

MEMORANDUM

January 12, 2009

TO: The Honorable Chair and Members of The School Board of Miami-Dade County, Florida

FROM: Alberto M. Carvalho, Superintendent of Schools *AMC*

SUBJECT: **WITHDRAWAL OF AGENDA ITEM C-101 – PROPOSED PROMULGATION OF NEW BOARD RULE: INITIAL READING 6Gx13-5D-1.01 DISTRICT POLICY AGAINST BULLYING AND HARASSMENT**

The attached Agenda Item C-101 is being withdrawn from the January 14, 2009, Agenda pending further discussion with affected stakeholders. It is anticipated this item will be brought back for Board consideration at the February Board meeting.

AMC:mrf
M514

Attachment

cc: Superintendent's Cabinet
School Board Attorney

As provided by statute, district policies must be adopted on or before December 1, 2008. To facilitate district compliance with the statutory deadline, the FLDOE Office of Safe Schools has issued criteria outlining specific components and procedures that must be reflected in the development and implementation of comprehensive district policies that bar bullying and harassment. The FLDOE Office of Safe Schools has also clarified that the initial submission by Miami-Dade County Public Schools (M-DCPS) of its draft policy and completed criteria checklist prior to November 1, 2008, was deemed adequate in the process of demonstrating compliance with the statutory deadline.

However, a subsequent revision to the initial policy by the FLDOE Office of Safe Schools has resulted in the resubmission of this proposed policy for initial reading.

The M-DCPS Model Policy Against Bullying and Harassment builds upon the District's Bullying and Violence Prevention Initiative that was launched in 2006. In compliance with statutory requirements, the proposed M-DCPS policy is based upon the FLDOE model policy and was developed with input elicited from various stakeholders through the joint Miami Coalition - Education/Prevention Task Force and the Safe Schools/Healthy Students Advisory Board that reflects representation from local law enforcement agencies, faith based organizations, community mental health agencies, public and non-public schools, parents and students. The proposed policy will be in alignment with school curriculum, existing discipline policies and other violence prevention efforts currently in effect.

Attached are the Notice of Intended Action, the proposed new rule and the document, District Policy Against Bullying and Harassment, which is incorporated by reference and made part of this rule.

The proposed policy against bullying and harassment does not replace current M-DCPS policies or rules prohibiting harassment on the basis of race, sex, national origin or disability. Specific federal guidelines addressing discriminatory harassment have been established by the U.S. Department of Education's Office of Civil Rights (OCR) and are set forth under Title IX, Florida Equity Act, Section 504 of the Rehabilitation Act, Americans with Disabilities Act (ADA) and the Age Discrimination Act. Implementation of these policies is reviewed and monitored separately by the FLDOE Office of Equity and Access (OEA).

This policy shall also be incorporated into the Code of Student Conduct and the Procedures for Promoting and Maintaining a Safe Learning Environment in accordance with established rulemaking proceedings.

There is no additional cost to the District associated with this item.

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 promulgate new School Board Rule 6Gx13- 5D-1.101, District Policy Against Bullying and Harassment, and the document, District Policy Against Bullying and Harassment, which is incorporated by reference and made part of this rule.

MRF/DAM:sb