

Milagros R. Fornell, Associate Superintendent
Curriculum and Instruction

**SUBJECT: PROPOSED PROMULGATION OF NEW BOARD RULE:
 INITIAL READING 6Gx13- 5D-1.101 DISTRICT POLICY
 AGAINST BULLYING AND HARRASSMENT**

**COMMITTEE: INSTRUCTIONAL EXCELLENCE AND COMMUNITY
 ENGAGEMENT**

LINK TO DISTRICT

STRATEGIC PLAN: IMPROVE SAFETY AND THE SCHOOL ENVIRONMENT

Pursuant to §1006.147, Florida Statute (2008), this item is submitted for consideration by the Board and authorization is requested for the Superintendent to initiate rulemaking proceedings for the promulgation of a new School Board Rule 6Gx13- 5D-1.101, District Policy Against Bullying and Harassment, and the document, Model Policy Against Bullying and Harassment, which is incorporated by reference and made part of this rule, adopting a district-wide policy prohibiting bullying and harassment of students and staff members.

The proposed rule will adhere to requirements specified in 1006.147, F.S., requiring school districts to adopt a policy prohibiting bullying and harassment on school facilities, at school-sponsored events or while using district sponsored transportation or district owned computer systems or networks. The statute further provides that district policies must be in substantial conformity with a model policy promulgated by the Florida Department of Education (FLDOE) that was distributed to school districts during late August, 2008. FLDOE must review and approve district policies in order to insure the allocation of Safe Schools funding from the 2009-2010 General Appropriations Act.

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.

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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.

Authorization of the School Board is requested for the Superintendent to initiate rulemaking proceedings in accordance with the Administrative Procedure Act for the promulgation of new School Board Rule 6Gx13- 5D-1.101, District Policy Against Bullying and Harassment.

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

NOTICE OF INTENDED ACTION

THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA, announced on January 14, 2009, its intention to promulgate new 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, at its meeting of March 18, 2009.

PURPOSE AND EFFECT: The proposed new rule on the prevention of bullying and harassment is the result of actions to approve the Policy Against Bullying and Harassment generated by the "Jeffrey Johnston Stand Up for All Students Act" (House Bill 669). In addition, Section 1006.147 F.S. mandates that all school districts adopt a policy prohibiting bullying and harassment of students and staff.

SUMMARY: The rule establishes policy prohibiting the bullying and harassment of students and staff on school grounds or school transportation, at school-sponsored events, and through the use of data or computer software that is accessed through school computer systems or networks.

SPECIFIC LEGAL AUTHORITY UNDER WHICH RULEMAKING IS AUTHORIZED: 1001.41 (1), (2); 1001.42 (25); 1001.43 (10), F.S.

LAW IMPLEMENTED, INTERPRETED, OR MADE SPECIFIC: 1006.147, F.S.

IF REQUESTED, A HEARING WILL BE HELD DURING THE SCHOOL BOARD MEETING OF March 18, 2009, 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 in Section 120.541(1), F.S., must do so in writing by February 10, 2009, 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 NEW RULE is 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. Milagros Fornell
Supervisor: Mr. Alberto Carvalho
Date: December 19, 2008

Welfare**DISTRICT POLICY AGAINST BULLYING AND HARASSMENT**

Miami Dade County Public Schools (M-DCPS) is committed to providing a safe learning environment for all students. To this end, M-DCPS is dedicated to eradicating bullying and harassment in its schools by providing awareness, prevention and education in promoting a school atmosphere in which bullying, harassment, and intimidation will not be tolerated by students, school board employees, visitors, or volunteers.

In April 2008, the Florida Legislature passed the "Jeffrey Johnston Stand Up for All Students Act" (House Bill 669). This Act created the Florida Statute (1006.147) that requires all school districts to adopt a policy prohibiting bullying and harassment of students and staff on school grounds or school transportation, at school-sponsored events, and through the use of data or computer software that is accessed through school computer systems or networks by December 1, 2008.

The School Board of Miami-Dade County, Florida has affirmed its support for this Act, and the protection of all students and staff, by establishing a District Policy Against Bullying and Harassment.

Compliance with the requirements of Section 1006.147, Florida Statute, will be accomplished as follows:

- Includes and involve students, parents, teachers, administrators, school staff, school volunteers, community representatives, and local law enforcement agencies in the process of adopting the policy.
- Provides a plan for the school district to implement the policy in a consistent and on-going manner. Integrates the policy with curriculum, discipline policies, and violence prevention efforts.
- Develops a district-wide policy prohibiting bullying and harassment that is in substantial conformity with the FDOE model policy.
- Submits a district policy prohibiting bullying and harassment to the Office of Safe Schools.
- Obtains approval and certification of the district's policy from the Office of Safe Schools.
- Implements and monitors district's required policy.

Miami-Dade County Public Schools, through the Division of Student Services' Safe Schools Programs, has developed the Policy Against Bullying and Harassment for Miami Dade County Public Schools, attached hereto and incorporated herein by reference. Inclusive of this state mandated policy is a comprehensive Bullying Prevention curriculum for all students in grades Pre-K thru 12.

This policy shall also be incorporated into the Code of Student Conduct and the Procedures for Promoting and Maintaining a Safe Learning Environment. This Policy will supersede any existing policy, guideline or Board Rule regarding bullying and harassment that may be determined to be inconsistent with this policy.

School Board rules are applicable to all students under the jurisdiction of Miami-Dade County Public Schools. Copies of this document are on file in the Office of Board Recording Secretary, and the Citizen Information Center, and will be available in each school and Region Center.

This policy does not replace the district's current policy prohibiting harassment on the basis of race, sex, national origin and disability. Specific federal policy guidelines on harassment have been established by the U.S. Department of Education's Office of Civil Rights (OCR) for Title IX, Florida Equity Act, Section 504 of the Rehabilitation Act, Americans with Disabilities Act (ADA) and the Age Discrimination Act. The Florida Department of Education's Office of Equity and Access (OEA) reviews and monitors the implementation of such harassment policies.

Specific Authority: 1001.41 (1), (2); 1001.42 (25); 1001.43 (10), F.S.
Law Implemented, Interpreted, or made specific: 1006.147, F.S.

History: THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA