



2023-24

CODE OF STUDENT CONDUCT



Orange County
Public Schools



School Year 2023-2024

The School Board of Orange County, Florida

445 W. Amelia Street
Orlando, FL 32801
(407) 317-3200

School Board Members

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Superintendent

Maria F. Vazquez, Ed.D.

Vision

To ensure every student has a promising and successful future

Mission

With the support of families and the community, we create enriching and diverse pathways that lead our students to success

Objectives

| | |
|---|---------------------------------------|
| High Expectations for Student Learning | Positive Climate and Safe Environment |
| Student Social and Emotional Well-Being | Efficient Operations |
| Dedicated and High-Quality Team | Engaged and Invested Community |



OCPS Non-Discrimination Statement

The School Board of Orange County, Florida, does not discriminate in admission or access to, or treatment or employment in its programs and activities, on the basis of race, color, religion, age, sex, national origin, marital status, disability, genetic information, sexual orientation, gender identity or expression, or any other reason prohibited by law. The School Board also provides equal access to the Boy Scouts and other designated youth groups. This holds true for all students who are interested in participating in educational programs and/or extracurricular school activities. The following persons have been designated to handle inquiries regarding the nondiscrimination policies, reports of alleged violations, concerns about compliance, and/or the grievance procedure(s), etc.:

Equal Employment Opportunity (EEO) Officer & Title IX:

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ADA Coordinator:

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SCHOOL BOARD OF ORANGE COUNTY
CODE OF STUDENT CONDUCT - SECONDARY STUDENTS
2023 – 2024



The Code of Student Conduct (Code) is adopted by the School Board of Orange County, Florida (Board), to notify students and parents/guardians what student expectations are for behavior while attending any Orange County Public School (OCPS). The OCPS Code applies to all activities throughout the school, while being transported to and from school at a public expense, a reasonable time before and after school, during school-sponsored activities, and any other jurisdictional area as permitted by applicable laws and regulations.

The following represents a minimal portion of information found within the Code; students and parents/guardians are encouraged to read the Code in its entirety:

- I have read about [Safe Harbor](#) in the Code and understand that I must turn in the prohibited item **before** an investigation has started.
- If I am **charged** with a felony, whether on OCPS grounds or in the community, I will not be eligible to [participate in extracurricular/co-curricular activities](#).
- I may be recommended for [full exclusion](#) from all OCPS schools or placed at an alternative school for committing certain disciplinary offenses to include, but are not limited to, possession of a weapon, possession/distribution/selling drugs, sexual offenses, theft/robbery, vandalism, severe acts of bullying/harassment, hazing, and/or physical attacks.
- All [threats](#) made to a school or person will be taken seriously, regardless of intent.
- I understand that [fighting](#) is not allowed. I also understand that if I am unable to leave the area of a pending attack, I can protect myself by using self-defense. Self-defense is described as an action that is necessary to protect myself or someone else from serious bodily harm. Self-defense may include asking an adult for help, restraining or blocking the attacker, shielding myself or others from being hit, or pushing to get away from the attacker. However, retaliating by striking or hitting (i.e. punching, slapping, kicking) a person back, or choosing not to leave after I am able to get away, may be considered as fighting.
- I understand I have the right to choose to participate in an OCPS [disciplinary investigation](#).
- [Searches](#) of students and property will be conducted if school personnel have reasonable suspicion of a violation of the law or the Code. Reasonable suspicion is not required to conduct random searches of OCPS owned property. Random searches may occur at any time and are not protected by Safe Harbor.
- I understand that [vaping/smoking](#) any substance (drugs, nicotine, etc.) is not permitted on Board property, transportation, or school activities.
- I am strongly encouraged and can anonymously report any suspicious or criminal behavior I observe to FortifyFL through the FortifyFL app, on my school-issued device, or by going online at www.getfortifyfl.com. I understand that if I knowingly submit a false tip to FortifyFL using my OCPS device, the IP address of the device will be provided to law enforcement as required by law and I may face criminal penalties.

 I am aware the Code is on my school-issued device for my review and can also be found at codeofconduct.ocps.net

| | |
|----------------------------|---------------------------|
| _____ | _____ |
| School Name | Grade |
| _____ | _____ |
| Print Student Name | Student Signature |
| _____ | _____ |
| Print Parent/Guardian Name | Parent/Guardian Signature |
| _____ | _____ |
| | Date |

PARENTS/GUARDIANS: THIS FORM IS REVIEWED WITH YOUR CHILD AT SCHOOL. PLEASE SIGN AND RETURN THE PARENT/GUARDIAN FORM TO YOUR CHILD’S SCHOOL. FAILURE OR REFUSAL TO SIGN THIS ACKNOWLEDGEMENT FORM WILL NOT RELIEVE A STUDENT OR THE PARENT/GUARDIAN OF THE RESPONSIBILITY FOR COMPLIANCE WITH THE CODE OR ACCOUNTABILITY FOR LOSS OR DAMAGE TO OCPS PROPERTY.

SCHOOL BOARD OF ORANGE COUNTY
CODE OF STUDENT CONDUCT - ELEMENTARY STUDENTS
2023 – 2024



The Code of Student Conduct (Code) has the rules for when you are at school, on a school field trip, at a school activity, or on a school bus. All Orange County Public School (OCPS) students must follow the rules in the Code. Some of the rules must also be followed when you are at home, if you make bad choices and it hurts someone at school or makes the principal at your school think your actions are unsafe to other students.

It is good to read the Code with your parent/guardian or a trusted adult at home who can help you understand what the rules are when you are at school. Your teacher will also review the Code and rules with you during the school year, so if you have any questions, you can always ask your teacher. Here are some tips that may help you understand some of the rules in the Code:

- If you have something that is not allowed at school or do something at school that you shouldn't, you should tell your teacher or other adult at school right away. If you tell your teacher or another adult before they find out, you may not get in trouble. This is called [Safe Harbor](#).
- If you make a bad choice outside of school and are arrested by the police, you may not be able to [play sports or be part of other fun activities at an OCPS school](#).
- Weapons, such as knives and guns (even toy guns) and drugs are dangerous and may hurt someone, so they cannot be at school. If you or someone you know has a weapon or has drugs at school, tell your teacher or another adult right away. If you bring a weapon or drugs to school, you may be [removed from your school](#) and your friends for an entire school year.
- Always treat others with kindness and respect. Teasing, being mean or picking on someone is called [bullying or harassment](#) and is not allowed.
- Keep your hands to yourself at all times. Touching other students or adults could end up hurting the other person or make them feel uncomfortable.
- [Fighting](#) is not allowed, but if someone hits you or someone else, instead of hitting back, you can protect yourself from getting badly hurt by using what is called self-defense. Self-defense means getting help from an adult, holding or blocking the other student so they can't hit you or anyone else, covering your face or body from being hit, or pushing the other student so you can leave and get to a safe place. However, if you hit (such as punch, slap, or kick) the other student back, or push them away and don't try to leave, you could get in trouble for fighting.
- Use words that make others feel good. Telling other students or adults that you want to hurt them or act like you are going to hurt them is called a [threat](#). The teachers and other adults at school want to make sure everyone is safe, so even if you were joking, you may get in trouble for saying or doing certain things.
- If you or someone you know breaks a rule at school, [you may be asked questions about it](#). The person asking you questions may also ask you to write down what you saw or did. If you do not want to say anything, that is okay too, just let the person know who is asking you questions.
- If a teacher or other adult at school is concerned that you have something that is unsafe, they are allowed to [look](#) in your backpack and other belongings.
- If you see someone doing something bad, you are strongly encouraged to say something to someone. You can also report crimes to FortifyFL through the FortifyFL app, on your school-issued device, or by going online at [www.getfortifyfl.com](#). If you report things to FortifyFL that you know are not true, you might get in serious trouble.



Did you know the Code is on your school-issued device and can also be found at [codeofconduct.ocps.net](#)?

School Name

Grade

Student Name

Date

Print Parent/Guardian Name

Parent/Guardian Signature

Date

PARENTS/GUARDIANS: THIS FORM IS REVIEWED WITH YOUR CHILD AT SCHOOL. PLEASE SIGN AND RETURN THE PARENT/GUARDIAN FORM TO YOUR CHILD'S SCHOOL. FAILURE OR REFUSAL TO SIGN THIS ACKNOWLEDGEMENT FORM WILL NOT RELIEVE A STUDENT OR THE PARENT/GUARDIAN OF THE RESPONSIBILITY FOR COMPLIANCE WITH THE CODE OR ACCOUNTABILITY FOR LOSS OR DAMAGE TO OCPS PROPERTY.



CODE OF STUDENT

CONDUCT SUMMARY

CODE OF STUDENT CONDUCT SUMMARY CODE OFFENSES AND CONSEQUENCES: AT A GLANCE

The Code has four levels of offenses. Level I offenses are the least serious and will be dealt with by imposing less severe consequences than Level IV offenses. A Level IV offense is grounds for a 10-day suspension and a consideration for expulsion.

| Level I (MS and HS) / Level 1 (ES) | Level II (MS and HS) / Level 2 (ES) | Level III (MS and HS) / Level 3 (ES) | Level IV (MS and HS) / Level 4 (ES) |
|------------------------------------|---|---|---|
| Cheating | Vandalism (under \$100) | Simple Battery | Alcohol |
| Disrespect | Disrespect | Vandalism (\$100 to \$999) | Arson/Igniting |
| Dress Code | Physical Altercation | Disrespect | Threat/Intimidation |
| Failure to Report to Detention | Forgery (non-criminal) | Extortion/Blackmail | Aggravated Battery |
| False/Misleading Information | Gambling | Fighting | Threats to the School |
| Profanity | Minor Insubordination/Open Defiance | Firecrackers/Fireworks | Drug Use/Possession/Sale/Distribution |
| Electronic Device Violation | Threat | Gross Insubordination/Open Defiance | Weapons/Other Dangerous Objects |
| Tardiness | Stealing (under \$100) | Illegal Organizations | Disruption on Campus-Major |
| Skipping Class | Unauthorized Assembly | Possession of Contraband | Grand Theft (\$750 or over) |
| Other Misconduct | Other Serious Misconduct | Tobacco | Repeated Misconduct |
| Horseplay | Gang Related | Stealing (\$375 to \$749) | Robbery |
| | Electronic Device Violation | Unauthorized Entrance to OCPS Property | Sexual Battery |
| | Horseplay | Violation of Curfew | Sexual Harassment |
| | Dress Code | Other Serious Misconduct | Sexual Offenses |
| | | Threat | Violation of Early Re-entry |
| | | Gang Related | Criminal Mischief (\$1000 or over) |
| | | Harassment | Other Major/Interruption of Campus |
| | | Electronic Device Violation | Bullying |
| | | Horseplay | Hazing |
| | | Disruptive Conduct | Simple Battery |
| | | | Sexual Assault |
| | | | Electronic Device Violation |
| | | | Burglary |
| | | | Homicide |
| | | | Kidnapping |
| | | | Tobacco |
| | | | Trespassing |
| Level I – Consequences | Level II – Consequences | Level III – Consequences | Level IV – Consequences |
| Parent/Guardian Contact | Parent/Guardian Contact | Parent/Guardian Contact | Parent/Guardian Contact |
| Counseling and Direction | Counseling and Direction | Counseling and Direction | Counseling and Direction |
| Verbal Reprimand | Behavior Plan/Contract | Behavior Plan/Contract | Discipline Team Meeting |
| Restorative Practice | Restorative Practice | Restorative Practice | PASS (10 days) |
| Special Work Assignment | PASS (1-10 days) | Return of Property | Suspension from School (10 days) |
| Withdrawal of Privileges | Special Work Assignment | PASS (1-10 days) | Expulsion from School District |
| Detention | Detention | Suspension from Bus (1-10 days) | Assignment to Alternative School |
| Referral to Intervention Program | SAFE/Guidance Referral | Suspension from School (1-10 days) | Referral to Intervention Program |
| Confiscation of Contraband | Confiscation of Contraband | Detention | Expulsion from Bus |
| Assigned Seat | Return of Property | Removal from Extracurricular Activities | Referral to Mental Health Services |
| Supervision Plan | Suspension from Bus (1-10 days) | Alternative Class | Removal from Extracurricular Activities |
| SAFE/Guidance Referral | Referral to Intervention Program | Referral to Intervention Program | Restorative Practice |
| Schedule Change | Alternative Classroom | Confiscation of Contraband | Schedule Change |
| No Contact Contract | Supervision Plan | Schedule Change | Supervision Plan |
| Referral to Mental Health Services | Schedule Change | Supervision Plan | No Contact Contract |
| Warning of Referral to Level II | No Contact Contract | No Contact Contract | SAFE/Guidance Referral |
| | Removal from Extracurricular Activities | SAFE/Guidance Referral | |
| | Referral to Mental Health Services | Referral to Mental Health Services | |



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CHANGES TO THE CODE OF STUDENT CONDUCT

[School Board Members](#)

[Superintendent](#)

[Acknowledgment for the Code of Student Conduct](#)

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- I-Q: Harassment (Deleted)
- II-C: Physical Altercation
- II-G: Intimidation/Threats (Deleted)
- II-L: Bullying (Deleted)
- II-O: Harassment (Deleted)
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- III-A: Simple Battery
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- III-N: Unauthorized Entrance to OCPS Property
- III-P: Bullying (Deleted)
- III-S: Sexual Harassment (Deleted)
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- IV-X: Hazing
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- IV-CC: Burglary
- IV-DD: Homicide
- IV-EE: Kidnapping
- IV-FF: Tobacco/Vaping/Nicotine (Deleted)
- IV-GG: Igniting
- IV-HH: Interruption of Campus Operations

- IV-II: Beyond the Bounds of Acceptable Behavior
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- 1-Q: Harassment (Deleted)
- 2-C: Physical Altercation
- 2-G: Intimidation/Threats (Deleted)
- 2-L: Bullying (Deleted)
- 2-O: Harassment (Deleted)
- 2-R: Sexual Harassment (Deleted)
- 3-A: Simple Battery
- 3-F: Fighting
- 3-L: Tobacco
- 3-N: Unauthorized Entrance to OCPS Property
- 3-P: Bullying (Deleted)
- 3-S: Sexual Harassment (Deleted)
- 3-T: Intimidation/Threats to a Person (Deleted)
- 3-V: Harassment
- 3-W: Hazing (Deleted)
- 3-BB: Disruptive Conduct
- 4-A: Alcohol
- 4-B: Arson
- 4-C: Threat/Intimidation
- 4-D: Aggravated Battery
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- 4-V: Bullying
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- 4-X: Hazing
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- 4-Z: Sexual Assault
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- 4-EE: Kidnapping
- 4-FF: Tobacco/Vaping/Nicotine (Deleted)
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INTRODUCTION



CODE OF STUDENT CONDUCT 2023-2024

INTRODUCTION

The School Board of Orange County, Florida (Board) [Policy JIC, Code of Student Conduct](#), in addition to [Section 1006.07, Florida Statutes](#), requires the adoption of a Code of Student Conduct (Code). Orange County Public Schools (OCPS) has developed the Code to help students, parents/guardians, and school personnel understand the guidelines for maintaining a safe and orderly learning environment. The Code shall be discussed with students, school advisory committees, and parent/teacher associations at the beginning of each school year and quarterly thereafter and for transferring students upon their enrollment.

In order to conserve resources, schools will not distribute paper copies of the Code to every student. An electronic copy of the Code can be found online at the District website: [codeofconduct.ocps.net](#), on the OCPS app, or on OCPS school-issued devices. If you require a paper copy of the Code, please notify your OCPS school.

The Code applies to all OCPS students in Kindergarten through Grade 12, including high school and school age students attending either a technical center in a dual-enrollment program or a community school program for high school credit.

Each OCPS student must obey OCPS rules and the Code:

- While on school grounds;
- While being transported to or from school at public expense;
- During school-sponsored activities, including, but not limited to distance learning, field trips, athletic functions, and similar activities; and
- If appropriate, any other area as permitted by Florida Statutes and/or State Board of Education Rules.

Schools may also have the authority to discipline students for acts near or related to the school or when a student's conduct may harm the health, safety, or welfare of the student, of other students, of the school or of school personnel. In addition, while students may be disciplined for offenses according to the responses outlined in the Code, please be aware that there could be additional consequences through law enforcement for acts that violate the law.

Federal and state statutes and Board Policies are referenced throughout this handbook. It is important to note that the statutes and Board Policies referenced herein are subject to amendment throughout the current school year, which may affect specific sections of this handbook. Should a section be impacted by an amendment during the current school year, the Code will be updated to reflect the amendment as adopted by statute or Board Policy. A redline version of the amendment and footnote with a detailed explanation of the update will be accessible online at [codeofconduct.ocps.net](#).

In Loco Parentis

State and federal law recognizes that teachers and school administrators have a need to stand in the place of parents/guardians over children entrusted to them at school. This is a legal concept called *in loco parentis*. While this authority is not equal to a parent's/guardian's authority over a child, it does permit school personnel to exercise a degree of supervision and control over students while students are on Board property, school transportation, or attending a school activity. [Section 1003.31\(1\), Florida Statutes](#), also recognizes that students are under the control and direction of the principal or teacher in charge of the school. This authorizes school personnel to 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. This concept authorizes school personnel to question a student without providing the student with Miranda warnings or allowing the student to call a parent/guardian or attorney.

INTRODUCTION

Notice of Limited Responsibility for Supervising Students

OCPS employees are not responsible for supervising students who arrive on school grounds more than 30 minutes before school and/or 30 minutes before a school-sponsored activity is scheduled to begin or students remaining on school grounds more than 30 minutes after school and/or 30 minutes after the school-sponsored activity ends. OCPS is not responsible for supervising students not in attendance at school, or students not authorized to participate in school-sponsored activities. Casual or incidental contact between OCPS personnel and students on school grounds shall not result in a duty to supervise students. Parents/guardians should not rely on OCPS employees to provide supervision for their child outside of the aforementioned time period.

Nothing in this section precludes OCPS from administering discipline for acts or behavior that occur on OCPS property.



SECTION I:

FAMILY EDUCATION RIGHTS
AND PRIVACY ACT (FERPA)

SECTION I: FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT (FERPA)

Notification of Rights under FERPA for Elementary and Secondary Schools

The [Family Educational Rights and Privacy Act \(FERPA\)](#) affords parents and students who are 18 years of age or older (eligible students) certain rights with respect to your student's education records. These rights are:

1. The right to inspect and review the student's education records within forty-five (45) days of the day the school receives a request for access. Parents/guardians or eligible students who wish to inspect their child's or their education records must submit a written request to the principal that identifies the record(s) the parents/guardians or eligible student wishes to inspect. The principal will make arrangements for access and notify the parent/guardian 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 record that the parent/guardian or eligible student believes is inaccurate, misleading, or otherwise in violation of the student's privacy rights under FERPA. Parents/guardians or eligible students who wish to ask the school to amend their child's or their education records must write the school principal, clearly identify the part of the record they want changed, and specify why it is inaccurate, misleading, or otherwise in violation of the student's privacy rights under FERPA. If the school decides not to amend the record as requested, the school will notify the parent/guardian or eligible student of the decision and of their right to a hearing regarding the request for amendment. If, as a result of the hearing, the school still decides not to amend the record, the parent/guardian or eligible student can insert a statement into the record setting forth his or her views regarding the nature of the inaccuracy. The statement must remain with the contested part of the record for as long as the record is maintained. Please note, while the FERPA amendment procedure may be used to challenge facts that are inaccurately recorded, it may not be used to challenge a grade, an opinion, or a substantive decision made by a school about a student. FERPA was intended to require only that schools conform to fair recordkeeping practices and not to override the accepted standards and procedures for making academic assessments, disciplinary rulings, or placement determinations. Additionally, if FERPA's amendment procedures are not applicable to a parent's/guardian's request for amendment of education records, the school is not required under FERPA to hold a hearing on the matter.
3. The right to consent to disclosure of personally identifiable information contained in the student's education records, except to the extent that FERPA authorizes disclosure without consent. One exception, which permits disclosure without consent, is disclosure 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; the person elected to the school board; or, a person or company with whom the district has contracted to perform a specific task. 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. Additionally, personally identifiable information will be released without consent to appropriate officials in emergency situations, to comply with a lawfully issued subpoena and in cases involving compulsory school attendance and child abuse. Further disclosures of personally identifiable information from educational records of a student without obtaining prior written consent of the parents/guardians or the eligible students can be found in 34 C.F.R. Part 99.31. Please note: Per FERPA, disciplinary records are also considered educational records and cannot be disclosed unless one of the above exceptions applies.
4. The right to file a complaint with the U.S. Department of Education concerning alleged failures by the school to comply with the requirements of FERPA. The address of the office that administers FERPA is:

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

SECTION I: FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT (FERPA)

Release of Directory Information

The [Family Educational Rights and Privacy Act \(FERPA\)](#), a Federal law, requires that OCPS, with certain exceptions, obtain your written consent prior to the disclosure of personally identifiable information from your child's education records. However, OCPS may disclose appropriately designated "directory information" without written consent, unless you have advised OCPS to the contrary in accordance with OCPS procedures and [Board Policy JRA, Student Records](#). The form to opt-out of the release of directory information can be obtained from your child's school or by completing the form found at <https://www.ocps.net/cms/One.aspx?portalId=54703&pageId=1259544>. Please note, directory information, as permitted by the Board, will only be shared with contracted entities and is pursuant to [Board Policy JRA, Student Records](#).

In accordance with FERPA and [Board Policy JRA, Student Records](#), the following information, also known as "directory information," can be found in your child's school records and is not confidential:

- Student name;
- Student address;
- Telephone numbers, if listed;
- Name of the most recent previous school or program attended;
- Dates of attendance at schools in the district;
- Participation in officially recognized activities and sports;
- Diplomas, certificates, and honors received;
- Date of graduation; and
- Date and place of birth.

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/guardian's prior written consent. Outside organizations include, but are not limited to, companies that manufacture class rings or publish yearbooks.

Military recruiters may also request the name, addresses, and telephone listings of students pursuant to federal law. Local educational agencies (LEAs) receiving assistance under the Elementary and Secondary Education Act of 1965, as amended (ESEA), must provide the requested information to the military recruiters, unless parents/guardians have advised the LEA that they do not want their student's information disclosed without their prior written consent. [Note: These laws are [Section 9528 of the ESEA \(20 U.S.C. § 7908\)](#) and [10 U.S.C. § 503\(c\)](#), and [Section 1003.451, Florida Statutes](#).]

In addition, the names and directory information pertaining to children of active or former law enforcement officers, investigative personnel of the Department of Health and Rehabilitative Services, firefighters, justices and judges, and other officials, as outlined in [Section 119.07, Florida Statutes](#), are exempt from disclosure. If such a parent/guardian makes a written request to the school that information not be released by the school without parent/guardian consent, the school shall not release such information.

Release of Educational Records to Other Educational Agencies

FERPA permits disclosure of educational records to other educational agencies or institutions in accordance with [34 C.F.R. § 99.34](#). OCPS may disclose educational records to other educational agencies or institutions that have requested the records and in which the student seeks or intends to enroll or is already enrolled so long as the disclosure is for purposes related to the student's enrollment or transfer. The parent/guardian may request a copy of the record that was disclosed, and/or the parent/guardian may request a hearing as outlined in this Section. In addition, pursuant to [Section 1003.25, Florida Statutes](#), educational records transferred to another educational agency shall include: verified reports of serious or recurrent behavior patterns, including threat management evaluations and intervention services; and psychological evaluations, including therapeutic treatment plans and therapy or progress notes created or maintained by OCPS, as appropriate.



SECTION II: STUDENT RIGHTS AND RESPONSIBILITIES

SECTION II: STUDENT RIGHTS AND RESPONSIBILITIES

| Safe, Positive, and Receptive Learning Environment | |
|---|---|
| Student Rights | Student Responsibilities |
| To attend school in a positive learning environment | To maintain behavior that enhances a positive learning environment |
| To have school personnel who are receptive to student needs and concerns | To express needs and concerns in an appropriate manner |
| To have knowledge of the Code | To follow the guidelines set forth in the Code |
| Attendance | |
| Student Rights | Student Responsibilities |
| To be informed of Board policies and school rules about absenteeism and tardiness | To attend classes daily and be on time |
| To appeal a decision about an absence | To explain or document the reason for an absence |
| To request make-up work after an absence/suspension and to complete it in a reasonable amount of time | To make-up class work in a reasonable amount of time after an excused absence/suspension |
| Counseling | |
| Student Rights | Student Responsibilities |
| To be informed about school guidance services | To use guidance services for educational and personal improvement |
| To have access to individual and group counseling | To schedule guidance appointments ahead of time, except in emergencies |
| To request counseling | To work cooperatively with all school personnel |
| Curriculum | |
| Student Rights | Student Responsibilities |
| To receive a teacher's grading standard at the beginning of the grading period | To request academic and extracurricular programs that are in line with ability |
| To receive course descriptions | To ask for help from school personnel in choosing courses |
| To learn from competent teachers in an atmosphere free from bias and prejudice | To cooperate with teachers and contribute to an atmosphere free from bias and prejudice |
| To take part in basic skills programs in elementary, middle, and high schools | To make every effort to master the basic skills |
| Grades | |
| Student Rights | Student Responsibilities |
| To receive a teacher's grading standards at the beginning of the grading period | To learn about grading standards |
| To be notified of failure/potential failure when work is unsatisfactory | To meet academic standards in line with ability and to make every effort to improve unsatisfactory work |

SECTION II: STUDENT RIGHTS AND RESPONSIBILITIES

| Free Speech/Expression | |
|--|--|
| Student Rights | Student Responsibilities |
| To express views through speaking and writing, but without being obscene, disruptive, abusive, or derogatory | To respect the right of others to express their views and refrain from using speech or expression that could substantially disrupt the learning environment or harm the health, safety, or welfare of others |
| To participate in patriotic observances, however, students have a right to not participate in recitation of the Pledge of Allegiance | To behave respectfully during patriotic observances |
| To have one's religious beliefs respected | To respect the religious beliefs of others and to refrain from activities that hold religious beliefs up to ridicule |
| To assemble peaceably on school grounds while following federal, state, and local regulations | To plan, get approval for and conduct activities that are in line with the school's goals |
| To help develop and distribute publications as part of the educational process | To follow the rules of responsible journalism under the guidance of an advisor, including seeking complete information about topics and refraining from publishing false or obscene material |
| To be protected from sexual harassment | To refrain from sexually harassing students, staff, and community members on Board property, school transportation, and/or at school activities. |
| Privacy and Property Rights | |
| Student Rights | Student Responsibilities |
| To have privacy of personal possessions unless school personnel have reason to believe a student is in possession of materials prohibited by law or Board policy; any individual on Board property, on school transportation, and/or at school activities is subject to search | To keep materials prohibited by law or Board policy away from school or school activities |
| To have personal property respected | To respect others' personal property |

SECTION II: STUDENT RIGHTS AND RESPONSIBILITIES

Student Discrimination

[Board Policy JB, Equal Educational Opportunities](#), defines discrimination as conduct which deprives the victim of the opportunity to participate in educational programs or activities on the account of race, color, religion, age, sex, national origin, marital status, disability, sexual orientation, genetic information, gender identity or expression, language spoken, homelessness, or any other reason prohibited by law. Students attending OCPS shall be treated according to a unitary code, which applies equally to all students. All activities, curricular and extracurricular, which are sponsored by OCPS shall evidence respect for the individual student. Every reasonable attempt shall be made to ensure that activities do not disparage or offend any student on account of discrimination.

If a student believes they are a victim of discrimination based upon any factor identified above, the student is encouraged to report the alleged discrimination to school administration to investigate. The victim may also file a grievance/complaint with the OCPS Equity Officer to investigate the allegations; the Equity Officer for OCPS is Keshara Cowans and is located at the Ronald Blocker Educational Leadership Center, 445 W. Amelia Street, Orlando, Florida 32801, (407) 317-3200, titleIX@ocps.net.

Title IX of the Education Amendments of 1972 and Sex Discrimination

In accordance with [Title IX of the Education Amendments of 1972](#), and [Board Policy JB, Equal Educational Opportunities](#), OCPS is committed to protecting its students, employees, and applicants for admission from sex discrimination, including discrimination based on gender identity or failure to conform to stereotypical notions of masculinity or femininity. OCPS believes that all students and employees are entitled to a safe, equitable, and harassment-free school experience. Substantiated allegations of discrimination will not be tolerated and shall be just cause for disciplinary action. Any student who alleges sex discrimination by another student may use the school's student grievance procedure or may complain directly to the Title IX Coordinator.

Bullying and Harassment

In accordance with [Section 1006.147, Florida Statutes](#), [Board Policy ADD, Safe Schools](#), and [Board Policy JB, Equal Educational Opportunities](#), the Board is committed to protecting its students, employees, and applicants for admission, from bullying, harassment, or discrimination for any reason and of any type. The Board believes that all students and employees are entitled to a safe, equitable, and harassment-free school experience. Substantiated allegations of bullying, harassment, or discrimination will not be tolerated and shall be just cause for disciplinary action. In addition, although unsubstantiated bullying and harassment do not result in disciplinary action, the unsubstantiated bullying and harassment must be documented and reported to the Florida Department of Education through the requirements of the [School Environment and Incident Reporting](#) (SESIR) structure. Any student who alleges bullying or harassment by another student may use the school's student grievance procedure or may complain directly to the principal or designee.

SECTION II: STUDENT RIGHTS AND RESPONSIBILITIES

Code of Civility

The education of a child happens only through a partnership among the child, school faculty and staff, parents/guardians, the community and district office employees. Partnership is an active state that includes sharing responsibilities, having meaningful communication and welcomed participation.

When people who are working together agree, the partnership runs smoothly. Two people will not always agree and that can make partnership difficult. The partnership is most powerful, as children are educated to reach their potential, when we agree on how to disagree. We must be civil in our discourse.

Civility is often described by its absence. We hear of harmful actions such as road rage, physical confrontation, ethnic stereotypes and slurs. But civility is not just an absence of harm. It is the affirmation of what is best about each of us individually and collectively. It is more than saying “please” and “thank you.” It is reflecting our respect for others in our behavior, regardless of whether we know or like them. It is not simply being politically correct and should not to be used to stifle criticism or comment. It is being truthful and kind and for us to take responsibility for our own actions rather than blaming others.

As we communicate with each other, we need to remember that we are working together to benefit the children of this community.

Therefore, the Board requires that, as we communicate, students, OCPs faculty and staff, parents/guardians, and all other members of the community shall:

1. Always treat each other with courtesy and respect

This means:

- We listen carefully and respectfully as others express opinions that may be different from ours.
- We share our opinions and concerns without loud or offensive language, gestures or profanity.

2. Treat each other with kindness

This means:

- We treat each other, as we would like to be treated.
- We do not threaten or cause physical or bodily harm to another.
- We do not threaten or cause damage to the property of another.
- We do not bully, belittle or tease one another and we do not allow others to do so in our presence.
- We do not demean and are not abusive or obscene in any of our communications.

3. Take responsibility for our own actions

This means:

- We share information honestly.
- We refrain from displays of temper.
- We do not disrupt or attempt to interfere with the operation of a classroom or any other work or public area of a school or school facility.

4. Cooperate with each other

This means:

- We obey school rules for access and visitation.
- We respect the legitimate obligations and time constraints we each face.
- We notify each other when we have information that might help reach our common goal. This will include information about safety issues, academic progress, changes that might impact a student’s work or events in the community that might impact the school.
- We respond when asked for assistance.
- We understand that we do not always get our way.

SECTION II: STUDENT RIGHTS AND RESPONSIBILITIES

Code of Civility

Authority and Enforcement of the Code of Civility

Authority and enforcement of a code for civil conduct ultimately depends on the individual and collective will of those involved – students, OCPS faculty and staff, parents/ guardians, and all other members of the community. However, individuals need to know how to respond to uncivil behavior and how such behavior will be responded to. Therefore:

1. A student who believes that he or she has not been treated in a manner reflective of the Code of Civility should report such behavior to the appropriate school administrator.
2. A parent/ guardian or community member who believes that he or she has not been treated in a manner reflective of the Code of Civility should report such behavior to the staff member's immediate supervisor.
3. An employee who believes that he or she has not been treated in a manner reflective of the Code of Civility should use the following guidelines:
 - If personal harm is threatened, the employee may contact law enforcement.
 - Anyone on Board property without authorization may be directed to leave the premises by an administrator or school resource officer. Anyone who threatens or attempts to disrupt school or school district operations, physically harm someone, intentionally cause damage, uses loud or offensive language, gestures, profanity or shows a display of temper must be directed to leave the premises by an administrator or school resource officer. If such person does not immediately and willingly leave and if the school resource officer is not available, law enforcement shall be called.
 - If a telephone call recorded by an answering machine, e-mail, voicemail message, or any type of written communication is demeaning, abusive, threatening, or obscene the employee is not obligated to respond.
 - If personal harm is threatened, the employee may contact law enforcement.
 - The employee shall save the message and contact his or her immediate supervisor, the school resource officer and/or OCPS District Police.
 - If any member of the public uses obscenities or speaks in a demeaning, loud, or insulting manner, the employee to whom the remarks are directed shall take the following actions:
 - Calmly and politely, ask the speaker to communicate civilly.
 - If the verbal abuse continues, give appropriate notice to the speaker and terminate the meeting, conference, or telephone conversation.
 - If the meeting or conference is on school district premises, request that an administrator or authorized person direct the speaker to promptly leave the premises.
 - If the speaker does not immediately leave the premises, an administrator or other authorized person shall notify law enforcement to take any action deemed necessary.



SECTION III:
STUDENT NOTIFICATIONS

SECTION III: PARENT AND STUDENT NOTIFICATIONS

Safe Harbor Provision

A student may approach a school official or contracted personnel and turn in an object which is not allowed by the Code. Unless an investigation by school officials regarding the possession of an object that is not allowed by the Code has already started, a student who approaches a school official and turns in the object may not receive discipline. An investigation starts when a school official or contracted personnel becomes aware of the object that is not allowed by the Code. The school will make arrangements with the student's parent/guardian to pick up the object from the school, if applicable.

If a student discovers illegal objects such as drugs, weapons, or other contraband on Board property, school transportation, and/or at a school activity, the student may approach a school official or contracted personnel and report the discovery. A student may not be in violation of the Code by making such a report. School officials shall adhere to policies and procedures concerning further investigation of the report.

Law enforcement may be contacted for specific offenses, which may include, but are not limited to, firearms, drugs, and explosive devices. Objects not allowed by the Code that are discovered during a random search are not protected by the Safe Harbor provisions.

Participation in Extracurricular/Co-curricular Activities

In order to participate in extracurricular/co-curricular activities or athletic programs, students must adhere to Board policies, school-based criteria, and applicable law. A student may not be eligible to participate in extracurricular/co-curricular activities for certain disciplinary offenses. It is important for students to understand that the behavioral expectations placed upon students by the school can extend beyond the classroom and school campus (i.e. social media), therefore, off-campus behavior may impact a student's participation in extracurricular/co-curricular activities to the extent such conduct causes a substantial disruption to the operation of the school and/or activity. Pursuant to [Section 1006.15, Florida Statutes](#), the Board has the authority to withhold participation privileges from students. In addition, schools reserve the right to remove any student for any offense of the Code, which substantially disrupts the school or community.

A student may not participate in any extracurricular/co-curricular activity if the student participated in that same sport at another school during the same school year unless the student has been relocated due to foster care placement, experienced death of a parent/guardian, or been impacted by military orders or court-ordered changes in custody. A student's eligibility to participate in extracurricular/co-curricular activities may not be affected by recruiting allegations until a final determination has been reached.

The Juvenile Justice System has committed to working in conjunction with school officials toward maintaining standards of behavior for all students including those who participate in extracurricular/co-curricular activities. With this in mind, any student who has been formally charged with a felony or similar offense by a prosecuting attorney shall be excluded from participation in extracurricular/co-curricular activities for a minimum of one calendar year. If the student is not found guilty or if the charges are dismissed, the student may return upon presenting documentation of the court's decision. Additionally, a student is ineligible to participate in extracurricular/co-curricular activities if a court order prohibits the student's enrollment in a traditional school setting. Final determination of eligibility rests with the district administrator responsible for the supervision of athletics.

Any student who has committed a Level III hazing offense shall be excluded from participation in extracurricular/co-curricular activities for a minimum of one calendar year. Any student who has committed a Level IV hazing offense shall be excluded from participation in extracurricular/co-curricular activities for the remainder of their enrollment at OCPs.

Nothing in this section of the Code shall preclude the exercising of any existing authority of the Superintendent/designee or the Juvenile Justice System.

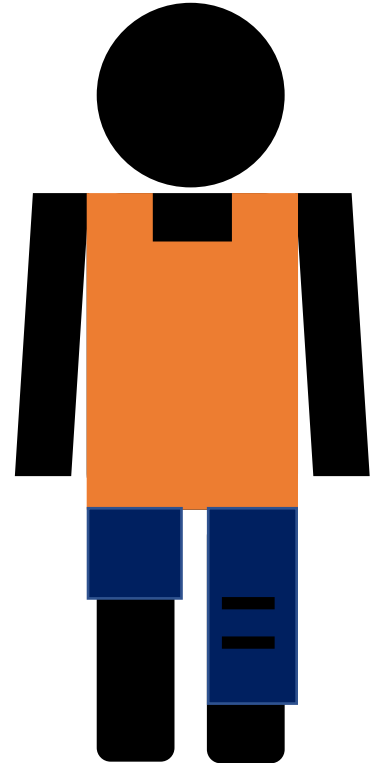
Additional information pertaining to extracurricular/co-curricular activities can be found in [Board Policy JJ, Extracurricular Activities](#).

SECTION III: PARENT AND STUDENT NOTIFICATIONS

Student Dress

The dress and grooming of OCPS students shall contribute to the health and safety of the individual, promote a positive educational environment, and not disrupt the educational activities and processes of the school. These standards of dress and grooming apply to all students in the public schools of Orange County, unless a specific exemption is granted by the principal. Any request for an exemption shall be made to the principal.

1. Clothes shall be worn as they are designed. For example, suspenders should be over the shoulders, pants secured at the waist, belts buckled, no underwear as outerwear, no underwear exposed.
2. Clothing must cover the body from one armpit across to the other armpit and down to approximately mid-thigh (see image to the right). Tops must have straps. Undergarments must not be viewable. Rips, holes, or tears in clothing must be below mid-thigh.
3. Shoes shall be worn at all times and should be safe for the school environment. The following shoes are not acceptable for any OCPS student: cleated shoes or shoes with wheels.
4. Headgear shall not be worn on campus during the school day, unless the headgear is approved by the principal.
5. Specialized courses may require specialized attire, such as sports uniforms or safety gear, and must be approved by the principal before being worn during the school day.
6. See-through, revealing, or mesh garments must not be worn without appropriate coverage underneath that meet the minimum requirements of this dress code.
7. Gang paraphernalia, garments and/or jewelry, tattoos, or other insignias, which display or suggest sexual, vulgar, drug, alcohol, or tobacco-related wording/graphics or may tend to provoke violence or disruption in school, shall not be worn.
8. Clothing must not state, imply, or depict hate speech or imagery targeting groups based on race, ethnicity, gender, sexual orientation, gender identity, religious affiliation, or any other protected class.
9. Clothing and accessories that endanger students or staff shall not be worn. This includes clothing that obscures the visual identification of a person (unless approved by the principal). The use of a medical mask worn for its intended purpose is permitted.
10. Individual schools may implement school uniforms with community input and approval of the principal's supervisor.
11. Individual schools are expected to use the state and district dress and grooming guidelines as minimum standards; any adjustments may be made upon approval of the principal's supervisor. The principal at each school reserves the right to determine what appropriate dress is for the school as detailed in these minimum standards.



Any student who violates this dress policy will be subject to disciplinary action as outlined in [Sections IV and V](#) of the Code, [Section 1006.07\(2\)\(d\), Florida Statutes](#), and below:

1. For a first offense, a student shall be given a verbal warning and the school principal shall call the student's parent/guardian.
2. For the second offense, a student is ineligible to participate in any extracurricular activity for a period of time not to exceed 5 days and the school principal shall meet with the student's parent/guardian.
3. For a third or subsequent offense, a student shall receive an in-school suspension pursuant to [Section 1003.01\(5\), Florida Statutes](#), for a period not to exceed 3 days, the student is ineligible to participate in any extracurricular activity for a period not to exceed 30 days, and the school principal shall call the student's parent/guardian and send the parent/guardian a written letter regarding the dress code violation.

SECTION III: PARENT AND STUDENT NOTIFICATIONS

Standards of Conduct for Students using Transportation Provided by OCPS

Because of OCPS's continuing efforts to provide safe transportation for all students, whether for a field trip, athletic function, similar activity, or to and from home, students are expected to abide by the following standards of school bus behavior, in addition to the Code:

1. Obey the bus driver at all times.
2. Stand off the roadway while waiting for the bus.
3. Be at the bus stop five minutes prior to a scheduled stop time.
4. Cross the roadway several steps in front of the bus.
5. Ride only on the assigned bus.
6. Board and depart at the assigned bus stop.
7. Must scan their RFID Student ID or Bus Pass to enter or exit the bus, upon issuance of RFID Student ID or Bus Pass.
8. Act appropriately while waiting for the bus.
9. Give your proper name when requested by the bus operator or monitor.
10. Remain seated at all times when the bus is moving and properly wear a seat belt, as applicable.
11. Remain silent when the dome lights are on.
12. Remain silent at railroad crossings.
13. Refrain from littering on the bus.
14. Refrain from bringing reptiles, bugs, animals, or marine life (dead or alive) on the bus unrelated to school activities.
15. Refrain from displaying signs from the bus.
16. Refrain from using profane language or gestures.
17. Refrain from acts of vandalism.
18. Refrain from throwing any objects from the windows of the bus.
19. Refrain from any conduct or behavior that interferes with the orderly, safe, and expeditious transportation of yourself or other bus riders.
20. Students are permitted to use their electronic device while on OCPS/OCPS-sponsored transportation so long as the student utilizes earbuds, headphones, etc. and has at least one ear free to hear directions.
21. Skateboards are not permitted on the school bus.

Recording devices have been installed on buses. Students may be filmed at any time during their ride. The recordings may be utilized to determine violations of the Code. Violations of the aforementioned standards, or any other section of the Code, may be the basis for suspension or expulsion from the bus/school.

