

Milagros R. Fornell, Associate Superintendent
Curriculum and Instruction

**SUBJECT: PROPOSED PROMULGATION OF NEW SCHOOL BOARD
RULE: INITIAL READING 6Gx13- 5D-1.082, SEXTING**

**COMMITTEE: INSTRUCTIONAL EXCELLENCE AND COMMUNITY
ENGAGEMENT**

**LINK TO STRATEGIC
FRAMEWORK: STUDENT, PARENT, AND COMMUNITY ENGAGEMENT**

This item is submitted for consideration by the Board to promulgate new School Board Rule 6Gx13- 5D-1.082, Sexting, and to approve the document, *Empowering Students to Engage in Positive Communication: A Guide to Combat Student Sexting Procedures Manual*. The proposed rule reflects the intent of the School Board to establish policies for the education of all students in the area of sexting.

REVISED

Miami-Dade County Public Schools (M-DCPS) proposes to develop and establish a Districtwide Plan of Action to combat teenage Sexting. To this end, *Empowering Students to Engage in Positive Communication: A Guide to Combat Student Sexting Procedures Manual*, is the implementing document designed to address and discuss the impact of the transmission, by students, of sexually explicit nude or partially nude photographs or images through the use of cellular telephones and other electronic media.

DELETED

A research study led by The National Campaign to Prevent Teen and Unplanned Pregnancy reveals that 20 percent of teenagers have electronically sent or posted nude or semi-nude pictures or videos of themselves. Approximately 44 percent of teenage girls and boys report that sexually suggestive messages are frequently shared with individuals other than the intended recipient. Although the study documents the nature and prevalence of sexting, the adverse consequences faced by minors who engage in sexting have been more broadly reported through a spate of recent well publicized cases involving the prosecution of minors for violations of existing state and federal laws barring the transmission and/or possession of child pornography. The article, "A Lawyer, Some Teens, and a Fight Over Sexting", *The Wall Street Journal*, April 21, 2009, reports that approximately 20 children ranging in age from 11-17 in Tunkhannock, Pennsylvania, face the prospect of child pornography charges after officials confiscated cellular telephones that contained semi-nude or scantily clad images of the minors.

**REVISED
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Although the media have portrayed sexting as primarily a legal issue, M-DCPS recognizes the District's unique ability to promote awareness and engage parental and community support in combating this trend. The plan of action will be developed in collaboration with appropriate stakeholders to offer a comprehensive approach that focuses on awareness, promotes student safety, emphasizes prevention/intervention support, and trains parents/families to regulate cyber activities.

The Office of Special Education and Educational Services will implement the *Empowering Students to Engage in Positive Communication: K-12 Sexting* curriculum as an educational tool for teachers and student services personnel to promote awareness to students and parents. The lessons introduce students to the term sexting, explain the consequences of using cellular phones or computers inappropriately, discuss the causes and effects of sexting, and analyze efforts to better understand the problem with the hope of preventing the practice.

Attached are the Notice of Intended Action and the proposed new rule.

Copies of the document, *Empowering Students to Engage in Positive Communication: A Guide to Combat Student Sexting Procedures Manual*, will be forwarded for approval to 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. 2 Avenue, Miami, Florida 33132. } REVIS

Authorization of the Board is requested for the Superintendent of Schools to initiate rulemaking proceedings in accordance with the Administrative Procedure Act to promulgate new School Board Rule 6Gx13- 5D-1.082, Sexting.

RECOMMENDED: That The School Board of Miami-Dade County, Florida, authorize the Superintendent of Schools to initiate rulemaking proceedings in accordance with the Administrative Procedure Act to: } REVIS

1. promulgate new Board Rule 6Gx13- 5D-1.082, Sexting; and
2. approve new document, *Empowering Students to Engage in Positive Communication: A Guide to Combat Student Sexting Procedures Manual*. } ADDED

AG/DAM:sh

NOTICE OF INTENDED ACTION

THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA, announced on December 15, 2010, its intention to promulgate new Board Rule 6Gx13- 5D-1.082, Sexting, at its meeting of February 9, 2011.

PURPOSE AND EFFECT: The recommended promulgation of new School Board Rule and approval of the document, *Empowering Students to Engage in Positive Communication: A Guide to Combat Student Sexting Procedures Manual* is to offer a comprehensive approach that focuses on awareness, ensures student safety, emphasizes prevention/intervention support and trains parents/families to regulate cyber activities.

REVISED

SUMMARY: The rule establishes policy for transmission, by students of sexually explicit text and/or photographs through the use of cellular phones and other electronic media.

SPECIFIC LEGAL AUTHORITY UNDER WHICH RULEMAKING IS AUTHORIZED: 1001.41 (1), (2); 1001.42 (25); 1001.43 (10); F.S.

LAWS IMPLEMENTED, INTERPRETED, OR MADE SPECIFIC: 1001.41 (1), (2); 1001.42 (8), (25); 1001.43 (10).

IF REQUESTED, A HEARING WILL BE HELD DURING THE SCHOOL BOARD MEETING OF February 9, 2011, 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 in Section 120.541(1), F.S., must do so in writing by January 12, 2011, 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 NEW 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. Ava Goldman Byrne
Supervisor: Ms. Milagros R. Fornell
Date: November 23, 2010

Welfare**SEXTING**

Miami-Dade County Public School (M-DCPS) defines sexting as the act of sending or forwarding through cellular telephones and other electronic media sexually explicit, nude or partially nude photographs/images. It is M-DCPS' mission to ensure the social, physical, psychological, and academic well-being of all students. The educational purposes of the schools are best accomplished in a climate of student behavior that is socially acceptable and conducive to the learning and teaching process.

Standards for student behavior must be set cooperatively through interaction among the students, parents/legal guardians, staff and community members creating an atmosphere that encourages respect of individuals and groups. The District has a unique ability and responsibility to prevent sexting, promote awareness, engage parental and community support and train parents/families to regulate cyber activities. The act of sexting is prohibited and will not be tolerated. The policy addressing sexting will be enforced through the Code of Student Conduct.

The document, *Empowering Students to Engage in Positive Communication: A Guide to Combat Student Sexting Procedures Manual*, contains the District's directives and procedures relative to sexting. Copies of the document are on file for public reference in the Office of Board Recording Secretary, and the Citizen Information Center. Additionally, a copy shall be available at each Regional Center for inspection.

Specific Authority: 1001.41 (1), (2); 1001.42 (25); 1001.43 (10); F.S.
Law Implemented, Interpreted, or Made Specific: 1001.41 (1), (2);
1001.42 (8), (25); 1001.43 (10); F.S.

History: THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA
New: