

Education
Joseph H. Mathos, Deputy Superintendent

SUBJECT: PROPOSED AMENDMENT OF BOARD RULE: INITIAL READING 6Gx13- 5D-1.08, MAINTENANCE OF APPROPRIATE STUDENT BEHAVIOR

This item is submitted for consideration by the Board to amend School Board Rule 6Gx13- 5D-1.08, Maintenance of Appropriate Student Behavior, and the documents, **Code of Student Conduct Elementary** and the **Code of Student Conduct Secondary** which are incorporated by reference and are a part of this rule. Changes have been made to reflect actions of the Florida Legislature. Additional changes have been made to incorporate current procedures, update document names and administrative office titles, and to enter new language.

Additions to both Codes of Student Conduct are summarized below:

- Adding bullying under Group II (Elementary, Page 10; Secondary, Page 10)
- Adding a statement regarding Electronic Transmissions (Page iii both Codes)
- Adding possession of laser pointers, CD players, and other recreational electronic devices under group I (Page 10 both Codes)
- Adding false fire alarm under group III (Elementary, Page 10; Secondary, Page 11)
- Adding new definition of fighting under group III (Elementary, Page 30; Secondary, Page 11)
- Adding Hate Crime under Group V (Elementary, Page 11; Secondary, Page 12)
- Adding Sections 790.162 and 790.163, Florida Statutes, which requires the Code to include making a threat or false report under Group VI (Elementary, Page 11; Secondary, Page 13)
- Adding a more detailed description of a destructive device as stated in Section 790.161, Florida Statutes, under Group VI (Elementary, Page 31; Secondary, Page 13)
- Adding School Police Automated Reporting System (S.P.A.R.S.) to all violations where required by the Juvenile Justice Reform Act (Throughout both Codes)

Changes/additions to the **Code of Student Conduct Elementary**

- Adding possession of objects such as beepers, pagers, telephones, radios under Group I (Page 10)

- Adding sexual harassment under Group II (Page 10)
- Adding possession of simulated weapons (toy guns, water guns, cap guns, toy knives, etc.) Group III (Page 10)
- Deleting hitting a staff member under Group V (Page 11), this remains under Group VI (Page 11)
- Deleting starting a fire from Group V (Page 11), this remains under Group VI (Page 11)

Changes/additions to the **Code of Student Conduct Secondary**

- Adding a statement regarding shared-time and dual enrolled students (Page 9)
- New and more detailed definition of harassment to reflect School Board Rule under Group II (Page 10)
- Adding heroin under Group V (Page 12)
- Adding a statement under Student Rights and Responsibilities (Page 17)

Attached are the Notice of Intended Action and the rule proposed for amendment. Changes from the current rule are indicated by underscoring words to be added and ~~striking-through~~ words to be deleted.

Copies of the documents, **Code of Student Conduct Elementary** and the **Code of Student Conduct Secondary**, which are incorporated by reference and are a part of this rule will be forwarded to the School Board Members under separate cover prior to the School Board meeting of July 11, 2001, and will be available for inspection by the public in the Office of Board Recording Secretary, Room 924, and the Citizen Information Center, Room 158, 1450 N.E. Second Avenue, Miami, Florida 33132.

Authorization of the Board is requested for the Superintendent to initiate rulemaking proceedings in accordance with the Administrative Procedure Act for the amendment of Board Rule 6Gx13- 5D-1.08, Maintenance of Appropriate Student Behavior.

RECOMMENDED: That The School Board of Miami-Dade County, Florida, authorize the Superintendent to initiate rulemaking proceedings in accordance with the Administrative Procedure Act to amend Board Rule 6Gx13- 5D-1.08, Maintenance of Appropriate Student Behavior, by amending the documents, **Code of Student Conduct Elementary** and the **Code of Student Conduct Secondary**, which are incorporated by reference and are a part of this rule.

NJP:ja

NOTICE OF INTENDED ACTION

THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA, announced on July 11, 2001, its intention to amend Board Rule 6Gx13- 5D-1.08, Maintenance of Appropriate Student Behavior, at its meeting of August 22, 2001.

PURPOSE AND EFFECT: The purpose of this amendment is to update the **Code of Student Conduct Elementary** and **Code of Student Conduct Secondary**. Diverse statutes enacted/modified as a result of the 2000 Legislative Session revise information required to be in the Code of Student Conduct, e.g., defining "firearm" and "weapon"; authorizing a one-year expulsion for making threats and false reports. Additionally, changes have been made to incorporate current procedures, update document names and administrative office titles, and to enter new language.

SUMMARY: Diverse statutes enacted/modified during the 2000 Legislative Session remove the words "or an item which can be used as a weapon," require the Code of Student Conduct to include a notice relating to expulsion for making a threat or false report involving school or school personnel's property, school transportation, or a school sponsored activity. Such threats will result in the student being expelled for a period of not less than one year.

SPECIFIC LEGAL AUTHORITY UNDER WHICH RULEMAKING IS AUTHORIZED: 230.22(2); 230.23(22), F.S.

LAW IMPLEMENTED INTERPRETED, OR MADE SPECIFIC: 230.23(6)(c); 230.23(d)(6)(11); 230.23005(1)(a)(e)(8); 230.33(8)(c); 232.25; 232.26; 232.27; 232.271; 790.161; 790.162; 790.163; 794.011; 806.13(2), F.S.

IF REQUESTED, A HEARING WILL BE HELD DURING THE BOARD MEETING OF August 22, 2001, which begins at 1:00 p.m., in the School Board Auditorium, 1450 N.E. Second Avenue, Miami, Florida 33132. Persons requesting such a hearing or who wish to provide information regarding the statement of estimated regulatory costs, or to provide a proposal for a lower cost regulatory alternative as provided by Section 120.541(1), F.S., must do so in writing by July 16, 2001, to the Superintendent of Schools, Room 912, at the same address.

ANY PERSON WHO DECIDES TO APPEAL THE DECISION made by The School Board of Miami-Dade County, Florida, with respect to this action will need to ensure the preparation of a verbatim record of the proceedings, including the testimony and evidence upon which the appeal is based (Section 286.0105, Florida Statutes).

A COPY OF THE PROPOSED AMENDED RULE is available for inspection and copying at cost by the public in the Citizen Information Center, Room 158, 1450 N.E. Second Avenue, Miami, Florida 33132.

Originator: Mr. Nelson J. Perez
Supervisor: Mr. Joseph H. Mathos
Date: June 27, 2001

Welfare**MAINTENANCE OF APPROPRIATE STUDENT BEHAVIOR**

The schools are established for the benefit of all students. The educational purposes of the schools are accomplished best in a climate of student behavior that is socially acceptable and conducive to the learning and teaching process. Student behavior that disrupts this process or that infringes upon the rights of other individuals will not be tolerated. The Board endorses a zero tolerance policy toward school related violent crime.

The School Board reaffirms its support of the administrative staff and teachers in taking all necessary steps to enforce and implement all Board rules pertaining to the maintenance of appropriate student behavior. Important among these rules are those in the areas of conduct, corporal punishment, suspensions and expulsions, and climate for learning.

The School Board directs that:

1. The Superintendent of Schools, through the ~~Division of School Police~~, Miami-Dade Schools Police Department shall pursue the investigation and assist in the subsequent prosecution of any adults inciting students to perform violent and unlawful acts in the schools; and
2. Each individual teacher shall be granted full disciplinary authority over every student in his/her classroom, in accordance with Florida Statutes, Board rules, and administrative regulations.

Guidelines

- i. Guidelines for assisting in the maintenance of appropriate student behavior are found in administrative regulations and the following Board rules:

Board Rule No.	Title
6Gx13- <u>6A-1.09</u>	Climate for Learning--School Symbols
6Gx13- <u>5C-1.02</u>	Conduct--Standards of Behavior
6Gx13- <u>5D-1.08</u>	Maintenance of Appropriate Student Behavior
6Gx13- <u>5D-1.07</u>	Corporal Punishment - Prohibited
6Gx13- <u>5C-1.031</u>	Dress Code
6Gx13- <u>1E-1.02</u>	Cooperation with Law Enforcement Agencies - General Policy
6Gx13- <u>1E-1.021</u>	Cooperation with Law Enforcement Agencies - Specific Procedures

6Gx13- <u>5A-1.11</u>	Foreign Student Registration
6Gx13- <u>3E-1.10</u>	Transportation--Specific Procedures
6Gx13- <u>5B-1.04</u>	Promotion, Placement, and Graduation--Grades K-12 and Adult
6Gx13- <u>1D-1.06</u>	Student Dances
6Gx13- <u>6A-1.33</u>	Special Services and Classes
6Gx13- <u>5A-1.062</u>	Suspension, Board-Approved Alternatives, Expulsion, and Referral to <u>Health & Rehabilitative Services (HRS) Children and Families Services</u>
6Gx13- <u>5D-1.09</u>	Student Case Management System
6Gx13- <u>4A-1.21</u>	Responsibilities and Duties
6Gx13- <u>5A-1.04</u>	Student Attendance—Specific Responsibilities
6Gx13- <u>6A-1.08</u>	Guidelines for Instruction Pertaining to the Flag and Pledge of Allegiance

These Board Rules are applicable to all students under the jurisdiction of the Miami-Dade County Public Schools and are augmented by the **Code of Student Conduct Elementary**, **Code of Student Conduct Secondary**, and the **Procedures for Promoting and Maintaining a Safe Learning Environment**, which are incorporated by reference in this Board Rule, and are a part hereof. Copies of these three documents are on file in the ~~Board Office~~ Office of Board Recording Secretary, and the Citizen Information Center, ~~and the Office of School Board Clerk~~, and shall be available in each school and special center.

- II. Additional guidelines for the maintenance of appropriate student behavior are issued by memorandum from the District administration.

Specific Authority: 230.22(2); 230.23(22), F.S.

Law Implemented, Interpreted, or Made Specific: 230.23(6)(c); 230.23(d)(6)(11); 230.23005(1)(a)(e)(8); 230.33(8)(c); 232.25; 232.26; 232.27; 232.271; 790.161; 790.162; 790.163; 794.011; 806.13(2), F.S.

History

THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA

Repromulgated: 12-11-74

Amended: 11-25-75; 9-23-81; 9-22-82; 12-7-83; 9-19-84; 11-6-85; 2-19-86; 8-20-86; 12-17-86; 7-13-88; 9-7-88; 11-2-88; 6-27-90; 9-26-90; 10-20-93; 6-22-94; 9-21-94; 11-16-94; 9-6-95; 7-24-96; 8-28-96; 10-9-96; 8-27-97; 2-18-98