



# **Naples Classical Academy Code of Student Conduct**

**2021-2022**

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The Optima Foundation, Inc.

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## Jurisdiction of the Naples Classical Academy School Board

Naples Classical Academy (The Academy) has developed this Code of Student Conduct using the Collier County Public School (CCPS)'s Code of Conduct as a model document. We have striven to make the Naples Classical Academy Code of Student Conduct as consistent with the Collier County Public Schools' (CCPS) document as possible.

Naples Classical Academy's students are subject to the rules and regulations of the Naples Classical Academy School Board. The jurisdiction of the Naples Classical Academy Board is in effect during the school day; at regular school-sponsored activities; during transportation on school buses, officially designated bus stops or at public events to and from school or other educational activities; and at all times and places where appropriate school personnel have jurisdiction over students, including, but not limited to, school-sponsored events, field trips, and athletic functions. All school regulations and prohibitions pertain to automobiles driven or parked on school property. The Naples Classical Academy Board does not have jurisdiction on routes that students take when walking to or from school or officially designated bus stops.

Jurisdictional control over the student may extend to the immediate vicinity of the school when the conduct of the student is deemed to have a detrimental effect on the health, safety, or welfare of the school. In addition, with respect to bullying, the jurisdiction of the Naples Classical Academy Board may extend to data or computer software accessed at a non-school-related location, activity, function, or program, or to technology or an electronic device that is not owned, leased, or used by Naples Classical Academy.

Naples Classical Academy employees are not responsible for supervising students who arrive on school property 30 or more minutes before school or a school-sponsored activity is scheduled to begin. Further, Naples Classical Academy employees are not responsible for supervising students who remain on school property 30 or more minutes after school ends, or 30 or more minutes after school-sponsored activity ends.

## Classifications of Infractions

Infractions of the Code of Student Conduct are grouped into four classes:

- Minor Level I
- Intermediate Level II
- Major Level III
- Zero Tolerance Level IV

A violation of any school rule will result in disciplinary action. Students are expected to behave appropriately and follow behavior expectations at all times while at school, during school activities, on the school bus, and at the school bus stop. Certain law violations or activities off campus may have consequences at the school.

Student disciplinary infractions and the responses to them are divided into four levels. Each level represents progressively more serious infractions, and responses to them become progressively more severe. The responses are not listed in any particular order. The list of responses is may be employed in a variety of ways depending on the particular circumstances of each incident. The administration reserves the right to judge each incident based on the merits of the case and apply that consequence most appropriate to the individuals involved, always seeking to apply the virtue of justice.

It is understood that when an infraction of the Code of Student Conduct occurs, the student's explanation shall be heard by the Principal /designee before determining the classification of the infraction. The Principal or designee will review each case, including all documentation provided by staff and other witnesses, individually before assigning consequences. Florida Statutes 1003.31, 1003.32, 1006.07, and 1006.09 describe responsibilities of the school Principal or other designated staff.

Schools must use "School Environmental Safety Incident Reporting" (SEISR) codes to report disruptive or criminal incidents to the Florida Department of Education so that the data can, in turn, be used in required state and federal reports, including EdFacts, the United States Department of Education, Office for Civil Rights Data Collection (required by 20 U.S.C. 3413(c)(1)), the Gun Free Schools Act report (required by 20 U.S.C. 7961(d) and (e)), the Every Student Succeeds Act report cards (required by 20 U.S.C. 6311(h)(1) and (2)), and state reports on Bullying and Harassment (required by Section 1006.147, F.S.). SESIR data is also used to design and evaluate interventions to provide a safe learning environment. SESIR is not a law enforcement

reporting system.

Classroom teachers will address general classroom disruptions or minor offenses by taking appropriate and documented in-class interventions and/or disciplinary actions. It is expected that appropriate school staff (e.g., teachers, school counselors, administrators) will always make personal contact with parents/guardians when misbehavior occurs and hold parent/teacher conferences to address the student need. When such measures do not cease the minor disruption, a disciplinary referral is appropriate and a close collaboration between the school and home should result in frequent communication and intervention implementation to help correct the misbehavior. (Failure to bring notebook, pencil, books, required materials and equipment to class, or failure to work in class, are not cause for disciplinary referrals).

## **Introduction and Philosophical Basis**

Instruction should occur in an environment that is conducive to learning. Good order and discipline are essential to effective instruction and to the ability of students and school personnel to work cooperatively toward mutually recognized and accepted goals. The rules outlined in the Code of Student Conduct are designed to ensure that this primary reason for the existence of school is achieved. Any behavior that prevents learning from taking place is unacceptable and will result in the appropriate consequence.

The Academy is committed to maintaining a safe, secure, and respectful school environment that reflects the highest standards of our community and society. All persons, students, teachers, administrators, parents, and others on our campuses are expected to conduct themselves in a considerate and respectful manner and support a safe and respectful school environment conducive to learning and constructive, civil dialogue. Teachers, administrators, and staff must operate in a safe and secure environment and receive the respect their positions demand if they are to effectively perform their duties. Offensive language, threats, assault or any other disrespectful or intimidating conduct directed toward a teacher or other school employee will not be tolerated. Any such conduct by any student will result in immediate removal of the student from the subject classroom or school environment and requires parental engagement and school discipline. All reports of bullying and harassment, including those that are unsubstantiated must be reported to the state. Substantiated cases should follow the guidelines outlined in this document and unsubstantiated cases should be reported using the SEISR codes UBL for unsubstantiated bullying and UHR for unsubstantiated harassment. In addition, all instances of physical restraint must be reported utilizing the code NVI.

Pursuant to state requirements outlined in 1006.07 – 1006.148 F.S., and to assist students, parents, guardians, administrators, and school personnel in maintaining such an effective learning environment, the Code of Student Conduct will:

- Identify classifications of infractions and describe procedures for disciplinary actions
- Identify formal disciplinary actions and interventions designed to improve student behavior
- Standardize procedures for administering formal disciplinary actions and interventions
- Describe roles of the home, student, school and school personnel
- Describe rights and responsibilities of all students and parents/guardians
- Outline general code of appearance
- Describe rights of disabled students relating to discipline
- Inform parents/guardians and students of the Academy's Internet Safety and Acceptance Use Agreement

It is the responsibility of both student and parent/guardian to know the rules of the Code of Student Conduct and to support the fair and impartial administering of the rules. With age and maturity, students will be expected to assume greater responsibility for their actions. Students are responsible for accepting the consequences for actions that may violate the Code of Student Conduct.

It is the responsibility of the parent/guardian to ensure that their child behaves appropriately and demonstrates respect for all school staff, especially teachers, at all times. Repeated acts of disrespect and willful defiance will result in suspension from the regular learning environment. In turn, the Academy will do its part and to assist students with learning from their mistakes in order to maintain a healthy culture and climate conducive to achieving positive learning outcomes.

It is the responsibility of school personnel to be aware of the specifics of the Code of Student Conduct and to apply them appropriately. It is the responsibility of the school to convey information regarding individual school policies and procedures to students and parents/guardians via a school planner or through other appropriate means.

The school board and personnel appointed at the academy level are responsible for ensuring that the Code of Student Conduct and the consequences for the identified infractions are legal and fair. The Board is also responsible for conveying to the community and parents/guardians, that once these conditions are met, the actions taken by the local school will be supported for the good of the school system and the community as a whole.

As in all learning environments, respect for the process is essential to its success. As such, students are expected to behave in a manner that does not disrupt their own learning or that of their classmates. The Academy's leadership takes this responsibility very seriously, and through partnership with parents will ensure that student misbehavior is developed and managed appropriately. The progressive discipline structure of this Code of Student Conduct allows for opportunities to intervene with students who struggle with maintaining desirable behaviors early in the process and holds students accountable for their actions should it become chronic and/or more aggressive.

## **General Procedures**

### **Behavioral Expectations**

Students are expected to behave in a respectful manner while under the responsibility of school staff (this includes during the school hours, after school activities, or any activity in which school staff members are responsible for the students). The Dean of Students shall ensure that a document explaining student expectations and sample misbehaviors are developed which clearly describe behavioral expectations and consequences for misbehavior. This document shall be shared with families at the start of each school year and as often as needed thereafter. Each year, the school staff shall review the document and may make appropriate revisions.

### **Behavioral Consequences**

The following is a list of possible consequences that may be given to students for inappropriate behavior. In certain instances, other consequences that appropriately match the misbehavior may also be used.

#### **Verbal Warning**

If a student is exhibiting a relatively minor behavioral infraction, the staff at their professional discretion, should give the child verbal warnings that their behavior is inappropriate, and the warning may be documented by that staff member for future reference.

#### **Written Warning**

If the behavior was a minor infraction and/or was the first or second occurrence, the student may receive a written warning to let the student know that if similar inappropriate behavior continues there will be similar and more significant consequences in the future. The written notice will be sent home through either written or email form for the parents to make them aware of the issue.

#### **Referral to Permanent File**

A referral to a permanent file will be a paper that is completed by the Dean of Students (or designee) after an internal investigation, including the student's comments regarding the misbehavior. This hard copy must be taken home, signed by the parent, and returned to school the next school day. Indication of the incident will be recorded within the student's permanent school records, and appropriate sanctions levied according to existing behavioral expectation guidelines. If the student does not return the referral with a parent signature, they may receive additional consequences, and the parent will be called.

#### **Detention**

A detention is an extension of the school day where the students will be expected to stay after school. The student must report immediately after school and stay until the time designated by the Dean of Students. If the student does not report immediately on the assigned school day or is absent for any reason (except having an official doctor's note on physician stationery), that detention will be rescheduled and an additional penalty detention added.

A detention is an extension of the school day which could occur before or after the school day or during lunch time. The student must report immediately at the date and time designated by the Dean of Students and stay until the time designated.

If the student does not report immediately on the assigned school day or is absent for any reason (except having an official doctor's note on physician stationery), that detention will be rescheduled and an additional penalty detention added.

### **In School Suspension**

An in-school suspension (ISS) is a consequence which secludes a student from his or her peers and allows the student time to reflect on his or her misbehavior. Students will be removed from class and located in an area outside the common areas where students are typically present. While suspended, students are not allowed to participate in any school-related activities, including common lunchroom. In-school suspensions shall not be considered an absence from school. However, students are required to complete, on their own time, all make up work from the time missed. Computers may not be used by students in ISS, unless a teacher gives specific permission. When returning to normal class schedules, the student may not be allowed to participate in extracurricular activities or non-educational field trips for a period of thirty (30) days following the suspension.

### **Out of School Suspension**

An out-of-school suspension will be time away from school to consider and reflect their misbehavior. When suspended, a student is not allowed on school property, and if seen on school property, will be considered trespassing. While suspended, students are not allowed to participate in any school related activities. Out-of-school suspensions will be considered unexcused absences, and the student will be required to make up on their own time all work from time missed. When returning, students may not be allowed to participate in extracurricular activities or non-educational field trips for a period of thirty (30) days following the suspension.

## **Behavior Appeal Process**

### **Behavior Appeal Foundation**

Every effort is taken to ensure students are treated equitably and fairly when investigating a behavioral concern and issuing referrals. However, should a parent/guardian feel that such issuance is unwarranted; they may use the following procedure to appeal the referral.

### **Requesting an Appeal**

If a parent/guardian wishes to request an appeal to a referral, the parent/guardian must submit such a request in writing to the Dean of Students within four (4) calendar days of the issuance of the referral. Failure to make a written appeal will forfeit the parent/guardians right to any further appeal hearing. Upon receipt of the request, the Dean of Students shall decide if the request is warranted. If the Dean of Students decides to overturn the referral he or she may do so. If not, the appeal will be referred to the School Based Leadership Team (SBLT)

### **Student Consequences**

During the appeal process, the consequences the student was issued will stand and must be met by the student while any final decision is pending. If the student was suspended, he or she must also honor the terms of the suspension including accompanying consequences until the behavior team makes its decision. If the referral is appealed successfully all record of the consequence will be expunged and the students will be excused from any missed work during that time.

### **School Based Leadership Team Meeting**

After receiving a request and deciding not to overturn the referral personally, the Dean of Students will coordinate a SBLT meeting, making an effort to schedule the meeting at a time that is convenient for all involved, including the parent/guardian who requested the appeal. The meeting shall be scheduled within four (4) school days of receiving the request. At the meeting the parent/guardian will be allowed the opportunity to present their case as to why the referral is being contested. The Dean of Students (or designee) shall provide information regarding the investigation and justifications for why the referral was earned by the student. The SBLT can ask questions of either the parent or Dean of Students in clarifying the issue. At the appeal meeting the Dean of Students will serve as a non-voting member of the team, and the Dean of Students will leave with the parents during the committee's deliberation of the appeal and decision-making process. After gathering information, the team's deliberation shall be limited to the following:

1. Deciding whether the student's behavior or act was in clear violation of the organization's policies, the behavioral expectations outlined by the school, the academy's Code of Student Conduct, and/or the mission of the school;
2. Deciding whether the student(s) is/are known to have committed the violation;
3. Deciding whether to uphold the initial findings and decision, or whether an appropriate alternate sanction should

be issued based on established parameters of the behavior program for the school.

### **Reporting of Decision**

Under most circumstances, the SBLT will make a decision at the initial meeting, however, the team reserves the right to meet within four (4) school days to review and make a final decision. The final decision will be determined by a simple majority vote and will be presented to the Dean of Students. The decision of the committee will be documented and a copy of the decision will be mailed to the parent/guardian within four (4) business days of the completion of the appeal committee's hearing. The decision of the SBLT is considered a final decision. In all cases, members' individual votes remain confidential.

### **Further Appeals**

Should a parent/guardian be dissatisfied with the decision of the SBLT, they may further appeal the decision only on the grounds that the school violated a procedural safeguard. The parent/guardian may submit a written request to the Dean of Students requesting an appeal to the Principal. If the Principal does not resolve the appeal, the appeal is presented to the governing board. The governing board will only consider whether procedures were followed and will not address questions or concerns regarding the appropriateness of a consequence. Parents are advised to consider that all meetings of the governing board are considered public meetings, and as such any information shared with the board is a matter of public record.

### **Cell Phone Usage**

Students are not allowed to bring a mobile phone to campus. When a student has a legitimate need to make a call during the school day, they may use a school telephone, provided they obtain permission from a staff member prior to use. Parents who need to contact their children during the school day for valid emergencies should contact the school office to relay a message, and that message will be relayed to your child in a timely fashion.

### **Discipline**

The activity of learning requires students to be attentive and polite. Students are expected to adhere to the Code of Conduct and Character Pillars as they have agreed to. If a student does misbehave, the consequences for the infraction will be immediate, relevant and effectual. In evaluating consequences, teachers and principals will determine if the act is a "first time," a "repeated," or a "habitual" offense.

The school has adopted the following procedure for disruptive behavior that requires an office referral. After teacher has exhausted all in classroom strategies to curb behavior, the teacher issues the student a Discipline Referral Form (Pink Slip), and the student is required to visit the Dean of Students. The following actions will be taken according to the number of referrals. Referrals are cumulative throughout the school year.

1. Student removed from class, sees administrator.
2. Student removed from class, sees administrator, calls home.
3. Student removed from class, sees administrator, calls home, leaves that day, and may not return without parent attending school as a volunteer with the student for the entire day.
4. Student removed from class, sees administrator, calls home, must attend 10 hours of detention – five (5) consecutive days, two (2) hours each day.
  - a. One-day suspension.
  - b. Automatic suspension from attending field trips (Grades 7-12). Elementary students may attend if accompanied by a parent.
5. Or more - Automatic two-day suspension for each referral.
  - a. Student removed from class, sees administrator, calls home, leaves that day, and may not return without parent attending school as a volunteer with the student for the entire day.
  - b. Possible request for expulsion from the school.
  - c. Student is ineligible for any school awards/scholarships for the current school year.

Suspended students will not be on the honor roll for that quarter. Students may be suspended for reasons other than receiving the fourth pink slip. Such suspensions may render a student ineligible for field trips and other activities.

Students' misbehavior will not be used to "teach" the class a lesson.

At no time will a student's disciplinary record be discussed with another student or parent. However, other students or parents may be consulted regarding an incident in attempt to discern truth.

The school desires to educate all students who enter our school, expecting nothing less than the best from each one.

Note that ESE students Out of School Suspensions are limited to 10 days.

\*The school district is the sole arbiter of expulsions. The school may only recommend expulsion of a student to the district. The expulsion process and proceedings will follow all district policies that apply. When students are expelled, they are expelled from the district, which includes this school.

### **What Happens After 3 and 4 Pink Slips?**

The school cannot and does not tolerate students who disrupt class. The school requires all students to be "polite and attentive." All other behavior is disruptive.

Students who disrupt class are sent to the office with a disciplinary referral, or "pink slip." The levels of discipline are indicated on this form. The following action will be taken when students go beyond their fourth disciplinary referral.

A two-day suspension will be given for every disciplinary referral over four. When a student is issued over four referrals, he or she will be considered a habitually disruptive student by the school. If a student is issued four or more disciplinary referrals, the school may request the school district Board of Education to expel that student from school. Any student expelled from the school would also be expelled from the school district. Florida state law clearly states that a student can be expelled for "continued willful disobedience or open and persistent defiance of proper authority."

### **Discipline of Students with Disabilities**

The obligation and the responsibility to attend school regularly and to comply with the organization's discipline policies apply to all students. When appropriate, the school may discipline a student with a disability, who has not complied with the organization's discipline policies. Special education services will be provided to a disabled student if the student has been removed from school for more than ten (10) school days. If a student with a disability is removed for less than ten (10) cumulative days, educational services will be provided, only if such services are provided to students without disabilities, who have been similarly removed.

### **Games and Electronic Devices**

Toys, games, playing cards, electronic devices and other non-academic items or games are only allowed with specific permission from a staff member (for example, clubs or special events). All usage of these items must be educationally focused and approved by a staff member. Any items found without permission will be confiscated and made available to parents for direct pick up. Items not picked up within five (5) school days may be discarded or given to charity. The organization cannot be held liable for any lost or stolen items.

### **Removal of Students from Class**

On occasion, a student's behavior may require that he or she be removed from a class to ensure either the academic growth of other students or the safety of everyone involved. Due to the nature of our school, teachers do not have the option of requesting permanent removal from class. Should a situation arise that a student requires removal from class, the student may be issued a 10-15-minute cooling-off period to reflect and regroup. The student will be placed in the office until they regain both self-control and a cooperative attitude before returning to class. If necessary, the student may meet with the Dean of Students (or designee) to discuss the concern and ways of remedying the situation. If necessary, the Dean of Students (or designee) may meet with other involved or uninvolved students and/or the teacher(s) to identify ways to rectify the situation, towards allowing the student to return to class. Parents will receive notification by either a telephone call and/or in writing (e.g. email) if a child is removed from class for serious or repetitive behavioral concerns.

### **School Bus Code**

#### **Student Conduct on Buses**

The safety of students during their transportation to and from school as well as while on field trips is a responsibility which

they and their parents/guardians share with the bus drivers and school officials. Therefore, the rules of student conduct will be issued to all students at the beginning of the school year, and to new students upon enrollment. Students are subject to all school rules and potential consequences while utilizing school transportation. Additionally, suspension of transportation privileges is another possible consequence for misbehavior during transportation.

