly licensed medical practitioner authorized by the laws of this state to prescribe such medications. It must be brought to school in the original container labeled by the pharmacy or prescribing physician with the following information:
  - a. Name of student
  - b. Name of prescribing physician
  - c. Name of medicine
  - d. Instructions as to dosage (amount, time and method)
  - e. Indication of special storage, if needed
  - f. Pharmacy's name, address, phone number, if applicable
7. Each school will keep a current record of all medications administered to students by completing for each student the district form, "Student Medication Administration Record."

8. All medication to be administered by school personnel must be stored in its original container under lock and key in a secure location with the following exception: Emergency injectable medications, such as Epi-Pen, Glucagon, etc., must be accessible immediately in case of an emergency. It is permissible to keep such medications in a secure location, but in an unlocked cabinet during the school day. If they are stored in that manner, there should be a sign on the outside of the medication cabinet indicating the location of emergency medications, and they should be locked in a secure cabinet after school hours.
9. If prior arrangements have been made with the principal or his designee, a parent or guardian may go to the school to administer prescribed or non-prescribed (over the counter) medications to the child. The parent or guardian shall complete the "Daily Record of Medication Administered."
10. Authorization for the administration of prescription medication, either by school personnel or by the student, shall expire concurrently with the prescription.

Legal Authority:

Sections 230.22(1)(2), 230.32(2), Florida Statutes

Laws Implemented:

Sections 232.46, Florida Statutes

History:

(Adopted -- February 12, 1985)

(Revised -- March 12, 1985; October 10, 1989)

(Effective Date -- October 10, 1989)

### ***ADMINISTRATION OF NON-PRESCRIPTION DRUGS***

Non-prescription medications, to include any pill, capsule, or liquid which is included in the Code of Federal Regulations labeling requirements for over-the-counter drugs, as well as any herbal medicines, dietary supplements and substances designated as energy pills or energy enhancers shall be treated as non-prescription medication for the purpose of student discipline. Non-prescription medications which are represented as controlled substances, shall be treated as controlled substances for the purpose of student discipline.

Administration of non-prescription medications is not permitted without the "Authorization to Administer Prescription Medication to Students by School Personnel" completed by the student's parent or guardian.

### ***PROCEDURE FOR ADMINISTRATION OF NON-PRESCRIPTION MEDICATION***

1. At the request of a student's parent or guardian and doctor, administration of non-prescription medication may be done by a principal or his/her designee. The principal and the designated staff member shall have appropriate training and certification by the Volusia County Health Department prior to the administration of any medication.
2. A district form, "Authorization to Administer Prescription/Non-Prescription Medication to Students by School Personnel," must be completed by the student's parent or guardian and doctor prior to the administration of prescription medication. A separate authorization form shall be completed by the student's parent/guardian for each prescription medication that must be taken during the school day.
3. Each non-prescription medication to be administered by school personnel shall be delivered to and/or retrieved from the designated school staff member by the student's parent, guardian, or other adult designee. An adult designee must have written authorization from the child's parent or guardian, excluding sunscreen. Students may possess and use a topical sunscreen product while on school property or at a school sponsored event or activity without a physician order or prescription.
4. A parent or guardian may allow his/her child to self-administer non-prescription medicine in school or away from school on a school-sponsored activity provided that the parent/guardian shall have on file in the office of the principal a completed "Authorization for Student Administered Medication." A separate authorization form shall be completed by the student's parent/guardian for each prescription medication that must be taken during the school day. The school system will not be responsible for administration of such medication.
5. The above mentioned "Authorizations" must be reviewed at three-month intervals by the school health nurse.
6. Each school will keep a current record of all medications administered to students by completing for each student the district form, "Student Medication Administration Record."



