

CODE OF STUDENT CONDUCT

FILE: JIC

TITLE: Code of Student Conduct

POLICY:

- (1) The School Board of Orange County, Florida ("Board") authorizes the establishment of the Orange County Public Schools ("OCPS") Code of Student Conduct for Elementary Schools and Secondary Schools, which is hereby incorporated by reference and made a part of this policy. The Code of Student Conduct and any revisions shall be approved and adopted by the Board. The Code of Student Conduct shall meet the following criteria:
 - (a) Be developed by Board members, district administrators, appropriate grade level teachers, school personnel, school administrators, students, and parent(s) or legal guardian(s) of students;
 - (b) State grounds for disciplinary action procedures and the rights of students;
 - (c) Be distributed to all teachers, school personnel, students, and parent(s) or legal guardian(s) of students at the beginning of each school year; and
 - (d) Be filed in the Superintendent's office.
- (2) The Code of Student Conduct 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.
- (3) Any Board decision which conflicts with provisions in the Code of Student Conduct shall prevail until the Code of Student Conduct is revised and subsequently adopted.

SPECIFIC AUTHORITY: Sections 1003.31; 1006.07, Florida Statutes

TITLE: Student Detention, Searches, and Seizures

POLICY:

The principal/designee or any other instructional staff employee may temporarily detain and question a student when circumstances indicate that such student has committed, is committing, or is about to commit a violation of Florida Statutes or Board policies.

- (1) If, at any time, reasonable suspicion arises that a student is unlawfully concealing any stolen or illegal property, an alcoholic beverage or liquor,

illegal drugs, or any weapon, a principal or instructional staff employee may temporarily detain such student without the use of physical force, and the principal/designee may search a detained student's locker for the purpose of disclosing the presence of items herein provided.

- (2) In the event that it is suspected that contraband is concealed upon the person of the student, the principal/designee shall request the voluntary surrender of the contraband. If the student refuses, the principal/designee may contact the student's parents/legal guardians and/or the appropriate law-enforcement officials. If the student refuses or is belligerent or violent in refusing to be searched, the student should be detained and the appropriate law-enforcement agency should be notified and requested to take appropriate action.
- (3) Items may be seized when a search of students or their lockers reveals stolen or illegal property or items prohibited by Florida Statutes or Board policies. Action taken against the student shall be pursuant to Florida Statutes and Board policies.
- (4) In any school where student lockers are provided, the principal/designee shall place a sign in a prominent location for students to read that contains the following information: "Student lockers and other student storage spaces provided by the district are property of the Orange County School Board and are subject to search by school authorities at anytime."
- (5) Student vehicles permitted on campus are also subject to search when there is reason to believe they contain contraband.
- (6) The provisions herein shall also apply to all OCPS school-sponsored events.

SPECIFIC AUTHORITY: Sections 1003.31; 1003.32; 1006.07; 1006.09, Florida Statutes

TITLE: Student Control and Supervision

POLICY:

Students enrolled in a district school operated by the Board shall be subject to Florida Statutes, State Board of Education Rules, and Board policies during the time they are attending school or a school-sponsored activity, are being transported to and from school at public expense, are on property owned or operated by the Board, or, when appropriate, any other jurisdictional area as permitted by Florida Statutes and/or State Board of Education Rules. The student shall be under the control and direction of the principal/designee, the teacher in charge of the class, any other instructional staff employee, or the bus driver, as assigned by the principal/designee.

- (1) The principal/designee shall see that students are properly supervised while at school and during any school-sponsored activity.

- (2) OCPS employees shall assume such authority for the control and supervision of students as may be assigned to them by the principal and shall maintain order in the classroom and in other places where they are in charge of students.
- (3) The Board may, by policy and regulations, subject students to the control and direction of the principal/designee during the time they are otherwise en route to or from school.
- (4) OCPS employees are not responsible for supervising students who arrive on school grounds more than thirty (30) minutes before school or thirty (30) minutes before a school-sponsored activity is scheduled to begin or students remaining on school grounds more than thirty (30) minutes after school or thirty (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.
- (5) Casual or incidental contact between OCPS employees and students on school grounds shall not result in a duty to supervise students. Parents/legal guardians should not rely on OCPS employees to provide supervision for their child outside of the above time period.

