

SCHOOL BOARD OF BREVARD COUNTY, FLORIDA
School Board Policy Executive Summary
Form D

Policy Number:	5500
Title of Policy:	Student Conduct
Cabinet Member:	Christine Moore
Purpose of Revisions:	The purpose of the proposed revisions to the policy is to ensure compliance with all applicable federal and state laws, Florida State Board of Education Rules, Board policies, administrative rules, procedures, and guidelines. In addition, the proposed revisions promote transparency and accountability.
Tentative Schedule:	<ul style="list-style-type: none"> • Cabinet – 11/15/21 • Work Session – 12/14/21 • Rule Development Workshop – 1/18/22 • School Board Meeting Information – 1/18/22 • School Board Meeting Approval – 2/8/22 • Effective Date – upon approval
Summary of Proposed Policy Revisions:	<ul style="list-style-type: none"> • This proposed revision does encompass the suggested language from NEOLA. • This revision specifically includes new language from state statute 985.12 regarding civil citations.
Specific Authority:	F.S. Chapter 120, F.S. 1006.07, F.S. 1006.13, F.S. 1012.584, F.A.C. 6A-1.0404, F.S. 985.12
Next Steps:	<ul style="list-style-type: none"> • Training for BPS employees regarding revisions to policy and revised procedures

**Current
Version**



Book	Policy Manual
Section	5000 Students
Title	STUDENT CONDUCT
Code	po5500
Status	Active
Adopted	May 1, 2002
Last Revised	November 19, 2019

5500 - **STUDENT CONDUCT**

A. **Generally**

1. Respect for law and for those persons in authority shall be expected of all students. This includes conformity to school rules as well as general provisions of law affecting students. Respect for the rights of others, consideration of their privileges, and cooperative citizenship shall also be expected of all members of the school community.
2. Respect for real and personal property; pride in one's work; achievement within the range of one's ability; and exemplary personal standards of courtesy, decency, and honesty shall be maintained in the schools of this District.
3. Students may be subject to discipline for violation of the Code of Student Conduct even if that conduct occurs on property not owned or operated by the Board but that is connected to activities or incidents that have occurred on property owned or controlled by the Board, or conduct that, regardless of where it occurs, is directed at a Board official or employee, or the property of such official or employee.
4. The principal shall notify all school personnel as to their responsibilities regarding incident reporting, that acts which pose a threat to school safety and crimes are properly reported to the principal, and that the disposition of the incident is properly documented.
5. Student conduct shall be governed by the rules and provisions set forth in the Code of Student Conduct which is reviewed and adopted by the Board whenever revisions are proposed in accordance with F.S. Chapter 120 and are incorporated into this policy by reference.

B. **Zero Tolerance**

1. The Board has zero tolerance for conduct that poses a threat to school safety. Zero tolerance policies must apply equally to all students and are not intended to be rigorously applied to petty acts of misconduct. This zero tolerance policy does not require the reporting of petty acts of misconduct to a law enforcement agency.
2. Florida law requires that students found to have committed one (1) of the following offenses:
 - a. bringing a firearm or weapon, as defined in F.S. Chapter 790, to school, to any school function, or onto any school-sponsored transportation, or possessing a firearm at school; or
 - b. making a threat or false report, as defined by F.S. 790.162 and 790.163, involving school, school personnel, or school personnel's property, school transportation, or a school-sponsored activity;

shall be expelled, with or without continuing educational services, from the student's regular school for a period of not less than one (1) full calendar year, and that the student shall be referred to mental health services identified by the District and to the criminal justice or juvenile justice system.

3. The Superintendent may consider the one (1) full calendar year expulsion requirement on a case-by-case basis and request that the Board modify the requirement by assigning a student to a disciplinary program or second chance school if request for modification is in writing and it is determined to be in the best interest of the student and the school system. If a student committing either of the offenses enumerated above is a student who has a disability, the Board shall comply with applicable State Board of Education rules for discipline of such students.

