

Office of School Board Attorney
Walter J. Harvey, School Board Attorney

SUBJECT: INITIAL READING: PROPOSED AMENDMENTS TO SCHOOL BOARD POLICIES 0141.2, CONFLICT OF INTEREST; 0167, VOTING; 5112, ENTRANCE REQUIREMENTS; 5130, WITHDRAWAL FROM SCHOOL; 5131, STUDENT TRANSFERS; 5200, ATTENDANCE; 5230, LATE ARRIVAL AND EARLY DISMISSAL; 5500, STUDENT CONDUCT AND DISCIPLINE; 5517.01, BULLYING AND HARASSMENT; 5772, WEAPONS; AND 8462, STUDENT ABUSE AND NEGLECT.

COMMITTEE: INNOVATION, GOVERNMENTAL RELATIONS AND COMMUNITY ENGAGEMENT

LINK TO STRATEGIC FRAMEWORK: FINANCIAL EFFICIENCY/STABILITY

Section 120.74, F.S., requires each School Board to review and revise its rules as often as necessary to ensure that its rules are correct and comply with statutory requirements. The Board's review must (1) identify and correct deficiencies in its rules, and (2) clarify and simplify its rules. Pursuant to these requirements, this item is presented for the Board's consideration to amend various policies in order to clarify certain provisions, correct deficiencies, and update the policies to comply with legislative changes and state statutes.

Policies 0167, *Voting*, and 1041.2, *Conflict of Interest*, are being proposed for amendments to clarify that Board members may abstain from voting in a quasi-judicial proceeding if the abstention is to assure a fair proceeding from potential bias or prejudice.

The proposed policy amendments to Board Policies 5112, *Entrance Requirements*; 5130, *Withdrawal from School*; 5131, *Student Transfers*; 5200, *Attendance*; and 5230, *Late Arrival and Early Dismissal*, require parents and guardians to provide and verify truthful and accurate information regarding their place of residence. The proposed policy amendments also clarify that the enrolling parent in cases of divorce or

G-1

separation is the parent who may provide the information on the Emergency Student Data Form and may transfer or withdraw the student from school. This amendment does not affect any parental rights of the non-enrolling parent including access to the student or the student's records. The amendments also update the policies to include revised District department names, personnel titles and form names.

The proposed amendments to Policies 5500, *Student Conduct and Discipline*, and 5517.01, *Bullying and Harassment*, incorporate new statutorily required definitions of cyberbullying and hazing. Proposed amendments to Policy 5772, *Weapons*, clarify that working firearms, ammunition and any other items that could endanger health and safety are not allowed in schools as part of any presentation, class or as a theatrical prop. The proposed amendments to Policy 8463, *Student Abuse and Neglect*, add new statutory requirements to report child sexual abuse and include other statutory technical updates reflecting increased civil and criminal penalties for failure to report child abuse.

Attached are the Notices of Intended Action and the proposed policy amendments. Changes are indicated by underscoring words to be added 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 to amend various School Board Policies as specified in this item.

RECOMMEND: 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 School Board Policies 0141.2, *Conflict of Interest*; 0167, *Voting*; 5112, *Entrance Requirements*; 5130, *Withdrawal from School*; 5131, *Student Transfers*; 5200, *Attendance*; 5230, *Late Arrival and Early Dismissal*; 5500, *Student Conduct and Discipline*; 5517.01, *Bullying and Harassment*; 5772, *Weapons*; and 8462, *Student Abuse and Neglect*.

NOTICE OF INTENDED ACTION

THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA, announced on February 11, 2015, its intention to amend Board Policies 0141.2, and *Conflict of Interest*; 0167, *Voting*; at its meeting of April 15, 2015.

PURPOSE AND EFFECT: These policy amendments are being recommended to conform to legislative changes and statutory requirements. Policies 0167, *Voting*, and 1041.2, *Conflict of Interest*, are being amended to clarify that Board members may abstain from voting in a quasi-judicial proceeding if the abstention is to assure a fair proceeding from potential bias or prejudice

SUMMARY: Generally, Board members may not abstain from voting unless there is a conflict of interest as delineated in state law. However, state law also allows Board members to abstain from voting in a quasi-judicial proceeding under certain circumstances. This provision is being added to Policies 0167 and 1041.2 for clarification and notification.

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

LAWS IMPLEMENTED INTERPRETED OR MADE SPECIFIC: 286.012, F.S.

IF REQUESTED, A HEARING WILL BE HELD DURING SCHOOL BOARD MEETING OF April 15, 2015, 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 120.54(1), F.S., must do so in writing by March 10, 2015, to the Superintendent, 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 to be based. Section 286.0105, F. S.

COPIES OF THE PROPOSED AMENDED POLICIES are 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.

NOTICE OF INTENDED ACTION

THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA, announced on February 11, 2015, its intention to amend Board Policies 5112, *Entrance Requirements*; 5130, *Withdrawal from School*; 5131, *Student Transfers*; 5200, *Attendance*; and 5230, *Late Arrival and Early Dismissal*, at its meeting of April 15, 2015.

PURPOSE AND EFFECT: These policy amendments are being recommended to clarify the School Board's policies requiring parents to provide truthful and accurate information regarding residence and addressing custody matters on Emergency Student Data Forms and other administrative updates such as revised department names, personnel titles, and form names.

SUMMARY: The policy amendments require parents and guardians to provide and verify truthful and accurate information regarding their place of residence. The policy amendments also clarify the Board's policy that the enrolling parent in cases of divorce or separation is the parent who may provide the information on the Emergency Student Data Form, and may transfer or withdraw the student from school. This policy does not affect any parental rights of the non-enrolling parent including access to the student or the student's records. The amendments also update the policies to include revised District department names, personnel titles and form names.

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

LAWS IMPLEMENTED INTERPRETED OR MADE SPECIFIC: 92.525, 837.06, 1003.21, F.S.

IF REQUESTED, A HEARING WILL BE HELD DURING SCHOOL BOARD MEETING OF April 15, 2015, 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 120.54(1), F.S., must do so in writing by March 10, 2015, to the Superintendent, 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 to be based. (Section 286.0105, Florida Statutes)

COPIES OF THE PROPOSED AMENDED POLICIES are 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.

NOTICE OF INTENDED ACTION

THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA, announced on February 11, 2015, its intention to amend Board Policies 5500, *Student Conduct and Discipline*; 5517.01, *Bullying and Harassment*; 5772, *Weapons*; and 8462, *Student Abuse and Neglect*, at its meeting of April 15, 2015.

PURPOSE AND EFFECT: These policy amendments are being recommended to add new statutory definitions of cyberbullying and hazing and other required technical updates.

SUMMARY: The proposed amendments to Policies 5500, *Student Conduct and Discipline*, and 5517.01, *Bullying and Harassment*, incorporate new statutorily required definitions of cyberbullying and hazing. Amendments to Policy 5772, *Weapons*, clarify that working firearms, ammunition and any other items that could endanger health and safety are not allowed as part of any presentation, class or as a theatrical prop. The proposed amendments to Policy 8463, *Student Abuse and Neglect*, add new statutory requirements to report child sexual abuse and include other statutory technical updates reflecting increased civil and criminal penalties for failure to report child abuse.

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

LAWS IMPLEMENTED INTERPRETED OR MADE SPECIFIC: 39.01(47), 39.201, 39.204, 39.205, 39.206, 1006.135, 1006.147, 1012.98, F.S.

IF REQUESTED, A HEARING WILL BE HELD DURING SCHOOL BOARD MEETING OF April 15, 2015, 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 120.54(1), F.S., must do so in writing by March 10, 2015, to the Superintendent, 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 to be based. Section 286.0105, F.S.

COPIES OF THE PROPOSED AMENDED POLICIES are 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.

1

MEMBERSHIP

2 0141.2

Conflict of Interest

3

School Board members are governed by the Code of Ethics for Public
4 Officers and Employees, Part III of F.S. Chapter 112 and by other
5 statutes in the school code. Board members and the
6 Superintendent shall ~~annually~~ participate in four (4) hours of ethics
7 training each calendar year as specified by law (F.S. 112.3145,
8 C.O.E. 34-7.0251)

9

The following is a summary of the statutory mandates. They are not
10 definitive rules and the statute must be consulted for applicable
11 definitions and for exemptions.

12

A. Standards of Conduct

13

1. Gifts

14

No Board member may either solicit or accept anything
15 of value - including a gift, loan, reward, promise of
16 future employment, favor, or service - that is based on
17 any understanding that the vote, official action, or
18 judgment of the Board member would be influenced by
19 such gift.

20

F.S. 112.313(2)

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

2. Other Prohibited Gifts

No Board member may solicit any gift, food, or beverage from a person, vendor, potential vendor, any other entity doing business with the Board, political committee or committee of continuous existence, or from a lobbyist who lobbies the Board (or the partner, firm, employer, or principal of the lobbyist). No Board member or any person on behalf of the Board member may knowingly accept, directly or indirectly, a gift from a person, vendor, potential vendor, any other entity doing business with the Board, political committee or committee of continuous existence, or from a lobbyist who lobbies the Board (and related individuals and entities, including, but not limited to, the partner, firm, employer, or principal of the lobbyist), if the Board member knows or reasonably believes the gift has a value in excess of \$100 - unless the gift is accepted on behalf of and transferred promptly to a governmental entity or a charitable organization, or is given to the Board member by a governmental entity for a public purpose. Gifts from relatives and gifts associated primarily with the recipient's employment or business are not prohibited. Food or beverage consumed at a single sitting or event may be accepted.

"Vendor" is defined as a business entity doing business directly with the Board, such as renting, leasing, or selling realty, goods, or services.

F.S. 112.3148

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

3. Honoraria

No Board member may solicit an honorarium related to the member's public office or duties. No Board member may knowingly accept, directly or indirectly, an honorarium from a person, vendor, potential vendor, any other entity doing business with the Board, a political committee or committee of continuous existence, or from a lobbyist who lobbies the Board (and related individuals and entities, including, but not limited to, the employer, principal, partner, or firm of the lobbyist). Actual and reasonable transportation, lodging, and food and beverage expenses related to the honorarium event for a Board member and spouse may be accepted.

"Vendor" is defined as a business entity doing business directly with the Board, such as renting, leasing, or selling realty, goods, or services.

F.S. 112.3149

4. Unauthorized Compensation

No Board member or his/her spouse or minor child may accept any compensation, payment, or thing of value which, with the exercise of reasonable care, is known or should be known to influence the vote or official action of such Board member.

F.S. 112.313(4)

1

B. Voting Conflicts

2

A Board member is prohibited from voting in an official capacity on any matter which would inure to his/her special gain or loss, or to the special gain or loss of a principal by whom s/he is retained, or to the parent organization or subsidiary of a corporate principal by which s/he is retained, or to the special gain or loss of a relative or business associate. Prior to the vote, the Board member shall publicly state to the assembly the nature of the Board member's interest in the matter from which the member must abstain from voting. The Board member shall make every reasonable effort to disclose the nature of the Board member's interest as a public record in a memorandum filed with the Board's recording secretary. If it is not possible for the Board member to file a memorandum before the vote, the memorandum must be filed within fifteen (15) days with the Board's recording secretary.

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

A Board member may abstain from voting in the context of a quasi-judicial proceeding if the abstention is to assure a fair proceeding free from potential bias or prejudice. See Policy 0167, voting.

23

F.S. 112.3143, 286.012

24

C. Instructional Materials

25

No Board member shall accept anything of value or any inducement to introduce, recommend, vote for, or otherwise influence the adoption or purchase of any instructional material.

26

27

28

29

F.S. 1006.32

30

D. Textbooks

31

No Board member shall receive any gift or compensation for promoting the sale or exchange of any schoolbook, map, or chart in any public school, or be an agent for the sale, or the publisher of any school textbook or reference work, or be pecuniarily interested in the introduction of any such textbook.

32

33

34

35

36

37

F.S. 1006.32(8)

1 E. No contract for supplying materials, supplies, and services
2 needed for the District school system shall be made with any
3 member of the Board, with the Superintendent, or with any
4 business organization in which any Board member or the
5 Superintendent has any financial interest whatsoever.

6 F.S. 1001.42

7 **Additional Provisions**

8 A. Board members shall accept no gifts from any individual,
9 firm, or business entity which the Board member has reason
10 to believe is doing business with or seeking to do business
11 with the District. Meals and admissions to events which
12 relate directly to the school system may be accepted.

13 B. Board members shall not participate in trips paid by a vendor
14 or potential vendor for the purpose of inspecting products or
15 programs useful to the District. Such trips, if deemed
16 necessary, shall always be made at District expense and
17 approved by the Board at a public meeting.

18 C. Board members, their spouses, or campaign committees shall
19 not solicit any vendor or any employee of this District to make
20 contributions to any political campaign or testimonial.

21 D. Board members shall not solicit nor accept personal
22 discounts on merchandise or services from individuals, firms,
23 or business entities which the Board member has reason to
24 believe are doing business with or seeking to do business
25 with this District unless those discounts are available to the
26 general public.

27 E. No Board member may recommend the services of any lawyer
28 or law firm, architect or architectural firm, public relations
29 firm, or any other person or firm, professional or otherwise, to
30 assist in any transaction involving the District, unless the
31 recommendation is made at a public meeting of the Board.

32 F. Board members are prohibited from acting as an agent or
33 attorney for compensation for anyone in connection with any
34 matter in which the District is interested for two (2) years
35 after his/her Board service terminates.

1

Guidelines for Avoidance of Conflict of Interest

2

The following guidelines are intended to avoid conflicts of interests or the appearance of conflict as it relates to personal purchases or private contracting. These guidelines do not apply to purchases made in a private capacity of goods or services at a price and upon terms available to similarly situated members of the general public.

3

4

5

6

7

A. When entering into a transaction or contractual relationship as described above, Board members will make the following inquiries to the entity with whom they are contracting:

8

9

10

11

1. Does the business entity have a contractual relationship with the Board for more than \$500?

12

13

14

2. Is the contracting individual a principal or employee of an entity with a contractual relationship with the Board for more than \$500?

15

16

17

18

19

20

21

22

B. If an affirmative answer is given to either inquiry above, the Board member will request from the Board Attorney a written opinion indicating whether contracting with the individual or entity would constitute a conflict of interest pursuant to Code of Ethics for Public Officers and Employees, or other State statute or Board rule. The Board Attorney will issue a written opinion or will refer the Board member to the Florida Commission on Ethics.

23

24

25

C. Clarification and opinions regarding the application of the Code of Ethics for Public Officers and Employees can be obtained at any time from the Florida Commission on Ethics.

26

Revised 9/3/13

27

Revised 6/18/14

1

MEETINGS

2 0167

Voting

3

All motions shall require a majority vote of those present and voting, except as provided by statute, these bylaws or parliamentary authority.

4

5

6

~~Abstentions shall only be permitted as authorized by law.~~

7

All actions requiring a vote can be conducted by voice vote or show of hands unless a roll-call vote is required. Proxy voting is prohibited. Each vote and abstention shall be recorded.

8

9

10

Abstentions shall only be permitted as authorized by law. See Policy 0141.2, Conflict of Interest. A Board member may abstain from voting in the context of a quasi-judicial proceeding if the abstention is to assure a fair proceeding free from potential bias or prejudice.

11

12

13

14

15

16

F.S. 286.012

1

ENTRANCE REQUIREMENTS

2 All children who have attained the age of six (6) years or who will have attained the
3 age of six (6) years by February 1st of any school year or who are older than six (6)
4 years of age but have not attained the age of sixteen (16) years, except as otherwise
5 provided in Florida law, are required to attend school regularly during the entire
6 school term. All children enrolling in a District school shall meet the immunization
7 requirements in F.S. 1003.22 and provide evidence of a physical exam.

8 A child who attains the age of sixteen (16) during the school year is not subject to
9 compulsory school attendance beyond the date upon which s/he attains that age if
10 the child files a formal declaration of intent to terminate school enrollment with the
11 School Board. The declaration must acknowledge that terminating school
12 enrollment is likely to reduce the student's earning potential and must be signed by
13 the child. The District must notify the parent of the child's declaration of intent to
14 terminate school enrollment.

15 **Kindergarten**

16 Any child who will have attained the age of five (5) years on or before September 1st
17 of the school year shall be eligible to enroll in kindergarten at any time during the
18 year.

19 A transferring kindergarten student is eligible to be enrolled in the District if the
20 entrance age requirements have been met outside Florida and the child had been
21 regularly enrolled there.

22 Children entering kindergarten in the District for the first time must comply with
23 F.S. 1003.21 regarding entry age. A child must be five (5) years old on or before
24 September 1st, in order to meet the Florida age requirement for kindergarten. A
25 child under age six (6) who is enrolled in kindergarten will be considered of
26 compulsory school age.

1 **First Grade**

2 Any child who has attained the age of six (6) years on or before September 1st of the
3 school year and satisfactorily completed the requirements for kindergarten in a
4 public school according to the District's Student Progression Plan (Policy 5410) or in
5 a nonpublic school from with the Board accepts transfer of academic credit, or who
6 otherwise meets the criteria for admission or transfer in a manner similar to that
7 applicable to other grades shall be admitted or promoted to the first grade at any
8 time during the school year.

9 A transferring first grade student is eligible to be enrolled in the District if the
10 entrance-age requirements have been met outside Florida and the child had been
11 regularly enrolled there.

12 Children entering first grade in the District for the first time must comply with
13 F.S. 1003.21. Any child who has attained the age of six (6) years on or before
14 September 1st of the school year and who has been enrolled in a public school or
15 who has attained the age of six (6) years on or before September 1st and has
16 satisfactorily completed the requirements for kindergarten in a non-public school, or
17 who otherwise meets the criteria for admission or transfer in a manner similar to
18 that applicable to other grades, shall progress according to the District's Student
19 Progression Plan (Policy 5410).

20 **Initial Entry**

21 Every child initially entering a District school ~~in kindergarten through the twelfth~~
22 ~~grade~~ must prove age by an authentic document issued by a governmental agency.
23 The school should attempt to verify age at the time of spring registration. State law
24 (F.S. 1003.21) specifies the evidence which may be used for this purpose and also
25 indicates that if the first prescribed evidence is not available, the next evidence
26 obtainable in the order below shall be accepted:

- 27 A. a duly attested transcript of the child's birth record filed according
28 to law with a public officer charged with the duty of recording births;
- 29 B. a duly attested transcript of a certificate of baptism showing the
30 date of birth and place of baptism of the child, accompanied by an
31 affidavit sworn to by the parent;
- 32 C. an insurance policy on the child's life which has been in force for at
33 least two (2) years;
- 34 D. a bona fide contemporary Bible record of the child's birth
35 accompanied by an affidavit sworn to by the parent;

- 1 E. a passport or certificate of arrival in the United States showing the
2 age of the child;
- 3 F. a transcript of record of age shown in the child's school record of at
4 least four (4) years prior to application, stating date of birth; or
- 5 G. if none of this evidence can be produced, an affidavit of age sworn to
6 by the parent, accompanied by a certificate of age signed by a public
7 health officer or by a public school physician, or, if neither of these
8 is available in the county, by a licensed practicing physician
9 designated by the Board, which certificate shall state that the health
10 officer or physician has examined the child and believes that the age
11 as stated in the affidavit is substantially correct.
- 12 H. Children entering the District for the first time must comply with
13 F.S. 1003.21 and with the District's Student Progression Plan
14 (Policy 5410). Students must have an immunization record on file
15 at the school. Any student who does not have the proper
16 immunization shall be temporarily excluded from attendance until
17 compliance has been documented.
- 18 I. Upon a child's initial entry to a District school, the principal shall
19 require evidence of a physical examination performed within one (1)
20 year prior to the date of entry. An appointment for a physical
21 examination by a county health officer, licensed physician, or
22 chiropractor may be accepted provided the principal is given
23 evidence of the physical examination within one (1) week of such
24 examination. Students transferring into the District from a school
25 within the State of Florida who have completed physical examination
26 form as part of their school record need not be re-examined.
27 Examinations taken out-of-state may be accepted if performed
28 within one (1) year of entry and include documentation and reported
29 on the official forms of the physician.
- 30 J. A child may be exempt from the required physical examination
31 and/or immunization upon written request of the parent or
32 guardian of such child stating objection to examination and/or
33 immunization on religious grounds or for medical reasons certified
34 by a competent medical authority.

1 **Proof of Age**

2 If acceptable proof of age is not presented when the child first seeks admission, the
3 principal should enroll the student temporarily and give the parent thirty (30)
4 calendar days to secure proper proof.

5 **Birth Certificate**

6 The Division of Attendance Services will supply appropriate forms for making
7 application for a birth certificate. Some parents may need help from school
8 personnel in completing these applications. Providing such assistance will enable
9 the school to be sure that the proper procedure has been followed. Original copies
10 of birth certificates usually have an embossed seal imprinted on them. All
11 photostatic copies not bearing this seal should be carefully evaluated to determine
12 authenticity.

13 If questions arise which the school cannot answer regarding birth certificates, the
14 principal should call the appropriate region director.

15 **Student Disclosures**

16 Each student at the time of initial registration for school shall note previous school
17 expulsions, arrests resulting in a charge, and juvenile justice actions the student
18 has had.

19 **Verification of Residence**

20 | Verification of a parent's residence via a Statement of Bonafide Residence - FM-7444
21 | shall be required at the time the child registers in a District school. Verification of
22 | residence may also be required at any other time at the discretion of the
23 | Superintendent. The student shall reside with the parent placing the student in the
24 | attendance area of the school.

25 | ~~Verification~~ In addition, submission of two (2) of the following items are required
26 | ~~includes two (2) of the following items:~~

- 27 A. broker's or attorney's statement of parents' purchase of residence, or
28 properly executed lease agreement;
- 29 B. current Homestead Exemption card;
- 30 C. electric deposit payment receipt or electric bill, bottom portion,
31 showing name and service address.

1 If verification is not provided or acceptable, the Superintendent may verify the
2 student's residence.

3

4 If an electric deposit payment receipt is used as verification, the electric bill, bottom
5 portion, must also be submitted to the school within forty (40) calendar days after
6 registration. If the parent is unable to furnish the school with the requested electric
7 deposit payment receipt, the student will be allowed to enroll in the new school, but
8 must submit the electric bill, bottom portion, to the school within forty (40) calendar
9 days.

10 When a change of family residence occurs after ninety (90) school days in which a
11 student is enrolled in a school which would place the student in a different
12 attendance area, the student, upon the request of the parent, may complete the year
13 in the present school. No transportation will be provided.

14 When a change of family residence occurs after ninety (90) days in which a student
15 is enrolled in grades 11 through 12, or is enrolled in the last grade offered at a
16 school, which would place the student in a different attendance area, the student,
17 upon the request of the parent, may remain in the present school through
18 graduation (for grades 11 through 12), or the last grade offered at the school. No
19 transportation will be provided.

20

21 Anyone who knowingly makes a false statement in writing with the intent to mislead
22 a public servant in the performance of his/her official duty is guilty of a second-
23 degree misdemeanor of the second degree under Section 837.06, F.S. In addition,
24 anyone who knowingly makes a false verified declaration is guilty of perjury, a third-
25 degree felony under Section 92.525, F.S.

26

27 | F.S. 92.525, 837.06, 1003.01, 1003.21, 1003.22
28 | F.A.C. 6A-1.098, 6A-1.0985

1

WITHDRAWAL FROM SCHOOL

2 All children who have attained the age of six (6) years by February 1st of any school
3 year or who are older than six (6) years of age, but who have not attained the age of
4 sixteen (16) years, are required to attend school regularly during the entire school
5 term. While Florida law requires attendance of each student from six (6) years of
6 age, or five (5) years of age if enrolled in kindergarten, and not formally withdrawn,
7 until eighteen (18) years of age, it is in the best interests of both students and the
8 community that they complete the educational program that will equip them with
9 skills and increase their chances for a successful and fulfilling life beyond the
10 schools. A child enrolled in kindergarten is deemed to be of compulsory school age
11 unless the child's parent, at the parent's discretion and in consultation with the
12 child's teacher and principal, formally withdraws the child from kindergarten.

13 When a student under the age of eighteen (18) wishes to withdraw, an effort should
14 be made to determine the reason and to assist the student in reaching his/her
15 career goals. Prior to withdrawal of the student, an exit interview shall be conducted
16 and a Department of Education survey completed to determine reasons for
17 withdrawal and actions that could be taken to keep the student in school. The
18 student must be informed of opportunities to continue his/her education. In
19 addition, the student must complete a survey in a format prescribed by the
20 Department of Education to provide data on student reasons for terminating
21 enrollment and actions taken by the District to keep students enrolled. No student
22 under the age of eighteen (18) will be permitted to withdraw without the written
23 consent of a parent and in compliance with State law.

24 | Whenever a minor student ~~under the age of eighteen (18)~~ withdraws from school
25 without moving out of State, transferring to another approved school, being granted
26 an age and schooling certificate, or enrolling in and attending an approved
27 educational program, the Superintendent shall notify the Department of Highway
28 Safety and Registrar of Motor Vehicles and the Judge of the Juvenile Court.

29 The notification is to be given within two (2) weeks after the Superintendent
30 confirms the student is not properly enrolled in and attending another approved
31 school or program or has moved out of State.

32 The Superintendent shall develop and update administrative procedures which:

33 A. make counseling services available to any student who wishes to
34 withdraw;

- 1 B. help the student define his/her own educational life goals and help
2 plan the realization of those goals;
- 3 C. inform the student of alternative programs;
- 4 D. advise students of their right to return prior to their
5 twenty-second (22nd) birthday;
- 6 E. require the timely return of all District-owned supplies and
7 equipment in the possession of the student.

8 The Superintendent may initiate expulsion proceedings against a student who has
9 committed an act that warrants expulsion under Policy 5610 even if the student
10 withdraws from school prior to the hearing or decision to impose the expulsion. Any
11 resulting expulsion shall be imposed for the same duration it would have been had
12 the student remained enrolled.

13 F.S. 1002.20, 1003.21

1

STUDENT TRANSFERS

2 Students in the regular school program (K-12) are assigned to attend school based
3 on the actual residence of the parent and the attendance area of the school as
4 approved by the School Board. Transfers may be made as follows:

- 5 A. Transfers from one (1) school to another in the county shall be
6 effective as of the close of school on a given day. Where feasible,
7 this should coincide with the end of the grading period. The
8 receiving school shall be responsible for the student's attendance as
9 of the next school day. If a transferring student has not reported
10 prior to the receipt of the computer generated Notice of
11 Withdrawal/Transfer, the receiving school should notify their
12 assigned school social worker.
- 13 B. Transfers will not be processed during FTE weeks, ~~mid-terms, FCAT,~~
14 or state-mandated assessments~~final exams~~.
- 15 C. Separate transfers shall be issued for each student.
- 16 D. A student who requests and is eligible for a transfer may not be
17 denied the transfer or have school records withheld because of
18 unpaid fees, lost books, etc.
- 19 E. When a student has been transferred to a school through an error
20 by District administration and the student has been enrolled in the
21 school for ninety (90) days, the student may elect to remain at the
22 school or may return to the school to which s/he should have been
23 originally assigned. If the transfer was based on fraudulent, false,
24 or erroneous information provided to the school by the parent
25 and/or student, the school may revoke the transfer and require that
26 the student return to his/her previous school or to the appropriate
27 school serving the area where the student resides. Anyone who
28 knowingly makes a false statement in writing with the intent to
29 mislead a public servant in the performance of his/her official duty
30 is guilty of a second degree misdemeanor under Section 837.06, F.S.
31 In addition, anyone who knowingly makes a false verified declaration
32 is guilty of perjury, a third degree felony under Section 92.525, F.S.

1 F. If a student does not enroll in the new school (to which the transfer
2 has been granted) within ten (10) school days of the date of the
3 District's approval of that transfer, that student's transfer will be
4 revoked. Those transfers which were approved during the summer
5 transfer period must be used during the first ten (10) days of the
6 school year or they will be revoked.

