

FLORIDA VIRTUAL SCHOOL BOARD OF TRUSTEES

NOTICE OF ADVERTISEMENT AND PUBLIC HEARING REGARDING ANTICIPATED ADOPTION OF 2022-2023 FLVS CODE OF STUDENT CONDUCT

Notice of Approval to Advertise: The Florida Virtual School Board of Trustees (“Board”) has authorized and directed this Notice of Advertisement and Public Hearing regarding its anticipated consideration and adoption of the 2022-2023 FLVS Code of Student Conduct.

Purpose & Effect: It is the intention of the Board that the above-referenced 2022-2023 FLVS Code of Student Conduct simplify, update, streamline and ensure alignment of FLVS operations and Board Policies and Bylaws with applicable state and federal laws, rules, and regulations.

Access to Text of the 2022-2023 FLVS Code of Student Conduct: Individuals seeking access to the hardcopy/printed version of the 2022-2023 FLVS Code of Student Conduct herein referenced may contact Mr. Bruce Moore, FLVS Board Clerk, at 5422 Carrier Drive, Suite 201, Orlando, Florida 32819. The Board Clerk may be reached by telephone at (407) 735-1191 or by email to bmoore@flvs.net. Individuals seeking access to the electronic version of the new or revised policy(ies) may do so via the internet by visiting the Florida Virtual School website at www.flvs.net (navigate to Board of Trustees – “Notice of Rulemaking” tabs/pages). Please be advised that the President and Chief Executive Officer (“CEO”) of the Florida Virtual School is authorized to correct technical, grammatical, and spelling errors, and to rearrange and renumber sections, paragraphs, designations, and cross-references in any new, revised, and existing Board Policy and Bylaw which—following consultation with the FLVS Office of General Counsel—the CEO deems reasonable and prudent to achieve and advance the purpose and effect of such policies and bylaws.

Rule Making Authority: The Board is authorized to adopt, amend, and delete Board Policies pursuant to section 1002.37 and applicable provisions of Chapter 120 of the Florida Statutes.

Laws Implemented: Section 1002.37 of the Florida Statutes and all such applicable law expressed and/or referenced by the 2022-2023 FLVS Code of Student Conduct herein identified.

Person(s) Proposing/Initiating 2022-2023 FLVS Code of Student Conduct: The 2022-2023 FLVS Code of Student Conduct herein identified was originated by and through the FLVS CEO in consultation with the FLVS Office of General Counsel and FLVS personnel with subject matter expertise pertinent to the 2022-2023 FLVS Code of Student Conduct.

Public Hearing: The Board intends to consider, adopt, or otherwise take formal/final

action on the above-referenced 2022-2023 FLVS Code of Student Conduct following a public hearing on such matter(s). **The public hearing will be held during the course of a regular quarterly meeting of the Board of Trustees on Tuesday, September 27, 2022, which is scheduled to begin at 9:00 a.m. (EST).** The meeting will not be held in person. Rather, it will be held by video conference. Any person who wishes to present or register public comments during the public hearing should contact Mr. Bruce Moore, Board Clerk, 5422 Carrier Drive, Suite 201, Orlando, Florida, 32819, no later than 48 hours prior to the start of the Board meeting. The Board Clerk may be reached by telephone at (407) 735-1191 or by email to bmoore@flvs.net.

Any person requiring special accommodations to attend or participate in any meeting of the Board of Trustees should contact Mr. Bruce Moore, Board Clerk, at 5422 Carrier Drive, Suite 201, Orlando, Florida 32819, no later than 48 hours prior to the start of the Board meeting. The Board Clerk may be reached by telephone at (407) 735-1191 or by email to bmoore@flvs.net. Persons who are hearing or speech impaired are also urged to contact the Florida Relay Service at 1-800-955-8771 (TDD) or at 1-800-955-8770 (Voice).

If a person decides to appeal any decision made by the Board with respect to any matter considered at the meeting, he or she will need a record of the meeting/proceedings, and for such purpose, may need to ensure that a verbatim record of the proceedings is made which record includes the testimony and evidence upon which the appeal is to be based.

Florida Virtual School (FLVS) Code of Conduct

FLVS Student Conduct Philosophy

Florida Virtual School expects students to conduct themselves as appropriate for their levels of development, maturity, and demonstrated capabilities with a proper regard for the rights and welfare of other students and school staff, the educational purpose underlying all school activities, and the care of school facilities and equipment.

The FLVS school district believes that standards for student behavior must be set cooperatively through interaction among the students, parents/legal guardians, staff, and community members producing an atmosphere that encourages students to grow in self-discipline. The development of this atmosphere requires respect for self and others, as well as for district and community property on the part of students, staff, and community members. Since students learn by example, school administrators, faculty, staff, and volunteers will demonstrate appropriate behavior, treat others with civility and respect, and refuse to tolerate bullying or harassment.

FLVS Code of Conduct Overview

FLVS staff members seek to maintain orderly conduct among Kindergarten-12 students in all FLVS programs in an effort to create a safe and positive learning environment. Although most programs are delivered online, from time to time school-sponsored events are planned, therefore a comprehensive Code of Conduct was written to address the behavioral expectations for students in both virtual and face-to-face settings. The Code of Conduct operates in conjunction with the FLVS Student Handbook and provides information that both parents/guardians and students should read when entering an FLVS program and review annually.

Four levels of behavioral offenses and possible disciplinary responses are listed, followed by additional policies regarding student behavioral expectations. FLVS reserves the right to determine appropriate consequences to be imposed upon a student for any infraction of the Code of Conduct, including misconduct not specifically listed. FLVS also will comply with discipline regulations for students with disabilities in conjunction with Section 504 of the Rehabilitation Act and the Individuals with Disabilities Education Act (IDEA).

The FLVS Board of Trustees adopts additional policies concerning student conduct. Below are links to Board-adopted policies relating to student conduct, and many of these policies are set forth in this Code of Conduct.

5500	<u>Student Conduct</u>
5511	<u>Dress and Grooming</u>
5513	<u>Care of School Property</u>
5516	<u>Student Hazing</u>
5517	<u>Anti-Harassment</u>
5517.01	<u>Bullying and Harassment</u>
5517.03	<u>Dating Violence and Abuse</u>
5520	<u>Disorder and Demonstration</u>
5600	<u>Student Discipline</u>
5605	<u>Suspension/Expulsion of Disabled Students</u>
5610	<u>Removal, Out-of-School Suspension, Disciplinary Placement, and Expulsion of Students</u>
5610.05	<u>Participation in Extra-Curricular Activities</u>
5611	<u>Due Process Rights</u>
5771	<u>Search and Seizure</u>
5772	<u>Weapons</u>
5540	<u>Schools and Investigations Involving Students</u>
5780	<u>Student/Parent Rights</u>
5136	<u>Wireless Communication Devices</u> <i>(link pending BOT approval)</i>
5850	<u>School Social Events</u> <i>(link pending BOT approval)</i>

Zero Tolerance for School-Related Violent Crime

The FLVS Board of Trustees adopted Policy 5500 Student Conduct, which sets forth zero tolerance policies and defines petty acts of misconduct. The hyperlink is set forth above, and the text of the policy is also set forth below.

5500 - STUDENT CONDUCT

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

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

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

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

- A. bringing a firearm or weapon, as defined in F.S. Chapter 790, to school, to any school function, or onto any school-sponsored transportation, or possessing a firearm at school; or
- B. making a threat or false report, as defined by F.S. 790.162 and 790.163, involving school or school personnel's property, school transportation, or a school-sponsored activity;

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

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

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

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

- A. possession of firearms or other weapons
- B. placing, discharging, or throwing an explosive item or noxious substance or making threats to do so
- C. arson
- D. felony assault
- E. threats of unsafe and potentially harmful, dangerous, violent, or criminal activities

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

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

- A. disorderly conduct
- B. disrupting a school function
- C. simple assault or battery

- D. verbal abuse or use of profanity
- E. cheating
- F. theft of less than \$300, trespassing, and vandalism of less than \$1,000
- G. possession or use of tobacco

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

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

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

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

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

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

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

Student conduct shall be governed by the rules and provisions set forth in the student Code of Conduct, which is reviewed and adopted whenever revisions are proposed in accordance with F.S. Chapter 120, and is incorporated in the policy by reference.

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

Offenses and Disciplinary Responses

In addition to the FLVS Board of Trustees policies described above, the following sets forth the FLVS student Code of Conduct. For purposes of this student Code of Conduct, the term “school event” means any event conducted by FLVS (whether online or in person).

Level 1

Level 1 Offenses

Level 1 offenses are acts of misconduct which interfere with the orderly operation of the school or school function. The teacher or staff member who is initially aware of the misconduct will be the first to address it. The student will then be referred to the school administrator for disciplinary action if the misconduct is repeated or becomes more severe. The school administrator will conduct an investigation, including discussing the incident with the staff member who is reporting and discussing with student and parent/guardian. The school administrator will determine the appropriate disciplinary response and/or intervention.

Level 1 Offenses	
Academic Integrity (1st offense)	1st academic integrity infractions that are considered minor. Refer to Academic Integrity Policy section of the Code of Conduct.
Disrespect	A lack of courtesy, or respect, or causing embarrassment or insult to a staff member, student, or guest.
Disruptions	Interrupting the learning environment or causing disruption during a school event.
Dress Code Violation	Not following standards set for attire at a school event.
Other Misconduct	Any minor act of misconduct that interferes with the orderly operation of the school or a school event. This includes use of inappropriate communication (including but not limited to a violation of the Acceptable Use Policy set forth below).

Level 1 Disciplinary Responses

The staff member or school administrator will take into account the reason for the student infraction and determine an appropriate response. Responses may include, but are not limited to:

- Student warning and reminder of expectations
- Parent/guardian contact
- Documentation of incident in Student Information System
- Loss of privileges, such as school events or clubs
- Loss of Live Lesson tools or live participation rights
- Behavior agreement (written and/or verbal)
- Referral to other staff member (such as counselor, lead or resource teacher, school psychologist, etc.)
- Apology letter
- Temporary removal from course(s) (not to exceed 10 days)
- Other consequence deemed appropriate by administration.

Level 2

Level 2 Offenses

Level 2 offenses are more severe or repeated acts of misconduct which interfere with the orderly operation of the school or school function. Level 2 offenses do not directly or seriously endanger the health or safety of others. Once reported, the school administrator will conduct an investigation, including discussing the incident with the staff member who is reporting and discussing with student and parent/guardian. The school administrator will determine the appropriate disciplinary response and/or intervention.

Level 2 Offenses	
Academic Integrity (2nd offense)	2nd academic integrity infraction. Refer to Academic Integrity Policy section of the Code of Conduct.
Attempting/Threatening Harm	While at a school event, attempting to fight or threatening to physically harm another.
Disrespect	Repeated lack of courtesy, or respect, or causing embarrassment or insult to a staff member, student, or guest.
Misleading/False Information	Intentionally providing false information to a staff member.
Open Defiance	Verbal or actual refusal to follow school or class rules, laws, behavior agreement, or the directions of a staff member.
Theft (under \$300)	The unauthorized taking, carrying, riding away with, or concealing property of another person without threat, violence, or bodily harm.
Vandalism (under \$100)	The intentional destruction, damage, or defacement of school property or the property of another without consent of the owner or the person having custody or control of the property.
Other Serious Misconduct	Any serious act of misconduct that interferes with the safe and orderly operation of the school or a school event. This includes a more serious use of inappropriate communication (including but not limited to a violation of the Acceptable Use Policy set forth below).
Repeated Misconduct	Any Level 1 offenses that are repeated may be considered as Level 2.

Level 2 Disciplinary Responses

The staff member or school administrator will take into account the reason for the student infraction and determine an appropriate response. Responses may include, but are not limited to:

- Student warning and reminder of expectations
- Parent/guardian contact
- Documentation of incident in Student Information System
- Loss of privileges, such as school events or clubs
- Loss of Live Lesson tools or live participation rights
- Behavior agreement (written and/or verbal)
- Referral to other staff member (such as counselor, lead or resource teacher, school psychologist, etc.)
- Apology letter
- Alternate classroom assignment
- Return or payment of property or damages
- Temporary removal from course(s)
- Removal from a course (only in the FLVS Flex program)
- Referral for truancy (only in the FLVS Full Time program)
- Loss of partial or full credit on one or more assignments (for Academic Integrity Infractions only)
- Notify law enforcement

Level 3

Level 3 Offenses

Level 3 offenses are major acts of misconduct that includes repeated serious disruptions of school order, threats to the health, safety, and property of others, and other acts of serious misconduct. Once reported, the school administrator will conduct an investigation, including discussing the incident with the staff member who is reporting and discussing with student and parent/guardian. The school administrator will determine the appropriate disciplinary response and/or intervention.

Level 3 Offenses	
Serious Academic Integrity Violation	Refer to Academic Integrity Policy section of the Code of Conduct.
Bullying (SESIR Level IV)	Refer to Bullying, Hazing, and Harassment section of the Code of Conduct.
Threat/Intimidation (SESIR Level III)	An incident where there was no physical contact between the offender and the victim, but the victim felt that physical harm could have occurred based on verbal or nonverbal communication by the offender. This includes nonverbal threats (e.g., brandishing a weapon) and verbal threats of physical harm that are made in person, electronically, or through any other means.
Vandalism (\$100 to \$999)	The intentional destruction, damage, or defacement of school property or the property of another without consent of the owner or the person having custody or control of the property.
Disrespect	Conduct or behavior that lacks regard, civility, politeness, and/or courteous consideration. This may include but is not limited to language and/or gestures that are profane or abusive to others.
Larceny/Theft (Below \$750)	The unauthorized taking, carrying, riding away with, or concealing the property of another person.
Fighting (SESIR Level III)	When two or more persons mutually participate in use of force or physical violence that requires either physical intervention or results in injury requiring first aid or medication administration. (Lower-level fights, including pushing shoving, or altercations that stop on verbal comment are not required to be reported in SESIR)
Possession of Fireworks	Unauthorized possession and/or igniting of fireworks or firecrackers on FLVS property or during a school sponsored event. This includes setting off stink bombs.
Smoking/Tobacco Products (SESIR Level IV)	The possession, use, distribution, or sale of tobacco or nicotine products, or items represented to be of said nature during school events. This includes, but is not limited to electronic cigarettes, vapors, and hookah pens.
Physical Aggression on Employee	Willful use of force upon an employee or contracted personnel that does not result in bodily injury.
Contraband Possession	Possession of contraband material (other than weapons or firearms) that are forbidden. This may include but is not limited to pocketknives, table or kitchen knife, matches, lighter, lasers, etc. at an FLVS sponsored event.
Trespassing	To enter or remain at an FLVS facility or attendance to a school sponsored event without authorization, without an invitation, or after being directed by an administrator not to attend, with no lawful purpose for entry.
Electronic Device Violation	Any violation to the FLVS Acceptable Use Policy.
Other Serious Misconduct	Any extreme act of misconduct that interferes with the safe and orderly operation of the school or a school event (more severe than Level 2). This includes extremely inappropriate communication (including but not limited to a violation of the Acceptable Use Policy set forth below).
Repeated Misconduct	Repeated misconduct of a more serious nature. Level 2 offenses that are repeated may be considered as Level 3.

Level 3 Disciplinary Responses

The staff member or school administrator will take into account the reason for the student infraction and determine an appropriate response. The process set forth in FLVS Board of Trustees Policy 5610 (Removal, Out-of-School Suspension, Disciplinary Placement, and Expulsion of Students) will be implemented depending on the discipline to be imposed. Responses may include, but are not limited to:

- Any appropriate response from Level 1 or Level 2
- Parental Contact (mandatory)
- Confiscation of items in violation of policies with or without possible return of item
- Suspension
- Response to the Response to Intervention Team (FLVS Full Time only)
- Recommendation for expulsion
- Report to law enforcement

Level 4

Level 4 Offenses

Level 4 offenses are the most serious acts of misconduct. Any Level 4 act is grounds for expulsion or consideration for a recommendation for expulsion. Major acts of misconduct must be reported right away to the school administrator. Once reported, the school administrator will conduct an investigation, including discussing the incident with the staff member who is reporting and discussing with student and parent/guardian.

Level 4 Offenses	
Extreme Academic Integrity Violation	Refer to Academic Integrity Policy section of the Code of Conduct.
Alcohol (SESIR Level IV)	Possession, sale, purchase, or use of alcoholic beverages. Use means the person is caught in the act of using, admits using or is discovered to have used in the course of an investigation.
Weapons Possession (SESIR Level II)	Possession of a firearm, knife, boxcutter, razorblade, explosive, taser, chemical weapon, pepper spray, or any other item that can be used to cause serious bodily harm on another person or that can place a person in reasonable fear of serious harm, on the property of FLVS or during a school sponsored event.
Aggravated Battery (SESIR Level I)	A battery where the attacker intentionally or knowingly causes great bodily harm, permanent disability, or permanent disfigurement; uses a deadly weapon; or, where the attacker knew or should have known the victim was pregnant.
Drug Use or Possession (SESIR Level III)	The use or possession of any drug, narcotic, controlled substance, or any substance when used for chemical intoxication. Use means the person is caught in the act of using, admits using, or is discovered to have used in the course of an investigation.
Drug Sale or Distribution (SESIR Level II)	The manufacture, cultivation, sale, or distribution of any drug, narcotic, controlled substance or substance represented to be a drug, narcotic, or controlled substance.
District Technology Violation	Unauthorized access to programs and/or files not expected or intended for student use on a district issued and/or personal device; use of another's username and password; or any use that violates local, state, and/or federal laws and regulations. This also includes manipulating computer data that the student is not permitted to access and/or adjust.
Arson (SESIR Level I)	To intentionally damage or cause to be damaged, by fire or explosion, any dwelling, structure, or conveyance, whether occupied or not, or its contents. Fires that are not intentional, that are caused by accident, or do not cause damage are not required to be reported in SESIR.

Burglary (SESIR Level II)	Unlawful entry into or remaining in a dwelling, structure, or conveyance with the intent to commit a crime therein.
Larceny/Theft (\$750 or greater) (SESIR Level III)	The unauthorized taking, carrying, riding away with, or concealing the property of another person, including motor vehicles, without threat, violence, or bodily harm.
Vandalism (over \$1000) (SESIR Level III)	The intentional destruction, damage, or defacement of public or private/personal property without consent of the owner or the person having custody or control of the property.
Extortion	Willful or malicious threat of harm, injury, or violence to the person, property, or reputation of another with the intent to obtain money, information, services, items of material worth, or to cause fear.
False Accusation	Falsely accusing an employee of something that may jeopardize his/her certification, reputation, and/or employment.
Harassment (SESIR Level IV)	Any threatening, insulting, or dehumanizing gesture, use of data or computer software, or written, verbal, or physical conduct that places a student or school employee in reasonable fear of harm to his/her person or damage to his/her property; has the effect of substantially interfering with a student's educational performance, opportunities, or benefits, or has the effect of substantially disrupting the orderly operation of a school, including any course of conduct directed at a specific person that causes substantial emotional distress in such a person and serves no legitimate purpose.
Hazing (SESIR Level III)	Any action or situation that endangers the mental or physical health or safety of a student at a school for purposes of initiation or admission into or affiliation with any school-sanctioned organization. Hazing includes, but is not limited to pressuring, coercing, or forcing a student to participate in illegal or dangerous behavior, or any brutality of a physical nature, such as whipping, beating, branding, or exposure to the elements.
Sexual Harassment (SESIR Level III)	Any slur, innuendo, gesture, image or other written, verbal, or physical contact reflecting on an individual's gender which has the purpose of creating an intimidating, hostile, or offensive educational environment. This includes indecent exposure using electronic devices, such as, but not limited to email or webcams.
Sexual Offenses (SESIR Level III)	Any willful act or behavior intended to result in sexual gratification without force or threat and where victim is able to give consent. This includes indecent exposure (in a face-to-face or virtual environment) and obscenity, which includes but is not limited to inappropriate sexual communications, such as creating, requesting, possessing, purchasing, or distributing of pornographic materials.
Sexual Battery (SESIR Level I)	An incident that includes threatened rape, fondling, indecent liberties, or child molestation. Both males and females can be victims of sexual assault.
Homicide (SESIR Level I)	The unjustified killing of one human being by another.
Kidnapping (SESIR Level I)	Forcibly, or by threat, confining, abducting, or imprisoning another person against his/her will and without lawful authority.
False Report of Destructive Event	A false report of a bomb, explosive, mass shooting, or other harmful event occurring at an FLVS property or school sponsored event.
Other Major Disruption (SESIR Level III)	An act that that significantly disrupts the orderly school environment, harms others, and/or any other case in which an extremely severe act of misconduct takes place at an FLVS property or at a school sponsored event. This may include hate crimes, shootings, explosions, and/or severe indecent exposure through use of electronic devices, such as, but not limited to email and webcams. This includes extreme offenses that may not be listed.
Other Major Incidents (SESEIR Level III)	Any serious, harmful incident resulting in the need for law enforcement consultation not previously classified.

Repeated Misconduct	Repeated misconduct of a more serious nature. Level 3 offenses that are repeated may be considered as Level 4.
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Level 4 Disciplinary Responses

The process set forth in FLVS Board of Trustees Policy 5610 (Removal, Out-of-School Suspension, Disciplinary Placement, and Expulsion of Students) will be implemented depending on the discipline to be imposed. Responses may include, but are not limited to:

- Any appropriate response from Level 1, Level 2, or Level 3
- Parental contact (mandatory)
- Expulsion from the FLVS School District (mandatory for zero tolerance offenses – see Board Policy 5500 Student Conduct)

Diversion Programs

Section 1006.13, Florida Statutes, provides authority, but does not mandate school districts to implement diversion programs for conduct that rises to the level of criminal activity. The goals of the civil citation or similar prearrest diversion process are to divert youth prior to arrest, hold youth accountable for delinquent behavior, involve parents in the sanctioning of youth, and prevent the youth’s further involvement in the juvenile justice system. If a crime committed by a student is deemed as an eligible misdemeanor offense, authorized under Section 985.12, Florida Statutes, the principal/instructional leader or designee may recommend that the student be allowed to participate in a civil citation or similar pre-arrest diversion program as an alternative to arrest or full expulsion. The FLVS threat assessment team may use alternatives to expulsion or referral to law enforcement agencies unless the use of such alternatives will pose a threat to school safety. The final determination of whether a law enforcement officer will issue a civil citation or pre-arrest diversion program rests solely with law enforcement and does not exempt the student from receiving other forms of discipline interventions from the school. This recommendation cannot be made for certain offenses, which includes, but is not limited to, the following: felonies, threats to the school, and any zero tolerance offenses (such as possession/use of a firearm or weapon, or making a threat or a false report).

Creating a culture and climate of safety is essential to the prevention of violence in school. Prevention and intervention are part of a comprehensive strategy to increase the safety and security of students at Florida Virtual School. Students referred to the diversion program from school based administrative teams, will meet with the Mental Health and School Safety specialist to specifically address the individual needs of the student prior to law enforcement involvement.

Academic Integrity

Academic integrity is one of the core values at FLVS and its county virtual schools. When academic integrity is maintained, students will make decisions based on values that will prepare them to be productive, meaningful, and ethical citizens.

What is academic integrity?

Academic integrity means that all work you submit is created by you and is an original representation of your work. It means that what you submit is your own work.

According to *The School for Ethical Education*, academic integrity can be defined by honest academic work where:

- The ideas and the writing of others are properly cited;
- Students submit their own work for tests and assignments without unauthorized assistance;
- Students do not provide unauthorized assistance to others;and
- Students report their research or accomplishments accurately.

Why is academic integrity important?

- You are earning credit for learning material for which you have not demonstrated mastery.
- You may be violating the law.

Academic Integrity: An Overview

FLVS takes the integrity and authenticity of student work very seriously. Do not cut, copy, or plagiarize internet content or the work of your online classmates. FLVS instructors utilize technologies to check for authenticity. Copying, knowingly allowing others to copy from you, and/or misusing the internet content could result in removal from your course.

Academic integrity is the cornerstone of learning at FLVS. Because of its preeminence in all our instruction, there are a variety of tools that we use in ensuring the integrity of student work.

Among these tools are:

1. Plagiarism Detection Tool - This internet tool compares student work against a variety of databases. The FLVS Learning Management System is now integrated with Plagiarism Detection System and most work is automatically uploaded to the system. This database compares students' work against other students' work, as well as work found on the internet.
2. Academic Integrity Database - FLVS maintains its own database of student integrity incidents. This database is used to monitor the number of student integrity issues.
3. Teacher Expertise - FLVS instructors have extensive classroom experience. Their expertise is often a guide in identifying the level of originality in student work.
4. Discussion-based Assessments (DBAs) - As a means of ensuring comprehension and integrity, each course contains built-in assignments that are designated to be completed verbally during a discussion between a teacher and student. A student who does not complete and pass every DBA in the course is ineligible for course credit. Additional discussions may be conducted randomly throughout the course to assess mastery of content and authenticity of student work.
5. Proctored Exams - FLVS may, at its discretion, require a proctored segment exam for any student on a situational basis. Academic Integrity proctored exams must be successfully passed (grade of 59.5 percent or higher) on the first attempt in order for a student to be eligible for course credit.
6. Random Proctored Exams - Students may be randomly chosen to take a proctored segment exam.
7. Academic Integrity Hotline/Email - Community members, school counselors, parents, and students can call or email to report any academic integrity related issue anonymously.

Academic Integrity Contact

407-513-3341 or 866-943-3050 (toll free) or academicintegrity@flvs.net

Student Broker

<https://www.flsenate.gov/Session/Bill/2012/7063> Section 1002.321, Florida Statutes, states that it is unlawful for any person to knowingly and willfully take an online course or examination on behalf of another person for compensation. Violators commit a misdemeanor of the second degree, punishable by a term of imprisonment for up to 60 days or a fine of \$500.

What are the consequences for failing to maintain academic integrity in an FLVS class?

A variety of consequences will be administered if you fail to maintain academic integrity in your course. These consequences range from a reduced score on an assignment up to expulsion from FLVS coursework for up to one year. Additionally, final grades may be rescinded if you are found to have copied or plagiarized after the grade has been posted to your transcript. See Matrix below.

Failure to identify an academic integrity violation early in a course does not preclude the student from advanced consequences which could include retaking proctored final exams in order for original grade to remain on transcript.

Grades Kindergarten-5 Academic Integrity Matrix

	Web Source					DBA Concerns					Sharing of Work					Assistance (Guardian, Learning Coach, or Other)				
	1 st	2nd	3rd	4th	5th	1st	2nd	3rd	4th	5th	1st	2nd	3rd	4th	5th	1st	2nd	3rd	4th	5th
Learning Intervention, redo for full credit	X					x	x	x	x	x	x					x				
Parent Contact by Teacher	X	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x
Resubmit for full credit	X					x	x	x			x					x				
Resubmit for 80% credit		x							x			x					x			
Resubmit for 50% credit			x										x					x		
Resubmit for between 0%-50%				x										x					x	
Automatic Zero					x					x					x					x
Parent Contact by Academic Integrity Dept.				x	x					x					x					x
IL Involvement/Notification			x	x	x		x	x- IL observ e	x	x			x	x	x			x	x	x
Approved Proctored Exam			x	x	x			x	x- Teache r /IL Proctor	x				x					x	
Mandated Proctored Exam																				x
Approved F Grade for Segment					x					x										x
Approved Expulsion from FLVS																				
Approved removal of completed course grade if AI issue determined retroactively																				
Possible Involvement of Director(s) of instruction					x					x										x
Other as designated by AI manager	X	x	x	x	x	x	x	x	x	x	x	x	x			x	x	x	x	x

Grades 6-12 Academic Integrity Matrix

Incident	Web source					Sharing of Work					Student Academic Broker: Completing online coursework on behalf of another student, allowing any person to complete coursework or selling coursework from another person or technological resource.
	Copying (partially or fully) work from a published Internet or print resource without the proper credit.					Copying or allowing others to copy information from someone else's work.					
Offense	1st**	2nd**	3rd	4th	5th	1st**	2nd	3rd	4th	5th	1st
Learning Intervention (Example: Academic Integrity Module)	X	X	X	X	X	X	X	X	X	X	X
Parent Contact by Teacher	X	X	X	X	X	X	X	X	X	X	X
Resubmit for full credit	X										
Resubmit for between 0%-50%		X				X					
Automatic Zero			X	X	X		X	x	X	X	X
Parent Contact by Academic Integrity Department			X	X	X			X	X	X	X
Assistant Principal/Principal Involvement/ Notification			X	X	X			X	X	X	X

Approved Proctored Exam	X	X	X			X	X				X
Mandated Proctored Exam				X	X			X	X	X	X
Approved F Grade for Segment	X	X	X	X	X	X	X	X	X	X	X
Approved Expulsion from FLVS										X	X
Approved removal of completed course grade if AI issue determined retroactively			X	X	X	X	X	X	X	X	X
Possible Involvement of Director(s) of instruction					X	X	X	X	X	X	X
Other as designated by academic integrity manager	X	X	X	X	X	X	X	X	X	X	X

**The FLVS Academic Integrity Matrix applies to all programs and instructional models under the Florida Virtual School umbrella. This includes, but is not limited to FLVS Flex, FLVS Full Time, FLVS County Virtual Schools, FLVS Global School, and FLVS Elementary programs.*

***Incidents involving more than one assignment may have additional consequences at the discretion of the Academic Integrity Manager.*

Academic Integrity: Roles and Responsibilities Student

The student's role at Florida Virtual School is to learn to the best of his/her ability. Therefore, students should expect to take age-appropriate individual responsibility for their own learning, such as: applying themselves to their studies in a focused and serious manner, working hard, becoming engaged in the lessons and activities, asking questions, exploring their personal interests, improving areas of academic weaknesses, and capitalizing on strengths—and at all times completing their own work and upholding the principles of the FLVS Academic Integrity Policy.

Students are responsible for submitting and protecting their own, original work.

FLVS students will maintain academic integrity in their FLVS classroom by:

- Reading and signing the academic integrity statement and completing an academic integrity module as part of the enrollment process.
- Participating in a welcome call that includes components of our academic integrity program.
- Participating in discussion-based assessments and following the required FLVS protocol as part of each course. FLVS protocol stipulates discussion-based assessments are completed between student and instructor only, free of outside influence, assistance, or disruptions.
- Asking questions regarding academic integrity if they are unsure.
- Safeguarding their own work. Responsibilities include but are not limited to:
 - Students will not share work with any other student
 - Students will not share their username and/or password
 - Students will utilize a USB drive to save work instead of a shared computer
- Taking a proctored segment exam when asked to do so.

Parents/Guardians

Parents/Guardians are our partners in supporting student learning and play a key role in their student's success in any learning environment, but even more so at FLVS. Parents/guardians are responsible for monitoring student work to ensure compliance with the FLVS Academic Integrity Policy.

Parents/Guardians of FLVS students will help maintain academic integrity in the FLVS classroom by:

- Reviewing and signing the academic integrity statement as part of the enrollment process
- Participating in a welcome call that includes components of our academic integrity program
- Ensuring that their student's work is authentic and original

- Ensuring that FLVS protocol regarding discussion-based assessments is adhered to as referenced above in student responsibilities
- Understanding the student's proctored segment exam requirements. Failure of a student to take and pass a segment exam with a proctor will result in removal of course with a failing grade.

Teachers

The subject-specific teacher is the primary contact for students and parents/guardians with regard to subject-specific questions. These teachers are qualified to provide instructional intervention strategies as needed and to handle the following instructional questions:

- Curriculum or materials
- Course scope and sequence
- Modification of assessments for students with documented special needs
- Testing
- Grading and progress reports
- Help with a particular assessment or concept

Teachers proactively monitor each student's progress using our Student Information System, Learning Management System, and through regular contact via phone, texting, email, and synchronous Live Lessons. Teachers score assessments and provide feedback on the student's performance through formal means (assessment grades, comments, and regular progress reports) as well as informal means (phone calls and online communication). Depending on a student's needs and grade level, teachers provide instruction in different ways. Generally, students will have a different subject-specific teacher for each course.

FLVS teachers will uphold academic integrity in their classroom by:

- Acting as a resource for student questions.
- Submitting various assignments in the plagiarism detection tool.
- Submitting FLVS academic integrity incidents when applicable.
- Collaborating with the Academic Integrity team member and/or Instructional Leader for any academic integrity concerns.
- Verifying student mastery of content through discussion-based assessments and authentic assessments.
- Participating in required trainings or staff development.
- Including academic integrity resources on announcement pages and in welcome calls.

School Administrators

The school administrator is responsible for the administration of the school and for ensuring that students are provided with the support and assistance they need, in accordance with FLVS standards of excellence. For any concerns or comments, your school administrator's contact information can be found on the front page of your course website.

FLVS school administrators will help maintain academic integrity in the FLVS classroom by:

- Supporting academic integrity in each course they oversee.
- Ensuring that all teachers participate in academic integrity initiatives.
- Supporting the administration of consequences.
- Providing support to the Academic Integrity Manager, Investigator, and the Instructional Staff.

Customer Grievance Procedures (How to Voice Your Concerns)

FLVS is committed to providing personalized instruction for every student. These are our core beliefs:

- Every student is unique, so learning should be dynamic, flexible, and engaging.
- Studies should be integrated rather than isolated.

- Students, parents, community members, and schools share responsibility for learning.
- Students should have choices in how they learn and how they present what they know.
- Students should be provided guidance with school and career planning.
- Assessments should provide insights not only of student progress but also of instruction and curriculum.

Every staff member at FLVS is committed to providing the most engaging experience possible. However, there may be times when a student, parent, or legal guardian may have a concern. Most problems can be solved if student or parent/guardian speaks directly with the instructor or staff member involved.

If a student feels uncomfortable speaking with his/her instructor, our Customer Care Representatives are available to serve you. They can be reached at 407-513-FLVS. Our Customer Care Representatives will forward your concern to an appropriate member of our instructional support team. This team consists of School Counselors and School Administrators among others.

The principal will make every effort to resolve your concern. In the event that a solution is not found, you (or your representative) may file a grievance. The written grievance should contain the following information:

- Name of the student
- Name of the instructor or staff member
- Date of the grievance, dispute, or dissatisfaction
- Desired outcome

The written grievance should be addressed and submitted to the Director over Academic Integrity. In the event the Director over Academic Integrity cannot resolve the disagreement, the grievance will be forwarded to the Senior Director of FLVS Full Time. The decision of the Senior Director of FLVS Full Time is final and shall be given to the customer in writing within 72 hours. The Board of Trustees of Florida Virtual School will be informed when an issue arises from the grievance that may affect FLVS policy and/or community relations.

Implementation of this procedure does not prevent FLVS from taking any necessary action to protect an individual from physical or mental harm, neglect, or abuse.

Acceptable Use Policy

Internet access is required for all FLVS students, but access must be used in a responsible, safe, efficient, ethical, and legal manner. With expanded access to electronic information, availability of inappropriate material is not uncommon. Some sites contain illegal, defamatory, inaccurate, or offensive information.

Although it is impossible to control such misuses, we believe that with responsible use, the benefits of the Internet as an educational tool outweigh the negatives. We especially appreciate partnering with parents to teach responsible internet use. Please review the following netiquette rules and FLVS expectations carefully:

- Students are responsible for good behavior on the FLVS network, just as they are in a traditional school building. Always use a computer in a way that shows consideration and respect. It is illegal to use obscene, profane, threatening, or disrespectful language.
- We take integrity and authenticity of student work very seriously at FLVS. Do not cut, copy, or plagiarize internet content or the work of your online classmates. FLVS instructors do utilize technologies to check for authenticity. Copying, knowingly allowing others to copy from you, and/or misusing internet content could result in removal from our courses.
- Security is a high priority, especially when the system involves many users. If you identify a security problem in the school's computers, network, or internet connection, notify a system administrator.
- It is illegal to create harmful computer viruses. (s. 815.06, F.S., Offenses against users of computers, computer systems, computer networks and electronic devices).
- Email is not private. Never say anything via email that you wouldn't mind seeing on the school bulletin board or in the local newspaper.
- Beware of emails from anyone, particularly adults you don't know, asking for personal information,

attempting to arrange meetings, or engaging in personal contact. Alert your teacher or other Florida Virtual School employee of any message you receive that is inappropriate or makes you feel uncomfortable.

- Email with your online classmates should be course related. It is prohibited to send unsolicited non-academic email to your online classmates.
- Email addresses or Live Lesson login names that use profanity or may be construed as offensive, shall not be permitted for FLVS correspondence. FLVS administration reserves the right to determine if student email addresses are inappropriate. When necessary, students will be asked to use an alternative email address or may be refused participation in FLVS courses.
- Protect your password. Keep it secret from anyone except your parents.
- Inappropriate Texting/Messaging: Photographs or videos sent via computer, cell phone, or any other electronic device which depict nudity, or any other inappropriate content, are prohibited (s. 847.0141, F.S., Sexting; prohibited acts; penalties).
- Florida Virtual School assumes no responsibility for any phone charges, line costs, or usage fees for connectivity to the internet.

Florida Virtual School administrators will cooperate fully with local, state, or federal officials in any investigation related to any illegal activities conducted through internet access. In the event there is a claim that you have violated this policy, you will be provided with notice of the suspected violation and have an opportunity to present an explanation. Any violations by the student or parent/guardian may result in removal from FLVS course(s), as well as other disciplinary or legal action.

Civility Code

In order to maintain an orderly, respectful, and secure virtual educational environment, it is essential that all students, parents/guardians, teachers/staff, and other stakeholders maintain respectful interactions and adhere to the expected civil conduct. FLVS is dedicated to providing personalized learning solutions for all students, and the presence of a positive partnership between all students, parents/guardians, teachers, and support staff is vital in this process. In an effort to ensure that we are all focused on student learning and helping students to reach their full potential, we ask that all parties conduct themselves in a respectful and orderly manner at all times.

No person shall:

- Use profanity or make threats toward school staff or other students in any verbal or written communication.
- Intentionally cause any physical/emotional harm toward another person or threaten to do so.
- Intentionally damage or destroy any school property (both physical and electronic) or the property of any student, faculty, or staff member.
- Disrupt the orderly conduct of classes, school programs, or other activities.
- Intimidate, harass, or discriminate against any person on the basis of race, color, creed, national origin, age, gender, sexual orientation, or disability.
- Refuse to comply with any reasonable request of identifiable school officials performing their duties.
- Willfully incite others to commit any acts prohibited by law.
- Violate any federal or state statute.

Any violation of the Civility Code shall be reported to Professional Standards for review and action. The school and Board of Trustees reserve the right to pursue a civil or criminal legal action against any person violating the Civility Code.

School Event Guidelines

When attending any meeting or student gathering affiliated with FLVS, adherence to the Dress Code Policy is required. Alcohol, drugs, tobacco products, firearms, fireworks/firecrackers, pornographic materials, and any other items that would place students in violation with the Code of Conduct based on the offenses listed in Levels 1-4 above are strictly prohibited during any FLVS sponsored face-to-face event.

In an effort for face-to-face events to be safe and meaningful for our students, as well as to maintain the positive reputation of FLVS, students and their families are expected to exhibit respectful behavior aligned with the expectations set forth by the Code of Conduct. FLVS reserves the right to exclude students from face-to-face events due to prior acts of misconduct or acts of misconduct occurring during a face-to-face event. FLVS reserves the right to ask students and their families to leave an event sponsored by FLVS if they are in violation of the Code of Conduct.

In order to attend face-to-face events, the parent/guardian must follow the steps in place set by the program. This may include, but is not limited to, ticket purchases and/or forms to complete and submit.

The School Board recognizes that the privacy of students or their belongings may not be violated by unreasonable search and seizure. See FLVS Board of Trustees Policy 5571 Search and Seizure.

Dress Code

When attending any meeting or student gathering affiliated with FLVS (virtual or face to face), FLVS Board of Trustees policy 5511 is applicable. The dress code policy prohibits attire that:

- present a hazard to the health or safety of the student himself/herself or to others;
- materially interfere with school work, create disorder, or disrupt the educational program;
- prevent the student from achieving his/her own educational objectives because of blocked vision or restricted movement.

Due Process

All students enrolled in FLVS Full Time are expected to conduct themselves in accordance with the rules for the school, and parents are expected cooperate with the school staff in helping students to maintain this conduct. Student codes of conduct are set forth in this handbook. School students are also guaranteed due process of law as required by the 14th Amendment to the Constitution.

Due Process for Students

FLVS Board of Trustees Policy 5611 (Due Process Rights) states the following:

To better ensure appropriate due process is provided a student, the FLVS Board of Trustees establishes the following regulations which FLVS shall use when dealing with students:

A. Students subject to suspension:

Prior to a suspension, a student will receive oral and written notice of the charges and an explanation of the evidence against him/her. The principal/instructional leader will hold an informal hearing to give the student an opportunity to explain his/her side of the story. An appeal may be addressed to the principal/instructional leader, whose decision will be final.

B. Students subject to expulsion:

A student and his/her parent or guardian will be given written notice of the principal/instructional leader's recommendation and the reasons therefor and an opportunity to meet with a representative of the President and Chief Executive Officer ("CEO") to answer the charges.

The student and/or his/her parent or guardian shall also be provided a brief description of the student's rights and of the hearing procedure. The FLVS Board of Trustees shall act on any recommendation for an expulsion as set forth in Board Policy.

In determining whether disciplinary action set forth in this policy is to be implemented, FLVS shall use a preponderance of evidence standard. Further, any FLVS employee responsible for making a disciplinary determination under this policy shall retain all documents, electronically stored information ("ESI"), and electronic media created and/or received as part of an investigation pursuant to FLVS's records retention procedures.

The documents, ESI, and electronic media retained may include public records and records exempt from disclosure under Federal (e.g., FERPA, ADA) and/or State law – e.g., student records and confidential medical records. The documents, ESI, and electronic media shall be retained for such time as required by law.

See also FLVS Board of Trustees Policy 5610 (Removal, Out-of-School Suspension, Disciplinary Placement, and Expulsion of Students) and Policy 5605 (Suspension/Expulsion of Disabled Students).

Due Process for Parents

Parents/guardians who believe their student(s) may have been subjected to inappropriate behavior by anyone affiliated with FLVS should immediately contact the school leadership or FLVS Professional Standards at 407-513-3692 to report any concerns. Next steps for Due Process will come from FLVS Professional Standards.

Disciplinary Action for Students with Disabilities

Disciplining Students with Disabilities

The FLVS Board of Trustees adopted Policy 5605 (Suspension/Expulsion of Disabled Students). Students with disabilities are not exempt from consequences for violations of the code of student conduct.

School personnel may consider any unique circumstances on a case-by-case basis when determining whether a change in placement is appropriate for a student who has a documented disability (IDEA or Section 504) and violates the code of student conduct. If it is determined that the behavior is in fact a manifestation (result) of the student's disability, the consequences outlined in the student code of conduct may be deemed inappropriate and consideration will be given to implementation of strategies and supports that will reduce the likelihood that inappropriate behavior occurs in the future and encourage more socially acceptable behaviors within the school setting.

In cases of severe violations of the district's code of student conduct, school personnel may remove and place such student in an interim alternative educational setting for not more than 45 school days, without regard to whether the behavior is determined to be a manifestation of the student's disability, if the student:

1. Carries a weapon to or possesses a weapon at school, on school premises, or at a school function under the jurisdiction of the 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 the 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 the school district.

Suspension and Expulsion

The FLVS Board of Trustees adopted Policy 5610 (Removal, Out-of-School Suspension, Disciplinary Placement, and Expulsion of Students).

Suspension

When a student is suspended, he/she is temporarily removed from class (the Learning Management System) or a school-sponsored program or activity. The length of a suspension is determined by the school administrator (up to 10 days at a time). A suspension will be documented in writing.

During a period of suspension as defined by the school principal, a student's permission to log on to and/or use parts of Student Information System and Learning Management System is restricted.

Student access to both systems may be revoked. In such cases where the student's access is completely revoked, the parent/guardian is responsible for logging on to the Learning Management System and obtaining the student's assignments, responding to email, and recording assessment responses for the student. The student should continue with his/her schoolwork during a suspension.

Expulsion

If a student enrolled in FLVS violates any provision and/or expressed rule in the Student Parent Handbook or Student Progression Plan, FLVS reserves the right to initiate pre-expulsion hearings to determine probable cause. If FLVS determines the student may be expelled, the legal guardian may request an appeal by contacting FLVS Professional Standards 407-513-3692.

When a student is expelled, he/she is separated from the school for an extended period of time, or permanently, for disciplinary reasons. An expulsion will be documented in writing.

Violations that may lead to expulsion include, but are not limited to, any behavior that indicates that a student is a serious threat to the safety of others, possession of firearms, dangerous weapons, bombs, or explosives, criminal behavior, arson, under the influence of or possession of, or sale of controlled substances or paraphernalia. Suspensions or expulsions for students designated as exceptional follow all appropriate state and federal policies, regulations, and laws.

Bullying and Harassment

The FLVS Board of Trustees adopted Policy 5517.01 (Bullying and Harassment). Certain programs for staff and students vary from time to time. The text of Policy 5517.01 Bullying and Harassment is set forth below.

5517.01 - BULLYING AND HARASSMENT

FLVS is committed to providing an educational setting and workplace that is safe, secure, and free from bullying and harassment for all students and employees.

FLVS will not tolerate unlawful bullying and harassment of any type. Conduct that constitutes bullying and harassment, as defined herein, is prohibited:

- A. during any education program or activity conducted by FLVS;
- B. during any FLVS-related or FLVS-sponsored program or activity, or on FLVS-provided transportation (if any);
- C. through the use of data or computer software that is accessed through a computer, computer system, or computer network within the scope of FLVS; or
- D. through the use of data or computer software that is accessed at a non-FLVS related location, activity, function, or program or through the use of technology or an electronic device that is not owned, leased, or used by FLVS, 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 FLVS or substantially disrupts the education process or orderly operation of FLVS. Notwithstanding the foregoing, this section does not require FLVS to staff or monitor any non-FLVS related activity, function or program.

Pursuant to State law, FLVS students, parents, teachers, administrators, staff, volunteers, community representatives, and local law enforcement agencies shall be involved in the review of this policy.

This review process shall be conducted not less than every three (3) years thereafter.

The President and Chief Executive Officer (CEO) or designee shall develop a comprehensive plan intended to prevent bullying and harassment and to cultivate the school climate so as to appropriately identify, report, investigate, and respond to situations of bullying and harassment as they may occur on FLVS property, at FLVS-sponsored events, and through FLVS computer networks. Implementation of the plan by each principal/instructional leader will be ongoing throughout the school year and will be integrated with the school curriculum, the bullying and prevention program, FLVS disciplinary policies, and violence prevention efforts.

Definitions

Bullying includes cyberbullying and means systematically and chronically inflicting physical hurt or psychological distress on one (1) or more students or employees. It is defined as any unwanted and repeated written, verbal, or physical behavior, including any threatening, insulting, or 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; and may involve:

- A. teasing;
- B. threats;
- C. intimidation;
- D. stalking;
- E. cyberstalking;
- F. physical violence;
- G. theft;
- H. sexual, religious, or racial harassment;
- I. public or private humiliation; or
- J. destruction of property; and
- K. social exclusion.

Cyberbullying means bullying through the use of technology or any electronic communication, which includes, but is not limited to, any transfer of signs, signals, writing, images, sounds, data, or intelligence of any nature transmitted in whole or in part by a wire, radio, electromagnetic system, photo-electronic system, or photo-optical system, including, but not limited to, electronic mail, Internet communications, instant messages, or facsimile communications. Cyberbullying includes the creation of a webpage or weblog in which the creator assumes the identity of another person, or the knowing impersonation of another person as the author of posted content or messages if the creation or impersonation creates any of the conditions enumerated in the definition of bullying. Cyberbullying also includes the distribution by electronic means of a communication to more than one (1) person or the posting of material on an electronic medium that may be accessed by one (1) or more persons, if the distribution or posting creates any of the conditions enumerated in the definition of bullying.

Cyberstalking means to engage in a course of conduct to communicate, or to cause to be communicated, words, images, or language by or through the use of electronic mail or electronic communication, directed at a specific person, causing substantial emotional distress to that person and serving no legitimate purpose.

Harassment means any threatening, insulting, or dehumanizing gesture, use of data or computer software, or written, verbal or physical conduct directed against a student or FLVS employee that:

- A. places a student or school employee in reasonable fear of harm to his/her person or damage to his/her property;
- B. has the effect of substantially interfering with a student's educational performance, opportunities, or benefits; or
- C. has the effect of substantially disrupting the orderly operation of FLVS.

Bullying and harassment also encompass:

- A. Retaliation against a student or FLVS employee by another student or FLVS employee for asserting or alleging an act of bullying or harassment. Reporting an act of bullying or harassment that is not made in good faith is considered retaliation.
- B. Perpetuation of conduct listed in the definition of bullying and/or harassment by an individual or group with intent to demean, dehumanize, embarrass, or cause emotional or physical harm to a student or school employee by:
 - 1. incitement or coercion;
 - 2. accessing or knowingly and willingly causing or providing access to data or computer software through a computer, computer system, or computer network within the scope of the FLVS school system; or
 - 3. acting in a manner that has an effect substantially similar to the effect of bullying or harassment.

Harassment also means electronically transmitted acts (i.e., internet, e-mail, cellular telephone, personal digital assistants (PDA), or wireless hand-held device) that a student(s) or a group of students exhibits toward another particular student(s) and the behavior both causes mental and physical harm to the other student and is sufficiently severe, persistent, or pervasive that it creates an intimidating, threatening, or abusive educational environment for the other student(s).

Sexual Cyberharassment

Pursuant to Florida law, sexual cyberharassment means to publish a sexually explicit image of a person that contains or conveys the personal identification information of the depicted person to an Internet website without the depicted person's consent, for no legitimate purpose, with the intent of causing substantial emotional distress to the depicted person. Sexual cyberharassment may be a form of sexual harassment.

Within the scope of FLVS means regardless of ownership, any computer, computer system, or computer network that is physically located on FLVS property or at an FLVS-related or FLVS-sponsored program or activity.

Expected Behavior

FLVS expects students to conduct themselves in keeping with their levels of development, maturity, and demonstrated capabilities with a proper regard for the rights and welfare of other students and FLVS staff, the educational purpose underlying all FLVS activities, and the care of FLVS facilities and equipment.

Such behavior is essential in maintaining an environment that provides each student the opportunity to obtain a high-quality education in a uniform, safe, secure, efficient, and high-quality system of education.

The standards for student behavior shall be set cooperatively through interaction among students, parents/guardians, staff and community member, producing an atmosphere that encourages students to grow in self-discipline. The development of such an atmosphere requires respect for self and others, as well as for FLVS and community property on the part of students, staff, and community members. FLVS administrators, faculty, staff, and volunteers serve as role models for students and are expected to demonstrate appropriate behavior, treating others with civility and respect, and refusing to tolerate harassment or bullying.

Students are expected to conform to reasonable standards of socially acceptable behavior; respect the person, property, and rights of others; obey constituted authority; and respond to those who hold that authority.

Consequences

Consequences and appropriate remedial action for students who commit acts of bullying or harassment or found to have wrongfully and intentionally accused another as a means of bullying or harassment may range from positive behavioral interventions up to and including suspension or expulsion, as outlined in the Code of Student Conduct.

Consequences and appropriate remedial action for a school employee found to have committed an act of bullying or harassment or found to have wrongfully and intentionally accused another as a means of bullying or harassment shall include discipline in accordance with the adopted policies of the Board of Trustees (Board). Egregious acts of harassment by certified educators may result in a sanction against an educator's State-issued certificate. (See the *Principles of Professional Conduct of the Education Profession in Florida* - F.A.C. 6A-10.081)

Consequences and appropriate remedial action for a visitor or volunteer found to have committed an act of bullying or harassment or found to have wrongfully and intentionally accused another as a means of bullying or harassment shall be determined by the school administrator after consideration of the nature and circumstances of the act, including reports to appropriate law enforcement officials.

Procedure for Reporting

The principal/instructional leader is designated as the person responsible for receiving all alleged acts of bullying. Any student or student's parent/guardian who believes s/he has been or is the victim of bullying or harassment should immediately report the situation to the principal/instructional leader. Complaints against the principal/instructional leader should be filed with the CEO. Complaints against the CEO should be filed with the Board Chair.

All school employees are required to report alleged violations of this policy and alleged acts of bullying and harassment to the principal/instructional leader or as described above. The alleged violations and acts must be reported by school employees to the principal/instructional leader within twenty-four (24) hours.

All other members of the school community, including students, parents, volunteers, and visitors, are encouraged to report any act that may be a violation of this policy to the principal/instructional leader or as described above.

Written and oral reports shall be considered official reports. Reports may be made anonymously, but formal disciplinary action may not be based solely on the basis of an anonymous report.

The principal/instructional leader shall establish and prominently publicize to students, staff, volunteers, and parents the procedure for reporting bullying and how such a report will be acted upon. A victim of bullying and/or harassment, anyone who witnessed the act, and anyone who has credible information that an act of bullying and/or harassment has taken place may file a report.

Procedure for Investigation

The investigation of a reported act of bullying or harassment is deemed to be a school-related activity and begins with a report of such an act. All complaints about bullying and/or harassment that may violate this policy shall be promptly investigated by an individual, designated by the principal/instructional leader, who is trained in investigative procedures. Documented interviews of the victim, alleged perpetrator, and witnesses shall be conducted privately and shall be confidential. The investigator may not be the accused perpetrator or victim. At no time shall the accused perpetrator and victim be interviewed together. The investigator shall collect and evaluate the facts including, but not limited to, the following:

- A. a description of the incident, the nature of the behavior, and the context in which the incident occurred;
- B. how often the conduct occurred;
- C. whether there were past incidents or past continuing patterns of behavior;
- D. the relationship between the parties involved;
- E. the characteristics of the parties involved;
- F. the identity of the alleged perpetrator, including whether the individual was in a position of power over the individual allegedly subjected to bullying or harassment;
- G. the number of alleged bullies/harassers;
- H. the age of the alleged bully/harasser;

- I. where the bullying and/or harassment occurred;
- J. whether there have been other incidents in the school involving the same or other students;
- K. whether the conduct adversely affected the student's education or educational environment;
- L. the date, time, and method in which the parent(s) of all parties involved were contacted.

In accordance with State law, FLVS staff may monitor as part of any bullying or harassment investigation any non-school-related activity, function, or program.

If, during an investigation of reported acts of bullying and/or harassment, the principal/instructional leader or his/her designee believes that the reported misconduct may have created a hostile learning environment and may have constituted unlawful discriminatory harassment based on race, color, national origin, sex (including sexual orientation, transgender status, or gender identity), disability (including HIV, AIDS, or sickle cell trait), pregnancy, marital status, age (except as authorized by law), religion, military status, ancestry, or genetic information which are classes protected by State and/or Federal law (collectively protected classes), the principal/instructional leader or his/her designee will report the act of bullying and/or harassment to one (1) of the Compliance Officers so that it may be investigated in accordance with the procedures set forth in Policy 5517 - Anti-Harassment.

Upon the completion of the investigation to determine whether or not a particular action or incident constitutes a violation of the policy, the designated individual who has conducted the investigation shall make a determination based on all the facts and surrounding circumstances and shall include:

- A. a recommendation of remedial steps necessary to stop the bullying and/or harassing behavior; and
- B. a written report to the principal/instructional leader.

A maximum of ten (10) business days should be the limit for the completion of the investigative procedural steps and submission of the incident report. While ten (10) business days is the expectation for completion of the investigative procedural steps, more time may be needed based on the nature of the investigation and the circumstances affecting that investigation. The investigator shall document in his/her report the reasons for needing additional time beyond ten (10) business days. The highest level of confidentiality possible shall be provided regarding the submission of a complaint or a report of bullying and/or harassment and for the investigative procedures that are employed.

The physical location or time of access of a computer-related incident cannot be raised as a defense in any disciplinary action initiated pursuant to this policy.