7. All medication to be administered by school personnel must be stored in its original container under lock and key in a secure location with the following exception: Emergency injectable medications, such as Epi-Pen, Glucagon, etc., must be accessible immediately in case of an emergency. It is permissible to keep such medications in a secure location, but in an unlocked cabinet during the school day. If they are stored in that manner, there should be a sign on the outside of the medication cabinet indicating the location of emergency medications, and they should be locked in a secure cabinet after school hours.
1. If prior arrangements have been made with the principal or his designee, a parent or guardian may go to the school to administer prescribed or non-prescribed (over the counter) medications to the child. The parent or guardian shall complete the "Daily Record of Medication Administered."

## **ADMINISTRATION OF EMERGENCY INJECTABLE PRESCRIPTION MEDICATION (212)**

A student who has experienced or is at risk for life-threatening allergic reactions may carry an epinephrine auto-injector and self-administer epinephrine by auto-injector while at school, participating in school-sponsored activities, or in transit to or from school or school-sponsored activities if the school has been provided with parental and physician authorization.

The school district shall be responsible for annual in-service medication training, successful child-specific training, as well as first aid and cardiopulmonary resuscitation (CPR) provisions consistent with implementation of Florida Statute 1002.20.

The school district, county health department, and the employees and volunteers of these agencies shall be indemnified by the parent of the student authorized to carry an epinephrine auto-injector for any and all liability with respect to the student's use of an epinephrine auto-injector.

Emergency injectable prescription medication shall not be allowed on school property or off campus at school sponsored activities unless the provisions of this policy and the procedures established by the superintendent have been followed.

### **Legal Authority:**

Sections 1001.41(2), 1001.42(22), Florida Statutes

### **Laws Implemented:**

Section 1002.20, Florida Statutes

### **History:**

Adopted – February 28, 2006

Effective – January 1, 2006

### **Florida Statute:**

1002.20 (3) (h) *Inhaler use.* --Asthmatic students whose parent and physician provide their approval to the school principal may carry a metered dose inhaler on their person while in school. The school principal shall be provided a copy of the parent's and physician's approval.

## **STUDENTS WITH COMMUNICABLE DISEASES**

Under Florida Statutes, the Department of Health has supervision over matters pertaining to public health, including that of school students. Laws, rules and regulations relating to contagious or communicable diseases and sanitary matters including 10D-3.061, Florida Administrative Code, shall be followed. The superintendent of schools cooperates with the county health officer in accordance with the rules and regulations prescribed by the State of Florida. Additional information may be found in Volusia County Schools Policy 216.

## **CONSENT FOR HEALTH SERVICES**

Students in Volusia County Schools will receive specified health services as provided for in the district health services plan. This will include such services as first aid, medication administration when prior arrangements have been made, and health screenings. Health screenings may include height and weight, vision screenings, head lice check, scoliosis screenings, hearing screenings, dental screenings,

and nursing assessments. A student who has failed the vision screening may be provided a vision exam and glasses, if eligible. A student will be exempt from any of these services if his or her parent or guardian requests such exception in writing. It will be understood that unless a parent or guardian requests this exemption, consent is given for these services. The term "screening" shall not be construed to authorize an invasive screening. Should there be a need for such a procedure, the consent of the student's parent or guardian shall be obtained in writing prior to performing the screening. Laws and rules relating to contagious or communicable diseases and sanitary matters shall not be violated.

## **PEDICULOSIS (HEAD LICE) CONTROL**

1. Head lice are parasitic insects found on the heads of people. As many as 6-12 million people worldwide get head lice each year. Anyone who comes in close contact with someone who already has head lice, contaminated clothing, and other belongings is at risk for contacting head lice. According to the National Pediculosis Association (NPA), Head lice can be spread whenever there is direct contact of the head or hair of an infested individual. Lice can also be spread by the sharing of personal article like hats, towels, brushes, helmets, hair ties and so on. There is also a possibility that head lice can be spread via a headrest, pillow, or similar item. Head lice do not jump or fly and generally cannot survive longer than twenty-four hours off of the host.” It is important to understand that, although lice can be transmitted from child to child if there is close head-to-head contact, head lice do not transmit disease.
2. Pediculosis Control Measures:
  - A. If a child has symptoms consistent with head lice (signs of persistent scalp itching), the child should be discretely referred to clinic personnel for examination. Specific attention should be paid to the back of the head and scalp, and lice should be distinguished from dandruff, dirt or other insects that may have flown into the child’s hair. If the child has signs of infestation, their parent should be contacted.
  - B. Clinic personnel should review the guidance from the Centers for Disease Control with the parent (<http://www.cdc.gov/lice/head/treatment.html>) and refer the parent to their private medical provider.
  - C. Schools may keep a list of children who have been sent home for the treatment of head lice. If properly treated the child should be able to return to school within 72 hours or less. Children should not miss excessive days from school for head lice infection. If the child’s absence is prolonged the family will be contacted and further assistance will be offered.
3. Any information released to the media concerning school health pediculosis procedures must have the approval of the Superintendent of Schools or designees, prior to adoption or release in order to ensure clarity and consistency in communication.
4. Use of Insecticides for the Environmental Control of Pediculosis in Schools:

The National Pediculosis Association (N.P.A.) warns against the use of lice sprays as follows. “Using lice sprays on bedding, furniture and carpets is unwarranted, and may pose personal and environmental hazards. The recommendation for vacuuming is the safest and most effective alternative to spraying...”

## **HOMEWORK (309)**

Each school shall have a homework policy which ensures that students will have regular home assignments which reinforce and enhance student learning. Each school shall include its homework policy in the student handbook.

Legal Authority:

Sections 230.22(1), 230.32, Florida Statutes

History:

(Adopted -- November 12, 1985)

(Effective Date -- November 12, 1985)

## **SCHOOL CLUBS**

**(316)**

### **Clubs**

The school board recognizes that student organization of and participation in school clubs is a valuable part of the educational experience. Clubs which are an extension of the school curriculum, or which promote critical thinking, good citizenship and leadership skills, service to the community or athletic skills may be approved by the school principal. The principal or designee of each school shall review the charter, principles, purposes, and activity program of each group seeking to organize as a club prior to such approval and acceptance.

The principal shall monitor the activities of all approved school clubs for compliance with their charter and activity program and may withdraw school sponsorship from any group which fails to abide by its charter, school board policies, school rules and state laws. The organization, establishment and promotion of secret societies are prohibited in the Florida Public Schools.

### **Meetings**

Afternoon club meetings immediately following the end of the school day are encouraged. Night meetings should be eliminated as far as is practical.

### **Sponsors**

A school sponsor or member of faculty **MUST** be present at all club activity programs and meetings whether conducted on or off campus.

Legal Authority:

Section 230.22(1), Florida Statutes

Laws Implemented:

Sections 230.32(3), 232.39, 232.40, 232.41, Florida Statutes

History:

(Adopted -- December 17, 1974)

(Revised -- July 17, 1990)

(Effective date -- July 17, 1990)

## **UNAUTHORIZED STUDENT SOCIAL ACTIVITIES**

**(317)**

Student-initiated events held on a class-wide basis during regular school hours, such as Senior Day or Senior Skip Day, are prohibited. Small groups, such as homeroom classes, clubs or activity groups may, if first approved by the school principal, hold picnics or parties on campus, either during regular school hours or after the normal school day, provided a school sponsor is in attendance.

Legal Authority:

Sections 230.22(1), 230.32(3), Florida Statutes

Law Implemented:

Section 230.23(6)(c), Florida Statutes

History:

(Adopted -- December 17, 1974)

(Revised -- February 13, 1990)

(Effective Date -- February 13, 1990)

## **PROMOTION AND GRADUATION EXERCISES**

### **(319)**

#### **I. PROMOTION EXERCISES**

Informal activities and promotion exercises may be held in the elementary and middle schools to recognize student achievement.

#### **II. GRADUATION EXERCISES**

Formal graduation exercises shall be permitted only for twelfth grade students. The date of graduation shall be approved by the Superintendent/designee. Graduation exercises should be held as near to the last day of school as possible.

#### **III. PARTICIPATION IN GRADUATION EXERCISES**

Participation in graduation exercises is a privilege granted by the school. It is not a right possessed by students as a result of their having met the graduation requirements set out in School Board policy and the laws of the State of Florida. Students participating in high school graduation ceremonies shall have completed all credit requirements for graduation by the end of the senior academic year in which they are graduated and must comply with the standards for participation established by the building principal. The building principal shall have the authority to establish standards for participation including a dress code for the event, requirements regarding participation in graduation practice, and other reasonable requirements. Students who are not in attendance at school due to suspension, other disciplinary action or commission of an offense leading to a referral for expulsion which is still in process, may be prohibited from attending graduation ceremonies.

#### **CONDUCT AT GRADUATION CEREMONIES**

Each student shall conduct himself in a manner appropriate to the occasion, respectful to his fellow classmates, school personnel, family, and guests in attendance. Disrespectful or disruptive behavior such as that described in the Code of Student Conduct shall be grounds for removal from graduation ceremonies.

Parents and/or guests attending graduation ceremonies are also expected to act in a manner appropriate to the occasion. Disrespectful or disruptive behavior that interferes with or detracts from the dignity of the occasion, including but not limited to, the use of noisemakers, air horns and other disruptive devices or behaviors, shall be grounds for removal from graduation ceremonies.

#### **Legal Authority:**

Sections 1001.41(1)(2), 1001.49(3), Florida Statutes

#### **Laws Implemented:**

Sections 1003.02(1)(a), 1003.43, Florida Statutes  
Rule 6A-1.095, Florida Administrative Code

#### **History:**

(Adopted -- December 17, 1974)  
(Revised -- February 13, 1990; March 29, 2011)  
(Effective Date -- March 29, 2011)

## **STANDARDS OF CONDUCT FOR TRANSPORTED STUDENTS**

### **Students may be subject to audio and/or video surveillance while riding school sponsored transportation.**

1. For the safety of everyone, students must follow the directions of the driver and attendant.
2. Students must be at the school bus stop ten (10) minutes prior to the scheduled time of pick-up. The bus will not wait for those who are tardy.
3. Students must stand off the roadway while awaiting a bus. The behavior and safety of students to and from the bus stop is the family's responsibility.
4. Students must get on and off at their assigned bus stop, the principal or his/her designee can approve temporary emergency changes in stops on their assigned route upon request of the parent/guardian by use of the appropriate form.
5. Students are to enter their PIN or swipe their RFID card upon entering and exiting the bus.
6. If it is necessary to cross the road before loading or after leaving the bus, the students are required to cross 10 feet in FRONT of the bus, after receiving a clear signal from the driver that all approaching traffic has stopped.
7. Students are not permitted to get off the bus at an unauthorized stop and cross a four-lane divided highway unless escorted by a parent/guardian.
8. Students shall remain seated in assigned seats wearing their lap belts facing forward. Quiet talk will normally be permitted on school buses. Students must be absolutely quiet when dome lights are on and/or while the bus is approaching and proceeding across any railroad crossing.
9. Students may be assigned to sit three (3) to a seat when buses are filled to capacity. Students are never allowed to stand in front of the white line on the floor.
10. Students shall not eat food, drink beverages, or use or possess drugs or tobacco products on the bus. School sale items may be transported when carried in a sealed container.
11. Students must not use abusive signs, language, or gestures.
12. Students shall not fight, push, or create any type of disturbance.
13. Students shall not throw any items out of the windows or doors of a school bus. This offense is a violation of state law.
14. Students shall not bring live reptiles, insects, animals, or marine life on the bus. Any items which are detrimental to the student's safety, such as glass containers, sharp objects, balls, bats, and skateboards, are prohibited.
15. Students must carry musical instruments on their laps or between their knees and instruments shall not extend into the walkway or another student's seating area. Batons and drumsticks will be permitted on a school bus if they are in a proper case.
16. Both the parent/guardian and the student will be responsible for all vandalism to the school bus committed by the student. Restitution for damages will be required and legal action may be initiated.
17. Students shall not possess items which would threaten the safety of students or personnel.
18. Students transported by school bus are subject to the Code of Student Conduct, School Board Policy 208, as well as these standards of Conduct for transported Students.

