

Valtena G. Brown, Chief Operating Officer
School Operations

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

**COMMITTEE: INSTRUCTIONAL EXCELLENCE AND COMMUNITY
ENGAGEMENT**

**LINK TO STRATEGIC
FRAMEWORK: EDUCATION**

The School Board of Miami-Dade County, Florida, announced on 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 a part of this policy, at its meeting of January 16, 2013.

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.

The Notice of Intended Action was published in the *Miami Daily Business Review* on December 10, 2012, posted in various places for public information, and mailed to various organizations representing persons affected by the policy and to individuals requesting notification.

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

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

Attached are the Notice of Intended Action and the proposed amendment to the policy.

Copies of the documents, **Code of Student Conduct Elementary** and **Code of Student Conduct Secondary**, will be forwarded to the 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. Second Avenue, Miami, Florida 33132.

The 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

RECOMMENDED:

That The School Board of Miami-Dade County, Florida, authorize the Superintendent to adopt 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, and authorize the Superintendent to file the policy with The School Board of Miami-Dade County, Florida, to be effective on January 16, 2013.

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