### **Safety Rules**

- Be respectful to the bus operator, monitor, and all other passengers.
- Enter bus orderly, take assigned seat quickly, buckle seatbelt, and wear it during the entire trip.
- Face forward and remain in your seat until you get off at your bus stop.
- Talk quietly.
- Keep all parts of the body and objects inside the bus window at all times.
- Keep hands, legs, and belongings to yourself.
- Eating, drinking and smoking is not allowed.
- Follow directions given by the bus driver or monitor at all times.

A student who boards or attempts to board a school bus other than the one to which the student is assigned or who boards or departs a school bus at a location other than assigned pick-up or drop-off bus stop without prior school administration permission is considered to be trespassing.

### **Responsibilities of Parents and Guardians of Transported Students (excerpted from F.A.C. 6A-3.0121)**

- To ensure the safe travel of students to and from school and home when students are not under the custody and control of the district, including to and from home and the assigned bus stop.
- To ensure that students ride only in their assigned school buses and get off only at assigned bus stops, except when alternative buses or arrangements have been made.
- To ensure students are aware of and follow the expected rules of behavior while they are at the bus stops and to provide the necessary supervision during times when the bus is not present.
- To provide the necessary assistance for students to get on and off at the bus stop when the physical disability of the student renders them unable to get on and off the bus without assistance (as required by Academy policy or the student's individual education plan).

### **Safety Procedures and Responsibilities of Students Being Transported**

- Arrive at the bus stop 10 minutes prior to the scheduled pick-up time.
- Take responsibility for their behavior and conduct themselves in a respectful, orderly manner while waiting at the bus stop for the bus to arrive.
- Wait until the bus comes to a stop before attempting to get on or off.
- Enter or leave the bus only at the front door after it has come to a stop, except in the case of an emergency as directed by the driver.
- Leave the bus only with the consent of the driver.
- Be silent when approaching or crossing railroad tracks.
- Keep the aisle and step well clear at all times.
- Do not tamper with door handles, windows, and other safety equipment at any time.
- Do not use wireless communication devices, or electronic devices. Exception: Field trips in which the school administration approves the use of these devices or as a planned intervention for special needs students.

### **School Bus Vandalism/Criminal Mischief**

Vandalism or criminal mischief that occurs on a school bus or other contracted mode of transportation shall not be tolerated and shall be handled according to the Code of Student Conduct. Vandalism or criminal mischief shall include, but not be limited to cutting, scratching, writing on, puncturing, ripping, breaking, or otherwise marring, defacing, or damaging any part of the bus. It is the student's responsibility to report any existing damages and to refrain from making the damage worse. Parents/guardians shall be responsible to the owner of the bus for restitution of any damages. If restitution is not received for bus damages, the student's riding privilege may be revoked.

### **Large Objects on the School Bus**

Oversized objects, including, but not limited to, large band instruments or cases, school projects or athletic equipment which

cannot be held in the seat, are prohibited, unless prior approval is obtained from the bus driver and the school administration.

### **Cameras**

All school buses are equipped with video cameras for the purposes of ensuring the health, welfare and safety of all staff, students, and drivers.

## **Social Media**

### **Social Media Guidelines for Students**

Due to the wealth of new social media tools available to students, student products and documents have the potential to reach audiences far beyond the classroom. This translates into a greater level of responsibility and accountability for everyone. Below are guidelines students enrolled with the organization should adhere to when using Web 2.0 tools in the classroom.

1. Be aware of what you post online. Social media venues are very public. What you contribute leaves a digital footprint for all to see. Do not post anything you wouldn't want friends, enemies, parents, teachers, or a future employer to see.
2. Follow the school's code of conduct when writing online. It is acceptable to disagree with someone else's opinions, however, do it in a respectful way. Make sure that criticism is constructive and not hurtful. What is inappropriate in the classroom is inappropriate online.
3. Be safe online. Never give out personal information, including, but not limited to, last names, phone numbers, addresses, exact birthdates, and pictures. Do not share your password with anyone besides your teachers and parents.
4. Linking to other websites to support your thoughts and ideas is recommended. However, be sure to read the entire article prior to linking to ensure that all information is appropriate for a school setting.
5. Do your own work. Do not use other people's intellectual property without their permission. It is a violation of copyright law to copy and paste other's thoughts. When paraphrasing another's idea(s) be sure to cite your source with the URL. It is good practice to hyperlink to your sources.
6. Be aware that pictures may also be protected under copyright laws. Verify you have permission to use the image or it is under creative Commons attribution.
7. How you represent yourself online is an extension of yourself. Do not misrepresent yourself by using someone else's identity.
8. Blog and wiki posts should be well written. Follow writing conventions including proper grammar, capitalization, and punctuation. If you edit someone else's work be sure it is in the spirit of improving the writing.
9. If you run across inappropriate material that makes you feel uncomfortable, or is not respectful, tell your teacher right away.
10. Students who do not abide by these terms and conditions may lose their opportunity to take part in the project and/or access to future use of online tools.

### **Student Participation in Secret Organizations and Gangs**

The organization prohibits membership in secret fraternities or sororities, or in other clubs or gangs not sponsored by established agencies or organizations recognized by the organization. The organization feels that the presence of gangs and gang activities can cause a substantial disruption of or material interference with school and school activities. A "gang" as defined in this procedure is any group of two or more persons whose purposes include the commission of illegal acts. By this procedure, the organization acts to prohibit existence of gangs and gang activities as follows:

No student on or about school property or at any school activity:

1. Shall wear, possess, use, distribute, display, or sell any clothing, jewelry, emblem, badge, symbol, sign, or other things which are evidence of membership or affiliation in any gang.
2. Shall commit any act or omission or use any speech either verbal or non-verbal (gestures, handshakes, etc.) showing membership or affiliation in a gang.

3. Shall use any speech or commit any act or omission in furtherance of the interests of any gang or gang activity, including but not limited to:
  - a. Soliciting others for membership in any gangs.
  - b. Requesting any person to pay protection or otherwise intimidating or threatening any person.
  - c. Committing any other illegal act or other violation of school policies.
  - d. Inciting other students to act with physical violence upon any other person.

## **Teen Dating Violence and Abuse**

The organization strictly prohibits any act of teen dating violence and abuse committed by one student against another on school property, during a school-sponsored activity, or during school-sponsored transportation.

### **Definition**

Teen dating violence and abuse shall be defined as a pattern of emotional, verbal, sexual, or physical violence and/or abuse by one person in a current or past relationship of a romantic nature to exert power and control over another when one or both of the partners is a teenager. Abuse may include insults, coercion, social sabotage, sexual harassment, threats and/or acts of physical or sexual abuse. The abusive partner uses this pattern of violent and coercive behavior to gain power and maintain control over the dating partner. To be subject to this procedure, teen dating violence and abuse committed by one student against another must occur on school property, during a school-sponsored activity, or during school-sponsored transportation.

### **Reporting**

Any student who is the victim of an act of teen dating violence and abuse or has cause to believe that she/he is in immediate danger of becoming the victim of an act of teen dating violence and abuse, should report the matter to the Dean of Students or to any member of the school staff. Any employee who has received a report of or has any reason to suspect that acts of teen dating violence and abuse may be occurring shall report such report, observations, or suspicions to the Dean of Students or designee. Any student, parent or community member who has reason to suspect that a student may be the victim of dating violence and abuse should report it to the Dean of Students or designee or use the anonymous reporting form on our website. The Dean of Students shall ensure the school community is made aware of how to report an act of dating violence and abuse.

### **Investigation**

The investigation of a report or suspicion of teen dating violence and abuse shall follow the same procedures as a bullying investigation identified elsewhere within these policies, including parent notification. At no time will the alleged perpetrator and victim be interviewed together. The written report of the investigation shall include all pertinent information and a determination upon whether an act of teen dating violence and abuse occurred based upon the definition above. The organization reserves the right to investigate a report of teen dating violence and abuse regardless of whether the student who is allegedly the victim wants to pursue the matter. If an investigation is pursued against the alleged victim's wishes, the Dean of Students or designee will notify the victim and refer the victim to appropriate services for safety planning.

### **Consequences**

At the conclusion of the investigation the Dean of Students or designee will determine whether or not the allegation of teen dating violence and abuse was substantiated. If the situation is substantiated, consequences will be assigned based upon the behavioral consequences listed within these procedures. All disciplinary action shall be taken in accordance with state law and applicable policies and procedures. In addition to school consequences, if the Dean of Students or designee believes a crime has been committed, law enforcement will be immediately notified. In those cases where teen dating violence and abuse is not substantiated, the Dean of Students or designee may consider whether the alleged conduct nevertheless warrants disciplinary action in accordance with the school policies.

### **Support and Reasonable Accommodations - "Stay Away" Contract**

If requested during or after the investigation, the Dean of Students shall make reasonable accommodations for the student who is allegedly experiencing teen dating violence and abuse including, but not limited to the following:

1. Contract, that is, a contract with the alleged perpetrator to stay away from the victim, including electronic contact, while on school grounds, on school transportation, and during school-sponsored programs and events;
2. Class schedule changes;
3. Protection that will enable safe egress/regress from school, as well as movement within the school; and

#### 4. Referrals for outside support or counseling.

Students should provide the Dean of Students with a copy of an order of protection that has been issued by the court. The Dean of Students shall then contact the student whose behavior is to be regulated by that order of protection and initiate a Stay Away Contract that is consistent with the terms of that order and provides penalties for known violations of the contract. Further, the Dean of Students or designee shall notify law enforcement immediately if a restraining order has been violated.

#### **Other Violations**

Individuals who maliciously or knowingly make a false report or complaint of teen dating violence and abuse, or individuals who retaliate against a person who has made such a report or was a witness in such an investigation shall be subject to disciplinary actions as elsewhere within these policies. Additionally, any staff member who does not inform the Dean of Students of a report or suspicion of teen dating violence and abuse shall be subject to disciplinary action as defined within the employee section of this document.

#### **Confidentiality**

The organization will respect the privacy of the complainant, the individual(s) against whom the complaint is filed, and the witnesses as much as possible, consistent with the school's legal obligations to investigate, to take appropriate action, and to conform with any discovery or disclosure obligations. All records generated under the terms of this procedure and its related administrative procedures shall be maintained as confidential to the extent permitted by law.

#### **Education and Training**

The Dean of Students shall, along with the publication of the anti-bullying policy, inform school staff, students and parents/guardians of the prohibition and reporting requirements regarding teen dating violence and abuse. In addition, in accordance with the state standards regarding the health curriculum, include instruction regarding teen dating violence and abuse.

### **Special Notes**

**Note I – Repeated Infractions:** Repeated infractions of the Code of Student Conduct in school and/or on the school bus will be considered willful disobedience and/or open defiance of authority resulting in possible suspension or expulsion from school and/or the school bus for the remainder of the school year or a specific period of time. Such patterns of behavior will also warrant consideration for enrollment at one of the district's alternative education centers for students in Grades 4 through 12. For more information on alternative education centers see the section "Placement Procedures in Alternative Education Centers" below.

**Note II – Hazing:** There shall be no type of hazing during any Academy sponsored event, club, organization, or class within the school or off campus. Hazing shall be defined as any action or situation for the purpose of initiation or admission into or affiliation with any organization operating under the sanction of the school which recklessly or intentionally endangers a student's mental or physical health or safety. Acts of hazing shall be addressed and will result in the appropriate consequence being administered in accordance with the Code of Student Conduct.

**Note III – Search and Seizure:** Federal and state laws grant individuals reasonable expectations of privacy and freedom from unreasonable search and seizure of property. Such guarantees are not unlimited and must be balanced by the school's responsibility to protect the health, safety and welfare of all students. Students may be subject to search of person or property if a reasonable suspicion exists that the student may have violated the Code of Student Conduct or state or federal law. Be advised that, upon reasonable suspicion, student lockers and other storage areas (including, but not limited to, book bags, pocketbooks, notebooks, pockets, personal electronic devices, etc.) may be searched. Additionally, school personnel are permitted to conduct administrative random searches for weapons and other contraband absent reasonable suspicion. Administrative random searches shall be carried out with a neutral plan for execution and in the least intrusive manner. The Academy is permitted to use metal detectors to assist in this effort.

**Note IV – Prohibited Items:** Be advised that students will be held responsible for prohibited items in their personal control, such as items located in book bags, clothing or items belonging to someone else.

**Note V – Technology-Based Infractions:** Technology-based infractions may result in a suspension or limited access of network

and/or Internet access. Alternative instructional materials may be provided.

**Note VI – Bus Riding Privileges:** Bus riding is a privilege, which may be revoked. Misconduct by any student while riding a school bus represents a serious threat to the safety of all occupants on the bus as well as other motorists, pedestrians, and members of the community. Parents/guardians are urged to discuss with their children appropriate school bus conduct in order to ensure bus safety. All students who misbehave while riding the school bus will be disciplined according to the Code of Student Conduct.

A bus suspension is separate from a school suspension and applies only to the loss of bus riding privileges unless subject to other disciplinary actions, such as out-of-school suspension. Students are required to attend school. Bus suspension does not affect or excuse school attendance.

Students with disabilities (Exceptional Education Students other than Gifted) and students with Section 504 Plans may be suspended from the bus for up to three days at one time.

#### **Special Notices Pursuant to Section 1006.07, Florida Statutes**

1. Violence against any Naples Classical Academy school board personnel by a student is grounds for in-school suspension, out-of-school suspension, expulsion, or imposition of other disciplinary action by the school and may also result in criminal penalties being imposed.
2. Violation of Naples Classical Academy's school board transportation policies, including disruptive behavior on a school bus by a student is grounds for suspension of the student's privilege of riding on a school bus and may be grounds for disciplinary action by the school and may also result in criminal penalties being imposed.
3. Violation of the Academy school board's sexual harassment policy by a student is grounds for in-school suspension, out-of-school suspension, expulsion, or imposition of other disciplinary action by the school and may also result in criminal penalties being imposed.
4. Violent or disruptive students may be assigned to an alternative educational program or referred to mental health services identified by the school pursuant to s. [1012.584](#)(4).
5. Any student who is determined to have brought a firearm or weapon, as defined in chapter 790, to school, to any school function, or onto any school-sponsored transportation, or to have possessed a firearm at school, will be expelled, with or without continuing educational services, from the student's regular school for a period of not less than one full year and referred to mental health services identified by the school pursuant to s. [1012.584](#)(4) and the criminal justice or juvenile justice system.
6. Any student who is determined to have made a threat or false report, as defined by ss. [790.162](#) and [790.163](#), respectively, involving school or school personnel's property, school transportation, or a school-sponsored activity will be expelled, with or without continuing educational services, from the student's regular school for a period of not less than one full year and referred for criminal prosecution and mental health services identified by the school pursuant to s. [1012.584](#)(4) for evaluation or treatment, when appropriate. Students may be assigned to a disciplinary program or second chance school for the purpose of continuing educational services during the period of expulsion. District school superintendents may consider the one-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 it is determined to be in the best interest of the student and the school system.
7. Criteria for recommending to law enforcement that a student who commits a criminal offense be allowed to participate in a civil citation or similar prearrest diversion program as an alternative to expulsion or arrest; and
8. Criteria for assigning a student who commits a petty act of misconduct to a school-based intervention program. If a student's assignment is based on a noncriminal offense, the student's participation in a school-based intervention program may not be entered into the Department of Juvenile Justice Information System Prevention Web.

**Note VII – Counseling and/or Treatment:** A student may be required to obtain counseling and/or attend a recognized treatment program at parental expense and show proof of completion of such counseling or program. Such offenses may include, but are not limited to, abuse of technology, substance abuse, stalking, threats, intimidation, bullying, harassment, teen dating violence or abuse or acts motivated by hate or bias.

**Note VIII – Compensation for Acts of Vandalism:** A student who willfully damages school property, a school bus, or bus equipment shall be properly disciplined. The parent(s) or legal guardian of a minor student (or the student, if he/she is an adult) shall reimburse the owner of the bus for restitution or for replacement of any damaged school property in accordance

with the true value as determined by the appropriate administrative staff. Students who damage school property, a school bus or bus equipment shall be subject to disciplinary action according to the Code of Student Conduct.

**Note IX – Expulsion:** The Collier County School Board has the sole authority to expel students pursuant to Florida Statute 1006.07. The CCPS school board may expel a student from school based on grounds specified in the Code of Student Conduct. “Expulsion” means the removal of the right and obligation of a student to attend a public school under conditions set by the district school board, and for a period of time not to exceed the remainder of the term or school year and one (1) additional year of attendance. Expulsions may be imposed with or without continuing educational services and shall be reported accordingly.

Naples Classical Academy will request that the Collier County School Board conduct an expulsion hearing for a student found to have committed a Zero Tolerance Offense, even if the student withdraws from Naples Classical Academy after committing the offense.

**Note X – Testing Restrictions:** During state assessments and other testing which is determined by the Principal or his/her designee, students may not have any electronic or recording devices, including, but not limited to smart phones, cell phones, personal computers, electronic games or similar devices, in their pockets, at their desk or anywhere they can reach them, before, during, or after the testing session. Possession of any electronic device that reproduces, transmits, records, or calculates (except for the state-approved calculator), will result in the student’s test being invalidated.

**Note XI – Bus Safety:** Pursuant to Florida law, each passenger on a school bus that is equipped with safety belts or restraint system shall wear a properly adjusted and fastened safety belt at all times while the bus is in operation.

**Note XII – Students with Disabilities (IEP/Section 504 Plans):** Disciplinary action(s), as outlined in the Code of Student Conduct must comply with the Individuals with Disabilities Education Improvement Act (IDEIA) and Section 504 of the Rehabilitation Act of 1973, as well as state and local regulations.

Suspensions and expulsions for more than ten (10) consecutive days and/or a pattern of suspensions and expulsions that exceed ten (10) days in a school year may be considered “changes of placement” for students with disabilities who have a Section 504 Plan or who are eligible under the Individuals with Disabilities Education Act (IDEA) and have an Individual Educational Plan (IEP). When the student is removed from his/her educational placement for more than ten (10) days, a manifestation determination must be conducted to consider whether any strategies, interventions, or evaluations are appropriate and the student must be provided appropriate educational services in order to receive a free appropriate public education (FAPE).

Discipline guidelines for IDEA eligible students with disabilities are specified in the District’s Exceptional Student Education Policies and Procedures (SP&P) and discipline guidelines for Section 504 students with disabilities in the District’s 504 Procedures Manual.

**Note XIII – Anti-Bullying Policy:** Pursuant to Florida Statute 1006.147, it is the policy of the Naples Classical Academy (The Academy) that all of its students and school employees have an educational setting that is safe, secure, and free from harassment and bullying of any kind. Accordingly, the Academy will not tolerate bullying or harassment against any student, employee, visitor, volunteer or agent who works on school-related activities, subject to the control of school officials. This policy shall be interpreted and applied consistently with all applicable state and federal laws. Conduct that constitutes bullying and harassment, as defined herein, is prohibited.

The Academy prohibits bullying/cyberbullying or harassment of any student or school employee, volunteer or agent:

1. During any education program or activity conducted by the Academy.
2. During any school-related or school-sponsored program or activity or on a school bus.
3. Through the use of data or computer software that is accessed through a computer, computer system, or computer network within the scope of the Academy. The physical location or time of access of a computer-related incident cannot be raised as a defense in any disciplinary action.
4. Through the use of data or computer software that is accessed at a non-school-related location, activity, function, or program or through the use of technology or an electronic device that is not owned, leased, or used by the

Academy, if the bullying substantially interferes with or limits the victim's ability to participate in or benefit from the services, activities, or opportunities offered by a school or substantially disrupts the education process or orderly operation of a school. This paragraph does not require a school to staff or monitor any non-school-related activity, function, or program.

For more information, see Naples Classical Academy's Bullying and Harassment policy.

**Note XIV:** The Principal or their designee, at their discretion can allow or disallow different types of personal portable electronic devices (whose primary use is approved methods of communication and research) to be used while at school. Personal portable devices whose primary purpose is gaming, will not be allowed unless approved by the Principal or their designee. The use of such devices is done so voluntarily and is a privilege that can be suspended or revoked at any time. At no time may a student access unfiltered Internet through a cellular network or unauthorized Wi-Fi hotspot on their personal devices while on school grounds. **Bringing a personal portable electronic device to school puts that device at great risk of being lost, stolen or damaged; at no time will the Academy be liable for such loss or damage.**

**Note XV:** In preparing our students for online testing and complying with state of Florida mandates, each Naples Classical Academy student will be assigned a computer network login that will provide the student with access to internal and external network resources including the Internet for use during classes and FSA testing. The proper use of the Internet provides opportunities for research, learning, and web-based educational programs. **Some enrichment, online testing, and curriculum resources programs are only accessible through the Internet including some specific intervention and grade recovery programs.**

**Note XVI:** Gang Definition – The federal definition of gang as used by the Department of Justice and the Department of Homeland Security's Immigration and Customs Enforcement (ICE), is

- An association of three or more individuals.
- Whose members collectively identify themselves by adopting a group identity, which they use to create an atmosphere of fear or intimidation, frequently by employing one or more of the following: a common name, slogan, identifying sign, symbol, tattoo or other physical marking, style or color of clothing, hairstyle, hand sign or graffiti.
- Whose purpose in part is to engage in criminal activity and which uses violence or intimidation to further its criminal objective.
- Whose members engage in criminal activity or acts of juvenile delinquency that if committed by an adult would be crimes with the intent to enhance or preserve the association's power, reputation or economic resources.
- The association may also possess some of the following characteristics:
  - The members may employ rules for joining and operating within the association.
  - The members may meet on a recurring basis.
  - The association may provide physical protection of its members from others.
  - The association may seek to exercise control over a particular geographic location or region, or it may simply defend its perceived interests against rivals.
  - The association may have an identifiable structure.

**Note XVII:** Physical education is required for all students as indicated in 1003.455 F.S. This statute requires that all students have time for daily physical education that equals 150 minutes per week. Therefore, we cannot use exclusion from physical activities as a consequence for student misbehavior. This is inclusive of physical education, teacher-directed PE, and recess.

**Note XVIII:** The Baker Act is a Florida law that allows people with mental illnesses to be held involuntarily for up to 72 hours in a mental health treatment facility if they meet certain criteria. The act can be initiated by judges, law enforcement officials, doctors, or mental health professionals.

## Minor Infractions - Level I

### Level 1

Level 1 infractions are relatively minor acts of misconduct that interfere with the orderly operation of the classroom, a school function, extracurricular/co-curricular program or approved transportation.

#### Level 1 Infractions in General

1. Disruption (level 1): Non-threatening activity that is not appropriate in a school setting, such as engaging in loud or rough behavior that interferes with the safe and purposeful order of a school.
2. Inappropriate Location: Presence of the student in an unapproved location or during an unapproved time.
3. Tardy: Arrival to class after the designated starting time or after the tardy signal has sounded (cannot be given a suspension).
4. Other: Any other minor act of behavior which interferes with the orderly operation of the classroom, the school program, a school function or activity, an extracurricular activity or approved transportation.

**Special Note:** Infractions committed within the same level in the Code of Student Conduct in school, at school-sponsored events and on the school bus will be considered willful disobedience and/or open defiance of authority. As a result, the student infraction may be escalated to a level 2 intervention.

**Example: A student committing a Level I infraction followed by any other Level I infraction may be cause for a more serious intervention.**

- 1.01 **(ZZZ) Disruption in Class** – Any conduct which is so disruptive as to interfere with the teacher’s ability to communicate with the students in class and/or with the ability of other students to learn and does not cease with teacher/classroom documented based progressive discipline plan.
- 1.02 **(ZZZ) Illegal Organization** – Any participation in prohibited secret clubs or societies.
- 1.03 **(ZZZ) Disorder Outside of Class** – A student must not bother other students outside of class or participate in disruptive conduct that interferes with maintaining order in areas subject to school authority or the failure to follow directions to cease such conduct.
- 1.04 **(ZZZ) Tardiness** – Reporting late to school or class. Tardiness is defined as the physical absence of a student in the classroom at the beginning of a regularly scheduled session at which he or she is scheduled to be present. A student’s tardiness shall be excused when the reason given for tardiness is acceptable to the Principal or designee. Examples of acceptable reasons for tardiness are the same as the examples of acceptable reasons for excused absences.

A student has the responsibility to be in class on time. A student failing to make an effort to attend class in a timely manner shall be considered truant and subject to disciplinary action. A student’s excessive unexcused tardiness shall be considered willful disobedience, and the student shall be subject to disciplinary action. Accumulation of tardies shall be on a nine-week grading period. Schools with electronic tardy tracking systems shall track tardies on an aggregate basis. Schools without electronic tardy tracking systems shall track tardies by period.

NOTE: Pursuant to Florida law, out-of-school suspension is not a permissible disciplinary action for this infraction for students who are of compulsory attendance age. As such, action code 07 (out-of-school suspension) should not be used for this offense.

- 1.05 **(ZZZ) Use of Abusive, Profane, or Obscene Language or Gestures** – Must not use inappropriate language or gestures. (Not limited to students but also common areas, classes, hallways, and cafeteria).
- 1.06 **(ZZZ) Nonconformity to the General Code of Appearance** – see Appendix for General Code of Appearance)
- 1.07 **(ZZZ) Inappropriate Public Display of Affection**
- 1.08 **(ZZZ) Unauthorized Absence from Class or School Day Activity but Remaining on Campus (Skipping)**

NOTE: Pursuant to Florida law, out-of-school suspension is not a permissible disciplinary action for this

infraction for students who are of compulsory attendance age. As such, action code 07 (out-of-school suspension) should not be used for this offense.

- 1.09 (ZZZ) Unauthorized Use of Wireless Communication Devices or Cell Phone** – Possession of a personal wireless communication device is an infraction of the Code of Student Conduct. This includes the unauthorized use of a wireless communication devices to capture images or recordings without permission during school hours and/or the unauthorized use on school buses in the absence of an emergency concerning safety-to-life issues (defined as a bus accident, mechanical breakdown which delays the normal route, and/or thirty (30) minutes or more in a route delay).

NOTE: Students are not allowed to possess a wireless communication device. It is the expectation that parents/guardians should only contact students through the school office during school hours.

Violations of this policy will result in confiscation, and the device will only be released to the parent/guardian. Progressive discipline will apply for repeated infractions. School board employees or agents will not be held liable for wireless communication devices that are lost, stolen, or confiscated. Florida Statute 1006.07 (2)(e) requires school schools to notify parents/guardians that students who use wireless communication devices in the commission of a criminal act may face school disciplinary action and/or criminal penalties.

During Naples Classical Academy and state assessments, students may not have any electronic or recording devices, including but not limited to, smartphones, tablets, personal computers, tablets, cell phones, or electronic games, in their pockets, at their desk or anywhere they can reach them, before, during, or after the testing session. Possession of any electronic device that reproduces, transmits, records, or calculates (except for the state-approved calculator), will result in the student's test being invalidated.

- 1.10 (ZZZ) Failure to Follow Instructions on the School Bus** – Any conduct or disruption on the school bus including, but not limited to, the following: eating, drinking, or littering; failure to sit in assigned seat; improper boarding or departing in a disorderly manner; failure to keep aisle and step wells clear; failure to utilize required safety equipment (example: seatbelts); and failure to present bus permit/student ID if one has been issued and is requested.

NOTE: Pursuant to Florida law, each passenger on a school bus that is equipped with safety belts or restraint system shall wear a properly adjusted and fastened safety belt at all times while the bus is in operation.

#### Level I Interventions

Middle & High School*	Elementary*
Counseling and direction with the student.	Counseling and direction with the student.
Verbal reprimand/warning	Verbal reprimand/warning
Parental contact	Parental contact
Parent conference	Parent conference
Confiscation of item (with or without return to parent)	Confiscation of item (with or without return to parent)
Time out	Time out
Written apology	Written apology

Special work assignment	Special work assignment
Withdrawal of privileges which may include, but not be limited to, computer access, participation in extracurricular activities, bus riding privilege, and/or parking privileges, etc.	Withdrawal of privileges which may include, but not be limited to, computer access, participation in extracurricular activities, bus riding privilege, etc.
Return of property, payment for same (parent responsibility if a minor), or restitution for damages.	Return of property, payment for same (parent responsibility) or restitution for damages.
Behavior plan/contract	Behavior plan/contract
Lunch detention	Lunch detention
Detention (before or after school)	Detention (before or after school)
Extended Friday or Saturday detention (if available)	Referral to guidance.
In-school suspension (if available). Not to be used for attendance or tardiness.	Repeated infractions will be handled progressively and result in higher level consequences.
Referral to guidance.	Other school-based consequences as deemed appropriate by administration.
Repeated infractions will be handled progressively and result in higher level consequences.	Referral to MTSS team (3 referrals at ES level): referrals will result in a referral to the MTSS (Multi-Tiered System of Support) Team for a review of student success to make recommendations for interventions and supports.
Referral to MTSS team: referrals will result in a referral to the MTSS (Multi-Tiered System of Support) Team for a review of student success to make recommendations for interventions and supports.	Class change
Schedule change (if possible and appropriate)	

\*The above response and sanctions are not listed in a specific or progressive order.

## Intermediate Infractions - Level II

**Special Note** – Infractions committed within the same Level in the Code of Student Conduct in school, at school-sponsored events and on the school bus will be considered willful disobedience and/or open defiance of authority.

- 2.01 (ZZZ) Failure to Adhere to Safety Considerations** – Any action that endangers self or others or has the potential to create danger and destruction. Examples may include situation resulting in the immediate area being cleared, throwing of dangerous objects which could cause bodily harm. **This offense may not be used to suspend students for tardies or multiple tardy behaviors or truancy.**

NOTE: Any conduct which significantly disrupts all or portions of campus activities, (greater than one classroom) school-sponsored events or school bus transportation may constitute a Level III offense.

- 2.02 (TBC) Use, Possession, Distribution, or Sale of Tobacco/Nicotine/Vape or Tobacco/Nicotine/Vape Products**

The possession, use, distribution, or sale of tobacco or nicotine products on school grounds, at school-sponsored events, or on school transportation by any person under the age of 21.

NOTE: It is illegal to possess or use tobacco products if under the age of 21. Tobacco products shall include, but not be limited to, any lighted or unlighted cigarettes, cigars, pipe tobacco, pipe, bidi, clove cigarette, cigarillo, hookah, blunts, chewing tobacco, snuff, snus, orbs, strips, sticks, electronic cigars and cigarettes/vaping products and any other items containing or reasonably resembling tobacco or tobacco products.

To safeguard the health and safety of school employees and students, the use of tobacco products on any school board property is prohibited. School board property, as used herein, shall mean any building owned or part thereof owned or used by the school board, and the grounds upon which such building is located.

- 2.03 (ZZZ) Distribution, Possession, Sale or Purchase of Drug/Facsimile Products** – Possession, Use and or Sale of Drug Facsimile Products. This includes substances which are not drugs, but may be imitating a drug or can be used as a drug (Example: bagging oregano like marijuana, sniffing or snorting non-drug powders)

**Police Notification/Consultation Required and BTA Team**

- 2.04 (ZZZ) Possession and/or Use of Matches or Lighters** – (Lighting of Flammable Materials which does not cause disruption on school campus)

- 2.05 (ZZZ) Intentional Threat of a School Employee or Agent** – A direct intentional threat by word or act to do violence on a school employee or agent, coupled with the apparent ability to do so, creating fear in that person.

**Police Notification/Consultation Required**

- 2.06 (ZZZ) Intentional Threat of a Student** – A direct intentional threat, by word or act, to do violence to a student, coupled with the apparent ability to do so, and doing some act, which creates fear in that person.

- 2.07 (ZZZ) Intentionally Striking a Student** – Intentionally striking another student against his or her will that **does not** cause bodily harm/medical documentation to an individual. (This code does not include horseplay)

- 2.08 (ZZZ) Lower Level Confrontation or Dispute** – Lower-level confrontations such as, mutual or non-mutual pushing and shoving or altercations which stop upon verbal command and are resolved without injury or need for physical restraint, also includes, but not limited to punching, hitting, body slamming that does not cause injury.

NOTE: Out-of-school suspension shall not be a disciplinary action for a first offense of a dispute.

- 2.09 (FIT) Fighting (Mutual combat, Mutual altercation)** – When two or more persons mutually participate in physical violence that requires physical intervention and/or results in injury.

- 2.10 (FIT) Initiating a Fight** – When a student intentionally initiates a fight between others or with another student. (This code should only be used when a fight occurs)

**2.11 (FIT) Fighting or Striking a student on a School Bus/Officially Designated Bus Stop** - When two or more persons mutually participate in physical violence that requires physical intervention and/or results in injury on a school bus or officially designated bus stop.

**2.12 (ZZZ) Response to Physical Attack** – A student that responds to a physical attack with a combative response not through self-defense.

NOTE: Self-defense is described as an action to block an attack by another person or to shield yourself from being hit by another person. If the retaliation meets this definition, then there will be no consequence. Retaliating by hitting a person back is not self-defense and consequences outlined in the rubric should be followed.

**2.13 (ZZZ) Use of a Device to Record a Fight between Students or School Board Employee** – Students shall not use cameras or any other recording device (digital, video, cell phone, smart watches, cameras, tablets, smart technology, etc.) to capture and/or share images or videos taken on school property, the bus, or at a school-sponsored event to record a fight/altercation or school board employee.

**2.14 (ZZZ) Premeditated Use of a Device to Record a Fight** – Student is aware that a fight, altercation, or infraction will occur and intentionally uses a recording device to record the offense.

**2.15 (ZZZ) Vandalism** – Any intentional and deliberate action resulting in damages of less than \$200 to public property, school property, or the real estate or personal property belonging to another including, but not limited to, the placement of graffiti thereon or other acts of vandalism thereto as defined by Florida Statute 806 (Documentation of assessment of damages required). A student who willfully damages school property, a school bus, or bus equipment shall be properly disciplined. The parent(s) or legal guardian of a minor student (or the student, if he/she is an adult) shall reimburse the owner of the bus for restoration or for replacement of any damaged property in accordance with the true value as determined by the appropriate administrative staff. Students who damage school property, a school bus or bus equipment shall be subject to disciplinary action according to the Code of Student Conduct. **Damage to property valued at \$200 to \$1,000 constitutes a Level III Offense.**

**2.16 (ZZZ) Stealing or Use of Counterfeit Bills** – Any intentional unlawful taking and/or carrying away of property valued at less than \$750 belonging to, or in the lawful possession or custody of another, including, but not limited to, money, credit cards, debit cards, gift cards, jewelry and personal items located in lockers, cars, book bags, clothing, or anywhere else on school property or the use of counterfeit money for procuring school items (i.e., lunch, fundraisers, uniforms, etc.). (Proof of purchase price required). **The taking of property valued at \$751 or more constitutes a Level III Offense.**

**2.17 (ZZZ) Possession of Stolen Property** (with the knowledge that it is stolen)

**Police Notification/Consultation Required**

**2.18 (ZZZ) Teasing/Intimidation/Ridicule** – Verbal, written or printed communication that maliciously threatens injury to a person, property, or reputation of another, or other conduct that demeans or ridicules another. Multiple 2.18 offenses may rise to the level of bullying. Completion of the threat, either by the victim complying with the demands, or the carrying out of threats against the victim, constitutes a Level III Offense.

**2.19 (TRS) Trespassing** – Willfully entering or remaining in any structure, conveyance, on school property or at a school-sponsored event/off campus, or school bus without being authorized, licensed, or invited; or having been authorized, licensed, or invited, and is warned by an authorized person to depart and with no lawful purpose for entry and refuses to do so. **A student who has been suspended or expelled from school or school bus and returns to any Naples Classical Academy property (without being authorized) is considered to be trespassing and is subject to arrest.**

## **Police Notification/Consultation Required**

### **2.20 (ZZZ) Possession of Fireworks, Firecrackers, Smoke/Stink Bombs, or Flammable Materials**

## **Police Notification/Consultation Required**

- 2.21 (ZZZ) Verbal Sexual Harassment** – Any unwelcomed sexual advances, requests for sexual favors, and/or other inappropriate verbal, written, or electronic contact when submitting to or rejecting the conduct affects or unreasonably interferes with the learning environment or creates an intimidating, hostile, or offensive educational environment (6A-19.008 SBE Rule). It includes, but is not limited to, sexually-oriented jokes, verbal advances, sexually-oriented kidding, teasing, using language that has a double meaning and is sexually suggestive.

NOTE: Infraction of the school's sexual harassment policy may be grounds for in-school suspension, out-of-school suspension, expulsion, or the imposition of other disciplinary action by the school, and may also result in criminal charges by state or local units of government. Severe and/or repeated inappropriate or unwelcome conduct or speech that is sexual in nature may constitute a Level III offense.

- 2.22 (ZZZ) Obscene, Profane, or Offensive Language or Gestures directed to a School Employee or Agent** – Any behavior offensive to common propriety or decency directed to school employee or non-student including, but not limited to, any verbal, written, electronic, or physical conduct such as, slurs, or innuendos, which has the purpose or the effect of creating an intimidating, hostile, or offensive educational environment. (Hearing a student use profanity about an employee that is not directed at the employee is not an example of this code.)

- 2.23 (ZZZ) Leaving School Grounds or the Site of Any School Activity without permission.**

- 2.24 (ZZZ) False Information** – Intentionally providing false information to a school employee or agent, including giving false student information data and concealment of information directly relating to school business. This includes, but is not limited to, failure to provide correct name, correct phone number or other pertinent data, forgery of school notes, re-admit slips, tardy slips, excuse blanks, report cards, hall passes, field trip forms, scholarship warnings, notes to or from parents/guardians, or any other related materials.

NOTE: A student is responsible for ensuring that parents/guardians receive any materials sent home by the school and for ensuring that school personnel receive any materials sent to school by the parent/guardian.

- 2.25 (ZZZ) Refusal to Attend or Participate in Other Previously Assigned Discipline**

- 2.26 (ZZZ) Inappropriate Use of Instructional Technology or an Electronic Device**

- Students will only use computers with permission and must abide by the Academy's Acceptable Use Policy (AUP).
- Students will not share logins, usernames, or passwords with anyone. **Students are responsible for any activity that occurs under their account.** Students have no expectation of privacy while utilizing the Naples Classical Academy network, computers, or any device that is attached to it.
- Students will not attempt to access websites blocked by Academy policy, including the use of proxy services, software, or websites. **If the website is blocked, do not attempt to bypass the block by any means.**
- Students will not use the network to access material that is profane or obscene (pornography), that advocates illegal acts, or that advocates violence or discrimination towards other people (hate literature). **Students shall immediately notify a teacher or administrator if inappropriate information is mistakenly accessed or found anywhere on the Naples Classical Academy network including student shares.** This may protect students against a claim of intentional infraction of this policy.
- Students will not post personal contact information about themselves or other people. Personal contact information includes address, telephone, school address, work address, etc. This information may not be provided to an individual, organization, or company, including websites that solicit personal information. Promptly disclose to a teacher any messages received that are inappropriate or make you

feel uncomfortable.

- The use of the Naples Classical Academy network or computers is a privilege that may be restricted or removed by school-based administration or automated content control systems. If access restrictions are made, the student will maintain access to technology directly related to curriculum associated with learning and instruction.
- Students will not make any attempt to bypass a firewall, intrusion detection/prevention system or any security system designed to secure the network. Students will not use sniffing (unauthorized monitoring of network traffic/usage) or remote access technology to monitor the network or other user's activity.
- Students will not download or store unauthorized music, videos, movies, software, or games on the Naples Classical Academy network.
- Students will not use technology for personal gain, profit, or any illegal conduct, such as fraud, copyright infringement, hacking, cheating, or distributing viruses or malware that result in minor disruptions.
- Students will not possess published or electronic material that is designed to promote or encourage illegal behavior or that could threaten school safety or use the Internet or websites at school to encourage illegal behavior, or threaten school safety.

NOTE: Infractions, which constitute any major disruption of an educational or business process, may result in a Level III or IV offense.

**2.27 (ZZZ) Gambling** – Any participation in games of chance for money and/or other things of value.

**2.28 (ZZZ) Failure to Adhere to Safety Considerations on School Bus** – Failure to adhere to expected school bus safety considerations include, but are not limited to, failure to remain seated, spitting out of the bus window, boarding or attempting to board a school bus other than the one to which the student is assigned, boarding or departing a school bus at a location other than assigned pick-up or drop-off bus stop without prior school administration permission, yelling out of the bus and making any gesture to others outside of the bus that may be considered offensive to decency or common propriety.

A student who boards or attempts to board a school bus other than the one to which the student is assigned or who boards or departs a school bus at a location other than assigned pick-up or drop-off bus stop without prior school administration permission is considered to be a 2.28 Code of Student Conduct offense and subject to formal disciplinary action.

**2.29 (ZZZ) Cheating and/or Copying the Work of Others** – Intentionally copying or using another's work to receive credit or improve grades. Examples would include, but are not limited to, plagiarizing, giving or receiving answers during testing.

**2.30 (ZZZ) Extortion** – A student may not obtain money or property from an unwilling person by force, threat of force, or other means of coercion.

**Police Notification/Consultation Required**

**2.31 (ZZZ) Unjustified Activation of Bus Emergency System While the Bus is Not Moving** – Any unjustified activation of bus emergency doors, emergency windows, or other systems unless directed by the bus operator/attendant, or other authorized school employee or agent in an emergency or in the case of an evacuation drill.

**2.32 (ZZZ) Gang Activity or Expression** – Willful use of overt language or action indicating gang related association.

**Police Notification/Consultation Required**

## Level 2 Disciplinary Interventions - Intermediate Infractions

Middle & High School*	Elementary*
Mediation	Paired with a mentor
Paired with a mentor	Community service
Community service	Safety assessment
Safety assessment	In-school suspension
Out-of-school suspension three days or less. Does not include attendance or skipping infractions.	Out-of-school suspension three days or less. Does not include attendance or skipping infractions.
Functional Behavior Assessment (FBA) and Behavior Intervention Plan if needed based on FBA.	Functional Behavior Assessment (FBA) and Behavior Intervention Plan if needed based on FBA.
Other school-based consequences as deemed appropriate by administration.	Other school-based consequences as deemed appropriate by administration.

\*The above response and sanctions are not listed in a specific or progressive order.

## Major Infractions - Level III

**Special Note** – Infractions committed within the same Level in the Code of Student Conduct in school, at school-sponsored events and on the school bus will be considered willful disobedience and/or open defiance of authority. As a result, the student infraction will be escalated to the next occurrence on the Disciplinary Actions/Interventions Matrix.

**Example: A student committing a Level III infraction followed by any other Level III infraction will move to the next occurrence on the Disciplinary Actions/Interventions Matrix.**

Special Note – **Behavioral Threat Assessment (BTA)** – Infractions with the acronym (BTA) should initiate the Behavioral Threat Assessment Team, which is a multi-disciplinary team that convenes when there is a real or perceived threat to schools or persons related to behavioral health. When a student commits any violent infraction, a mental health referral to provider must be submitted.

- 3.01 (ALC) Alcohol** – Possession, purchase, or use/sharing of alcoholic beverages. Use means the person is caught in the act of using, admits to use or is discovered to have used in the course of an investigation. (This includes students on campus under the influence of alcohol)

### Police Notification/Consultation Required and BTA Team

NOTE: It is illegal to possess or use alcoholic beverages if under the age of 21.

- 3.02 (DRU) Drugs** – The use/sharing or possession of any drug, narcotic, controlled substance, or any substance when used for chemical intoxication. This includes vaping products containing THC. **Use means the person is caught in the act of using, admits to use or is discovered to have used in the course of an investigation.** (This includes students on campus under the influence of drugs)

### Police Notification/Consultation Required and BTA Team

NOTE: The possession or use of illicit drugs is illegal and harmful.

- 3.03 (PHA) Physical Attack of a School Board Employee or Non-Student** – Actual and **intentional** striking, pushing, or spitting on a school board employee or non-student against his/her will, or intentionally causing bodily harm to an individual.

**Police Notification/Consultation Required**

- 3.04 (ROB) Robbery (using 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.

**Police Notification/Consultation Required and BTA Team**

- 3.05 (STL) Stealing/Larceny/Theft** – The unauthorized taking, carrying, riding away with, or concealing the property of another person, including motor vehicles, without threat, violence, or bodily harm. Incidents that fall below the \$750 threshold are not reportable in SESIR, but instead should be reported as locally-defined incidents according to district policies. **(Proof of purchase price required). (Replacement value will be reviewed)**

**Police Notification/Consultation Required**

- 3.06 (BRK) Burglary of School Structure** – Entering, or remaining in a dwelling, structure or conveyance without justification with the intent to commit an offense therein, unless the premises are at the time open to the public or the individual is licensed or invited to enter or remain Pursuant to Florida Statute 810.02.

**Police Notification/Consultation Required**

- 3.07 (ZZZ) Vandalism** – Any intentional and deliberate action resulting in damages of \$200 to \$1,000 to school property, public property or the real or personal property of another not limited to the placement of graffiti thereon or other acts of vandalism thereto as defined pursuant to Florida Statute 806.13. **(Documentation of assessment of damages required)**

**Police Notification/Consultation Required**

NOTE: Damage to property valued more than \$1,000 constitutes a Level IV offense.

- 3.08 (ZZZ) Possession of Prohibited Substance or Objects** – Possession of any blade not considered to be a weapon (includes common pocketknife, plastic knife, or blunt-bladed table knife), martial arts weapons, taser, bullets, syringes, BB guns, paint guns, air strike guns, over-the-counter drugs, or devices including, but not limited to, mace or pepper spray (2 oz. or less), firearm facsimile, or any other object that may puncture, wound, or otherwise injure another person.

**Police Notification/Consultation Required**

NOTE: Weapons/knives (4 or more inches) with the intent to cause harm at Principal discretion refer to the SBLT for 4th/5th grades.

- 3.09 (ZZZ) Indecent, Offensive or Lewd Behavior** – Any behavior offensive to common propriety or decency, including, but not limited to, “mooning,” sexting, offensive touching, indecent exposure, possession, distribution, or display of obscene or “hate” material, possession/display of electronic images or text, or similar behavior.

**Police Notification/Consultation Required**

- 3.10 (SXH) Physical Sexual Harassment** – Unwanted physical behavior or repeated verbal behavior with sexual connotations by a student that is severe or pervasive enough to create an intimidating, hostile or offensive educational environment, cause discomfort or humiliation or unreasonably interfere with the individual's school performance or participation (pursuant to Florida Statute Rule 6A-19.008(3) FAC. An incident when one person demands a sexual favor from another under the threat of physical harm or adverse consequence).

**Police Notification/Consultation Required for Grades 6-12 and BTA Team**

There is no requirement in school board policies that specific body parts must be touched (i.e., sexual organs), or that sexual harassment, in any form, must be shown to have occurred repeatedly, over a long period of time, and/or be severe.

NOTE: Infraction of the school board's sexual harassment policy relating to a student is grounds for in-school suspension, out-of-school suspension, expulsion, or imposition of other disciplinary action by the school and may also result in criminal penalties being imposed.

Conduct outside of school, including threats, intimidation, harassment, or discrimination, where the incident (conduct) is well known or of public concern, which has a detrimental effect on the health, safety and welfare of the school, and which causes a substantial disruption of, or interferes with, the educational process at school may also constitute an infraction of the Code of Student Conduct.

- 3.11 (SXO) Sexual Offenses** – Law enforcement must be notified to investigate any sexual contact, including intercourse, without force or threat of force, or subjecting an individual to lewd, sexual gestures, sexual activities, or exposing private body parts in a lewd manner. **Law enforcement must be notified to investigate and a report must be provided for this offense from the police department.**

- 3.12 (BAT) Striking of a Student Resulting in Bodily Harm** – Intentional striking of another student against the will of that person which causes bodily harm. **(Contact the SBLT)**

Requires medical treatment and documentation uploaded in student information system.

**Police Notification/Consultation Required and BTA Team**

- 3.13 (DOC) Inciting or Participating in Major Student Disorder** – Disruption of all or significant portion of campus activities, school-sponsored events, or school bus transportation that poses a serious threat to the learning environment, health, safety, or welfare of others. **(SBLT must be contacted)**

**Police Notification/Consultation Required and BTA Team**

- 3.14 (DOC) Unjustified Activation of a Fire Alarm System or Fire Extinguisher**

- 3.15 (DOC) Unjustified Activation of Bus Emergency Systems while the Bus is Moving** – Any unjustified activation of bus emergency doors, emergency windows, or other systems unless directed by the bus operator/attendant, or other authorized school employee or agent in an emergency or in the case of an evacuation drill.

**Police Notification/Consultation Required and BTA Team**

- 3.16 (ZZZ) Defamation of Character** – A knowingly false communication, either oral or written, that is harmful or injurious to a school board employee, student, or agent's reputation and/or exposes that person to contempt, scorn or ridicule and jeopardizes the school board employee or agent's employment with the school.

- 3.17 (ZZZ) Stalking** – Engaging in a pattern of behavior or activity that involves willful, malicious, and repeated following, harassing, or cyberstalking of another as defined under pursuant to Florida Statute 784.048 (2). **BTA Team**

NOTE: The above-referenced code infraction shall be applicable in accordance with the jurisdiction of the school board as defined on page one of the Code of Student Conduct.

**3.18 (ZZZ) Unauthorized Use of Instructional Technology –**

- \* Use of another user's account to bypass restrictions placed on his or her account.
- \* Intentionally utilizing a teacher or staff member's account to access school resources that are not intended for student use.
- \* Knowingly making unauthorized changes to grades, test scores, or student data on internal or externally hosted systems.
- \* Production and/or distribution of pornography or making pornography available to users.

**3.19 (DOC) Major Altercation –** The willful act of participating in a disruption involving physical contact with multiple participants which causes disruption of all or significant portion of campus activities or school-sponsored events resulting in a major altercation. Disruptive behavior that poses a serious threat to the learning environment health, safety, and welfare of others **(Examples included but not limited to - code red, buses delayed more than 20 minutes, change of school bell schedule, required CCR number) (SBLT must be contacted)**

**Police Notification/Consultation Required and BTA Team**

**3.20 (TRE) Repeated Threats Upon School Employee, Student or Agent –** Repeated intentional threats by word or acts to do violence to the person of another and after having been disciplined in accordance with 2.05/2.06 of the Code for a first infraction, doing a second (or repeated) act(s) which create(s) a well-founded fear in such other person that such violence is imminent, when the person committing the offense knows or has reason to know the identity or position or employment of the victim. (The repeated threat should be made to the same individual)

**Police Notification/Consultation Required and BTA Team**

**3.21 (BUL) Bullying/Cyberbullying –** Systematically and chronically, inflicting physical hurt or psychological distress on one or more students or employees, often characterized by an imbalance of power and is unwanted, purposeful and repeated through written, verbal, nonverbal, physical behavior, electronic communication or the use of technology, by a student or adult that is severe or pervasive enough to create an intimidating, hostile or offensive environment and substantially interferes with the individual's school performance or participation. **(School must have completed a bullying packet to assign this charge).**

Note: Cyberbullying includes, but is not limited to, electronic mail, Internet communications, instant messages, facsimile, texting, social media, creating webpages and weblogs, assuming the identity of another person, distribution by electronic means or posting of materials on an electronic medium that may be accessed by one or more persons which creates any of the conditions enumerated in the definition of bullying.

**3.22 (SXA) Sexual Assault –** An incident that includes a threat of rape, fondling, indecent liberties, child molestation, or sodomy. Both male and female students can be victims of sexual assault. The threats must include all of the following elements; 1) Intent; 2) Fear; and 3) Capability. Classification of these incidents should take into consideration the age and developmentally appropriate behavior of the offender(s).

**3.23 (TRS) Trespassing –** A student who enters school board property or attends a school function when suspended or who enters a school other than their own with the intent to incite disruption (also subject to arrest).

**Police Notification/Consultation Required and BTA Team**

**3.24 (ZZZ) Teen Dating Violence or Abuse –** Pattern of emotional, verbal, sexual, or physical abuse used by one person in a current or past dating relationship to exert power and control over another when one or both of the partners is a teenager. This may also include abuse, harassment, and stalking via electronic devices such as cell phones and computers, and harassment through a third party, and may be physical, mental, or both.

#### **Police Notification/Consultation Required and BTA Team**

- 3.25 (HAR) Harassment** – Any threatening, insulting, or dehumanizing gesture, use of data or computer software, or written, verbal, or physical conduct that 1) places a student or school employee in reasonable fear of harm to his or her person or damage to his or her property, including but not limited to cutting of hair, 2) has the effect of substantially interfering with a student’s educational performance, opportunities, or benefits, or 3) has the effect of substantially disrupting the orderly operation of a school including any course of conduct directed at a specific person that causes substantial emotional distress in such a person and serves no legitimate purpose. **(As defined by the School Environmental Safety Incident Report (SESIR) codes and definitions. Requires compliance with the Academy’s Anti-Bullying Policy as well as compliance with the Academy’s Anti-Bullying Procedures. The required bullying and harassment investigation must be completed and the required documentation placed in the student’s disciplinary folder).**
- 3.26 (ZZZ) School Wide Threat** – Reporting to school personnel or agent immediate school wide threat which causes serious disruption to the educational environment in which law enforcement had to be notified and threat assessment had to be performed to include but not limited to threats to shoot school/officials with the action actuality able to be carried out. Investigation with threat assessment must be presented to the SBLT

#### **Police Notification/Consultation Required and BTA Team**

**Special Note:** FS 1006.07 (2)(m) requires that any student who is determined to have made a threat or false report must be referred to mental health services identified by the school for evaluation or treatment, when appropriate.

- 3.27 (OMC) Drug/Alcohol Paraphernalia** – Any equipment that is used to produce, conceal, or consume illicit drugs. It includes but is not limited to items such as bong, roach clips, miniature spoons, grinders, various types of pipes and any item that is used to take drugs.

#### **Police Notification/Consultation Required**

- 3.28 (OMC) Motor Vehicle Theft** – The taking or unauthorized driving of a motor vehicle that belongs to someone else with the intent to deprive the owner of the object.

#### **Police Notification/Consultation Required**

- 3.29 (OMC) Moving Bus Violations** – When two or more persons mutually participate in physical violence while the bus is moving that requires physical restraint and/or results in injury. Including but not limited to throwing harmful items out of the window, jumping off the bus, throwing items at the bus driver.
- 3.30 (BAT) Striking of a School Employee or Non-Student resulting in Bodily Harm** – The physical use of force or violence to a school board employee or agent. The attack must be serious enough to warrant law enforcement resulting in more serious bodily injury. **Requires medical treatment and documentation uploaded to student information system.**

#### **Police Notification/Consultation Required and BTA Team**

- 3.31 (ZZZ) Burning of Flammable Materials** – Intentional burning of flammable materials or objects which may cause disturbance/disruption to school campus or school sponsored event. Including but not limited to person, hair and clothing.

#### **Police Notification/Consultation Required and BTA Team**

- 3.32 (PHA) Physical Attack of a Student** – Actual and intentional striking/spitting/bodily fluid on another person against his/her will, intentionally causing bodily harm to an individual. (This infraction does not include students involved in horse playing.) Bodily harm does not include lower-level scrapes and bruising.

## Police Notification/Consultation Required and BTA Team

### Level 3 Interventions - Major Infractions

Middle & High School*	Elementary*
Community service	Community service
Diversity assignment	Diversity assignment
Referred for counseling	Referred for counseling
Tier 3 Intervention (initiation or modification)	Tier 3 Intervention (initiation or modification)
Out-of-school suspension five days or less	Out-of-school suspension five days or less
Alternative placement	
Repeated Offense 7-day Out of School Suspension	Repeated Offense 7-day Out of School Suspension

\*The above response and sanctions are not listed in a specific or progressive order.

## Zero Tolerance Infractions - Level IV

The Naples Classical Academy School Board has adopted a zero-tolerance procedure with respect to the following offenses. Students who commit these offenses shall receive the most severe consequences, including possible expulsion.

NOTE: The highlighted (\*\*) offenses are defined under Florida Statute 1006.13 and carry the recommendation of expulsion for a period not to exceed the remainder of the school year and one (1) additional year of attendance. All Level IV offenses may lead to the recommendation for expulsion.

Naples Classical Academy will request that the Collier County School Board conduct an expulsion hearing for a student found to have committed a Zero Tolerance Offense.

Special Note – Behavioral Threat Assessment (BTA) – Infractions with the acronym (BTA) should initiate the Naples Classical Academy Behavioral Threat Assessment Team, which is a multi-disciplinary team that convenes when there is a real or perceived threat to schools or persons related to behavioral health.

\* Police Notification/Consultation required on all Level 4 Infractions.

- 4.01 (ALC) Alcohol** – Any possession of an alcoholic beverage with the intent to sell, or otherwise distribute to another person.

NOTE: It is illegal to possess or use alcoholic beverages if under the age of 21.

- 4.02 (DRD) Drugs** – Any possession of a drug/nicotine with the intent to sell, or give away, or otherwise distribute to another person including any substance alleged to be a drug, regardless of its content.

NOTE: The possession or use of illicit drugs is illegal and harmful.

- 4.03 (ARS) Arson** – Any willful and malicious burning of any part of a dwelling, structure, building or conveyance, whether occupied or not, or its contents.

**BTA Team**

- 4.04 (ROB) \*\*Armed Robbery** – The taking of money or other property from the person or custody of another by use of a weapon, or in the course of the taking, putting another in fear of the use of a weapon, force, or violence.

**BTA Team**

- 4.05 (WPO) \*\*Possession of a Firearm** – Possession, discharge, use, or sale of any firearm or destructive device on school property, school-sponsored transportation, or during a school-sponsored activity. A firearm is any weapon (including a starter gun) which will, is designed to, or may readily be converted to expel a projectile by the action of an explosive; the frame or receiver of such a weapon; any firearm muffler or firearm silencer, any destructive device, or any machine gun. A “destructive device” means any bomb, grenade, mine, rocket, missile, pipe bomb, or similar device containing an explosive, incendiary, or poison gas and includes any frangible (breakable) container filled with an explosive, incendiary, explosive gas, or expanding gas, which is designed or so constructed as to explode by such filler and is capable of causing bodily harm or property damage

**BTA Team**

NOTE: Under the Gun-Free School Act, any student (regardless of age) who is determined to have brought a firearm, as defined in 18 U.S.C. 921, to school, any school function, or on any school-sponsored transportation 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. (The expulsion requirement is subject to modification, on a case-by-case basis, as allowed by law.) A student who is determined to have brought a firearm to school will be referred for criminal prosecution.

Naples Classical Academy will request that the Collier County School Board conduct an expulsion hearing for a student (regardless of age) found to have committed a Zero Tolerance Offense, even if the student withdraws from Naples Classical Academy after committing the offense.

**Special Note:** FS 1006.07 (2)(l) requires that any student who is determined to have brought a firearm or weapon must also be referred to mental health services identified by Naples Classical Academy.

- 4.06 (WPO) \*\*Use of a Deadly Weapon** – Possession of any deadly weapon, other than a firearm, which is used in a threatening manner and is perceived by the individual being threatened as capable of inflicting physical harm.

**BTA Team**

NOTE: The possession of a firearm, knife, other type of weapon, or any item that can be used as a weapon by any student while the student is on school property or in attendance at a school function, is grounds for disciplinary action and may also result in criminal prosecution.

Naples Classical Academy will request that the Collier County School Board conduct an expulsion hearing for a student found to have committed a Zero Tolerance Offense, even if the student withdraws from Naples Classical Academy after committing the offense.

- 4.07 (WPO) Use of a Prohibited Object or Substance (See Code 3.08)** – Use of any prohibited object or substance to strike or to threaten in a manner, which is perceived by the individual being threatened as capable of inflicting physical harm.

**BTA Team**

- 4.08 (DOC) Bomb Threats** – Reporting to school employees or agents, police, or fire officials the presence of a bomb

on or near school property with a reasonable belief that a bomb is actually present. Also giving a false report concerning planting a bomb, an explosive, or a weapon of mass destruction, or concerning the use of firearms in a violent manner; penalty. (Pursuant to Florida Statute 790.163)

- 4.09 (WPO) \*\*Explosives** – Preparing, possession, or igniting on school board property, explosives likely to cause serious bodily injury or property damage.

**BTA Team**

NOTE: Under the Gun-Free School Act, any student (regardless of age) who is determined to have brought an explosive, as defined in 18 U.S.C. 921, to school, any school function, or on any school-sponsored transportation 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. (The expulsion requirement is subject to modification, on a case-by-case basis, as allowed by law.) A student who is determined to have brought a firearm to school will be referred for criminal prosecution.

Naples Classical Academy will request that the Collier County School Board conduct an expulsion hearing for a student found to have committed a Zero Tolerance Offense, even if the student withdraws from Naples Classical Academy after committing the offense.

- 4.10 (SXB) \*\*Sexual Battery/Rape** – Any sexual act directed against another person with force, violence, and/or against the person's will, including, but not limited to, sexual battery, attempted rape or rape involving any body part or object.

**BTA Team**

- 4.11 (BAT) \*\*Aggravated Battery** – Intentionally causing great bodily harm, disability or permanent disfigurement to another person.

**BTA Team**

- 4.12 (TRE) Aggravated Stalking** – Engaging in a pattern of behavior or activity that involves willful, malicious, and repeated following, harassing, or cyber stalking of another and making a credible threat with the intent to place that person in reasonable fear of death or bodily injury of the person, or the person's child, sibling, spouse, parent, or dependent, pursuant to Florida Statute 784.048(3). **BTA Team**

NOTE: The above-referenced code infraction shall be applicable in accordance with the jurisdiction of the school board as defined on page 1 of the Code of Student Conduct.

- 4.13 (OMC) Any Major Offense Which Is Reasonably Likely to Cause Great Bodily Harm or Serious Disruption of the Educational Process**

- 4.14 (KID) \*\*Kidnapping/Abduction**

- 4.15 (HOM) \*\*Homicide/Murder/Manslaughter**

- 4.16 (VAN) Vandalism** – The intentional destruction, damage, or defacement of public or private property over \$1,000.00 without consent of the owner or the person having custody or control of it. (Documentation of assessment of damages required)

**\*\*These carry the recommendation of expulsion for a period not to exceed the remainder of the school year and one (1) additional year of attendance.**

- 4.17 (HAZ) Hazing** – Any action or situation that endangers the mental or physical health or safety of a student at a school with any of Grades 6 through 12 for purpose of initiation or admission into or affiliation with any school

–sanctioned organization. “Hazing includes, but is not limited to: (a) pressuring, coercing or forcing a student to participate in illegal or dangerous behavior, or (b) any brutality of a physical nature such as whipping, beating, branding, or exposure to the elements.

#### Level 4 Responses and Sanctions -Zero Tolerance Infractions

If a student commits a Level 4 infraction, the school administration may use any Level 1, 2 or 3 response/sanctions, and add Level 4 sanctions as deemed appropriate in the exercise of its judgment and discretion, including but not limited to:

Middle & High School*	Elementary*
Out-of-school suspension up to 10 days	Out-of-school suspension up to 10 days
Alternative school placement	Alternative school placement

\*The above response and sanctions are not listed in a specific or progressive order.

### Intervention Definitions

<b>NOTE:</b> Interventions should be implemented with consistent progress monitoring and documented in the student information system. Interventions may be used at any point in the discipline cycle to assist the need of the student.
<b>Community Service</b> – An intervention assigned by the SBLT where the student will be a part of a mandated work program; incomplete assignments should be referred back to the SBLT.
<b>Parent Contact</b> – Contact with the parent/guardian of student; you must either speak directly with the parent/guardian or receive a response from an email sent to the parent. Leaving a message or emailing a parent/guardian with no response will not be considered contact.
<b>Parent Conference</b> – A scheduled meeting with the parent/guardian that takes place on campus with the parent/guardian/student and school representative in attendance. Phone calls will not suffice as a parent conference.
<b>Parent Shadowing</b> – Parent visits school to shadow student in the school setting. Parents must sign waivers to not interfere with instruction or any students other than their own. Teachers should be notified 24-48 hours in advance.
<b>Counseling Referral/Intervention</b> – Referral to guidance for social/emotional support.
<b>Restitution</b> – A restoring of something lost or stolen to its proper owner; recompense for injury or loss. In restorative justice, this is used with the referred student makes amends with the victim of their behavior.
<b>SOS – Student Option for Success</b> – After school intervention for behavior management and social skills; students Grades 3 – 12 may be referred to the five sites in the county; runs 6:30pm-8:30pm on Tuesday and Thursday nights.
<b>Safety Plan</b> – Specific plan designed to provide safe protocols for transitions in and around schools for individual or multiple groups of students.
<b>MTSS</b> - A Multi-Tiered System of Supports organizes instruction and intervention into tiers, or levels of support: <ul style="list-style-type: none"> <li>◊ Tier 1 – All students receive high-quality instruction in academics.</li> <li>◊ Tier 2 – In addition to Tier 1, students needing more support also receive small-group intervention and supports. The difference is increased time, smaller groups of students or narrowed focus of instruction.</li> <li>◊ Tier 3 – In addition to Tiers 1 and 2, students receiving Tier 3 intervention receive the most intensive supports based on individual need. The difference is individual team-based problem-solving, increased time, smaller groups of students and narrowed focus of instruction.</li> </ul>

### Extracurricular Activities and Athletics

Students will exhibit satisfactory conduct in order to retain eligibility to participate in extracurricular activities at Naples Classical Academy. Students attending an Alternative School cannot participate in extracurricular activities.

#### Disciplinary Actions - Extracurricular Activities/Athletics

For In-school Suspension: Students may participate in extracurricular activities during in-school suspension except for the fighting grouped section and when placed as an intervention in discipline chart. (Example: loss of extracurricular activities)

For Out of School Suspension: Students assigned to Out of School Suspension shall be excluded from participating in all extracurricular activities from the date of the offense until completion of the disciplinary action. For the purpose of continuity, suspension shall begin the day the referral is finalized and the consequences issued by the appropriate administrator.

For Level III, or Level IV Offenses: Students who commit a Level III, or Level IV Offense shall be excluded from participating in all extracurricular activities from the date of the offense until completion of the disciplinary action.

Students referred to the SBLT are not eligible to participate in athletic or extracurricular events until completion of the hearing and the completion of any consequences issued by the SBLT from the date of the offense until completion of the disciplinary action.

Alcohol and/Drug Offenses: In addition to the actions listed above, a student who commits an Alcohol and/or Drug Offense must be referred to the Night-time Substance Use Prevention Counseling Education Program and shall not participate in any extracurricular activities during the term of the disciplinary action.

Students entering Naples Classical Academy from another school or charter school must complete any disciplinary actions from the previous school before the student is eligible to participate in any interscholastic or intrascholastic school activity within Naples Classical Academy.

## **Athletic Policies**

1. A student not currently suspended from interscholastic or intrascholastic extracurricular activities, or suspended or expelled from school, pursuant to a district school board's suspension or expulsion powers provided in law, including ss. 1006.07, 1006.08, and 1006.09, is eligible to participate in interscholastic and intrascholastic extracurricular activities.
2. A student may not participate in a sport if the student participated in that same sport at another school during that school year, unless the student meets the criteria in s. 1006.15(3)(h).
3. A student's eligibility to participate in any interscholastic or intrascholastic extracurricular activity may not be affected by any alleged recruiting violation until final disposition of the allegation pursuant to s. 1006.20(2)(b).

The following includes a list of examples, such as, but not limited to, which may be considered for exclusion as eligibility standards to participate in extracurricular interscholastic or intrascholastic activities:

- School attendance policy that may prevent a student from participating
- Alcohol/drug related behavior
- School/classroom discipline issues
- Social Media issues
- Bullying/Cyberbullying
- Homicide
- Sportsmanship
- Dress Code Policy
- Four Year Limit of Eligibility
- Age Limit – 19 years (seniors) or 19 years on or before September 1 (all others)
- Physical Evaluation (EL2) and Consent and Release from Liability Certificate (EL3)
- Any other Academy policy which would remove or prevent a student from participating in extracurricular activities
- Middle School Eligibility – 3 Years      High School Eligibility – 4 Years

## **Middle School Eligibility**

**Academic Requirements:** A student will become academically eligible upon his or her promotion to the 6<sup>th</sup> grade. Thereafter the student must maintain a 2.0 grade point average (GPA) for each grading period. A student must not have more than one failing grade to remain eligible for athletics. (Two or more F's with or without a 2.0, the student is not eligible to participate in sports).

- a) For 7<sup>th</sup> and 8<sup>th</sup> grade students, their eligibility is based on the entire previous school years cumulative average. The final grades for each class are what are to be used to determine GPA a student must not have more than one failing

grade. (An F is considered a failing grade).

- b) The report card will determine eligibility at the end of the 1<sup>st</sup>, 2<sup>nd</sup>, and 3<sup>rd</sup> nine-week grading periods.

(Eligibility will be determined the day report cards are issued. The student will become eligible or ineligible on the day that report cards are issued. Grade recovery will not affect the student's eligibility until the day report cards are issued for the next nine-week period.)

### High School Eligibility

**Academic Requirements:** 2.0 GPA required for academic eligibility. A high school student must have a cumulative 2.0 grade point average on a 4.0 unweighted scale, or its equivalent, at the conclusion of each semester to be academically eligible during the next semester (s. 1006.15(3)(a)1, Florida Statutes). Final grades previously earned by the student from another school shall not be converted using the scale in calculating GPA. The grades from all courses required for graduation that a student takes, including those taken by the student before he/she begins high school, must be included in the calculation of the student's cumulative GPA at the conclusion of each semester. For public school students, this includes the courses listed in s. 1003.4282, Florida Statutes.

Academic Eligibility/Ineligibility is for a semester. A student who is academically eligible at the beginning of a semester will continue to be academically eligible for that entire semester. Likewise, a student who is academically ineligible at the beginning of a semester will continue to be academically ineligible for that entire semester. The student's academic eligibility for each successive semester will depend upon his/her cumulative GPA at the conclusion of the previous semester. Attendance during previous two consecutive semesters required. A student cannot be academically eligible if he/she has not attended school and received grades for all courses taken during the previous two consecutive semesters. **(See FHSAA Bylaws)**

## Formal Disciplinary Actions and Procedures

### Definitions Relating to Formal Disciplinary Actions

The following are examples of formal disciplinary actions that are used at Naples Classical Academy:

- **Alternative Education Centers** – The district has the David Lawrence Center. This center provides a structured educational environment for the student who has had a pattern of disobedience in the regular school setting. **Alternative Education Centers and Programs** – Schools and programs developed by the CCPS School Board for placement of students who have violated the Code of Student Conduct may be offered these voluntary programs in special circumstances in lieu of other disciplinary actions. **Before School/Lunch/After School Detention** – Assignment to a designated area on campus at the beginning of the regular school day, during lunch time, or at the end of the regular school day for a specified period of time.
- **Class Suspension** – Denial of the privilege of attending an individual class for a specified period of time and assignment to another area in the school for the time that class meets.
- **Commission of Level III or Level IV Infractions by Seniors** – A senior student who commits a Level III or IV Infraction, described in the Code of Student Conduct, shall forfeit the right to participate in graduation exercises and other senior-related activities until the student has successfully completed all assigned consequences and disciplinary actions. School board policies and procedures regarding assignment to alternative centers shall apply to students who commit a Level III or Level IV Infraction.
- **Expulsion** – Removal of the right and obligation of a student to attend a public school under conditions set by the school board for a period of time not to exceed the remainder of the school year and one (1) additional year of attendance.

The CCPS School Board may expel a student from school based on grounds specified in the Code of Student Conduct. "Expulsion" means the removal of the right and obligation of a student to attend a public school under conditions set by the district school board, and for a period of time not to exceed the remainder of the term or school year and one (1) additional year of attendance. Expulsions may be imposed with or without continuing educational services and shall be reported accordingly. The CCPS School Board has the sole authority to expel students pursuant to Florida Statute 1006.07.

Naples Classical Academy will request that the Collier County School Board conduct an expulsion hearing for a student found

to have committed a Zero Tolerance Offense, even if the student withdraws from Naples Classical Academy after committing the offense.

- **In-School Suspension** – Assignment to a designated area within the school when a student is removed from the regular school program for a specified period of time.
- **School Board Hearing** – Hearing by the Naples Classical Academy School Board with the parent/guardian and Naples Classical Academy School Board staff where staff and parent/guardian are given the opportunity to speak before the Board (available for Level IV Offenses only).
- **School Bus Suspension or Revocation** – Denial of the privilege of riding a school bus based on misconduct occurring while the student is being transported at public expense. Bus code infractions may result in the suspension of bus privileges. A student may be suspended or expelled from riding the bus at any point in the discipline process. A bus suspension is separate from a school suspension and applies only to the loss of bus riding privileges unless subject to other disciplinary actions, such as out-of-school suspension. Students are required to attend school. Bus suspension does not affect or excuse school attendance.

NOTE: A student who has been suspended or expelled from the school bus who boards, rides, or attempts to ride a school bus, without being authorized to do so, is considered to be trespassing and is subject to arrest.

- **Night-time Substance Use Prevention Counseling Education Program** – The Night-time Substance Use Prevention Counseling Education Program is an alternative program available to students who have committed a 3.01 (Alcohol) or 3.02 (Drugs) Infraction against the Code of Student Conduct. **Parental participation is required (ages 11 and up). This program is only available with CCPS staff approval.**
- **Suspension** – Removal of students from their regular school program for a period **not to exceed seven (7) days**. Pursuant to Florida Statute 1006.09, no student who is required by law to attend shall be suspended for unexcused tardiness, absence or truancy. Therefore, suspension is not an appropriate disciplinary action for Code Infraction 1.04 and 1.8, as it relates to students who fall within the mandatory state attendance requirements.

NOTE: A student who has been suspended or expelled from school and returns to any Naples Classical Academy School Board property without being authorized to do so is considered to be trespassing and is subject to arrest.

- **Disciplinary Work Assignments** – Supervised activities related to the upkeep and maintenance of school facilities.

## **Procedures for Administration of Formal Disciplinary Action**

When a formal disciplinary action is required, the Principal/designee will make every reasonable effort to contact the parent/guardian immediately. If telephone contact cannot be made, written notice will be sent home with the student, or placed in the U.S. Mail within twenty-four (24) hours.

It is the responsibility of the student to notify and/or deliver to his/her parent/guardian all written communications from the school; failure to do so may result in further disciplinary action.

When disciplinary action reaches the level of denial of educational participation, the following procedural steps shall be adhered to in order to protect the rights of the student.

### **Suspension**

The student shall be given notice of the charges against him/her and shall be given the opportunity to present his/her explanation of the situation before any action is taken.

When a suspension is necessary, the Principal/designee will make every reasonable effort to contact the parent/guardian immediately. Written notice shall be sent to the parent/guardian via **U. S. mail within forty-eight (48) hours**, regarding the reason disciplinary action was taken. Generally, a notice and a conference should precede the student's suspension from school. However, if the immediate suspension of the student is justified because the student's presence endangers others, school property, or would seriously disrupt the orderly academic process, the mailed notice will follow as soon thereafter as is practical. The parent/guardian may request a conference with the Principal/designee regarding the suspension.

## Zero Tolerance Infractions - Level V

The Principal is initially responsible for determining that an offense has been committed. In investigating such incidents, the student will be given, in writing, the pending charges and an opportunity to admit or refute those charges. It should be noted that any statement the student makes might be used, with other documentation, to prove whether the student is guilty of the offense(s) charged.

The Principal will review the above documentation with the parent/guardian. If, at the disciplinary conference, the Principal concludes that extenuating circumstances exist, the student will be eligible for admission back into school following the determination of appropriate disciplinary action to be taken.

In the absence of extenuating circumstances, the Principal may, at his/her discretion, recommend an alternative school or other programs provided by the school district. Should the parent/guardian be offered this opportunity and declines it, the Principal shall recommend expulsion and immediately send all of the documentation of the incident to the district Charter School Office.

