

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

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

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

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

This item was initially submitted for consideration by the Board to amend Board Policy 5500, *Student Conduct and Discipline* at the July 25, 2018 Board meeting. Since that meeting, additional revisions have been made at the request of Board Members. Because of the changes, this item is being re-submitted for consideration by the Board to amend Board Policy 5500, *Student Conduct and Discipline* at the October 10, 2018 Board meeting. Consideration is also 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 the policy.

It should be noted that a Code of Student Conduct (COSC) Review Committee was convened that was comprised of internal and external stakeholders including, but not limited to 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. The stakeholders' meetings met over the past year and a half to discuss recommendations for the revision of the Codes of Student Conduct.

The proposed amendments to School Board Policy 5500, *Student Conduct and Discipline*, have been aligned with the most updated statutory requirements, including those required by SB 7026, and has incorporated some of the recommendations from the above-mentioned committee, including descriptions of the various types of alternative educational settings (AES) currently being used by the District as alternatives to outdoor suspension, computer related crimes, and changes to glossary definitions.

Attached is the Notice of Intended Action, the proposed amendment to the policy, 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 and ~~striking through~~ words to be deleted.

The pages to be amended can be found at the following links:

**Code of Student Conduct - Elementary School**  
[http://pdfs.dadeschools.net/COSC/COSC\\_el\\_091718.pdf](http://pdfs.dadeschools.net/COSC/COSC_el_091718.pdf)

**Code of Student Conduct - Secondary School**  
[http://pdfs.dadeschools.net/COSC/COSC\\_sec\\_091718.pdf](http://pdfs.dadeschools.net/COSC/COSC_sec_091718.pdf)

**D-66**

Authorization of the Board is requested for the Superintendent to initiate rulemaking proceedings in accordance with the Administrative Procedure Act to amend Board Policy 5500, *Student Conduct and Discipline*, and the *Code of Student Conduct – Elementary* and the *Code of Student Conduct – Secondary*.

**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 the policy.

## NOTICE OF INTENDED ACTION

THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA, announced October 10, 2018, its intention to amend Board Policy 5500, *Student Conduct and Discipline*, and the *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 November 20, 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 amendment to School Board Policy 5500, *Student Conduct and Discipline*, has been aligned with the most updated statutory requirements, including those related to safety and security mandated by SB 7026, and has incorporated some of the recommendations from the Code of Student Conduct committees, including descriptions of the various types of alternative educational settings (AESs) currently utilized by the District as alternatives to outdoor suspension, computer related crimes, and changes to the glossary definitions. This item is submitted for consideration by the Board 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.

**SPECIFIC LEGAL AUTHORITY UNDER WHICH RULEMAKING IS AUTHORIZED:** Sections 1001.41(1)(2); 1001.42(8)(15); 1001.43(1), 1006.07(1)(2) F.S.

**LAW IMPLEMENTED INTERPRETED, OR MADE SPECIFIC:** Sections 810.097; 827.071; 831.31; 893; 1001.42(8)(15); 1002.20(1)(4); 1003.01(5)(6); 1003.02(1)(b)(c); 1003.04; 1003.31; 1003.32(8); 1003.44(1); 1006.09; 1006.10; 1006.15 F.S.

IF REQUESTED, A HEARING WILL BE HELD DURING THE BOARD MEETING of November 20, 2018, 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 November 5, 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 POLICY 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.

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 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