## PUBLIC NOTICE REGARDING STUDENT RECORDS

### *Student Records Maintained by the Volusia County School District*

The District maintains pupil educational records for instructional planning, research, guidance and preparation of state and federal reports. District policies and procedures on educational records of pupils are in accordance with The Family Educational Rights and Privacy Act (FERPA) which affords parents and students over 18 years of age ("eligible students") certain rights with respect to the student's education records. They are:

- (1) The right to inspect and review the student's education records within 45 days of the day the District receives a request for access. Parents or eligible students should submit to the school principal, or appropriate school official, 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.
- (2) The right to request the amendment of the student's education records that the parent or eligible student believes to be inaccurate or misleading. Parents or eligible students may ask the Volusia County School District to amend a record that they believe is inaccurate or misleading. They should write the school principal; clearly identify the part of the record they want changed and specify why it is inaccurate or misleading. If the District decides not to amend the record as requested by the parent or eligible student, the District will notify the parent or eligible student of the decision and advise them of their right to a hearing regarding the request for amendment. Additional information regarding the hearing procedures will be provided to the parent or eligible student when notified of the right to a hearing.
- (3) 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. The School District of Volusia County may disclose appropriately designated "directory information" without written consent unless you have advised the district to the contrary in accordance with district procedures. The primary purpose of directory information is to allow the School District of Volusia County to include this type of information from your child's education records in certain school publications.

Examples include:

- A playbill showing your student's role in a drama production
- The annual yearbook
- Honor roll or other recognition lists
- Graduation programs
- Sports activity sheets, such as for wrestling, showing weight and height of team members
- District and school websites, videos, and social media platforms (including Facebook and Twitter)

Directory information, which is information that is generally not considered harmful or an invasion of privacy if released, can also be disclosed to outside organizations without a parent's prior written consent. Outside organizations include, but are not limited to, companies that manufacture class rings or public yearbooks. In addition, two federal laws require local educational agencies (LEAs) receiving assistance under the *Elementary and Secondary Education Act of 1965* (ESEA) to provide military recruiters, upon request, with the following information – names, addresses and telephone listings – unless parents have advised the LEA that they do not want their student's information disclosed without prior written consent. These laws are: Section 9528 of the Elementary and Secondary Education Act (20 U.S.C. § 7908) and 10 U.S.C. § 503(c).

**If you do not want the School District of Volusia County to disclose directory information from your child's education records without your prior written consent, please contact your school to obtain and sign an Opt-Out Form.**

Please note a different permission form must be signed to allow members of the news media to interview, photograph, videotape and/or sound record your student. It is separate from the release of directory information.

The School District of Volusia County has designated the following information as directory information:

- Student's name
- Parent/Guardian's name

- Address
- Telephone listing
- Photograph and images
- Date and place of birth
- Major field of study
- Dates of attendance
- Grade level
- Participation in officially recognized activities and sports
- Weight and height of members of athletic teams
- Degrees, honors and awards received
- The most recent educational agency or institution attended

- (4) The right to file a complaint with the US Department of Education concerning alleged failures by the District to comply with the requirements of FERPA. The name and address of the Office that administers FERPA is:

Family Policy Compliance Office  
 US Department of Education  
 400 Maryland Avenue, SW  
 Washington, DC 20202-4605

In addition to parent/eligible student rights regarding educational records, the School District has the right to take the following actions:

