

**POLICY 5006**  
**DISCIPLINE POLICY: SUSPENSION AND EXPULSION**  
**School Years 2021-2022 through 2023-2024**

**THE INTENT OF THIS POLICY IS TO PROVIDE FOR THE MAINTENANCE OF A SAFE, ORDERLY AND PEACEFUL EDUCATIONAL ENVIRONMENT FOR ALL STUDENTS AND TO ALIGN WITH ZERO-TOLERANCE LEGISLATION AND STATUTORY REQUIREMENTS.**

THIS POLICY, ITS RULES, AND PROCEDURES SHALL APPLY TO ALL ACTIVITIES OCCURRING ON SCHOOL GROUNDS, ON OTHER SITES BEING USED FOR SCHOOL ACTIVITIES, AND IN ANY VEHICLE AUTHORIZED FOR THE TRANSPORTING OF STUDENTS. FURTHER, THIS POLICY, ITS RULES AND PROCEDURES SHALL ALSO APPLY TO ALL SCHOOL-AUTHORIZED FUNCTIONS AND/OR ACTIVITIES, INCLUDING, BUT NOT LIMITED TO, FIELD TRIPS, ATHLETIC EVENTS, AND CLUB ACTIVITIES. THIS POLICY SHALL BE APPLIED EQUALLY TO ALL STUDENTS WITHOUT DISCRIMINATION BASED ON ECONOMIC STATUS, RACE, RELIGION, NATIONAL ORIGIN, SEXUAL ORIENTATION, ETHNICITY OR DISABILITY (FOR STUDENTS WITH DISABILITIES ELIGIBLE UNDER THE INDIVIDUALS WITH DISABILITIES EDUCATION ACT [IDEA] OR SECTION 504, THERE ARE ADDITIONAL RIGHTS THAT MUST BE APPLIED).

**ALL STUDENTS HAVE A RIGHT TO A HIGH-QUALITY EDUCATION. AS SUCH, SCHOOL DISCIPLINARY MEASURES SHOULD NOT BE USED TO EXCLUDE STUDENTS FROM SCHOOL OR OTHERWISE DEPRIVE THEM OF SUCH AN EDUCATION, UNLESS IT IS NECESSARY TO PRESERVE THE SAFETY OF STUDENTS AND STAFF.**

THE DISTRICT WILL MAKE EVERY REASONABLE EFFORT TO CORRECT STUDENT MISBEHAVIOR THROUGH SCHOOL-BASED RESOURCES AT THE LOWEST POSSIBLE LEVEL, AND TO SUPPORT STUDENTS IN LEARNING THE SKILLS NECESSARY TO ENHANCE A POSITIVE SCHOOL ENVIRONMENT AND AVOID NEGATIVE BEHAVIOR. THE VAST MAJORITY OF DISCIPLINARY ISSUES SHOULD BE ADDRESSED AT THE CLASSROOM LEVEL BY TEACHERS. IN ALL INSTANCES, SCHOOL DISCIPLINE SHOULD BE REASONABLE, TIMELY, FAIR, AGE-APPROPRIATE, AND SHOULD MATCH THE SEVERITY OF THE STUDENT'S MISBEHAVIOR. ANY DISCIPLINARY OR PROSECUTORIAL ACTION TAKEN AGAINST A STUDENT WHO VIOLATES THIS POLICY MUST BE BASED ON PARTICULAR CIRCUMSTANCES OF THE STUDENT'S MISCONDUCT.

PURSUANT TO F.S. §1003.31 AND F.S. §1006.08, STUDENTS WHO COMMIT VIOLENT OR DISRUPTIVE BEHAVIORS THAT MAY POSE A THREAT TO THE SAFETY OF SCHOOL STAFF OR STUDENTS SHALL BE ASSIGNED TO AN ALTERNATIVE EDUCATIONAL PROGRAM OR, PURSUANT TO F.S. §1006.07(7), REFERRED TO MENTAL HEALTH SERVICES IDENTIFIED BY THE SCHOOL DISTRICT. REFERRAL TO MENTAL HEALTH SERVICES SHALL BE IN CONSULTATION WITH THE THREAT ASSESSMENT TEAM.

THE DISCIPLINE MATRIX, ATTACHED AS APPENDIX A TO POLICY 5.8, CODE OF STUDENT CONDUCT, IS HEREBY INCORPORATED INTO AND MADE PART OF THIS POLICY. THE DISCIPLINE MATRIX SETS FORTH THE GUIDELINES FOR ASSIGNING CONSEQUENCES FOR VIOLATIONS OF SCHOOL BOARD POLICIES. **SCHOOL PRINCIPALS HAVE THE DISCRETION TO DEVIATE FROM THESE GUIDELINES BY ASSESSING AN APPROPRIATE CONSEQUENCE OTHER THAN STATED IN THE DISCIPLINE MATRIX IF HE OR SHE DETERMINES IN HIS OR HER SOLE DISCRETION THAT THERE ARE MITIGATING OR AGGRAVATING CIRCUMSTANCES. PRINCIPALS MAY DEVIATE BY ONE LEVEL WHEN APPLYING CONSEQUENCES PER THE DISCIPLINE MATRIX, EXCEPT FOR SUBSTANCE RELATED AND MANDATORY EXPULSION INCIDENTS.**

UNDER FLORIDA LAW, THE SUPERINTENDENT OF SCHOOLS/DESIGNEE AND THE SCHOOL BOARD SHALL HAVE THE AUTHORITY TO REMOVE FROM THE CLASSROOM, THE SCHOOL BUS AND THE SCHOOL CAMPUS DISOBEDIENT, DISRESPECTFUL, VIOLENT, ABUSIVE, UNCONTROLLABLE, OR DISRUPTIVE STUDENTS, IN SUPPORT OF THE AUTHORITY OF TEACHERS, SCHOOL BUS DRIVERS AND SCHOOL PRINCIPALS, AND TO PROVIDE FOR A PROPER PLACEMENT OF SUCH STUDENTS,

INCLUDING IN AN ALTERNATIVE SETTING, WHEN APPROPRIATE (F.S. §§1001.42, 1001.51(24), 1003.31, 1003.32 AND 1006.08).

**STUDENTS ELIGIBLE FOR PUBLIC-SUPPORTED EDUCATION IN THE BROWARD COUNTY PUBLIC SCHOOL SYSTEM SHALL NOT BE SUSPENDED OR EXPELLED FROM SCHOOL FOR DISCIPLINARY REASONS FOR ANY PERIOD UNLESS SUCH STUDENT IS PROVIDED AN OPPORTUNITY FOR A STUDENT CONFERENCE/HEARING PURSUANT TO RULES OF THE SCHOOL BOARD. STUDENTS WHO ARE IDEA AND SECTION 504 ELIGIBLE HAVE ADDITIONAL RIGHTS UNDER THE INDIVIDUALS WITH DISABILITIES EDUCATION ACT (IDEA) AND STATE BOARD RULE.**

**STUDENTS WITH DISABILITIES WHO ARE ELIGIBLE UNDER THE INDIVIDUALS WITH DISABILITIES EDUCATION ACT (IDEA) OR SECTION 504 OF THE REHABILITATION ACT OF 1973 (SECTION 504), HAVE ADDITIONAL RIGHTS UNDER IDEA OR SECTION 504 AND STATE BOARD RULE. THE STUDENT'S INDIVIDUAL EDUCATION PLAN OR 504 PLAN TEAM SHOULD CONVENE AS SOON AS POSSIBLE TO ADDRESS THE STUDENT'S PROGRAM AND DETERMINE APPROPRIATE ACTION, INCLUDING, BUT NOT LIMITED TO, CONDUCTING MANIFESTATION DETERMINATIONS, AS NECESSARY.**

ALL STEPS NECESSARY TO PROTECT THE VICTIM, OF ANY ACTS SET FORTH IN THIS POLICY, FROM FURTHER VICTIMIZATION WILL BE TAKEN. WITH INCIDENTS THAT REQUIRE MANDATORY EXPULSION (SEE SECTION V), OR INVOLVE SERIOUS, REPEATED ACTS OF BULLYING, SUCH ACTIONS MAY INCLUDE ASSIGNMENT OF THE STUDENT (PERPETRATOR) TO A DIFFERENT SCHOOL FROM THAT WHERE THE OFFENSE OCCURRED. ONLY THE SUPERINTENDENT/DESIGNEE/DESIGNATED COMMITTEE MAY ASSIGN A STUDENT TO ANOTHER SCHOOL AFTER COMPLETION OF THE MANDATORY REQUIREMENTS FOR EXPULSION ABEYANCE OR AFTER COMPLIANCE WITH THE BULLYING COMPLAINT PROCEDURES. SHOULD THE DISTRICT MAKE SUCH A REASSIGNMENT, TRANSPORTATION WILL BE PROVIDED BY THE DISTRICT. ALL "NO CONTACT ORDERS" ENTERED BY A COURT SHALL BE ENFORCED. TRANSPORTATION IS NOT PROVIDED BY THE DISTRICT WHEN THERE IS A COURT ORDER FOR NO CONTACT REQUIRING REASSIGNMENT OF THE STUDENT TO ANOTHER SCHOOL, UNLESS THERE IS TRANSPORTATION AVAILABLE AT NO ADDITIONAL COST TO THE DISTRICT.

**RULES, PROCEDURES AND DEFINITIONS RELATED TO DISCIPLINARY ACTION, SUSPENSION AND EXPULSION ARE ORGANIZED INTO THE FOLLOWING SECTIONS IN THE POLICY:**

- SECTION I** Offenses Leading to and Procedures for Disciplinary Action, including Suspension, Arrest, The Hope Scholarship Program, Zero Tolerance and PROMISE (Preventing Recidivism through Opportunities, Mentoring, Interventions, Supports and Education)
- SECTION II** Medications: Over the Counter Medication, Use, Possession, Sale, and/or Transmittal Leading to Suspension and Possible Expulsion
- SECTION III** Drug and Substance Abuse Offenses Leading to Suspension and Possible Expulsion (non-drug and non-substance abuse offenses)
- SECTION IV** Other Offenses Leading to and Procedures for Suspension and Possible Expulsion
- SECTION V** Mandatory Expulsion Offenses and Procedures
- SECTION VI** Reporting to Law Enforcement Requirements
- SECTION VII** Definitions

**SECTION I: OFFENSES LEADING TO AND PROCEDURES FOR DISCIPLINARY ACTION, INCLUDING SUSPENSION, ARREST AND PROMISE (PREVENTING RECIDIVISM THROUGH OPPORTUNITIES, MENTORING, INTERVENTIONS, SUPPORTS AND EDUCATION)**

**A. OFFENSES/UNACCEPTABLE BEHAVIOR**

A student shall be subject to disciplinary action and/or placement in an assigned School Board approved program as deemed appropriate by the principal/designee when the student commits such acts deemed as “petty acts of misconduct” (i.e., which are not a threat to school safety and do not require consultation with law enforcement (F.S. §1006.13(2)(c)), including, but are not limited to the following:

1. Willfully disobeys
2. Openly defies authority of a member of the staff
3. Uses profane or obscene language
4. Repeatedly exhibits behavior that interferes with the teacher’s ability to communicate effectively
5. Use, possession of tobacco/nicotine or tobacco/nicotine related products, e-cigarette, electronic nicotine delivery system, or similar on school property, school sponsored transportation, or during a school sponsored activity is prohibited

**B. PROCEDURES FOR DISCIPLINARY ACTION OTHER THAN OUT OF SCHOOL SUSPENSION**

For the commission of any of the above behaviors, principal or designee may implement any of the following disciplinary actions including, but not limited to:

1. Conference with the student and parent/guardian
2. Counseling
3. Detention
4. In-school suspension
5. Saturday school
6. Alternative to suspension, including PROMISE
7. Suspension from bus transportation, but not from school
8. Restorative Justice
9. Civil Citation

Where the use of any of these actions constitutes a change in placement for a student with a disability, the principal or designee must involve the IEP/504 Team in the placement determination.

## **C. THE HOPE SCHOLARSHIP PROGRAM**

Pursuant to F.S. §1002.40, the Hope Scholarship Program was established to provide the parent of a public school student who was subjected to a specific incident an opportunity to transfer the student to another public school or to request a scholarship for the student to enroll in and attend an eligible private school.

Beginning with the 2018-2019 school year, contingent upon available funds, and on a first come, first-served basis, a student enrolled in a Florida public school in kindergarten through grade 12 is eligible for a scholarship under this program if the student has been subjected to an incident of battery; harassment; hazing; bullying; kidnapping; physical attack; robbery; sexual offenses; sexual harassment; sexual assault; sexual battery; threat or intimidation; or fighting at school.

## **D. PROCEDURES FOR SUSPENSIONS FROM SCHOOL AND SCHOOL ACTIVITIES**

The principal or designee shall have the right to suspend a student from school and/or all school activities for a period of time up to ten (10) days. Students with disabilities (IDEA eligible and 504) cannot be suspended out of school for more than 10 school days in a school year without providing a free and appropriate public education (FAPE). All out-of-school suspensions shall include a provision for schoolwork to be completed (F.S. §1003.01(5)(a)).

School Board Policy 6000.1 provides the provision for make-up work related to suspension.

The following procedures shall be followed for all disciplinary actions:

### **1. Student Conference/Hearing – Due Process**

- a. The student shall be given an oral and/or written notice of the charge(s) against him/her, including the basis for the charge(s).
- b. If the student denies the charge(s), the student shall be given an explanation of the charges and an opportunity to respond.
- c. If a determination has been made that the student should be suspended, the principal/designee shall immediately attempt to contact the parent or guardian by phone and provide documentation of attempted notification.
- d. Notice of the suspension, using the district-approved suspension form, shall be sent within twenty-four (24) business hours from the suspension decision by US Mail or hand-delivered and via email, as necessary to the parent/guardian (F.S. §1006.09(1)(b)) or to the student, if the student is not a dependent (18 years or older) student as defined in the Internal Revenue Code §152 or has been emancipated per F.S. §743.015 or whose parent is unknown as per policy 5.5: Attendance.

### **2. Emergency Suspension**

If, in the opinion of the principal/designee, there is justifiable reason to believe that a student conference/hearing prior to suspension is not feasible because the student's presence at school poses a continuing danger or an ongoing threat of disruption to the orderly conduct of school, then the principal/designee may immediately suspend the student and subsequently conduct a student conference/hearing within 72 hours of the student's removal. In the case of a student with a disability, the IEP/504 Team should convene as soon as possible to address the student's program and to determine appropriate action.

### **3. Suspension from School Board Transportation**

The principal/designee shall have the right to suspend a student from bus transportation for recurring, unacceptable bus behavior. The suspension may be for a period of time up to ten consecutive school days. Any further exclusion from bus transportation beyond that described requires School Board approval. When determination has been made that the student will be suspended from bus transportation, the principal/designee shall immediately contact the parent or guardian and provide documentation of notification. In the case of a student with a disability where transportation is an IEP related service or 504 Plan accommodation for the student, suspension from the bus may constitute a change in placement and the student's IEP/504 Team will need to be involved if suspension from

the bus will total more than ten (10) school days in the school year.

#### **E. PROCEDURE FOR PARENT NOTIFICATION OF STUDENT ARREST WHILE AT SCHOOL OR PARTICIPATING IN A SCHOOL-SPONSORED ACTIVITY**

If the determination is made by law enforcement that a student is to be arrested while at school or participating in a school-sponsored activity, the principal/designee shall contact the parent by phone to provide notification without unnecessary delay. If unsuccessful, repeated attempts shall be made by phone, email or in writing. All attempted notifications, either successful or unsuccessful, shall be documented.

#### **F. ZERO TOLERANCE**

Pursuant to F.S. §1006.13, District school boards shall promote a safe and supportive learning environment in schools by protecting students and staff from conduct that poses a threat to school safety. A threat assessment 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. Zero-tolerance policies may not be rigorously applied to petty acts of misconduct. Zero-tolerance policies must apply equally to all students regardless of their economic status, race, or disability.

The threat assessment team shall consult with law enforcement when a student exhibits a pattern of behavior, based upon previous acts or the severity of an act, which would pose a threat to school safety. Refer to Policy 2130: Threat Assessment for more information related to threats.

Notwithstanding, any student who is attending a public school 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 to, a felony violation of as defined by F.S. §1006.13(6)(a) and, before or at the time of such adjudication, withholding of adjudication, or plea, the offender was attending a school attended by the victim or a sibling of the victim of the offense, the Department of Juvenile Justice shall notify the appropriate district school board of the adjudication or plea, the requirements in this paragraph, and whether the offender is prohibited from attending that school or riding on a school bus whenever the victim or a sibling of the victim is attending the same school or riding on the same school bus, except as provided pursuant to a written disposition order under §985.455(2). Upon receipt of such notice, the district school board shall take appropriate action.

#### **G. PREVENTING RECIDIVISM through OPPORTUNITIES, MENTORING, INTERVENTIONS, SUPPORTS and EDUCATION (PROMISE)**

PROMISE is an intervention-based program designed to correct student behaviors that violate this policy or Policy 5.8: Code of Student Conduct through a comprehensive set of supports and education. PROMISE is designed to address these policy violations that rise to the level of entrance into the delinquency system. The intent of PROMISE is to safeguard the student from entering the said system.

PROMISE is a mandatory program, which is eligible to students of at least 11 years of age and/or enrolled in a District 6-12 school program. PROMISE incidents for said students shall accrue through 12<sup>th</sup> grade with a maximum of three (3) referral assignments to the program.

*Note:*

- 1. The PROMISE program is not intended to limit the discretion of law enforcement.*
- 2. A student who has accrued three cumulative incidents from the list below shall be offered additional intervention support through a community youth program, and referred to the Behavior Intervention Committee, as appropriate.*

The list of PROMISE eligible incidents are outlined below.

1. Disruption on Campus-Major
2. Trespassing
3. Alcohol–Use/Possession
4. Alcohol Sale/Attempted Sale/Transmittal
5. Drug–Use/Possession
6. Drug Paraphernalia
7. Fighting-Mutual Combat
8. Larceny/Theft-Petty <\$750
9. Vandalism/Damage to Property <\$1,000

Although this policy (Policy 5006: Suspension and Expulsion) specifically outlines consequences for drug offenses by incident (i.e. first, second, third offense, etc.), the continuum of consequences for all PROMISE incidents are referenced in the Discipline Matrix (see Policy 5.8: Code of Student Conduct – Appendix A).

For PROMISE eligible incidents/violations: if the parent/student refuses the PROMISE program assignment as outlined in the Discipline Matrix, then the student shall be referred to the Juvenile Justice System of Care. The Juvenile Justice System of Care (JJSC) is an intervention created by an Interagency Agreement of which Broward County Public Schools is a party.

Should the parent/student still refuse to participate in the PROMISE program assignment as outlined in the Discipline Matrix, the child shall be referred to the State Attorney's Office.

When a parent/student accepts the PROMISE program assignment as outlined in the Discipline Matrix, but fails to fulfill the requirements of the program, the parent/student shall be referred to the Juvenile Justice System of Care. Should the parent/student still refuse to complete the program, the child shall be referred to the State Attorney's Office.

## **SECTION II: MEDICATIONS: USE, POSSESSION, SALE, AND/OR TRANSMITTAL LEADING TO SUSPENSION AND POSSIBLE EXPULSION**

For incidents within this category, accruals occur by school level (Grades K-2, 3-5, 6-8 and 9-12).

### **General Information - Violations of Policy 6305:**

- School Board Policy 6305, Administration of Medications/Treatments, provides the guidelines for the administration of medication and/or treatment for students receiving prescription and over-the-counter (OTC) medication.
- Prescription medication/treatment and over-the-counter medication require an Authorization for Medication/Treatment Form. The healthcare provider and parent/guardian must complete this form.
- Students with special health conditions, e.g., asthma, diabetes and hypersensitivity, regardless of grade, may carry medication on self, only if approved by their physician and noted on the Authorization for Medication/Treatment Form.

***Note: For Grades 9-12 only, self-carry and self-administration of selected over-the-counter (OTC) medication requires that an Authorization for Over-the-Counter (OTC) Medication with Parental Approval Form be completed and signed by the parent/guardian and student annually. Please refer to Policy 6305: Administration of Medications/Treatments for the list of approved self-carry and self-administration over-the-counter (OTC) medications.***

- All prescription medications and over-the-counter medications, excluding the select authorized OTC medications identified in Policy 6305: Administration of Medications/Treatments, must be transported to the school by the parent/guardian in the original sealed container along with the appropriate Authorization Form signed by the appropriate parties. Therefore, students are prohibited from possessing any medication while on school grounds, participating in school-sponsored activities, or on school

transportation without appropriate authorization.

- Students found to be in violation of School Board Policy 6305: Administration of Medications/Treatments shall be subject to the disciplinary action identified below.

**A. USE AND/OR POSSESSION OF UNAUTHORIZED OVER-THE-COUNTER MEDICATION IS PROHIBITED.**

**1. First and Second Offense Procedures:**

- Elementary students, (Grades K-5):** Upon committing the first or second offense, the substance shall be confiscated from the student. The student shall receive a verbal warning and the parent shall be notified. School administration shall inform the parent of procedures for dispensation of authorized medication.
- Secondary students (Grades 6-12):** Upon committing the first or second offense, the substance shall be confiscated from the student. The student shall receive a verbal warning and the parent shall be notified. School administration shall inform the parent of procedures for dispensation of authorized medication.

**2. Third and Subsequent Offenses Procedures:**

- Elementary students, (Grades K-5):** Upon committing the third and subsequent offense, the substance shall be confiscated from the student. The parent shall be notified, and the student shall be administered a consequence as outlined by the Discipline Matrix (see Policy 5.8: Code of Student Conduct – Appendix A).
- Secondary students (Grades 6-12):** Upon committing the third and subsequent offense, the substance shall be confiscated from the student. The parent shall be notified, and the student shall be administered a consequence as outlined by the Discipline Matrix (see Policy 5.8: Code of Student Conduct – Appendix A).

***Note: Use of over-the-counter medication in excess of the manufacturer's recommended dosage limits may be treated as a mood-altering substance and assigned a consequence under Section III of this policy.***

**B. SALE, ATTEMPTED SALE, AND/OR TRANSMITTAL OF OVER-THE-COUNTER MEDICATION IS PROHIBITED.**

**1. First Offense Procedures:**

- Elementary students, (Grades K-5):** Upon committing the first offense, the substance shall be confiscated from the student. The parent shall be notified, and the student shall receive a consequence as outlined by the Discipline Matrix (see Policy 5.8: Code of Student Conduct – Appendix A).
- Secondary students (Grades 6-12):** Upon committing the first offense, the substance shall be confiscated from the student. The parent shall be notified, and the student shall receive a consequence as outlined by the Discipline Matrix (see Policy 5.8: Code of Student Conduct – Appendix A).

**2. Second Offense Procedures:**

- Elementary students, (Grades K-5):** Upon committing the second offense, the substance shall be confiscated from the student. The parent shall be notified, the student shall be referred to the School Counselor and the student shall receive a consequence as outlined by the Discipline Matrix (see Policy 5.8: Code of Student Conduct – Appendix A).
- Secondary students (Grades 6-12):** Upon committing the second offense, the substance shall be confiscated from the student. The parent shall be notified, the student shall be referred to the School Counselor and the student shall receive a consequence as outlined by the Discipline Matrix (see Policy 5.8: Code of Student Conduct – Appendix A).

**3. Third and Subsequent Offense Procedures:**

- a. Elementary students, (Grades K-5):** Upon committing the third and subsequent offense, the substance shall be confiscated from the student. The parent shall be notified, the student shall be referred to the School Counselor and the student shall receive a consequence as outlined by the Discipline Matrix (see Policy 5.8: Code of Student Conduct – Appendix A).
  
- b. Secondary students (Grades 6-12):** Upon committing the third and subsequent offense, the substance shall be confiscated from the student. The parent shall be notified, the student shall be referred to the District substance abuse case manager and the student shall receive a consequence as outlined by the Discipline Matrix (see Policy 5.8: Code of Student Conduct – Appendix A).

**SECTION III: DRUG AND SUBSTANCE ABUSE OFFENSES LEADING TO SUSPENSION AND POSSIBLE EXPULSION OR MANDATORY EXPULSION**

For incidents within this category, accruals occur by school level (Grades K-2, 3-5, 6-8 and 9-12) and require reporting per the School Environmental Safety Incident Reporting (SESIR) guidelines to the Florida Department of Education.

**General Information:**

- Each principal shall post, in a place readily seen by students, a notice stating that a student's locker or other storage area may be subject to search based upon reasonable suspicion of possession of prohibited, unauthorized, or illegal materials/objects or substance and may also result in a search of person, possessions, locker and/or vehicle (F.S. §1006.09(9)).
- School personnel shall report to the principal/designee the suspected unlawful use, possession, transmittal, sale or attempted sale by a student of any drugs, tobacco or tobacco related products, nicotine, e-cigarette, vapor devices or similar, over-the-counter or prescription substances, including any alcoholic beverage or inhalant, and shall be exempt from civil liability when making such reports.
- If a student has been suspended or expelled for a prior drug offense by any in-state or out-of-state public, private, charter or research school, then the disposition of this offense shall constitute a second offense and the procedures for second offenses shall apply.
- Pursuant to F.S. §1006.07(7)(e), if an immediate mental health or substance abuse crisis is suspected, school personnel shall follow policies established by the threat assessment team to engage behavioral health crisis resources.
- In the case of a potential change of placement for a student with a disability, the current school's IEP/504 Team must convene as soon as possible and determine appropriate action.

**USE, POSSESSION, SALE, AND/OR TRANSMITTAL OF TOBACCO, TOBACCO PRODUCTS, NICOTINE, E-CIGARETTES, VAPOR DEVICES AND/OR COMPONENTS OF E-CIGARETTES, VAPOR DEVICES OR SIMILAR**

Use, possession, sale, and/or transmittal of tobacco, tobacco products, nicotine, e-cigarette, vapor devices and/or components of vapor devices or similar are prohibited.

**A. USE, POSSESSION, SALE, AND/OR TRANSMITTAL OF TOBACCO AND/OR TOBACCO PRODUCTS**

**1. First Offense Procedures:**

- a. Elementary students, (Grades K-5):** The student shall be issued a one (1) day detention and be referred to the School Counselor.
  
- b. Secondary students, (Grades 6-12):** The student shall be issued a one to two (1-2) day in-school suspension and be referred to a school-based intervention support person assigned by the principal/designee.

**2. Second and Subsequent Offense Procedures:**

- a. Elementary students, (Grades K-5):** The student shall be issued a one to two (1-2) day in-school



suspension and be referred to the District substance abuse case manager.

- b. **Secondary students, (Grades 6-12):** The student shall be issued a three to five (3-5) day in-school suspension and be referred to the District substance abuse case manager.

**B. USE, POSSESSION, SALE, AND/OR TRANSMITTAL OF NICOTINE, E-CIGARETTES, VAPOR DEVICES AND/OR COMPONENTS OF E-CIGARETTES, VAPOR DEVICES OR SIMILAR**

This section also prohibits and is applicable to any electronic nicotine delivery system/vapor device accessory or clothing.

**1. First Offense Procedures:**

- a. **Elementary students, (Grades K-5):** The student shall be issued a one (1) day detention and be referred to the School Counselor.

- b. **Secondary students, (Grades 6-12):** The student shall be issued a one to two (1-2) day in-school suspension, complete e-cigarette intervention assignments and be referred to a school-based intervention support person assigned by the principal/designee.

**2. Second Offense Procedures:**

- a. **Elementary students, (Grades K-5):** The student shall be issued a one to two (1-2) day in-school suspension and be referred to the District substance abuse case manager.

- b. **Secondary students, (Grades 6-12):** The student shall be suspended from the regular school program for six (6) days and referred to the District substance abuse case manager who shall refer the student to an appropriate treatment program. Three (3) days of the suspension shall be waived if the student attends the assigned Alternative to External Suspension (AES) program and completes the prescribed e-cigarette intervention assignments within the first three (3) days. If the student is unsuccessful in completing the prescribed e-cigarette intervention assignments within the first three (3) days, then the student shall continue to attend the AES program for the remaining three (3) days of the six (6) day suspension assignment.

**3. Third Offense Procedures:**

- a. **Elementary students, (Grades K-5):** The student shall be issued a one to two (1-2) day in-school suspension and be referred to the District substance abuse case manager.

- b. **Secondary students, (Grades 6-12):** The student shall be suspended from the regular school program for ten (10) days and recommended for expulsion. The student shall be placed on a Probationary Substance Contract in lieu of an expulsion abeyance program. The Expulsion Abeyance Program will not be required if the student successfully completes the requirements of the Probationary Substance Contract while at a regular school program. The District substance abuse case manager shall monitor/verify that the student remains in compliance with the terms of the Probationary Substance Contract.

If the student violates the terms of the Probationary Substance Contract then the student shall be placed in an expulsion abeyance program, with Substance Workback, for a period of one (1) calendar year commencing with the date of the offense. The expulsion shall be held in abeyance if the student completes the District approved treatment program with a certified addiction professional. The student may return to a regular school program upon successful completion of the prescribed treatment program. The District substance abuse case manager shall monitor/verify that the student has completed the prescribed program. If the student fails to complete the prescribed program, the full term of the expulsion abeyance program shall be implemented.

**4. Fourth and Subsequent Offense Procedures:**

- a. **Elementary students, (Grades K-5):** The student shall be issued a one to two (1-2) day in-school suspension and be referred to the District substance abuse case manager.
- b. **Secondary students, (Grades 6-12):** The student shall be suspended from the regular school program for ten (10) days and expulsion shall be mandatory. The student shall be placed in the Expulsion Abeyance Program for a period of one (1) calendar year commencing with the date of the offense, with Substance Workback. The expulsion shall be held in abeyance if the student completes the District approved treatment program with a certified addiction professional. The District substance abuse case manager shall monitor/verify that the student has completed the prescribed program. The student may return to a regular school program upon successful completion of the prescribed rehabilitation or treatment program.

**Note: Substances/drugs deemed illegal under Chapter 893, are drugs or controlled substances that constitute a felony under Florida statute. This includes types of cannabis, including, but not limited to, marijuana and hemp, and derivatives of such, including, but not limited to THC and CBD products. Refer to consequences for Unauthorized Substances for drugs and/or Drug Paraphernalia for any electronic nicotine delivery system/vapor device which is used with a drug as outlined by Chapter 893.**

**C. USE AND/OR POSSESSION OF LEAF MARIJUANA (LESS THAN 20 GRAMS), ALCOHOL, AND/OR OTHER MOOD-ALTERING SUBSTANCES**

Use and/or possession of leaf marijuana (less than 20g), alcohol/alcoholic beverages, and/or other mood-altering substances are prohibited.

**1. First Offense Procedures:**

- a. **Elementary students, (Grades K-5):** The student shall be suspended from the regular school program for four (4) days and referred to the District substance abuse case manager who shall refer the student to an appropriate counseling program. Two (2) days of the suspension shall be waived if the student attends a counseling program as authorized by the District substance abuse case manager. If the student does not complete the recommended counseling program, the remaining days of the initial four (4) day suspension shall be imposed.
- b. **Secondary students, (Grades 6-12):** The student shall be suspended from the regular school program for six (6) days and referred to the District substance abuse case manager who shall refer the student to an appropriate counseling program. Three (3) days of the suspension shall be waived if the student attends a counseling program as authorized by the District substance abuse case manager. If the student does not complete the recommended counseling program, the remaining days of the initial six (6) day suspension shall be imposed.

**2. Second Offense Procedures:**

- a. **Elementary students, (Grades K-5):** The student shall be suspended from the regular school program for ten (10) days and referred for the Behavior Intervention Program via the Expulsion Abeyance Office. The student shall be placed on a Probationary Substance Contract in lieu of the Behavior Intervention Program Assignment via the Expulsion Abeyance Office. The Behavior Intervention Program via the Expulsion Abeyance Office will not be required if the student successfully completes the requirements of the Probationary Substance Contract while at a regular school program. The District substance abuse case manager shall monitor/verify that the student remains in compliance with the terms of the Probationary Substance Contract.

If the student violates the terms of the Probationary Substance Contract then the student shall be placed in a Behavior Intervention Program via the Expulsion Abeyance Office, with Substance Workback, for a period of one (1) calendar year commencing with the date of the offense. The student shall complete the state-certified drug/alcohol rehabilitation or treatment program with a certified addiction professional. The student may return to a regular school program upon successful completion of the prescribed rehabilitation or treatment program. The District substance abuse case

manager shall monitor/verify that the student has completed the program. If the student fails to complete the state-certified drug/alcohol rehabilitation or treatment program, the full term of the Behavior Intervention Program Assignment shall be implemented.

- b. **Secondary students, (Grades 6-12):** The student shall be suspended from the regular school program for ten (10) days and recommended for expulsion. The student shall be placed on a Probationary Substance Contract in lieu of an expulsion abeyance program. The Expulsion Abeyance Program will not be required if the student successfully completes the requirements of the Probationary Substance Contract while at a regular school program. The District substance abuse case manager shall monitor/verify that the student remains in compliance with the terms of the Probationary Substance Contract.

If the student violates the terms of the Probationary Substance Contract then the student shall be placed in an expulsion abeyance program, with Substance Workback, for a period of one (1) calendar year commencing with the date of the offense. The expulsion shall be held in abeyance if the student completes the state-certified drug/alcohol rehabilitation or treatment program with a certified addiction professional. The student may return to a regular school program upon successful completion of the prescribed rehabilitation or treatment program. The District substance abuse case manager shall monitor/verify that the student has completed the prescribed program. If the student fails to complete the state-certified drug/alcohol rehabilitation or treatment program, the full term of the expulsion abeyance program shall be implemented.

**3. Third and Subsequent Offenses Procedures:**

- a. **Elementary students, (Grades K-5):** The student shall be suspended from the regular school program for ten (10) days and recommended for the Behavior Intervention Program via the Expulsion Abeyance Office, for a period of one (1) calendar year commencing with the date of the offense, (F.S. §1006.09(3)), with Substance Workback. The student shall complete the District approved or state-certified drug/alcohol rehabilitation or treatment program with a certified addiction professional. The District substance abuse case manager shall monitor/verify that the student has completed the program. The student may return to a regular school program upon successful completion of the prescribed rehabilitation or treatment program.
- b. **Secondary students, (Grades 6-12):** The student shall be suspended from the regular school program for ten (10) days and expulsion shall be mandatory (F.S. §1006.09(3)). The student shall be placed in the Expulsion Abeyance Program for a period of one (1) calendar year commencing with the date of the offense, with Substance Workback. The expulsion shall be held in abeyance if the student completes the District approved or state-certified drug/alcohol rehabilitation or treatment program with a certified addiction professional. The District substance abuse case manager shall monitor/verify that the student has completed the program. The student may return to a regular school program upon successful completion of the prescribed rehabilitation or treatment program.

**D. BEING UNDER THE INFLUENCE OF LEAF MARIJUANA, ALCOHOL, AND/OR OTHER MOOD-ALTERING SUBSTANCES**

Being under the influence of leaf marijuana, alcohol/alcoholic beverages, and/or other mood-altering substances, are prohibited.

**1. First Offense Procedures:**

- a. **Elementary students, (Grades K-5):** The student shall be suspended from the regular school program for four (4) days and referred to the District substance abuse case manager who shall refer the student to an appropriate counseling program. Two (2) days of the suspension shall be waived if the student attends a counseling program as authorized by the District substance abuse case manager. If the student does not complete the recommended counseling program, the remaining days of the initial four (4) day suspension shall be imposed.

- b. **Secondary students, (Grades 6-12):** The student shall be suspended from the regular school program for six (6) days and referred to the District substance abuse case manager who shall refer the student to an appropriate counseling program. Three (3) days of the suspension shall be waived if the student attends a counseling program as authorized by the District substance abuse case manager. If the student does not complete the recommended counseling program, the remaining days of the initial six (6) day suspension shall be imposed.

**2. Second Offense Procedures:**

- a. **Elementary students, (Grades K-5):** The student shall be suspended from the regular school program for ten (10) days and referred for the Behavior Intervention Program via the Expulsion Abeyance Office. The student shall be placed on a Probationary Substance Contract in lieu of the Behavior Intervention Program Assignment via the Expulsion Abeyance Office. The Behavior Intervention Program via the Expulsion Abeyance Office will not be required if the student successfully completes the requirements of the Probationary Substance Contract while at a regular school program. The District substance abuse case manager shall monitor/verify that the student remains in compliance with the terms of the Probationary Substance Contract.

If the student violates the terms of the Probationary Substance Contract then the student shall be placed in a Behavior Intervention Program via the Expulsion Abeyance Office, with Substance Workback, for a period of one (1) calendar year commencing with the date of the offense. The student shall complete the state-certified drug/alcohol rehabilitation or treatment program with a certified addiction professional. The student may return to a regular school program upon successful completion of the prescribed rehabilitation or treatment program. The District substance abuse case manager shall monitor/verify that the student has completed the program. If the student fails to complete the state-certified drug/alcohol rehabilitation or treatment program, the full term of the Behavior Intervention Program Assignment shall be implemented.

- b. **Secondary students, (Grades 6-12):** The student shall be suspended from the regular school program for ten (10) days and expulsion shall be mandatory. The student shall be placed on a Probationary Substance Contract in lieu of an expulsion abeyance program. The Expulsion Abeyance Program will not be required if the student successfully completes the requirements of the Probationary Substance Contract while at a regular school program. The District substance abuse case manager shall monitor/verify that the student remains in compliance with the terms of the Probationary Substance Contract.

If the student violates the terms of the Probationary Substance Contract then the student shall be placed in an expulsion abeyance program, with Substance Workback, for a period of one (1) calendar year commencing with the date of the offense. The expulsion shall be held in abeyance if the student completes the state-certified drug/alcohol rehabilitation or treatment program with a certified addiction professional. The student may return to a regular school program upon successful completion of the prescribed rehabilitation or treatment program. The District substance abuse case manager shall monitor/verify that the student has completed the prescribed program. If the student fails to complete the state-certified drug/alcohol rehabilitation or treatment program, the full term of the expulsion abeyance program shall be implemented.

**3. Third and Subsequent Offenses Procedures:**

- a. **Elementary students, (Grades K-5):** The student shall be suspended from the regular school program for ten (10) days and recommended for the Behavior Intervention Program via the Expulsion Abeyance Office, for a period of one (1) calendar year commencing with the date of the offense, (F.S. §1006.09(3)), with Substance Workback. The student shall complete the District approved or state-certified drug/alcohol rehabilitation or treatment program with a certified addiction professional. The District substance abuse case manager shall monitor/verify that the student has completed the program. The student may return to a regular school program upon successful completion of the prescribed rehabilitation or treatment program.

- b. **Secondary students, (Grades 6-12):** The student shall be suspended from the regular school program for ten (10) days and expulsion shall be mandatory (F.S. §1006.09(3)). The student shall be placed in the Expulsion Abeyance Program for a period of one (1) calendar year commencing with the date of the offense, with Substance Workback. The expulsion shall be held in abeyance if the student completes the District approved or state-certified drug/alcohol rehabilitation or treatment program with a certified addiction professional. The District substance abuse case manager shall monitor/verify that the student has completed the program. The student may return to a regular school program upon successful completion of the prescribed rehabilitation or treatment program.

#### **E. USE/POSSESSION/SALE/ATTEMPTED SALE/TRANSMITTAL OF DRUG PARAPHERNALIA**

This incident is in alignment with Chapter 893.147 and is also applicable to electronic nicotine delivery systems/vapor devices which are used with a drug as outlined by Chapter 893.

##### **1. First and Second Offense Procedures:**

- a. **Elementary students, (Grades K-5):** The student shall be suspended from the regular school program for four (4) days and referred to the District substance abuse case manager who shall refer the student to an appropriate counseling program. Two (2) days of the suspension shall be waived if the student attends a counseling program as authorized by the District substance abuse case manager. If the student does not complete the recommended counseling program, the remaining days of the initial four (4) day suspension shall be imposed.
- b. **Secondary students, (Grades 6-12):** The student shall be suspended from the regular school program for six (6) days and referred to the District substance abuse case manager who shall refer the student to an appropriate counseling program. Three (3) days of the suspension shall be waived if the student attends a counseling program as authorized by the District substance abuse case manager. If the student does not complete the recommended counseling program, the remaining days of the initial six (6) day suspension shall be imposed.

##### **2. Third Offense Procedures:**

- a. **Elementary students, (Grades K-5):** The student shall be suspended from the regular school program for ten (10) days and referred for the Behavior Intervention Program via the Expulsion Abeyance Office. The student shall be placed on a Probationary Substance Contract in lieu of the Behavior Intervention Program Assignment via the Expulsion Abeyance Office. The Behavior Intervention Program via the Expulsion Abeyance Office will not be required if the student successfully completes the requirements of the Probationary Substance Contract while at a regular school program. The District substance abuse case manager shall monitor/verify that the student remains in compliance with the terms of the Probationary Substance Contract.

If the student violates the terms of the Probationary Substance Contract then the student shall be placed in a Behavior Intervention Program via the Expulsion Abeyance Office, with Substance Workback, for a period of one (1) calendar year commencing with the date of the offense. The student shall complete the state-certified drug/alcohol rehabilitation or treatment program with a certified addiction professional. The student may return to a regular school program upon successful completion of the prescribed rehabilitation or treatment program. The District substance abuse case manager shall monitor/verify that the student has completed the program. If the student fails to complete the state-certified drug/alcohol rehabilitation or treatment program, the full term of the Behavior Intervention Program Assignment shall be implemented.

- b. **Secondary students, (Grades 6-12):** The student shall be suspended from the regular school program for ten (10) days and recommended for expulsion. The student shall be placed on a Probationary Substance Contract in lieu of an expulsion abeyance program. The Expulsion Abeyance Program will not be required if the student successfully completes the requirements of the

Probationary Substance Contract while at a regular school program. The District substance abuse case manager shall monitor/verify that the student remains in compliance with the terms of the Probationary Substance Contract.

If the student violates the terms of the Probationary Substance Contract then the student shall be placed in an expulsion abeyance program, with Substance Workback, for a period of one (1) calendar year commencing with the date of the offense. The expulsion shall be held in abeyance if the student completes the state-certified drug/alcohol rehabilitation or treatment program with a certified addiction professional. The student may return to a regular school program upon successful completion of the prescribed rehabilitation or treatment program. The District substance abuse case manager shall monitor/verify that the student has completed the prescribed program. If the student fails to complete the state-certified drug/alcohol rehabilitation or treatment program, the full term of the expulsion abeyance program shall be implemented.

### **3. Fourth and Subsequent Offense Procedures:**

- a. Elementary students, (Grades K-5):** The student shall be suspended from the regular school program for ten (10) days and recommended for the Behavior Intervention Program via the Expulsion Abeyance Office, for a period of one (1) calendar year commencing with the date of the offense, with Substance Workback. The student shall complete the District approved or state-certified drug/alcohol rehabilitation or treatment program with a certified addiction professional. The District substance abuse case manager shall monitor/verify that the student has completed the program. The student may return to a regular school program upon successful completion of the prescribed rehabilitation or treatment program.
- b. Secondary students, (Grades 6-12):** The student shall be suspended from the regular school program for ten (10) days and recommended for expulsion. The student shall be placed in the Expulsion Abeyance Program for a period of one (1) calendar year commencing with the date of the offense, with Substance Workback. The expulsion shall be held in abeyance if the student completes the District approved or state-certified drug/alcohol rehabilitation or treatment program with a certified addiction professional. The District substance abuse case manager shall monitor/verify that the student has completed the program. The student may return to a regular school program upon successful completion of the prescribed rehabilitation or treatment program.

### **F. USE/POSSESSION OF UNAUTHORIZED SUBSTANCES ARE PROHIBITED**

For the purposes of this policy, unauthorized substances refers to prescription medication not prescribed for the student who is in possession of the medication, or any prescription medication not authorized by Policy 6305, substances/drugs deemed illegal under Chapter 893, are drugs or controlled substances that constitute a felony under Florida statute, are types of cannabis, including, but not limited to, marijuana and hemp, and derivatives of such, including, but not limited to THC and CBD products.

***Note: Students violating Policy 6305: Administration of Medications/Treatments, by possessing or using their own prescription medication, as governed by this policy, and is in violation of Policy 6305, on school grounds, on school transportation, or at a school-sponsored activity, shall be issued a 10-day suspension. However, upon verification of prescription by the school principal/administrative designee, the recommendation for expulsion may be withheld by the school.***

***Students violating Policy 6305.1: Medical Marijuana/Low THC Cannabis Use to Qualified Students in Schools, by possessing or using their own substance as governed by this policy, in violation of Policy 6305.1, on school grounds or at a school-sponsored activity, shall be issued a 10-day suspension. However, upon verification of prescription by the school principal/administrative designee, the recommendation for expulsion may be withheld by the school.***



**1. First Offense Procedures:**

- a. Elementary students, (Grades K-5):** The student shall be suspended from the regular school program for ten (10) days and referred for the Behavior Intervention Program via the Expulsion Abeyance Office. The student shall be placed on a Probationary Substance Contract in lieu of the Behavior Intervention Program Assignment via the Expulsion Abeyance Office. The Behavior Intervention Program via the Expulsion Abeyance Office will not be required if the student successfully completes the requirements of the Probationary Substance Contract while at a regular school program. The District substance abuse case manager shall monitor/verify that the student remains in compliance with the terms of the Probationary Substance Contract.

If the student violates the terms of the Probationary Substance Contract then the student shall be placed in a Behavior Intervention Program via the Expulsion Abeyance Office, with Substance Workback, for a period of one (1) calendar year commencing with the date of the offense. The student shall complete the state-certified drug/alcohol rehabilitation or treatment program with a certified addiction professional. The student may return to a regular school program upon successful completion of the prescribed rehabilitation or treatment program. The District substance abuse case manager shall monitor/verify that the student has completed the program. If the student fails to complete the state-certified drug/alcohol rehabilitation or treatment program, the full term of the Behavior Intervention Program Assignment shall be implemented.

- b. Secondary students, (Grades 6-12):** The student shall be suspended from the regular school program for ten (10) days and recommended for expulsion. The student shall be placed on a Probationary Substance Contract in lieu of an expulsion abeyance program. The Expulsion Abeyance Program will not be required if the student successfully completes the requirements of the Probationary Substance Contract while at a regular school program. The District substance abuse case manager shall monitor/verify that the student remains in compliance with the terms of the Probationary Substance Contract.

If the student violates the terms of the Probationary Substance Contract then the student shall be placed in an expulsion abeyance program, with Substance Workback, for a period of one (1) calendar year commencing with the date of the offense. The expulsion shall be held in abeyance if the student completes the state-certified drug/alcohol rehabilitation or treatment program with a certified addiction professional. The student may return to a regular school program upon successful completion of the prescribed rehabilitation or treatment program. The District substance abuse case manager shall monitor/verify that the student has completed the prescribed program. If the student fails to complete the state-certified drug/alcohol rehabilitation or treatment program, the full term of the expulsion abeyance program shall be implemented.

**2. Second and Subsequent Offense Procedures:**

- a. Elementary students, (Grades K-5):** The student shall be suspended from the regular school program for ten (10) days and recommended for the Behavior Intervention Program via the Expulsion Abeyance Office, for a period of one (1) calendar year commencing with the date of the offense, with Substance Workback. The student shall complete the District approved or state-certified drug rehabilitation or treatment program with a certified addiction professional. The District substance abuse case manager shall monitor/verify that the student has completed the program. The student may return to a regular school program upon successful completion of the prescribed rehabilitation or treatment program.

- b. Secondary students, (Grades 6-12):** The student shall be suspended from the regular school program for ten (10) days and expulsion shall be mandatory. The student shall be placed in the Expulsion Abeyance Program for a period of one (1) calendar year commencing with the date of the offense, with Substance Workback. The student shall complete the District approved or state-certified drug rehabilitation or treatment program with a certified addiction professional. The District substance abuse case manager shall monitor/verify that the student has completed the program.

## **G. BEING UNDER THE INFLUENCE OF UNAUTHORIZED SUBSTANCES ARE PROHIBITED**

For the purposes of this policy, unauthorized substances refers to prescription medication not prescribed for the student who is in possession of the medication, or any prescription medication not authorized by Policy 6305, substances/drugs deemed illegal under Chapter 893, are drugs or controlled substances that constitute a felony under Florida statute, are types of cannabis , including, but not limited to, marijuana and hemp, and derivatives of such, including, but not limited to THC and CBD products.

### **1. First Offense Procedures:**

- a. Elementary students, (Grades K-5):** The student shall be suspended from the regular school program for ten (10) days and referred to the District substance abuse case manager who shall refer the student to an appropriate counseling program. Six (6) days of the suspension shall be waived if the student attends a counseling program as authorized by the District substance abuse case manager. If the student does not complete the recommended counseling program, the remaining days of the suspension shall be imposed.
  
- b. Secondary students, (Grades 6-12):** The student shall be suspended from the regular school program for ten (10) days and referred to the District substance abuse case manager who shall refer the student to an appropriate counseling program. Four (4) days of the suspension shall be waived if the student attends a counseling program as authorized by the District substance abuse case manager. If the student does not complete the recommended counseling program, the remaining days of the suspension shall be imposed.

### **2. Second Offense Procedures:**

- a. Elementary students, (Grades K-5):** The student shall be suspended from the regular school program for ten (10) days and referred for the Behavior Intervention Program via the expulsion Abeyance Office. The student shall be placed on a Probationary Substance Contract in lieu of an expulsion abeyance program. The Expulsion Abeyance Program will not be required if the student successfully completes the requirements of the Probationary Substance Contract while at a regular school program. The District substance abuse case manager shall monitor/verify that the student remains in compliance with the terms of the Probationary Substance Contract.

If the student violates the terms of the Probationary Substance Contract then the student shall be placed in an expulsion abeyance program, with Substance Workback, for a period of one (1) calendar year commencing with the date of the offense. The expulsion shall be held in abeyance if the student completes the state-certified drug/alcohol rehabilitation or treatment program with a certified addiction professional. The student may return to a regular school program upon successful completion of the prescribed rehabilitation or treatment program. The District substance abuse case manager shall monitor/verify that the student has completed the prescribed program. If the student fails to complete the state-certified drug/alcohol rehabilitation or treatment program, the full term of the expulsion abeyance program shall be implemented.

- b. Secondary students, (Grades 6-12):** The student shall be suspended from the regular school program for ten (10) days and recommended for expulsion. The student shall be placed on a Probationary Substance Contract in lieu of an expulsion abeyance program. The Expulsion Abeyance Program will not be required if the student successfully completes the requirements of the Probationary Substance Contract while at a regular school program. The District substance abuse case manager shall monitor/verify that the student remains in compliance with the terms of the Probationary Substance Contract.

If the student violates the terms of the Probationary Substance Contract then the student shall be placed in an expulsion abeyance program with Substance Workback, for a period of one (1) calendar year commencing with the date of the offense. The expulsion shall be held in abeyance if the student



completes the state-certified drug/alcohol rehabilitation or treatment program with a certified addiction professional. The student may return to a regular school program upon successful completion of the prescribed rehabilitation or treatment program. The District substance abuse case manager shall monitor/verify that the student has completed the prescribed program. If the student fails to complete the state-certified drug/alcohol rehabilitation or treatment program, the full term of the expulsion abeyance program shall be implemented.

**3. Third and Subsequent Offense Procedures:**

- a. **Elementary students, (Grades K-5):** The student shall be suspended from the regular school program for ten (10) days and recommended for the Behavior Intervention Program via the Expulsion Abeyance Office, for a period of one (1) calendar year commencing with the date of the offense, with Substance Workback. The student shall complete the District approved or state-certified drug rehabilitation or treatment program with a certified addiction professional. The District substance abuse case manager shall monitor/verify that the student has completed the program. The student may return to a regular school program upon successful completion of the prescribed rehabilitation or treatment program.
  
- b. **Secondary students, (Grades 6-12):** The student shall be suspended from the regular school program for ten (10) days and expulsion shall be mandatory. The student shall be placed in the Expulsion Abeyance Program for a period of one (1) calendar year commencing with the date of the offense, with no Workback option allowed. The student shall complete the District approved or state-certified drug rehabilitation or treatment program with a certified addiction professional. The District substance abuse case manager shall monitor/verify that the student has completed the program.

**POSSESSION WITH INTENT TO SELL, SALE, ATTEMPTED SALE, AND/OR TRANSMITTAL OF LEAF MARIJUANA (LESS THAN 20g). SALE, ATTEMPTED SALE, AND/OR TRANSMITTAL OF DRUGS OR MOOD-ALTERING SUBSTANCES, UNAUTHORIZED SUBSTANCES, OR OTHER SUBSTANCES HELD OUT OR REPRESENTED TO BE DRUGS OR MOOD-ALTERING SUBSTANCES, INCLUDING ALCOHOL OR ALCOHOLIC BEVERAGES ARE PROHIBITED**

Note: Broward School employees shall report this offense to the Department of Children and Families (F.S. §39.201) as appropriate.

**H. PROCEDURES FOR SALE, ATTEMPTED SALE, AND/OR TRANSMITTAL OF ALCOHOL OR ALCOHOLIC BEVERAGES, INCLUDING SUBSTANCES HELD OUT OR REPRESENTED TO BE ALCOHOL OR ALCOHOLIC BEVERAGES**

**1. First Offense Procedures:**

- a. **Elementary students, (Grades K-5):** The student shall be referred to the District substance abuse case manager who shall refer the student to an appropriate counseling program. The student shall be suspended from the regular school program for one to two (1-2) days.
  
- b. **Secondary students, (Grades 6-12):** The student shall be suspended from the regular school program for ten (10) days and expulsion shall be mandatory. The student shall be placed in the Expulsion Abeyance Program not to exceed one (1) calendar year commencing with the date of the offense, with Substance Workback. The expulsion shall be held in abeyance if the student completes the District approved or state-certified alcohol rehabilitation or treatment program with a certified addiction professional. The District substance abuse case manager shall monitor/verify that the student has completed the program. The student may return to a regular school program upon successful completion of the prescribed rehabilitation or treatment program.

**2. Second Offense Procedures:**

- a. **Elementary students, (Grades K-5):** The student shall be referred to the District substance abuse case manager who shall refer the student to an appropriate counseling program. The student shall be suspended from the regular school program for two (2) days.

- b. **Secondary students, (Grades 6-12):** The student shall be suspended from the regular school program for ten (10) days and expulsion shall be mandatory. The student shall be placed in the Expulsion Abeyance Program for a period of one (1) calendar year commencing with the date of the offense, with Workback. The expulsion shall be held in abeyance if the student completes the District approved or state-certified alcohol rehabilitation or treatment program with a certified addiction professional and all other components of the prescribed Workback Program. The District substance abuse case manager shall monitor/verify that the student has completed the program.

**3. Third and Subsequent Offense Procedures:**

- a. **Elementary students, (Grades K-5):** The student shall be referred to the District substance abuse case manager who shall refer the student to an appropriate counseling program. The student shall be suspended from the regular school program for four (4) days.
- b. **Secondary students, (Grades 6-12):** The student shall be suspended from the regular school program for ten (10) days and expulsion shall be mandatory. The student shall be placed in the Expulsion Abeyance Program for a period of one (1) calendar year commencing with the date of the offense, with no Workback. The student shall complete a District approved or state-certified alcohol rehabilitation or treatment program with a certified addiction professional. The District substance abuse case manager shall monitor/verify that the student has completed the program.

**I. PROCEDURES FOR POSSESSION WITH INTENT TO SELL, SALE, ATTEMPTED SALE, AND/OR TRANSMITTAL OF LEAF MARIJUANA (LESS THAN 20g). SALE, ATTEMPTED SALE, AND/OR TRANSMITTAL OF DRUGS OR MOOD-ALTERING SUBSTANCES, UNAUTHORIZED SUBSTANCES, OR OTHER SUBSTANCES HELD OUT OR REPRESENTED TO BE DRUGS OR MOOD-ALTERING SUBSTANCES**

For the purposes of this policy, unauthorized substances refers to prescription medication not prescribed for the student who is in possession of the medication, or any prescription medication not authorized by Policy 6305, substances/drugs deemed illegal under Chapter 893, are drugs or controlled substances that constitute a felony under Florida statute, are types of cannabis , including, but not limited to, marijuana and hemp, and derivatives of such, including, but not limited to THC and CBD products.

**1. First Offense Procedures:**

- a. **Elementary students, (Grades K-5):** The student shall be referred to the District substance abuse case manager who shall refer the student to an appropriate counseling program. The student shall be suspended from the regular school program for two (2) days.
- b. **Secondary students, (Grades 6-12):** The student shall be suspended from the regular school program for ten (10) days and expulsion shall be mandatory. The student shall be placed in the Expulsion Abeyance Program for a period of one (1) calendar year commencing with the date of the offense, with Substance Workback. The expulsion shall be held in abeyance if the student completes the District approved or state-certified drug rehabilitation or treatment program with a certified addiction professional and all other components of the prescribed Workback Program. The District substance abuse case manager shall monitor/verify that the student has completed the program.

**2. Second Offense Procedures:**

- a. **Elementary students, (Grades K-5):** The student shall be referred to the District substance abuse case manager who shall refer the student to an appropriate counseling program. The student shall be suspended from the regular school program for three to five (3-5) days.
- b. **Secondary students, (Grades 6-12):** The student shall be suspended from the regular school program for ten (10) days and expulsion shall be mandatory. The student shall be placed in the Expulsion Abeyance Program for a period of one (1) calendar year commencing with the date of the

offense, with Workback. The student shall complete a District approved or state-certified drug rehabilitation or treatment program with a certified addiction professional. The District substance abuse case manager shall monitor/verify that the student has completed the program.

**3. Third and Subsequent Offense Procedures:**

- a. **Elementary students, (Grades K-5):** The student shall be suspended from the regular school program for ten (10) days and recommended for the Behavior Intervention Program via the Expulsion Abeyance Office, for a period of one (1) calendar year commencing with the date of the offense, with Substance Workback. The student shall complete the District approved or state-certified drug rehabilitation or treatment program with a certified addiction professional. The District substance abuse case manager shall monitor/verify that the student has completed the program.
  
- b. **Secondary students, (Grades 6-12):** The student shall be suspended from the regular school program for ten (10) days and expulsion shall be mandatory. The student shall be placed in the Expulsion Abeyance Program for a period of one (1) calendar year commencing with the date of the offense, with no Workback. The student shall complete a District approved or state-certified drug rehabilitation or treatment program with a certified addiction professional. The District substance abuse case manager shall monitor/verify that the student has completed the program.

**SECTION IV: OTHER OFFENSES (NON-DRUG AND NON-SUBSTANCE ABUSE OFFENSES) LEADING TO AND PROCEDURES FOR SUSPENSION AND POSSIBLE EXPULSION**

For incidents within this category, accruals occur by school level (Grades K-2, 3-5, 6-8 and 9-12) and require reporting per the School Environmental Safety Incident Reporting (SESIR) guidelines to the Florida Department of Education.

Note: Pursuant to F.S. §1006.07(7)(e), if an immediate mental health or substance abuse crisis is suspected, school personnel shall follow policies established by the threat assessment team to engage behavioral health crisis resources.

**A. OFFENSES LEADING TO SUSPENSION AND POSSIBLE EXPULSION**

- 1. Commits repeated violations of Policy 5.9: Anti-Bullying
- 2. Commits repeated violations of harassment
- 3. Commits fighting-major (mutual combat)
- 4. Commits or threatens to commit vandalism/damage to property (equal to or greater than \$1,000)
- 5. Commits any act on campus or off campus that substantially disrupts the orderly conduct of the school or school activities
- 6. Commits larceny/theft– grand (equal to or greater than \$750)
- 7. Commits burglary – unlawful breaking/entering
- 8. Commits a physical attack (battery)
- 9. Commits a sexual assault
- 10. Commits sexting
- 11. Commits a sexual harassment
- 12. Commits sexual misconduct (sexual offense)
- 13. Commits a false accusation against school staff
- 14. Commits a false fire alarm/911 call
- 15. Commits a trespassing
- 16. Threat/Intimidation

*\*Note: If the SESIR definition is met, consideration of the following shall occur in order to determine the appropriate incident type:*

- a. *Threat/Intimidation with Very Serious Substantive – If said definition criteria is met and the Behavioral Threat Assessment (BTA) risk level has yielded an outcome level of very serious substantive, the student shall be issued a 10-day suspension and a recommendation for expulsion.*
- b. *Threat/Intimidation with Serious Substantive - For instances where the SESIR definition is met and the BTA risk level is determined to be serious substantive, the school shall follow the Discipline Matrix.*

*Additionally, the SESIR Threat/Intimidation incident type may not be applied in instances when the SESIR definition has not been met.*

17. Possesses/displays/uses/sells/transmits a Class B weapon, which includes laser pens/pointers and other laser devices used in a manner that could potentially harm or injure another individual
18. Commits fire starting\*\* – starts a fire on campus or school property and/or at a school bus stop  
*\*\*Note: The school administrator shall refer the student for participation in a local Fire Starter Program. The suspension shall be reduced by 3 days upon parent/guardian agreement to participate in said program. Failure on the part of the student to successfully complete the program may result in the reissuance of the 3 days.*
19. Conducts, recruits, or participates on campus in a formal or informal manner in order to foster **youth gang activity**. This activity may include, but is not limited to, an association or group of three or more persons who are gang related individually or collectively who engage in a pattern of youth or street gang activity and have a common name or common identifying clothing, jewelry, buttons, colors, signs, symbols or markings with the intent or purpose to threaten and/or present a danger to public order and safety
20. Electronic device – the use of an electronic device to possess, display, or transmit offensive images, images that depict nudity or sexual content, video voyeurism, or the use of an electronic device to capture said images, or any other images of people which violates reasonable expectation of privacy.  
*Note: Display of offensive images will not result in disciplinary consequences if it is determined that the student immediately<sup>1</sup> reported or delivered the offensive image(s) to a staff member.*
21. Other Major - Other Serious Incident/Delinquent Act - any serious, harmful incident resulting in the need for law enforcement consultation not previously classified or already set forth by SESIR guidelines or policy, which occur on School Board property, during school events or activities, or on school transportation.
- 21a. Non-School - Other Serious Incident/Delinquent Act - Pursuant to F.S. §1006.09(2), administrative reassignment other than through the pathway of the Expulsion/Expulsion Abeyance may be imposed when any enrolled student who is formally charged with a felony, or with a delinquent act which would be a felony if committed by an adult, by a proper prosecuting attorney for an incident which allegedly occurred on property **other than public school property**, may be assigned to an alternative setting, pursuant to rules adopted by the State Board of Education (State Board Rule 6A-1.0956) and to rules developed pursuant to s. 1001.54, to have an adverse impact on the educational program, discipline, or welfare in the school in which the student is enrolled.

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<sup>1</sup> The term “immediately” means without delay as determined by the principal after considering the totality of the circumstances and prior to being reported by another individual.

22. Uses the school district's technology and/or software for any unauthorized purpose. The unauthorized use of a computer/technology, including, but not limited to, accessing or breaking in to restricted accounts or networks, creating, modifying or destroying files/records without permission, copying software, entering, distributing or printing unauthorized files/records, uploading to the internet, and/or sharing or distributing, offensive or inappropriate material, including video, and any other misuse or violation of the School Board of Broward County Technology-Acceptable Use Policy 5306, Section VI.

23. Commits extortion

## **B. PROCEDURES FOR DISCIPLINARY ACTION IN LIEU OF EXPULSION**

1. For offenses in this category, which shall result in suspension, and may result in recommendation for the Behavior Intervention Program assignment or expulsion, the principal or designee, with the approval of the Chief Officer of Student Support Initiatives & Recovery/designee, may offer the student an Alternative Probationary Contract in lieu of recommending the Behavior Intervention Assignment via the Expulsion Abeyance Office or expulsion. This contract shall allow the student to continue attending school under the terms of the probationary contract. The Alternative Probationary Contract shall remain in effect for one (1) year from the date of execution. If a student transfers to another school during the term of the probationary contract, the terms of the probationary contract will still apply.
2. If the student violates the Alternative Probationary Contract by committing another expellable offense, such violation shall result in a recommendation for expulsion to the School Board. See Section V of this policy, PROCEDURES FOR MANDATORY EXPULSION:
3. Instruments or tools which are defined as a weapon in this policy, Section VII, Definitions, may be brought by the student only if needed for class work and with the written request of a teacher, that includes a description of the instrument(s). In such instances, the teacher must obtain prior written approval of the principal/designee. However, if such instrument is used as a weapon by the student during school activities or events or on School Board property, all penalties called for in this policy shall apply.

**Note: A recommendation for the Behavior Intervention Program assignment via the Expulsion Abeyance Office applies when an elementary level student commits an offense, within this section, for which a secondary level student would receive a mandatory expulsion under this policy.**

### **SECTION V: MANDATORY EXPULSION OFFENSES AND PROCEDURES**

For incidents within this category, accruals occur by school level (Grades K-2, 3-5, 6-8 and 9-12) and require reporting per the School Environmental Safety Incident Reporting (SESIR) guidelines to the Florida Department of Education.

#### **General Information:**

Students may not be subject to mandatory suspension and expulsion proceedings when the principal determines the student used an instrument/object in self-defense. Self-defense is an attempt to "prevent" an attack or a threatened injury or to stop the process of confrontation. It is not self-defense when the student uses an instrument/object to become an aggressor or to continue the confrontation after the original aggressor has retreated.

**Note: Florida Statutes §§776.012, 776.013 and 776.032, commonly known as the Florida Stand Your Ground law, are not applicable to charges of violations of the Code of Student Conduct and/or Board Policy 5006.**

Pursuant to F.S. §1006.07(7)(e), if an immediate mental health or substance abuse crisis is suspected, school personnel shall follow policies established by the threat assessment team to engage behavioral health crisis resources.

## **A. OFFENSES LEADING TO MANDATORY EXPULSION**

Pursuant to (F.S. §1006.13(3) students in grades K-12 found to have committed one of the following offenses involving any student, staff, school, and/or on school property, school transportation, or at a school-sponsored activity will be expelled, with or without continuing educational services, from the student's regular school for a period of not less than one (1) full year, referred to the criminal justice or juvenile justice system and referred to mental health services identified by the school district pursuant to F.S. §1006.04 and F.S. §1006.07(7), for evaluation and treatment as appropriate.

1. Weapons Class A - Bringing a firearm or weapon, as defined in Chapter 790, including possessing, displaying, using, selling or transmitting a firearm.
  - Per 790.161, a person who willfully and unlawfully makes, possesses, throws, projects, places, discharges, or attempts to make, possess, throw, project, place, or discharge any destructive device.
  - Per 790.1615, a person who perpetrates any unlawful throwing, projecting, placing, or discharging of any destructive device or bomb that results in any bodily harm, to any person, regardless of intent or lack of intent to cause such harm.

**Note: A student shall be subjected to mandatory expulsion for possession of a Class A Weapon, unless it is determined through the Pre-Expulsion conference that the Class A Weapon was inadvertently possessed upon discovery or awareness, and that the student “immediately” reported or delivered the Class A Weapon to a staff member.**

**\*The term “immediately” means without delay and shall be collaboratively determined by the Principal and Chief Officer for Student Support Initiatives & Recovery/Designee. Such instances shall also require the approval of the Superintendent of Schools.**

2. Threat to Kill/Mass Shooting - Per F.S. §§836.10, any person who verbalizes a threat with intent to kill or cause bodily injury, writes or composes and/or also sends or procures the sending of any letter, inscribed communication, or electronic communication, whether such letter or communication be signed or anonymous, to any person, containing a **threat to kill** or to **do bodily injury** to the person to whom such letter or communication is sent or seen by another, or a threat to kill or do bodily injury to any member of the family of the person to whom such letter or communication is sent or seen by another, or any person who makes, posts, transmits, a threat in writing or other record, including internet/electronic record to conduct a **mass shooting** or an act of terrorism in writing or other record in any manner that would allow another person to view the threat, as defined by F.S. §§836.10, 790.161, 790.1615, 790.162, 790.163, 790.165, and 1006.13.

*Note: Per 790.162, it is unlawful for any person to threaten to throw, project, place, or discharge any destructive device with intent to do bodily harm to any person or with intent to do damage to any property of any person.*

3. False Report/Hoax - Per 790.163, it is unlawful for any person to make a false report/hoax, with intent to deceive, mislead, or otherwise misinform any person, concerning the placing or planting of any bomb, dynamite, other deadly explosive, or a weapon of mass destruction as defined in §790.166, or concerning the use of firearms in a violent manner against a person or persons, and/or in accordance with 790.164 concerning any act of arson or other violence to property.
  - Per 790.165, “hoax bomb” means any device or object that by its design, construction, content, or characteristics appear to be, or to contain, or is represented to be or to contain, a destructive device or explosive as defined in said chapter, but is, in fact, an inoperative facsimile or imitation of such a destructive device or explosive, or contains no destructive device or explosive as was represented.

4. In addition, students found to have committed the following offenses on school property, school sponsored-transportation, or during a school-sponsored activity, shall receive the most severe consequences provided in this policy which shall be mandatory suspension and/or administrative assignment to the Behavior Intervention Program via the Expulsion Abeyance Office or expulsion, a referral to local law enforcement, and a referral for appropriate counseling services, as appropriate.
  - a. Aggravated Battery
  - b. Arson or Attempted Arson
  - c. Hazing (F.S. §1006.135)
  - d. Homicide
  - e. Kidnapping or Abduction/False Imprisonment
  - f. Robbery or Attempted Robbery
  - g. Sexual Battery (Rape) or Attempted Sexual Battery (Rape)

Incidents associated with potential threats require the convening of the threat assessment team to determine if the act shall be reported to law enforcement.

***Note: A recommendation for the Behavior Intervention Program assignment via the Expulsion Abeyance Office applies when an elementary level student commits an offense, within this section, for which a secondary level student would receive a mandatory expulsion under this policy.***

District school boards may assign the student to a disciplinary program for the purpose of continuing educational services during the period of expulsion. District school superintendents may consider the 1-year expulsion requirement on a case-by-case basis and request the district school board to modify the requirement by assigning the student to a disciplinary program or second chance school if the request for modification is in writing and it is determined to be in the best interest of the student and the school system. If a student committing any of the offenses in this subsection is a student who has a disability, the district school board shall comply with applicable State Board of Education rules (F.S. §1006.13(3)).

## **B. PROCEDURES FOR MANDATORY EXPULSION:**

For those expellable offenses listed in this policy and for which a recommendation for expulsion has been made to the Chief Officer of Student Support Initiatives & Recovery/designee, the following procedures shall be followed:

1. **SUSPENSION & PRE-EXPULSION ASSIGNMENT** Students shall be suspended immediately, and a notice sent to the Chief Officer of Student Support Initiatives & Recovery/designee. The recommendation for expulsion shall be reviewed by staff of the School Climate & Discipline Department, and collaboration shall take place as needed with the principal/designee, relative to the school's recommendation. The recommendation for expulsion shall be processed to final conclusion even when the student in question has withdrawn from the school system subsequent to the violation. Students who are being recommended for expulsion shall be given the opportunity to participate in a Pre-Expulsion Alternative Education Program for a period of time commencing with the end of the ten (10) day suspension. Refer to policy 5.5: Attendance for Alternative Education Program participation.

While in the District approved Pre-Expulsion Alternative Education Program/Expulsion Abeyance Program, the student is not permitted on any regular school campus, school grounds or school sponsored events, during this period of time and may be subject to trespass arrest pursuant to F.S. §810.09(1). For non-disabled students, this assignment can be executed with or without student or parent permission. Additionally, this assignment shall continue until such time the School Board approves a Final Order of Expulsion.

2. **SUSPENSION & PRE-EXPULSION ASSIGNMENT, Special Circumstances and Interim Alternative Educational Setting (IAES) for students with disabilities (IDEA and 504 eligible)** School personnel may remove a student to an IAES for not more than forty-five (45) school days

without regard to whether the behavior is determined to be a manifestation of the student's disability, if the student:

- a. carries a weapon to or possesses a weapon at school, on school premises, or to a school function under the jurisdiction of a state education agency or school district.
- b. knowingly possesses, transmits, uses, sells or solicits the sale of illegal drugs/controlled substances while at school, on school premises, or at a school function under the jurisdiction of a state education agency or a school district.
- c. has inflicted serious bodily injury upon another person while at school, on school premises, or at a school function under the jurisdiction of a state education agency or a school district.

### **3. PRE-EXPULSION CONFERENCE**

The Chief Officer of Student Support Initiatives & Recovery/designee will investigate the alleged offense and provide an opportunity for a Pre-Expulsion Conference with the student and the parent/guardian. During this conference, the Chief Officer of Student Support Initiatives & Recovery/designee shall inform the parent/guardian and student of the expulsion charges and the expulsion procedures, including the right to a formal hearing, as well as their right to be assisted by anyone they choose at their own expense. Additionally, the parent/guardian will be informed that they have the right to call and question witnesses.

### **4. EXPULSION HEARING**

If a hearing is requested, either the parent/guardian or student must make the request in writing and submit it to the Chief Officer of Student Support Initiatives & Recovery/designee. The Chief Officer of Student Support Initiatives & Recovery/designee shall schedule the hearing and the Superintendent of Schools/designee shall appoint an impartial Hearing Officer on behalf of the School Board who is not an administrator from the school at issue.

At the conclusion of the hearing, the Hearing Officer shall submit his/her recommended order. The hearing officer's recommended order, with documentary evidence, shall be placed on a regular School Board meeting agenda. The School Board may reject the hearing officer's findings of fact only if it is determined that there is no substantial competent evidence to support the findings of fact. The School Board may reject the conclusions of law only if it is determined that this policy was misinterpreted or not applied correctly. 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.

If the parent waives his/her right to a hearing, a request for the Final Order of Expulsion shall be forwarded by the appropriate Chief Officer of Student Support Initiatives & Recovery/designee for approval by the School Board.

### **5. EXPULSION/EXPULSION ABEYANCE**

- a. The expulsion shall commence with the date of the School Board's Final Order or, in the case of student with a disability, the date established by the IEP/504 Team. However, the term of exclusion from the regular school shall not exceed one calendar year from the date of the offense. Additionally, the expulsion shall be held in abeyance and the student shall be given the opportunity to participate in an established Expulsion Abeyance Program.
- b. If a student enrolls in an Expulsion Abeyance Program or in a program designated by the Superintendent/designee and successfully completes the program or is issued a high school diploma, the expulsion shall not be documented on the student's official transcript.
- c. The District substance abuse/expulsion case manager shall monitor/verify that the student has completed the expulsion abeyance or agreed upon program and facilitate the student's transition and re-entry into the regular school program, except where otherwise indicated in this policy.
- d. Refusal or failure to meet conditions specified for the Expulsion Abeyance Agreement shall result in the removal of the abeyance option and the student shall be expelled from all Broward County Public Schools and programs until the duration of the original expulsion has lapsed. The



appropriate expulsion code shall be entered into the student's permanent record. This record shall be forwarded to any school upon request for the purpose of student admission.

**Note: In the case of a student with a disability, return to a school placement may require action by the IEP/504 Team.**

## **6. WORKBACK PROGRAM OPPORTUNITIES**

Per F.S. §1006.13, District school boards may assign the student to a disciplinary program for the purpose of continuing educational services during the period of expulsion. District school superintendents may consider the 1-year expulsion requirement on a case-by-case basis and request the district school board to modify the requirement by assigning the student to a disciplinary program or second chance school if the request for modification is in writing and it is determined to be in the best interest of the student and the school system.

Elementary students, (Grades K-5) shall be administratively placed in the Behavior Intervention Program via the Expulsion Abeyance Office, for one (1) calendar school year. Elementary students may complete a Workback Program within 45-school days and be reinstated to a traditional school program. If the student is unsuccessful at Workback Program completion within 45-school days, then the student shall continue in the Workback Program for up to 90-school days. If the student is unsuccessful after 90 school days, the full term of the administrative assignment shall be served.

Secondary students, (Grades 6-12) shall be expelled for one (1) calendar school year. For incidents that are eligible for Workback consideration, the student may complete the Workback Program within 90-school days and be reinstated to a traditional school program. If the student is unsuccessful after 90-school days, the full term of the expulsion shall be served.

Substance Workback shall mean that the student is eligible to return to a regular school program upon successful completion of the state-certified rehabilitation or treatment program as determined by the District substance abuse case manager.

Success within all Workback programs shall be based upon the requirements of the Workback agreements as determined by the District case managers.

Students who commit the following offenses are **not** eligible for the Workback Program:

### **SECTION V INCIDENTS - MANDATORY EXPULSION**

1. Threat to Kill/Mass Shooting
2. False Report/Hoax
3. Arson or Attempted Arson
4. Sexual Battery (Rape) or Attempted Sexual Battery (Rape)
5. Weapons Class A
6. Homicide
7. Kidnapping or Abduction/False Imprisonment
8. Robbery or Attempted Robbery
9. Aggravated Battery
10. Hazing

Upon successful completion of the Workback Program, the student shall transition back to the regular school program, except where otherwise indicated in this policy. In the case of a student with a disability, return to a school placement will require action by the IEP/504 Team.

## **7. OUT-OF-DISTRICT EXPULSIONS AND OTHER ACTIONS**

At the time of initial registration for school from any in-state or out-of-state public, private, charter or research school, the student shall disclose previous school expulsions, arrests resulting in a charge, juvenile justice actions, and referrals to mental health services.

Expulsion or dismissal of a student from any in-state or out-of-state public, private, charter or research school will be honored by The School Board of Broward County, Florida if the act committed is one that would be grounds for expulsion under this policy.

If a student who has been expelled or dismissed from another district, charter school or private school wishes admission, he/she shall be placed in an appropriate Expulsion Abeyance Program or a program designated by the Superintendent/designee for a period of time to commensurate with the terms of the original expulsion. The student shall also be referred to mental health services identified by the school district pursuant to §1012.584(4), when appropriate.

Note: Per F.S. §1006.07(1)(b), upon receipt of an out-of-district final order of expulsion, the order shall be recorded in the records of the receiving school district and the expelled student shall be advised of the final order of expulsion.

## SECTION VI: REPORTING REQUIREMENTS

- A. Disciplinary incidents shall be reported to the Florida Department of Education in accordance with Rule 6A-1.0017 School Environmental Safety Reporting (SESIR) requirements through the approved reporting tool provided by the School Board. For additional guidance regarding the SESIR definitions and the appropriate Florida Statutes, please refer to <http://www.fldoe.org/schools/safe-healthy-schools/safe-schools/sesir-discipline-data/>.
- B. All SESIR level incidents shall be addressed by school-based administrators only.
- C. All SESIR incidents shall be reported to the Special Investigative Unit and the appropriate Law Enforcement Agencies.