SPECIFIC AUTHORITY:

Sections 1003.31; 1003.32; 1006.07; 1006.09;
1006.10; 1006.147, Florida Statutes

TITLE:

Zero Tolerance for School-Related Violent Crime

POLICY:

- (1) It is essential that schools be safe and orderly to provide environments that foster learning; therefore, violent crime in schools will not be tolerated. In accordance with Section 1006.13, Florida Statutes, the Board shall:
 - (a) Report to the School Resource Officer (“SRO”) or a law enforcement agency any act that is a threat to school safety or any act that a reasonable person would believe to be a crime if the act occurs whenever or wherever students are within the jurisdiction of the Board. The reporting does not include petty acts of misconduct;
 - i. “Threat to school safety” is defined as any information, including posts on social media, which threatens the safety of any individual or school property which requires the school staff to consult with the SRO ;
 - ii. ”Petty acts of misconduct” are defined as those acts that do not pose a direct threat to the safety of students, staff, volunteers, or other persons, or a threat of harm to school district property. Such acts do not require consultation with law enforcement;

- (b) Minimize the victimization of students, employees, visitors, or volunteers, including taking all steps necessary to protect the victim of any violent crime from any further victimization;
 - (c) Provide each current OCPS student with the opportunity for a review of the disciplinary action imposed as outlined in the Code of Student Conduct Handbook; and
 - (d) Establish a threat assessment team who shall consult with law enforcement when a student exhibits a pattern of behavior, based upon previous acts or the severity of an act that would pose a threat to school safety.
- (2) Students found to have committed one of the following offenses shall be expelled, with or without continuing educational services, from the student's regular school for a period of not less than one (1) full year, and shall be referred to the criminal justice or juvenile justice system:
 - (a) Bringing to, possessing, using or being in control of a firearm or weapon, as defined in Chapter 790, Florida Statutes, at school, at any school function, or on any school-sponsored transportation; or
 - (b) Making a threat or false report, as defined by Sections 790.162 and 790.163, Florida Statutes, respectively, involving school or school employee's property, school transportation, or a school-sponsored activity.
- (3) Any disciplinary or prosecutorial action taken against a student who violates the zero-tolerance policy must be based on the particular circumstances of the student's misconduct.
- (4) Alternatives to expulsion or referral to law enforcement agencies shall be used unless there is a threat to school safety.
- (5) Students may be assigned to a disciplinary program for the purpose of continuing educational services during the period of expulsion. The Superintendent may consider the one (1) year expulsion requirement on a case-by-case basis and request the Board to modify the requirement by assigning the student to a disciplinary program or alternative program if the request for modification is in writing and it is determined to be in the best interest of the student and the district. If a student committing any of the above offenses is a student who has a disability, the Board shall comply with applicable state and federal rules and regulations.
- (6) Students may be referred to mental health services identified by the school district pursuant to Section 1012.584, Florida Statutes.
- (7) The Board shall enter into agreements with the county sheriff's office and local police departments specifying guidelines for ensuring that acts that pose a serious threat to school safety, whether committed by a student or adult, are reported to a law enforcement agency. The agreements shall

include the role of school resource officers, if applicable, in handling reported incidents, and a procedure requiring school personnel to consult with school resource officers concerning appropriate delinquent acts and crimes.

- (a) Mandatory reporting to a law enforcement agency does not include petty acts of misconduct as defined by the Board. However, if the student commits more than one misdemeanor, the threat assessment team shall consult with law enforcement to determine if the act should be officially reported to law enforcement.
- (8) School principals/designees shall notify all school employees as to their responsibilities regarding incident reporting, that acts which pose a threat to school safety and crimes are properly reported to the school principal/designee, and that the disposition of the incident is properly documented.
- (9) The Board shall adopt a cooperative agreement with the Department of Juvenile Justice which establishes guidelines for ensuring that any *no contact order* entered by a court is reported and enforced and that all of the necessary steps are taken to protect the victim of the offense.
- (10) Notwithstanding any provision of law prohibiting the disclosure of the identity of a minor, whenever a student 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 to, a felony violation of:
 - (a) Chapter 782, Florida Statutes, relating to homicide;
 - (b) Chapter 784, Florida Statutes, relating to assault, battery, and culpable negligence;
 - (c) Chapter 787, Florida Statutes, relating to kidnapping, false imprisonment, luring or enticing a child, and custody offenses;
 - (d) Chapter 794, Florida Statutes, relating to sexual battery;
 - (e) Chapter 800, Florida Statutes, relating to lewdness and indecent exposure;
 - (f) Chapter 827, Florida Statutes, relating to abuse of children;
 - (g) Section 812.13, Florida Statutes, relating to robbery;
 - (h) Section 812.131, Florida Statutes, relating to robbery by sudden snatching;
 - (i) Section 812.133, Florida Statutes, relating to carjacking; or
 - (j) Section 812.135, Florida Statutes, relating to home-invasion robbery,