- (1) The School District of Volusia County may disclose a student's educational records without consent to school officials with legitimate educational interests. A school official is a person employed by the District as an administrator, supervisor, instructor, or support staff member (including health or 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 task (such as an attorney, auditor, medical consultant, or therapist); or a parent or students serving on an official committee, such as a disciplinary or grievance committee, or assisting another school official in performing his or her tasks. A school official has a legitimate educational interest if the official needs to review an education record in order to fulfill his or her professional responsibility. Personally, identifiable information may be disclosed, transferred, or released without prior consent of the parent/guardian or adult student in connection with enrollment in another school, emergency situations, application for financial aid, research, a State Statute, an accrediting organization, and a lawfully issued subpoena.
- (2) The destruction of student educational records, which may include exceptional student education information, is in accordance with the approved retention schedule approved by the Bureau of Archives and Records Management, State of Florida. When personally identifiable information collected, maintained, or records used to provide exceptional student educational services to a child with a disability is no longer needed, it will be destroyed ten (10) years after the student leaves the Volusia County School District. **Note:** Personally, identifiable exceptional student education records may be needed by the child or the parents for social security benefits or other purposes. The parent/guardian or eligible student has ten (10) years after graduation, transfer, or withdrawal from school to request a copy of student educational records.

## **PLEDGE OF ALLEGIANCE**

A student has the right not to participate in reciting the pledge. Upon written request by his or her parent, the student must be excused from reciting the pledge, including standing, and placing the right hand over his or her heart. When the pledge is given, unexcused students must show full respect to the flag by standing at attention and removing any headdress, except when such headdress is worn for religious purposes as provided by state law.

## **USE OF ELECTRONIC INFORMATION SERVICES AND SCHOOL OFFICE EQUIPMENT**

### **I. GENERAL PROVISIONS**

The board recognizes that electronic information services or resources (hereinafter referred to as "EIS") are a means of providing employees and students with a wealth of information, as well as improving operational efficiency. EIS include but are not limited to network services such as Internet, databases, electronic mail, and any computer-accessible source of information, whether from hard drives, tapes, compact discs, floppy discs, or other electronic sources.

The school district may provide EIS to students and employees. Use of EIS and school office equipment is a privilege, not a right. All use of EIS and school office equipment must be in accordance with the terms of this policy, as well as any procedures established by the superintendent/designee under this policy. Anyone who violates the terms of this policy may be denied access to EIS and school office equipment and may be subject to disciplinary action.

The use of EIS significantly alters the information landscape for students and educators by making a broader array of resources available. In the past, instructional and library media materials could usually be screened, prior to use, in accordance with reasonable selection criteria. However, some EIS, such as the Internet, provide access to largely unrestricted environments. This communication can be interactive, enabling a wide variety of information to be shared. While this type of learning environment can be very positive, parents, students and staff must be aware that due to the fundamental lack of restriction on the Internet, there is the possibility of accessing information that has not been screened by educators and that may not be consistent with other school board policies.

Employees responsible for supervising student EIS use will provide reasonable guidance and instruction to students on such use. Such staff will consult relevant school board policies on curriculum and instructional materials for guidance in supervising such student use. The school board authorizes the superintendent/designee and staff to utilize filters when the staff has a reasonable belief that such filters will prevent access to information inappropriate under school board policy, without denying access to relevant information.

It is the expectation of the board that all employees abide by the *Code of Ethics and the Principles of Professional Conduct of the Education Profession in Florida*. This expectation applies to work related and personal use of EIS and school office equipment.

EIS provided by the district is the property of the district. The superintendent/designee may review files and communications and monitor system utilization without notice or permission. Users should not expect that EIS utilization, communications, or information sent, retrieved, or stored via EIS, including electronic mail and files stored on district equipment, will be private. The superintendent/designee has the authority to close accounts and review, copy or delete files or any other document or communication at any time.

EIS may be used to enhance communication and the exchange of information. However, such methods of communication do not constitute an open forum. The board retains the right to take any action believed necessary to ensure that EIS and school office equipment are used in accordance with state and federal laws and regulations, school board policy and administrative directives.

