

Valtena G. Brown, Deputy Superintendent/Chief Operating Officer
School Operations

**SUBJECT: PROPOSED AMENDMENT TO SCHOOL BOARD RULE: INITIAL
READING 5500, STUDENT CONDUCT AND DISCIPLINE**

**COMMITTEE: PERSONNEL, STUDENT, SCHOOL AND COMMUNITY
SUPPORT**

**LINK TO STRATEGIC
BLUEPRINT: SAFE, HEALTHY AND SUPPORTIVE LEARNING ENVIRONMENT**

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, United Teachers of Dade, State Attorney's Office (SAO), Public Defender's Office, Department of Juvenile Justice, Miami-Dade County Juvenile Services Department, 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.

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 pages to the documents, Code of Student Conduct Elementary and Code of Student Conduct Secondary, which are incorporated by reference and a part of this policy.

Code of Student Conduct – Elementary School

<http://attachmentManagerFiles.dadeschools.net/getFile.ashx?id=7R/ccm2mEFSWwhs7JXTcC uQzhkD7k9QBh5MMzqMUAu1a4o7b5S67HwqOfFqpl9tmZns5IHRX7wDq2O69bSflzA==&app=AttachmentManager>

Code of Student Conduct – Secondary School

<http://attachmentManagerFiles.dadeschools.net/getFile.ashx?id=7R/ccm2mEFRspZ~lv0~!OC999hTj9E506HEA95CVt1qowMz9kwECMDpIpy0dwHmz~!~!gkgxSk~!3e1Ss23fIBNYI4A==&app=AttachmentManager>

Attached is 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 policy are indicated by underscoring words to be added in red font and ~~striking through~~ words to be deleted.

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.

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 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 policy.

NOTICE OF INTENDED ACTION

THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA, announced July 25, 2018, its intention to amend Board Policy 5500, Student Conduct and Discipline, 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 September 5, 2018.

PURPOSE AND EFFECT: To amend Board Policy 5500, *Student Conduct and Discipline*, *Code of Student Conduct Elementary* and *Code of Student Conduct Secondary*.

SUMMARY: The proposed amended pages to the documents, *Code of Student Conduct Elementary* and *Code of Student Conduct Secondary*, revisions are in compliance with current state and federal statutory requirements.

SPECIFIC LEGAL AUTHORITY UNDER WHICH RULEMAKING IS AUTHORIZED: Sections 1001.41(1)(2); 1001.42(23); 1001.43(10), F.S.

LAW IMPLEMENTED INTERPRETED, OR MADE SPECIFIC:

Sections 39.201; 39.201(2)(a); 39.301(16); 39.401; 39.401(1)(a); 119.07(1)(3)(h); 120; 322.091; 394.463; 394.495; 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; 836.10 893; 893.02; 893.03; 893.13; 901.15(3); 921.0022; 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; 1006.04; 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 September 5, 2018, which begins at 11:00 a.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 August 20, 2018, 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, F.S).

A COPY OF THE PROPOSED AMENDED RULES is available at cost to the public for inspection and copying in the Citizen Information Center, Room 102, 1450 N.E. Second Avenue, Miami, Florida 33132.

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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 Office
7 of Board Recording Secretary, and the Citizen Information Center, and shall be
8 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, hearing,
12 and appeal. Additional guidelines for the maintenance of appropriate student behavior
13 are issued by memorandum from District administration.

14 The Superintendent shall make the Code of Student Conduct available to all student
15 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, 394.463, 394.495, 561.01(4), 741.24, 775.082, 775.083, 775.084,
20 F.S. 775.21, 790.001 (13), 790.115, 790.161, 790.162, 790.163, 794.011,
21 F.S. 794.024, 794.03, 806.13(2), 810.097, 827.03, 827.04, 827.071, 831.31,
22 F.S. 836.10, 893, 893.02, 893.03, 893.13, 901.15(3), 921.0022, 943.0435,
23 F.S. 985.04(7), 985.101, 985.481, 985.557, 1000.04, 1001.31, 1001.42,
24 F.S. 1001.42(6), 1001.43, 1001.43(1)(6), 1002.20, 1003.01, 1003.02(1)(c)(2)
25 F.S. 1003.04, 1003.31, 1003.32(e)(2)(3)(4)(5)(6)(a)(b), 1003.53, 1006.07,
26 F.S. 1006.04, 1006.08, 1006.09, 1006.10, 1006.12, 1006.13, 1006.135, 1006.147
27 F.A.C. 6A-1.0404

Revised 1/16/13

Revised 6/18/14

Revised 4/15/15

Revised 6/20/18