At this time, the district Charter School Office, acting as the superintendent's designee, shall review the facts pertaining to the offense and shall request a conference with the parent/guardian and the suspended student within the suspension period.

**Bus Revocation - Bus riding is a privilege, which may be revoked** – If a student displays inappropriate behavior on a bus, the student may be referred to the Dean of Students for possible revocation of bus privileges. Commission of a Level IV Offense on a school bus will result in revocation of bus privileges.

**Expulsion** – Removal of the right and obligation of a student to attend a public school under conditions set by the CCPS School Board for a period of time not to exceed the remainder of the school year and one (1) additional year of attendance.

The CCPS School Board may expel a student from school based on grounds specified in the Code of Student Conduct. Expulsion means the removal of the right and obligation of a student to attend a public school under conditions set by the district school board, and for a period of time not to exceed the remainder of the term or school year and an additional year of attendance. Expulsions may be imposed with or without continuing educational services and shall be reported accordingly. The school board has the sole authority to expel students pursuant to Florida Statute 1006.07.

## Placement Procedures in Alternative Education Centers

In the event that a student's disciplinary record indicates that an alternative place may be appropriate, Naples Classical Academy will refer the student to the CCPS "Alternative Placement" procedure detailed on page 14 of the CCSP Code of Student Conduct.

Academy students will only be dismissed for the following reasons:

1. Failure to maintain eligibility, such as state residency requirements.
2. For a major violation of the School's Student Conduct Code, which must also be compliant with IDEA, Section 504 of the Rehabilitation Act, and the American with Disabilities Act (ADA) for student with disabilities. This may include Level 3, 4, or 5 infractions.
3. For a serious breach of conduct, including, but not limited to, willful disobedience, open defiance of authority of a member of the staff, violence against persons or property, or any other act which substantially disrupts the orderly conduct of the school including threats to cause serious bodily harm or physical damage.

## Appeals Procedures

**Procedures for Appealing Disciplinary Actions** – A parent/guardian wishing to appeal a disciplinary action for a Level I, II, or III offense may appeal to the Dean of Students within four (4) calendar days of being notified of the infraction and the parent/guardian has met with the Dean of Students. If a satisfactory resolution cannot be obtained, the parent/guardian may

appeal to the Principal. This appeal is a review of documentation and does not involve a formal hearing.

**Procedures for Appealing Placement at an Alternative Education Center** – A parent and guardian wishing to appeal the recommendation of placement of their child at an Alternative Education Center is entitled to an administrative review of any action by school personnel relating to such placement pursuant to the provisions of Florida Statute Chapter 120.

1. If a satisfactory resolution between the parent/guardian and school administrator cannot be obtained, the parent/guardian may request a review by the CCPS Alternative Placement Appeals Committee. This review may include all level infractions/disciplinary action appeals. This is a review of documentation only and does not involve a formal hearing. The superintendent review will result in a written response within three (3) working days.

\*Note for the level 1 and 2 infractions this is the final appeal and the superintendent's decision is final.

2. Following the review of the Principal's decision by the superintendent or his/her designee, upon request; a parent/guardian may have an administrative review. The Hearing Officer will have this responsibility. The Hearing Officer will issue a final order upon the completion of the administrative review.

## **Felonies Committed by Students**

Following appropriate due process procedures, a student charged with a felony or delinquent act that would be a felony if committed by an adult, whether it occurred on or off the school property, may be assigned to an alternative program or receive alternative educational services and/or forfeit Senior Privileges. Such assignment and/or forfeiture may be made upon determination that the student is eligible according to federal and state program criteria, and:

- The nature of the offense is such that the student poses a threat to safety of other students or personnel at school or the student's safety is at risk by remaining in school or school sponsored event with other students.
  - The Principal shall initiate this process **in writing** through the superintendent.
  - Superintendent will approve and forwards to the Hearing Office.

The recommendation of the Principal to exercise this procedure must be approved by the superintendent.

## **General Code of Appearance**

Administrators and teachers of the Naples Classical Academy shall enforce dress and grooming guidelines outlined in 1006.07(2)(d) F.S. that promote the successful operation of the school. The site administration shall be the final judge as to neatness and cleanliness of wearing apparel and whether or not such apparel is appropriate, disruptive, distracting, or in Infraction of health and safety rules.

Each student has the responsibility to dress appropriately and have respect for self, others and the school environment. Wearing apparel, jewelry (such as body piercing (s), ornaments), hair, and general appearance shall not disrupt the classroom atmosphere, shall not be unusually provocative, and/or shall not violate health and safety rules of the school. These guidelines for dress and grooming are provided to assist parents/guardians and shall apply to all students in the Naples Classical Academy. Student dress and grooming shall be neat and clean, and follow the general guidelines below.

1. Students are not allowed to wear shoes without closed heels or back straps.
2. Shoes must be worn. However, bedroom shoes or slippers shall not be worn.
3. Halter-tops, tank tops, backless tops, tops with thin or no straps, or tops that show midriff or expose the body are prohibited.
4. See-through or mesh garments shall not be worn without appropriate undergarments.
5. Form-fitting or overly tight clothing shall not be worn without appropriate outer garments.
6. Properly hemmed outer garments such as shorts, divided skirts, and dresses may be worn, provided they are not disruptive or distracting, as determined by the school administration. Garments including, but not limited to, such items as boxer shorts, traditionally designed as undergarments, may not be worn as outer garments.
7. Clothing and accessories shall not be worn if they display profanity, violence, lewd and obscene messages, sexually suggestive phrases, or advertisements, phrases or symbols of alcohol, tobacco, or drugs or other symbols phrases or

advertisements that would be offensive to common propriety or decency.

8. Head coverings, including, but not limited to, caps, hats, bandannas, hair curlers, and/or sunglasses, shall not be worn on school property, unless required by a physician or authorized by school personnel.
9. Students are prohibited from wearing clothing that exposes underwear or body parts in an indecent or vulgar manner or that disrupts the orderly learning environment. The waistband of shorts, slacks, skirts, and similar garments shall not be worn below the hips. ***Clothing which is not worn appropriately, is not properly fastened, is suggestive, or has tears that reveal or expose body parts, has printing with words or pictures that have a sexual connotation will not be permitted.*** All trousers, including oversized or low-hanging trousers, must be worn and secured at waist level. Underwear, midriff and back may not be exposed. If belts, suspenders, and straps are worn, they shall be worn in place and fastened.
10. Any articles of clothing or jewelry that may cause injury to oneself or to other students are not allowed.

All students must adhere to these minimal guidelines for acceptable apparel and appearance. The Academy may implement a school uniform requirement through the shared decision-making process. In order to maximize instructional time, students will be given an opportunity to immediately correct dress code infractions.

## Pledge of Allegiance Notice

Pursuant to Florida Statutes, students have the right not to participate in reciting the pledge. Upon written request by his or her parent, a student must be excused from reciting the pledge, including standing and placing the right hand over his or her heart.

## Attendance Requirements for Minors to Maintain Driving Privileges: School Procedures

Note: The district will electronically transmit the truancy list to the FL-DMV monthly

### Driver License Noncompliance Reporting

School personnel are responsible for entering daily attendance data in the school's automated student attendance system:

- School personnel are responsible for submitting withdrawal code corrections when a student's withdrawal information changes.
- District office personnel will extract from FOCUS a monthly list of students (between the ages 14 and 18) who have accumulated more than 15 days of unexcused absences within the last 90 calendar days **or** who have been withdrawn from school with a dropout code.
- The monthly extraction list of students will be available to schools for review and edit one week before being transmitted to the Florida Department of Education (DOE) on the second Friday of each month.
- The district will forward the list to the Department of Highway Safety and Motor Vehicles (DHSMV), who will then begin the driver license suspension process by issuing a "Notice of Intent to Suspend" letter to the student and parent(s).

### Student Discipline and Teachers

1. Teachers and administrators should work together in a mutually supportive manner to maintain proper student conduct. Each teacher shall have the right to promulgate and have enforced reasonable rules of classroom conduct which apply to students while in that teacher's class. Such rules shall not conflict with employer or school rules.
2. Any teacher shall have the right to send a student to the office, with a written explanation or referral, whenever the student is involved in an incident contrary to the established rules of conduct. The teacher will notify the office immediately when this action is taken.
3. To assist in the investigation of a serious incident, the teacher shall submit to the office a written account of the matter not later than the end of the school day on the day of the disturbance, unless impracticable.
4. The Principal or his designee shall confer with the teacher regarding possible corrective action prior to the student's return to the classroom.
5. The teacher will receive from the Principal or his designee an explanation of the steps taken along with any suggestions for working with the problem. Such explanation and suggestions shall be in writing if requested.
6. The teacher shall have the right to again send the student to the office whenever the student is again involved in a classroom disturbance.

7. In addition to the Naples Classical Academy Code of Student Conduct, school rules shall be developed and reviewed as necessary by a committee made up of the school Principal and teachers.
8. A continuous statistical record of student discipline cases will be maintained in a place and manner available to all staff to use as a basis for recommendations for administering discipline and the periodic revision of the school rules for conduct.
9. If a teacher is concerned with the manner in which behavioral problems are being adjusted, the matter shall be discussed in private with the appropriate administrator.

## Glossary of Terms

Aggravated Battery:	<p>Intentionally or knowingly causing great bodily harm, permanent disfigurement, or permanent disability to another, or committing battery against another with the use of a deadly weapon.</p> <p>Example: Using a deadly weapon to injure someone which results in the person being physically disabled to the point where he/she cannot fight back constitutes aggravated battery.</p>
Aggravated Robbery:	<p>The taking of money or property from another through force or fear and causing serious injury during the robbery.</p> <p>Example: The man was arrested for aggravated robbery when the woman had a heart attack after he robbed her.</p>
Armed Robbery:	<p>The taking of money or property from another through use of force, violence, assault, or putting in fear and while having a weapon.</p> <p>Example: The armed robber told the cashier that he would use the gun in his pocket unless she gave him all of the money.</p>
Alcohol:	<p>Mind-altering or mood-altering beverages, including but not limited to beer, wine, wine coolers, vodka coolers, liquors, etc. Possession, use, sale, or distribution of alcohol or controlled substances will result in corrective actions at school and may lead to arrest and criminal penalties.</p> <p>Example: Consumption of excessive alcohol can cause death.</p>
Arson:	<p>Willfully, or while committing any felony, causing damage to a building, structure, or dwelling by fire or explosion.</p> <p>Example: The girl was arrested for arson and expelled because she intentionally started a fire in the restroom.</p>
Assault (Verbal):	<p>An intentional, unlawful threat by word or act to do violence to another, coupled with the apparent ability to do so, and doing some act, which creates a well-founded fear in the other person that such violence is imminent.</p> <p>Example: The students assaulted another girl by sending her notes saying that they would beat her up right after class.</p>
Assault (Aggravated):	<p>An assault with the use of a weapon or with the intent to commit another felony.</p> <p>Example: Using a weapon to attempt harming someone is aggravated assault.</p>
Battery:	<p>Actually and intentionally touching or striking another against his or her will, or intentionally causing bodily harm to another. Under Florida law, battery that causes great bodily harm, permanent disfigurement, or permanent disability is called "felony battery." Under the law, battery, felony battery, and aggravated battery are distinguishable.</p> <p>Example: The student battered the teacher by pushing her against the wall.</p>
	Systematically and chronically, inflicting physical hurt or psychological distress on one or

Bullying:	<p>more students or school employees. It is further defined as a pattern of unwanted and repeated written, verbal, or physical behavior, including any threatening, insulting, dehumanizing gesture by an adult or student, that is severe or pervasive enough to create an intimidating, hostile, or offensive educational environment; cause discomfort or humiliation; or unreasonably interfere with the individual's school performance or participation that includes a noted power differential.</p> <p>Example: When the girl repeatedly made fun of another student for being poor, the girl was guilty of bullying.</p>
Burglary/Breaking and Entering:	<p>Entering a building, structure, or dwelling with the intent to commit an offense therein, without license or invitation to enter, unless the structure is open to the public, or remaining in a building, structure, or dwelling after permission has been withdrawn, surreptitiously with the intent to commit an offense.</p> <p>Example: The students committed burglary by crawling through the unlocked window to steal the school's camera.</p>
Cheating:	<p>Using unauthorized answers or sources to receive credit for school work. Some examples are looking at someone else's paper, copying from your notebook when you are supposed to use only your memory, or copying someone else's homework because you did not complete yours.</p> <p>Example: The teacher accused him of cheating when she found answers to the test written on his desk. Plagiarism is a form of cheating when you present another person's words or ideas as your own without giving the originator credit for the information. Some common examples of plagiarism are copying information from a book without using quotation marks and without including a bibliography at the end of the assignment listing the sources used. All information in academic assignments that is not common knowledge must be cited and documented. An example of common knowledge is: Naples is a city in Florida.</p>
Class Suspension:	<p>Student is placed in an alternative classroom setting away from the scheduled classroom for a period of time.</p> <p>Example: Student is provided classwork to complete during this time.</p>
Controlled Substance (Drugs):	<p>Mind-altering or mood-altering drugs, including but not limited to marijuana, cocaine, heroin, various pills, etc. Possession, use, sale, and/or distribution of controlled substances will result in corrective strategies at school and may lead to arrest and criminal penalties.</p> <p>Example: Use of controlled substances can be deadly. * Chapter 893, Florida Statutes (Drug Abuse Prevention and Control) provides a more extensive list of controlled substances.</p>
Cyberbullying:	<p>The willful and repeated harassment and intimidation of an individual through the use of electronic mail or electronic communication with the intent to coerce, intimidate, harass, or cause substantial emotional distress to a person.</p> <p>Example: Cyberbullying can cause students to get in trouble at school even if they use their home computer.</p>
Defiance:	<p>Refusing to follow the directions of authority figures within the school, such as administrators, teachers, office workers, custodians, volunteer parents/guardians, cafeteria workers, and others.</p> <p>Example: He received detention for defying the cafeteria manager by refusing to pick up his lunch tray when she told him to do so.</p>
	<p>Any bomb, grenade, mine, rocket, missile, pipe bomb, or similar device containing an explosive, incendiary, or poison gas and includes any frangible container filled with an</p>

Destructive Device:	<p>explosive, incendiary, explosive gas, or expanding gas, which is designed or so constructed as to explode by such filler and is capable of causing bodily harm or property damage; any combination of parts either designed or intended for use in converting any device into a destructive device and from which a destructive device may be readily assembled; any device declared a destructive device by the Bureau of Alcohol, Tobacco, and Firearms; any type of weapon which will, is designed to, or may readily be converted to expel a projectile by the action of any explosive and which has a barrel with a bore of one -half inch or more in diameter; and ammunition for such destructive devices, but not including shotgun shells or any other ammunition designed for use in a firearm other than a destructive device.</p> <p>Example: Students shall be expelled for bringing to school destructive devices that can explode and hurt others.</p>
Detention:	<p>A corrective strategy in which a student must spend time at school, either before or after the regular school day, during lunch time, or on a Saturday. Detention can include students assigned to campus beautification, cafeteria clean-up, and school-community service.</p> <p>Example: The student served detention for one week after school for purposely breaking a window. Work detail—cleaning of school grounds or property that was vandalized by a student.</p>
Dispute:	<p>An argument or squabble with two students that does not include major physical actions.</p> <p>Example: The student went up to the custodian and caused a confrontation by yelling at him when the custodian asked him not to walk on the wet floor.</p>
Disruption:	<p>Behavior that disturbs the learning and/or safety of others in class, on the school bus and at the bus stop.</p> <p>Example: The math class could not focus on preparing for FCAT because the girls' constant chatting was disruptive.</p>
Distribution:	<p>Giving out, sharing, dispensing drugs to others.</p> <p>Example: She was expelled for distribution of pills to other students.</p>
Drugs:	<p>Any substance or chemical that alters mood or is used for mood altering, including but not limited to alcohol, marijuana, cocaine, heroin, pills, over-the-counter medications that are unauthorized or abused, etc. Possession, use, sale, or distribution of controlled substances that result in corrective actions at school may lead to arrest and criminal penalties.</p> <p>Example: The misuse of drugs can be deadly, especially for young people.</p>
Electronic Devices:	<p>Any wireless communications/electronic device that is powered by electricity or a battery, which is not required by the curriculum and includes items such as: compact disc players, MP3 players, headphones, cellular phones, PDAs, electronic readers, tablets, laptops, cameras and any similar device.</p> <p>Example: Unauthorized use of electronic devices can disrupt the learning process and is not allowed in class.</p>
Expulsion:	<p>The most serious disciplinary action that can be taken and defined as the exclusion of a student from a traditional school for the number of school days remaining in the school year in which the incident that gives rise to expulsion takes place and one (1) additional school year.</p> <p>Example: The student was expelled from school for carrying possessing a gun at school.</p>
	<p>An untrue and serious statement about a teacher, staff member, or any other person. False accusations are serious when they hurt the professional reputation of others or</p>

False Accusation:	<p>otherwise get a person in trouble that they do not deserve.</p> <p>Example: The student's father made a false accusation about the teacher.</p>
False Fire Alarm:	<p>Any action that causes people to believe that there is a fire or threat of a fire when there is not.</p> <p>Example: The boys received a suspension for reporting a false fire alarm, even though they meant it as a joke.</p>
False Report or Bomb Threat:	<p>Any action that causes people to believe that the school is under a serious threat, including but not limited to explosives and weapons of mass destruction.</p> <p>Example: Students who make false bomb threats could be expelled and arrested. Sections 790.162 and 790.163, F.S. (Weapons and Firearms), further define the making of a false threat or report. Making a false report requires mandatory expulsion not less than one year and may lead to arrest and criminal penalties.</p>
Fighting:	<p>Two or more students trying to physically hurt each other. Fighting often begins with a disagreement between students that can be solved without fighting.</p>
Fighting (Minor):	<p>Occurs when two or more students engage in physical force against each other and</p> <ul style="list-style-type: none"> <li>• They stop when an authority figure gives them a verbal command to stop, AND</li> <li>• There are no injuries that require medical attention as a result of the fight.</li> </ul> <p>Example: The students began to fight, but they stopped when the teacher told them to stop and no one was hurt.</p>
Fighting (Serious):	<p>Occurs when two or more students engage in physical force or violence against each other and</p> <ul style="list-style-type: none"> <li>• They become so enraged that they do not stop when given a verbal command to do so.</li> </ul> <p>OR</p> <ul style="list-style-type: none"> <li>• Physical restraint is required AND/OR</li> <li>• Someone is injured to an extent that requires immediate first aid or medical attention. Serious fighting must be reported to school police.</li> </ul> <p>Example: Students involved in serious fighting that causes injury or requires medical attention will be suspended. If the Principal or designee determines that one student or a group of students attacked someone who did not fight back, the aggressors should receive punishment for battery, aggravated battery, and/or bullying, depending on the facts, and will likely be arrested. Otherwise, administrators will report and punish all other incidents involving mutual participation as Fighting (Serious) without regard to who was the original aggressor.</p>
Forgery (Written Misrepresentation):	<p>Making, altering, or signing a document with the intent to defraud or signing another person's signature without the person's consent.</p> <p>Example: The student was not permitted to go on the field trip because she forged her mother's name on the permission slip.</p>
Gambling:	<p>Participating in games of chance for money and/or other things of value.</p> <p>Example: Throwing dice for money is gambling.</p>
Grand Theft:	<p>Stealing something over \$300.00 in value.</p> <p>Example: He was charged with grand theft when he stole the school's computer.</p>
	<p>Any threatening, insulting or dehumanizing gesture, use of data or computer software, written, verbal or physical conduct directed against a student or school employee that:</p> <ol style="list-style-type: none"> <li>1. Places a student or school employee in reasonable fear of harm to his or her person</li> </ol>