SECTION III: PARENT AND STUDENT NOTIFICATIONS

Possession, Use, or Sale of Controlled Substances and/or Alcohol

According to state law and Board [Policy JICH, Drug and Alcohol Use by Students](#), the unlawful use, possession, or sale of controlled substances, as defined in [Chapter 893, Florida Statutes](#), and/or alcohol by any student while the student is on Board property, school transportation and/or at a school activity is grounds for disciplinary action by the school (such as suspension and/or expulsion) and may also result in criminal penalties being imposed.

Possession of Firearms, Weapons, and/or Destructive Devices on Board Property

Possession of a firearm, weapon, and/or destructive device (“weapons”) as defined in [Chapter 790, Florida Statutes](#), by any student while the student is on Board property, school transportation, and/or at a school activity, is grounds for disciplinary action and may also result in criminal prosecution. This includes, but is not limited to, possessing or carrying a weapon on his/her person, in a vehicle, container, or other conveyance.

Any student who is determined to have brought or possessed a weapon on Board property, on school transportation, and/or to a school activity, will be expelled, with or without continuing educational services, from the student’s regular school for a period of not less than one (1) full year and referred to mental health services identified by OCPS pursuant to [Section 1012.584\(4\), Florida Statutes](#), and also referred to the criminal justice or juvenile justice system. Additional information regarding this section can be found in [Board Policy JICI, Firearms, Weapons and Destructive Devices](#).

Simulated Weapons

A student may not receive disciplinary action for simulating a firearm or weapon while playing, or for wearing clothing or accessories that depict a firearm or weapon, or expressing an opinion regarding Second Amendment Rights, unless the simulation causes a substantial disruption to learning, causes bodily harm, or places another person in fear of harm as outlined below. Simulating a firearm or weapon while playing includes, but is not limited to:

- Brandishing a partially consumed pastry or other food item to simulate a firearm or weapon.
- Possessing a toy firearm or weapon that is two (2) inches or less in overall length.
- Possessing a toy firearm or weapon made of plastic snap-together building blocks.
- Using a finger or hand to simulate a firearm or weapon.
- Vocalizing an imaginary firearm or weapon.
- Drawing a picture, or possessing an image, of a firearm or weapon.
- Using a pencil, pen, or other writing or drawing utensil to simulate a firearm or weapon.

However, a student may receive disciplinary action if simulating a firearm or weapon while playing, if the playing substantially disrupts student learning, causes bodily harm to another person, or places another person in reasonable fear of bodily harm. The severity of consequences imposed upon a student, including referral to the criminal justice or juvenile justice system, must be proportionate to the severity of the offense and consistent with Board policies for similar offenses. If a student is disciplined for such conduct, the school principal or designee must call the student’s parent/guardian. Disciplinary action resulting from a student’s clothing or accessories that depict firearms or weapons shall be determined pursuant to the [OCPS Dress Code](#), unless the wearing of the clothing or accessories causes a substantial disruption to student learning, in which case the infraction may be addressed in a manner that is consistent with Board policies for similar offenses. This paragraph does not prohibit schools from adopting a school uniform policy.

Violence Against School Employees

Any aggression or physical violence against an employee is unacceptable and will not be tolerated. Violence against any OCPS employee, contracted personnel, or volunteer, by a student is grounds for in-school suspension, out-of-school suspension, expulsion, or any other disciplinary action by the school and may also result in criminal penalties.

In addition, any student found to have committed any offense in [Section 784.081, Florida Statutes](#), shall be expelled or placed in an alternative school setting or other program, as appropriate. The offenses listed within [Section 784.081, Florida Statutes](#), include, assault or aggravated assault, or a battery or aggravated battery, upon any school district employee when the person committing the offense knows or has reason to know the identity or position or employment of the victim. Upon being charged with the offense, the student shall be removed from the classroom immediately and placed in an alternative school setting pending disposition.

SECTION III: PARENT AND STUDENT NOTIFICATIONS

Threats or False Reports

Any student who makes a threat or false report as defined by Sections [790.162](#), [790.163](#), and [836.10](#), Florida Statutes, involving school or school personnel's property, school transportation, or a school-sponsored activity will be expelled, with or without continuing educational services, for a period of not less than one (1) full school year and referred to law enforcement, regardless of intent. Threats may include, but are not limited to: bomb threats; threats to use firearms in a violent manner; threats to kill or do bodily injury; and/or threats to conduct a mass shooting or an act of terrorism.

The Disciplinary Response Code for [Secondary](#) and [Elementary](#) provides additional definitions for threats. Threats can be direct or indirect, verbal or nonverbal. A direct threat may include a specific act or a specific victim. A direct threat is delivered in a straightforward and clear manner, such as making a threat verbally or in writing directly to the victim. Indirect threats may be unclear or hidden. Indirect threats may not state a specific victim or there is no intent that the threat be heard or seen by the victim, such as writing a threat that is not shown to the victim.

In addition, if a student makes a statement or posts statements on social media alluding to the student bringing a firearm or other weapon on Board property, on school transportation, or to a school activity, even if the student does not actually bring the firearm or weapon, the student will be presumed to cause a disruptive environment which will lead to disciplinary action and possible criminal penalties. This section includes students who post similar statements as a self-defense tactic.

Zero Tolerance for School-Related Violent Crime

In accordance with [Section 1006.13, Florida Statutes](#), the intent of OCPS is to promote a safe and supportive learning environment in schools, to protect students and staff from conduct that poses a threat to school safety. The Zero Tolerance Policy is not intended to be rigorously applied to petty acts of misconduct. The Zero Tolerance Policy must apply equally to all students regardless of their economic status, race, or disability. Zero Tolerance policies must require students found to have committed one of the following offenses to be expelled, with or without continuing education services, from the student's regular school for a period of not less than 1 full year, and to be referred to the criminal justice or juvenile justice system: a) bringing a firearm or weapon, as defined in [Chapter 790, Florida Statutes](#), to school, to any school function, or onto any school -sponsored transportation or possessing a firearm at school, b) making a threat or false report, as defined by Sections [790.162](#), [790.163](#), Florida Statutes, involving school or school personnel's property, school transportation, or a school-sponsored activity. Refer to [Board Policy JIC, Code of Student Conduct](#), for further information.

Fighting and Self-Defense

Fighting is prohibited on all Board property, school transportation, and/or at school activities. Fighting is defined by the Florida Department of Education as two or more people mutually participating in the use of force or physical violence that requires either physical intervention or results in injury requiring first aid or medical attention. If the fight causes a major disruption on campus, it may be a Level IV offense.

If a student is unable to leave the area of a pending attack, a student may use self-defense. Self-defense is an action taken that is necessary to protect oneself or others from serious bodily harm. Self-defense may include asking an adult for help, restraining or blocking the attacker, shielding oneself or others from being hit, or pushing to get away from the attacker. However, retaliating by striking or hitting (i.e. punching, slapping, kicking) a person back, or choosing not to leave after you are able to get away, may be considered as fighting. Pursuant to [Section 1006.13, Florida Statutes](#) "in a disciplinary action, there is a rebuttable presumption that the actions of a student who intervened, using only the amount of force necessary, to stop a violent act against a student, staff, or volunteer were necessary to restore or maintain the safety of others."

SECTION III: PARENT AND STUDENT NOTIFICATIONS

Cell Phone Policy for Students

A student may possess a cell phone on Board property, on school transportation and at school activities, provided that during school hours, the cell phone is silenced and concealed. [Pursuant to Section 1006.07, Florida Statutes](#), “a student may not use a wireless communications device during instructional time, except when expressly directed by a teacher solely for educational purposes. A teacher shall designate an area for wireless communications devices during instructional time.” For purposes of this section, the designated area will be in the student’s backpack or purse, except when expressly directed by a teacher solely for educational purposes. Violations of the cell phone policy will be handled in accordance with the Code and may result in confiscation of said device. If the cell phone is used in a criminal act (such as sexting as outlined in Florida Statutes and the Code), the cell phone will be provided to law enforcement and the student may face criminal penalties.

The use of wireless communication devices is always prohibited during the school day (from the first morning bell to dismissal) unless expressly directed by a teacher solely for educational purposes. Wireless communication devices include but are not limited to, cell phones and/or auxiliary/ancillary devices such as watches and ear buds. Students may not receive discipline if they use their cellphone and/or ancillary device(s) to monitor a health condition that is documented through medical records provided to the school including, but not limited to, an IEP, a Section 504 Plan or a Health Plan.

At no time shall OCPS be responsible for theft, loss or damage to cell phones or other electronic devices brought onto its property.

These standards apply to all students in the public schools of Orange County.

SECTION III: PARENT AND STUDENT NOTIFICATIONS

Safety In Private Spaces Act

Pursuant to Section 553.865(9)(a), Florida Statutes, each educational institution shall, within its code of student conduct, establish disciplinary procedures for any student who willfully enters, for a purpose other than those listed below: a restroom or changing facility designated for the opposite sex on the premises of the educational institution and refuses to depart when asked to do so by any instructional personnel as described in s. 1012.01(2), 212 administrative personnel as described in s. 1012.01(3), or a 213 safe-school officer as described in s. 1006.12(1)-(4).

For purposes of this section, pursuant to Section 553.865(6), Florida Statutes “a person may only enter a restroom or changing facility designated for the opposite sex under the following circumstances:

- (a) To accompany a person of the opposite sex for the purpose of assisting or chaperoning a child under the age of 12, an elderly person as defined in s. 825.101, or a person with a disability as defined in s. 760.22 or a developmental disability as defined in s. 393.063;
- (b) For law enforcement or governmental regulatory purposes;
- (c) For the purpose of rendering emergency medical assistance or to intervene in any other emergency situation where the health or safety of another person is at risk;
- (d) For custodial, maintenance, or inspection purposes, provided that the restroom or changing facility is not in use; or
- (e) If the appropriate designated restroom or changing facility is out of order or under repair and the restroom or changing facility designated for the opposite sex contains no person of the opposite sex.”

The following definitions apply pursuant to Section 553.865(3), Florida Statutes:

- "Changing facility" means a room in which two or more persons may be in a state of undress in the presence of others, including, but not limited to, a dressing room, fitting room, locker room, changing room, or shower room."
- ""Educational institution" means a K-12 educational institution or facility or a postsecondary educational institution or facility."
- ""Female" means a person belonging, at birth, to the biological sex which has the specific reproductive role of producing eggs."
- ""Male" means a person belonging, at birth, to the biological sex which has the specific reproductive role of producing sperm."
- ""Restroom" means a room that includes one or more water closets. This term does not include a unisex restroom."
- ""Sex" means the classification of a person as either female or male based on the organization of the body of such person for a specific reproductive role, as indicated by the person's sex chromosomes, naturally occurring sex hormones, and internal and external genitalia present at birth."
- ""Unisex changing facility" means a room intended for a single occupant or a family in which one or more persons may be in a state of undress, including, but not limited to, a dressing room, fitting room, locker room, changing room, or shower room that is enclosed by floor-to-ceiling walls and accessed by a full door with a secure lock that prevents another individual from entering while the changing facility is in use."
- ""Unisex restroom" means a room that includes one or more water closets and that is intended for a single occupant or a family, is enclosed by floor-to-ceiling walls, and is accessed by a full door with a secure lock that prevents another individual from entering while the room is in use."
- ""Water closet" means a toilet or urinal."

Violations of the policy will result in disciplinary action pursuant to the Code.

Hate Speech

Pursuant to [Board Policy JB, Equal Educational Opportunity](#), all students attending school in OCPS “shall be treated according to a unitary code which applies equally regardless of race, color, religion, age, sex, national origin, marital status, disability, sexual orientation, genetic information, gender identity or expression, language spoken, homelessness, or any other reason prohibited by law.” The use of hate speech will not be tolerated, and violations will be subject to this Code.

SECTION III: PARENT AND STUDENT NOTIFICATIONS

Sexting

In accordance with [Board Policy JIC, Code of Student Conduct](#), and [Section 847.0141, Florida Statutes](#), sexting is defined as using any computer or electronic device to send, forward, display, retain, store or post sexually explicit, lewd, indecent or pornographic photographs, images or messages. Sexting will not be tolerated. Participation in sexting:

- During school hours or school activities on or off campus;
- While on Board property or school transportation; or
- Beyond the hours of school operation if the behavior adversely affects the personal safety or well-being of school-related individuals, the governance, climate or efficient operation of the school, or the education process or experience;

shall be just cause for disciplinary action pursuant to this Code.

Student Parking and School Locker Search

All OCPS parking areas and lockers are the property of the school district. School authorities have the right to inspect any student vehicle and/or lockers in order to protect the health, safety, and welfare of all students and school employees. This includes the use of K-9 detection dogs. Each student who uses Board property to park a vehicle or uses a school locker must sign an OCPS Student Parking and/or Student Locker Application and Consent to Search and Waiver of Liability form acknowledging and agreeing to the conditions as a prerequisite to, and in consideration for, the issuance of a student parking decal and/or a student locker. Individual student parked vehicles and/or locker searches will be conducted if school personnel have reasonable suspicion of a violation of the law or of the Code. A student is responsible for all objects found in the car the student drove on campus and/or found in the student's locker. Routine locker clean-ups are not considered searches.

Search of an Individual

Any individual on Board property, on school transportation, and/or at a school activity, is subject to search. To this end, OCPS recognizes the need to respect the rights of individuals while protecting the health, safety, and welfare of all students and school employees. OCPS has developed operational guidelines for random electronic scanning utilizing metal detectors and "hands-on" physical searches in schools as a means of helping to create and to maintain a safe educational environment in Orange County. Secondary schools may have their classrooms randomly selected to be searched, which may include a search of the student's person and/or belongings.

As it relates to student discipline investigations, school personnel are authorized to search a student and their property if reasonable suspicion of a violation of the law or Code exists.

Hazing

In accordance with [Section 1006.135, Florida Statutes](#), [Florida Administrative Code R. 6A-1.0017](#)) and [Board Policy JIC, Code of Student Conduct](#), OCPS is committed to protecting its students from any hazing activities at any time on Board property, on school transportation, at school activities, and/or off school property if the misconduct is connected to participation or membership of a club or organization of a school. Hazing will not be tolerated. Participation in hazing activities shall be just cause for disciplinary action. Any person who has knowledge or engages in hazing is strongly encouraged to report it directly to the principal or designee. The reporting of any act of hazing may be made anonymously.

"Hazing" is defined in [Florida Administrative Code R. 6A-1.0017](#) as "any action or situation that endangers the mental or physical health or safety of a student at a school with any of grades 6-12 for purposes of, initiation or admission into or affiliation with any school-sanctioned organization. Hazing includes, but is not limited to, pressuring, coercing, or forcing a student to participate in illegal or dangerous behavior, 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. Permission, consent, or assumption of risk by an individual subjected to hazing shall not lessen the prohibitions contained in this policy.

Teen Dating Violence and Abuse

Dating violence is defined as violence committed by a person who has been in a social relationship of a romantic or intimate nature with the victim. Dating violence and/or abuse by any student is prohibited on school property, on school transportation, and/or during any school activity, and will be subject to disciplinary action and may result in criminal penalties.

Anyone who suspects dating violence and/or abuse is occurring is strongly encouraged to report the dating violence and/or abuse to the school administration for further investigation. The reporter may choose to remain anonymous. Any allegations of dating violence will be investigated in accordance with [Board Policy JB, Equal Educational Opportunities](#).

SECTION III: PARENT AND STUDENT NOTIFICATIONS

Trafficking

Any form of trafficking, such as human trafficking or drug trafficking, is prohibited on all Board property, school transportation, and/or at school activities. Anyone who is a victim of trafficking or anyone who suspects trafficking is strongly encouraged report the allegations to school administration for further investigation. School administration should consult with the school resource officer, or law enforcement officer if the school resource officer is unavailable, before beginning an investigation. The reporter may choose to remain anonymous.

Tobacco/Vaping

[Board Policy ADC, Tobacco Free Schools and Facilities](#), prohibits the use of all tobacco products, tobacco-related products, and electronic smoking devices on Board property, school transportation, and/or at school activities at all times. Students are prohibited from possessing, using, consuming, displaying, promoting, or selling/buying any tobacco product, tobacco-related product, electronic smoking device, or any item represented as such, at any time while on Board property, on school transportation, and/or at a school activity. This prohibition includes wearing clothing or using other items to advertise or promote tobacco products or electronic smoking devices.

Expulsion

[Section 1003.01, Florida Statutes](#) defines “expulsion” as the removal of the right and obligation of a student to attend a public school under conditions set by OCPS, and for a period of time not to exceed the remainder of the term or school year and one (1) additional year of attendance. Expulsions may be imposed with or without continuing educational services and shall be reported accordingly.

All Level IV Offenses may result in an expulsion pursuant to Section 1003.01 Florida Statutes, which may be up to “a period of time not to exceed the remainder of the term or school year and 1 additional year of attendance.” Some level IV offenses require a mandatory expulsion as outlined in Florida Statutes and this Code. These offenses include firearms/weapons possession/use and or threats or false reports.

Please note, the term “expulsion” is interchangeable with “full exclusion” and “expelled.”

Out-of-School Suspension

[Section 1003.01, Florida Statutes](#), defines “suspension” as the 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/guardian with specific homework assignments for the student to complete.

The Code has certain offenses that could result in out-of-school suspension. If a student receives out-of-school suspension, they are prohibited from attending school, any school-sponsored activity, or athletic program/event.

Students may qualify for an [Alternative to Out-of-School Suspension \(A2S\) Program](#) based on their disciplinary offense. A2S provides students with a safe, structured, alternative to complete assignments from teachers, while providing character education for life and social skills training. To qualify for A2S, the student’s school administration coordinates with the parent/guardian and student to discuss the A2S process.

Positive Alternative to School Suspension

[Section 1003.01, Florida Statutes](#) defines “in-school suspension” as the temporary removal of a student from the student’s regular school program and placement in an alternative program under the supervision of OCPS personnel, for a period not to exceed ten (10) days.

The Positive Alternative to School Suspension (PASS) program is a short-term, on-site intervention classroom initiative designed to address the unique needs of students who have committed a school level behavioral offense. The classroom components help students develop more effective coping skills, character development principles, pro-social behaviors, while remaining on track with academics in the classroom. [Restorative Practices](#) are included in the PASS program and used in congruence with the classroom components. PASS is designed as an enhancement to the Code. Only administrators with official referral documentation may place a student in PASS. These placements are on a period-by-period basis or for a number of days not to exceed ten (10) days for any single placement. The goal of this program is to allow schools and administrators to effectively deal with Code violations that do not require a student be removed from the school setting.

SECTION III: PARENT AND STUDENT NOTIFICATIONS

Detention

Detention is permitted during school hours or outside of normal school hours if the principal or designee believes the detention is in the best educational interest of the student. Written notice shall be provided to the parent/guardian twenty-four (24) hours before the start of the detention.

If a student is assigned to detention before or after school, during the school week, then the detention shall be for no longer than one (1) hour and shall not exceed five (5) school days in a row, unless the principal or designee and parent/guardian agree otherwise. If the student rides the school bus, prior arrangements shall be made by the principal/designee to ensure the student has transportation.

If a student is assigned detention on a non-school day, then the detention shall be for no longer than four (4) hours, unless the principal or designee and parent/guardian agree otherwise. Prior arrangements shall be made by the principal/designee to ensure the student has transportation before detention can be assigned on a non-school day.

Restorative Practices

Restorative Practices is a research-based approach to address school culture and climate. Restorative Practices is a preventative approach aimed at promoting inclusiveness, relationship building, and problem solving. Restorative Practices involves a continuum of interventions and strategies that are both proactive and responsive. OCPS has implemented Restorative Practices to address the unique needs of students who have committed disciplinary offenses in violation of the Code. A trained school staff member (administrator, teacher, or counselor) facilitates Restorative Practices conflict resolution circles with the person harmed and the person causing harm. Some restorative methods include using affective statements, restorative questions, community building circles, and conflict resolution circles. Restorative Practices also aim to build a school culture that focuses on developing and maintaining relationships among educators and students. Through Restorative Practice, all voices are heard as problems are addressed and solved. Restorative Practices teach the skills necessary to manage and reduce conflict.

Successful completion of Restorative Practices may serve as an acceptable consequence in lieu of a suspension or other appropriate disciplinary response.

Court Orders and Felony Suspension/Expulsion

If a student is formally charged by a prosecuting attorney for a felony offense, or a delinquent act that would be a felony if committed by an adult, for an incident which allegedly occurred on property other than Board property, a felony suspension proceeding may be initiated against the student as permitted by [Section 1006.09, Florida Statutes](#). Additional information can be found in [Section VI](#) of the Code. If a court determines that the student did commit a felony or delinquency act which would have been a felony if committed by an adult, OCPS may expel the student, provided that expulsion does 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 as permitted by [Section 1006.09, Florida Statutes](#). Additional information can be found in Section VI of the Code.

In addition, if a student has a no-contact order with other children or students, the student may be removed from their current school of enrollment and placed in another OCPS school or program. Additional information regarding no-contact orders and felony offenses can be found in [Section 1006.13, Florida Statutes](#), and [Board Policy JIC, Code of Student Conduct](#).

