

Valtena G. Brown, Chief Operating Officer  
School Operations

**SUBJECT:           FINAL READING: PROPOSED AMENDMENTS TO SCHOOL  
BOARD POLICIES 5512, TOBACCO USE, AND 5500, STUDENT  
CONDUCT AND DISCIPLINE**

**COMMITTEE:       INSTRUCTIONAL EXCELLENCE AND COMMUNITY ENGAGEMENT**

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

At the School Board meeting of December 11, 2013, the School Board approved Agenda item H-10, submitted by Ms. Raquel Regalado, Board Member, and co-sponsored by Ms. Perla Tabares Hantman, Chair, and Dr. Lawrence S. Feldman, Vice-Chair, directing the School Board Attorney and the Superintendent to revise current Board policies to prohibit the possession and use of nicotine dispensing devices, such as e-cigarettes.

The School Board of Miami-Dade County, Florida, announced on May 7, 2014, its intention to amend School Board Policy 5512, *Use of Tobacco Products and Smoking Devices*, and School Board Policy 5500, *Student Conduct and Discipline*, including the various codes of student conduct, which are incorporated by reference, to prohibit the student possession and use of nicotine-dispensing devices and any smoking device designated to imitate tobacco or nicotine products regardless of whether it contains tobacco or nicotine, and to rename the Tobacco Use policy, at its meeting of June 18, 2014.

The recommendations are as follows:

- To revise current Board policies to prohibit student possession and use of nicotine dispensing devices, such as e-cigarettes and any smoking device designed to imitate tobacco or nicotine products regardless of whether it contains tobacco or nicotine;
- to rename School Board Policy 5512 from *Tobacco Use* to *Use of Tobacco Products and Smoking Devices*; and
- to revise the relevant portions of the *Code of Student Conduct Elementary* and *Code of Student Conduct Secondary*.

The Notice of Intended Action was published in the *Miami Daily Business Review* on May 12, 2014, posted in various places for public information and mailed to various organizations representing persons affected by the amended policies and to individuals requesting notification.

**C-100**

The time to request a hearing or protest the adoption of these amended policies has elapsed.

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

Attached are the Notice of Intended Action and proposed amended policies. Changes from the current policies are indicated by underscoring words to be added and ~~striking through~~ words to be deleted.

Copies of the documents, *Code of Student Conduct Elementary and Code of Student Conduct Secondary 2013-2014* are provided to School Board Members under separate cover, and are available for inspection by the public in the Office of the Board Recording Secretary, Room 924, and the Citizen Information Center, Room 158, 1450 N.E. Second Avenue, Miami, Florida 33132.

Additionally, these documents are available at:

[http://pdfs.dadeschools.net/COSC/061814/COSC\\_el.pdf](http://pdfs.dadeschools.net/COSC/061814/COSC_el.pdf)  
[http://pdfs.dadeschools.net/COSC/061814/COSC\\_sec.pdf](http://pdfs.dadeschools.net/COSC/061814/COSC_sec.pdf)

**RECOMMENDED:** That The School Board of Miami-Dade County, Florida, adopt amended Board Policies 5512, *Tobacco Use*, and 5500, *Student Conduct and Discipline*, and relevant portions of the documents, *Code of Student Conduct Elementary and Code of Student Conduct Secondary*, which are incorporated by reference, and authorize the Superintendent to file the amended policies with The School Board of Miami-Dade County, Florida, to be effective June 18, 2014.

VGB:mf

## NOTICE OF INTENDED ACTION

THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA, announced May 7, 2014, its intention to amend Board Policies 5512, *Tobacco Use*, and 5500, *Student Conduct and Discipline*, at its meeting of June 18, 2014.

**PURPOSE AND EFFECT:** To amend Board Policies 5512, *Tobacco Use*, and 5500, *Student Conduct and Discipline*, to prohibit the possession and use of nicotine dispensing devices by students including electronic cigarettes and other smoking devices, as well as any product or device designed to imitate any of these products regardless of whether it contains tobacco or nicotine. The Board Policy 5512 is also proposed to be renamed "Use of Tobacco Products and Smoking Devices" and will be enforced through the appropriate *Code of Student Conduct*.

**SUMMARY:** The proposed amendments define prohibited "use of tobacco and smoking devices" to include all uses of tobacco, including nicotine dispensing devices and/or electronic cigarettes or smoking devices, as well as any product or device designed to imitate any of these products regardless of whether it contains tobacco or nicotine. The Board Policy 5512 is proposed to be renamed "Use of Tobacco Products and Smoking Devices" and will be enforced through the appropriate *Code of Student Conduct*.

**SPECIFIC LEGAL AUTHORITY UNDER WHICH RULEMAKING IS AUTHORIZED:** 1001.41(1), (2); 1001.42(8), 1006.07(1)(a), (2); 1006.08(1); F.S.

**LAW IMPLEMENTED INTERPRETED, OR MADE SPECIFIC:**

381.84, 386.202, 386.204, 386.206, 386.212, F.S.; 20 U.S.C. 6081 et seq., 20 U.S.C. 7182 F.S.

IF REQUESTED, A HEARING WILL BE HELD DURING THE BOARD MEETING of June 18, 2014, 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 June 3, 2014, to the Superintendent, 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 must 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 POLICIES are 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. Raquel Regalado, Board Member  
Ms. Perla Tabares Hantman, Chair (Co-Sponsor)  
Dr. Lawrence S. Feldman, Vice Chair (Co-Sponsor)

Date: April 23, 2014

1 TOBACCO USE

2 USE OF TOBACCO PRODUCTS AND SMOKING DEVICES

3 A tobacco free environment shall be provided ~~to~~ for students, staff, and visitors.

4 "Use of tobacco and smoking devices" shall mean uses of tobacco, including cigars,  
5 cigarettes, pipe tobacco, chewing tobacco, snuff, nicotine dispensing devices,  
6 electronic cigarettes, smoking devices, ~~or~~ any other matter or substances ~~that~~  
7 containing tobacco or nicotine, including any product designed or manufactured to  
8 imitate any of these products regardless of whether it contains tobacco or nicotine,  
9 and the possession of papers used to roll cigarettes.

10 The use and possession of tobacco and smoking devices is prohibited:

11 A. within any indoor facility owned or leased or contracted for by the School  
12 Board is prohibited;

13 B. anywhere on the campus of an facility owned or leased or contracted for by  
14 the Board, including, but not limited to, practice fields, playgrounds, football  
15 fields, baseball fields, softball fields, pool areas, soccer fields, tennis courts,  
16 all open areas, and within 1000 feet of a school;

17 C. in all vehicles owned or operated by the Board, including, but not limited to,  
18 school buses, vans, trucks, station wagons, and cars.

19 Violations of this policy will be addressed pursuant to Policy 5500, *Student Conduct*  
20 *and Discipline.*

21 F.S. 381.84, 386.202, 386.204, 386.206, 386.212  
22 20 U.S.C. 6081 et seq., 20 U.S.C. 7182

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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 (Español and Kreyòl) and Secondary  
17 Code of Student Conduct (Español and Kreyòl).

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

27 Revised 1/16/13

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