

November 28, 2001

Education
Joseph H. Mathos, Deputy Superintendent

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

This agenda item is submitted for consideration by the Board to amend Board Rule 6Gx13-5D.108, Maintenance of Appropriate Student Behavior, and the related manual entitled **Procedures for Promoting and Maintaining a Safe Learning Environment**, which is incorporated by reference, and is part of this Board Rule.

Changes and guidelines which have previously been approved by the School Board have been incorporated into the proposed revision of the manual **Procedures for Promoting and Maintaining a Safe Learning Environment**. Major revisions are summarized below.

Guideline 4, Child Abuse, and Guideline 33, Procedures Following a Report of Sexual Battery/Abuse of Student, have been combined into a new Guideline 4, Child Abuse Reporting.

Guideline 12, Commission of an Off-Campus Felonious Act, has been revised to clarify the procedural requirements related to the commission, on and off campus, of a felonious act or a delinquent act which would be a felony if committed by an adult.

Guideline 13A, Pilot Program Providing for the Random Drug Testing of Students is being repealed; such action corresponds to current practices which do not provide for implementation of Guideline 13A.

Guideline 19, Discipline of Students with Disabilities, has undergone major revisions to comply with new state and federal requirements.

All guidelines involving police intervention have been revised to reflect greater responsibilities being assigned to the Miami-Dade Schools Police Department.

All guidelines involving the participation of Health and Rehabilitation Services (HRS) have been revised to reflect the replacement of HRS by the Department of Children and Families.

Attached are the Notice of Intended Action and proposed amendments to School Board Rule 6Gx13- 5D-1.08, Maintenance of Appropriate Student Behavior. Changes from the current rule are indicated by underscoring words to be added and ~~striking through~~ words to be deleted.

Copies of the recommended amended manual, **Procedures for Promoting and Maintaining a Safe Learning Environment**, will be forwarded to the School Board Members under separate cover, 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, prior to the School Board Meeting of December 12, 2001.

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, and the manual, **Procedures for Promoting and Maintaining a Safe Learning Environment**, which is incorporated by reference and is a part of this Board rule.

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, and the manual, **Procedures for Promoting and Maintaining a Safe Learning Environment**, which is incorporated by reference and is part of this Board rule.

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NOTICE OF INTENDED ACTION

THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA, announced on December 12, 2001, its intention to amend Board Rule 6Gx13- 5D-1.08, Maintenance of Appropriate Student Behavior, at its meeting of January 16, 2002.

PURPOSE AND EFFECT: To update Board Rule 6Gx13- 5D-1.08 and the manual **Procedures for Promoting and Maintaining a Safe Learning Environment**, which is incorporated by reference and is part of this Board rule, to comport to new state and federal requirements and current practice and to incorporate related guidelines which have previously been approved by the School Board.

SUMMARY: The proposed amendments consolidate and update guidelines which address procedural requirements related to child abuse, discipline of students with disabilities, the role of Miami-Dade Schools Police Department, and Florida Department of Children and Families, and felonious acts and delinquent acts which would be a felony if committed by an adult.

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

LAW IMPLEMENTED, INTERPRETED, OR MADE SPECIFIC: 39.201; 39.201(2)(a); 39.301(16); 39.401; 39.401(1)(a); 119.07(1)(3)(h); 120; 228.041(27); 229.591; 229.591(3)(e); 230.23(6)(c)(d)(8)(11)(13)(16)(a); 230.23005(1)(a)(b)(e)(8); 230.2316; 230.2316(3)(a); 230.235; 230.29(b)(c); 230.33(8)(c)(14); 230.335(1)(b); 232; 232.01; 232.09; 232.25; 232.256(1)(4); 232.26; 232.26(3); 232.27; 232.271; 232.275; 232.277; 232.45; 233.041(26); 233.0655; 233.47; 322.091; 561.01(4); 741.24; 775.082; 775.083; 775.084; 775.21; 775.21(4)(b)(6)(7)(a); 790.161; 790.162; 790.163; 794; 794.011; 794.024; 794.03; 800; 806.13(2); 810.097; 827; 827.03; 827.04; 827.071; 831.31; 893; 893.02; 893.03; 893.13; 901.15(3); 985.04(7); 985.207(1)(b), F.S.

IF REQUESTED, A HEARING WILL BE HELD DURING THE BOARD MEETING OF January 16, 2002, 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 January 7, 2002, 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 to be 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: November 28, 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 School 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 School 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 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 Florida Board of Education rules, School Board rules, and administrative regulations memoranda.

Guidelines

- I. Guidelines for assisting in the maintenance of appropriate student behavior are found in Florida Statutes, administrative regulations memoranda and the following School Board rules:

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

Board Rule No.	Title
6Gx13- 1E-1.021	Cooperation with Law Enforcement Agencies- Specific Procedures
6Gx13- 5A-1.11	Foreign Student Registration
6Gx13- 3E-1.10	Transportation-Specific Procedures
6Gx13- 5B-1.04	Promotion, Placement and Graduation-Grades K-12 and Adult
6Gx13- 1D-1.06	Student Dances
6Gx13- 5A-1.062	Suspension, Board-Approved Alternatives, Expulsion, and Referral to Children and Families Services
6Gx13- 5D-1.09	Student Case Management System
6Gx13- 4A-1.21	Responsibilities and Duties
6Gx13- 5A-1.04	Student Attendance--Specific Responsibilities
6Gx13- 6A-1.08	Guidelines for Instruction Pertaining to the Flag and Pledge of Allegiance
<u>6Gx13- 1A-1.07</u>	<u>Student Expression</u>
<u>6Gx13- 1A-1.09</u>	<u>Communications from Outside Schools</u>
<u>6Gx13- 1A-1.13</u>	<u>Appearances, Films, Performances</u>
<u>6Gx13- 1A-1.16</u>	<u>Materials - Distribution Through Students</u>
<u>6Gx13- 1A-1.161</u>	<u>Materials - Distribution Through Students</u>
<u>6Gx13- 1D-1.06</u>	<u>Student Dances</u>
<u>6Gx13- 1D-1.08</u>	<u>Flag and National Anthem</u>
<u>6Gx13- 1E-1.02</u>	<u>Cooperation with Law Enforcement Agencies- General Policy</u>
<u>6Gx13- 1E-1.021</u>	<u>Cooperation with Law Enforcement Agencies- Specific Procedures</u>
<u>6Gx13- 3E-1.07</u>	<u>Insurance Program - District</u>
<u>6Gx13- 3E-1.10</u>	<u>Transportation - Specific Procedures</u>
<u>6Gx13- 3E-1.102</u>	<u>Transportation - Zero Tolerance</u>
<u>6Gx13- 4A-1.21</u>	<u>Responsibilities and Duties</u>
<u>6Gx13- 5A-1.04</u>	<u>Student Attendance - Specific Responsibilities</u>
<u>6Gx13- 5A-1.062</u>	<u>Suspension, Board-Approved Alternatives, Expulsions, and Referrals to Children and Families</u>
<u>6Gx13- 5A-1.11</u>	<u>Foreign Student Registration</u>
<u>6Gx13- 5B-1.04</u>	<u>Promotion, Placement, and Graduation - Grades K-12 and Adult</u>
<u>6Gx13- 5C-1.02</u>	<u>Conduct - Standards of Behavior</u>
<u>6Gx13- 5C-1.031</u>	<u>Dress Code</u>
<u>6Gx13- 5D-1.04</u>	<u>Student Safety and Health Protection</u>
<u>6Gx13- 5D-1.05</u>	<u>Injuries to Students</u>

Board Rule No.	Title
<u>6Gx13- 5D-1.06</u>	<u>Student Accident Insurance</u>
<u>6Gx13- 5D-1.07</u>	<u>Corporal Punishment - Prohibited</u>
<u>6Gx13- 5D-1.08</u>	<u>Maintenance of Appropriate Student Behavior</u>
<u>6Gx13- 5D-1.09</u>	<u>Student Case Management System</u>
<u>6Gx13- 5D-1.10</u>	<u>Discrimination/Harassment: Complaint Procedures for Students</u>
<u>6Gx13- 6A-1.06</u>	<u>Emergency Management Procedures</u>
<u>6Gx13- 6A-1.08</u>	<u>Guidelines for Instruction Pertaining to the Flag and Pledge of Allegiance</u>
<u>6Gx13- 6A-1.09</u>	<u>Climate for Learning - School Symbols</u>
<u>6Gx13- 6A-1.14</u>	<u>Controversial Issues</u>
<u>6Gx13- 6A-1.331</u>	<u>Procedures for Providing Special Education for Exceptional Students</u>

These School 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 School Board Rule, and are a part hereof. Copies of these three documents are on file in the Office of Board Recording Secretary and the Citizen Information Center, and shall be available in each school and special center.

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

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

Law Implemented, Interpreted, or Made Specific: 39.201; 39.201(2)(a); 39.301(16); 39.401; 39.401(1)(a); 119.07(1)(3)(h); 120; 228.041(27); 229.591; 229.591(3)(e); 230.23(6)(e); 230.23(d)(6)(c)(d)(8)(11)(13)(16)(a); 230.23005(1)(a)(b)(e)(8); 230.2316; 230.2316(3)(a); 230.235; 230.29(b)(c); 230.33(8)(c)(14); 230.335(1)(b); 232; 232.01; 232.09; 232.25; 232.256(1)(4); 232.26; 232.26(3); 232.27; 232.271; 232.275; 232.277; 232.45; 233.041(26); 233.0655; 233.47; 322.091; 561.01(4); 741.24; 775.082; 775.083; 775.084; 775.21; 775.21(4)(b)(6)(7)(a); 790.161; 790.162; 790.163; 794; 794.011; 794.024; 794.03; 800; 806.13(2); 810.097; 827; 827.03; 827.04; 827.071; 831.31; 893; 893.02; 893.03; 893.13; 901.15(3); 985.04(7); 985.207(1)(b), 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; 8-22-01