and, before or at the time of such adjudication, withholding of adjudication, or plea, the offender is attending a school attended by the victim or a sibling of the victim of the offense, and the Department of Juvenile Justice has notified the Board of the adjudication or plea, and a written disposition order under Section 985.455(2), Florida Statutes, has been issued, the offender shall be permitted by the Board to attend another school within the district in which the offender resides, only if the other school is not attended by the victim or sibling of the victim of the offense. If the offender is unable to attend any other school in the district in which the offender resides, the Board shall take every reasonable precaution to keep the offender separated from the victim while on property owned or operated by the Board or on school transportation. The steps to be taken by the Board to keep the offender separated from the victim must include, but are not limited to, in-school suspension of the offender and the scheduling of classes, lunch, or other school activities of the victim and the offender so as not to coincide.

SPECIFIC AUTHORITY: Sections 985.455; 1003.31; 1003.32; 1006.07; 1006.09; 1006.10; 1006.13; 1012.584, Florida Statutes

TITLE: Disciplinary School Transfers

POLICY:

The Board must identify persistently dangerous schools and provide students in such schools the option of attending a safe school as well as provide students who are victims of certain crimes on school grounds the option of attending another safe school.

- (1) Whenever any student has been the victim of a felony violation or a violation that would be a felony if committed by an adult, pursuant to:
 - (a) Section 782.051, Florida Statutes, relating to attempted felony murder;
 - (b) Chapter 784, Florida Statutes, relating to assault, battery, stalking, and culpable negligence;
 - (c) Chapter 787, Florida Statutes, relating to kidnapping, false imprisonment, luring or enticing a child, and custody offenses;
 - (d) Chapter 794, Florida Statutes, relating to sexual battery;
 - (e) Chapter 800, Florida Statutes, relating to lewdness and indecent exposure;
 - (f) Chapter 827, Florida Statutes, relating to abuse of children;

- (g) Section 812.13, Florida Statutes, relating to robbery;
- (h) Section 812.131, Florida Statutes, relating to robbery by sudden snatching; or
- (i) Section 812.133, Florida Statutes, relating to carjacking,

and the crime was committed upon property owned or operated by the Board or on school transportation, the student upon whom the crime was committed shall be permitted, upon written request from the student's parent/legal guardian, or the student (if such student is an emancipated minor), to transfer to another school determined by the Board, if available. In order to be considered a violent criminal offense for the purposes of transferring to another school, it is necessary that the incident be reported to the appropriate law enforcement agency and formal charges must be filed. The parent/legal guardian of the victim or the victim (if an emancipated minor) of any such felony crime may invoke the transfer option once the state attorney files felony charges against the offender. Any transportation services for such students shall be provided in accordance with Board policies.

- (2) A public school in Florida shall receive a "persistently dangerous school" designation if, for three (3) consecutive years, each of the following conditions persists:

- (a) The school has a federal "Gun-Free Schools Act violation" which means a student who is determined to have brought a firearm to a school, or to have possessed a firearm at school based on the federal Gun-Free Schools Act; "Firearm" means handgun, rifle, shotgun, or other type of firearm (Section 921 of Title 18, United States Code); and
- (b) The school has expelled one percent (1%) or more of a student body that is greater than 500 students or five (5) students if the student body is 500 students or less, whichever number is higher, for incidents of crime and violence that are homicide, battery, sexual battery, and/or weapons possession related, as reported to the Florida Department of Education in the School Environmental Safety Incident Report (SESIR) and the student discipline/referral action data collection systems.

If a school meets the expulsion criterion, then it shall conduct anonymous school-wide climate surveys of students, parents, and school personnel. The Florida Department of Education shall determine the survey instruments to be used. If the majority (51%) of the respondents perceives the school to be unsafe as evidenced by the results of the surveys administered by the school district, then the school meets this criterion.

- (3) As it relates to Code of Student Conduct matters, students may be

transferred to a different school as determined by the Superintendent or designee.

SPECIFIC AUTHORITY: The Elementary and Secondary Education Act (ESEA) Reauthorization; Provision Related to School Safety Entitled the Unsafe School Choice Option (USCO), Title IX, Part E., Subpart 2, Section 9532 of Public Law 107-110)

Section 1001.41, Florida Statutes

TITLE: **External Electronic, Digital, or Telecommunications Devices: Personally-Owned Devices and OCPS Student Issued Devices**

POLICY:

- (1) Definitions. For purposes of this policy, the following definitions shall apply:
 - (a) “External electronic, digital, or telecommunications device” means any device that can: access the internet, access digital media, word process, electronically send, receive or capture text, audio, or images and/or electronically transmit text, audio, or images. In order for the device to be used for supplemental learning purposes, it must be able to access the internet wirelessly through a modern browser and contain a note-taking function/application.
 - (b) “Sexting” means sending, forwarding, displaying, viewing, retaining, storing or posting sexually explicit, lewd, indecent or pornographic photographs, images or messages by or on any external electronic, digital or telecommunications device during school hours or school activities on or off campus; while on school district property, 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.
 - (c) “Cyberbullying” means the act of using information and communication technologies such as, but not limited to, e-mail, cell phone, pager, text messaging, instant messaging (“IM”), blogging, social media, defamatory personal web sites and defamatory personal pooling web sites to support deliberate, repeated, and hostile behavior by an individual or group that is intended to threaten or harm others or which substantially disrupts or interferes with the operation of a school or an individual’s academic performance.
 - (d) “OCPS student issued device” means any electronic, digital, or telecommunications device that is issued by OCPS to an OCPS

student.

- (e) "Personally-owned device" means any electronic, digital, or telecommunications device that is not issued or owned by OCPS, but is owned by the student and/or his/her parent/guardian.

(2) The following shall apply to personally-owned devices while the student is on property owned or operated by the Board, at school-sponsored events, on school buses or in vehicles provided by the district, or any other jurisdictional area as permitted by Florida Statutes and/or State Board of Education Rules:

- (a) Students shall not use any personally-owned electronic, digital, or telecommunications device including, but not limited to, tablets, laptops, pagers, and cellular/smart phones, in a manner that poses a threat to academic integrity, disrupts the learning environment, or violates the privacy rights of others.

- i. The physical location or time of access of certain personally-owned electronic, digital, and/or telecommunication devices by a student cannot be raised as a defense in any disciplinary action initiated under this section.

- ii. Personally-owned electronic, digital, or telecommunications devices shall not be used in any location where a reasonable expectation of privacy is expected and/or where district security cameras are also prohibited including, but not limited to, restrooms, lockers rooms, changing rooms, and/or sleeping quarters.

- (b) Students in possession of personally-owned electronic, digital, and/or telecommunications devices shall observe the following conditions:

- i. Personally-owned electronic, digital, or telecommunications devices shall be turned on and operated for learning purposes only before, during, and after the school day. Students shall not be prohibited from using personally-owned devices for the purposes of supplementary learning. Using personally-owned devices for the purposes of supplementary learning can include, but is not limited to, accessing and using:

- ii. Adopted instructional digital materials;

- iii. Websites provided by the publisher of an adopted instructional material and/or other web material authorized by the instructor;

- iv. District provided student email accounts;

- v. District approved social media and/or online collaboration platforms;
 - vi. Wikis, blogs, and other similar tools;
 - vii. Formative assessment tools (i.e. polling); and/or
 - viii. Content production tools (i.e. digital portfolios, publishing, word processing, video editing, music production, podcasts).
- (c) The district shall not be responsible for texting and/or data usage fees incurred by personally-owned electronic, digital, or telecommunications devices for the use of supplementary learning.
 - (d) Students are responsible for personally-owned devices they bring to school. The district shall not be responsible for loss, theft, or destruction of devices brought onto school property, including the financial cost of replacing devices.
 - (e) In the event that a personally-owned device is used for supplementary learning, the district shall provide assistance, when requested, by: providing charging opportunities using the student provided charger and cord, turning the device on, and accessing the home page of the web browser. The district shall not be required to troubleshoot and/or modify devices not purchased by the district.
 - (f) Personally-owned digital, electronic, and/or telecommunication devices can be used if an emergency exists that involves imminent physical danger for communication outside the purpose of supplementary learning.
- (3) The following shall apply to personally-owned devices and OCPs student issued devices while the student is on property owned or operated by the Board, at school sponsored events, on school buses or in vehicles provided by the district, or any other jurisdictional area as permitted by Florida Statutes and/or State Board of Education Rules:
- (a) Students shall not send, share, view, or possess pictures, text messages, emails, or other material depicting sexually explicit content, in electronic or any other form on any personally-owned electronic, digital, or telecommunications device.
 - (b) By bringing external personally-owned electronic, digital, or telecommunications device to school or school-sponsored events, the student and parents/legal guardians consent to the search in accordance with the limitations imposed by state and federal law. A search of the device will only occur when school officials have a reasonable suspicion, based on objective and articulable facts, that such a search will reveal a violation of Board policy, OCPs Code of Student Conduct, or state or federal laws. The scope of the search

will be limited to the violation of which the student is accused. Regardless of consent, if a violation of state or federal law is suspected, the matter will be referred to law enforcement.