7
8 G. Transfers may be denied or revoked at any time due to poor
9 attendance, tardiness, ~~or~~ disruptive behavior which results in a
10 significant loss of instructional time, or if information provided to
11 the school by the parent and/or student for purposes of a transfer is
12 discovered to be fraudulent, false or erroneous. If the transfer is
13 revoked, the student will be assigned to the school that serves the
14 verifiable residence address.

15 H. When an administrative transfer has been approved, transportation
16 will not be provided to the requested school.

17 I. These procedures shall not supersede admission procedures in
18 programs/schools where admission is governed by other Board
19 policies or processes (e.g. magnets).

20
21 J. Where parents are divorced or separated, only the parent who
22 enrolled the student may request to transfer or withdraw the
23 student. The enrolling parent is responsible for providing
24 information that is truthful, accurate and consistent with the most
25 recent court order governing their divorce, separation or custody
26 matters.

27 Transfers may be granted as follows:

28 A. The student resides with parent and a change of residence occurs
29 placing the student in the attendance area of the school to which
30 transfer is requested.

31 The parent shall secure the transfer from the sending school before
32 being admitted to the new school. The parent shall apply for the
33 transfer in person, and shall provide verification of the change of
34 residence, including two (2) of the following items:

35 1. broker's or attorney's statement of parents' purchase of
36 residence, or properly executed lease agreement;

- 1 2. current Homestead Exemption card;
- 2 3. electric deposit payment receipt or electric bill, bottom
3 portion, showing name and service address. If an electric
4 deposit payment receipt is used as verification, the electric
5 bill, bottom portion, must also be submitted to the school
6 within forty (40) calendar days after registration.

7 If the parent is unable to furnish the school with the requested
8 electric deposit payment receipt, the student will be allowed to enroll
9 in the new school, but must submit the electric bill, bottom portion,
10 to the school within forty (40) calendar days. Failure to submit the
11 electric bill, bottom portion, within forty (40) calendar days or
12 inability of school to verify residence of student, will result in
13 revocation of the transfer or the student's reassignment to the
14 previous school.

15 The receiving school shall secure verification of the change in
16 residence within forty (40) calendar days of the student entering the
17 school.

18 When a change of family residence occurs after ninety (90) school
19 days in which a student is enrolled in a school which would place
20 the student in a different attendance area, the student, upon the
21 request of the parent, may complete the year in the present school.
22 No transportation will be provided.

23 When a change of family residence occurs after ninety (90) days in
24 which a student is enrolled in grades 11 through 12, or is enrolled
25 in the last grade offered at a school, which would place the student
26 in a different attendance area, the student, upon the request of the
27 parent, may remain in the present school through graduation (for
28 grades 11 through 12), or the last grade offered at the school. No
29 transportation will be provided.

30 | B. Students with an Individual Education Plan (IEP) or 504 Plan
31 requesting to attend a school other than the school in which the
32 student is enrolled, must meet with the Region Special Education
33 (SPED) personnel to ensure that the programmatic needs of the
34 student can be met at the requested school.

35 C. The Region Superintendent (or designated region director) may
36 administratively assign or approve the reassignment or transfer of
37 students when the Florida Inventory of School Houses (FISH)

1 capacity of the receiving school is below 100%, the maximum
2 number of students does not exceed the mandates of State law
3 (F.S. 1003.03, Maximum Class Size), and the parent who requests a
4 student transfer must:

- 5 1. enroll the student in the school that serves the residence
6 address before the request for transfer can be considered;
- 7 2. complete a Parent Choice - Student Transfer form, FM-3281,
8 at the home school;
- 9 3. obtain the signature on the Parent Choice - Student Transfer
10 form, FM-3281, of the Principal or designated administrator
11 with whom the parent met; and
- 12 4. submit the Parent Choice - Student Transfer form, FM-3281,
13 to the appropriate Region Center for processing.

14 **Administrative Transfers**

15 A. Working Parent Hardship Transfer

- 16 1. The parent of a kindergarten through eighth grade student of
17 a one (1) parent or one (1) guardian family unit who is
18 employed, or a family where both parents or guardians are
19 employed, requests a transfer on the basis that the normal
20 school assignment presents a hardship involving before or
21 after-school supervision. The request shall be in the form of a
22 signed statement from the employer(s) verifying the
23 parent's/guardian's employment, work address, telephone
24 number, working hours; a signed statement from the
25 caregiver verifying the hours the student is cared for as well
26 as the address and telephone number of the caregiver; and
27 any other pertinent information setting forth the nature of the
28 circumstances producing the hardship.
- 29 2. This type of transfer must be reviewed annually through the
30 region serving the assigned school. These transfers should
31 not exceed the assigned percentage of FISH school capacity
32 for the current school year.

- 1 B. Medical/Psychological Transfer
- 2 1. The parent presents a written statement with supporting
3 professional evidence on the Medical Recommendation for
4 Student Transfer form, FM-1713, to the effect that a health
5 hardship and/or emotional problems exist that will be
6 exacerbated if the student remains in the school that serves
7 his/her residence address, and will be alleviated at the
8 requested school. This type of transfer must be initially
9 discussed with the Principal in an attempt to resolve any
10 possible issues at that school and, if needed, the parent will
11 submit the transfer form to the ~~Region Center~~. The Region
12 ~~Center~~ will submit the completed Parent Choice - Student
13 Transfer form, FM-3281, and the Medical Recommendation
14 for Student Transfer form, FM-1713, to Attendance
15 ~~Services~~the Federal and State Compliance Office. The Review
16 Team for Medical/Psychological Transfers will review the
17 evidence and will approve/deny the transfer request. The
18 decision of the Review Team is final and no appeals will be
19 permitted.
- 20 2. Best Interest Transfer: An administrative assignment is
21 deemed necessary by the Region Superintendent and in the
22 best interest of the student and the school.
- 23 C. Out-of-County Transfer
- 24 1. The parent who requests a student transfer to another
25 county, but continues to reside in Miami-Dade County, must:
- 26 a. enroll the student in the school that serves his/her
27 residence address;
- 28 b. complete the Out-of-County Transfer Request, FM-
29 7374 form provided by ~~Attendance Services~~the Federal
30 and State Compliance Office; and
- 31 c. submit the form to ~~Attendance Services~~the Federal and
32 State Compliance Office, who will review the
33 application and transmit it to the requested county.

1 2. The parent who requests a student transfer into a District
2 school, but lives in another county, must:

3 a. follow the procedures in the residence county and
4 complete an Out-of-County transfer request from that
5 county; and

6 b. receive a letter of approval/denial from the Federal and
7 State Compliance Office ~~of Attendance Services~~;

8 Upon receipt of the transfer information from the other
9 county ~~Attendance Services~~ the Federal and State
10 Compliance Office reviews the application and FISH
11 capacity of the requested school. The determination
12 will be based upon whether or not the receiving school
13 is below 100% capacity and the maximum number of
14 students does not exceed the mandates of State law
15 (F.S. 1003.03, Maximum Class Size).

16 c. The parent is notified of the approval/denial in writing
17 by ~~Attendance Services~~ the Federal and State
18 Compliance Office. If approved, the parent withdraws
19 the student from the school in the residence county,
20 enrolls the student in the District (provides the
21 approval letter to the school's registrar), and is
22 responsible for transportation. If denied, there is no
23 appeal process since the student is not a Miami-Dade
24 County resident and the District is not obligated to
25 educate the student.

26 3. Out-of-county transfer requests to a magnet school or
27 program must follow the procedures outlined in Policy 2370.
28 The letter of acceptance to the magnet school or program
29 must accompany the out-of-county transfer request.

30 D. Capacity Transfer: The Region Superintendent has determined that
31 students will be more adequately housed by transfer or
32 reassignment to a school other than that which they would normally
33 attend due to school capping.

34 E. Disciplinary Transfer: A student has been suspended, expelled, or
35 under the jurisdiction of the courts, or in a similar situation, and
36 the Region Superintendent determines that an assignment to a

1 school other than the normal school assignment would be in the
2 best interest of the student and the school system.

3 F. Professional Courtesy Transfer

4 District permanent employees in the UTD bargaining unit may use
5 student transfers according to Article XXI, Section 2, Employee
6 Rights, C. Family Relationships of the M-DCPS/UTD collective
7 bargaining agreement which reads in part:

8 Employees who wish to enroll their children at the same worksite
9 where they are employed shall not be prohibited from doing so,
10 subject to the approval of the Region Superintendent, and when the
11 District employee:

- 12 1. enrolls the nondistrict student in the school that serves the
13 resident address;
- 14 2. completes a Parent Choice - Student Transfer form, FM-3281,
15 at that school; and
- 16 3. submits the Parent Choice - Student Transfer form, FM-3281,
17 to the appropriate Region Center for processing.

18 G. Charter School Transfers

- 19 1. The parent who requests a student transfer to a charter
20 school must enroll the non District student in the school that
21 serves the residence address.
- 22 2. Complete a Charter Schools: Student Transfer form, FM-
23 7281, at the home school.

24 For those administrative assignments or reassignments approved by the Region
25 Superintendent at the request of the parent where school bus transportation is not
26 authorized by Board policies, the parent must agree to provide transportation to and
27 from the new school assignment at reasonable hours. If the parent is unable to
28 provide transportation within thirty (30) minutes prior to the opening, and within
29 thirty (30) minutes after the closing time of school, the principal may recommend to
30 the Region Superintendent that the assignment be revoked and the student be
31 returned to the school serving the parent's residence address.

32 When a transfer is requested which would result in a change in administrative
33 regions, it shall be the responsibility of the Region Superintendent of the student's

1 home school to consult with the Region Superintendent of the requested school.
2 The two (2) region superintendents must be in agreement to affect the transfer. If an
3 agreement is not reached, the matter will be referred to the Superintendent.

4 **Appeal Process**

5 A parent may appeal the decision to deny or approve the administrative assignment,
6 reassignment, or transfer of a student as follows:

7 A. Appeal Level I to the Region Superintendent; and

8 B. Appeal Level II to the Administrative Director, Federal and State
9 Compliance Office ~~Deputy Superintendent of School Operations, who~~
10 ~~aets as~~ as the Superintendent's designee and whose decision will
11 be final.

12 **Opportunity Scholarship Program**

13 A. Eligibility

14 A parent may request and receive an Opportunity Scholarship
15 Program transfer according to State law (F.S. 1002.38), if:

16 1. by assigned school attendance area or by special assignment,
17 the student has spent the prior school year in attendance at a
18 public school that has been designated as earning a
19 performance-grade category "F," or three consecutive "Ds"
20 based on the statewide assessments conducted pursuant to
21 Section 1008.22, F.S. and that has had two (2) years in a
22 four (4) year period of such low performance, and the
23 student's attendance occurred during a school year in which
24 such designation was in effect; or

25 2. the student has been in attendance elsewhere in the District
26 and has been assigned for the next school year, to a school
27 designated as earning a performance-grade of category "F" or
28 three consecutive "Ds" based on the statewide assessments
29 conducted pursuant to Section 1008.22, F.S. for two (2)
30 school years in a four (4) year period.

31 3. The student is entering kindergarten or first grade and has
32 been assigned to such school for the next school year.

1 B. District Obligations

2
3 Transfers may be revoked at any time due to poor attendance or tardiness
4 which results in a significant loss of instructional time, or if information
5 provided to the school by the parent and/or student for purposes of a
6 transfer is discovered to be fraudulent, false or erroneous. If the transfer is
7 revoked, the student will be assigned to the school that serves the verifiable
8 residence address.
9

10 1. For each student enrolled in or assigned to a school that has
11 been designated as performance grade category "F" or three
12 consecutive "Ds" based on the statewide assessments
13 conducted pursuant to Section 1008.22, F.S. for two (2)
14 school years in a four (4) year period, the District shall:

15 a. timely notify the parent of all options available under
16 the statute;

17 b. offer the parent an opportunity to enroll the student in
18 a school located within the geographic transportation
19 service zone designated to serve the student's
20 residence school;

21 The designated school must have a performance grade
22 of "C" or better.

23 c. provide transportation to each student who is eligible
24 for an Opportunity Scholarship transfer to a school
25 within the geographic transportation service zone that
26 serves the eligible residence school if the student
27 resides more than two (2) miles from the selected
28 District school; and

29 d. provide each eligible student with an opportunity to
30 continue attending this higher performing school until
31 the student reaches the highest grade serviced by the
32 school.

33 2. Designate an eligible school or schools based on the Florida
34 Inventory of School Houses (FISH) capacity below 100% and
35 the maximum number of students does not exceed the
36 mandates of State law (F.S. 1003.03, Maximum Class Size) to
37 accommodate the transfer requests. If no higher performing

1 schools in the geographic transportation service zone are
2 available, the ~~Deputy Superintendent of Deputy~~
3 Superintendent/Chief Operating Officer, School Operations,
4 will identify eligible schools.

5 C. Application Process

- 6 1. A parent of an eligible student will receive an Opportunity
7 Scholarship Program Public School Application, FM-6042
8 ~~transfer application form and instructions.~~
- 9 2. The parent will submit a completed application form to
10 ~~his/her residence school or District office~~ within the
11 designated time frame.
- 12 3. The parent will select from a District approved list of eligible
13 schools.
- 14 4. District staff will verify student eligibility for the transfer.
- 15 5. District staff will advise the parent of the status of the
16 transfer request.

17 D. Appeal Process

18 A parent may appeal the decision to deny or approve the
19 administrative assignment, reassignment, or transfer of a student as
20 follows:

- 21 1. Appeal Level I to the Region Superintendent;
- 22 2. Appeal Level II to the Administrative Director, Federal and
23 State Compliance Office ~~Deputy Superintendent of School~~
24 Operations, as the Superintendent's designee and whose
25 decision is final.

26 ~~No Child Left Behind Choice Transfer~~

27 ~~A. Eligibility~~

28 ~~A student's parent may request and receive a No Child Left Behind~~
29 ~~Act transfer according to 20 U.S.C. 6316, if the student is enrolled~~
30 ~~in a public school that has been designated as failing to make~~

1 adequate yearly progress, and that has had two (2) or more
2 consecutive years of such low performance.

3 B. ~~District Obligations~~

4 1. ~~For each student enrolled in or assigned to a school that has~~
5 ~~been designated as failing to make adequate yearly progress,~~
6 ~~and that has had two (2) or more consecutive years of low~~
7 ~~performance the District shall:~~

8 a. ~~notify the parent of the designation before the first day~~
9 ~~of the school year following identification, and provide~~
10 ~~an explanation of~~

11 1) ~~what the designation means;~~

12 2) ~~the reasons for the designation;~~

13 3) ~~what the school and School District are doing to~~
14 ~~address those conditions;~~

15 4) ~~how parents may become involved; and~~

16 5) ~~all options available to the parent.~~

17 b. ~~offer the parent an opportunity to enroll the student in~~
18 ~~a school that has not been identified for school~~
19 ~~improvement;~~

20 e. ~~provide transportation to each student who is eligible~~
21 ~~for a No Child Left Behind Act transfer to a school~~
22 ~~within the geographic transportation service zone that~~
23 ~~serves the student's residence school if the student~~
24 ~~resides more than two (2) miles from the selected~~
25 ~~public school; and~~

26 d. ~~provide each eligible student with an opportunity to~~
27 ~~continue attending this higher performing school until~~
28 ~~the student reaches the highest grade serviced by the~~
29 ~~school.~~

30 2. ~~Give priority to the lowest achieving children from low income~~
31 ~~families.~~

- 1 3. ~~Designate an eligible receiving school or schools based on~~
2 ~~Florida Inventory of School Houses (FISH) capacity that is~~
3 ~~below 100% and the maximum number of students does not~~
4 ~~exceed statutory Class Size limits, to accommodate the~~
5 ~~transfer requests. If no higher performing schools in the~~
6 ~~geographic transportation service zone are available, the~~
7 ~~Deputy Superintendent, School Operations, will identify~~
8 ~~eligible schools.~~

9 C. ~~Application Process~~

- 10 1. ~~A parent of an eligible student will receive a No Child Left~~
11 ~~Behind transfer application form and instructions.~~
- 12 2. ~~The parent will submit a completed application form to the~~
13 ~~home school or mail it to the District office within the~~
14 ~~designated time frame.~~
- 15 3. ~~The parent will select from a District approved list of eligible~~
16 ~~schools.~~
- 17 4. ~~District staff will verify student eligibility for the transfer.~~
- 18 5. ~~District staff will advise the parent that the transfer request~~
19 ~~has been approved.~~

20 D. ~~Appeal Process~~

21 ~~The parent who does not accept the alternate school may appeal as~~
22 ~~follows:~~

- 23 1. ~~Appeal Level I to the Administrative Director, Attendance~~
24 ~~Services; and~~
- 25 2. ~~Appeal Level II to the Deputy Superintendent of School~~
26 ~~Operations, the Superintendent's designee, whose decision~~
27 ~~will be final.~~

1 **John M. McKay Scholarship Program Transfer**

2 A. Eligibility

3 A parent may request and receive a John M. McKay Scholarships for
4 Students with Disabilities Program transfer pursuant to
5 F.S. 1002.39, if:

- 6 1. the student has been reported the preceding October and
7 February FEFP surveys in a Florida public school and will be
8 in grades PK-12; and
- 9 2. the student is a student with a disability for whom an
10 individual educational plan (IEP) or 504 plan has been
11 written.

12 B. District Obligations

13 Transfers may be denied or revoked at any time due to poor attendance or
14 tardiness which results in a significant loss of instructional time, (unless the
15 student's absence is a manifestation of their disability) or if information
16 provided to the school by the parent and/or student for purposes of a transfer
17 is discovered to be fraudulent, false or erroneous. If the transfer is revoked,
18 the student will be assigned to the school that serves the verifiable residence
19 address.

20 For each student who meets the eligibility requirements of the John
21 M. McKay Scholarships for Students with Disabilities Program, the
22 District shall:

- 23 1. notify the parent of all options available by April 1st of each
24 year and within (10) days of the child's IEP or 504 plan
25 meeting;

- 1 2. offer the student's parent an opportunity to enroll the student
2 in another public school that can appropriately provide the
3 services written on the IEP or 504 plan, the Florida Inventory
4 of School Houses (FISH) capacity of the receiving school is
5 below 100%, and the maximum number of students does not
6 exceed statutory Class Size limits, to accommodate the
7 transfer requests;

8 If schools cannot be identified based on these guidelines, the
9 Deputy Superintendent/Chief Operating Officer, School
10 Operations, will identify eligible schools.

- 11 3. provide transportation to a public school selected by the
12 parent within the scholarship transfer zone if the student
13 resides more than two (2) miles from the selected public
14 school;

- 15 4. provide each eligible student with an opportunity to continue
16 attending the a public school chosen by the parent until the
17 student graduates from high completes the grade
18 configuration of the school.

19 C. Application Process

- 20 1. The parent of an eligible student shall file intent to participate
21 on www.floridaschoolchoice.org.

- 22 2. The parent shall complete the McKay Scholarship Program for
23 Students with Disabilities form, FM-6063 and submit the
24 appropriate public school choice form to the Special
25 Education (SPED) Center at the Region Office that serves the
26 child's home school.

- 27 3. ~~SPED Center Region Office staff will verify student eligibility.~~
28 ~~Transfers will be approved based on program, class size and~~
29 ~~building capacity. and will approve the transfer to a~~
30 ~~designated eligible school to accommodate the transfer~~
31 ~~request if the SPED Program at the requested school is not~~
32 ~~over capacity, as determined by the District office responsible~~
33 ~~for special education services.~~

- 34 4. ~~SPED Center Region Office staff will advise the parent that~~
35 ~~the transfer has been approved or denied.~~

1 | 5. If the requested school has been denied, SPED Center Region
2 | Office—staff will offer alternate schools that have the
3 | appropriate SPED program.

4 | Transfers will not be processed during FTE weeks and state-
5 | mandated assessments, mid-terms, FCAT, or final exams.

6 | D. Appeal Process

7 | A parent may appeal the decision to deny or approve the transfer of
8 | a student as follows:

9 | 1. Appeal Level I to the SPED Center Region Special Education
10 | Supervisor;

11 | 2. Appeal Level II to the Region Superintendent;

12 | 3. ~~Appeal Level III to the Administrative Director, Federal and~~
13 | ~~State Compliance Office Deputy Superintendent of School~~
14 | ~~Operations, as the Superintendent's designee, and whose~~
15 | ~~decision will be final.~~
16 |

17 | **Athletic Eligibility**

18 | The following conditions shall be a part of the District residence and transfer policies
19 | with regard to athletic eligibility for all senior high school students commencing with
20 | the successful completion of the eighth grade (as defined by the Student Progression
21 | Plan (Policy 5410)). These requirements are in addition to the Florida High School
22 | Activities Association (FHSA) and the Greater Miami Athletic Conference (GMAC)
23 | Bylaws.

24 | A. Any student who enrolls in a school other than the home school
25 | serving his/her home address will forfeit athletic eligibility for
26 | one (1) calendar year commencing from the date of enrollment.
27 | Ninth grade students who transfer into magnet schools/programs
28 | are exempt from this rule when applications are submitted on or
29 | before January 31st of the school year preceding the year for which
30 | admission is sought, and approved prior to the first day of fall
31 | practice or prior to the first day of school, whichever comes first.
32 | Ninth, tenth and eleventh grade students are exempt from this rule
33 | when entering new magnet schools/programs during the
34 | school/program's initial year prior to the first day of fall practice or
35 | prior to the first day of school, whichever comes first. A student

1 who moves into another attendance area may represent the school
2 that serves the new area provided the move is due to a full and
3 complete move accompanied by a corresponding change in residencee
4 of the by the students, parent(s)/guardian(s), or other individual(s)
5 with whom the student has resided continuously for a full calendar
6 year.

7 B. Any student who is found to have falsified eligibility information
8 shall lose athletic eligibility for one (1) full calendar year from the
9 date of discovery of the violation.

10 C. Any student who is found to be attending a school out of his/her
11 assigned attendance area without a properly executed approved
12 student transfer, as defined in this policy, shall be assigned to the
13 school that serves the verifiable residence address and forfeit
14 athletic eligibility for a period of one (1) full calendar year from the
15 date of discovery of the violation. Assignments to
16 magnet/alternative schools should not affect District/GMAC
17 eligibility upon the student's return to his/her designated home
18 school.

19 D. A Superintendent's Athletic Eligibility Transfer Review Committee
20 (AETRC) consisting of one (1) District level administrator, three (3)
21 senior high school principals, three (3) senior high school athletic
22 directors, one (1) representative from the District Athletic Advisory
23 Committee, and an administrator from the Division of
24 Athletics/Activities and Accreditation, who serves as an ex-officio
25 member, will review eligibility appeals of transferring student
26 athletes. This committee will meet at least once a month. All
27 results of appeals for athletic eligibility that are reviewed by the
28 AETRC will be forwarded to the respective region superintendents
29 and principals of the affected schools for information purposes.

30 E. A student receiving any type of transfer into a senior high school
31 must abide by all the FHSAA and GMAC Bylaws, and applicable
32 Board rules pertaining to athletic eligibility.

33 F. Violations of the transfer policy with regard to athletic eligibility may
34 result in forfeiture of athletic contest(s), fines, and/or probation.
35 Penalties to be assessed will be determined by the Director of the
36 Division of Athletics/Activities and Accreditation and Executive
37 Secretary, GMAC.

1 G. The principal shall be responsible for control of the athletic
2 programs, coaches, booster groups and student athletes.

3 | **Transfers Pursuant to Federal Law, State Statutes, or Board Policies**

4 Transfers granted pursuant to F.S. 1002.38, Opportunity Scholarship Program,
5 F.S. 1002.39, the John M. McKay Scholarships for Students with Disabilities
6 Program, or other Federal or State law will be governed by Board policies.

7 Handbook of the Florida High School Athletic Association
8 | F.S. 1001.41(1)(2), 1001.42(22), 1001.43(10), 1002.38, 1002.39, 1006.07, 1006.15,
9 | 837.06, 92.525

1

ATTENDANCE

2 Parents and students are responsible for attendance which shall be required of all
3 students during the days and hours that the school is in session.

4 Absences shall be reported to the school attendance office by the parent or adult
5 student as soon as practicable. The Superintendent shall require, from the parent
6 of each student of compulsory school age or from an adult student who has been
7 absent from school or from class for any reason, a statement of the cause for such
8 absence. The District reserves the right to verify such statements and to investigate
9 the cause of each single absence.

10 Educators shall encourage regular attendance of students, maintain accurate
11 attendance records, and follow reporting procedures prescribed by the
12 Superintendent.

13 Accordingly:

14 A. if the parent who has legal custody of a student requests that no one
15 else be permitted to confer with the child at school the principal
16 and/or teacher is required to honor this request;

17 B. students are not to be taken out of their regular classes to prepare
18 for programs other than school-sponsored activities;

19 C. when a student has been absent three (3) consecutive days and the
20 school has been unable to ascertain the reason for the absences, the
21 absences shall be investigated by the school principal or at any
22 other time if deemed necessary;

23 D. the parent or adult student shall report absences to the school as
24 soon as practicable. Failure to report and explain the absence(s)
25 shall result in unexcused absence(s). The principal shall have the
26 final authority for determining acceptability of the reason for the
27 absence(s).

1 Each school should establish procedures to ensure good attendance. A student who
2 is absent more than nine (9) days within a semester or more than four (4) days for
3 schools on a block schedule, will not receive a passing grade for the semester
4 unless:

5 A. medical evidence is presented to the principal in writing justifying a
6 specific number of days absence, absences are for approved school
7 activities, or absences are approved by the Principal, and

8 B. the student demonstrates mastery of the student performance
9 standards in the course(s) as identified in curriculum guides and/or
10 adopted textbooks.

11 If the absences are excused, all educational requirements for the course shall be met
12 before a passing grade and/or credit is assigned. The student shall have a
13 reasonable amount of time, up to three (3) school days, to complete make-up work
14 for excused absences. Principals may grant extensions to the make-up time limit for
15 extenuating circumstances. Regarding make-up of the work missed as a result of
16 unexcused absences, each principal shall establish site-specific policies that
17 encourage both regular attendance and high academic achievement, and shall
18 review and modify these policies from time-to-time as required to maintain and
19 improve their effectiveness.

20 **Attendance Defined**

21 A. School Attendance - Students are to be counted in attendance only
22 if they are actually present for at least two (2) hours of the day or
23 engaged in a school-approved educational activity which constitutes
24 a part of the instructional program for the student.

25 B. Class Attendance - Students are to be counted in attendance if they
26 are physically present in class for at least half of the class period,
27 have been excused by the teacher on a class-related assignment, or
28 have been requested by a member of the school support staff for an
29 approved school activity.

30 C. Tardiness - A student is considered tardy if they are not present at
31 the moment the school bell rings for the class assigned. NOTE: If a
32 student is not present when attendance is taken but is present later
33 in the school day, that student must be considered in attendance,
34 but tardy, and the absence should be changed. A student who is
35 tardy should never remain on record as being absent.

1 D. Early Sign-outs -No student shall be released within the final
2 thirty (30) minutes of the school day unless authorized by the
3 principal or principal's designee (i.e., emergency, sickness).

4 Each student who is scheduled at a school center for instructional purposes for a
5 partial day, and at an area vocational-technical center, a vocational school or a
6 community college for a partial day shall, if present at the school center, be reported
7 as present one-half day.

8 Reasonable excuses for time missed at school:

9 A. Personal illness of the student (medical evidence may be required by
10 the Principal for absences exceeding five (5) consecutive days). The
11 written statement must include all days the student has been
12 absent from school. If a student is continually sick and repeatedly
13 absent from school due to a specific medical condition, s/he must
14 be under the supervision of a health care provider in order to receive
15 excused absences from school.

16 B. Court appearance of the student, subpoena by law enforcement
17 agency, or mandatory court appearance.

18 C. Absence due to a medical appointment requires a written statement
19 from a health care provider indicating the date and time of the
20 appointment and submitted to the Principal.

21 D. An approved school activity (absences recorded but not reported).

22 E. Other absences with prior approval of the Principal.

23 F. Attendance at a center under Department of Children and Families
24 supervision.

25 G. Significant community events with prior permission of the Principal.
26 When more than one (1) school is involved, the Region
27 Superintendent will determine the status of the absence.

28 H. Observance of a religious holiday or service when it is mandated for
29 all members of a faith that such a holiday or service should be
30 observed.

31 I. Death in the immediate family.

- 1 J. School-sponsored event or educational enrichment activity that is
2 not a school-sponsored event, as determined and approved by the
3 Principal. The student must receive advance written permission
4 from the Principal. Examples of special events include: public
5 functions, conferences, and regional, State, and national
6 competitions.
- 7 K. Outdoor suspension.
- 8 L. Other individual student absences beyond the control of the parent
9 or student, as determined and approved by the Principal, requires
10 documentation related to the condition.

11 Unexcused absences include absences due to:

- 12 A. vacations, personal services, local non-school event, program or
13 sporting activity;
- 14 B. older students providing day care services for siblings;
- 15 C. illness of others;
- 16 D. non-compliance with immunization requirements (unless lawfully
17 exempted).

18 Absences not included in excused absences listed above shall be unexcused. Any
19 student who has been absent from school will be marked unexcused absent until
20 s/he submits the required documentation. Failure to provide required
21 documentation within three (3) school days upon the return to school will result in
22 an unexcused absence. Unexcused absences do not require that the teacher provide
23 make-up work for the student.

24 A student accumulating ten (10) or more class unexcused absences in an annual
25 course or five (5) or more class unexcused absences in a designated semester course
26 may have quarterly, semester and final grade(s) withheld pending an administrative
27 screening and completion of assigned interventions by the Attendance Review
28 Committee.

29 Unexcused absences shall not be grounds for suspension from school but may
30 result in detention or placement in existing alternative programs.

1 Any student who fails to attend any regularly scheduled class and has no excuse for
2 absence should be referred to the appropriate administrator. Disciplinary action
3 should include notification to parents or guardians. Chronic truancy or deliberate
4 nonattendance in excess of fifteen (15) school days within a ninety (90) calendar day
5 period shall be sufficient grounds for withdrawal of students sixteen (16) years of
6 age or older, who are subject to compulsory school attendance under F.S. 1003.21.

7 The Superintendent shall develop administrative procedures that:

8 A. ensure proper procedures are established so the student and
9 his/her parents are provided the opportunity to challenge the
10 attendance record prior to notification and that such notification
11 complies with applicable Board policies;

12 B. ensure a school session which is in conformity with the
13 requirements of the rules of the State Board;

14 C. govern the keeping of attendance records according to State Board
15 rules;

16 D. identify the habitual truant, investigate the cause(s) of his/her
17 behavior, and consider modification of his/her educational program
18 to meet particular needs and interests;

19 E. ensure that students whose absence has been excused have an
20 opportunity to make up work they missed and receive credit for the
21 work, if completed;

22 F. ensure that any student who, due to a specifically identifiable
23 physical or mental impairment, exceeds or may exceed the District's
24 limit on excused absence is referred for evaluation for eligibility
25 either under the Individuals with Disabilities Education Act (IDEA)
26 or Section 504 of the Rehabilitation Act of 1973 or other appropriate
27 accommodation.

28 The regulations should provide that a student's grade in any course is based on
29 performance in the instructional setting and is not reduced for reasons of conduct.
30 If students violate the attendance or other rules of the school, they should be
31 disciplined appropriately for the misconduct, but his/her grades should be based
32 upon what the students can demonstrate they have learned.

1 Attendance Records and Reports Required

2 All officials, teachers, and other employees shall keep all records and shall prepare
3 and submit promptly all reports that may be required by law, State rules, and
4 District policies. These records shall include a register of enrollment and attendance
5 and all persons named shall make reports. The enrollment register shall show the
6 absence or attendance of each child enrolled for each school day of the year in a
7 manner prescribed by the State Board. The register shall be open for inspection by
8 the Superintendent. Violations of this section shall be a misdemeanor of the second
9 degree, punishable as provided by law.

10 Falsification of Attendance Records - Penalty

11 The presentation of reasonable and satisfactory proof that any teacher, principal,
12 any other school personnel or school officer, has falsified or caused to be falsified
13 attendance records for which they are responsible shall be sufficient grounds for the
14 revocation of his/her teaching certificate by the Department of Education, or for
15 dismissal or removal from office.

16 The principal shall require:

- 17 A. attendance/tardiness is taken and recorded by authorized persons
18 at a designated time every official school day;
- 19 B. a review of classes that have excessive absences in order to
20 determine if the quality of instruction is a factor in the failure of
21 students to attend class on a regular basis;
- 22 C. an authorized person(s) to determine the status of each
23 absence/tardiness;
- 24 D. parents be notified each time their child is absent from school
25 possible;
- 26 E. the steps outlined in F.S. 1003.26 regarding regular school
27 attendance are implemented;
- 28 F. an Attendance Review Committee is established at the school;
- 29 G. consideration of appeals made by students and/or parents
30 regarding recommendations of the Attendance Review Committee.

1 The teacher shall:

- 2 A. encourage school and class attendance with challenging and
3 rigorous instruction and curriculum and by demonstrating an
4 interest in the welfare of students;
- 5 B. take attendance during homeroom and whenever students change
6 instructors in elementary schools and take attendance each period
7 of the school day in secondary schools, and report absences as
8 required by the school;
- 9 C. at the request of the student or parent, provide make-up
10 assignments for excused absences/tardinesses.

11 The student shall:

- 12 A. attend classes 180 days each school year;
- 13 B. request the make-up assignments for all excused
14 absences/tardinesses from teachers upon return to school or class
15 within three (3) days;
- 16
17 It should be noted that all classwork, due to the nature of
18 instruction, is not readily subject to make-up work.
- 19 C. complete the make-up assignments for classes missed within the
20 equivalent number of days absent;
- 21
22 Failure to make up all assignments will result in a lower assessment
23 of the student's academic and/or effort grade.
- 24 D. be reported as present for the school day in order to participate in
25 athletic and extracurricular activities.

26 The parent shall:

- 27 A. be responsible for their child's school attendance as required by law
28 and stress the importance of regular and punctual school
29 attendance with their child;
- 30 B. report and explain an absence or tardiness to the school;

- 1 C. ensure that the child has requested and completes make-up
2 assignments for all excused absences/tardinesses from the teachers
3 upon return to school or class;
- 4 D. appear before the Attendance Review Committee at the scheduled
5 time to provide information relating to their child's absences and to
6 support prescribed activities.

7 **Truancy**

8 If a child does not comply with efforts to enforce school attendance, the
9 Superintendent may file a truancy petition. Any student who has a total of
10 fifteen (15) days of unexcused absence from school within a ninety (90) calendar day
11 period will be considered habitually absent. The Superintendent shall inform the
12 student and parents of the record of excessive absences as well as the District's
13 intent to notify the Department of Highway Safety and Motor Vehicles.

14 If a student has had at least five (5) unexcused absences, or absences for which the
15 reasons are unknown, within a calendar month or ten (10) unexcused absences, or
16 absences for which the reasons are unknown, within a ninety (90) calendar day
17 period, the student's primary teacher shall report to the school principal or his/her
18 designee that the student may be exhibiting a pattern of nonattendance. The
19 principal shall, unless there is clear evidence that the absences are not a pattern of
20 nonattendance, refer the case to the school's child study team to determine if early
21 patterns of truancy are developing. If the child study team finds that a pattern of
22 nonattendance is developing, whether the absences are excused or not, a meeting
23 with the parent must be scheduled with the child study team to identify potential
24 remedies.

25 If an initial meeting does not resolve the problem, the child study team shall
26 implement the following:

- 27 A. frequent attempts at communication between the teacher and the
28 family;
- 29 B. evaluation for alternative education programs;
- 30 C. attendance contracts.

1 | **Emergency Student Data Form Cards**

2 The registrar/attendance clerk is responsible for all student assignment and student
3 accounting procedures during the school year. At the end of the first day, each
4 homeroom teacher will submit to the main office the corrected and alphabetized sets
5 of Emergency Student Data FormsCards. After the first day of school, all new
6 enrollees must register in the main office and have on file an completed Emergency
7 Student Data Form Card completed with truthful and accurate information. Anyone
8 who knowingly makes a false statement in writing with the intent to mislead a
9 public servant in the performance of his/her official duty is guilty of a second degree
10 misdemeanor under Section 837.06, F.S. In addition, anyone who knowingly makes
11 a false verified declaration is guilty of perjury, a third degree felony under Section
12 92.525, F.S. The registrar/attendance clerk will also be notified of any transfer or
13 withdrawal so that the files may be purged as changes occur. In addition, changes
14 of address must be reflected on student records.

15 Where parents are divorced or separated, the parent who enrolled the student is
16 responsible for completing the Emergency Student ~~d~~Data Form ~~card~~, with truthful
17 and accurate information that is consistent with the most recent court order
18 governing their divorce, separation or custody matters. Any parent contesting the
19 information on the Emergency Student Data Form may seek assistance from the
20 court governing their divorce, separation or custody matters to compel the enrolling
21 parent to revise the information on the form.

22 | **Legal Names of Students**

23 Requests from a parent to enroll a child in a public school under a name other than
24 the legal name, may be granted on a temporary basis provided court action is in
25 process to make the assumed name legal. Official school records must list both the
26 legal name and assumed name of the student. Students entering a District school
27 for the first time must have a Emergency Student Data FormCard completed with
28 both legal and assumed names shown.

29 | **Principal's Report on Attendance**

30 The dates to be covered by the Principal's Report on Attendance are announced
31 annually by the Federal and State Compliance Office ~~Office of Attendance Services~~.
32 Reports are to be certified on-line by the principal by the fifth working day after the
33 close of a reporting period. Attendance reports shall be accurate and current
34 according to the State-approved recording and reporting system.

1 **Full-Time Equivalent (FTE) Surveys**

2 During each of several school weeks during the fiscal year, a program membership
3 survey of each school shall be made by aggregating the full-time equivalent student
4 membership of each program by school. The District's full-time equivalent (FTE)
5 membership shall be computed and currently maintained according to rules of the
6 State Department of Education. Instructions will be distributed by the Federal and
7 State Compliance Office~~Division of Attendance Services~~ prior to each survey. These
8 surveys are the basis of State monies forwarded to the District according to
9 prescribed cost factors and base funds under the Florida Education Finance
10 Program. For FTE Surveys 2 and 3, FTE will be prorated and allocated to schools
11 based on student enrollment/attendance.

12 F.S. 984.151, 1001.41, 1001.42, 1001.43, 1002.20, 1003.21, 1003.24, 1003.26
13 | F.S. 1003.27, 1006.07, 837.06, 92.525

1

LATE ARRIVAL AND EARLY DISMISSAL

2 Students shall be in attendance throughout the school day. If a student will be late
3 to school or dismissed before the end of the school day, the parent shall notify the
4 school in advance and state the reason for the tardiness or early dismissal.
5 Justifiable reasons shall be determined by the principal. Students will be counted
6 absent if they are not present in class for at least half of the class period. To be
7 counted "present" for the day, the student must be in attendance for a minimum of
8 two hours of the day unless extenuating circumstances exist as determined by the
9 Superintendent.

10 No student shall be permitted to leave school prior to dismissal at the request of or
11 in the company of anyone other than a school employee, a police officer with judicial
12 authority, a court official, or the parents of the student unless the permission of the
13 parent is provided. Where parents are divorced or separated, only the enrolling
14 parent may provide permission. Parents may have access to the student and/or
15 may grant permission to allow the student to leave school prior to dismissal his or
16 her student records, unless the school has been provided with evidence that there is
17 a legally binding instrument or court order governing such matters as divorce,
18 separation, or custody, which provides to the contrary. The parent - and in the case
19 of divorced or separated parents, the enrolling parent - who is the primary
20 residential custodian or the parent who enrolled the student shall determine in
21 writing, indicate on the Emergency Student Data Form the individual(s) to whom the
22 student may be released- during the school day, into the care of, unless otherwise
23 stated in or by a court order.

24

25 The Emergency Student Data Form governs the early release of a student. The
26 person completing the Emergency Student Data Form is responsible for providing
27 information that is truthful and accurate - and in the case of divorced or separated
28 parents, consistent with the most recent court order governing their divorce,
29 separation or custody matters. Any divorced or separated parent contesting the
30 information in the Emergency Student Data Form may seek assistance from the
31 court governing their divorce, separation or custody matters to compel the enrolling
32 parent to revise the information.

33 No student shall be sent from school grounds to perform an errand or act as a
34 messenger except with the approval of the principal and only for urgent and
35 necessary school business and with the consent of the student's parent.

36 No student who has a medical disability which may be incapacitating may be
37 released without a person to accompany him/her.

38 No student shall be released to anyone not authorized by the parent.

39 F.S. 1001.43

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

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

27 Revised 1/16/13

28 Revised 6/18/14

ELEMENTARY



CODE OF STUDENT CONDUCT

**School Operations
School Board Policy 5500
2014-2015**



CHAPTER II

CODE OF STUDENT CONDUCT

BEHAVIORS AND RANGE OF CORRECTIVE STRATEGIES

BEHAVIORS AND RANGE OF CORRECTIVE STRATEGIES – LEVEL I

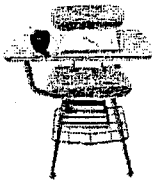
BEHAVIORS

LEVEL I Behaviors are acts that disrupt the orderly operation of the classroom, school function, extracurricular activities or approved transportation.

LEVEL I

Disruptive Behaviors

- Unauthorized location
- Confrontation with another student
- Cutting class
- Misrepresentation
- Disruptive behavior (including behavior on the school bus and at the school bus stop)
- Failure to comply with class and/or school rules
- Possession of items or materials that are inappropriate for an educational setting (See Special Notes #1)
- Inappropriate public display of affection
- Repeated use of profane or crude language (general, not directed at someone)
- Unauthorized use of electronic devices
- Violation of dress code (See Special Notes #2)



RANGE OF CORRECTIVE STRATEGIES

The principal or designee must select at least one of the following strategies from **PLAN I**. Principals may authorize use of **PLAN II** for serious or habitual **Level I** infractions.

PLAN I

- Parent/guardian contact (See Special Notes #3)
- Reprimand
- Student, parents/guardians/staff conference
- Peer mediation
- Revocation of the right to participate in social and/or extracurricular activities
- Confiscation of wireless communication devices
- Detention or other Board-approved in-school program
- Temporary assignment from class where the infraction occurred
- Student contract
- School Center for Special Instruction (SCSI) (See Special Notes #4)
- Replacement or payment for any damaged property (if appropriate)
- Temporary loss of bus privileges (if appropriate)
- Participation in counseling session related to the infraction
- Refer to outside agency/provider (See Special Notes #5)
- Behavior Plan
- Refer to page(s) 43-48 for additional corrective strategies on the RtI/B/MTSS.
- Refer to page 34 for the prescribed corrective strategies for the violation of the dress code.

Special Notes

- #1 See Sexual Offenses (Other), Level IV, for obscene or lewd material.
- #2 See Vital Alerts for the policy and prescribed corrective strategies p. 34
- Administrators must contact Miami-Dade Schools Police for any criminal conduct regardless of whether Schools Police Automated Reporting (SPAR) is indicated.
 - If the victim of a crime requests a police report, the principal or designee must report the incident to the Miami-Dade Schools Police.

Special Notes

- #3 Good faith attempt must be made immediately to contact parent/guardian by telephone.
- #4 Written notice must be sent to the parent/guardian within 24 hours via U.S. mail.
- #5 When referring parent(s)/guardian(s) to outside agencies/ providers for services, schools must adhere to Board Policies 1213.01, 3213.01, and 4213.01 – Request for Outside Providers.

Refer to the Glossary for an explanation of unfamiliar words used in the Code of Student Conduct.

BEHAVIORS AND RANGE OF CORRECTIVE STRATEGIES – LEVEL II

BEHAVIORS

Level II Behaviors are more serious than Level I because they significantly interfere with learning and/or the well-being of others.

LEVEL II

Seriously Disruptive Behaviors

- Cheating
- Confrontation with a staff member
- Defiance of school personnel
- Distribution of items or materials that are inappropriate for an educational setting(See Special Notes #1)
- Failure to comply with previously prescribed corrective strategies
- False accusation
- Fighting (minor)
- Harassment (non-sexual or isolated)
- Instigative behavior
- Leaving school grounds without permission
- Joining clubs or groups not approved by the School Board
- Libel
- Petty theft (under \$300.00)
- Use of profane or provocative language directed at someone
- Prohibited sales on school grounds (other than controlled substances)
- Possession of and/or use of tobacco products or smoking devices. (See Glossary)
- Slander
- Vandalism (minor)

Special Notes

- #1 See Sexual Offenses (Other), Level IV, for obscene or lewd material.
- Administrators must contact Miami-Dade Schools Police for any criminal conduct regardless of whether Schools Police Automated Reporting (SPAR) is indicated.
- If the victim of a crime requests a police report, the principal or designee must report the incident to the Miami-Dade Schools Police.

RANGE OF CORRECTIVE STRATEGIES

The principal or designee must select at least one of the following strategies from **PLAN II**. The use of appropriate strategies from previous PLAN may be used in conjunction with this PLAN.

PLAN II

- Parent/guardian contact (See Special Notes #2)
- School-based program that focuses on modifying the student's inappropriate behavior or promotes positive behavior
- Corrective Strategies from Level I
- Suspension from school for one to five days with region approval for serious, or habitual infractions (See Special Notes #3)
- Participation in counseling session related to the infraction Refer to outside agency/provider (See Special Notes #4)
- Diversion Center
- Refer to page(s) 43-48 for additional corrective strategies on the RtIb/MTSS.

Special Notes

- #2 Good faith attempt must be made immediately to contact parent/guardian by telephone.
- #3 Written notice must be sent to the parent/guardian within 24 hours via U.S. mail.
- #4 When referring parent(s)/guardian(s) to outside agencies/ providers for services, schools must adhere to Board Policies 1213.01, 3213.01, and 4213.01 – Request for Outside Providers.

Refer to the Glossary for an explanation of unfamiliar words used in the Code of Student Conduct.

BEHAVIORS AND RANGE OF CORRECTIVE STRATEGIES – LEVEL III

BEHAVIORS

LEVEL III Behaviors are more serious than Level II because they endanger health and safety, damage property, and/or cause serious disruptions to the learning environment.

LEVEL III

Offensive/Harmful Behaviors

- Assault/Threat against a non-staff member
- Breaking and Entering/Burglary
- Bullying (repeated harassment) (See Special Notes #1)
- Disruption on campus/Disorderly conduct
- Fighting (serious)
- Harassment (Civil Rights)(See Special Notes #2)
- Hazing (misdemeanor)
- Possession or use of alcohol, unauthorized over-the-counter medications, drug paraphernalia, controlled substances and/or anything that alters mood or is used for mood altering (See Special Note #3)
- Possession of simulated weapons
- Sexting (1) (see page 35)
- Sexual harassment (See Special Notes #2)
- Trespassing
- Vandalism (major)

Special Notes

➤ All Level III, IV, and V infractions, unless otherwise noted, require Schools Police Automated Reporting (SPAR). Administrators must contact Miami-Dade Schools Police. Miami-Dade Schools Police will determine if the incident will result in an information report or will lead to other police action(s).

#1 Bullying infractions do not require a SPAR unless incident is Hazing related.

#2 Harassment Civil Rights and Sexual Harassment do not require a SPAR, but must be reported to the Miami-Dade County Public Schools Office of Civil Rights Compliance at 305-995-1580.

#3 See Vital Alerts for the Policy p.36.

RANGE OF CORRECTIVE STRATEGIES

The principal or designee must select at least one of the following strategies from **PLAN III**. The use of appropriate strategies from previous **PLANS** may also be used in conjunction with this **PLAN**. Principals may authorize the use of **PLAN IV** for repeated, serious or habitual **Level III** infractions.

PLAN III

- Parent/guardian contact (See Special Notes #4)
- Suspension from school for one to ten days (See Special Notes #5)
- Corrective Strategies from Level I & II
- Permanent removal from class (placement review committee decision required)
- Diversion Center
- Recommendation for alternative educational setting
- Recommendation for expulsion
- Participation in counseling session related to the infraction
- Refer to outside agency/provider (See Special Notes #6)

Special Notes

#4 Good faith attempt must be made immediately to contact parent/guardian by telephone.

#5 Written notice must be sent to the parent/guardian within 24 hours via U.S. mail.

#6 When referring parent(s)/guardian(s) to outside agencies/ providers for services, schools must adhere to Board Policies 1213.01, 3213.01, and 4213.01 – Request for Outside Providers.

Refer to the Glossary for an explanation of unfamiliar words used in the Code of Student Conduct.

BEHAVIORS AND RANGE OF CORRECTIVE STRATEGIES – LEVEL IV

BEHAVIORS	RANGE OF CORRECTIVE STRATEGIES
<p>LEVEL IV Behaviors are more serious acts of unacceptable behavior than Level III. They seriously endanger the health and well-being of others and/or damage property.</p> <p style="text-align: center;">LEVEL IV</p> <p>Dangerous or Violent Behaviors</p> <ul style="list-style-type: none"> • Battery against a non-staff member • Grand theft (over \$300.00) • Hate crime • Hazing (felony) • Motor vehicle theft • Other major crimes/incidents • Intent to sell and/or distribute alcohol, unauthorized over-the-counter medications, drug paraphernalia, controlled substances and/or anything that alters mood or is used for mood altering • Sale and/or distribution of alcohol, unauthorized over-the-counter medications, drug paraphernalia, controlled substances and/or anything that alters mood or is used for mood altering (See Special Notes #1) • Sexting (2) (See pages 35) • Sex offenses (other) (including possession and/or distribution of obscene or lewd materials) 	<p>The principal or designee <u>must</u> use the following strategies from PLAN IV. The use of appropriate strategies from previous PLANS may also be used <u>in conjunction with</u> this PLAN.</p> <p style="text-align: center;">PLAN IV</p> <ul style="list-style-type: none"> • Parent/guardian contact (See Special Notes #2) • Suspension from school for one to ten days (See Special Notes #3) • Participation in counseling session related to the infraction • Refer to outside agency/provider (See Special Notes #4) • Recommendation for alternative educational setting • Recommendation for expulsion.
<p style="text-align: center;">Special Notes</p> <p>➤ All Level III, IV, and V infractions, unless otherwise noted, require Schools Police Automated Reporting (SPAR). Administrators must contact Miami-Dade Schools Police. Miami-Dade Schools Police will determine if the incident will result in an information report or will lead to other police action(s).</p> <p>#1 See Vital Alerts for the Policy p. 36.</p>	<p style="text-align: center;">Special Notes</p> <p>#2 Good faith attempt must be made immediately to contact parent/guardian by telephone.</p> <p>#3 Written notice must be sent to the parent/guardian within 24 hours via U.S. mail.</p> <p>#4 When referring parent(s)/guardian(s) to outside agencies/ providers for services, schools must adhere to Board Policies 1213.01, 3213.01, and 4213.01 – Request for Outside Providers.</p>

Refer to the Glossary for an explanation of unfamiliar words used in the Code of Student Conduct.

BEHAVIORS AND RANGE OF CORRECTIVE STRATEGIES - LEVEL V

BEHAVIORS

LEVEL V Behaviors are the most serious acts of misconduct and violent actions that threaten life.

LEVEL V

Most Serious, Dangerous or Violent Behaviors

- Aggravated assault
- Aggravated battery against a non-staff member
- Armed robbery
- Arson
- Assault/Threat against M-DCPS employees or persons conducting official business
- Battery or Aggravated battery against M-DCPS employees or persons conducting official business(See Special Notes #¹)
- Homicide
- Kidnapping/Abduction
- Making a false report/threat against the school(See Special Notes #¹)
- Sexting (3) Offense (See page 36)
- Sexual battery
- Possession, use, sale, or distribution of firearms, explosives, destructive devices, and other weapons. See Special Notes #¹)

RANGE OF CORRECTIVE STRATEGIES

The principal or designee must use the following strategies from **PLAN V**. The use of appropriate strategies from previous PLANS may also be used in conjunction with this PLAN.

PLAN V

- Parent/guardian contact (See Special Notes #²)
- Suspension from school for ten days (See Special Notes #³)
- Participation in counseling session related to the infraction
- Refer to outside agency/provider (See Special Notes #⁴)
- Recommendation for expulsion

Special Notes

- All Level III, IV, and V infractions, unless otherwise noted, require Schools Police Automated Reporting (SPAR). Administrators must contact Miami-Dade Schools Police. Miami-Dade Schools Police will determine if the incident will result in an information report or will lead to other police action(s).
 - The possession of firearms or other weapons on school property may result in criminal penalties in addition to expulsion.
 - This level of infraction may result in an expulsion requiring School Board action.
- ¹ Mandatory one year expulsion.

Special Notes

- #2 Good faith attempt must be made immediately to contact parent/guardian by telephone.
- #3 Written notice must be sent to the parent/guardian within 24 hours via U.S. mail.
- #4 When referring parent(s)/guardian(s) to outside agencies/ providers for services, schools must adhere to Board Policies 1213.01, 3213.01, and 4213.01 – Request for Outside Providers.

Refer to the Glossary for an explanation of unfamiliar words used in the Code of Student Conduct.

CHAPTER IV

**VITAL ALERTS FOR STUDENTS AND
PARENTS/GUARDIANS
AND
FORMAL CORRECTIVE STRATEGIES RECOGNIZED IN
THE CODE OF STUDENT CONDUCT**

VITAL ALERTS FOR STUDENTS AND PARENTS/GUARDIANS

ALERT: DISTRICT POLICY AGAINST BULLYING AND HARASSMENT

Miami Dade County Public Schools (M-DCPS) is committed to providing a safe learning environment for all students and is dedicated to eradicating bullying and harassment by providing awareness and prevention education. Bullying, harassment, and intimidation by students, school board employees, visitors, or volunteers is prohibited and will not be tolerated.

During the investigation of any bullying and/or harassment allegation, the principal/designee or appropriate area/district administrator should take appropriate actions to protect the complainant, alleged victim, other students or employees consistent with the requirements of applicable Board Policies, regulations, and statutes.

Bullying and Harassment Defined

Bullying means systematically and chronically, inflicting physical hurt or psychological distress on one or more students or school employees. It is further defined as a pattern of unwanted and repeated written, verbal, or physical behavior, including any threatening, insulting, dehumanizing gesture by an adult or student, that is severe or pervasive enough to create an intimidating, hostile, or offensive educational environment; cause discomfort or humiliations; or unreasonably interfere with the individual's school performance or participation that includes a noted power differential.

Bullying may involve, but is not limited to:

1. Teasing
2. Social exclusion
3. Threats
4. Intimidation
5. Stalking
6. Physical violence
7. Theft
8. Sexual, religious, or racial harassment
9. Public or private humiliation
10. Destruction of Property
11. Cyberstalking
12. Cyberbullying
13. Hazing

Harassment means any threatening, insulting or dehumanizing gesture, use of data or computer software, or written, verbal or physical conduct directed against a student or school employee who:

1. places a student or school employee in reasonable fear of harm to his or her person or damage to his or her property,
2. substantially interferes with a student's educational performance, opportunities, or benefits, or
3. substantially disrupts the orderly operation of a school.

Bullying and Harassment also includes:

1. Retaliation against a student or school employee by another student or school employee for asserting or alleging an act of bullying or harassment. Reporting

VITAL ALERTS FOR STUDENTS AND PARENTS/GUARDIANS

ALERT: (CONT.)
DISTRICT
POLICY
AGAINST
BULLYING
AND
HARASSMENT

an act of bullying or harassment that is not made in good faith is considered retaliation.

