

Mercedes Toural, Chief Education Officer
and Deputy Superintendent of Schools

**SUBJECT: PROPOSED AMENDMENT OF BOARD RULE: FINAL READING
6Gx13- 5D-1.08 - MAINTENANCE OF APPROPRIATE STUDENT
BEHAVIOR**

COMMITTEE: EDUCATION AND SCHOOL OPERATIONS

The School Board of Miami-Dade County, Florida, announced on August 20, 2003, its intention to amend School Board Rule 6Gx13- 5D-1.08, Maintenance of Appropriate Student Behavior, at the meeting of October 22, 2003, by updating the Code of Student Conduct – Elementary and Code of Student Conduct – Secondary. The amendment to the School Board Rule will revise the threshold for acceptable student behaviors, as established by Florida Statutes and State Board of Education rules. In addition, recommendations from the Code of Student Conduct Committee have been incorporated into this document.

The Notice of Intended Action was published in the *Miami Daily Business Review* on August 25, 2003, posted in various places for public information and mailed to various organizations representing persons affected by the amended rule and to individuals requesting notification.

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

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

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

Copies of the documents, Conduct of Student Conduct – Elementary and the Code of Student Conduct – Secondary, which is incorporated by reference and is a part of this rule, will be forwarded to 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, prior to the School Board Meeting of October 22, 2003.

RECOMMENDED: That The School Board of Miami-Dade County, Florida, adopt amended School Board Rule 6Gx13- 5D-1.08, Maintenance of Appropriate Student Behavior, and the documents, Code of Student Conduct – Elementary and Code of Student Conduct - Secondary, which is incorporated by reference and is part of this rule, and authorize the Superintendent to file the rule with The School Board of Miami-Dade County, Florida, to be effective October 22, 2003.

GMK/CR/SLG:mjm

NOTICE OF INTENDED ACTION

THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA, announced on August 20, 2003, its intention to amend Board Rule 6Gx13- 5D-1.08, Maintenance of Appropriate Student Behavior, at its meeting of October 22, 2003.

PURPOSE AND EFFECT: The purpose of the amendment is to update the **Code of Student Conduct - Elementary** and **Code of Student Conduct - Secondary**. The amendment to the School Board rule will revise the threshold for acceptable student behaviors, as established by Florida Statutes and State Board of Education rules. In addition, recommendations from the Code of Student Conduct Committee have been incorporated into this document.

SUMMARY: The rule sets forth procedures for the maintenance of appropriate student behavior.

SPECIFIC LEGAL AUTHORITY UNDER WHICH RULEMAKING IS AUTHORIZED: 1001.41(1)(2); 1001.42(22); 1001.43(10) F.S.

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; 561.01(4); 741.24; 775.082; 775.083; 775.084; 775.21; 775.21(4)(b)(6)(7)(a); 790.161; 790.162; 790.163; 794; 794.011; 794.024; 794.03; 800; 806.13(2); 810.097; 827; 827.03; 827.04; 827.071; 831.31; 893; 893.02; 893.03; 893.13; 901.15(3); 985.04(7); 985.207(1)(b); 1000.04; 1001.31; 1001.42(22); 1001.43(1)(a)(b)(d)(e)(6); 1003.01(5)(a)(b)(6)(7); 1003.02(1)(c)(2); 1003.04; 1003.31(1)(d)(2)(3)(a)(b)(c); 1003.32(1)(a)(b)(c)(d)(4)(5)(6)(a)(b); 1003.44(1)(2); 1003.53(1)(a)(b)(c)(2)(3)(a)(b)(d)(4)(5)(a)(b)(c)(I)(II)(III)(IV)(6)(7)(8)(2)(a)(b); 1006.07(1); 1006.08(1)(2); 1006.09(1)(2)(3)(5)(7)(9); 1006.10(2)(7); 1006.13(1)(2)(3)(4), F.S.

IF REQUESTED, A HEARING WILL BE HELD DURING THE BOARD MEETING OF OCTOBER 22, 2003, 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 September 16, 2003, 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 RULE is available for inspection and copying at cost borne by the public in the Citizen Information Center, Room 158, 1450 N.E. Second Avenue, Miami, Florida 33132.

Originator: Mr. Samuel L. Gay
Supervisor: Ms. Carol Renick
Date: August 8, 2003

Welfare**MAINTENANCE OF APPROPRIATE STUDENT BEHAVIOR**

The schools are established for the benefit of all students. The educational purposes of the schools are accomplished best in a climate of student behavior that is socially acceptable and conducive to the learning and teaching process. Student behavior that disrupts this process or that infringes upon the rights of other individuals will not be tolerated. The School Board endorses a zero tolerance policy toward school related violent crime.

The School Board reaffirms its support of the administrative staff and teachers in taking all necessary steps to enforce and implement all School Board rules pertaining to the maintenance of appropriate student behavior. Important among these rules are those in the areas of conduct, corporal punishment, suspensions and expulsions, and climate for learning.

The School Board directs that:

1. The Superintendent of Schools, through the Miami-Dade Schools Police Department shall pursue the investigation and assist in the subsequent prosecution of any adults inciting students to perform violent and unlawful acts in the schools; and
2. Each individual teacher shall be granted full disciplinary authority over every student in his/her classroom, in accordance with Florida Statutes, Florida Board of Education rules, School Board rules, and administrative memoranda.

Guidelines

- I. Guidelines for assisting in the maintenance of appropriate student behavior are found in Florida Statutes, administrative memoranda and the following School Board rules:

Board Rule No.	Title
6Gx13- <u>1A-1.07</u>	Student Expression
6Gx13- <u>1A-1.09</u>	Communications from Outside Schools
6Gx13- <u>1A-1.13</u>	Appearances, Films, Performances
6Gx13- <u>1A-1.16</u>	Materials - Distribution Through Students
6Gx13- <u>1A-1.161</u>	Materials-Distribution Through Students
6Gx13- <u>1D-1.06</u>	Student Dances
6Gx13- <u>1D-1.08</u>	Flag and National Anthem
6Gx13- <u>1E-1.02</u>	Cooperation with Law Enforcement Agencies - General Policy
6Gx13- <u>1E-1.021</u>	Cooperation with Law Enforcement Agencies - Specific Procedures

6Gx13- <u>3E-1.07</u>	Insurance Program - District
6Gx13- <u>3E-1.10</u>	Transportation - Specific Procedures
6Gx13- <u>3E-1.102</u>	Transportation - Zero Tolerance
6Gx13- <u>4A-1.21</u>	Responsibilities and Duties
6Gx13- <u>5A-1.04</u>	Student Attendance--Specific Responsibilities
6Gx13- <u>5A-1.062</u>	Suspension, Board-Approved Alternatives, Expulsions, and Referrals to Children and Families
6Gx13- <u>5A-1.11</u>	Foreign Student Registration
6Gx13- <u>5B-1.04</u>	Promotion, Placement, and Graduation - Grades K-12 and Adult
6Gx13- <u>5C-1.02</u>	Conduct - Standards of Behavior
6Gx13- <u>5C-1.031</u>	Dress Code
6Gx13- <u>5D-1.04</u>	Student Safety and Health Protection
6Gx13- <u>5D-1.05</u>	Injuries to Students
6Gx13- <u>5D-1.06</u>	Student Accident Insurance
6Gx13- <u>5D-1.07</u>	Corporal Punishment - Prohibited
6Gx13- <u>5D-1.08</u>	Maintenance of Appropriate Student Behavior
6Gx13- <u>5D-1.09</u>	Student Case Management System
6Gx13- <u>5D-1.10</u>	Discrimination/Harassment: Complaint Procedures for Students
6Gx13- <u>6A-1.06</u>	Emergency Management Procedures
6Gx13- <u>6A-1.08</u>	Guidelines for Instruction Pertaining to the Flag and Pledge of Allegiance
6Gx13- <u>6A-1.09</u>	Climate for Learning - School Symbols
6Gx13- <u>6A-1.14</u>	Controversial Issues
6Gx13- <u>6A-1.331</u>	Procedures for Providing Special Education for Exceptional Students

These School Board rules are applicable to all students under the jurisdiction of Miami-Dade County Public Schools and are augmented by the **Code of Student Conduct Elementary**, **Code of Student Conduct Secondary**, and the **Procedures for Promoting and Maintaining a Safe Learning Environment**, which are incorporated by reference in this School Board Rule, and are a part hereof. Copies of these three documents are on file in the Office of Board Recording Secretary, and the Citizen Information Center, and shall be available in each school and special center.

- II. Additional guidelines for the maintenance of appropriate student behavior are issued by memorandum from the District administration.

Specific Authority: ~~230.22(2); 230.23(22)~~, F.S. ; 1001.41(1)(2); 1001.42(22); 1001.43(10), F.S.

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; ~~228.041(27); 229.591; 229.591(3)(e); 230.23(6)(c)(d)(8)(11)(13)(16)(a); 230.23005(1)(a)(b)(e)(8); 230.2316; 230.2316(3)(a); 230.235; 230.29(b)(c); 230.33(8)(c)(14); 230.335(1)(b); 232; 232.01; 232.09; 232.25; 232.256(1)(4); 232.26; 232.26(3); 232.27; 232.271; 232.275; 232.277; 232.45; 233.041(26); 233.0655; 233.47; 322.091; 561.01(4); 741.24; 775.082; 775.083; 775.084; 775.21; 775.21(4)(b)(6)(7)(a); 790.161; 790.162; 790.163; 794; 794.011; 794.024; 794.03; 800; 806.13(2); 810.097; 827; 827.03; 827.04; 827.071; 831.31; 893; 893.02; 893.03; 893.13; 901.15(3); 985.04(7); 985.207(1)(b)~~, F.S. 1000.04; 1001.31; 1001.42(22); 1001.43(1)(a)(b)(d)(e)(6); 1003.01(5)(a)(b)(6)(7); 1003.02(1)(c)(2); 1003.04; 1003.31(1)(d)(2)(3)(a)(b)(c); 1003.32(1)(a)(b)(c)(d)(4)(5)(6)(a)(b); 1003.44(1)(2); 1003.53(1)(a)(b)(c)(2)(3)(a)(b)(d)(4)(5)(a)(b)(c)(I)(II)(III)(IV)(6)(7)(8)(2)(a)(b); 1006.07(1); 1006.08(1)(2); 1006.09(1)(2)(3)(5)(7)(9); 1006.10(2)(7); 1006.13(1)(2)(3)(4), F.S.

History THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA
Repromulgated: 12-11-74

Amended: 11-25-75; 9-23-81; 9-22-82; 12-7-83; 9-19-84; 11-6-85; 2-19-86; 8-20-86; 12-17-86; 7-13-88; 9-7-88; 11-2-88; 6-27-90; 9-26-90; 10-20-93; 6-22-94; 9-21-94; 11-16-94; 9-6-95; 7-24-96; 8-28-96; 10-9-96; 8-27-97; 2-18-98; 8-22-01; 1-16-02