

**MEMORANDUM**

December 13, 2004

**TO:** The Honorable Chair and Members of The School Board of Miami-Dade County, Florida

**FROM:** Rudolph F. Crew, Superintendent of Schools *RFC*

**SUBJECT:** **WITHDRAWAL OF AGENDA ITEM F-24, PROPOSED AMENDMENT OF SCHOOL BOARD RULE: FINAL READING 6Gx13- 4A-1.21, RESPONSIBILITIES AND DUTIES**

The attached Board Item F-24 is being withdrawn as a result of discussion at the December 9, 2004 Legislative Relations, Public Relations and Personnel Services Committee meeting.

RFC:mtp  
M928  
Attachment

cc: Superintendent's Cabinet  
School Board Attorney

Office of Superintendent of Schools  
Board Meeting of December 15, 2004

December 1, 2004

Office of Human Resources  
Paul M. Cholak, Chief Personnel Officer

**SUBJECT: PROPOSED AMENDMENT OF SCHOOL BOARD RULE: FINAL  
READING 6Gx13- 4A-1.21, RESPONSIBILITIES AND DUTIES**

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

The School Board announced at its meeting of October 20, 2004, its intension to amend School Board Rule 6Gx13- 4A-1.21, Responsibilities and Duties, at its meeting of December 15, 2004.

The Notice of Intended Action was published in the *Miami Daily Business Review* on October 25, 2004, posted in various places for public information and mailed to various organizations representing persons affected by the amended rule and to individuals requesting notification.

The time to request a hearing or protest the adoption of this rule has elapsed.

In accordance with the provisions of the Administrative Procedure Act, this amended rule is presented to The School Board of Miami-Dade County, Florida, for adoption and authorization to file the rule in the official records of The School Board of Miami-Dade County, Florida.

Attached are the Notice of Intended Action, and the amended rule. Changes from the current rule are indicated by underscoring words to be added and ~~strike-through~~ words to be deleted.

**RECOMMENDED:** That The School Board of Miami-Dade County, Florida, adopt amended School Board Rule 6Gx13- 4A-1.21, Responsibilities and Duties, and authorize the Superintendent to file the rule with The School Board of Miami-Dade County, Florida, to be effective December 15, 2004.

PMC:mtp

F-24  
ITEM WITHDRAWN  
(12/13/04)

**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-1.21, Responsibilities and Duties, at its meeting of December 15, 2004.

**PURPOSE AND EFFECT:** To amend the School Board Rule to comport with the self-reporting requirement recommended by the District's Inspector General.

**SUMMARY:** This revision requires that all employees self-report to the District, within 48 hours, any arrest, except for minor traffic violations and the final disposition of each such arrest. Additionally, language has been added specifying the appropriate District departments to whom reporting/self-reporting should be directed to. The revision also provides a more detailed and specific description of the prohibited conduct so as to provide additional guidance to all district employees.

**SPECIFIC LEGAL AUTHORITY UNDER WHICH RULEMAKING IS AUTHORIZED:** 1001.41; 1001.42; 1012.22 FS

**LAW IMPLEMENTED, INTERPRETED, OR MADE SPECIFIC:** 1001.43; 1012.21(1); 1012.23; 1012.40; 1012.53 F.S.

IF REQUESTED, A HEARING WILL BE HELD DURING THE 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: Virginia M. Bradford  
Supervisor: Paul M. Cholak  
Date: November 1, 2004

} Revised  
Subsequent  
To Initial  
Reading -  
10/20/2004

Permanent Personnel**RESPONSIBILITIES AND DUTIES****I. Employee Conduct**

All persons employed by The School Board of Miami-Dade County, Florida are representatives of the Miami-Dade County Public Schools ("M-DCPS"). As such, they are expected to conduct themselves, both in their employment and in the community, in a manner that will reflect integrity and credit upon themselves and the school system.

~~Unseemly conduct or the use of abusive and/or profane language in the workplace~~ conduct unbecoming a public school employee is expressly prohibited, and constitutes just cause for disciplinary action. Prohibited conduct includes any and all acts, either by word or deed, that are considered adverse to the interests of M-DCPS or contrary to the interests, safety, or well being of others. Prohibited acts that fall within this Rule include, but are not limited to, the following:

- A. Conduct that degrades, brings discredit or embarrassment to, or otherwise erodes the public's confidence in the school district;
- B. Conduct, regardless of intent, that is unwelcome, unwarranted, or uninvited, or that infringes upon, or is inconsistent with, the rights of others, including, but not limited to, an unreasonable or unwanted touching, striking, pushing, or pulling of another person without that person's consent;
- C. Conduct that is disrespectful to, or that undermines the authority of, a supervising administrator or is disruptive to the work place;
- D. Language, gesture or act that is offensive, lewd, lascivious, profane, immoral, or criminal;
- E. Knowingly submitting false information, report, or allegation concerning a work related matter or incident; and
- F. Conduct that violates any of the following School Board Rules: School Board Rules 6Gx13-4-1.09, *Employee-Student Relationships*; 6Gx13-4A-1.32, *Discrimination/Harassment: Complaint Procedures for Employees*; 6Gx13-5D-1.10, *Discrimination-Harassment: Complaint Procedures for Students*; 6Gx13-4-1.08, *Violence in the Workplace*; 6Gx13-4-1.05, *Drug Free Work Place General Policy Statement*; 6Gx13-5D-1.07, *Corporal Punishment -Prohibited*; 6Gx13- 5D- 1.04, *Student Safety and Health Protection*; 6Gx13-4A-1.03, *Employment -Safety and Health*; 6Gx13-5D-1.08, *Procedures for Promoting and Maintaining a Safe Learning Environment, Guideline #4*; 6Gx13-3E-1.10, *Transportation-Specific Procedures*.

## II. Records and Reports

All personnel shall maintain, prepare, and submit promptly all reports that may be required by State Law, State Department of Education Rules, School Board Rules, and administrative directives.

## III. Reporting Crime, Disruptive and Inappropriate Behavior, and Self-Reporting of Arrest and Convictions/Dispositions.

~~It shall be the responsibility of the Superintendent of Schools to develop, and distribute periodically, procedures relating to the reporting of criminal acts, disruptive and/or inappropriate behavior.~~

All employees are under an affirmative duty to report to the Office of Human Resources any criminal, act and/or disruptive, and/or inappropriate behavior as defined above, including but not limited to those delineated in ~~School Board Rules 6Gx13-4-1.09, Employee-Student Relationships, and 6Gx13-5D-1.07, Corporal Punishment- Prohibited~~, to the administrator or designee to whom the employee is responsible. The responsible administrator has the obligation to conduct an immediate investigation of the allegation in a manner consistent with procedures established by the Superintendent of Schools.

~~Instructional~~ All employees who hold Department of Education teacher certificates are **required** to self-report within 48 hours to appropriate authorities the Office of Professional Standards any all arrests, except for minor traffic violations, and to report promptly the final dispositions of each such arrest. ~~other than minor traffic violations.~~ (DUI is ~~not~~ considered a crime, not a minor traffic violation.)

## IV. Failure to Report

All violations of law and incidents of disruptive or inappropriate behavior as defined above are to be reported to the Office of Human Resources who in accordance with shall follow the administrative procedures established by the Superintendent of Schools.

Personnel ~~willfully~~ knowingly failing to report such occurrences to the responsible administrator and/or appropriate police agency will be subject to disciplinary action.

## V. Instructional Personnel

Members of the instructional staff, subject to the rules of the State and District Rules, shall teach efficiently and faithfully, using the books and materials required, following the prescribed courses of study, and employing approved methods of instruction as ~~provided~~ required by law, and by the rules of the State Department of Education and the School Board Rules.

~~Members of the instructional staff shall keep abreast of development in their subject area through attendance at professional meetings, acquaintance with professional publications, and participation in inservices activities~~

VI. Instructional Personnel and Non-Instructional Personnel

Members of the instructional and non-instructional staff shall maintain all certifications, licenses and job requirements as a condition of employment. Failure to do so shall ~~may warrant disciplinary action up to and including dismissal from all~~ termination of employment.

Any loss of certification, license or other job requirement shall immediately be reported by the ~~non-instructional~~ staff member to the Office of Human Resources and his/her site supervisor. Failure to do so shall constitute a violation of this rule.

Specific Authority: ~~230.22(2); 230.23(5); 230.23(17)~~ 1001.41; 1001.42; 1012.22 F.S.  
 Law Implemented, Interpreted, or Made Specific: ~~230.23005(11); 231.001; 231.045; 231.09; 231.3605(2)(b)~~ 1001.43; 1012.21(1); 1012.23; 1012.40; 1012.53 F.S.

THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA

History

Repromulgated: 12-11-74

Amended: 1-30-77; 2-18-98; 8-25-99