2. Perpetuation of conduct listed in the definition of bullying and harassment by an individual or group with intent to demean, dehumanize, embarrass or cause emotional or physical harm to a student or school employee by:
 - a. Incitement or coercion
 - b. Accessing or knowingly and willingly causing or providing access to data or computer software through a computer, computer system, computer network, electronic or wireless devices on or off school grounds to bully or harass that jeopardizes student or school employee safety or disrupts the learning environment within the scope of the district school system.
 - c. Acting in a manner that has an effect substantially similar to the effect of bullying or harassment.

Cyberstalking means to engage in a course of conduct to communicate, or to cause to be communicated, words, images, or language by or through the use of electronic mail or electronic communication, directed at a specific person, causing substantial emotional distress to that person and serving no legitimate purpose.

~~**Cyberbullying** is defined as the willful and repeated harassment and intimidation of an individual through the use of electronic mail or electronic communication with the intent to coerce, intimidate, harass, or cause substantial emotional distress to a person.~~

Cyberbullying means bullying through the use of technology or any electronic communication, which includes, but is not limited to, any transfer of signs, signals, writing, images, sounds, data, or intelligence of any nature transmitted in whole or in part by a wire, radio, electromagnetic system, photo-electronic system, or photo-optical system, including, but not limited to, electronic mail, Internet communications, instant messages, or facsimile communications. Cyberbullying includes the creation of a webpage or weblog in which the creator assumes the identity of another person, or the knowing impersonation of another person as the author of posted content or messages, if the creation or impersonation creates any of the conditions enumerated in the definition of bullying. Cyberbullying also includes the distribution by electronic means of a communication to more than one person or the posting of material on an electronic medium that may be accessed by one or more persons, if the distribution or posting creates any of the conditions enumerated in the definition of bullying.

The physical location or time of access of a computer – related incident cannot be raised as a defense in any disciplinary action initiated under state law.

HOW TO REPORT BULLYING/HARASSMENT ANONYMOUSLY

If you have information regarding bullying/harassment and would like to report this information anonymously, you may do so by:

1. Filing the "Miami-Dade County Public Schools – Bullying and Harassment Anonymous Reporting Form located at the following internet web address:
<http://forms.dadeschools.net/webpdf/7229.pdf>

VITAL ALERTS FOR STUDENTS AND PARENTS/GUARDIANS

2. Calling 305-995-CARE (2273)
3. Texting anonymously to 274637 (CRIMES) and type in the words: Be safe and then you report.
4. Submitting an online report by visiting <http://besafe.dadeschools.net> . Information and/or resources on bullying and harassment can be found on the Mental Health and Crisis Management Services website located at <http://mhems.dadeschools.net/bullying.asp> Student Services Crisis Management Services website located at <http://studentservices.dadeschools.net/crisis/index.asp> .

**ALERT:
DISTRICT DRESS
CODE POLICY**

Students, while on school grounds during the regular school day, must refrain from wearing clothing that (a) exposes underwear or body parts in an indecent or vulgar manner, or (b) disrupts the orderly learning environment.

Any student who violates this dress code policy is subject to the following disciplinary actions:

First (1) Offense: a student shall be given a verbal warning and the school principal shall call the student's parent or guardian.

Second (2) Offense: the student is ineligible to participate in any extracurricular activity for a period of time not to exceed 5 days and the school principal shall meet with the student's parent or guardian.

Third (3) or subsequent offense(s): a student shall receive an in-school suspension for a period not to exceed 3 days, the student is ineligible to participate in any extracurricular activity for a period not to exceed 30 days, and the school principal shall call the student's parent or guardian and send the parent or guardian a written letter regarding the student's in-school suspension and ineligibility to participate in extracurricular activities.

**ALERT:
DISTRICT
DRESS
CODE POLICY
(cont.)**

**ALERT:
SEXTING**

Board Policy 5136.02, prohibits "sexting" which is the act of sending or forwarding sexually explicit, nude, or partially nude photographs/images through cellular telephones and other electronic media.

The levels of sexting offenses are:

Sexting (1)

- A personal, 1-to-1 student-to-student exposure/transmission which is not coerced and not intended for redistribution.

As an example, a student may voluntarily send a provocative sext that includes a nude photograph/image to his/her boyfriend or girlfriend. The Sexting 1 offense is a Level III violation in the Code of Student Conduct. The principal/designee must conduct a parent/guardian conference and apply at least one of the following disciplinary strategies:

BEHAVIORS THAT MAY RESULT IN CRIMINAL PENALTIES

The following behaviors are grounds for corrective strategies by the school and may also result in criminal penalties:

- Illegal use, possession, or sale of controlled substances while on school grounds or attending a school function;
- Use of a wireless communication device in the commission of a crime;
- Possession of a firearm or weapon while on school grounds, school bus or at a school function;
- Violence against any district School Board personnel;
- Disruptive behavior on a school bus, or at a bus stop, or other violation of the School Board's transportation policy;
- Violation of the School Board's sexual harassment policy;
- Making a threat or false report involving destructive devices or explosives directed against a school, school personnel property, school transportation, or school-sponsored activity; and
- Sexting
- Hazing

Notice of the potential for criminal charges for these offenses is required by Florida Statute 1006.07; however, students and parents/guardians should be aware that any criminal offense could result in criminal prosecution and penalties.



GLOSSARY

15.	Counselor:	A school employee whose job responsibilities include providing advice to students. <u>Example: Trust counselors are trained to talk with students about their problems.</u>
16.	Cutting Class:	Not going to class when you are supposed to be in class. <u>Example: The girls who tried to sign in to school after first period were caught and assigned detention for cutting class.</u>
17.	Cyberbullying	<p>The willful and repeated harassment and intimidation of an individual through the use of electronic mail or electronic communication with the intent to coerce, intimidate, harass, or cause substantial emotional distress to a person.</p> <p><u>Cyberbullying means bullying through the use of technology or any electronic communication, which includes, but is not limited to, any transfer of signs, signals, writing, images, sounds, data, or intelligence of any nature transmitted in whole or in part by a wire, radio, electromagnetic system, photo-electronic system, or photo-optical system, including, but not limited to, electronic mail, Internet communications, instant messages, or facsimile communications. Cyberbullying includes the creation of a webpage or weblog in which the creator assumes the identity of another person, or the knowing impersonation of another person as the author of posted content or messages, if the creation or impersonation creates any of the conditions enumerated in the definition of bullying. Cyberbullying also includes the distribution by electronic means of a communication to more than one person or the posting of material on an electronic medium that may be accessed by one or more persons, if the distribution or posting creates any of the conditions enumerated in the definition of bullying.</u></p> <p><u>Example: Cyberbullying can cause students to get in trouble at school even if they use their home computer.</u></p>
18.	Defiance:	Refusing to follow the directions of authority figures within the school, such as administrators, teachers, office workers, custodians, volunteer parents/guardians, cafeteria workers, and others. <u>Example: He received detention for defying the cafeteria manager by refusing to pick up his lunch tray when she told him to do so.</u>
19.	Destructive Device:	Any bomb, grenade, mine, rocket, missile, pipe bomb, or similar device containing an explosive, incendiary, or poison gas and includes any frangible container filled with an explosive, incendiary, explosive gas, or expanding gas, which is designed or so constructed as to explode by such filler and is capable of causing bodily harm or property damage; any combination of parts either designed or intended for use in converting any device into a destructive device and from which a destructive device may be readily assembled; any

GLOSSARY

		<p>his or her person or damage to his or her property.</p> <p>2. Has the effect of substantially interfering with a student's educational performance, opportunities, or benefits</p> <p>3. Has the effect of substantially disrupting the orderly operation of a school</p> <p><u>Example: What some people think is "just joking around" might constitute harassment if the person at whom it is directed is distressed by it.</u></p> <p>Repeated harassment is bullying.</p>
	Harassment (Civil Rights):	<p>Harassment directed at someone because of his or her gender, gender identity, race, color, religion, ethnicity, national origin, political beliefs, marital status, age, sexual orientation, social and family background, language, pregnancy, or disability.</p> <p><u>Example: Using racial slurs towards someone who is from a different country is harassment based on a characteristic concerning his civil rights.</u></p>
	Harassment (Sexual):	Refer to "Sexual Harassment" in this glossary for a specific definition.
41.	Hate Crime:	<p>A crime committed against someone that is motivated by hatred of his/her personal characteristics or perceived characteristics, such as religion, color, sexual orientation, ethnicity, ancestry, and/or national origin. Hate crimes are similar to harassment (civil rights), but they involve other serious crimes committed against someone. See "Other Major Crimes/Incidents."</p> <p><u>Example: The students committed a hate crime when they beat a student up because of his/her religion.</u></p>
42.	Hazing:	<ul style="list-style-type: none"> • Pressuring or coercing another student into violating laws. • Any brutality of a physical nature, such as whipping, beating, branding, exposure to the elements, forced consumption of any food, liquor, drug, or other substance, or other forced physical activity that could adversely affect the physical health or safety of the student. <p style="text-align: center;"><u>OR</u></p> <ul style="list-style-type: none"> • Any activity that would subject another student to extreme mental stress, such as sleep deprivation, forced exclusion from social

GLOSSARY

		<p>contact, forced conduct that could result in extreme embarrassment, or other forced activity that could adversely affect the mental health or dignity of the student.</p> <p>Any act of hazing that causes risk of serious bodily injury or death is a misdemeanor.</p> <p>Any act of hazing that results in serious bodily injury or death is a felony.</p> <p><u>Hazing is defined in 1006.135, F.S. means any action or situation endangers the mental or physical health or safety of a student at a school with any of grades 6 through 12 for purposes including, but not limited to, initiation or admission into or affiliation with any organization operating under the sanction of a high school with any of grades 6 through 12. "Hazing" includes, but is not limited to:</u></p> <ul style="list-style-type: none"> a. <u>Pressuring, or coercing, or forcing a the student into:</u> <ol style="list-style-type: none"> 1. <u>Violating state or federal law;</u> 2. <u>Consuming any food, liquor, drug, or other substance;</u> <u>or</u> 3. <u>Participating in physical activity that could adversely affect the health or safety of the student.</u> b. <u>Any brutality of a physical nature, such as whipping, beating, branding, or exposure to the elements</u> <p><u>Hazing does not include customary athletic events or other 858 similar contests or competitions or any activity or conduct that 859 furthers a legal and legitimate objective.</u></p> <p><u>Example: Requiring new students to stay awake for two nights in order to join a club is prohibiting hazing.</u></p>
<p>43. Hearing:</p>		<p>A formal proceeding where different sides of a story are presented to a person who makes a decision about what happened and what to do.</p> <p><u>Example: My parent and I asked for a hearing with the principal when I was suspended for having lip gloss in my backpack.</u></p>
<p>44. Homicide:</p>		<p>The killing of one person by another.</p> <p><u>Example: The student was arrested for homicide after when he beat his classmate to death.</u></p>
<p>45. Inappropriate Items:</p>		<p>Items unsuitable for school because they tend to disrupt the learning environment.</p> <p><u>Example: Magazines that feature violent video games are inappropriate items for school.</u></p>

SECONDARY



CODE OF STUDENT CONDUCT

**School Operations
School Board Policy
5500 2014-2015**



CHAPTER II

CODE OF STUDENT CONDUCT

BEHAVIORS AND RANGE OF CORRECTIVE STRATEGIES

BEHAVIORS AND RANGE OF CORRECTIVE STRATEGIES – LEVEL I

BEHAVIORS

LEVEL I Behaviors are acts that disrupt the orderly operation of the classroom, school function, extracurricular activities or approved transportation.

LEVEL I

Disruptive Behaviors

- Unauthorized location
- Confrontation with another student
- Cutting class
- Misrepresentation
- Disruptive behavior (including behavior on the school bus and at the school bus stop)
- Failure to comply with class and/or school rules
- Possession of items or materials that are inappropriate for an educational setting (See Special Notes #1)
- Inappropriate public display of affection
- Repeated use of profane or crude language (general, not directed at someone)
- Unauthorized use of electronic devices
- Violation of dress code (See Special Notes #2)



RANGE OF CORRECTIVE STRATEGIES

The principal or designee must select at least one of the following strategies from **PLAN I**. Principals may authorize use of **PLAN II** for repeated, serious or habitual **Level I** infractions.

PLAN I

- Parent/guardian contact (See Special Notes #3)
- Reprimand
- Student, parents/guardians/staff conference
- Peer mediation
- Revocation of the right to participate in social and/or extracurricular activities
- Confiscation of wireless communication devices
- Detention or other Board-approved in-school program
- Temporary assignment from class where the infraction occurred
- Student contract
- School Center for Special Instruction (SCSI) (See Special Notes #4)
- Replacement or payment for any damaged property (if appropriate)
- Temporary loss of bus privileges (if appropriate)
- Participation in an informal counseling session related to the infraction
- Refer to outside agency/provider (See Special Notes #5)
- Behavior Plan
- Refer to page(s) 49-55 for additional corrective strategies on the RtIB/MTSS.
- Refer to page 40 for the prescribed corrective strategies for the violation of the dress code.

Special Notes

- #1 See Sexual Offenses (Other), Level IV, for obscene or lewd material.
- #2 See Vital Alerts for the policy and prescribed corrective strategies p. 40.
- Administrators must contact Miami-Dade Schools Police for any criminal conduct regardless of whether Schools Police Automated Reporting (SPAR) is indicated.
- If the victim of a crime requests a police report, the principal or designee must report the incident to the Miami-Dade Schools Police

Special Notes

- #3 Good faith attempt must be made immediately to contact parent/guardian by telephone.
- #4 Written notice must be sent to the parent/guardian within 24 hours via U.S. mail.
- #5 When referring parent(s)/guardian(s) to outside agencies/ providers for services, schools must adhere to Board Policies 1213.01, 3213.01, and 4213.01 – Request for Outside Providers.

Refer to the Glossary for an explanation of unfamiliar words used in the Code of Student Conduct.

BEHAVIORS AND RANGE OF CORRECTIVE STRATEGIES – LEVEL II

BEHAVIORS

Level II Behaviors are more serious than Level I because they significantly interfere with learning and/or the well-being of others.

