

**STATE BOARD OF EDUCATION**  
**Consent Item**  
July 18, 2018

**SUBJECT:** Amendment to Rule 6D-7.007, Code of Student Conduct

---

**PROPOSED BOARD ACTION**

For Approval

**AUTHORITY FOR STATE BOARD ACTION**

Section 1002.36(4)(c), Florida Statutes

**EXECUTIVE SUMMARY**

Section 1002.36(4)(c), Florida Statutes, provides the Board of Trustees of the Florida School for the Deaf and the Blind, rulemaking authority contingent upon approval by the State Board of Education. The Florida School for the Deaf and the Blind analyzed and found that Rule 6D-7.007, F.A.C., Code of Student Conduct, needed to be updated and revised to better serve the School's duties to provide educational opportunities for Deaf and Hard-of-Hearing, Dual-Sensory Impaired and Visually Impaired Students. The Board of Trustees of the Florida School for the Deaf and the Blind voted to approve the attached amendments.

The proposed rule amends the requirements for disciplinary procedures and disposition for the Florida School for the Deaf and Blind.

---

**Supporting Documentation Included:** Proposed Rule 6D-7.007, F.A.C.

**Facilitator/Presenter:** Sidney F. Ansbacher, Esquire, Upchurch, Bailey and Upchurch, P.A., Counsel for Florida School for the Deaf and the Blind.



**6D-7.007 Code of Student Conduct.**

(1)(a) ~~The~~ Code of Student Conduct is designed to cover the rights, responsibilities and conduct of students in the Florida School for the Deaf and the Blind.

(b) The code requires adherence to all applicable law and specifically prohibits disrespectful and/or disruptive conduct.

1. Specific grounds for disciplinary action. The Administration of the Florida School for the Deaf and the Blind opposes the use of any form of ~~adversive~~ discipline.

2. Procedures to be followed for acts requiring discipline and a review of an Individual Educational Plan— (IEP) under the Individuals with Disabilities in Education Act (IDEA), and Section 504 Plan, if any, as incorporated at Rule 6A-6.0331, F.A.C., effective as of December 23, 2014, incorporated by reference, available on the internet at <https://www.flrules.org/gateway/RuleNo.asp?ID=6A-6.0331>, and Rule 6A-6.03312, F.A.C., effective as of April 21, 2011, incorporated by reference, available on the internet at <https://www.flrules.org/gateway/RuleNo.asp?ID=6A-6.03312>.

3. An explanation of the responsibilities and rights of students with regard to attendance, respect for persons and property, knowledge and observation of rules of conduct, expression of opinions and publications, participation in School programs and activities and student records.

(2) Definitions.

(a) Disciplinary review committee – A team of professionals which reviews reported violations of the Code of Student Conduct and recommends disciplinary action to the Principal. The President, Principal, Assistant Principal or Director of Student Life will determine the number and selection of staff members to serve on the committee.

(b) Adult student – A student who is 18 years of age or older.

(c) Suspension – The temporary removal of a student, for a period not to exceed ten school days, (without review of an IEP; Individual Educational Plan, and Section 504 Plan, if any, to review student behavior), (1) from classes and assignment to a designated staff member for supervision; or (2) temporary removal of a student from the classroom and dormitory and temporary withdrawal from extra curricular activities. The A minor student will be remanded to the custody of the minor student's parent(s)/legal guardian with, and an adult student will be temporarily removed, after prompt notification to any person that the school is authorized to notify on behalf of the adult student. The suspended student will be given specific homework assignments for the student to complete.

(d) Under the jurisdiction of the School – All student activities during the academic year which occur during classroom or dormitory hours or which are subject to be approved, directed or supervised by School personnel, including transportation to and from the School on chartered buses or other School sponsored transportation.

(e) Excused absences – Absences granted for personal illness, illness or death of a member of the immediate family, or for emergencies when approved by the School and the parent or guardian.

(f) Absences without excuse – Shopping trips, pleasure trips, vacations or other avoidable absences, suspension, truancy, and appointments without prior approval, except in case of emergency.

(g) Detention – Detaining a student after the instructional day by a member of the School staff.

(h) Dormitory restriction – Limiting the activities of a student within the dormitory environment (e.g., restriction to an assigned room or temporary withdrawal from extra curricular activities.).

(i) Work detail – Completion of tasks to be performed by students for the purpose of altering unacceptable behaviors.

(j) Discipline – The act of punishing or correcting a student's violations of the Code of Student Conduct.

(k) Code of Student Conduct – Those regulations of this School, found in Rules 6D-7.007, ~~6D-7.0072~~ and 6D-7.0073, F.A.C., which regulate the conduct of students at the School.

(l) Reprimand – The formal oral or written censure of a student for a violation of the Code of Student Conduct.

(3) Pupil detention, search and seizure. Attendance at the School and living in a dormitory constitutes "group participation" and "group living" without the expectation of privacy in a private dwelling. This rule sets forth procedures for search and seizure of a student or the student's property.

(a) The Principal, Director of Student Life, other members of the instructional staff or other members of the dormitory staff are authorized to detain temporarily and question a student when circumstances indicate that the student has committed, is committing or is about to commit a violation of ~~law or School rule,~~ and to detain temporarily a student when circumstances indicate the student has committed, is committing, or is about to commit a violation of law.

(b) If at any time reasonable suspicion arises that the student is concealing stolen or illegal property, an alcoholic beverage, illegal drugs, or any weapon prohibited by ~~law or School rule,~~ the staff members may, for the purpose of seizing these items, search the student, the student's room, locker, vehicle, or other possessions solely for determination of compliance with regulations of the

School, or notify the School Police Department, which is authorized, consistent with determination of probable cause, to search the student, his/her the student's room, locker, vehicle or other possessions consistent with Florida law concerning search warrants and exceptions to search warrants. The School Police Department shall conduct any investigation of suspected violation of law, including any related search and seizure, and will control the means and method of any investigation of suspected violation of law.

(c) If a search of the student, his/her the student's room, locker, vehicle, or other possessions conducted in accordance with law reveals stolen or illegal items as prohibited by law or School rule, the item or items may be seized and such action taken as appropriate.

(d) In no event shall a student be subjected to a strip search.

(4) Suggestions for Revision. Suggestions for possible revision of the Code of Student Conduct are welcomed from students, parents, guardians, staff members and other interested individuals. Suggestions should be sent in writing to the President's Office.

*Rulemaking Authority 1002.36(4)(c) FS. Law Implemented 1002.36(4)(d) FS. History—New 9-4-84, Formerly 6D-7.07, Amended 8-26-86, 5-5-87, 1-12-95, 2-24-03, \_\_\_\_\_.*