### **II. STUDENT USE**

#### **A. General Notice**



The use of EIS can put new and exciting resources at the fingertips of both students and teachers. Due to the fundamental lack of restrictions on the Internet, parents, teachers, and students should be aware that there is a possibility of accessing information that has not been screened by educators and that may not be consistent with other district policies. Individual users will be held responsible for their use of EIS. All students and their parents/guardians shall be required to sign and return an acceptable use agreement provided by the school prior to using EIS.

B. Specific Provisions on Use of Equipment and Services

All students must agree to adhere to the following requirements:

1. All student use of EIS shall be in accordance with school board policy, the code of conduct, other rules that the individual school may have that supplement school board policy, and the instructions given to the student(s) by staff.
2. The student is responsible for good behavior on the school computer system, just as he/she is while at school or any school district activity. School board policy and school rules for behavior and communications apply.
3. The student shall use EIS for educational purposes only.
4. The student will not access or attempt to access information that is not authorized for the student's access or account.
5. Students are not permitted to use EIS for commercial purposes or product advertising, unless specifically allowed by the teacher as part of the class.
6. Students are not permitted to use EIS for political lobbying or campaigning. This prohibition does not restrict communications with public officials as part of a class activity approved by the teacher.
7. Students are not permitted to access, transmit, receive, submit, or publish any defamatory, abusive, obscene, profane, sexually oriented, threatening, harassing, offensive, or illegal material, any material related to gambling, weapons or terrorist activities, or any materials involving hate speech, or to make any attempt to do so.
8. Students will not use EIS to invade the privacy of and shall not trespass into another student's or employee's folders, work, or files without proper authorization.
9. The student shall abide by all copyright laws and regulations.
10. The student shall not harm, modify, or destroy software or equipment, or interfere with system security or make any attempt to do so.
11. The student shall not introduce unauthorized software into the system.
12. The student shall not use EIS in any way that would disrupt the use of EIS by others.

13. The student shall not allow another individual to access EIS by using the student's account or password unless the student has authorization to allow such use by others. Students are ultimately responsible for all activity under their accounts.

C. Supervision

Employees responsible for supervising student use of EIS will provide reasonable guidance and instruction to students on such use. No student shall be permitted to engage in interactive communication using EIS without the expressed permission of the supervising staff member. Interactive communication on the Internet by students shall be closely supervised.

D. Sanctions for Misuse

Any violation of this policy by a student may result in loss or limitation of use of EIS, shall be grounds for discipline under the code of student conduct and/or referral to law enforcement where appropriate under the law, and may result in the student being financially liable for the cost of improper use.

IV. Establishment of Home Page

- A. Home pages shall only include student information to the extent that student information is allowed to be shared under school board policy.
- B. Links on the home page shall be monitored to ensure that such links remain appropriate.
- C. As with all other use of EIS, a home page does not constitute an open forum.

Legal Authority:

Section 230.22(2), 230.23005, Florida Statutes

Law Implemented:

Section 230.23005, Florida Statutes

History:

(Adopted -- July 25, 2000)

(Effective Date -- July 25, 2000)

## SCHOOL BOARD MEMBERS

Mr. Ruben Colon, *Chairman*

Mrs. Jamie Haynes, *Vice-Chairman*

Mrs. Linda Cuthbert

Mrs. Anita Burnette

Mr. Carl Persis

Dr. Carmen J. Balgobin, *Superintendent*



FOR FURTHER INFORMATION  
VOLUSIA COUNTY SCHOOLS

P.O. Box 2118

DeLand, Florida 32721-2118

DeLand (386) 734-7190

New Smyrna Beach (386) 427-5223

Daytona Beach (386) 255-6475

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A white smartphone is shown at an angle, displaying the FortifyFL app interface. The screen shows a grid of colorful app icons, including Messages, Calendar, Photos, Camera, Weather, Clock, Maps, Videos, Notes, Reminders, iTunes Store, App Store, Health, Newsstand, Books, Game Center, iBooks, App Store, and Family Sharing. The bottom dock contains icons for Phone, Mail, Safari, and Music.