

Dr. Rudolph F. Crew, Superintendent of Schools

**SUBJECT: PROPOSED AMENDMENT OF SCHOOL BOARD RULE: INITIAL
READING 6Gx13- 4A-1.302, SEPARATION – DISMISSAL OR
SUSPENSION – ALL PERSONNEL**

**COMMITTEE: LEGISLATIVE RELATIONS, PUBLIC RELATIONS AND
PERSONNEL SERVICES**

At the March 12, 2003, Board meeting, the School Board approved Agenda Item D-5, for staff to initiate rulemaking procedures to revise any existing rules or policies to restrict firearms and weapons on school grounds, in accordance with Section 790.115, Florida Statute. Therefore, as recommended, this item is presented for the Board's consideration to amend, School Board Rule 6Gx13- 4A-1.302, Separation – Dismissal or Suspension – All Personnel.

Attached is the Notice of Intended Action and the proposed amended rule. Changes to current rule is indicated by underscoring words to be added and ~~striking through~~ words to be deleted.

Authorization of the Board is requested for the Superintendent to initiate rulemaking proceedings in accordance with the Administrative Procedure Act for the amendment of School Board Rule 6Gx13- 4A-1.302, Separation – Dismissal or Suspension – All Personnel.

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 School Board Rule 6Gx13- 4A-1.302, Separation – Dismissal or Suspension – All Personnel.

RFC/GLD/JCH:rk

NOTICE OF INTENDED ACTION

THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA, announced on October 20, 2004, its intention to amend Board Rule 6Gx13- 4A-1.302, Separation – Dismissal or Suspension – All Personnel, at its meeting of December 15, 2004.

PURPOSE AND EFFECT: The revision to the Board rule is proposed to further restrict weapons on school property by removing the current private conveyance exception. The revised rule will restrict firearms and weapons on Miami-Dade County Public Schools property to the fullest extent possible.

SUMMARY: To implement changes to further enhance policies to restrict firearms and weapons on Miami-Dade County Public Schools property to the fullest extent possible.

SPECIFIC LEGAL AUTHORITY UNDER WHICH RULEMAKING IS AUTHORIZED: 1001.41(1)(2); 1001.42(22); 1001.43(10) F.S.

LAW IMPLEMENTED, INTERPRETED, OR MADE SPECIFIC: 790.001; 790.115(2)(a)3 F.S.

IF REQUESTED, A HEARING WILL BE HELD DURING THE SCHOOL BOARD MEETING OF December 15, 2004, 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 November 16, 2004, 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 to the public for inspection and copying at cost in the Citizen Information Center, Room 158, 1450 N.E. Second Avenue, Miami, Florida, 33132.

Originator: Mr. Gerald L. Darling
Supervisor: Dr. Rudolph F. Crew
Date: October 6, 2004

Permanent Personnel**SEPARATION--DISMISSAL OR SUSPENSION - ALL PERSONNEL**

No person, employee, except as legally authorized, or unless as a part of one's law enforcement regular job responsibilities or as allowed by Section 790.115(2)(a)1., 2., F.S., shall bring upon any school property or have in his or her possession, while on any school property any firearm, weapon or destructive device, as defined in Section 790.001 Florida Statutes (F.S.). Pursuant to Section 790.115(2)(a)3. F.S., for the purpose of campus parking privileges, this prohibition shall include any firearm or weapon securely encased in a vehicle or other private conveyance. The School District will post notice of this prohibition at various entrances and exits of school property parking lots, and make it part of all applicable handbooks. Any employee in violation of this rule shall be subject to reprimand, suspension, and/or dismissal.

The Superintendent of Schools shall cause each such violation to be investigated and take appropriate action or make appropriate recommendations for Board action.

A "firearm" includes, but is not limited to the following: any weapon (including a starter gun) which will or is designed to, or may readily be converted to, expel a projectile by the action of any explosive; the frame or receiver of such weapon; any firearm muffler or firearm silencer; any destructive device; or any machine gun.

A "weapon" includes, but is not limited to the following: any deadly weapon, knife (including pocket-knives which are used to threaten or injure another individual), any dirk, metallic knuckles, slingshot, billie, tear gas gun, chemical weapon or device, containing more than one-half ounce of chemical, or any electric weapon or device, which through the application or use of electrical current, is designed, redesigned, used, or intended to be used for offensive or defensive purposes, the destruction of life, or infliction of injury, or any other object which is used to threaten or injure another individual.

A "destructive device" includes, but is not limited to the following: any explosive, incendiary, or poison gas bomb, grenade, mine, rocket, missile, or similar device; and includes any type of weapon which will, or is designed to or may readily be converted to, expel a projectile by the action of any explosive and has a barrel with a bore of one-half inch or more in diameter and ammunition for such destructive devices.

Specific Authority: ~~230.22(2) F.S.~~ 1001.41(1)(2); 1001.42(22); 1001.43(10) F.S.
Law Implemented, Interpreted, or Made Specific: ~~230.23(5); 231.36(4) and (6) F.S.~~
790.001; 790.115(2)(a)3 F.S.

History: THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA
New: 11-28-79
Amended: 10-21-81