Scope

The investigator will provide a report on the results of the investigation with recommendations for the principal/instructional leader to make a determination if an act of bullying or harassment falls within the scope of FLVS authority. Computers without web-filtering software or computers with web-filtering software that is disabled shall be used when complaints of cyberbullying are investigated. If the action is within the scope of FLVS, then FLVS procedures for investigating bullying and/or harassment shall be followed. If the action is outside the scope of FLVS and believed to be a criminal act, the action shall be referred to the appropriate law enforcement agency. If the action is outside the scope of FLVS and believed not a criminal act, the principal/instructional leader shall inform parents/guardians of all minor parties.

Parent Notification

The principal/instructional leader shall report the occurrence of an incident of bullying as defined by Board policy to the parent/guardian of all students known to be involved in the incident on the same day an investigation of the incident has been initiated. Notification shall be by telephone or by personal conference and in writing by first-class mail and shall be consistent with the student privacy rights under applicable provisions of the Family Educational Rights and Privacy Act of 1974 (FERPA). The notice shall advise the individuals involved of their respective due process rights including the right to appeal any resulting determination or action to the State Board of Education.

If the bullying incident results in the perpetrator being charged with a crime, the principal/instructional leader shall inform by first class mail or by telephone the parent/guardian of the identified victim(s) involved in the bullying incident about the Unsafe Schools Choice Option (Title VIII, Part F, Subpart 2, Section 8532 of Every Student Succeeds Act) that states, in pertinent part, as follows:

...a student attending a persistently dangerous public elementary school or secondary school, as determined by the State in consultation with a representative sample of local educational agencies, or who becomes a victim of a violent criminal offense, as determined by State law, while in or on the grounds of a public elementary school or secondary school that the student attends, be allowed to attend a safe public elementary school or secondary school within the local educational agency, including a public charter school.

Upon the completion of the investigation and if criminal charges are to be pursued against the perpetrator, the appropriate law enforcement agencies shall be notified by telephone and/or in writing.

Counseling Referral

FLVS shall provide a referral procedure for intervening when bullying or harassment is suspected or when a bullying incident is reported. The procedure will include:

- A. a process by which the teacher or parent may request informal consultation with FLVS staff (e.g., school counselor, school psychologist, etc.) to determine the severity of concern and appropriate steps to address the concern;
- B. a referral process to provide professional assistance or services that may include a process by which FLVS personnel or parent/guardian may refer a student to the school intervention team (or equivalent school-based team with a problem-solving focus) for consideration of appropriate services (parent/guardian involvement is required at this point); or

If a formal discipline report or formal complaint is made, the principal/instructional leader must refer the student(s) to the school intervention team for determination of counseling support and interventions (parent/guardian is required at this point).

- C. a school-based action to address intervention and assistance as determined appropriate by the intervention team that includes:
 - 1. counseling and support to address the needs of the victim(s) of bullying or harassment;
 - 2. interventions to address the behavior of students who bully and harass others (e.g., empathy training, anger management, etc.);
 - 3. interventions which include assistance and support for parents, as may be deemed necessary or appropriate.

Data Report

FLVS will utilize Florida's School Environmental Safety Incident Reporting (SESIR) Statewide Report on School Safety and Discipline Data as prescribed. If a bullying (including cyberbullying) and/or harassment incident occurs it will be reported in SESIR, coded appropriately using the relevant incident code and the related element code. Discipline and referral data will be recorded in Student Discipline/Referral Action Report and Automated Student Information System. In a separate section, FLVS shall include each alleged incident of bullying or harassment that does not meet the criteria of a prohibited act under this policy with recommendations regarding such incidents.

FLVS will provide bullying incident, discipline, and referral data to the Florida Department of Education (FLDOE) in the format requested, through Surveys 2, 3, and 5 from Education Information and Accountability Services, and at designated dates provided by the Department. Data reporting on bullying, harassment, unsubstantiated bullying, unsubstantiated harassment, sexual harassment, and threat/intimidation incidents as well as any bullying-related incidents that have as a basis sex, race, or disability should include the incident basis. Victims of these offenses should also have the incident basis (sex, race, or disability) noted in their student record.

Training and Instruction

Students, parents, teachers, school administrators, counseling staff, and school volunteers shall be provided training and instruction, at least annually, on FLVS's policy and administrative procedures regarding bullying and harassment. The instruction shall include evidence-based methods of preventing bullying and harassment, as well as information about how to effectively identify and respond to bullying in schools and in a virtual environment. Instruction regarding bullying, harassment, and FLVS's violence prevention and school safety efforts shall be integrated into FLVS curriculum at the appropriate grade levels. The training and instruction shall include recognizing behaviors that lead to bullying and harassment and taking appropriate preventative action based on those observations. FLVS provides the following authorized programs.

Programs for staff include:

- A. Supporting All Students: Creating Positive Environments for LGBTQ Students by Ian Siljestrom, The Safe and Healthy Schools Associate Director for Equality Florida
- B. Beacon on Demand Courses (free as part of our paid subscription): #8672 Recognizing Signs and Symptoms of Emotional Distress
- C. Beacon on Demand Courses: #8636 Community Trauma: Strategies for the Classroom
- D. Beacon Staff training (on their website): Creating a Safe and Respectful Environment in Our Nation's Classrooms (for teachers)

Programs for students include:

- A. Leader in Me
- B. Evolution Labs - 5 hour Mental and Emotional Health Education requirement
- C. Sanford Harmony
- D. Guidance: K-5 Anti-bullying webinar series in zoom found here <https://www.flvs.net/student-resources/flex/webinars-elementary>
- E. Computer Science Courses K-5
- F. MJ Peer Counseling
- G. Peer Counseling 2

Decisions to include additional instructional programs or activities, not previously listed within this policy, will be made on a case-by-case basis, and authorized by principals/instructional leaders.

Victim's Parent Reporting

The principal/instructional leader shall report the occurrence of an incident of bullying as defined herein to the parent/guardian of students known to be involved in the incident on the same day an investigation of the incident has been initiated. Notification shall be by telephone and in writing by first-class mail and shall be consistent with the student privacy rights under applicable provisions of the Family Educational Rights and Privacy Act of 1974 (FERPA). According to the level of infraction, the victim's parents will be notified by telephone and/or in writing of actions being taken to protect the child; the frequency of notification will depend on the seriousness of the bullying or harassment incident.

Policy Publication

At the beginning of each school year, school staff, parents/guardians/other persons responsible for the welfare of a student will be informed through written communication of FLVS's student safety and violence prevention policy.

FLVS shall provide notice to students and staff of this policy in the Code of Student Conduct, employee handbooks, and via FLVS's official website. All contractors will also be notified of this policy.

Each principal/instructional leader shall implement a process for discussing, at least annually, the Board policy on bullying and harassment with students in a student assembly or other reasonable format. Reminders of the policy and bullying prevention messages will be displayed, as appropriate, through FLVS platforms and at any FLVS facilities.

Immunity

Pursuant to s. 1006.147(5), F.S., a school employee, school volunteer, students, parent/guardian, or other persons who promptly reports in good faith an act of bullying or harassment to the appropriate school official and who makes this report in compliance with the procedures set forth in Board policy is immune from a cause of action for damages arising out of the reporting itself or any failure to remedy the reported incident.

Submission of a good faith complaint or report of bullying or harassment will not affect the complainant or reporter's future employment, grades, learning or working environment, or work assignments. Such immunity from liability shall not apply to any FLVS employee, volunteer, student, parent/guardian, or other person determined to have made an intentionally false report about harassment, intimidation, and/or bullying.

Privacy/Confidentiality

FLVS 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 Board's legal obligations to investigate, to take appropriate action, and to conform with any discovery or disclosure obligations. All records generated under this policy and its related administrative procedures shall be maintained as confidential to the extent permitted by law.

Nothing in this policy shall be construed to abridge the rights of students or school employees that are protected by the First Amendment to the Constitution of the United States.

Retaliation/False Charges

Retaliation against any person who reports, is thought to have reported, files a complaint, or otherwise participates in an investigation or inquiry under this policy is prohibited. Such retaliation shall be considered a serious violation of Board policy and independent of whether a complaint is substantiated. False charges shall also be regarded as a serious offense and will result in disciplinary action or other appropriate sanctions. Suspected retaliation should be reported in the same manner as aggressive behavior and/or bullying.