Harassment (Civil Rights):	<p>or damage to his or her property.</p> <p>2. Has the effect of substantially interfering with a student's educational performance, opportunities, or benefits.</p> <p>3. Has the effect of substantially disrupting the orderly operation of a school.</p> <p>Example: What some people think is "just joking around" might constitute harassment if the person at whom it is directed is distressed by it. Repeated harassment is bullying.</p> <p>Harassment directed at someone because of his or her gender, gender identity, race, color, religion, ethnicity, national origin, political beliefs, marital status, age, sexual orientation, social and family background, language, pregnancy, or disability.</p> <p>Example: Using racial slurs towards someone who is from a different country is harassment based on a characteristic concerning his civil rights.</p>
Hazing:	<p>Pressuring or coercing another student into violating laws.</p> <p>Any brutality of a physical nature, such as whipping, beating, branding, exposure to the elements, forced consumption of any food, liquor, drug, or other substance, or other forced physical activity that could adversely affect the physical health or safety of the student. Any activity that would subject another student to extreme mental stress, such as sleep deprivation, forced exclusion from social contact, forced conduct that could result in extreme embarrassment, or other forced activity that could adversely affect the mental health or dignity of the student. Any act of hazing that causes risk of serious bodily injury or death is a misdemeanor. Any act of hazing that results in serious bodily injury or death is a felony.</p> <p>Example: Requiring new students to stay awake for two nights in order to join a club is committing hazing.</p>
Hazing (Felony):	Any act of hazing that results in serious bodily injury or death.
Hazing (Misdemeanor):	Any act of hazing that causes risk of serious bodily injury or death.
Hearing:	<p>A formal proceeding where different sides of a story are presented to a person who makes a decision about what happened and what to do.</p> <p>Example: My parent and I asked for a hearing when I was suspended for having a butter knife in my backpack.</p>
Inappropriate Public Display of Affection:	<p>Engaging in unsuitable, intimate, sexually-suggestive behavior (example: kissing and touching), in agreement with someone else, in places where others are likely to be present, such as hallways, stairwells, classrooms, school buses, etc.</p> <p>Example: Kissing in the hallway and stairwells is an example of an inappropriate public display of affection. Engaging in this type of behavior in hidden places is also inappropriate, and depending on the circumstances, may constitute a more serious infraction. See Sexual Offenses (Other) in this glossary.</p>
Infraction:	<p>The breaking of a school policy; a violation; an infringement.</p> <p>Example: Every infraction in the Code of Student Conduct has a range of corrective responses.</p>
Inciting Behavior:	<p>Behavior that incites or urges others to do something wrong.</p> <p>Example: The student instigated his classmates to riot by daring them to create a disturbance in the school.</p>
Intimidate:	<p>To make another person afraid.</p> <p>Example: The boy tried to intimidate another student by threatening to report him to the</p>

	Principal.
Lewd:	<p>Vulgar, indecent, improper, and of a sexual nature.</p> <p>Example: The student called her friend a lewd and derogatory word for a body part.</p>
Loss of Privilege:	Restricting access to an activity for a specified period of time.
Loss of Extracurricular Activity:	A loss of privilege that describes a student's restriction from school-sanctioned club, sports, and association for a specified period of time.
OSS Suspension:	<p>A corrective response to serious behavior where the student is not permitted to attend the regular school program for a specific number of days.</p> <p>Example: Serious behavioral infractions at school will result in suspension from school.</p>
Peer Mentor:	Another student who can serve as a resource, helping hand, sounding board, and referral service
Petit Theft:	<p>Knowingly obtaining or using the property of another under \$300.00 in value with the intent to temporarily or permanently deprive the owner of its use or benefit.</p> <p>Example: The Principal called school police to report the petit theft of a student's purse.</p>
Robbery:	<p>The taking of money or property from another through use of force, violence, assault, or putting in fear.</p> <p>Example: The students surrounded the boy in a circle and robbed him of his electronic game.</p>
Sale:	<p>Distribution or sharing for money or profit in return.</p> <p>Example: She was expelled for selling drugs to other students.</p>
Sexting:	<p>Sexting, sending or forwarding through cellular telephones and other electronic media sexually explicit, nude or partially nude photographs/images.</p> <p>Sexting may involve:</p> <ul style="list-style-type: none"> <li>• Transmission to one or more students</li> <li>• Partially nude or fully nude photographs/images</li> <li>• Possession, without transmittal, of partially nude or fully nude photographs/images</li> <li>• Substantial interference with the academic environment and student performance</li> <li>• Interference with a person's personal and social demeanor</li> </ul> <p>Example: Taking a picture of someone's private parts with or without consent and sending through a cellular phone to share with others is sexting.</p>
Sexual Battery:	<p>Using force or the threat of force to touch, feel, or hurt someone in sexual way against his or her will, or to use force to attempt to do so.</p> <p>Example: Touching another person's private body parts without his/her consent is sexual battery.</p> <ul style="list-style-type: none"> <li>• Also refer to Sexual Offenses (Other) for other sexual acts.</li> </ul>
Sexual Harassment:	<p>Displaying unwanted and repeated conduct of a sexual nature that substantially interferes with a student's academic performance and/or creates an intimidating, hostile, or offensive school environment, or causes discomfort or humiliation for that student.</p> <p>Example: The student was suspended for sexual harassment because he repeatedly talked about a female student's private parts, making her feel uncomfortable.</p>
Sexual Offences (Other):	<p>Sexual contact in a lewd manner. A variety of actions can be characterized as sexual offenses at school. Examples: include, but are not limited to:</p> <ul style="list-style-type: none"> <li>• Possessing and/or distributing obscene or lewd materials at school;</li> <li>• Exposing or touching private body parts in a lewd manner;</li> <li>• Touching someone else's body in a lewd manner;</li> <li>• Voyeurism (e.g., secretly looking at or photographing someone in the restroom or</li> </ul>

	<p>locker room without his/her knowledge);</p> <ul style="list-style-type: none"> <li>• Consensual sexual activity on school grounds between students who are 16 years old or older;</li> <li>• Any type of sexual contact with a student who is under age 16 years old.</li> </ul> <p>* Under Florida law, students who are under 16 years of age cannot legally consent to sex.</p>
Skipping:	<p>Not going to class when you are supposed to be in class.</p> <p>Example: The girls who tried to sign in to school after first period were caught and assigned detention for cutting/skipping class.</p>
Slander:	<p>Speaking false words that are capable of hurting another person's reputation, community standing, office, trade, business, or means of livelihood.</p> <p>Example: Starting an untrue rumor about someone might constitute slander.</p>
CCR#:	<p>School Police Automated Reporting system for recording infractions that are reported to school police.</p> <p>Example: Administrators must create a CCR for battery, a serious infraction of the Code of Student Conduct.</p>
Stealing (see Theft):	<p>Knowingly obtaining or using the property of another with the intent to temporarily or permanently deprive the owner of its use or benefit.</p> <p>Example: He stole the library book when he slipped it into his backpack and left the library without checking it out.</p>
Theft:	<p>Knowingly obtaining or using the property of another with the intent to temporarily or permanently deprive the owner of its use or benefit.</p> <p>Example: He committed theft when he slipped the library book into his backpack and left the library without checking it out.</p>
Threat / Assault:	<p>An intentional, unlawful threat by word or act to do violence to another, coupled with the apparent ability to do so, and doing some act, which creates a well-founded fear in the other person that such violence is imminent.</p> <p>Example: The student was suspended for making a threat to kill the teacher, causing her to fear for her life.</p>
Tobacco Product:	<p>Any product made from tobacco, including but not limited to cigarettes, cigars, and chewing tobacco.</p>
Trespassing:	<p>Entering and/or remaining upon a school campus, school transportation, or at school-sponsored events off campus or other school board property without authorization or invitation to enter or remain, including students who are suspended or expelled.</p> <p>Example: The student was trespassing when he entered the school after being warned by the Principal that the school was closed.</p>
Unauthorized Medication:	<p>Any medication prescribed by a medical provider and any non-prescribed (over-the-counter) drugs, preparations, and/or remedies that have not been authorized by the student's physician and/or parent/guardian.</p> <p>Example: The student was swallowing two aspirins, an unauthorized medication, given to her by her best friend in the school cafeteria during lunch.</p>
Vandalism:	<p>The intentional destruction, damage, or defacement of public or private property without consent of the owner or the person having custody or control of it.</p> <p>Major: resulting in damages over \$1,000.00 Minor: resulting in damages under \$1,000.00</p> <p>Example: The student committed vandalism when he spray-painted graffiti on the school.</p>

Violence:	Physical force used to injure, damage, or destroy.  Example: Acts of violence include serious fighting, using a weapon to hurt someone, and throwing objects hard enough to injure a person or damage property.
Weapon:	Any instrument that can be used to inflict serious harm on another person or that places another person in fear of serious harm.  Examples include but are not limited to all types of firearms (weapons used to shoot with, such as guns), dart-guns, stun guns, dirks (daggers), knives*, metallic knuckles, clubs, tear gas guns, chemical weapons or devices, bombs, aerosols, and other destructive devices (any item that can explode or cause destruction, such as grenades, mines, rockets, or missiles) and any other object used to inflict harm. This definition does not include simulated weapons.  *Although common pocket knives are not classified as weapons under the Florida criminal code, Naples Classical Academy students are prohibited from carrying pocket knives on school property. School Operations/Alternative Education will determine the appropriate disciplinary action to apply based on the item that is confiscated and how it is used.  Example: Everyday objects such as pens, pencils, thumbtacks, and rubber bands can be weapons if they are used to seriously harm or attempt to seriously harm someone.  *Section 790.001, F.S. (Weapons and Firearms), provides a further definition of weapons
Zero Tolerance:	A principle that violence will not be tolerated at school, during school activities, on school property, or on school-sponsored transportation.

## Discipline Guidelines for Students with Disabilities

Students with disabilities have the right to a free and appropriate education (FAPE) without excessive or unnecessary interruptions in their educational program. They also have the responsibility to work cooperatively with parents and school personnel in acquiring and maintaining appropriate school behavior. **All students with a disability** (students with an IEP or §504 Plan) **or students who are suspected of having a disability\* are subject to the rules and regulations of the Naples Classical Academy Code of Student Conduct.**

There are procedural safeguards that **must** be guaranteed to each student with a disability when applying disciplinary actions within the Naples Classical Academy Code of Student Conduct. It is the Principal's/designee's responsibility to determine if extenuating circumstances exist with any infraction a student commits, in order to ensure that the disciplinary action is in the best educational interest of the student and that accurate records are kept regarding all infractions.

### Students Suspected of Having a Disability

The *Discipline Guidelines for Students with Disabilities (IEP/§504)* apply if the school "had knowledge" **before** the student's misconduct that the student was disabled.

The school is presumed to "have knowledge" if, prior to the misconduct:

- Parent expressed concern (in writing) to supervisory/administrative personnel that the student is in need of special education services.
- Parent has requested an evaluation (in writing).
- Teacher or other personnel have expressed (verbal or written) to supervisory/administrative personnel specific concerns about a pattern of behavior demonstrated by the student.
- Student is or has been referred to the MRT/504 Team (including if the meeting has not yet been held).

The school is deemed NOT to have knowledge if:

- The parent has not allowed (refused) an evaluation for consideration of the need for special education and related services.

- The parent has refused the special education and related services for which the student is eligible.
- The student has been evaluated and determined to not be eligible for special education and related services.
- The parent revokes consent for all special education and related services.

Please refer specific questions and concerns regarding discipline of students with disabilities to the appropriate EE/SS Office.

### **Guidelines for Suspension of Students with Disabilities (IEP/§504 Plan) from the School/Bus**

Behavior of a student with a disability (IEP/§504 Plan) or a student suspected of having a disability that is disruptive to his/her own educational program and/or that of other students, may warrant removal from the educational environment or bus for a period of time for the benefit of the student(s) and in order to re-establish a positive learning climate.

Based on individualized circumstances, consequences for an infraction of the rules may result in a discipline referral to the Principal/designee. A student must be given notice of the infraction(s) against him/her by the Principal/designee and must be provided an opportunity to present his/her explanation of the situation before any disciplinary action is taken. **Parent/guardian/educational surrogate\*** contact, either written or verbal, should be made each time a student is disciplined by an administrator. The length of time the student is suspended is subject to the *Discipline Guidelines for Students with Disabilities*.

Documenting the implementation of behavioral plans associated with the IEP, §504 Plan and/or FBA/BIP is essential. Prior to utilizing suspension as a disciplinary action for a Naples Classical Academy Code of Student Conduct infraction, the Principal/designee **MUST** inquire with the teacher/staff involved to provide documentation of the implementation of the *Behavior Support Plan* and *FBA/BIP* or *Section 504 Behavioral Plan* (if one has been developed). Refer to section "Suspension if the IEP or §504 Plan does not include a behavior plan."

- Comments by the U.S. Dept. of Education, accompanying the IDEA 1999 regulations stated: "[I]f a child's IEP includes behavioral strategies to address a particular behavior of the child, the appropriate response to that behavior almost always [emphasis added] would be to use the behavioral strategies specified in the IEP rather than to implement a disciplinary suspension." 64 Fed. Reg. 12,626 (1999).

**In preparation for the return of the student to the educational setting, school personnel should consider the positive supports necessary to assist the student with being successful. An IEP or §504 meeting should be scheduled to review the Positive Behavior Support Plan/Behavioral Plan and/or separate FBA/BIP, including implementation documentation, in order to make changes as appropriate.**

### **In-School Suspension Program (ISSP)/Class Suspension (CS)**

The continued use of ISSP/CS, which establishes a pattern of removals, is considered a change in placement and triggers IDEA procedural protections; however, the time in ISSP/CS is not considered part of the 10 cumulative out-of-school suspension days and is not considered a change in placement **IF** while in ISSP/CS:

- The student receives services as specified in the IEP.
  - Behavior Support Plan is implemented.
  - FBA/BIP, if developed is implemented.
- Accommodations are provided and documented.
- ESE and Related Services are provided and documented.
- The student receives accommodations and behavioral strategies/interventions as specified in the §504 Plan.
- The student is afforded the opportunity to continue to appropriately progress in the general curriculum.
- The student has the opportunity to continue to participate with non-disabled peers to the same extent as he/she does in his/her current placement.

**Assignment to ISSP/CS as a disciplinary action shall be limited to NO MORE THAN 3 CONSECUTIVE DAYS AT ONE TIME.**

- **Additional days may NOT be assigned as disciplinary action for the same infractions if the days originally assigned (1 – 3) have been served.**

\* In the case of a student for whom an educational surrogate has been appointed, notice **MUST** be provided to the surrogate and the foster parent.

## Out-of-School Suspension of Students with Disabilities (IEP/§504)

The IEP/§504 Plan of a student with disabilities may include a *Behavior Support Plan* or *Behavioral Plan*, which indicates that the student is expected to comply with the rules specified in the Naples Classical Academy Code of Student Conduct. **The administrator or designee MUST refer to the student's current IEP/§504 Plan prior to any disciplinary action. Documentation of the implementation of the Behavior Support Plan and FBA/BIP, if appropriate, or Section 504 Behavioral Plan MUST be requested, from the teacher/staff initiating the discipline referral, PRIOR to assigning any disciplinary action.**

Students with disabilities (IEP/§504) or students suspected of having a disability may be suspended for up to three (3) days at one time. A cumulative total of more than 10 days per student for the school year is a change in placement. A partial day of suspension is considered one (1) full day of suspension.

Documentation of a discipline referral and formal notice of suspension is REQUIRED PRIOR TO contacting the parent/guardian/educational surrogate\* to remove the student from school prior to the end of the day and/or the following day(s).

For suspensions totaling ten (10) days or less in one school year, it is the responsibility of the student/parent to request makeup work that may be required as a result of the student's suspension. A day of makeup work, for which the student will receive full credit, may be allowed for each day of absence.

School personnel should prepare for the return of the student to the classroom or other appropriate placement by reviewing the current IEP and *Positive Behavior Management Plan/Behavior Support Plan* or §504 Plan and/or, as appropriate, schedule a meeting to revise the current plan. School personnel may counsel with the student and parent/guardian/educational surrogate\* to assist in a positive return to school.

\* In the case of a student in foster care for whom an educational surrogate has been appointed, notice **MUST** be provided to the surrogate and the foster parent.

NOTE: The period of suspension **cannot** be extended pending a parent conference.

## Out of School Suspension Procedures (IEP/§504)

### Days 1 – 3 of suspension:

- Administrator responsible for discipline **MUST** review the current IEP/§504 Plan - including the documentation of the implementation of the student's Behavior Plan associated with the IEP/§504 Plan.
- If a *Behavior Support Plan* has **NOT** been developed, conduct an IEP meeting to develop a plan aligned with a corresponding Social/Emotional PLOP, goal(s)/objectives and service(s), as required.
- If a §504 Behavioral Plan has **NOT** been developed, conduct a §504 meeting to develop the Behavioral Plan.
- If a student has committed a Level 2, 3 or 4 Code of Student Conduct infraction, for which the Code of Student Conduct indicates the disciplinary action of referral to the SBLT **AND is the option Principal/designee is seeking to pursue**, a manifestation determination meeting MUST be scheduled PRIOR to referral to the SBLT.
- If a student (Grades 6 – 12) incurs a third code infraction from the group indicated in the Code of Student Conduct **AND the Principal/designee is seeking to pursue referral to the SBLT**, a manifestation determination meeting MUST be scheduled PRIOR to referral to the SBLT.
- Contact the EE/SS Support Team Office for additional assistance, if needed.

### Days 4 – 7 of suspension:

- Administrator responsible for discipline **MUST** review the current IEP/§504 Plan - including the documentation of the implementation of the student's Behavior Plan associated with the IEP/§504 Plan.
- Upon the **4th** day of suspension, an IEP or §504 meeting **MUST** be scheduled (including support personnel, as appropriate) to:
  - Review and update, as appropriate, the §504 or IEP to include necessary strategies, goals and supports for the student.
  - Obtain consent for and begin the process of developing an FBA/BIP. If an FBA/BIP has already been developed and implemented, it should be reviewed and revised as appropriate.
- IEP Only: On the **7th** day of suspension, a plan must be developed in preparation for the provision of services should suspensions exceed ten (10) days. School personnel, in consultation with at least one of the child's teachers,

determine the extent to which services are needed to provide FAPE [34 CFR 300.530 (d)(4)], if suspensions exceed ten (10) days in a school year.

