

Valtena G. Brown, Chief Operating Officer
School Operations

SUBJECT: PROPOSED AMENDMENT TO BOARD POLICY: INITIAL READING 5500, STUDENT CONDUCT AND DISCIPLINE

COMMITTEE: INSTRUCTIONAL EXCELLENCE AND COMMUNITY ENGAGEMENT

LINK TO STRATEGIC FRAMEWORK: EDUCATION

A Code of Student Conduct (COSC) Review Committee comprised of a diverse representation of committee members which encompassed representatives such as principals, district staff, community stakeholders, students, and Parent Teacher Student Association (PTSA) representatives, convened on several occasions to review and discuss recommendations for the revision of the Code of Student Conduct. In addition, this same committee also reviewed and discussed the recommendations proffered by the COSC Ad Hoc Committee. The Diversity, Equity, and Excellence Advisory Committee (DEEAC) also had an opportunity to review and discuss the proposed amended Code of Student Conduct.

The proposed amendment to School Board Policy 5500, *Student Conduct and Discipline*, has been aligned with the most updated statutory requirements and has incorporated some of the recommendations from the above mentioned committees.

This item is submitted for consideration by the Board to amend Board Policy 5500, *Student Conduct and Discipline*. In addition, consideration is requested to amend the documents **Code of Student Conduct Elementary** and **Code of Student Conduct Secondary**, which are incorporated by reference and a part of this policy.

Attached is the Notice of Intended Action and the proposed amendment to the policy. Changes from the current policy are indicated by underscoring words to be added and ~~striking through~~ words to be deleted. The proposed amended documents **Code of Student Conduct Elementary** and **Code of Student Conduct Secondary** are available at:

http://pdfs.dadeschools.net/COSC_el.pdf
http://pdfs.dadeschools.net/COSC_sec.pdf

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 Policy 5500, *Student Conduct and Discipline*.

C-100

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 Policy 5500, *Student Conduct and Discipline*, and the documents, **Code of Student Conduct Elementary** and **Code of Student Conduct Secondary**, which are incorporated by reference and made part of this policy.

VGB:mf

NOTICE OF INTENDED ACTION

THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA, announced December 5, 2012, its intention to amend Board Policy 5500, Student Conduct and Discipline, and the documents, **Code of Student Conduct Elementary** and **Code of Student Conduct Secondary**, which are incorporated by reference and made part of this policy, at its meeting of January 16, 2013.

PURPOSE AND EFFECT: To update and revise the **Code of Student Conduct Elementary** and **Code of Student Conduct Secondary** to reflect changes in state law and board policies related to correction strategies addressing student behavior.

SUMMARY: The last time the Code of Student Conduct was revised was 2007-2008. The proposed amended **Code of Student Conduct Elementary** and **Code of Student Conduct Secondary** are updated and revised to reflect current law and board policies regarding correction strategies addressing student behavior.

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

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 January 16, 2013, 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 2, 2013, 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 POLICY 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: Mrs. Valtena G. Brown
Date: November 16, 2012

1 STUDENT CONDUCT AND DISCIPLINE

2 Schools shall promote a positive school climate that supports academic achievement
3 and emphasizes civility, fairness, mutual respect, and acceptance of diversity. The
4 Code of Student Conduct Elementary, Code of Student Conduct Secondary, and the
5 Code of Student Conduct Adult/Vocational Education, incorporated by reference,
6 apply to all students in the District. Copies of these documents are on file in the
7 Office of Board Recording Secretary, and the Citizen Information Center, and shall
8 be available in each school and special center.

9 The Superintendent, principals, and other administrators shall assign
10 discipline/corrective strategies to students pursuant to the Code of Student Conduct
11 and, where required by law, protect the student's due process rights to notice,
12 hearing, and appeal. Additional guidelines for the maintenance of appropriate
13 student behavior are issued by memorandum from District administration.

14 The Superintendent shall make the Code of Student Conduct available to all
15 students and their parents.

16 See also Elementary Code of Student Conduct and Secondary Code of Student
17 Conduct.

18 F.S. 39.201, 39.201(2)(a), 39.301(16), 39.401, 39.401(1)(a), 119.07(1)(3)(h), 120
19 F.S. 322.091, 561.01(4), 741.24, 775.082, 775.083, 775.084, 775.21, 790.001(13)
20 F.S. 790.115, 790.161, 790.162, 790.163, 794.011, 794.024, 794.03, 806.13(2)
21 F.S. 810.097, 827.03, 827.04, 827.071, 831.31, 893, 893.02, 893.03, 893.13
22 F.S. 901.15(3), 943.0435, 985.04(7), 985.101, 985.481, 985.557, 1000.04, 1001.31
23 F.S. 1001.42, 1001.42(6), 1001.43, 1001.43(1)(6), 1002.20, 1003.01
24 F.S. 1003.02(1)(c)(2), 1003.04, 1003.31, 1003.32(e)(2)(3)(4)(5)(6)(a)(b), 1003.53
25 F.S. 1006.07, 1006.08, 1006.09, 1006.10, 1006.12, 1006.13
26 F.A.C. 6A-1.0404