

Freddie Woodson, Associate Superintendent
School Operations

**SUBJECT: PROPOSED AMENDMENT TO SCHOOL BOARD RULE:
FINAL READING 6Gx13- 5D-1.081, STANDARDS FOR
STUDENT CONDUCT**

**COMMITTEE: INSTRUCTIONAL EXCELLENCE AND COMMUNITY
ENGAGEMENT**

**LINK TO DISTRICT
STRATEGIC PLAN: IMPROVE STUDENT SOCIAL AND PROFESSIONAL
SKILLS**

At the School Board meeting of October 17, 2007, Agenda Item H-3 was presented by Vice Chair Perla Tabares Hantman and approved by the School Board directing the Superintendent to review former Senate Bill 1604 and all relevant Florida Statutes and incorporate pertinent changes in appropriate documents and policies, as well as inclusion in the Code of Student Conduct.

The School Board of Miami-Dade County, Florida, announced on January 16, 2008, its intention to amend School Board Rule 6Gx13- 5D-1.081, Standards of Student Behavior to:

- reflect pertinent provisions of SB 1604;
- incorporate appropriate notification to students about the aspects of the bill; and
- include SB 1604 as a violation in the Code of Student Conduct.

Senate Bill 1604, enacted in 2007, among other things, allows for the possibility that minors convicted or adjudicated delinquent for certain sex offenses may be required to register as a sexual predator or sex offender.

The Notice of Intended Action was published in the *Miami Daily Business Review* on January 22, 2008, 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.

C-100

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

Attached are the Notice of Intended Action, the proposed amendment to the rule, and the proposed amended pages to the documents, **Code of Student Conduct Elementary** and **Code of Student Conduct Secondary**. Changes from the current rule are indicated by underscoring words to be added and ~~striking through~~ words to be deleted.

RECOMMENDED: That The School Board of Miami-Dade County, Florida adopt School Board Rule 6Gx13- 5D-1.081, Standards for Student Conduct, and pages to the documents, **Code of Student Conduct Elementary** and **Code of Student Conduct Secondary**, which are incorporated by reference and made part of this rule, and authorize the Superintendent to file the rule with The School Board of Miami-Dade County, Florida, to be effective March 12, 2008.

FW/mf

NOTICE OF INTENDED ACTION

THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA, announced January 16, 2008, its intention to amend School Board Rule, 6Gx13- 5D-1.081, Standards for Student Behavior, and the documents, **Code of Student Conduct Elementary** and **Code of Student Conduct Secondary**, which are incorporated by reference and made part of this rule, at its meeting of March 12, 2008.

PURPOSE AND EFFECT: To amend School Board Rule 6Gx13- 5D-1.081, Standards of Student Behavior, and pages to the documents, **Code of Student Conduct Elementary** and **Code of Student Conduct Secondary**. The revisions will reflect vital alerts regarding the possible consequences for minors convicted or adjudicated delinquent for certain sex offenses.

SUMMARY: The proposed amended pages to the documents, **Code of Student Conduct Elementary** and **Code of Student Conduct Secondary**, reflect pertinent changes in the law resulting from passage of Senate Bill 1604, which among other things, allows for the possibility that minors convicted or adjudicated delinquent for certain sex offenses may be required to register as a sexual predator or sex offender.

SPECIFIC LEGAL AUTHORITY UNDER WHICH RULEMAKING IS AUTHORIZED: 1001.41(1)(2); 1001.42(23); 1001.43(10), 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; 322.091; 561.01(4); 741.24; 775.082; 775.083; 775.084; 775.21; 790.001(13); 790.115; 790.161; 790.162; 790.163; 794.011; 794.024; 794.03; 806.13(2); 810.097; 827.03; 827.04; 827.071; 831.31; 893; 893.02; 893.03; 893.13; 901.15(3); 943.0435; 985.04(7); 985.101; 985.481; 985.557; 1000.04; 1001.31; 1001.42(6); 1001.43(1)(6); 1003.01; 1003.02(1)(c)(2); 1003.04; 1003.31; 1003.32; 1006.07; 1006.08; 1006.09; 1006.10 and 1006.13 F.S.

IF REQUESTED, A HEARING WILL BE HELD DURING THE BOARD MEETING of March 12, 2008, 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 February 12, 2008, 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 at cost to the public for inspection and copying in the Citizen Information Center, Room 158, 1450 N.E. Second Avenue, Miami, Florida 33132.

Originator: Ms. Perla Tabares Hantman
Date: December 21, 2007

Welfare**STANDARDS FOR STUDENT CONDUCT**

A primary objective of Miami-Dade County Public Schools (M-DCPS) is to enhance students' potential for learning and to foster positive interpersonal relationships. M-DCPS embraces the concept that students who possess personal, academic, civic and occupational adequacies will become effective and productive citizens. Schools are charged to promote a positive school climate that supports academic achievement and emphasizes civility, fairness, mutual respect, and acceptance of diversity. Core values and model student behavior serve as a standard for all students.

- I. School Board rules are applicable to all students under the jurisdiction of Miami-Dade County Public Schools and are augmented by the **Code of Student Conduct Elementary** and the **Code of Student Conduct Secondary**, which are incorporated by reference in this School Board Rule, and are a part hereof. Copies of these 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 memorandum from the District administration.

Specific Authority: 1001.41(1)(2); 1001.42(23); 1001.43(10) 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; 322.091; 561.01(4); 741.24; 775.082; 775.083; 775.084; 775.21; 790.001(13); 790.115; 790.161; 790.162; 790.163; 794.011; 794.024; 794.03; 806.13(2); 810.097; 827.03; 827.04; 827.071; 831.31; 893; 893.02; 893.03; 893.13; 901.15(3); 943.0435; 985.04(7); 985.101; 985.481; 985.557; 1000.04; 1001.31; 1001.42(6); 1001.43(1)(6); 1003.01; 1003.02(1)(c)(2); 1003.04; 1003.31; 1003.32(e)(2)(3)(4)(5)(6)(a)(b); 1006.07; 1006.08; 1006.09; 1006.10 and 1006.13 F.S.

History:

New: 11-20-07

THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA

Code of Student Conduct

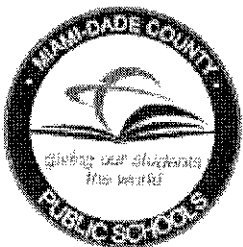
Elementary



School Operations

Board Rule 6Gx13- 5D-1.081

2007-2008



Final Reading
March 12, 2008

C-100

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MIAMI-DADE COUNTY, FLORIDA**

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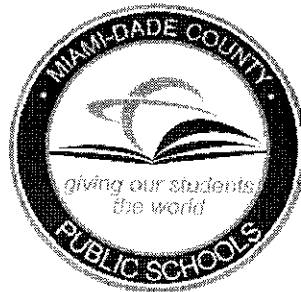


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<p><u>ALERT: IMPLICATION FOR CERTAIN SEX OFFENSES</u></p>	<p><u>Minors convicted or adjudicated delinquent for certain sex offenses may be required to register with the State of Florida as a sexual predator or sex offender. They will suffer the restrictions and embarrassment of this requirement as defined in Florida Statutes 943.0435, 943.04354, 943.0515, 985.481, 985.4815, and 775.21.</u></p>
<p>ALERT: WIRELESS COMMUNICATION DEVICES</p>	<p>Wireless communication devices include two-way communication devices, including cellular phones, mobile phones, beepers, pagers, portable computers, personal organizers, and similar wireless devices. Possessing a wireless communication device is not a violation of the Code of Student Conduct. However, a student should not disrupt the educational process or interfere with the safety-to-life issues of students by using a wireless communication device.</p> <p>The following rules must be followed regarding the possession, use, and display of wireless communication devices:</p> <ul style="list-style-type: none"> • Students may possess, display and use wireless communication devices before or after the instructional day. • Students shall avoid classroom disruptions, by not displaying, using, or activating wireless communication devices during the instructional day. This includes during class, in the library, during lunch breaks, during class changes and during any other structured activity. • Students must ensure that devices are turned off during the instructional day. • Students shall not use wireless communication devices while being transported on a school bus. • Students must conceal wireless communication devices in a backpack, pocket, purse or other container during the instructional day. • The school is not responsible if a student's wireless communication device is lost or stolen. <p>The sole possession of a cellular telephone is not a violation of the Code of Student Conduct. However, the possession of a cellular telephone that disrupts the educational process, the use of the cellular telephone during school hours, use of a cellular phone to commit a crime, and the possession or use of a cellular telephone that disrupts or interferes with the safety-to-life issue for students being transported on a Miami-Dade County Public Schools bus, are infractions of the Code of Student Conduct.</p>

“Family involvement in education is crucial if we want our children to succeed in school and throughout life.”

Sharon P. Robinson
Assistant Secretary
Office of Educational Research and Improvement

The School Board of Miami-Dade County, Florida adheres to a policy of nondiscrimination in educational programs/activities and employment and strives affirmatively to provide equal opportunity for all as required by:

Title VI of the Civil Rights Act of 1964 - prohibits discrimination on the basis of race, color, religion, or national origin.

Title VII of the Civil Rights Act of 1964, as amended - prohibits discrimination in employment on the basis of race, color, religion, sex, or national origin.

Title IX of the Education Amendments of 1972 - prohibits discrimination on the basis of gender.

Age Discrimination in Employment Act of 1967 (ADEA), as amended - prohibits discrimination on the basis of age with respect to individuals who are at least 40.

The Equal Pay Act of 1963, as amended - prohibits sex discrimination in payment of wages to women and men performing substantially equal work in the same establishment.

Section 504 of the Rehabilitation Act of 1973 - prohibits discrimination against the disabled.

Americans with Disabilities Act of 1990 (ADA) - prohibits discrimination against individuals with disabilities in employment, public service, public accommodations, and telecommunications.

The Family and Medical Leave Act of 1993 (FMLA) - requires covered employers to provide up to 12 weeks of unpaid, job-protected "leave" for certain family and medical reasons.

The Pregnancy Discrimination Act of 1978 - prohibits discrimination in employment on the basis of pregnancy, childbirth, or related medical conditions.

Florida Educational Equity Act (FEEA) - prohibits discrimination on the basis of race, gender, national origin, marital status, or handicap against a student, or employees.

Florida Civil Rights Act of 1992 - secures for all individuals within the state freedom from discrimination because of race, color, religion, sex, national origin, age, handicap, or marital status.

School Board Rules 6Gx13- 5D-1.10, 6Gx13- 4A-1.01, and 6Gx13- 4A-1.32 prohibit harassment and/or discrimination against a student or employee on the basis of gender, race, color, religion, ethnic or national origin, political beliefs, marital status, age, sexual orientation, social and family background, linguistic preference or disability.

Veterans are provided re-employment rights in accordance with P.L. 93-508 (Federal Law) and Section 295.07, Florida Statutes, that stipulates categorical preferences for employment.

Revised 05/20/05

Code of Student Conduct

Secondary



School Operations

Board Rule 6Gx13- 5D-1.081

2007-2008



Final Reading
March 12, 2008

C-100

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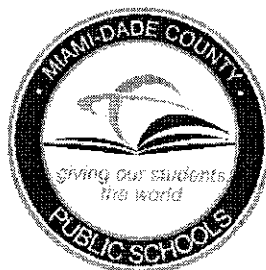


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