C. Threats to School Safety

The District shall enter into agreements with local law enforcement specifying procedures so that acts that pose a threat to school safety, whether committed by a student or adult, are reported to a law enforcement agency having jurisdiction. Petty acts of misconduct which are not a threat to school safety do not require consultation with law enforcement.

1. Those acts that pose a threat to school safety include, but are not limited to:
 - a. possession of firearms or other weapons;
 - b. placing, discharging, or throwing an explosive item or noxious substance or making threats to do so;
 - c. arson;
 - d. felony assault, and
 - e. threats of unsafe and potentially harmful, dangerous, or criminal activities.
2. Notwithstanding any other provision of Board policy, pursuant to F.S. 1006.13(5), any student found to have committed an act of assault or aggravated assault, or battery or aggravated battery or physical attack, on any elected official of the School District, teacher, administrator, or other School District personnel, shall be recommended for expulsion or placement in an alternative school setting, as appropriate.
3. The minimum period of this expulsion or placement in an alternative school setting shall be one (1) full calendar year and the student may be referred to the criminal justice or juvenile justice system.
4. Further, upon being charged with such offense, the student shall be removed from the classroom immediately and placed in an alternative school setting pending disposition.

D. Code of Student Conduct

The Code of Student Conduct that is adopted annually shall provide for review of a decision to suspend or expel a student pursuant to this policy and the Code, consistent with F.S. 1006.07.

E. Department of Juvenile Justice (DJJ) Notification

If the Board receives notice from the Department of Juvenile Justice, as required by law, that a student enrolled in the District has been adjudicated guilty of or delinquent for, or is found to have committed, regardless of whether adjudication is withheld, or pleads guilty or *nolo contendere* to, a felony violation as set forth in F.S. 1006.13(6)(a), the Board shall, pursuant to the adopted cooperative agreement with the Department of Juvenile Justice, require that any no contact order entered by a court be enforced and that all of the necessary steps be taken to protect the victim of the offense or a sibling of the victim.

F. School Environment Safety Incident Reporting (SESIR)

1. The School Environment Safety Incident Reporting (SESIR) system collects data on incidents of crime, violence, and disruptive behaviors that occur on school grounds, on school transportation, and at off-campus, school-sponsored events, during any twenty-four (24) hour period, 365 days per year.
2. All schools and facilities must report incidents relating to school safety and discipline, including SESIR events, in an accurate and timely manner in accordance with F.S. 1006.07(9).

Revised 4/15/03
Revised 7/15/03
Revised 1/18/05
Revised 5/31/06
Technical Change 1/17/08
Revised 4/27/10
Revised 4/26/11
Revised 12/13/11
Revised 7/22/14
Revised 11/19/19

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Legal	F.S. Chapter 120
	F.S. 1006.07
	F.S. 1006.13
	F.S. 1012.584
	F.A.C. 6A-1.0404

Neola Template



Book: Florida Policies for Update

Section: Vol. 22, No. 1, Sept. 2021

Title: REVISED POLICY - VOL. 22, NO. 1 - STUDENT CONDUCT

Number: po5500

REVISED POLICY - VOL. 22, NO. 1

5500 - STUDENT CONDUCT

Respect for law and for those persons in authority shall be expected of all students. This includes conformity to school rules as well as general provisions of law affecting students. Respect for the rights of others, consideration of their privileges, and cooperative citizenship shall also be expected of all members of the school community.

Respect for real and personal property; pride in one's work; achievement within the range of one's ability; and exemplary personal standards of courtesy, decency, and honesty shall be maintained in the schools of this District.

The School Board has zero tolerance for conduct that poses a threat to school safety. Zero tolerance policies must apply equally to all students and are not intended to be rigorously applied to petty acts of misconduct.

Florida law requires that students found to have committed one of the following offenses:

bringing a firearm or weapon, as defined in F.S. Chapter 790, to school, to any school function, or onto any school-sponsored transportation, or possessing a firearm at school; or

making a threat or false report, as defined by F.S. 790.162 and 790.163, involving school or school personnel's property, school transportation, or a school-sponsored activity;

shall be expelled, with or without continuing educational services, from the student's regular school for a period of not less than one (1) full year and shall be referred to mental health services identified by the District and to

the criminal justice or juvenile justice system.

The Superintendent may consider the one (1) year expulsion requirement on a case-by-case basis and request that the Board modify the requirement by assigning a student to a disciplinary program or second chance school. The Superintendent's request for modification must be in writing and may only be presented to the Board for consideration if the student and/or the student's parent(s) agree in writing to accept the Superintendent's recommendation. The Board may approve the request if it is determined to be in the best interest of the student and the school system. If a student committing either of the offenses enumerated above is a student who has a disability, the Board shall comply with applicable State Board of Education rules for the discipline of such students.

The District shall enter into agreements with local law enforcement specifying procedures so that acts that pose a threat to school safety, whether committed by a student or adult, are reported to a law enforcement agency having jurisdiction.

Those acts that pose a threat to school safety include, but are not limited to,:

possession of firearms or other weapons

placing, discharging, or throwing an explosive item or noxious substance or making threats to do so

arson

felony assault

threats of unsafe and potentially harmful, dangerous, violent, or criminal activities

[] violations of the following rules in the Board-adopted Student Code of Conduct:

Petty acts of misconduct that are not a threat to school safety do not require consultation with law enforcement.

The following are typically considered petty acts of misconduct, although each act must be examined on a case-by-case basis to determine whether or not the act constitutes a threat to school safety requiring consultation with law enforcement:

disorderly conduct

disrupting a school function

simple assault or battery

verbal abuse or use of profanity

cheating

theft of less than \$300, trespassing, and vandalism of less than \$1,000

possession or use of tobacco

[] _____

[] _____

[] _____

Notwithstanding any other provision of Board policy, pursuant to F.S. 1006.13(5), any student found to have committed an act of assault or aggravated assault, or battery or aggravated battery, on any elected official of the School District, teacher, administrator, or other School District personnel, shall be recommended for expulsion or placement in an alternative school setting, as appropriate.

The minimum period of this expulsion or placement in an alternative school setting shall be one (1) year and the student shall be referred to the criminal justice or juvenile justice system.

Further, upon being charged with such offense, the student shall be removed from the classroom immediately and placed in an alternative school setting pending disposition.

The **Code of Student Conduct** **Student Discipline Code** that is adopted annually shall provide for review of a decision to suspend or expel a student pursuant to this policy and the Code, consistent with F.S.

1006.07. The Code shall also include the following:

criteria for recommending to law enforcement that a student who commits a criminal offense be allowed to participate in a civil citation or similar prearrest diversion program as an alternative to expulsion or arrest;

All civil citation or similar prearrest diversion programs must comply with F.S. 985.12.

criteria for assigning a student who commits a petty act of misconduct to a school-based intervention program. If a student's assignment is based on a noncriminal offense, the student's participation in a school-based intervention program may not be entered into the Juvenile Justice Information System Prevention Web.

Furthermore, if the Board receives notice from the Department of Juvenile Justice, as required by law, that a student enrolled in the District has been adjudicated guilty of or delinquent for, or is found to have committed, regardless of whether adjudication is withheld, or pleads guilty or *nolo contendere* to, a felony violation as set forth in F.S. 1006.13(6)(a), the Board shall, pursuant to State law and the adopted cooperative agreement with the Department of Juvenile Justice, require that any no contact order entered by a court be enforced and that all of the necessary steps be taken to protect the victim of the offense or a sibling of the victim.

Students may be subject to discipline for violation of the Code of Conduct/Student Discipline Code even if that conduct occurs on property not owned or controlled by the Board but that is connected to activities or incidents that have occurred on property owned or controlled by the Board, or conduct that, regardless of where it occurs, is directed at a Board official or employee, or the property of such official or employee.

The principal shall notify all school personnel as to their responsibilities regarding incident reporting, that acts which pose a threat to school safety and crimes are properly reported to the principal, and that the disposition of

the incident is properly documented.

[NOTE: Select one (1) of the following three (3) options.]

[OPTION #1]

Student conduct shall be governed by the rules and provisions set forth in the _____ (title of document) which is reviewed and adopted

annually

periodically

whenever revisions are proposed

in accordance with F.S. Chapter 120 () **and is incorporated in the policy by reference.**

[END OF OPTION #1]

[OPTION #2]

The _____ (title of document) was adopted by the Board consistent with the bylaws concerning rulemaking and F.S. Chapter 120 on _____ (date).

[END OF OPTION #2]

[OPTION #3]

(Insert the Code of Student Conduct/Student Discipline Code here.)

[END OF OPTION #3]

The Code of Student Conduct shall contain provisions for the assignment of violent or disruptive students to an alternative educational program and/or referral of such students to mental health services identified by the District.

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Legal References

F.S. 1006.07

F.S. 1006.13

F.S. 1012.584

**New
Policy
Redline
Draft**

5500 - STUDENT CONDUCT

A. Generally.

1. Respect for law and for those persons in authority shall be expected of all students. This includes conformity to school rules as well as general provisions of law affecting students. Respect for the rights of others, consideration of their privileges, and cooperative citizenship shall also be expected of all members of the school community.
2. Respect for real and personal property; pride in one's work; achievement within the range of one's ability; and exemplary personal standards of courtesy, decency, and honesty shall be maintained in the schools of this District.
3. Students may be subject to discipline for violation of the Code of Student Conduct even if that conduct occurs on property not owned or operated by the Board but that is connected to activities or incidents that have occurred on property owned or controlled by the Board, or conduct that, regardless of where it occurs, is directed at a Board official or employee, or the property of such official or employee.
4. The principal shall notify all school personnel as to their responsibilities regarding incident reporting, that acts which pose a threat to school safety and crimes are properly reported to the principal, and that the disposition of the incident is properly documented.
5. Student conduct shall be governed by the rules and provisions set forth in the Code of Student Conduct which is reviewed and adopted by the Board whenever revisions are proposed in accordance with F.S. Chapter 120 and are incorporated into this policy by reference.

B. Zero Tolerance.

1. The Board has zero tolerance for conduct that poses a threat to school safety. Zero tolerance policies must apply equally to all students and are not intended to be rigorously applied to petty acts of misconduct. This zero tolerance policy does not require the reporting of petty acts of misconduct to a law enforcement agency.
2. Florida law requires that students found to have committed one (1) of the following offenses:
 - a. bringing a firearm or weapon, as defined in F.S. Chapter 790, to school, to any school function, or onto any school- sponsored transportation, or possessing a firearm at school; or
 - b. making a threat or false report, as defined by F.S. 790.162 and 790.163, involving school, school personnel, or school personnel's property, school transportation, or a school-sponsored activity;

shall be expelled, with or without continuing educational services, from the student's regular school for a period of not less than one (1) full calendar year, and that the student shall be referred to mental health services identified by the District and to the criminal justice or juvenile justice system.

3. The Superintendent may consider the one (1) full calendar year expulsion requirement on a case-by-case basis and request that the Board modify the requirement by assigning a student to a disciplinary program or second chance school if request for modification is in writing and it is determined to be in the best interest of the student and the school system. If a student committing either of the offenses enumerated above is a student who has a disability, the Board shall comply with applicable State Board of Education rules for discipline of such students.

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The District shall enter into agreements with local law enforcement specifying procedures so that acts that pose a threat to school safety, whether committed by a student or adult, are reported to a law enforcement agency having jurisdiction. Petty acts of misconduct which are not a threat to school safety do not require consultation with law enforcement.

1. Those acts that pose a threat to school safety include, but are not limited to:
 - a. possession of firearms or other weapons;
 - b. placing, discharging, or throwing an explosive item or noxious substance or making threats to do so;
 - c. arson;
 - d. felony assault; and
 - e. threats of unsafe and potentially harmful, dangerous, or criminal activities.
2. Notwithstanding any other provision of Board policy, pursuant to F.S. 1006.13(5), any student found to have committed an act of assault or aggravated assault, or battery or aggravated battery or physical attack, on any elected official of the School District, teacher, administrator, or other School District personnel, shall be recommended for expulsion or placement in an alternative school setting, as appropriate.
3. The minimum period of this expulsion or placement in an alternative school setting shall be one (1) full calendar year and the student may be referred to the criminal justice or juvenile justice system.
4. Further, upon being charged with such offense, the student shall be removed from the classroom immediately and placed in an alternative school setting pending disposition.

D. Code of Student Conduct.

The Code of Student Conduct that is adopted annually shall provide for review of a decision to suspend or expel a student pursuant to this policy and the Code, consistent with F.S. 1006.07. The Code of Student Conduct shall also include the following:

1. Criteria for recommending to law enforcement that a student who commits a criminal offense be allowed to participate in a civil citation or similar prearrest diversion program as an alternative to expulsion or arrest.
 - a. All civil citation or similar prearrest diversion programs must comply with F.S. 985.12.
2. Criteria for assigning a student who commits a petty act of misconduct to a school-based intervention program. If a student's assignment is based on a noncriminal offense, the student's participation in a school-based intervention program may not be entered into the Juvenile Justice Information System Prevention.

E. Department of Juvenile Justice (DJJ) Notification.

If the Board receives notice from the Department of Juvenile Justice, as required by law, that a student enrolled in the District has been adjudicated guilty of or delinquent for, or is found to have committed, regardless of whether adjudication is withheld, or pleads guilty or *nolo contendere* to, a felony violation as set forth in F.S. 1006.13(6)(a), the Board shall, pursuant to state law and to the adopted cooperative agreement with the Department of Juvenile Justice, require that any no contact order entered by a court

be enforced and that all of the necessary steps be taken to protect the victim of the offense, or a sibling of the victim.

F. School Environment Safety Incident Reporting (SESIR).

1. The School Environment Safety Incident Reporting (SESIR) system collects data on incidents of crime, violence, and disruptive behaviors that occur on school grounds, on school transportation, and at off-campus, school-sponsored events, during any 24-hour period, 365 days per year.
2. All schools and facilities must report incidents relating to school safety and discipline, including SESIR events, in an accurate and timely manner in accordance with F.S. 1006.07(9).

Revised 4/15/03

Revised 7/15/03

Revised 1/18/05

Revised 5/31/06

Technical Change 1/17/08

Revised 4/27/10

Revised 4/26/11

Revised 12/13/11

Revised 7/22/14

Revised 11/19/19

Revised

F.S. Chapter 120

F.S. 985.12

F.S. 1006.07

F.S. 1006.13

F.S. 1012.584

F.A.C. 6A-1.0404

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**New
Policy
Clean
Version**

5500 - STUDENT CONDUCT

A. Generally.

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 - b. making a threat or false report, as defined by F.S. 790.162 and 790.163, involving school, school personnel, or school personnel's property, school transportation, or a school-sponsored activity;

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1. Criteria for recommending to law enforcement that a student who commits a criminal offense be allowed to participate in a civil citation or similar prearrest diversion program as an alternative to expulsion or arrest.
 - a. All civil citation or similar prearrest diversion programs must comply with F.S. 985.12.
2. Criteria for assigning a student who commits a petty act of misconduct to a school-based intervention program. If a student's assignment is based on a noncriminal offense, the student's participation in a school-based intervention program may not be entered into the Juvenile Justice Information System Prevention.

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be enforced and that all of the necessary steps be taken to protect the victim of the offense, or a sibling of the victim.

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Revised _____

F.S. Chapter 120

F.S. 985.12

F.S. 1006.07

F.S. 1006.13

F.S. 1012.584

F.A.C. 6A-1.0404

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