Consultation with Law Enforcement

Section [1006.13, Florida Statutes](#), and [Board Policy JIC, Code of Student Conduct](#) requires OCPS employees to consult with the school resource officer (SRO), or law enforcement officer if the SRO is not available, for any act that poses a threat to school safety that occurs whenever or wherever students are in the jurisdiction of the district school board. OCPS employees are not required to consult with law enforcement when a student commits a petty act of misconduct that is not a threat to school safety. A threat management team may use alternatives to expulsion or referral to law enforcement agencies to address disruptive behavior through restitution, civil citation, teen court, neighborhood restorative justice, or similar programs. The final determination of whether the SRO or law enforcement officer will issue a civil citation or pre-arrest diversion program rests solely with the SRO or law enforcement officer and does not exempt the student from receiving other forms of discipline interventions from the school. This recommendation cannot be made for certain offenses, which includes, but is not limited to, the following: felonies; threats to the school; and possession/use of a firearm or weapon.

SECTION III: PARENT AND STUDENT NOTIFICATIONS

Petty Acts of Misconduct

[Board Policy JIC, Code of Student Conduct](#), defines petty acts of misconduct as acts that do not pose a threat to school safety and do not require consultation with law enforcement. The principal or designee may assign a student who commits a single petty act of misconduct to a school-based intervention program as permitted in this Code.

Dual Enrollment/Postsecondary Notification

Students who participate in a dual-enrollment program are subject to both this Code and the participating postsecondary institution's Code of Student Conduct. Any disciplinary offenses that occur on OCPs campus will be reported to the participating postsecondary school where the student is dually enrolled and may result in the student being excused from the program. In addition, any disciplinary offenses that occur on the postsecondary institution's campus will be reported to OCPs for further investigation. Students who commit a verified Level IV offense pursuant to this Code may be unable to complete their dual enrollment program.

Failure to Attend Classes

If a student arrives at school and then leaves campus, has temporary absences from classes, or fails to attend specific classes, the school can take disciplinary action for skipping.

Truancy

If a student is required by law to attend school, the school will not suspend the student for unexcused absences or truancy pursuant to [Board Policy JE, Student Attendance. Section 954.151, Florida Statutes](#), requires the Superintendent to report to the Department of Highway Safety and Motor Vehicles the name, date of birth, sex, and social security number of all students (14-17 years of age) who accumulate fifteen (15) unexcused absences in any ninety (90) calendar day period. These students could lose driver's licenses, or the privilege to obtain a driver's license if deemed truant by the school and Florida Statutes. In addition, parents/guardians of habitually truant students are subject to actions taken through the judicial system.

Corporal Punishment

The Board prohibits the administration of corporal punishment in the school district.

School Environment Safety Incident Report (SESIR)

[Florida Administrative Code Rule 6A-1.0017](#) requires school districts to correctly code data used to report incidents that are against the law or represent serious breaches of the Code of Student Conduct. This includes those incidents considered severe enough to require the involvement of a School Resource Officer "SRO" or incidents to be "Reported to Law Enforcement."

Those incidents that are required to be reported to SESIR and/or Law Enforcement are identified in the Code of Student Conduct with the three-letter code identifying SESIR incidents. When multiple incidents occur at the same time and place, the incident that caused the most injury or the highest loss of property or monetary cost should be the one reported. Any related elements to the SESIR incident must be reported. A related element includes those specified in [Florida Administrative Code Rule 6A-1.0017\(8\)](#): alcohol, bullying, drug, gang, hate crime, hazing, injury, vaping, and weapon(s).

"Reported to Law Enforcement," means that an official action was taken by a School Resource Officer (SRO) or a local law enforcement officer such as: a case number was assigned, a report was filed, an affidavit was filed, a civil citation was issued, an investigation was conducted and found to be an incident reportable to SESIR, or an arrest was made.

SECTION III: STUDENT NOTIFICATIONS

Internet Policy: Student Technology Acceptable and Responsible Use Agreement

OCPS is committed to providing a safe, positive, productive, and nurturing educational environment. OCPS believes that all students should have access to technology (e.g. software, Internet, and network access) when they act in a responsible, efficient, courteous, and legal manner.

Educational Purpose

Technology access has been established for educational purposes and will be consistent with the district's curriculum and the Florida Standards. The term "educational purpose" includes age-appropriate academic activities that directly improve upon 21st century skills such as creativity, innovation, critical thinking, problem solving, communication, and collaboration.

Students are expected to follow the rules set forth in the Code and the law in the use of the Internet and network resources.

Students may not use the Internet for commercial purposes. This means they may not offer, provide, or purchase products or services through the Internet at any school using district resources.

Student Internet Access

All students will have district-supervised access to the Internet through the classroom, media center, or computer lab. In accordance with the Children's Internet Protection Act (CIPA) and the Children's Online Privacy Protection Act (COPPA), all OCPS web access is filtered. However, this does not preclude the possibility that inappropriate sites are not blocked.

Students will use OCPS Internet access for educational purposes only and will not access profane or obscene material, advocate illegal acts, or advocate violence or discrimination towards other people. OCPS-issued student accounts are subject to OCPS monitoring.

Responsible Uses

In order to ensure a safe, positive, productive, and nurturing educational environment for all, students are expected to demonstrate responsible technology uses. Students will keep information, such as his/her password, address, phone number, birthday, and other identifiable information private. Sharing personally identifiable information that might compromise a student's OCPS-issued account, even your own, is strictly prohibited. Students are strongly encouraged to report anyone who tries to use technology to hurt or harass other students or staff or anyone who makes him/her feel uncomfortable.

Students will not login to any account other than their own or use OCPS technology to engage in any illegal acts, such as drug sales, purchasing alcohol, engaging in criminal gang activity, threatening the safety of another person, cyber-stalking, or cyberbullying. Any attempts to circumvent OCPS ITS security and network protocols and systems is prohibited. This includes the use of unauthorized executable files. Violations will be subject to the OCPS Code of Student Conduct.

Inappropriate Language

Students will treat others with respect by using appropriate language and offer constructive criticism if appropriate. Students will not use inappropriate language, harass others, knowingly or recklessly communicate false or defamatory information about a person or organization, share privately sent messages without permission of the person who sent it, share private information about another person, or participate in sexting.

System Security

All students will allow any teacher, administrator, or OCPS ITS staff to review their work and activities created on a school device or OCPS network at any time. Students are required to ask for permission before connecting their personal device to the OCPS network and will make sure any devices used on the OCPS network are approved by the district. OCPS ITS and school personnel do not require student permission to access district owned accounts or devices.

Students will not use technology to gain access to student grades or private student records, download unauthorized software, apps, extensions, or plug-ins on a school device, intentionally spread computer viruses, or bypass, destruct, disrupt, modify, or abuse OCPS network access. Violations of the policy will result in disciplinary action pursuant to this Code.



SECTION IV:

DISCIPLINARY RESPONSE CODE FOR
SECONDARY/POSTSECONDARY SCHOOLS

SECTION IV: DISCIPLINARY RESPONSE CODE FOR SECONDARY

Disciplinary Response Code Overview

The following section provides the disciplinary offenses and potential consequences for Secondary/Postsecondary students for behavior that occurs on Board property; on school transportation; at school activities, including, but not limited to distance learning, field trips, athletic functions, and similar activities; and if appropriate, any other area as permitted by Florida Statutes and/or State Board of Education Rules. Student disciplinary offenses and the responses to them are divided into four levels. Each level represents progressively more serious offenses and responses to them become progressively more severe. Some offenses require consultation with law enforcement if the offense is deemed to be a violation of state or federal laws.

OCPS promotes a safe and supportive learning environment in schools, to protect students and staff from conduct that poses a serious threat to school safety. School based administrators shall provide consistent school-based discipline, where appropriate, and authorized by policy and this Code. In addition, pursuant to [Section 1006.09, Florida Statutes](#), a good faith effort shall be made by the principal or 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 by the Board and this Code.

OCPS is committed to providing a safe environment for all students and seeks support from the community and parents/guardians in achieving this goal. To that end, [Section 1003.04, Florida Statutes](#), provides that the parent/guardian of each public K-12 student must cooperate with the authority of the Board, OCPS, the Superintendent, the Principal, teachers, and school bus drivers, to remove the student from the classroom and the school bus and, when appropriate and available, to place the student in an alternative educational setting, if the student is disobedient, disrespectful, violent, abusive, uncontrollable, or disruptive.

Student Discipline Investigations

OCPS stands *in loco parentis* (Latin for “in place of the parent”) while a student is in the physical custody of the school and is responsible for investigating all allegations of student misconduct within its jurisdiction using the preponderance of the evidence legal standard. Therefore, OCPS employees are authorized to interview students and obtain witness statements from students involved in offenses of the Code, however, any student may refuse to participate in an investigation. It is important to note that if the behavior is believed to be criminal and a violation of Florida Statutes, the school resource officer, or law enforcement officer, if the school resource officer is not available, may participate in the investigation.

Parents/guardians may request their student not participate in student discipline investigations without authorization from the parent/guardian by submitting the request, in writing, prior to the occurrence of any discipline matter, to the school administration. Refusal to participate in the investigation does not prohibit OCPS from continuing with the investigation and administering an appropriate disciplinary consequence pursuant to the procedures outlined in this Code. In addition, refusal does not prohibit the school resource officer, or law enforcement officer, from continuing the criminal investigation and imposing criminal penalties if warranted.

After the discipline investigation is complete, the parent/guardian may request a copy of all documentary evidence upon which the proposed disciplinary consequence is based; however, if available and used as evidence for disciplinary purposes, video evidence may only be reviewed, a copy will not be provided. Additional information pertaining to discipline offenses and procedures can be found within this section of the Code and [Section VI](#).

If the discipline investigation is conducted due to allegations of a threat or threatening behavior, the investigation will be submitted to the School Threat Assessment Team for review. The School Threat Assessment Team is established by [Board Policy JICK, Threats](#), and [Section 1006.07, Florida Statutes](#).

SECTION IV: DISCIPLINARY RESPONSE CODE FOR SECONDARY

Level I: Discipline Response Code

Level I offenses are minor acts of misconduct that interfere with the orderly operation of the classroom, a school function, extracurricular/co-curricular program or approved transportation.

The OCPS employee involved should intervene in the misconduct. If further action is necessary, the employee shall refer the student to the school administrator for disciplinary action. After hearing the student's explanation, consulting with staff members and other students, and doing any other investigation necessary, the administrator will decide on disciplinary action. Suspension is not an available disciplinary response for Level I violations.

| LEVEL I: OFFENSES | | |
|-------------------|--|--|
| A. | Cheating | Willful or deliberate unauthorized use of the work of another person for academic purposes, or unauthorized use of notes or other material in the completion of an academic assignment or test. In addition to disciplinary responses, the student may receive no credit for the assignment, test, or exam at the discretion of the teacher. |
| D. | Disrespect | Behavior that lacks regard, civility, politeness, and/or courteous consideration towards a student, OCPS employee, volunteer, or contracted personnel. <i>*This offense may include, but is not limited to, speech or behavior that is insulting or rude.</i> |
| E. | Dress Code | Not following the OCPS established dress code. |
| F. | Failure to Report for Detention | Failure to report for assigned discipline. |
| G. | False and/or Misleading Information | Intentionally providing false or misleading information to, or withholding valid information from an OCPS employee, contracted personnel, or volunteer, which does not cause a disruption to the school environment. |
| J. | Profane, Obscene, or Abusive Language/ Materials | The use of either oral or written language, or gestures, which are disrespectful or socially unacceptable and are not directed at another person. This section does not include threatening or intimidating language. |
| KK. | Electronic Device Violation | The misuse of electronic devices, which may include, but are not limited to, cellphones, earbuds, smartphones, smart watches, MP3 players, iPods, e-readers, tablets, laptops, and other electronic devices. |
| L. | Tardiness | Repeated late arrival to class, not to school. <i>*This does not include late arrival to school. Repeated tardiness to school may constitute truancy pursuant to Section 984.151, Florida Statutes and Board Policy JE, Student Attendance.</i> |
| M. | Unauthorized Absence from School or Class | A student arrives at school and then leaves campus, has temporary unauthorized absences from classes, or fails to attend specific classes. |
| N. | Other Misconduct | Any other minor act of misconduct which may interfere with the orderly operation of the classroom, the school program, a school activity, an extracurricular/co-curricular program, or approved transportation and cannot be coded as another Level I offense. This does not include any misconduct that would be coded as a Level IV Disruption on Campus-Major (DOC). |
| O. | Unsubstantiated Bullying | After a complete investigation and follow up of a reported bullying incident, the investigator determines that there is not enough evidence to substantiate that the incident meets the criteria of a prohibited act under the definition of bullying as listed in the Jeffery Johnston Stand Up for All Students Act (Section 1006.147, Florida Statutes). This offense is for documentation purposes only as required by the Florida Department of Education; discipline consequences are not given. |
| P. | Unsubstantiated Harassment | After a complete investigation and follow up of a reported harassment incident, the investigator determines that there is not enough evidence to substantiate that the incident meets criteria of a prohibited act under the definition of harassment as listed in the Jeffery Johnston Stand Up for ALL Students Act (Section 1006.147, Florida Statutes). This offense is for documentation purposes only as required by the Florida Department of Education; discipline consequences are not given. |

LEVEL I: OFFENSES

| | | |
|----|-----------|--|
| R. | Horseplay | Any rough uncontrolled play or prank that involves two or more students. |
|----|-----------|--|

LEVEL I: CONSEQUENCES

- | | |
|-------------------------------------|---|
| 1. Parent/guardian contact* | 9. Confiscation of unauthorized materials, objects, or contraband |
| 2. Counseling and direction* | 10. Assigned seat |
| 3. Verbal reprimand | 11. Supervision plan |
| 4. Restorative Practice | 12. SAFE/Guidance referral |
| 5. Special work assignment | 13. Schedule change |
| 6. Withdrawal of privileges | 14. No contact contract Referral to mental health services |
| 7. Detention | 15. Warning of referral to Level II |
| 8. Referral to intervention program | |

**Mandatory Consequences*

SECTION IV: DISCIPLINARY RESPONSE CODE FOR SECONDARY

Level II: Discipline Response Code

Level II offenses are more serious acts of misconduct than Level I offenses. Level II offenses may include repeated acts of misconduct from Level I and acts directed against people or property that do not seriously endanger the health or safety of others.

The misconduct must be reported to the appropriate school administrator for further investigation. After hearing the student's explanation, consulting with staff members and other students, and doing any other investigation necessary, the administrator will follow the procedure designated for Level II violations in investigating the matter and deciding on the progressive disciplinary action. Out of school suspension is not an available disciplinary response for Level II violations.

| LEVEL II: OFFENSES | | |
|--------------------|---|---|
| A. | Destruction of Property/ Vandalism (under \$100) | The willful or malicious destruction of Board property, school transportation, or the property of others. |
| B. | Disrespect | Repeated behavior that lacks regard, civility, politeness, and/or courteous consideration towards a student, OCPS employee, volunteer, or contracted personnel. <i>*This offense may include, but is not limited to, inappropriate language directed towards another that is not profane.</i> |
| C. | Physical Altercation | Minor physical contact between two or more students such as pushing, shoving, or an altercation that stops upon verbal command. |
| D. | Forgery (Non-criminal) | To create or reproduce the signature or document of another for fraudulent purposes. <i>*This offense may include, but is not limited to, signing a document with your parent's/guardian's signature without permission.</i> |
| E. | Gambling OMC <small>Must Report to Law Enforcement</small> | Any unlawful participation in games (or activities) of chance for money and/or other things of value. |
| F. | Insubordination/ Open Defiance | Verbal or non-verbal refusal to comply with school rules or directions from an OCPS employee, contracted personnel, or volunteer without causing a disruption or committing any further acts. |
| G. | Threat/ Intimidation TRE <small>Must Report to Law Enforcement</small> | "An incident where there was no physical contact between the offender and victim, but the victim reasonably believed that physical harm could have occurred based on verbal or non-verbal communication by the offender. This includes nonverbal threats and verbal threats of physical harm which are made in person, electronically or through any other means." Florida Administrative Code Rule 6A-1.0017. <i>*This includes threats to hit, fight, or beat up another person without a plan and/or furtherance of action.</i> |
| J. | Stealing (under \$375) | Taking the property of another without permission of the person. |
| K. | Unauthorized Assembly, Publications, etc. | Demonstrations and/or petitions by students, or possession and/or distribution of unauthorized publications, including misuse of electronic messages or computers, which interfere with the orderly process of the school environment, a school function, or extracurricular/co-curricular activity. |
| M. | Other Serious Misconduct | Any other act of misconduct that is more serious, harmful, or is a more disruptive example of any of the offenses described in Level I, which may interfere with the orderly operation of the school, school transportation, or school activity and cannot be coded as another Level II offense. This does not include any misconduct that would be coded as a Level IV Disruption on Campus-Major (DOC). |
| N. | Gang Related | The possession, use, or displaying of items associated with gang activity that include, but is not limited to, clothing and accessories, gang related insignias, writings, signs, or symbols that promote gang affiliation and/or involvement. |

LEVEL II: OFFENSES

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|----|-----------------------------|---|
| Q. | Electronic Device Violation | The repeated misuse of electronic devices; unauthorized access to programs or files not expected or intended for student use on an electronic device or OCPS network (i.e. gaming); sharing another person's username and password; or intentionally providing access to another person to use the student's device while the student is logged in. |
| S. | Horseplay | Any rough uncontrolled play or prank that involves two or more students and there is risk of injury as a result of the horseplay. |
| T. | Dress Code | Not following the OCPS established dress code. (Second and subsequent offenses). |

LEVEL II: CONSEQUENCES

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| <ol style="list-style-type: none"> 1. Parent/guardian contact* 2. Counseling and direction* 3. Behavior contract/plan 4. Restorative Practice 5. PASS (1-10 days) 6. Special work assignment 7. Detention 8. SAFE/Guidance referral 9. Confiscation of unauthorized materials 10. Return of property | <ol style="list-style-type: none"> 11. Suspension from bus (1-10 days) 12. Referral to intervention program 13. Alternative classroom 14. Supervision plan 15. Schedule change 16. No contact contract 17. Temporary removal or participation in extracurricular/co-curricular programs or activities 18. Referral to mental health services 19. Warning of referral to Level III |
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**Mandatory Consequences*

SECTION IV: DISCIPLINARY RESPONSE CODE FOR SECONDARY

Level III: Discipline Response Code

Level III offenses are major acts of misconduct that disrupt the orderly operation of the school, school activity, or school transportation that threatens the health, safety, and property of others. Level III offenses may include repeated acts of misconduct from Level II.

The misconduct must be reported right away to the school administrator for further investigation. After hearing the student's explanation, consulting with staff members and other students, and doing any other investigation necessary, the administrator will follow the procedure designated for Level III violations in investigating the matter and deciding on the progressive disciplinary action, which may result in the removal of the student from the school or activity immediately.

| LEVEL III: OFFENSES | | |
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| A. | Simple Battery PHA <small>Must Report to Law Enforcement</small> | An actual and intentional striking of another person against his or her will without injury. Florida Administrative Code Rule 6A-1.0017 . <i>*This section does not include injury that is a result of fighting if persons involved are mutual combatants.</i> |
| C. | Destruction of Property/Vandalism (\$100 to \$999) | The willful or malicious destruction of Board property, school transportation, or the property of others. |
| D. | Disrespect | Conduct or behavior that lacks regard, civility, politeness, and/or courteous consideration towards a student, OCPS employee, volunteer, or contracted personnel. <i>*This offense may include, but is not limited to, language and/or gestures that are abusive and/or profane directed towards another person.</i> |
| E. | Extortion/Blackmail | The willful or malicious threat of harm, injury, or violence to the person, property, or reputation of another with the intent to obtain money, information, services, or items of material worth. <i>*This offense may include, but is not limited to, threatening to accuse another of a minor offense or crime in order to obtain lunch money.</i> |
| F. | Fighting FIT <small>Must Report to Law Enforcement</small> | "When two or more persons mutually participate in use of force or physical violence that requires either physical intervention or results in injury requiring first aid or medical attention." Florida Administrative Code Rule 6A-1.0017 . <u>Note: If a student is unable to leave the area of a pending attack, a student may use self-defense. Self-defense is an action taken that is necessary to protect oneself or others from serious bodily harm. Self-defense may include asking an adult for help, restraining or blocking the attacker, shielding oneself or others from being hit, or pushing to get away from the attacker. However, retaliating by striking or hitting (i.e. punching, slapping, kicking) a person back, or choosing not to leave after you are able to get away, may be considered as fighting.</u> <i>*In a disciplinary action, there is a rebuttable presumption that the actions of a student who intervened, using only the amount of force necessary, to stop a violent act against a student, staff, or volunteer were necessary to restore or maintain the safety of others. Section 1006.13, Florida Statutes.</i> |
| G. | Firecrackers/ Fireworks | Unauthorized possession, sale, or storage of unlit fireworks or firecrackers on Board property, school transportation, and/or at a school activity. |
| H. | Gross Insubordination/ Open Defiance | Willful refusal to submit to or comply with authority; exhibiting contempt or open resistance to a direct order; challenging the authority of an OCPS employee, contracted personnel, or volunteer in the presence of others which causes a disruption. |
| I. | Illegal Organizations | Establishing or participating in a secret society on Board property, on school transportation, and/or at a school activity. |

LEVEL III: OFFENSES

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| J. | Possession of Contraband Material | Possession, use, and/or distribution of materials or items, other than weapons or firearms, which are forbidden. The parent/guardian will make arrangements to pick up the object from the school, if applicable. At no time shall OCPS be responsible for theft, loss or damage to contraband items brought onto its property. |
| L. | Tobacco Use/Possession TBC <small>Must Report to Law Enforcement</small> | The possession or use of tobacco or nicotine products on school grounds, at school-sponsored events, or on school transportation. Tobacco incidents cannot be Drug-related. Florida Administrative Code Rule 6A-1.0017 . <i>*This includes vaping nicotine products, items represented to be of said nature, and additional items which may include, but are not limited to, electronic cigarettes, CBD oil, Juuls, pods, vapors and hookah pens that do not contain THC or any other illegal controlled substance.</i> |
| M. | Stealing (\$375 to \$749) | The taking of the property of another without the permission of the person. |
| N. | Unauthorized Entrance to OCPS Property | To enter or remain on school grounds/campus, school transportation, or at a school-sponsored event/off campus, without authorization or invitation and with no lawful purpose for entry. This applies only to incidents that did not have a prior official warning, did not result in an arrest, or did not involve students under suspension or expulsion. |
| O. | Violation of Curfew | Breaking of curfew regulations during an extracurricular/co-curricular activity. |
| Q. | Other Serious Misconduct | Any other act of misconduct that is more serious, harmful, or is a more disruptive example of any of the offenses described in Level II, which may interfere with the orderly operation of the school, school transportation, or school activity and cannot be coded as another Level III offense. <i>This offense may include, but is not limited to, body piercing; providing false/misleading information to staff members; or language intended or reasonably calculated to insult and/or incite another person.</i> This does not include any misconduct that would be coded as a Level IV Disruption on Campus-Major (DOC). |
| T. | Threat/Intimidation TRE <small>Must Report to Law Enforcement</small> | “An incident where there was no physical contact between the offender and victim, but the victim reasonably believed that physical harm could have occurred based on verbal or non-verbal communication by the offender. This includes nonverbal threats and verbal threats of physical harm which are made in person, electronically or through any other means.” Florida Administrative Code Rule 6A-1.0017 . <i>*This includes threats to hit, fight, or beat up another person with a plan and/or furtherance of action, or to kill another person without a plan and/or furtherance of action.</i> |
| U. | Gang Related | Conduct or behavior that tends to promote gang activity, provoke violence, or seriously disrupt the orderly operation of the school program, any school activity or transportation services, including but not limited to the possession, use or displaying of gang paraphernalia, jewelry, tattoos, clothing, or other insignias and writings that promote gang affiliation/involvement/the use of gang related signs or symbols or any other gang associated behavior. |
| V. | Harassment HAR <small>Must Report to Law Enforcement</small> | “Any threatening, insulting, or dehumanizing gesture, use of data or computer software, or written, verbal, or physical conduct that places an OCPS 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, or has the effect of substantially disrupting the orderly operation of a school including any course of conduct directed at a specific person that causes substantial emotional distress in such a person and serves no legitimate purpose.” Florida Administrative Code Rule 6A-1.0017 . |
| Y. | Electronic Device Violation | The continual misuse of electronic devices, which are not educational in nature; the unauthorized modification of software/hardware configuration on an electronic device (i.e. factory reset of District device); unauthorized access to programs and/or files not expected or intended for student use on an electronic device or OCPS network. <i>*This section does not include images, videos, messages, etc. that can be classified as another offense (i.e. threats, images/videos containing nudity).</i> |

LEVEL III: OFFENSES

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| AA. | Horseplay | Any rough uncontrolled play or prank that involves two or more students and there is injury as a result of the horseplay. Any horseplay that results in serious injury where medical attention is needed may result in a Level IV offense. |
| BB. | Disruptive Conduct | Conduct or behavior that interferes with or disrupts the orderly process of teaching/learning, school environment, a school function, or extracurricular/co-curricular activity. This does not include behavior that would amount to a Level IV-T, Other; Level IV-I, Disruption of Campus-Major, or Level IV-HH Interruption of Campus Operations. |

LEVEL III: CONSEQUENCES

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| <ol style="list-style-type: none"> 1. Parent/guardian contact* 2. Counseling and direction* 3. Behavior contract/plan 4. Restorative Practice 5. Return of property 6. PASS (1-10 days) 7. Suspension from bus (1-10 days) 8. Suspension from school (1-10 days) 9. Detention 10. Temporary or permanent removal from participation in extracurricular/co-curricular programs or activities | <ol style="list-style-type: none"> 11. Alternative class 12. Referral to intervention program 13. Confiscation of unauthorized materials, objects, or contraband 14. Schedule change 15. Supervision plan 16. No contact contract 17. SAFE/Guidance referral 18. Referral to mental health services 19. Warning of referral to Level IV |
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**Mandatory Consequences*

SECTION IV: DISCIPLINARY RESPONSE CODE FOR SECONDARY

Level IV: Discipline Response Code

Level IV offenses are the most serious acts of misconduct and are grounds for expulsion. Level IV offenses may include repeated acts of misconduct from Level III. Any Level IV act shall result in a 10-day suspension with a potential recommendation for expulsion.

Major acts of misconduct must be reported right away to the school administrator for further investigation. After hearing the student's explanation, consulting with staff members and other students, and doing any other investigation necessary, the administrator will follow the procedure designated for Level IV violations in investigating the matter and refer the Level IV to District personnel for further review.

[Florida Administrative Code Rule 6A-1.0017](#) requires school districts to correctly code incidents that are against the law or represent serious breaches of this Code. Those incidents that are required to be reported to SESIR and/or Law Enforcement are identified in the Code of Student Conduct with the three-letter code identifying SESIR incidents. When multiple incidents occur at the same time and place, the incident that caused the most injury or the highest loss of property or monetary cost should be the one reported. Students who commit a non-SESIR Level IV offense may be referred to local authorities for further investigation.

| LEVEL IV: OFFENSES | | |
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| A. | Alcohol ALC <small>Must Report to Law Enforcement</small> | "Possession, sale, purchase, distribution, or use of alcoholic beverages. Use means the person is caught in the act of using, admits to use, or is discovered to have used in the course of an investigation. Alcohol incidents cannot be drug related." Florida Administrative Code Rule 6A-1.0017 . |
| B. | Arson ARS <small>Must Report to Law Enforcement</small> | "To intentionally damage or cause to be damaged, by fire or explosion, any dwelling, structure, or conveyance, whether occupied or not, or its contents." Florida Administrative Code Rule 6A-1.0017 . |
| C. | Threat/Intimidation TRE <small>Must Report to Law Enforcement</small> | "An incident where there was no physical contact between the offender and victim, but the victim reasonably believed that physical harm could have occurred based on verbal or non-verbal communication by the offender. This includes non-verbal threats and verbal threats of physical harm which are made in person, electronically, or through any other means." Florida Administrative Code Rule 6A-1.0017 . <i>*This includes threats to kill with a plan and/or furtherance of action.</i> |
| D. | Aggravated Battery BAT <small>Must Report to Law Enforcement</small> | A battery where the attacker intentionally or knowingly causes more serious injury such as: great bodily harm, permanent disability, or permanent disfigurement; uses a deadly weapon; or, where the attacker knew or should have known the victim was pregnant. Florida Administrative Code Rule 6A-1.0017 . <i>*This includes death or injuries with substantial risk of death, extreme physical pain, protracted and obvious disfigurement, and protracted loss or impairment of the function of a bodily member, organ, or mental faculty.</i> |
| E. | Threats to the School DOC <small>Must Report to Law Enforcement</small> | Any direct or indirect threat that poses a serious threat to the school or may disrupt the function of the school campus, school sponsored events, and school bus transportation, but not limited to, threats made verbally or nonverbally by act, through social media, or by text. <i>*Acts that pose a threat to school safety are deemed zero tolerance by Sections 1006.07 and 1006.13, Florida Statutes.</i> |
| F. | Drug Use/Possession DRU <small>Must Report to Law Enforcement</small> | "The use or possession of any drug, narcotic, controlled substance, or any substance when used for chemical intoxication. Use means the person is caught in the act of using, admits to use, or is discovered to have used in the course of an investigation." Florida Administrative Code Rule 6A-1.0017 . |

LEVEL IV: OFFENSES

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| H. | Weapons Possession WPO <small>Must Report to Law Enforcement</small> | <p>“Possession of a firearm or any instrument or object as defined by Section 790.001(6) and (13), Florida Statutes, that can inflict serious harm on another person or that can place the person in reasonable fear of serious harm.” Florida Administrative Code Rule 6A-1.0017.</p> |
| I. | Disruption on Campus-Major DOC <small>Must Report to Law Enforcement</small> | <p>“Major disruption of all or a significant portion of campus activities, school-sponsored events, and school bus transportation. Disruptive behavior that poses a serious threat to the learning environment, health, safety, or welfare of others. Examples of major disruptions include bomb threats, inciting a riot, or initiating a false alarm.” Florida Administrative Code Rule 6A-1.0017.</p> |
| J. | Grand Theft (\$750 or over) STL <small>Must Report to Law Enforcement</small> | <p>The unauthorized taking of the property of another person or organization, including motor vehicles, valued at \$750 or more, without threat, violence, or bodily harm. Thefts of property of any value that involve a use of force, violence, assault, or putting the victim in fear must be reported as robbery. Florida Administrative Code Rule 6A-1.0017. <i>*This does not include a taking by violence, a threat of violence or assault, and putting the victim in fear (See 4M Robbery).</i></p> |
| K. | Other Dangerous Objects | <p>The possession, sale, or control of any instrument or object, other than a firearm or weapon as defined under a Level IV-H, Weapons Possession offense, which could be used to inflict harm on another person or to intimidate any person. <i>*This offense includes, but is not limited to, BB guns or pellet guns, air soft guns, paintball guns and replicas of any gun or weapon, water/gel bead gun, , chains, pipes, common household tools, razor blades, box cutter/utility knife, ice picks, other pointed instruments, nun chucks, Chinese stars, pepper spray, Taser, items used for self-defense (i.e. kubaton), ammunition, firearm clips, firearm cartridges. This offense also includes igniting fireworks/firecrackers.</i></p> |
| L. | Repeated Misconduct of a More Serious Nature | <p>Repeated misconduct, which may substantially disrupt the orderly conduct of a classroom, school, school transportation, and/or school activity. Recommendations for expulsion relative to repeated misconduct must be based on documented referrals and a variety of intervention strategies.</p> |
| M. | Robbery ROB <small>Must Report to Law Enforcement</small> | <p>“The taking or attempted taking of money or other property from the person or custody of another with the intent to permanently or temporarily deprive the person or owner of the money or other property under the confrontational circumstances of force, or threat of force, or violence, and/or by putting the victim in fear. A key difference in Grand Theft and Robbery is that Robbery involves violence, a threat of violence or assault, and putting the victim in fear.” Florida Administrative Code Rule 6A-1.0017.</p> |
| N. | Sexual Battery SXB <small>Must Report to Law Enforcement</small> | <p>“Forced or attempted oral, anal, or vaginal penetration by using a sexual organ or an object simulating a sexual organ, or the anal or vaginal penetration of another by any body part or foreign object. Both males and females can be victims of sexual battery.” Florida Administrative Code Rule 6A-1.0017.</p> |

LEVEL IV: OFFENSES

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| O. | Sexual Harassment SXH Must Report to Law Enforcement | “Unwelcome conduct of a sexual nature, such as sexual advances, requests for sexual favors, and other verbal, non-verbal, or physical conduct of a sexual nature. Harassing conduct can include verbal or non-verbal actions, including graphic and written statements, and may include statements made through computers, cell phones, and other devices connected to the Internet. The conduct can be carried out by school employees, other students, and non-employee third parties.” Florida Administrative Code Rule 6A-1.0017. |
| P. | Sexual Offenses SXO Must Report to Law Enforcement | “Other sexual contact, including intercourse, without force or threat of force. Subjecting an individual to lewd sexual gestures, sexual activity, or exposing private body parts in a lewd manner.” Florida Administrative Code Rule 6A-1.0017. <i>*This includes lewdness, indecent exposure.</i> |
| Q. | Violation of Early Re-entry Plan | Any act or series of acts, which violates or has the practical effect of violating an early re-entry plan from full exclusion/expulsion. |
| S. | Criminal Mischief (\$1000 or over) VAN Must Report to Law Enforcement | “Willfully and maliciously injuring or damaging by any means any real or personal property belonging to another, including, but not limited to, the placement of graffiti thereon or other acts of vandalism thereto.” Florida Administrative Code Rule 6A-1.0017. |
| T. | Other Major OMC Must Report to Law Enforcement | “Any serious, harmful incident resulting in the need for law enforcement consultation not previously classified. This includes any drug or weapon found unattended and not linked to any individual; such incidents must be coded with the appropriate Related element (such as Drug-related or Weapon-related) and incident involvement must be reported as unknown.” Florida Administrative Code Rule 6A-1.0017. |
| U. | Drug Sale/Distribution DRD Must Report to Law Enforcement | “The manufacture, cultivation, purchase, sale or distribution of any drug, narcotic, controlled substance or any substance represented to be a drug, narcotic, or controlled substance.” Florida Administrative Code Rule 6A-1.0017. <i>*This includes illegal sale or distribution of drugs.</i> |
| V. | Bullying BUL Must Report to Law Enforcement | Systematically and chronically inflicting physical hurt or psychological distress on one or more students or employees. Bullying includes instances of cyberbullying, as defined in Section 1006.147(3)(b), Florida Statutes. Bullying may include, but is not limited to, repetitive instances of teasing, social exclusion, threats, intimidation, stalking, physical violence, theft, harassment, public or private humiliation, or destruction of property. If the physical harm or psychological distress is not the result of systematic or chronic behavior, evaluate for Harassment. Florida Administrative Code Rule 6A-1.0017. <i>*The bullying includes intimidating behaviors that are repeated, intentional, and involve a power imbalance.</i> <i>*Repeated discipline of another nature (such as repeated fights with the same person) may constitute bullying.</i> |
| X. | Hazing HAZ Must Report to Law Enforcement | “Any action or situation that endangers the mental or physical health or safety of a student at a school with any of grades 6 through 12 for purposes of initiation or admission into or affiliation with any school-sanctioned organization. Hazing includes but is not limited to pressuring, coercing, or forcing a student to participate in illegal or dangerous behavior, or any brutality of a physical nature, such as whipping, beating, branding, or exposure to the elements.” Florida Administrative Code Rule 6A-1.0017. |
| Y. | Simple Battery PHA Must Report to Law Enforcement | “An actual and intentional touching or striking of another person against his/her will, or the intentional causing of bodily harm to an individual.” Florida Administrative Code Rule 6A-1.0017. <i>*This includes incidents that require immediate first aid or subsequent medical attention. This does not include death or injuries with substantial risk of death, extreme physical pain, protracted and obvious disfigurement, and protracted loss or impairment of the function of a bodily member, organ, or mental faculty. (See 4D Aggravated Battery)</i> |
| Z. | Sexual Assault SXA Must Report to Law Enforcement | “An incident that includes fondling, indecent liberties, child molestation, or threatened rape. Both males and females can be victims of sexual assault.” Florida Administrative Code Rule 6A-1.0017. |

| LEVEL IV: OFFENSES | | |
|---|--|---|
| AA. | Electronic Device Violation | Use of unauthorized access to programs and/or files not expected or intended for student use on an electronic device or OCPS network; or any use that violates Board policies, local, state, and/or federal laws and regulations. <i>This offense may include, but is not limited to, gaining access to the OCPS network with intent to do harm or alter records, or having images, videos, messages, etc., on a district issued device that are not shared with others (i.e. images/videos containing nudity).</i> |
| CC. | Burglary BRK Must Report to Law Enforcement | "Unlawful entry into or remaining in a dwelling, structure, or conveyance with the intent to commit a crime therein." Florida Administrative Code Rule 6A-1.0017. |
| DD. | Homicide HOM Must Report to Law Enforcement | "The unjustified killing of one human being by another." Florida Administrative Code Rule 6A-1.0017. <i>*This includes murder, manslaughter.</i> |
| EE. | Kidnapping KID Must Report to Law Enforcement | "Forcibly, secretly, or by threat, confining, abducting, or imprisoning another person against his/her will and without lawful authority." Florida Administrative Code Rule 6A-1.0017. <i>*This includes abduction of an individual.</i> |
| FF. | Tobacco/Vaping/Nicotine Selling/Buying/ Distribution Must Report to Law Enforcement | The sale, purchase, distribution of tobacco or nicotine products on school grounds, at school sponsored events, or on school transportation. Tobacco incidents cannot be Drug-related. Florida Administrative Code Rule 6A-1.0017. <i>*This includes vaping nicotine products, items represented to be of said nature, and additional items which may include, but are not limited to, electronic cigarettes, CBD oil, Juuls, pods, vapors and hookah pens that do not contain THC or any other illegal controlled substance.</i> |
| GG. | Igniting | Fires that are intentional and do not cause major damage. <i>This offense may include, but is not limited to, student starting a fire in a trashcan or student burning paper/small object.</i> |
| JJ. | Trespassing TRS Must Report to Law Enforcement | "To enter or remain on school grounds/campus, school transportation, or at a school sponsored event/off campus without authorization or invitation and with no lawful purpose for entry. Only incidents involving a student currently under suspension or expulsion, or incidents where any offender (student or non-student) was previously issued an official trespass warning by school officials, or where any offender was arrested for trespass." Florida Administrative Code Rule 6A-1.0017. |
| LEVEL IV: CONSEQUENCES | | |
| Students will receive school consequences and district consequences for all Level IV offenses. | | |
| <u>School Consequences</u> <ol style="list-style-type: none"> 1. Parent/guardian contact* 2. Counseling and direction* 3. Up to a 10 day suspension with a recommendation for expulsion* 4. Refer to the District for a Discipline Team Meeting* 5. Temporary or permanent removal from participation in extracurricular/co-curricular programs or activities, e.g., to include, but not limited to, senior graduation 6. Restorative Practice 7. Schedule change 8. Supervision plan 9. No contact contract 10. SAFE/Guidance referral | | <u>District Consequences</u> <ol style="list-style-type: none"> 1. Expulsion from the school district 2. Assignment to an alternative school 3. Referral to an intervention program 4. Bus expulsion 5. Referral to mental health services <p style="text-align: right;"><i>*Mandatory Consequences</i></p> |



SECTION V:
DISCIPLINARY RESPONSE
CODE FOR ELEMENTARY SCHOOLS

SECTION V: DISCIPLINARY RESPONSE CODE FOR ELEMENTARY

Disciplinary Response Code Overview

The following section provides the disciplinary offenses and potential consequences for Elementary students for behavior that occurs on Board property; on school transportation; during school activities, including, but not limited to distance learning, field trips, athletic functions, and similar activities; and if appropriate, any other area as permitted by Florida Statutes and/or State Board of Education Rules. Student disciplinary offenses and the responses to them are divided into four levels. Each level represents progressively more serious offenses and responses to them become progressively more severe. Some offenses require consultation with law enforcement if the offense is deemed to be a violation of state or federal laws.

The definitions in this section have been specifically modified for elementary students, however, it is important to note, that the definitions provided by the Florida Department of Education through the [School Environmental Safety Incident Reporting \(SESIR\)](#) are the definitions that will be used by school staff when determining if a student has exhibited behavior required to be classified as a SESIR offense.

OCPS promotes a safe and supportive learning environment in schools, to protect students and staff from conduct that poses a serious threat to school safety. School based administrators shall provide consistent school-based discipline, where appropriate, and authorized by policy and this Code. In addition, pursuant to [Section 1006.09, Florida Statutes](#), a good faith effort shall be made by the principal or 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 by the Board and this Code.

OCPS is committed to providing a safe environment for all students and seeks support from the community and parents/guardians in achieving this goal. To that end, [Section 1003.04, Florida Statutes](#), provides that the parent/guardian of each public K-12 student must cooperate with the authority of the Board, OCPS, the Superintendent, the Principal, teachers, and school bus drivers, to remove the student from the classroom and the school bus and, when appropriate and available, to place the student in an alternative educational setting, if the student is disobedient, disrespectful, violent, abusive, uncontrollable, or disruptive.

Student Discipline Investigations

OCPS stands *in loco parentis* (Latin for “in place of the parent”) while a student is in the physical custody of the school and is responsible for investigating all allegations of student misconduct within its jurisdiction using the preponderance of the evidence legal standard. Therefore, OCPS employees are authorized to interview students and obtain witness statements from students involved in offenses of the Code, however, any student may refuse to participate in an investigation. It is important to note that if the behavior is believed to be criminal and a violation of Florida Statutes, the school resource officer, or law enforcement, if the school resource officer is not available, may participate in the investigation.

Parents/guardians may request their student not participate in student discipline investigations without authorization from the parent/guardian by submitting the request, in writing, prior to the occurrence of any discipline matter, to the school administration. Refusal to participate in the investigation does not prohibit OCPS from continuing with the investigation and administering an appropriate disciplinary consequence pursuant to the procedures outlined in this Code. In addition, refusal does not prohibit the school resource officer, or law enforcement, from continuing the investigation and imposing criminal penalties if warranted.

After the discipline investigation is complete, the parent/guardian may request a copy of all documentary evidence upon which the proposed disciplinary consequence is based; however, if available and used as evidence for disciplinary purposes, video evidence may only be reviewed, a copy will not be provided. Additional information pertaining to discipline offenses and procedures can be found within this section of the Code and [Section VI](#).