- Complete the ***Plan for the Continued Provision of Services*** form. (See sample in the Appendix)
- File original in the student's cumulative folder, and a copy in the discipline file.
- If a student has committed a Level 2, 3 or 4 Code of Student Conduct infraction, for which the Code of Student Conduct indicates the disciplinary action of referral to the SBLT **AND is the option the Principal/designee is seeking to pursue**, a manifestation determination meeting MUST be scheduled PRIOR to referral to the SBLT.
- If a student (Grades 4 – 9) has reached the minimum threshold of 12 points based on a pattern of behavior specific to the Code of Student Conduct Discipline Rubric **AND the Principal/designee is seeking to pursue referral to the SBLT**, a manifestation determination meeting MUST be scheduled PRIOR to referral to the SBLT.
- If a student (Grades 6 – 12) incurs a third code infraction from the group indicated in the Code of Student Conduct **AND the Principal/designee is seeking to pursue referral to the SBLT**, a manifestation determination meeting MUST be scheduled PRIOR to referral to the SBLT.
- If a student (Grades 6 – 12) obtains the minimum threshold of 12 points based on a pattern of behavior specific to the Discipline Rubric **AND the Principal/designee is seeking to pursue referral to the SBLT**, a manifestation determination meeting MUST be scheduled PRIOR to referral to the SBLT.
- Contact the EE/SS Support Team Office for additional assistance

#### **Days 8 – 10 of suspension:**

- Administrator responsible for discipline **MUST** review the current IEP/§504 Plan - including the documentation of the implementation of the student's Behavior Plan associated with the IEP/§504 Plan.
- If a student has committed a Level 2, 3 or Code of Student Conduct infraction, for which the Code of Student Conduct indicates the disciplinary action of referral to the SBLT **AND is the option the Principal/designee is seeking to pursue**, a manifestation determination meeting MUST be scheduled PRIOR to referral to the SBLT.
- If a student (Grades 4 – 9) has reached the minimum threshold of 12 points based on a pattern of behavior specific to the Code of Student Conduct Discipline Rubric **AND the Principal/designee is seeking to pursue referral to the SBLT**, a manifestation determination meeting MUST be scheduled PRIOR to referral to the SBLT.
- If a student (Grades 6 – 12) incurs a third code infraction from the group indicated in the Code of Student Conduct **AND the Principal/designee is seeking to pursue referral to the SBLT**, a manifestation determination meeting MUST be scheduled PRIOR to referral to the SBLT.
- If a student (Grades 6 – 12) obtains the minimum threshold of 12 points based on a pattern of behavior specific to the Discipline Rubric **AND the Principal/designee is seeking to pursue referral to the SBLT**, a manifestation determination meeting MUST be scheduled PRIOR to referral to the SBLT.
- Note that if the suspension exceeds 10 days (cumulatively) for the year it will constitute a **change of placement and trigger IDEA or §504 procedural protections. (see next section)**
- If the total number of days will exceed 10 days for the year, see the next section for required forms that **must** be provided to the parent/guardian/educational surrogate\*.

#### **Suspensions exceeding ten days (11+ days) & Additional Requirements:**

Suspensions that exceed ten (10) days in one school year constitute a **change in placement**.

**For a student with an IEP**, school personnel **MUST**, on the day that exceeds ten (10) days:

1. Notify the parent/guardian/educational surrogate\*, as appropriate, and provide the *Notice of Procedural Safeguards* as specified by 6A-6.03011 – 6A-6.0361, FAC.
2. Provide the parent/guardian/educational surrogate\* with the *Informed Notice of Change in Placement and/or Free Appropriate Public Education (FAPE)* form.
  - a. Indicate that services will be provided as stated on the *Plan for the Continued Provision of Services* form.
  - b. Attach the completed *Plan for the Continued Provision of Services* to the *Informed Notice of Change in Placement and/or Free Appropriate Public Education (FAPE)* form.

NOTE: Provision of the required forms may be done via U.S. mail, if direct contact with the parent/guardian/educational surrogate\*, as appropriate, is not possible on the 11<sup>th</sup> day of suspension.

3. Implement the *Plan for the Continued Provision of Services* and provide a copy to appropriate school personnel. **Document the provision of services as indicated on the form.**

\* In the case of a student in foster care for whom an educational surrogate has been appointed, notice **MUST** be provided to the surrogate and the foster parent.

#### **Additional Requirements:**

1. **Upon the 11<sup>th</sup> day of suspension**, for a student with an IEP, the Administrator **MUST** contact the district Conduct Review office to schedule a manifestation determination (conduct review) meeting. For a student with a §504 Plan, the Administrator must notify the school based 504 Team Liaison to schedule a manifestation determination meeting. The manifestation determination meeting **MUST** be held within ten (10) school days of the date of suspension.
  - a. The outcome of the manifestation determination meeting will determine if suspension may be utilized as a result of additional Code of Student Conduct infractions.
2. Within three (3) days of the date of the 11<sup>th</sup> day of suspension complete a *Meeting Participation* form and send to the parent/guardian/educational surrogate\* in order to schedule an IEP or §504 meeting within 7 – 10 days.
  - a. The purpose of the meeting is to review/revise the §504 Plan or IEP, FBA/BIP and *Plan for the Continued Provision of Services* to reflect appropriate services as needed.
  - b. If not already involved, contact the EE/SS Support Team Office for additional assistance.

\* In the case of a student for whom an educational surrogate has been appointed, notice **MUST** be provided to the surrogate and the foster parent.

#### **Suspension - If the IEP or §504 Plan Does Not Include a Behavior Plan**

A student with disabilities whose IEP/§504 Plan does not include a *Behavior Support Plan* or *Behavioral Plan* may be suspended for up to **three (3)** days in-school, from the bus or out-of-school, **provided an IEP/§504 meeting is scheduled within seven (7) to ten (10) days to include a Behavior Support Plan/Behavioral Plan.**

In accordance with the Code of Student Conduct, the Principal/designee will provide written notice of the suspension and alleged infractions to the parent/guardian/educational surrogate\* and student.

The purpose of the IEP/§504 meeting is to:

- assess the student behavior(s)
- develop a behavior plan to effectively address the behavior(s) leading to suspension
- determine the need for or revision of current FBA/BIP
- update the §504 Plan or IEP PLOP, goals, objectives, and services to align with the behavior plan

\* In the case of a student for whom an educational surrogate has been appointed, notice **MUST** be provided to the surrogate and the foster parent.

#### **Bus Suspension**

- Students with disabilities (IEP/§ 504) or students suspected of having a disability may be suspended from the bus for up to three (3) days at one time.
- Administrator responsible for discipline **MUST** review the current IEP/§504 Plan - including the documentation of the implementation of the student's Behavior Plan associated with the IEP/§504 Plan.
- If a student has committed a Level 2, 3 or 4 infraction for which the Code of Student Conduct indicates the disciplinary action of:
  - o **removal of bus privileges**, a manifestation determination meeting MUST be scheduled PRIOR to removal of bus privileges.
  - OR
  - o **referral to the SBLT AND is the option the Principal/designee is seeking to pursue**, a manifestation determination meeting MUST be scheduled PRIOR to referral to the SBLT.
- If the district Conduct Review Committee/§504 Team determines that the infraction was **not** a manifestation of the student's disability, the student may be disciplined in the same manner as a student without a disability; however, it **cannot** result in a complete cessation of services. A student with a disability is guaranteed a right to FAPE. **School staff MUST contact the EE/SS Support Team Office for assistance.**
  - o **If transportation IS identified in the IEP or §504 Plan as a related service**, bus privileges cannot be revoked

without also conducting an IEP or §504 meeting to review the need for the bus service and determine, if appropriate, an alternate mode of transportation that will be provided to the student in order to provide FAPE. **School staff MUST contact the EE/SS Support Team Office for assistance.**

- A bus suspension is separate from a school suspension and applies only to the loss of bus riding privileges unless subject to other disciplinary actions, such as out of school suspensions.
- If transportation is identified in the IEP/§504 Plan as a related service, the days of bus suspension(s) ARE considered as days of out-of-school suspension IF, as a result, the student with disabilities is unable to attend school and therefore is denied a FAPE. School staff MUST contact the EE/SS Support Team Office for assistance.
- Bus suspension does not excuse a student from attending school.

Refer to section – Following the Manifestation Determination Meeting – for **required** actions.

## **Manifestation Determination for Suspensions Over 10 Days, Level 2/3/4 Infractions and Points/Multiple Aggressive Infractions**

### **Students with an IEP or §504 Plan:**

A manifestation determination meeting **MUST** be held if:

- Suspensions exceed ten **cumulative** school days within a school year.
- A student has committed a Level 2, 3 or 4 infraction for which the Code of Student Conduct indicates the disciplinary action of:
  - referral to the SBLT AND is the option the Principal/designee is seeking to pursue AND/OR
  - removal of bus privileges
- If a student (Grades 4 – 9) has reached the minimum threshold of 12 points based on a pattern of behavior specific to the Code of Student Conduct Discipline Rubric **AND the Principal/designee is seeking to pursue referral to the SBLT**, a manifestation determination meeting MUST be scheduled PRIOR to referral to the SBLT.
- If a student (Grades 6 – 12) incurs a third code infraction from the group indicated in the Code of Student Conduct **AND the Principal/designee is seeking to pursue referral to the SBLT**, a manifestation determination meeting MUST be scheduled PRIOR to referral to the SBLT.
- If a student (Grades 6 – 12) obtains the minimum threshold of 12 points based on a pattern of behavior specific to the Discipline Rubric **AND the Principal/designee is seeking to pursue referral to the SBLT**, a manifestation determination meeting MUST be scheduled PRIOR to referral to the SBLT.

The manifestation determination meeting **MUST** be held **PRIOR** to referral to the SBLT.

**A manifestation of the disability** is defined as the **determination** that there exists a causal relationship between the student's disability and specific behavior that may result in disciplinary action.

A manifestation determination must address:

- Whether the conduct in question was caused by, or had a direct and substantial relationship to the student's disability, **and**
- Whether the conduct was the direct result of the school district's failure to implement the student's IEP/§504 Plan

A manifestation determination:

- Must be made on a case-by-case basis.
- Must not be made solely on the basis of the disability category or label.
- Is separate and distinct from a decision made by the SBLT and does not include the SBLT as a part of the team.

## **Procedures for Manifestation Determinations**

A student with a **§504 Plan** must be referred to the school-based §504 Team and a manifestation determination meeting **MUST** be held **within 10 school days**. (Refer to, *Checklist for School Personnel*)

- School personnel are responsible for:
  - Ensuring the parent/guardian and surrogate\*, as appropriate, are aware of the infraction(s) for which the student has been suspended PRIOR to the manifestation determination meeting.
  - Coordinating with the appropriate school psychologist – a **required participant** for §504.

- o Providing the parent/guardian/educational surrogate\* with a written invitation(s) to the manifestation determination meeting.
- Purpose of the meeting must be indicated on the invitation – “Manifestation Determination”.

A student with an **IEP** or a **student suspected of having a disability**, the Principal/designee should contact the district Conduct Review office at 381-3840, **within twenty-four hours of the student being charged with the infraction**, to schedule a manifestation determination (conduct review) meeting. The manifestation determination (conduct review) meeting **MUST** be scheduled **within 10 school days**. (Refer to *Checklist for School Personnel*)

- The **district Conduct Review office is responsible** for informing the appropriate EE/SS staff of the meeting time and place.
- School personnel are responsible for:
  - o Ensuring the parent/guardian/educational surrogate\* is aware of the infraction(s) for which the student has been suspended **PRIOR** to the manifestation determination meeting.
  - o Providing the parent/guardian/educational surrogate\* with a written invitation(s) to the Conduct Review Committee or §504 Team manifestation determination meeting.
- Purpose of the meeting must be indicated on the invitation – “Manifestation Determination”.
- The Principal/designee should be prepared to attend the meeting and present all required documentation for review.

\* In the case of a student in foster care for whom an educational surrogate has been appointed, notice **MUST** be provided to the surrogate and the foster parent.

If there is insufficient information available, or there appears to be a discrepancy between the information included in the evaluation(s) and the infractions(s), the committee may recommend deferring the decision and request additional information. After additional information is obtained, a second manifestation determination meeting will be held to determine whether the behavior is/is not a manifestation of the student's disability.

The Conduct Review Committee may also recommend as appropriate:

- Return to assigned school and request assistance from the EE/SS district staff
- Referral to the school RtI/MTSS team
- Referral to appropriate community agencies
- IEP/§504 meeting to be held to review and update the plan, as appropriate
- IEP/§504 meeting to obtain consent for or revise a comprehensive *FBA/BIP*

### **Following the Manifestation Determination Meeting**

The school administrator may refer the student to the CCPS Charter School Office, as a disciplinary action/intervention referenced in the Code of Student Conduct, ONLY if the infraction was determined **not to be a manifestation** of the student's disability. The district Charter School Office may consider, as appropriate, an alternative school placement. The student must receive appropriate educational services as outlined in the IEP or §504 Plan while in attendance at the alternative school.

As indicated in 6A-6.03312(3)(c) FAC, if the school district, the parent and relevant members of the IEP Team determine that the conduct **was a manifestation** of the student's disability, the IEP Team **MUST**:

- \*Obtain consent for and conduct an FBA and implement a BIP, unless one had been completed and implemented prior to the behavior that resulted in the change in placement **OR**
- \*Review the current FBA/BIP and modify, as necessary, to address the behavior;  
AND
- \*Return the student to the placement from which the student was removed, unless the parent and the school agree to a change in placement as part of the modification of the behavior intervention plan.

\* **The same requirements above apply to a student under §504.** An IEP or §504 Team meeting **MUST** be scheduled **within 10 days of the manifestation determination meeting** for which it was determined the behavior was a manifestation of the student's disability.

#### NOTES:

1. A manifestation determination does NOT negate the total number of days suspended (does not return to zero).
2. School staff should implement and document positive behavior interventions, strategies and services necessary to address the frequency and severity of the student's problem behavior upon their return to the school.
3. A manifestation determination is also required for each subsequent accumulation of 10 days of suspension (day 21, 31 . . .).
4. Within three (3) school days of the **eleventh** (11<sup>th</sup>) day of suspension, complete an invitation and send to the parent/guardian/educational surrogate (if appointed) scheduling an IEP/§504 meeting within 7 – 10 days. The team will review/revise the IEP/504 Plan, current FBA/BIP, and as appropriate the *Plan for the Continued Provision of Services* to reflect appropriate services. If a current FBA/BIP is not in place, then consent should be obtained to conduct the FBA and develop the BIP to address the on-going behavioral issue.

#### Special Circumstances (6A-6.03312(6)(a)(1-3) FAC

A student may be placed in an interim alternative educational setting for not more than forty-five (45) school days without regard to whether the behavior is determined to be a manifestation of his/her disability\*, if the student:

1. 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 a school district;
2. Knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance, while at school, on school premises, or at a school function under the jurisdiction of a state education agency or a school district; **OR**
3. 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.

#### Appeals

If the parent/guardian/educational surrogate disagrees with the outcome of the manifestation determination meeting, he/she has the right to:

- request a district administrative review
- file a state complaint
- request a due process hearing

Procedures for appealing the disciplinary action of the Code of Student Conduct infraction or placement at an alternative school is addressed in the Code of Student Conduct. The disciplinary action appeal process is separate and distinct from the process for appeal of a manifestation determination.

#### Expulsion of Students with an IEP or §504 Plan

Acceptable behavior, as defined in the Naples Classical Academy Code of Student Conduct, is the expectation for every student in Naples Classical Academy. When a student with disabilities (IEP/§504) engages in conduct that warrants expulsion action, procedures must be followed which will assure that the student is afforded all of the procedural safeguards provided in the *Individuals with Disabilities Education Improvement Act of 2004 (IDEIA'04)* or *Section 504 of the Rehabilitation Act of 1973*, respectively.

A student with a disability (IEP/§504) or a student suspected of having a disability may be expelled from a current school placement when it is established that the student committed a Code of Student Conduct infraction, which could warrant expulsion action.

If the misconduct **is a manifestation** of the student's disability, then the student **may not be expelled**. However, a review and revision of the §504 Plan or a review of the IEP **MUST** be conducted and other alternatives considered including a Functional Behavioral Assessment and a Behavior Intervention Plan that are designed to address the behavioral infraction so that it does not recur.

If the misconduct **is not a manifestation** of the student's disability, then the student **may be expelled**; however, for a student with a disability (IEP/§504), this constitutes a change in placement and CANNOT result in a complete cessation of services/accommodations.

The *Notice of Procedural Safeguards for Parents of Students with Disabilities* must be provided to the parent/guardian/educational surrogate\* when a student with an IEP is recommended for expulsion. An IEP meeting must be scheduled to update the IEP to reflect the change in placement and FAPE as a result of the expulsion.

The *Notification of Student Rights & Procedural Safeguards* and *Section 504 Due Process Procedures* must be provided to the parent/guardian/educational surrogate\* when a student with a §504 Plan is recommended for expulsion. For a student with a §504 Plan, a §504 Team meeting must be scheduled to update the §504 Plan, as appropriate.

\* In the case of a student in foster care for whom an educational surrogate has been appointed, notice **MUST** be provided to the surrogate and the foster parent.

## CHECKLIST FOR SCHOOL PERSONNEL SUSPENSIONS EXCEEDING 10 DAYS, LEVEL 2/3/4 INFRACTIONS, AND POINTS/MULTIPLE AGGRESSIVE INFRACTIONS

All required documentation, as listed below, must be provided for review in order to conduct the manifestation determination meeting for a student with a §504 Plan, IEP or a student suspected of having a disability.

### **Prior to the Manifestation Determination Meeting:**

- ☐ Contact district Conduct Review Office to schedule manifestation determination meeting OR schedule school based §504 Team manifestation determination meeting
- ☐ Inform the parent(s)/guardian(s)/educational surrogate\* in writing of the date, time, and location of the manifestation determination meeting
- ☐ Prepare documentation to be reviewed by the Manifestation Determination Review Team

### **Documentation required for the Manifestation Determination Meeting:**

- ☐ Written invitation(s) to parent/guardian/educational surrogate\* regarding the manifestation determination meeting
- ☐ Individual Education Plan (IEP) or §504 Plan
- ☐ Behavior Support Plan, current FBA/BIP (if developed) OR §504 Behavioral Plan **and documentation of implementation for any behavioral plan**
- ☐ Cumulative Folder
- ☐ Disciplinary Record (all referrals)
- ☐ Written Teacher Statement(s) regarding student's behavior (if the teacher cannot attend the manifestation determination meeting)
- ☐ Copy of Informed Notice of Change in Placement and/or Free Appropriate Public Education (FAPE) form provided to parent(s) on the 11<sup>th</sup>+ day of suspension (Students with an IEP only)
- ☐ Copy of Plan for the Continued Provision of Services (Students with an IEP only) – if over 10 days of suspension
- ☐ Written invitation(s) to parent/guardian/educational surrogate\* regarding IEP meeting to review and update the IEP, FBA/BIP and as appropriate, the *Plan for the Continued Provision of Services or invitation to review/update §504 Plan*
- ☐ Most current psychological evaluations (If within 3 years)
- ☐ Other related documentation or evaluations

\* In the case of a student in foster care for whom an educational surrogate has been appointed, notice **MUST** be provided to the surrogate and the foster parent.