- (c) All OCPS student issued devices are subject to search at any time.
 - (d) Students who violate this policy will be subject to disciplinary action, including suspension or expulsion. The student may also lose the privilege of bringing a personally-owned device onto property owned or operated by the Board.
 - (e) An administrator or principal/designee may confiscate the OCPS student issued device or the personally-owned device, which shall only be returned to the student's parent/legal guardian. Content or images that violate criminal laws will be forwarded to law enforcement.
- (4) Any student, employee, parent/legal guardian or third party who has knowledge or engages in conduct in violation of this policy or any student who feels he/she has been a victim of cyber bullying, sexting, menacing, retaliation, or reprisal in violation of this policy shall immediately report the concerns to school officials.
- (a) The principal/designee shall be responsible for timely investigating a complaint made under this policy. The investigation, witness statements, and evidence shall be documented along with the outcome of the investigation.
 - (b) In the course of the investigation, the principal/designee and any investigating employees will not send, receive, or unnecessarily view or transmit sexting photographs or any other inappropriate images on either the district's or their personally-owned electronic devices. The examination or viewing of the evidence/information will be limited to the extent necessary to determine that misconduct occurred. Parents/legal guardians of all students identified in the report shall be notified of the investigation and informed of their students' involvement in the incident.
- (5) Students whose behavior violates this policy will be subject to discipline up to and including expulsion. Law enforcement will also be notified when conduct may violate criminal laws.

SPECIFIC AUTHORITY:

Section 1001.41; 1003.31; 1003.32; 1006.07;
1006.147, Florida Statutes

TITLE: Student Hazing

POLICY:

- (1) "Hazing" is defined as any action or situation that endangers the mental or physical health or safety of a student at a school with any grades 6 through 12 for purposes including, but not limited to, initiation or admission into or affiliation with any organization operating under the sanction of a school with any grades 6 through 12.
- (2) "Hazing" includes, but is not limited to:
 - (a) Pressuring or coercing the student into:
 - i. Violating State or Federal law;
 - ii. Consuming of any food, liquor, drug, or other substance; or
 - iii. Participating in physical activity that could adversely affect the physical health or safety of the student.
 - (b) Any brutality of a physical nature, such as whipping, beating, branding, exposure to the elements; and
 - (c) Any activity that would subject the student to extreme mental stress, such as sleep deprivation, forced exclusion from social contact, forced conduct that could result in extreme embarrassment, or other forced activity that could adversely affect the mental health or dignity of the student.
- (3) "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.
- (4) Permission, consent, or assumption of risk by an individual subjected to hazing shall not lessen the prohibitions contained in this policy.
- (5) Hazing activities of any kind are prohibited at any time on property owned or operated by the Board and off school property if the misconduct is connected to participation or membership of a club or organization of a school.
- (6) No administrator, faculty member, or other Board employee shall encourage, permit, authorize, condone, or tolerate any hazing activities.
- (7) No student shall plan, encourage, or engage in any hazing activity.
- (8) All Board employees shall be alert to possible situations, circumstances, or events that might include hazing.
- (9) If hazing or planned hazing is discovered, the students involved shall be ordered to end all hazing activities or planned activities immediately and shall be disciplined pursuant to the OCPS Code of Student Conduct.
- (10) Any student, employee, parent/guardian, or third party who has knowledge or engages in conduct in violation of this policy, or any student who feels

he/she has been a victim of hazing, shall immediately report the concerns to school officials.

- (a) The reporting of such an act may be done anonymously by:
 - i. Telling the school official the reporter wishes to remain anonymous;
 - ii. Sending an email to the school principal/district;
 - iii. Calling the school/district; or
 - iv. By using any other form of communication to inform the school of the alleged hazing.

(11) All hazing incidents reported to the school shall be reported immediately to the Superintendent or designee, and to appropriate the law enforcement agency. Each incident of hazing shall be reported in the school's safety and discipline report required under Section 1006.09, Florida Statutes. Any Board employee that fails to report hazing incidents, pursuant to this policy may be subject to disciplinary action up to and including termination.

(12) Anyone who is a victim or perpetrator of hazing will be referred to the school guidance counselor.

SPECIFIC AUTHORITY: Sections 1001.43; 1006.135, Florida Statutes

ADOPTED: 10/12/10
REVISED: 5/10/11; 1/28/14; 6/23/15; 6/13/17; 07/01/18; 6/12/18; 6/11/19; 7/30/19