If the discipline investigation is conducted due to allegations of a threat or threatening behavior, the investigation will be submitted to the School Threat Assessment Team for review. The School Threat Assessment Team is established by [Board Policy JICK, Threats](#), and [Section 1006.07, Florida Statutes](#).

SECTION V: DISCIPLINARY RESPONSE CODE FOR ELEMENTARY

Level 1: Discipline Response Code

Level 1 offenses are minor behaviors that may disrupt the classroom, a school activity, or school bus.

The OCPS employee should try to stop the misbehavior. If more help is needed, the employee shall send the student to the school administrator for discipline. After hearing the student’s side of the story, speaking with staff members and other students, and doing any other investigation needed, the administrator will decide on the consequence. Suspension is not a consequence for Level 1 offenses.

| LEVEL 1: OFFENSES | | |
|-------------------|--|--|
| A. | Cheating | Using another person’s work and calling it your own; using notes or other methods, without the teacher’s knowledge, to complete a test or assignment. |
| D. | Disrespect | Saying or doing something that puts down, annoys, insults, or embarrasses a person or a group of people. |
| E. | Dress Code | Wearing anything that does not follow the dress code. |
| F. | Failure to Report for Detention | Failing to show up for detention. |
| G. | False and/or Misleading Information | Knowingly not being truthful. The behavior does not disrupt the school campus. |
| J. | Profane, Obscene, or Abusive Language/ Materials | Using words, gestures, pictures, or objects that are not acceptable at school. This does not include threatening or intimidating language. |
| KK. | Electronic Device Violation | The misuse of electronic devices which are not related to school, and may include, but not limited to, cellphones, smart phones, smart watches, MP3 players, iPods, e-readers, tracker watches, tablets, laptops, and other electronic devices. |
| L. | Tardiness | Being late for class after arriving to school on time, without an excuse. <i>*This does not include late arrival to school. Repeated tardiness to school may constitute truancy pursuant to Section 984.151, Florida Statutes and Board Policy JE, Student Attendance.</i> |
| M. | Unauthorized Absence from School or Class | Being absent from school or class without permission of the parent/guardian or school. |
| N. | Other Misconduct | Any other act of misconduct that may disrupt the classroom, school program, school activity, or the school bus, and cannot be coded as another Level 1 offense. |
| O. | Unsubstantiated Bullying | After a complete investigation and follow up of a reported bullying incident, the investigator determines that there is not enough evidence to substantiate that the incident meets the criteria of a prohibited act under the definition of bullying as listed in the Jeffery Johnston Stand Up for All Students Act (Section 1006.147, Florida Statutes). This offense is for documentation purposes only as required by the Florida Department of Education; discipline consequences are not given. |
| P. | Unsubstantiated Harassment | After a complete investigation and follow up of a reported harassment incident, the investigator determines that there is not enough evidence to substantiate that the incident meets criteria of a prohibited act under the definition of harassment as listed in the Jeffery Johnston Stand Up for All Students Act (Section 1006.147, Florida Statutes). This offense is for documentation purposes only as required by the Florida Department of Education; discipline consequences are not given. |
| R. | Horseplay | Any rough uncontrolled play or prank that involves two (2) or more students. |

LEVEL 1: OFFENSES

LEVEL 1: CONSEQUENCES

- | | |
|---|--|
| 1. Contact your parent/guardian* | 8. Restorative Practice |
| 2. Talk with you about your behavior* | 9. Assigned seat |
| 3. Verbal reprimand | 10. Supervision plan |
| 4. Assign special project or work | 11. Guidance referral |
| 5. Withdraw privileges | 12. No contact contract |
| 6. Detention | 13. Referral to mental health services |
| 7. Take away materials/objects that do not belong at school | 14. Warning of referral to Level 2 |

**Mandatory Consequences*

SECTION V: DISCIPLINARY RESPONSE CODE FOR ELEMENTARY

Level 2: Discipline Response Code

Level 2 offenses are more serious than a Level 1. Level 2 offenses may also include repeated misbehavior from Level 1 and misbehavior against people or things that would not harm the health or safety of others.

The misbehavior must be reported to the school administrator to investigate. After hearing the student's side of the story, speaking with staff members and other students, and doing any other investigation needed, the administrator will follow the procedures for Level 2. Out of school suspension is not a consequence for Level 2 offenses.

| LEVEL 2: OFFENSES | | |
|-------------------|---|--|
| A. | Destruction of Property/ Vandalism (under \$100) | Breaking or destroying things that belong to the school or to another person. |
| B. | Disrespect | Repeatedly showing behavior that is hurtful, or that embarrasses another person or group of persons, including employees. (More serious than Level 1). <i>*This offense may include, but is not limited to, hurtful language that does not include curse words.</i> |
| C. | Physical Altercation | Hitting, pushing or any physical contact with another student that is disruptive, but stops when an adult asks the students to stop. |
| D. | Forgery | Writing a note with the intent of misleading a staff member. Signing or allowing others to sign your parent's/guardian's name to a school paper. |
| E. | Gambling OMC <small>Must Report to Law Enforcement</small> | Betting on games or activities for money or other valuables. |
| F. | Insubordination/ Open Defiance | Repeatedly refusing to follow written or verbal school rules or directions from the school staff without causing a disruption. |
| G. | Threat/ Intimidation TRE <small>Must Report to Law Enforcement</small> | An incident where there was no physical contact between the offender and victim, but the victim reasonably believed that physical harm could have occurred based on verbal or non-verbal communication by the offender. This includes nonverbal threats and verbal threats of physical harm (to hit, fight, or beat up another person without a plan and/or actions towards them) which are made in person, electronically or through any other means. |
| J. | Stealing (under \$375) | Taking something that is not yours without permission. |
| K. | Unauthorized Assembly, Publications, etc. | Holding meetings or passing out materials to other students, without permission, that upset the normal school day or any school activity. |
| M. | Other Serious Misconduct | Any other act of misconduct that is more serious, harmful, or is a more disruptive example of any of the offenses described in Level 1, which may interfere with the school, school bus, or school activity and cannot be coded as another Level 2 offense. |
| N. | Gang Related | Having, using or displaying items associated with gang activity that include, but is not limited to, clothing and accessories, gang related insignias, writings, signs or symbols that promote gang affiliation and/or involvement. |
| Q. | Electronic Device Violation | The repeated misuse of electronic devices, which is not related to school. Or going into programs and/or files that a student should not go into on an electronic device or while on the OCPS network (such as gaming); sharing your username and password with someone else; or logging into your device and allowing someone else to use your device. |
| S. | Horseplay | Any rough uncontrolled play or prank that involves two or more students and there is risk of injury as a result of the horseplay. |
| T. | Dress Code | Wearing anything that does not follow the dress code (two or more offenses). |

LEVEL 2: OFFENSES

LEVEL 2: CONSEQUENCES

- | | |
|---|---|
| 1. Contact your parent/guardian* | 11. Return of property |
| 2. Talk with you about your behavior* | 12. Suspension from bus (1-10 days) |
| 3. Hold a meeting with your parent/guardian | 13. Referral to intervention program |
| 4. Behavior contract/plan | 14. Alternative classroom |
| 5. Restorative Practice | 15. Supervision plan |
| 6. PASS (1-10 days) | 16. No contact contract |
| 7. Special work assignment | 17. Temporary removal or participation in extracurricular/co-curricular programs or activities |
| 8. Detention | 18. Referral to mental health services |
| 9. Guidance referral | 19. Warning of referral to Level 3 |
| 10. Take away materials/objects that do not belong at school | |

** Mandatory Consequences*

SECTION V: DISCIPLINARY RESPONSE CODE FOR ELEMENTARY

Level 3: Discipline Response Code

A Level 3 offense is misbehavior that disrupts the school, school activity, or school bus and threatens the health, safety, and property of others. Level 3 offenses may include repeated acts of misbehavior from Level 2.

The misbehavior must be reported right away to the school administrator to investigate. After hearing the student’s side of the story, speaking with staff members and other students, and doing any other investigation needed, the administrator will follow the procedures for Level 3. A consequence for a Level 3 may include removing the student from the school or activity immediately.

| LEVEL 3: OFFENSES | | |
|-------------------|--|--|
| A. | Simple Battery PHA <small>Must Report to Law Enforcement</small> | An actual and intentional striking of another person against his/her will, without injury. This section does not include injury that is a result of fighting if persons involved are mutual combatants. |
| C. | Destruction of Property/ Vandalism (\$100 to \$999) | Breaking or destroying things that belong to the school or to another person. |
| D. | Disrespect | Showing behavior that is hurtful, embarrassing, or makes another person feel bad. <i>*This offense may include, but is not limited to, words or movements that are mean and/or cussing.</i> |
| E. | Extortion/ Blackmail | Making threats to hurt others in order to get something from them. <i>*This offense may include, but is not limited to, threatening another student to get his or her lunch money.</i> |
| F. | Fighting FIT <small>Must Report to Law Enforcement</small> | When two or more persons mutually participate in the use of force or physical violence that requires either physical intervention or results in injury requiring first aid or medical attention. Note: Fighting is not allowed, but if someone hits you or someone else, instead of hitting back, you can protect yourself from getting badly hurt by using what is called self-defense. Self-defense means getting help from an adult, holding or blocking the other student so they can't hit you or anyone else, covering your face or body from being hit, or pushing the other student so you can leave and get to a safe place. However, if you hit (such as punch, slap, or kick) the other student back, or push them away and don't try to leave, you could get in trouble for fighting. <i>*In a disciplinary action, there is a rebuttable presumption that the actions of a student who intervened, using only the amount of force necessary, to stop a violent act against a student, staff, or volunteer were necessary to restore or maintain the safety of others. Section 1006.13, Florida Statutes.</i> |
| G. | Firecrackers/ Fireworks | Having, storing, or selling fireworks or firecrackers on Board property, school transportation, or at a school activity without lighting them. |
| H. | Gross Insubordination/ Open Defiance | Willfully refusing to do as told by the school staff; saying or doing something that shows you will not follow any directions; or arguing with an adult in front of others, which causes a disruption. |
| I. | Illegal Organizations | Belonging to or being a part of secret groups or clubs while at school. |
| J. | Possession of Contraband Material | Having, using, or giving to others things not allowed at school such as: matches, lighters, toy guns, tools, etc. The parent/guardian will make arrangements to pick up the object from the school, if applicable. At no time shall OCPS be responsible for theft, loss, or damage to contraband items brought onto its property. |

LEVEL 3: OFFENSES

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|-----|---|---|
| L. | Tobacco Use/Possession TBC Must Report to Law Enforcement | Having or using tobacco or vaping nicotine products at school, at a school activity, or on school transportation. Tobacco incidents cannot be drug-related. |
| M. | Stealing (\$375 to \$749) | Taking the property of others without their permission. |
| N. | Unauthorized Entrance to OCPS Property | Entering or staying on Board property, school transportation, or at a school activity, without approval or after being told to leave by the school staff. This applies only to incidents that did not have a prior official warning, did not result in an arrest, or did not involve students under suspension or expulsion. |
| O. | Violation of Curfew | Breaking of curfew rules during a school-sponsored activity. |
| Q. | Other Serious Misconduct | Any other act or behavior that is more serious, harmful, or is a more disruptive example of any of the offenses in Level 2, which may interfere with the school, school bus, and/or school activity and cannot be coded as another Level 3 offense. <i>*This offense may include, but is not limited to, body piercing, providing false/misleading information to OCPS staff members</i> This does not include any misconduct that would be coded as a Level IV Disruption on Campus-Major (DOC). |
| T. | Threat/Intimidation TRE Must Report to Law Enforcement | An incident where there was no physical contact between the offender and victim, but the victim reasonably believed that physical harm could have occurred based on verbal or non-verbal communication by the offender. This includes nonverbal threats and verbal threats of physical harm (to hit, fight, or beat up another person with a plan and/or furtherance of action, or to kill another person without a plan and/or furtherance of action) which are made in person, electronically or through any other means. |
| U. | Gang Related | Conduct or behavior that tends to promote gang activity, provoke violence, or seriously disrupt the orderly operation of the school program, any school activity or transportation services, including, but not limited to, the possession, use, or displaying of gang paraphernalia, jewelry, tattoos, clothing, or other insignias and writings that promote gang affiliation/involvement/the use of gang related signs or symbols or any other gang associated behavior. |
| V. | Harassment HAR Must Report to Law Enforcement | Any threatening, insulting, or dehumanizing gesture, use of data or computer software, or written, verbal, or physical conduct that places an OCPS 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, or has the effect of substantially disrupting the orderly operation of a school including any course of conduct directed at a specific person that causes substantial emotional distress in such a person and serves no legitimate purpose. |
| Y. | Electronic Device Violation | The continued misuse of electronic devices, which are not related to school. Or changing the device so you can go on programs that you're not supposed to; or going on the Internet or looking at files that you're not supposed to. <i>*This section does not include pictures, videos, or messages that can be coded as another offense.</i> |
| AA. | Horseplay | Any rough uncontrolled fooling around, play or prank that involves two or more students and there is injury as a result of the horseplay. Any horseplay that results in serious injury where medical attention is needed may result in a Level 4 offense. |
| BB. | Disruptive Conduct | Conduct or behavior that interferes with or disrupts the orderly process of teaching/learning, school environment, a school function, or extracurricular/co-curricular activity. This does not include behavior that would amount to a Level IV-T, Other; Level IV-I, Disruption of Campus-Major, or Level IV-HH Interruption of Campus Operations. |

LEVEL 3: OFFENSES

LEVEL 3: CONSEQUENCES

- | | |
|--|---|
| 1. Contact your parent/guardian* | 11. Temporary or permanent removal from participation in extracurricular/co-curricular programs or activities |
| 2. Talk with you about your behavior* | 12. Referral to intervention program |
| 3. Hold a meeting with parent/guardian | 13. Take away materials/objects that do not belong at school |
| 4. Behavior contract/plan | 14. Alternative classroom |
| 5. Restorative Practice | 15. Supervision plan |
| 6. Return property | 16. No contact contract |
| 7. PASS (1-10 days) | 17. Guidance referral |
| 8. Bus suspension (1-10 days) | 18. Referral to mental health services |
| 9. Out of school suspension (1-10 days) | 19. Warning of referral to Level 4 |
| 10. Detention | |

**Mandatory Consequences*

SECTION V: DISCIPLINARY RESPONSE CODE FOR ELEMENTARY

Level 4: Discipline Response Code

Level 4 offenses are the most serious misbehavior and cause the most concern for school safety. Level 4 offenses may include repeated acts of misbehavior from Level 3. Any Level 4 act may result in up to a 10-day suspension with a possible removal from school.

Level 4 misbehavior must be reported right away to the school administrator to investigate. After hearing the student’s side of the story, speaking with staff members and other students, and doing any other investigation needed, the administrator will follow the procedures for Level 4 offenses. A consequence for Level 4 may include removing the student from the school or activity immediately.

[Florida Administrative Code Rule 6A-1.0017](#) requires school districts to correctly code incidents that are against the law or represent serious breaches of this Code. Those incidents that are required to be reported to SESIR and/or Law Enforcement are identified in the Code of Student Conduct with the three-letter code identifying SESIR incidents. When multiple incidents occur at the same time and place, the incident that caused the most injury or the highest loss of property or monetary cost should be the one reported. Students who commit a non-SESIR Level 4 offense may be referred to the police for further investigation.

| LEVEL 4: OFFENSES | | |
|-------------------|---|--|
| A. | Alcohol ALC <small>Must Report to Law Enforcement</small> | Having, using, sharing, giving, asking for, selling, buying, or being under the influence of alcoholic beverages. Use means the person is caught using alcohol, admits to using alcohol, or is discovered to have used alcohol. Alcohol incidents cannot be drug related. |
| B. | Arson ARS <small>Must Report to Law Enforcement</small> | Setting a fire or causing an explosion to Board property, school transportation, or any structure whether someone is inside or not. |
| C. | Threat/Intimidation TRE <small>Must Report to Law Enforcement</small> | An incident where there was no physical contact between the offender and victim, but the victim reasonably believed that physical harm could have occurred based on verbal or non-verbal communication by the offender. This includes non-verbal threats and verbal threats of physical harm (threats to kill with a plan and/or furtherance of action) which are made in person, electronically, or through any other means. |
| D. | Aggravated Battery BAT <small>Must Report to Law Enforcement</small> | Striking anyone against his or her will or causing more serious injury on purpose such as: great bodily harm; permanent disability; permanent disfigurement; use of a weapon that could badly injure the victim (deadly weapon); extreme pain; protracted loss or impairment of the function of a bodily member, organ, or mental faculty; or the student knows or should know that the victim is pregnant. |
| E. | Threats to the School DOC <small>Must Report to Law Enforcement</small> | Any direct or indirect threat that poses a threat to the school or may disrupt the function of the school campus or school sponsored activity including, but not limited to, threats made verbally or nonverbally, by act, through social media, or by text. <i>*Threats to the school may include, but are not limited to, bomb threats, threats to use firearms in a violent manner, and/or threats to conduct a mass shooting or an act of terrorism. Threats to the school are deemed zero tolerance by Sections 1006.07 and 1006.13, Florida Statutes.</i> |
| F. | Drug Use/Possession DRU <small>Must Report to Law Enforcement</small> | Having, sharing, or inappropriately using drugs or any other substance that can change your mood or behavior, or having or using anything represented or thought to be a drug. Use means the person is caught in the act of using drugs, admits to using drugs, or is discovered to have used drugs. Alcohol offenses are coded separately: Level IV-A, Alcohol. |

LEVEL 4: OFFENSES

| | | |
|----|---|---|
| H. | Weapons Possession WPO <small>Must Report to Law Enforcement</small> | The possession or control of any firearm or any instrument or object as defined by Section 790.001(6) and (13) , Florida Statutes, that can inflict serious harm on another person or that can place the person in reasonable fear of serious harm. This includes possession of firearms and other instruments that can cause harm. |
| I. | Disruption on Campus-Major DOC <small>Must Report to Law Enforcement</small> | Major disruption of all or most campus activities, school-sponsored events, and school bus transportation. Disruptive behavior that poses a serious threat to the learning environment, health, safety, or welfare of others. Examples of major disruptions including bomb threats, inciting a riot, or initiating a false alarm. For offenses that disrupt campus activities, school-sponsored events, and school bus transportation but do not pose a serious threat to the learning environment: see Level IV-HH, Interruption of Campus Operations. |
| J. | Grand Theft (\$750 or over) STL <small>Must Report to Law Enforcement</small> | The taking of the property of another person or organization without their permission, including motor vehicles, valued at \$750 or more, without threat, violence, or bodily harm. Thefts of property of any value that involve a use of force, violence, assault, or putting the victim in fear must be reported as robbery. <i>*This does not include a taking by violence, a threat of violence or assault, and putting the victim in fear (See 4M Robbery).</i> |
| K. | Other Dangerous Objects | Having, selling/buying or controlling any instrument or object, other than a firearm or weapon as defined under a Level IV-H, Weapons Possession offense, which could be used to harm another person, or to scare any person. <i>*This offense may include, but is not limited to, BB guns or pellet guns, air soft guns, paintball guns and replicas of any gun or weapon, water/gel bead guns,, chains, pipes, razor blades, box cutter/utility knife, ice picks, other pointed instruments, nun chucks, Tasers, Chinese stars, pepper spray, other items used for self-defense (i.e. kubaton), bullets, firearm clips, or firearm cartridges. This offense also includes lighting fireworks or firecrackers.</i> |
| L. | Repeated Misconduct of a More Serious Nature | Repeated misconduct that may seriously disrupt the classroom, school, school transportation, and/or school activity. |
| M. | Robbery ROB <small>Must Report to Law Enforcement</small> | The taking, or attempted taking of money or other property from a person with the intent to keep or temporarily take away the money or other property by force, or threat of force, or violence, and/or by putting the victim in fear. A key difference in Grand Theft and Robbery is that robbery involves violence, a threat of violence or assault, and putting the victim in fear. This includes using force to take something from another. |
| N. | Sexual Battery SXB <small>Must Report to Law Enforcement</small> | Doing or attempting to do any sexual act against another person, forcibly or against the person's will, with or without an object or body part. Both males and females can be victims of sexual battery. |

LEVEL 4: OFFENSES

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|-----|---|--|
| O. | Sexual Harassment SXH <small>Must Report to Law Enforcement</small> | Unwelcome conduct of a sexual nature, such as sexual advances, requests for sexual favors, and other verbal, non-verbal, or physical conduct of a sexual nature. Harassing conduct can include verbal or non-verbal actions, including, graphic and written statements, and may include statements made through computers, cell phones, and other devices connected to the Internet. The conduct can be carried out by school employees, other students, and non-employee third parties. This includes undesired sexual behavior. |
| P. | Sexual Offenses SXO <small>Must Report to Law Enforcement</small> | Other sexual contact, including intercourse without force or threat of force. Subjecting an individual to lewd sexual gestures, sexual activity, or exposing private body parts in a lewd manner. This includes lewdness, indecent exposure. |
| Q. | Violation of Early Re-entry Plan | Committing any act or series of acts that violates or has the effect of violating a re-entry plan from expulsion. |
| S. | Criminal Mischief (\$1000 or over) VAN <small>Must Report to Law Enforcement</small> | Purposefully destroying, damaging, or ruining public or private property including acts of ruining with graffiti, keying or scratching a car or trashing a room resulting in damages. |
| T. | Other Major OMC <small>Must Report to Law Enforcement</small> | Any serious, harmful incident resulting in the need for law enforcement consultation not previously classified. This includes any drug or weapon found unattended and not linked to any individual; such incidents must be coded with the appropriate Related element (such as Drug-related or Weapon-related) and incident involvement must be reported as unknown. |
| U. | Drug Sale/Distribution, Excluding Alcohol DRD <small>Must Report to Law Enforcement</small> | The making, buying, selling or giving away any drug or anything represented to be a drug. This includes any form of payment for any drugs or substances. |
| V. | Bullying BUL <small>Must Report to Law Enforcement</small> | Repeated behavior towards another person that causes that person to be afraid, make one person feel weaker than the other, and this behavior is done on purpose. <i>*Bullying may include, but is limited to, repetitive instances of teasing, social exclusion, threats, intimidation, stalking, physical violence, theft, harassment, public or private humiliation, or destruction of property. If the physical harm or psychological distress is not the result of systematic or chronic behavior, evaluate for Harassment.</i> <i>*Repeated discipline of another nature (such as repeated fights with the same person) may constitute bullying.</i> |
| X. | Hazing HAZ <small>Must Report to Law Enforcement</small> | Secondary only. |
| Y. | Simple Battery PHA <small>Must Report to Law Enforcement</small> | An actual and intentional touching or striking of another person against his/her will, or the intentional causing of bodily harm to an individual. This includes incidents that require immediate first aid or subsequent medical attention. This does not include death or injuries with substantial risk of death, extreme physical pain, protracted and obvious disfigurement, and protracted loss or impairment of the function of a bodily member, organ, or mental faculty. (See 4D Aggravated Battery). |
| Z. | Sexual Assault SXA <small>Must Report to Law Enforcement</small> | An incident that includes fondling, indecent liberties, child molestation, or threatened rape. Both males and females can be victims of sexual assault. |
| AA. | Electronic Device Violation | Use or access to programs and/or files without permission which you should not access on an electronic device; or any use that is against Board policies, local, state, and/or federal laws and regulations. <i>*This offense may include, but is not limited to, gaining access to the OCPS network to do harm or change records.</i> |
| CC. | Burglary BRK <small>Must Report to Law Enforcement</small> | Entering Board property or staying on Board property or school transportation without permission and causing damage or breaking the law. This offense is more severe than trespass. |

LEVEL 4: OFFENSES

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|-----|---|---|
| DD. | Homicide HOM <small>Must Report to Law Enforcement</small> | The unjustified killing of one human being by another. This includes murder, manslaughter. |
| EE. | Kidnapping KID <small>Must Report to Law Enforcement</small> | Forcibly, secretly, or by threat, hiding, taking away, or imprisoning another person against his/her will and without lawful authority. This includes the taking away of a person. |
| FF. | Tobacco/Vaping/Nicotine Selling/Buying/ Distribution <small>Must Report to Law Enforcement</small> | The distribution or sale, intention of selling, or buying of tobacco/vaping nicotine products, or items represented to be of said nature. <i>*This offense may include, but is not limited to, electronic cigarettes, CBD oil, Juuls, pods, vapors and hookah pens that do not contain THC or any other illegal controlled substance.</i> |
| GG. | Igniting | Setting a fire by accident or setting a fire that does not cause damage. |
| JJ. | Trespassing TRS <small>Must Report to Law Enforcement</small> | Entering or staying on Board property, school transportation, or at a school activity, without approval or after being told to leave by the school staff. This only includes incidents involving a student currently under suspension or expulsion, or incidents where any offender (student or non-student) was previously issued an official trespass warning by school officials, or where any offender was arrested for trespass. |

LEVEL 4: CONSEQUENCES

Students will receive school consequences and district consequences for all Level 4 offenses.

| <u>School Consequences</u> | <u>District Consequences</u> |
|--|--|
| <ol style="list-style-type: none"> 1. Contact your parent/guardian* 2. Talk with you about your behavior* 3. Up to a 10 day suspension with a recommendation for expulsion* 4. Refer to the District for a Discipline Team Meeting* 5. Temporary or permanent removal from participation in extracurricular/co-curricular programs or activities 6. Restorative Practice 7. Alternative classroom 8. Supervision plan 9. No contact contract 10. Guidance referral | <ol style="list-style-type: none"> 1. Expulsion from the school district 2. Assignment to an alternative school 3. Referral to an intervention program 4. Bus expulsion 5. Referral to mental health services <p style="text-align: right;"><i>* Mandatory Consequences</i></p> |



SECTION VI:

PROCEDURES FOR DISCIPLINARY ACTION

SECTION VI: PROCEDURES FOR DISCIPLINARY ACTION

Procedures for Disciplinary Action

In order to protect student rights, certain procedures are followed with regard to disciplinary actions. These procedures are developed as suggested or required by law or regulation. School/classroom management strategies not covered by these specific procedures are encouraged.

Procedures for Levels I-III Offenses for Elementary and Secondary

A student accused of misconduct for a Level I-III offense, shall be afforded the following procedures. In emergency situations, these procedures may be modified so long as reasonable efforts are made to provide substantially similar opportunities for the procedural safeguards.

Please note, these procedures should be used in conjunction with the procedures set forth herein which align with [Title IX of the Education Amendments Act of 1972](#) and the [Board Policy JB, Equal Educational Opportunities](#).

| LEVELS I-III PROCEDURES | |
|-------------------------|--|
| Step 1: | The student must be told by the principal/designee of the reason(s) for the referral. |
| Step 2: | The student must be given the opportunity to present his or her side of the matter either verbally or in writing and must have the opportunity to present witnesses to the incident. |
| Step 3: | The principal/designee shall make a determination as to whether the evidence supports the offense. If so, the principal/designee determines the appropriate discipline response according to the Code. The student shall be informed of the disciplinary response. |
| Step 4: | The principal/designee shall report each suspension in writing to the student's parent/guardian and to the area superintendent or designee. This report shall be mailed or delivery initiated within 24 hours of the start of the suspension or on the next regular workday. Reasonable efforts shall be made to contact the parent/guardian prior to the start of the suspension. If the parent/guardian cannot be reached prior to the start of the suspension, the principal/designee may determine that the suspension will start without the prior contact with the parent/guardian, but continued reasonable efforts to contact the parent/guardian shall be made. |
| Step 5: | After the discipline investigation is complete, the parent/guardian may request a copy of all documentary evidence upon which the proposed disciplinary consequence is based; however, if available and used as evidence for disciplinary purposes, video evidence may only be reviewed, a copy will not be provided. |
| Step 6: | The student and parent/guardian have a right to request a conference with the principal/ designee upon request of the parent/guardian to appeal the discipline imposed. All such requests must be made within three (3) school days of the first notification of a discipline referral. The principal/designee shall have the discretion to adjust the discipline response. |
| Step 7: | A meeting should be held each time any student with disabilities has been suspended from the classroom or transportation for ten (10) days cumulative during a school year. The purpose is to determine if the placement is appropriate and if any changes need to be made in order to more effectively deal with the student's behavior concern. |
| Step 8: | At the discretion of the principal/designee, a written behavior contract or supervision plan may be required upon return of the student. |
| Step 9: | If the parent/guardian feels that procedural safeguards were not provided, they may appeal by contacting an area administrator. The area administrator shall discuss the matter with the parent/guardian, and if appropriate, schedule a meeting between the principal/designee, the area administrator, and the parent/guardian to further discuss the matter. |
| Step 10: | The area administrator will make a recommendation to the Director of Discipline to either uphold the principal's/designee's decision or modify the decision based on the specific facts and charges upon which the consequences are based. The Director of Discipline has the final decision-making authority for these types of appeals. |

SECTION VI: PROCEDURES FOR DISCIPLINARY ACTION

Procedures for Level IV Offenses for Elementary and Secondary

A student accused of a violation of the Code, which, in the opinion of the principal/designee, may require expulsion from school or transportation, shall be afforded the procedural safeguards described below. In emergency situations, these procedures may be modified so long as reasonable efforts are made to provide substantially similar opportunities for these procedural safeguards.

Please note, these procedures should be used in conjunction with the procedures set forth herein which align with [Title IX of the Education Amendments Act of 1972](#) and the [Board Policy JB, Equal Educational Opportunities](#).

| LEVEL IV PROCEDURES | |
|---------------------|---|
| Step 1: | The principal/designee must inform the student of the reason(s) for consideration of expulsion. |
| Step 2: | The student shall be given the opportunity to present his or her side of the matter either verbally or in writing and must have the opportunity to offer witnesses to the incident. |
| Step 3: | The principal/ designee shall make a determination in writing as to whether the evidence supports the offense. If so, the principal/designee determines the appropriate discipline response according to the Code. The student shall be informed of the Level IV offense. If the principal/designee determines that there are sufficient grounds for expulsion, then the principal/designee shall inform the student that he or she is being suspended from school for ten (10) days and a recommendation that the student be expelled is being considered. |
| Step 4: | The principal/designee shall report in writing to the student’s parent/guardian and the district that the student has been suspended for ten (10) days and a recommendation that the student be expelled from school is being considered. The report shall be mailed or delivery initiated within 24 hours of the start of the initial ten (10) day suspension or on the next regular school day. Reasonable effort shall be made to contact the parent/guardian prior to the start of the suspension. If the parent/guardian cannot be reached prior to the start of the suspension, the principal/designee may determine that the suspension will start without the prior contact with the parent/guardian. |
| Step 5: | The student and parent/guardian have a right to request a conference with the principal/designee to review the Level IV offense. All such requests must be made within three (3) school days of the first notification of suspension that the parent/guardian receives. |
| Step 6: | After the discipline investigation is complete, the parent/guardian may request a copy of all documentary evidence upon which the proposed expulsion is based; however, if available and used as evidence for disciplinary purposes, video evidence may only be reviewed, a copy will not be provided. |
| Step 7: | The area administrator shall convene a Discipline Team Meeting (DTM) as soon as possible. The OCPS employees present at the DTM shall include the area administrator, principal/designee and other appropriate personnel, including, but not limited to, a counselor, school psychologist, administrative dean, or Positive Pathways Transition Center staff. The school will also request that the parent/guardian and student attend the DTM. The purpose of the DTM is to: <ol style="list-style-type: none"> 1) Review all documentary evidence upon which the proposed expulsion is based; 2) Ensure the student received due process during the investigation; 3) Provide the student and parent/guardian the opportunity to present new information and/or explain the student’s involvement; and 4) Determine whether a referral will be made to an alternative program/school or expulsion. |
| Step 8: | No later than one (1) school day prior to the DTM, parent/guardian/student must notify the school principal/designee of all parties that will attend the DTM on behalf of the student. The parent/guardian/student may elect to bring parties to the DTM of their choosing. If the parent/guardian/student retains legal counsel, the Office of Legal Services must be notified prior to the DTM at (407) 317-3411. |

LEVEL IV PROCEDURES

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| Step 9: | <p>If the decision is made by the area administrator to verify the Level IV and the consequence is a full exclusion, without continuing educational services, the Superintendent may invoke Section 1006.08, Florida Statutes, and either extend the student’s suspension or temporarily administratively place a student in an alternative setting pending the final decision of expulsion from the Board.</p> <p>If a decision is made by the area administrator to verify the Level IV and the consequence is an alternative placement, Section 1006.08, Florida Statutes, will be invoked and the student will be administratively placed at the alternative school within Orange County. It is important to note, once the student is withdrawn from their home school the only OCPs school the student may attend is the school designated by the area administrator at the DTM, however, the parent/guardian may instead elect to enroll their child in home school, or Florida Virtual School, private school, or another county, if permissible.</p> |
| Step 10: | <p>If the decision is made by the area administrator to verify the Level IV and the parent/guardian believes the student is entitled to further procedural safeguards or would like to dispute documentary evidence upon which the proposed expulsion is based, the parent/guardian may request an administrative hearing by providing notice of such request to the applicable area administrator or designee. Failure of the parent/guardian to request an administrative hearing from the applicable area administrator or his/her designee within fourteen (14) days after the Discipline Team meeting shall be deemed a waiver of any challenge to the procedures utilized by the Discipline Team in making its decision. Administrative hearings shall be granted or denied within fifteen (15) days from the time they are requested unless an extension is agreed upon in writing. The area administrator and the principal/ designee may attend the administrative hearing. The parent/guardian shall notify the applicable area administrator of all parties attending the administrative hearing on behalf of the student no later than three (3) school days prior to the administrative hearing. If the parent/guardian retains legal counsel, the Office of Legal Services must be notified prior to the Administrative Hearing at (407) 317-3411.</p> <p>If the student is recommended for a full exclusion without educational services, the administrative hearing will be governed by the provisions in Sections 120.569 and 120.57(2), Florida Statutes.</p> |
| Step 11: | <p>The Administrative Hearing Officer will either recommend to uphold the DTM decision or recommend to overturn the decision based on the specific facts and charges upon which the proposed consequence is based. Both the principal/designee and the parent/guardian shall have the right, but not obligation, to submit a recommended order to the Administrative Hearing Officer containing proposed findings of facts and conclusions of law. The Administrative Hearing Officer may, in his/her discretion, use a proposed order submitted by either the principal/designee or the parent/guardian; provided however, the Administrative Officer may reject both proposed orders and issue his/her own order.</p> |
| Step 12: | <p>If the recommendation of the Administrative Hearing Officer is to uphold the Level IV, the student/parent/guardian may request a meeting with Executive Director (Discipline) to discuss the recommendation of the area administrator and Administrative Hearing Officer. The Executive Director (Discipline) will review the documentary evidence and procedural safeguards and provide a recommendation to the Superintendent for review.</p> <p>For Level IV consequences of alternative placement or participation in continuing education services: The Superintendent shall then review the Executive Director’s (Discipline) recommendation and shall have the authority to take whatever action he/she deems appropriate (which may include a lesser discipline consequence). The decision of the Superintendent shall be final and binding.</p> <p>For Level IV consequences that result in an expulsion as defined in Section 1003.01(6), Florida Statutes: The Superintendent shall then review the Executive Director (Discipline) recommendation and shall have the authority to recommend to the Board that the student be expelled or take whatever action he/she deems appropriate. The Superintendent shall notify the parent/guardian and the principal/ designee prior to the Board meeting at which the Board will consider his/her recommendation.</p> |
| | <p>Steps 13 and 14 only apply for Level IV consequences that result in an expulsion as defined in Section 1003.01(6), Florida Statutes.</p> |

LEVEL IV PROCEDURES

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| Step 13: | <p>The parent/guardian/student shall have the right to appear before the Board. Factual evidence, which was not properly presented either at the DTM or the Administrative Hearing may not be presented to the Board. The parent/guardian/student is limited to challenging whether the facts as found at the DTM may appropriately lead to the consequence under the Code.</p> <p>The School Board may reject the hearing officer's findings of fact only if it determines that there is no competent substantial evidence to support the findings of fact. The School Board may reject the conclusions of law only if it determines that Board Policy JIC, Code of Student Conduct, was misinterpreted or applied incorrectly. The School Board may reduce or increase the penalty only upon a review of the complete record and must state with particularity its reasons by citing to the record to justify the action.</p> |
| Step 14: | For full exclusions brought before the School Board, the School Board will execute a Final Order memorializing the discipline consequence. |

SECTION VI: PROCEDURES FOR DISCIPLINARY ACTION

Suspension/Removal of Students Eligible for Services under the Individuals with Disabilities Education Act (IDEA)

The following information only applies to students with disabilities eligible for services under the [Individuals with Disabilities Education Act](#) (IDEA), and to students where OCPS had knowledge that the student may be a student with a disability under the IDEA **before** the violation of the Code occurred. The disciplinary procedures for Levels I-IV provided in this Code apply to all students, including students with disabilities; however, the following additional procedural safeguards also apply to students with disabilities under the IDEA.

The following Information does not apply to students who have an Educational Plan (EP) for gifted services only. Students with an EP are disciplined in the same manner as a non-disabled student.

Please note, these procedures should be used in conjunction with the “Level I-III Procedures,” “Level IV Procedures,” and “Title IX Procedures” set forth herein.

ADDITIONAL IDEA INFORMATION

SUSPENSION

If a student with a disability violates the Code, the student may be removed from the student’s current placement to an appropriate interim alternative educational setting, another setting, or suspended **without continuing educational services** for up to ten (10) school days in a school year. The ten (10) school days can be consecutive (meaning ten (10) school days in a row), or cumulative (meaning the student receives a total of ten (10) out of school suspension days throughout the school year for the same or similar behavior). According to the IDEA, a removal from a student’s current placement is permitted for these ten (10) school days and the school district does not need to provide continuing educational services or determine whether the behavior causing the offense is related to the student’s disability. However, if the Individual Educational Plan (IEP) team notices a pattern of behavior, the IEP team should review a student’s misconduct as early as possible to determine if there is a need for additional behavior supports and/or services.

After a student with a disability has been removed from the student’s placement for ten (10) school days, consecutive or cumulative, as detailed herein, OCPS must provide continuing educational services to the student; however, it is important to note, that the manner in which the services are provided to the student may vary depending on the student’s disciplinary placement.

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ADDITIONAL IDEA INFORMATION

MANIFESTATION DETERMINATION

Once a student has been removed for ten (10) school days, consecutive or cumulative as detailed in the "Suspension" section above, the IEP Team must convene a manifestation determination meeting. A manifestation determination is a process by which the relationship between the student's disability and a specific behavior that may result in disciplinary action is examined. In some cases, the manifestation determination may occur in conjunction with the Discipline Team Meeting for Level IV offenses.

The manifestation determination meeting must include relevant members from the student's Individual Educational Plan (IEP) team (as determined by OCPS and the parent(s)/guardian(s)), which may include, but is not limited to: (1) the parent(s)/guardian(s) (as defined by IDEA); (2) student (if appropriate); (3) not less than one regular education teacher (if the student is, or may be, participating in the regular education environment); (4) not less than one special education teacher, or where appropriate, not less than one special education provider of the student; (5) a representative of OCPS qualified to provide, or supervise the provision of, specially designed instruction, is knowledgeable about the general education curriculum, and is knowledgeable about the availability of OCPS resources; (6) an individual who can interpret the instructional implications of evaluation results, if needed (this may be a person already listed in the section); and (7) at the discretion of the parent/guardian or OCPS, other individuals who have knowledge or special expertise regarding the student, including related services personnel as appropriate. The parent(s)/guardian(s) may also be accompanied by another adult of their choice.

During the manifestation determination meeting, the IEP team will determine whether the student's behavior was caused by, or had a direct and substantial relationship to, the student's disability, or whether the student's behavior was the direct result of the school's failure to implement the IEP.

- If the IEP team determines the student's behavior is a manifestation of the student's disability, the student may return to the student's current placement, unless the parent(s)/guardian(s) agree to a change in placement as part of a modification of the student's Positive Behavior Intervention Plan (PBIP), or the student's behavior involves a weapon, drugs, or the student has inflicted serious bodily harm on another person.
- If the IEP team determines the student's behavior is a manifestation of the student's disability, but the student's behavior involves a weapon, drugs, or serious bodily harm, then the student may be removed to an interim alternative educational setting for up to forty-five (45) school days.
- If the IEP team determines the student's behavior is not a manifestation of the student's disability the student may be disciplined in the same manner and for the same duration as students without disabilities.

The [Procedural Safeguards](#) must be provided to the parent(s)/guardian(s) at the manifestation determination meeting. In addition, regardless of whether the behavior is determined to be a manifestation of the student's disability, the team must consider whether a Functional Behavioral Assessment (FBA) and/or PBIP needs to be developed or, if a PBIP has already been developed, whether the PBIP needs to be modified to address the student's current behavior.

APEAL

If the parent(s)/guardian(s) disagrees with the manifestation determination made by the IEP team, as detailed herein, the parent(s)/guardian(s) may appeal the decision by requesting a District review of the manifestation determination or by requesting a due process hearing before an Administrative Law Judge with the Florida Division of Administrative Hearings. In addition, if OCPS believes that maintaining the current placement of the student is substantially likely to result in injury to the student or others, OCPS may also appeal the manifestation determination and request the student be removed from the student's current placement. More information on this process can be found in the [Procedural Safeguards](#) provided at the manifestation determination meeting, the [IDEA](#), Florida Statutes, and the [Florida Administrative Code](#).

It is important to note, pursuant to the IDEA if the student is placed in an interim alternative education setting due to the violation of the Code, the student will remain in the interim alternative education setting pending the outcome of the due process hearing.

If the parent(s)/guardian(s) disagrees with the discipline investigation or whether disciplinary due process was afforded to the student, the parent(s)/guardian(s) may request an appeal for disciplinary purposes as detailed in the disciplinary procedures for Levels I-IV of this Code.

SECTION VI: PROCEDURES FOR DISCIPLINARY ACTION

Suspension/Removal of Students Eligible under Section 504 of the Rehabilitation Act of 1973 (Section 504) and Americans with Disabilities Act (ADA)

The following information only applies to students eligible under [Section 504 of the Rehabilitation Act of 1973](#) (Section 504) and Americans with Disabilities Act (ADA), and to students where OCPS had knowledge that the student may be a student with a disability under Section 504 or the ADA **before** the violation of the Code occurred. The disciplinary procedures for Levels I-IV provided on pages 62-64 of this Code apply to all students, including students with disabilities; however, the following additional procedural safeguards also apply to students with disabilities under Section 504 and the ADA.

Please note, these procedures should be used in conjunction with the “Level I-III Procedures,” “Level IV Procedures,” and “Title IX Procedures,” set forth herein.

ADDITIONAL 504 AND ADA INFORMATION

SUSPENSION

If a student with a disability violates the Code, the student may be removed from the student’s current placement to an appropriate interim alternative educational setting, another setting, or suspended **without continuing educational services** for up to ten (10) school days in a school year. The ten (10) school days can be consecutive (meaning ten (10) school days in a row), or cumulative (meaning the student receives a total of ten (10) out of school suspension days throughout the school year for the same or similar behavior). A removal from a student’s current placement is permitted for these ten (10) school days and the school district does not need to provide continuing educational services or determine whether the behavior causing the offense is related to the student’s disability. However, if the Section 504 team notices a pattern of behavior, the Section 504 team should review a student’s misconduct as early as possible to determine if there is a need for additional behavior supports and/or services.

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ADDITIONAL 504 AND ADA INFORMATION

MANIFESTATION DETERMINATION

Once a student has been removed for ten (10) school days, consecutive or cumulative as detailed in the “Suspension” section above, the Section 504 Team must convene a meeting (Note: Section 504 regulations do not use the term “manifestation determination” but do require an “evaluation” prior to a significant change in placement; OCPS has termed this meeting a “manifestation determination” to differentiate between an evaluation meeting for eligibility and a disciplinary change in placement). A manifestation determination is a process by which the Section 504 team determines whether the behavior for which discipline is proposed is based on the student’s disability, and if so, whether changes in the student’s placement are required to ensure the student receives a free and appropriate public education. In some cases, the manifestation determination may occur in conjunction with the Discipline Team Meeting for Level IV offenses.

The manifestation determination meeting must include persons that are knowledgeable about the student. The parent(s)/guardian(s) may also be accompanied by another adult of their choice.

During the manifestation determination meeting, the Section 504 team will determine whether the student’s behavior was caused by, or had a direct and substantial relationship to, the student’s disability and whether the student’s current placement is appropriate.

If the Section 504 team determines the student’s behavior is a manifestation of the student’s disability, the school cannot carry out discipline that would exclude the student on the basis of the disability, and may return the student to the student’s current placement.

If the Section 504 team determines the student’s behavior is a manifestation of the student’s disability, but the student’s behavior involves a weapon, possession of drugs, or serious bodily harm, then the student may be removed to an interim alternative educational setting for up to 45 school days.

If the Section 504 team determines the student’s behavior is not a manifestation of the student’s disability the student may be disciplined in the same manner and for the same duration as students without disabilities.

A student with a Section 504 Plan may be recommended for expulsion as defined for all students when the behavior, as determined by the Section 504 team, is not a manifestation of the student’s disability.

OCPS is not required to hold a manifestation determination meeting for use of illegal drugs or alcohol committed by a student eligible under Section 504. The student may be disciplined in the same manner as non-disabled students for use of illegal drugs or alcohol and may be disciplined in the same manner and for the same duration as students without disabilities.

NOTE: If a student with a Section 504 Plan has been referred for an evaluation under the IDEA **before** the violation of the Code occurred, the IDEA manifestation determination procedures will be followed.

APPEAL

If the parent(s)/guardian(s) disagrees with the manifestation determination made by the Section 504 team, the parent(s)/guardian(s) may appeal the decision by requesting a district review of the manifestation determination or by requesting a due process hearing before an Administrative Hearing Officer with the School Board of Orange County, Florida. In addition, if OCPS believes that maintaining the current placement of the student is substantially likely to result in injury to the student or others, OCPS may also appeal the manifestation determination and request the student be removed from the student’s current placement. More information on this process can be found in the [Procedural Safeguards](#) provided at the manifestation determination meeting.

It is important to note, if the student is placed in an interim alternative education setting due to the violation of the Code, the student will remain in the interim alternative education setting pending the outcome of the hearing.

If the parent(s)/guardian(s) disagree with the **discipline investigation or whether disciplinary due process** was afforded to the student, the parent(s)/guardian(s) may request an appeal for disciplinary purposes as detailed in the disciplinary procedures for Levels I-IV of this Code.

SECTION VI: PROCEDURES FOR DISCIPLINARY ACTION

Procedures for Title IX of the Education Amendments Act of 1972

A student accused of sexual harassment pursuant to [Title IX of the Education Amendments Act of 1972 \(Title IX\)](#) definition and [Board Policy JB, Equal Educational Opportunities](#), shall be afforded the following procedures. In emergency situations, these procedures may be modified so long as reasonable efforts are made to provide substantially similar opportunities for the procedural safeguards.

These procedures must be implemented for sexual harassment claims if they meet the definition under Title IX and/or Board Policy JB before any discipline consequence is given to the respondent, unless an emergency removal of the respondent is required due to an immediate threat of physical health or safety to others. The definition for “sexual harassment” as outlined in Title IX and Board Policy JB includes: (1) an OCPS employee conditioning the provision of an aid, benefit, or service of the school on an individual’s participation in unwelcome sexual conduct; (2) unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the school’s education program or activity; or (3) sexual assault as defined in 20 U.S.C. 1092(f)(6)(A)(v), “dating violence” as defined in 34 U.S.C. 12291(a)(10), “domestic violence” as defined in 34 U.S.C. 12291(a)(8), or “stalking” as defined in 34 U.S.C. 12291(a)(30).

The initiation of these procedures does not prohibit the school from implementing supportive measures, which are designed to protect the safety of all parties and/or the educational environment.

The student discipline investigation as detailed throughout this Code shall be conducted **after** these Title IX procedures have been completed. Nothing in the section prohibits the school from implementing discipline consequences if the respondent is found to have committed an offense in the Code through the discipline investigation, regardless of whether the Title IX complaint was dismissed.

For reference, as used in this section, the “complainant” is the individual who is the alleged victim and the “respondent” is the individual who has been reported to be the perpetrator of the conduct.

| TITLE IX PROCEDURES | |
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| Step 1: | <p>A school must follow these procedures within twenty-four (24) hours or no more than two (2) school days when the school has actual knowledge of sexual harassment occurring in an OCPS education program or activity. Education activity or program includes location, events, or circumstances over which OCPS has exercised substantial control over both the respondent and the context in which the sexual harassment occurred. A report may be made by any person with knowledge of sexual harassment incidents occurring.</p> <p>If the school believes the alleged sexual harassment constitutes a crime, the matter shall be immediately reported to the School Resource Officer or appropriate law enforcement agency. If the alleged sexual harassment may constitute child abuse, it shall be immediately reported to the Florida Department of Children and Families (DCF). If the alleged sexual harassment is against an OCPS employee, the Title IX Coordinator or school administrator shall immediately notify OCPS Professional Standards.</p> |
| Step 2: | <p>The school-based Title IX Coordinator must promptly notify the complainant of available supportive measures and explain the process for filing a formal complaint. If there is an immediate threat to the physical health or safety to others, then the respondent shall be removed from the school under the emergency removal provisions in Title IX and/or Board Policy JB, Equal Educational Opportunities</p> |
| Step 3: | <p>The complainant or parent/guardian of the complainant must file a formal written complaint with the school alleging sexual harassment against a respondent and requesting an investigation of the allegations within ten (10) school days of the alleged misconduct occurring. The school-based Title IX Coordinator may also file the formal written complaint on behalf of the complainant if a written complaint is not received from the complainant or parent/guardian. At the time of filing the complaint the complainant must be participating in or attempting to participate in the educational program or activity of the school where he/she is filing the complaint in order for the school to investigate under Title IX and Board Policy JB, Equal Educational Opportunities; however, this provision does not prohibit the school from continuing with a discipline investigation.</p> |

TITLE IX PROCEDURES

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| Step 4: | <p>If a formal complaint is filed, the school must immediately determine if: (1) the allegations meet the definition of sexual harassment under Title IX and/or Board Policy JB, Equal Educational Opportunities; (2) the conduct occurred in an OCPs education program or activity; and (3) the allegation is against a person in the United States. If the allegations meet the above criteria, the school shall continue with the following procedures as detailed herein and provided in Board Policy JB, Equal Educational Opportunities. If the allegations do not meet the above criteria the school shall dismiss the formal complaint and conduct a discipline investigation as detailed in the Code. The complainant must be notified of the dismissal within twenty-four (24) hours or no more than two (2) school days.</p> <p>The complainant may request an appeal from the decision of the school to dismiss the formal complaint as outlined under Title IX and Board Policy JB, Equal Educational Opportunities. The request for an appeal should be provided to the principal within two (2) school days of notice of the dismissal. Failure to request an appeal within two (2) school days shall be deemed a waiver of the appeal.</p> |
| Step 5: | <p>If the complaint is not dismissed, then the school must provide the respondent and complainant and his/her parent/guardian written notice of the allegations against the respondent upon the receipt of the sexual harassment complaint within two (2) school days. The respondent and complainant may elect to have an advisor of their choice to assist them throughout the Title IX process. The advisor may be an attorney, but is not required to be.</p> |
| Step 6: | <p>The respondent shall be afforded the opportunity to prepare a response regarding the complaint and provide that response during the initial interview. The respondent shall have no less than two (2) school days from the date of the written notice to prepare a response and conduct the initial interview; the time to provide the response and conduct the initial interview shall not exceed five (5) school days. This time may be modified for good cause as outlined in Title IX and/or Board Policy JB, Equal Educational Opportunities.</p> |
| Step 7: | <p>The Title IX Coordinator/Investigator must conduct a Title IX investigation into the allegations of the sexual harassment. Both the respondent and complainant will be given an equal opportunity to: present witnesses; present evidence; and inspect and review all evidence related to the investigation once the investigation is complete. The investigation must be completed, and evidence provided to the respondent and complainant within five (5) school days of the initial interviews with the complainant and respondent, whichever interview is later.</p> |
| Step 8: | <p>After the evidence is provided, the respondent and complainant will be given ten (10) school days to review and submit a written response to the evidence for the Title IX Coordinator/Investigator to consider before the Title IX Coordinator/investigator completes his/her investigative report. If a response is not received within ten (10) days, the Title IX Coordinator/Investigator will deem the non-response as a waiver and continue with his/her investigative report.</p> |
| Step 9: | <p>After reviewing the evidence and responses, the Title IX Coordinator/Investigator shall create an investigative report summarizing his/her findings. The investigative report will be provided to the respondent and complainant for review. Both the respondent and complainant will have no more than two (2) school days to provide written relevant questions to the Title IX Coordinator/investigator to be asked of any party or witness. The party or witness has no more than two (2) school days to respond to the questions. Responses will be provided to the complainant and respondent by the Title IX Coordinator/Investigator. The respondent and complainant will then have no more than two (2) school days to provide no more than five (5) written relevant follow-up questions. The party or witness has no more than two (2) school days to respond to the follow-up questions. The respondent and complainant will have ten (10) days from receipt of the investigative report to provide a written response to the investigative report.</p> |
| Step 10: | <p>The investigative report and written responses will be provided to the Principal/Decision-maker. If a response is not received within ten (10) days, the Principal/Decision-maker will deem the non-response as a waiver and continue with his/her determination of responsibility.</p> |
| Step 11: | <p>The Principal/Decision-maker shall issue a written determination regarding the responsibility of the respondent to the respondent and complainant within three (3) school days. The Principal/Decision-maker shall apply the preponderance of the evidence standard when making his/her determination. The school-based Title IX Coordinator will be responsible for the implementation of all remedies stated in the written determination. The determination of responsibility will become final after two (2) school days if an appeal of the determination is not requested.</p> |

TITLE IX PROCEDURES

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| Step 12: | If either the respondent or complainant do not agree with the Principal/Decision-maker's determination, either party may appeal the decision in writing to the Principal/Decision-maker. A request for an appeal must be made within two (2) school days of issuance of the determination of responsibility. An appeal will be granted if: (1) procedural issues affected the outcome; (2) there is new evidence that becomes available that could affect the outcome; or (3) there was a conflict of interest or bias by the Title IX Coordinator/Investigator or Principal/Decision-maker against the respondent or complainant. The respondent and complainant shall have three (3) school days to submit a written statement challenging or supporting the determination of responsibility issued by the Principal/Decision-maker. If a statement is not received within three (3) school days , the appeals decision-maker will deem the non-response as a waiver and continue with his/her decision regarding the appeal. The appeals decision-maker will review the statements, if available, the investigative report, and the determination of responsibility before submitting his/her written decision to the respondent and complainant. The written appeals determination describing the result and rationale for the decision must be provided simultaneously to the complainant and respondent and his/her parent/guardian within five (5) school days . The decision of the appeals decision-maker will become final upon issuance. |
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ADDITIONAL GUIDELINES

1. No recipient or other person may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title IX, or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing.
2. Intimidation, threats, coercion, or discrimination, including charges against an individual for Code of Student Conduct violations that do not involve sex discrimination or sexual harassment, but arise out of the same facts or circumstances as a report or complaint of sex discrimination, or a report or formal complaint of sexual harassment, for the purpose of interfering with any right or privilege secured by Title IX or this part, constitutes retaliation.
3. Schools are required to keep confidential the identity of the following individuals: any individual who makes a report or complaint of sex discrimination; any individual who makes a report or filed a formal complaint of sexual harassment; any complainant; any respondent; any individual reported to be the perpetrator of sex discrimination; and any witness. Disclosure of the aforementioned individuals may be permitted according to the FERPA or as required by law.
4. A Code of Student Conduct violation for making a materially false statement in bad faith during the course of the grievance process does not constitute retaliation. A determination regarding responsibility alone is insufficient to conclude that any party made a materially false statement in bad faith.

SECTION VI: PROCEDURES FOR DISCIPLINARY ACTION

Procedures for Felony Suspension

[Section 1006.09\(2\), Florida Statutes](#), allows the principal to suspend a student enrolled at his/her school who has been formally charged with a felony or similar offense by a prosecuting attorney and the incident for which he/she has been charged occurred off of Board property, and under circumstances in which the student would not already be subject to the rules and regulations of OCPS, and the incident would have an adverse impact on the educational program, discipline or welfare in the school in which the student is enrolled.

| FELONY SUSPENSION PROCEDURES | |
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| Step 1: | Determine that the student has actually been formally charged with a felony (or has been charged with an offense in juvenile court which, if the student were an adult, would be classified as a felony) by notifying an area administrator who will contact the State Attorney’s office for confirmation. |
| Step 2: | If the student attempts to return to school, the principal must decide whether the student’s return would have an adverse impact on the school. The principal should consider the possibility of harm to the accused student or to others created by the presence of the accused student in the school. Felony suspension should be used only when the principal identifies and documents a definite adverse impact on other students or on the accused student. In determining “adverse impact”, the principal should consider the nature of the alleged offense (e.g., a student charged with rape, robbery, murder, etc.). The principal should also consider the publicity of the offense or any other circumstances which might increase the possibility that the student’s presence would pose a threat to the students and staff and substantially disrupt the school. The principal should also consider whether the student’s continued attendance would pose a threat to the student charged with the felony. |
| Step 3: | The principal must contact the area administrator to schedule the hearing within ten (10) school days of receiving the notice of the felony charges against the student. A hearing is conducted by the principal/designee and area administrator in every felony suspension procedure. It is not necessary for the parent/guardian to request a hearing. |
| Step 4: | <p>If a felony suspension related to the documented adverse impact is imposed, the parent/guardian must be notified in writing of the following:</p> <ol style="list-style-type: none"> 1. Recommendation for suspension until the determination of student’s guilt or innocence, or dismissal of charges. 2. Specific charges against a student. 3. The date and time of a hearing with the area administrator. 4. Pending the hearing, the student is temporarily suspended. 5. If the hearing results in a felony suspension, the student will need to be temporarily placed at an alternative education site until the outcome of the felony charge has been determined. 6. Conditions under which a waiver of felony suspension may be granted in the case of unlawful use of an illegal controlled substance as provided in Section 1006.09(2)(b), Florida Statutes: <ol style="list-style-type: none"> a. If there is not an adverse impact on the school. b. If the student divulges information leading to the arrest and conviction of the person who supplied the controlled substance to him. c. If the student voluntarily discloses his/her unlawful possession of such controlled substances prior to his/her arrest. d. If the student commits himself/herself, or is referred by the court in lieu of sentence, to a state-licensed substance abuse program and successfully completes the program. |
| Step 5: | The hearing will be conducted by the area administrator and must be attended by the principal/designee, the student, the parent/guardian, and the student’s representative or counsel (if applicable). The student may speak in his/her own defense, may present any evidence indicating his or her eligibility for waiver of disciplinary action, and may be questioned on his/her testimony. However, the student shall not be threatened with punishment or later punished for refusal to testify. The person conducting the hearing is not bound by courtroom procedure or testimony and no transcript of the testimony shall be required. The purpose of the hearing is not to determine the student’s guilt or innocence of the felony. The purpose of the hearing is to determine whether knowledge of the offense with which the student has been charged would have an adverse impact on the educational program, discipline, or welfare of the school. |

FELONY SUSPENSION PROCEDURES

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| Step 6: | Following the hearing, the area administrator will provide the student and parent/guardian with a decision in writing as to whether or not the felony suspension will be made. In arriving at a decision, the area administrator will consider conditions under which a waiver may be granted and may grant a waiver when he/she determines such actions to be in the best interest of the school and student. The letter should also instruct the parent/guardian and student to provide documentation to the principal of the satisfactory resolution of the charges. The area administrator has the authority to modify the decision to either grant or deny a waiver at any time prior to adjudication of the student's guilt by a court. However, any modification that is adverse to the student shall be made only following a hearing conducted in accordance with the procedure described. |
| Step 7: | If the decision by the district is to impose the felony suspension, an area administrator will make arrangements to place the student in an alternative education setting. |
| Step 8: | If the charges are dropped (nolle prosequi) or the student is adjudicated not guilty or not delinquent by the court, the student may return to their zoned school upon presenting documentation of the court's decision. |
| Step 9: | If the student is adjudicated guilty or delinquent by the court, the area superintendent may provide a recommendation for expulsion to the Superintendent. The Superintendent shall review the recommendation and shall have the authority to recommend to the Board that the student be expelled through the normal expulsion procedure or assigned to an alternative program/school for one (1) year from the date of adjudication. |

Notice: [Section 1006.09, Florida Statutes](#), prohibits any student who commits, and is adjudicated guilty of or delinquent for, or is found to have committed, regardless of whether adjudication is withheld, or pleads guilty or nolo contendere, of any kind of the felony offenses specified by [Section 1006.13, Florida Statutes](#), [homicide, assault-battery-culpable negligence, kidnapping-luring or enticing-false imprisonment-custody offense, sexual battery, lewdness-indecent exposure, abuse, robbery, sudden snatching, carjacking, home invasion robbery] against another student from attending school with, or riding the same school bus as, the victim or any sibling of the victim, or if a "no contact" order is issued by the court and notification is reported by the Department of Juvenile Justice.

SECTION VI: PROCEDURES FOR DISCIPLINARY ACTION

Procedures for Early Re-entry of Fully Expelled Students

Following Board action to fully expel a student, the student shall not have the right to attend public schools (including virtual and charter schools) in Orange County, Florida, unless the Board, in its sole discretion and acting upon the recommendation of the Superintendent, revokes the existing expulsion based upon an early re-entry plan. A student who receives an early re-entry back to OCPS will attend an alternative placement site. Failure of the student to abide by an early re-entry plan may be grounds to reactivate the expulsion.

It is intended that the procedure to be followed in developing early re-entry plans shall be flexible but shall require a commitment on the part of the student and his/her parent/guardian to cooperate with school authorities in reasonably assuring that the behavior which led to the original expulsion will not recur.

Early re-entry plans are to be developed when appropriate, following the procedures described below.

| EARLY RE-ENTRY PROCEDURES | |
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| Step 1: | A request for an early re-entry plan may be made at the midpoint of the expulsion to the area superintendent. If a request for early re-entry is received, a review of the expulsion and other school records relating to the performance of the student will be made by the area superintendent/designee to determine the probability of success of an early re-entry. |
| Step 2: | <p>The following documents shall be required to determine eligibility for an early re-entry plan:</p> <ol style="list-style-type: none"> 1. Documentation of third party counseling relating to the offense; 2. Positive community service; 3. Minimum of 2.0 GPA for current course work; 4. Consistent attendance and no disciplinary behaviors at the student's current school of enrollment; 5. Review from OCPS Department of Student Services as to the student's well-being; 6. An indication from the parents/guardians that they understand and accept the conditions set forth in the re-entry plan; and 7. Other documentation as required by OCPS. |
| Step 3: | After review of this information, the area superintendent will consider the request. If the area superintendent does consider that an early re-entry would be in the best interest of the student and of the school system a meeting shall be held with the area superintendent/designee, area administrator, alternative placement site principal/designee, parent/guardian, and student to develop a written early re-entry plan which details the conditions for an alternative placement site. |
| Step 4: | Following completion of the re-entry plan, which is acceptable to the school administrator who will be responsible for supervision of the student, the plan shall be submitted to the Superintendent. |
| Step 5: | If the Superintendent approves the early re-entry of the student, he/she shall submit the recommendation to the Board. The parent/guardian will be notified of the action taken by the Board. |



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**Orange County
Public Schools**

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