## SECTION VII: DEFINITIONS

*Note: When the Florida Department of Education (FLDOE) revises the SESIR definitions and this policy has not completed the rule making/rule adoption process to align with such changes, the FLDOE definitions found at <http://www.fldoe.org/safe-schools/sesir-discipline-data/> will supersede the definitions within this policy.*

- A. Affray - An instance of fighting in a public place that disturbs the peace.
- B. Aggravated Battery - Intentional great bodily harm. The attacker intentionally or knowingly causes 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. *Note: This is applicable to battery on School Board of Broward County employee, sports official, or other specified officials as listed in F.S. §784.07 and 1006.13(5), battery on a law enforcement officer, firefighter, emergency medical care provider, and others as listed in F.S. §784.07. If the incident involves a Class A or Class B Weapon, said incident shall be documented as weapon-related per SESIR guidelines.*
- C. Disruption on Campus – 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 fire alarm.
- D. Immediately - The term "immediately" means without delay.
- E. Injury -
  - 1. Minor Injury: An injury which solely requires immediate first aid.
  - 2. Serious Injury: An injury which requires treatment by professional medical personnel or injury which involves a substantial risk of death; extreme physical pain; protracted and obvious

disfigurement; or protracted loss or impairment of the function of a bodily member, organ, or mental faculty (18 U.S.C. §1365(h)(3)).

- F. Change in Placement - For a student with a disability, any disciplinary removal for more than ten (10) consecutive school days or for more than ten (10) days cumulatively in a school year.
- G. Days - Days shall be construed to be school days (as determined by the applicable school calendar) whenever mentioned in this policy.
- H. Drug Sale, Attempted Sale, Distribution or Transmittal – The illegal sale or distribution of drugs. The manufacture, cultivation, sale, distribution or transmittal of any drug, leaf marijuana, narcotic, controlled substance or substance represented to be a drug, narcotic, or controlled substance. This includes drug possession with intent to sell.
- I. Hazing – Pursuant to F.S. §1006.135 any action or situation that recklessly or intentionally 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. Hazing includes, but is not limited to:
  - a. Pressuring, coercing, or forcing a student into:
    - 1. Violating state or federal law;
    - 2. Consuming any food, liquor, drug, or other substance; or
    - 3. Participating in physical activity that could adversely affect the health or safety of the student.
  - b. 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.

- J. Mood-Altering Substance - Any substance that is or may be detrimental to the user or to others. Examples of mood-altering substances may include, but are not limited to:
  - 1. Alcohol or alcoholic beverages
  - 2. Marijuana (less than 20 grams)
  - 3. Hallucinogens/chemical intoxication
  - 4. Inhalants
  - 5. Over-the counter medication taken in excess of the manufacturer's recommended dosage limit

“Over-the-counter (OTC) medications” are medications that may be sold directly to a consumer without a prescription from a physician or licensed healthcare provider.

- K. Petty Offenses or Petty Acts of Misconduct - Acts, which are not a threat to school safety and do not require consultation with law enforcement (F.S. §1006.13(2)(c)). They include, but are not limited to:
  - 1. Willfully disobeys;
  - 2. Openly defies authority of a member of the staff;
  - 3. Uses profane or obscene language;
  - 4. Repeatedly exhibits behavior that interferes with the teacher's ability to communicate effectively;
  - 5. Use, possession of tobacco/nicotine or tobacco/nicotine related products, e-cigarette, electronic nicotine delivery system, and similar; or
  - 6. Incidents as outlined by the Discipline Matrix
- L. Larceny/Grand theft (Equal to or greater than \$750) - Taking of property from a person, building, or a vehicle. The unauthorized taking, carrying, riding away with, or concealing the property of another person, including motor vehicles, without threat, violence, or bodily harm. The item(s) value must be \$750 or more.

- M. Larceny/Petty theft (Less than \$750) - Taking of property from a person, building, or a vehicle. The unauthorized taking, carrying, riding away with, or concealing the property of another person, including motor vehicles, without threat, violence, or bodily harm. The item(s) value must be less than \$750.
- N. Physical attack - An actual and intentional striking of another person against his/her will, or the intentional causing of bodily harm to an individual. Note: This is applicable to battery on School Board of Broward County employee, sports official, or other specified officials as listed in F.S. §§784.07 and 1006.13(5), battery on a law enforcement officer, firefighter, emergency medical care provider, and others as listed in F.S. §784.07.
- O. Possession - Knowing, intentional, deliberate or inadvertent control of any article, object, substance, asset or property.
- P. Robbery – The use of force to take something from another. The taking or attempted taking of anything of value that is owned by another person or organization, under the confrontational circumstances of force, or threat of force or violence, and/or by putting the victim in fear.
- Q. Self-defense - An attempt to “ prevent” an attack or a threatened injury or to stop the process of confrontation. It is not self-defense when the student uses an instrument/object to become an aggressor or to continue the confrontation after the original aggressor has retreated.

**Note: Florida Statutes §§776.012, 776.013 and 776.032, commonly known as the Florida Stand Your Ground law, are not applicable to charges of violations of the Code of Student Conduct and/or Board Policy 5006.**

- R. Sexting - As defined in F.S. §847.0141(1)(a) is knowingly using a computer, or any other device capable of electronic data transmission or distribution, to transmit or distribute to another, any photograph or video of any person, which depicts nudity as defined in F.S. §847.001(9).
- S. Sexual assault - An incident that includes threatened rape, fondling, indecent liberties, or child molestation. Both male and female students can be victims of sexual assault.
- T. Threat/Intimidation - To instill fear in others. An incident where there was no physical contact between the offender and victim, but the victim felt that physical harm could have occurred based on verbal or nonverbal communication by the offender. This includes nonverbal threats (e.g., brandishing a weapon) and verbal threats of physical harm which are made in person, electronically or through any other means.
- U. Serious Substantive Threat - A risk outcome as defined by Policy 2130: Behavioral Threat Assessment (BTA).
- V. Transmittal - The transfer of an object, thing, electronic message or image, or substance from one person to another. Transmittal does not occur when the person immediately returns the item back to the person who gave it to them or if it is immediately delivered to a teacher or school administrator. **(The term "immediately" means without delay.)**
- W. Unauthorized Substances/Drugs refers to:
  1. substances/drugs deemed illegal under Chapter 893
  2. drugs or controlled substances that constitute a felony under Florida statute
  3. are types of cannabis, including, but not limited to, marijuana and hemp, and derivatives of such, including, but not limited to THC and CBD products
  4. prescription medication not prescribed for the student who is in possession of the medication, or any prescription medication not authorized by Policy 6305.

- X. Under the Influence - Any student who attends a school or school-sponsored event subsequent to having used or ingested any mood-altering substance or unauthorized substance as defined within this policy.
- Y. Violent Behavior - The use of physical force that causes damage or injury or violates or abuses another person or property.
- Z. Very Serious Substantive Threat - A risk outcome as defined by Policy 2130: Behavioral Threat Assessment (BTA).
- AA. Fighting-Major (Mutual Combat) – Mutual combat, mutual altercation. Mutual participation of two or more persons using force or physical violence that results in injury requiring professional medical attention. Lower-level fights, including pushing, shoving, or altercations that stop on verbal command are not required to be reported in SESIR.
- BB. Disruptive Behavior - Behavior that causes confusion or disorder or interrupts, interferes, or impedes normal classroom or school activities.
- CC. Weapons - For purposes of this policy, weapons are defined in two categories, Class “A” or Class “B.” An object which can be defined as a Class “A” weapon pursuant to this policy shall be conclusively determined to be a Class “A” weapon and further classifications shall not be considered.
  1. **Weapons – Class A (Possessing/Displaying/Using/Selling/Transmitting) include, all Weapons and Firearms defined in Chapter 790, Florida Statute. A firearm, instrument, or object that can inflict serious harm on another person or can place a person in reasonable fear of serious harm. This category includes, but is not limited to:**
    - a. Firearms – including, but not limited to, hand gun, zip gun, pistol, rifle, shotgun, and starter gun (operable or inoperable, loaded or unloaded)
    - b. Explosive propellants or destructive devices (operable or inoperable), including bombs
    - c. Dirks
    - d. Metallic/Brass knuckles – includes, but is not limited to, any device or instrument made of metal or other materials, designed to fit around the knuckles/fingers
    - e. Billie clubs
    - f. Tear gas
    - g. Electric weapon or device (stun/taser gun)
    - h. Slungshot - A slungshot is a striking weapon consisting of weight or other hard object affixed on a flexible handle or strap
    - i. Chemical weapon or device with the capacity to hold more than 2 ounces of the chemical
    - j. Flare gun
    - k. Ice pick
    - l. Knives – Any knife that may inflict harm on another person, or could be used to intimidate/threaten another person, including, but not limited to, fixed blade knives, regardless of size, switch blade knives, razor blades, or box cutters, but excluding, blunt-bladed table knives and common pocket knives (see Class B weapons/items for other knives).
  2. **Weapons – Class B (Possessing/Displaying/Using/Selling/Transmitting) are restricted from school grounds/property, school-sanctioned activities and transportation. This category includes, but is not limited to:**
    - a. Chain – (i.e., household, industrial)
    - b. Pipe – a hollow cylinder or tube made of metal, wood, plastic, or similar material
    - c. Other pointed instruments or sharp objects, other than school supplies (i.e., pencil, compass)
    - d. Nunchakus, Chinese stars

- e. Chemical weapon or device such as pepper spray or mace with the capacity to hold two ounces or less of the chemical
- f. Ammunition and any component thereof, including, but not limited to, bullets, shotgun shells, bullet shell casings and magazine clips
- g. Slingshot – A slingshot is a hand-held and hand-powered device consisting of a frame with attached rubber strap/straps, used for shooting objects
- h. Flammable liquids or combustible materials
- i. Projectile Device\* - including, but not limited to, BB guns, hard pellet guns, and paint ball guns
  - \*Note: On a 1<sup>st</sup> offense only, for an elementary level student (Grades K-2), a projectile device shall not be categorized as a Class B weapon/item if the following conditions are met:*
    - 1. *the projectile device was unloaded; and*
    - 2. *the student was not in possession of ammunition for the projectile device.*
  - If the conditions above are met, for an elementary level student (Grades K-2), then the projectile device shall not be categorized as a Class B weapon/item per this policy.*
- j. All other knives\*\* made of any substance not categorized as a Class A weapon.
  - Note: At the principal's discretion, a blunt-bladed, round-tipped knife, which is prohibited, shall not be categorized as a Class B weapon on the first offense, if all of the following circumstances are met:*
    - 1. *the item is used for the consumption of food as an eating utensil; and*
    - 2. *the item presents no threat to the environment.*
  - \*\*Note: A plastic eating utensil (manufactured for single use and disposal) shall neither be categorized, nor consequenced, as a weapon/item under this Policy or Policy 5.8: Code of Student Conduct.*
- k. Any instrument, tool, object or substance used in a threatening manner toward another person

Note: Pursuant to F.S. §1006.07(2)(g), simulating a firearm or weapon while playing is not grounds for disciplinary action or referral to the criminal justice or juvenile justice system. Simulating a firearm or weapon while playing includes, but is not limited to:

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

However, a student may be subject to disciplinary action if simulating a firearm or weapon while playing substantially disrupts student learning, causes bodily harm to another person, or places another person in reasonable fear of bodily harm.

Authority: 1001.41

Laws Implemented: 1006.09, 1006.13, Fla. Stat.

Rule Adopted: 8/2/73 and re-adopted 9/5/74

Approved As Emergency Rule: #ER78-2: 8/17/78; #ER80-14: 10/6/80; #ER85-86-10: 8/15/85; #E93-94-2: 2/24/94.

Rule Amended: 7/29/76, 3/3/77, 9/21/78, 11/20/80, 6/3/82, 9/5/85, 1/17/89, 10/17/89, 10/15/91, 4/20/93, 7/20/93, 3/15/94, 7/18/95, 1/20/98, 9/15/98, 4/25/00, 4/18/06, 4/21/09, 6/15/10, 4/19/11, 3/20/12, 5/7/13, 7/23/13, 4/15/14, 5/5/15, 5/3/16, 5/2 /17, 6/11/19, 6/15/2021