LEVEL II

Seriously Disruptive Behaviors

- Cheating
- Confrontation with a staff member
- Defiance of school personnel
- Distribution of items or materials that are inappropriate for an educational setting(See Special Notes #1)
- Failure to comply with previously prescribed corrective strategies
- False accusation
- Fighting (minor)
- Harassment (non-sexual or isolated)
- Instigative behavior
- Leaving school grounds without permission
- Joining clubs or groups not approved by the School Board
- Libel
- Petty theft (under \$300.00)
- Use of profane or provocative language directed at someone
- Prohibited sales on school grounds (other than controlled substances)
- Possession of and/or use of tobacco products or smoking devices. (See Glossary)
- Slander
- Vandalism (minor)

RANGE OF CORRECTIVE STRATEGIES

The principal or designee must select at least one of the following strategies from **PLAN II**. The use of appropriate strategies from previous PLAN may be used in conjunction with this PLAN.

PLAN II

- Parent/guardian contact (See Special Notes #2)
- School-based program that focuses on modifying the student's inappropriate behavior or promotes positive behavior
- Corrective Strategies from Level I
- Suspension from school for one to five days with region approval for serious, or habitual infractions (See Special Notes #3)
- Participation in counseling session related to the infraction
- Refer to outside agency/provider (See Special Notes #4)
- Diversion Center
- Refer to page(s) 49-55 for additional corrective strategies on the RtIB/MTSS.

Special Notes

- #1 See Sexual Offenses (Other), Level IV, for obscene or lewd material.
- Administrators must contact Miami-Dade Schools Police for any criminal conduct regardless of whether Schools Police Automated Reporting (SPAR) is indicated.
 - If the victim of a crime requests a police report, the principal or designee must report the incident to the Miami-Dade Schools Police.

Special Notes

- #2 Good faith attempt must be made immediately to contact parent/guardian by telephone.
- #3 Written notice must be sent to the parent/guardian Within 24 hours via U.S. mail.
- #4 When referring parent(s)/guardian(s) to outside agencies/ providers for services, schools must adhere to Board Policies 1213.01, 3213.01, and 4213.01 – Request for Outside Providers.

Refer to the Glossary for an explanation of unfamiliar words used in the Code of Student Conduct.

BEHAVIORS AND RANGE OF CORRECTIVE STRATEGIES – LEVEL III

BEHAVIORS

LEVEL III Behaviors are more serious than Level II because they endanger health and safety, damage property, and/or cause serious disruptions to the learning environment.

LEVEL III

Offensive/Harmful Behaviors

- Assault/Threat against a non-staff member
- Breaking and Entering/Burglary
- Bullying (repeated harassment) (See Special Notes #1)
- Disruption on campus/Disorderly conduct
- Fighting (serious)
- Harassment (Civil Rights)(See Special Notes #2)
- Hazing (misdemeanor)
- Possession or use of alcohol, unauthorized over-the-counter medications, drug paraphernalia, controlled substances and/or anything that alters mood or is used for mood altering (See Special Note #3)
- Possession of simulated weapons
- Sexting (1) (see page 40)
- Sexual harassment (See Special Notes #2)
- Trespassing
- Vandalism (major)

Special Notes

➤ All Level III, IV, and V infractions, unless otherwise noted, require Schools Police Automated Reporting (SPAR). Administrators must contact Miami-Dade Schools Police. Miami-Dade Schools Police will determine if the incident will result in an information report or will lead to other police action(s).

#1 Bullying infractions do not require a SPAR unless incident is Hazing-related.

#2 Harassment Civil Rights and Sexual Harassment do not require a SPAR, but must be reported to the Miami-Dade County Public Schools Office of Civil Rights Compliance at 305-995-1580.

#3 See Vital Alerts for the Policy p.41-42.

RANGE OF CORRECTIVE STRATEGIES

The principal or designee must select at least one of the following strategies from **PLAN III**. The use of appropriate strategies from previous PLANS may also be used in conjunction with this PLAN. Principals may authorize the use of **PLAN IV** for repeated, serious or habitual Level III infractions.

PLAN III

- Parent/guardian contact (See Special Notes #4)
- Suspension from school for one to ten days (See Special Notes #5)
- Corrective Strategies from Level I & II
- Permanent removal from class (placement review committee decision required)
- Diversion Center
- Recommendation for alternative educational setting
- Recommendation for expulsion
- Participation in counseling session related to the infraction
- Refer to outside agency/provider (See Special Notes #6)

Special Notes

#4 Good faith attempt must be made immediately to contact parent/guardian by telephone.

#5 Written notice must be sent to the parent/guardian within 24 hours via U.S. mail.

#6 When referring parent(s)/guardian(s) to outside agencies/ providers for services, schools must adhere to Board Policies 1213.01, 3213.01, and 4213.01 – Request for Outside Providers.

Refer to the Glossary for an explanation of unfamiliar words used in the Code of Student Conduct.

BEHAVIORS AND RANGE OF CORRECTIVE STRATEGIES – LEVEL IV

BEHAVIORS	RANGE OF CORRECTIVE STRATEGIES
<p>LEVEL IV Behaviors are more serious acts of unacceptable behavior than Level III. They seriously endanger the health and well-being of others and/or damage property.</p> <p style="text-align: center;">LEVEL IV</p> <p>Dangerous or Violent Behaviors</p> <ul style="list-style-type: none"> • Battery against a <u>non-staff</u> member • Grand theft (over \$300.00) • Hate crime • Hazing (felony) • Motor vehicle theft • Other major crimes/incidents • Intent to sell and/or distribute alcohol, unauthorized over-the-counter medications, drug paraphernalia, controlled substances and/or anything that alters mood or is used for mood altering • Sale and/or distribution of alcohol, unauthorized over-the-counter medications, drug paraphernalia, controlled substances and/or anything that alters mood or is used for mood altering (See Special Notes #1) • Sexting (2) (See pages 41) • Sex offenses (other) (including possession and/or distribution of obscene or lewd materials) 	<p>The principal or designee <u>must</u> use the following strategies from PLAN IV. The use of appropriate strategies from previous PLANS may also be used <u>in conjunction with this PLAN</u>.</p> <p style="text-align: center;">PLAN IV</p> <ul style="list-style-type: none"> • Parent/guardian contact (See Special Notes #2) • Suspension from school for one to ten days (See Special Notes #3) • Participation in counseling session related to the infraction • Refer to outside agency/provider (See Special Notes #4) • Recommendation for alternative educational setting • Recommendation for expulsion.
<p style="text-align: center;">Special Notes</p> <p>➤ All Level III, IV, and V infractions, unless otherwise noted, require Schools Police Automated Reporting (SPAR). Administrators must contact Miami-Dade Schools Police. Miami-Dade Schools Police will determine if the incident will result in an information report or will lead to other police action(s).</p> <p>#1 See Vital Alerts for the Policy p.41-42.</p>	<p style="text-align: center;">Special Notes</p> <p>#2 Good faith attempt must be made immediately to contact parent/guardian by telephone.</p> <p>#3 Written notice must be sent to the parent/guardian within 24 hours via U.S. mail.</p> <p>#4 When referring parent(s)/guardian(s) to outside agencies/ providers for services, schools must adhere to Board Policies 1213.01, 3213.01, and 4213.01 – Request for Outside Providers.</p>

Refer to the Glossary for an explanation of unfamiliar words used in the Code of Student Conduct.

BEHAVIORS AND RANGE OF CORRECTIVE STRATEGIES – LEVEL V

BEHAVIORS	RANGE OF CORRECTIVE STRATEGIES
<p>LEVEL V Behaviors are the most serious acts of misconduct and violent actions that threaten life.</p> <p style="text-align: center;">LEVEL V</p> <p>Most Serious, Dangerous or Violent Behaviors</p> <ul style="list-style-type: none"> • Aggravated assault • Aggravated battery against a non-staff member • Armed robbery • Arson • Assault/Threat against M-DCPS employees or persons conducting official business • Battery or Aggravated battery against M-DCPS employees or persons conducting official business(See Special Notes #1) • Homicide • Kidnapping/Abduction • Making a false report/threat against the school(See Special Notes #1) • Sexting (3) Offense (See page 41) • Sexual battery • Possession, use, sale, or distribution of firearms, explosives, destructive devices, and other weapons. See Special Notes #1) 	<p>The principal or designee <u>must</u> use the following strategies from PLAN V. The use of appropriate strategies from previous PLANS may also be used <u>in conjunction with</u> this PLAN.</p> <p style="text-align: center;">PLAN V</p> <ul style="list-style-type: none"> • Parent/guardian contact (See Special Notes #2) • Suspension from school for ten days (See Special Notes #3) • Participation in counseling session related to the infraction • Refer to outside agency/provider (See Special Notes #4) • Recommendation for expulsion
<p style="text-align: center;">Special Notes</p> <ul style="list-style-type: none"> ➤ All Level III, IV, and V infractions, unless otherwise noted, require Schools Police Automated Reporting (SPAR). Administrators must contact Miami-Dade Schools Police. Miami-Dade Schools Police will determine if the incident will result in an information report or will lead to other police action(s). ➤ The possession of firearms or other weapons on school property may result in criminal penalties in addition to expulsion. ➤ This level of infraction may result in an expulsion requiring School Board action. <p>#1 Mandatory one year expulsion.</p>	<p style="text-align: center;">Special Notes</p> <ul style="list-style-type: none"> #2 Good faith attempt must be made immediately to contact parent/guardian by telephone. #3 Written notice must be sent to the parent/guardian within 24 hours via U.S. mail. #4 When referring parent(s)/guardian(s) to outside agencies/ providers for services, schools must adhere to Board Policies 1213.01, 3213.01, and 4213.01 – Request for Outside Providers.

Refer to the Glossary for an explanation of unfamiliar words used in the Code of Student Conduct

CHAPTER IV

**VITAL ALERTS FOR STUDENTS AND
PARENTS/GUARDIANS
AND
FORMAL CORRECTIVE STRATEGIES RECOGNIZED IN
THE CODE OF STUDENT CONDUCT**

VITAL ALERTS FOR STUDENTS AND PARENTS/GUARDIANS

ALERT: DISTRICT POLICY AGAINST BULLYING AND HARASSMENT

Miami Dade County Public Schools (M-DCPS) is committed to providing a safe learning environment for all students and is dedicated to eradicating bullying and harassment by providing awareness and prevention education. Bullying, harassment, and intimidation by students, school board employees, visitors, or volunteers is prohibited and will not be tolerated.

During the investigation of any bullying and/or harassment allegation, the principal/designee or appropriate area/district administrator should take appropriate actions to protect the complainant, alleged victim, other students or employees consistent with the requirements of applicable Board Policies, regulations, and statutes.

Bullying and Harassment Defined

Bullying means systematically and chronically, inflicting physical hurt or psychological distress on one or more students or school employees. It is further defined as a pattern of unwanted and repeated written, verbal, or physical behavior, including any threatening, insulting, dehumanizing gesture by an adult or student, that is severe or pervasive enough to create an intimidating, hostile, or offensive educational environment; cause discomfort or humiliations; or unreasonably interfere with the individual's school performance or participation that includes a noted power differential.

Bullying may involve, but is not limited to:

1. Teasing
2. Social exclusion
3. Threats
4. Intimidation
5. Stalking
6. Physical violence
7. Theft
8. Sexual, religious, or racial harassment
9. Public or private humiliation
10. Destruction of Property
11. Cyberstalking
12. Cyberbullying
13. Hazing

Harassment means any threatening, insulting or dehumanizing gesture, use of data or computer software, or written, verbal or physical conduct directed against a student or school employee who:

1. places a student or school employee in reasonable fear of harm to his or her person or damage to his or her property,
2. substantially interferes with a student's educational performance, opportunities, or benefits, or
3. substantially disrupts the orderly operation of a school.

Bullying and Harassment also includes:

1. Retaliation against a student or school employee by another student or school employee for asserting or alleging an act of bullying or harassment. Reporting

VITAL ALERTS FOR STUDENTS AND PARENTS/GUARDIANS

ALERT: (CONT.) DISTRICT POLICY AGAINST BULLYING AND HARASSMENT

an act of bullying or harassment that is not made in good faith is considered retaliation.

2. Perpetuation of conduct listed in the definition of bullying and harassment by an individual or group with intent to demean, dehumanize, embarrass or cause emotional or physical harm to a student or school employee by:
 - a. Incitement or coercion
 - b. Accessing or knowingly and willingly causing or providing access to data or computer software through a computer, computer system, computer network, electronic or wireless devices on or off school grounds to bully or harass that jeopardizes student or school employee safety or disrupts the learning environment within the scope of the district school system.
 - c. Acting in a manner that has an effect substantially similar to the effect of bullying or harassment.

Cyberstalking means to engage in a course of conduct to communicate, or to cause to be communicated, words, images, or language by or through the use of electronic mail or electronic communication, directed at a specific person, causing substantial emotional distress to that person and serving no legitimate purpose.

~~**Cyberbullying** is defined as the willful and repeated harassment and intimidation of an individual through the use of electronic mail or electronic communication with the intent to coerce, intimidate, harass, or cause substantial emotional distress to a person.~~

~~The physical location or time of access of a computer related incident cannot be raised as a defense in any disciplinary action initiated under state law.~~

Cyberbullying means bullying through the use of technology or any electronic communication, which includes, but is not limited to, any transfer of signs, signals, writing, images, sounds, data, or intelligence of any nature transmitted in whole or in part by a wire, radio, electromagnetic system, photo-electronic system, or photo-optical system, including, but not limited to, electronic mail, Internet communications, instant messages, or facsimile communications. Cyberbullying includes the creation of a webpage or weblog in which the creator assumes the identity of another person, or the knowing impersonation of another person as the author of posted content or messages, if the creation or impersonation creates any of the conditions enumerated in the definition of bullying. Cyberbullying also includes the distribution by electronic means of a communication to more than one person or the posting of material on an electronic medium that may be accessed by one or more persons, if the distribution or posting creates any of the conditions enumerated in the definition of bullying.

HOW TO REPORT BULLYING/HARASSMENT ANONYMOUSLY

If you have information regarding bullying/harassment and would like to report this information anonymously, you may do so by:

1. Filing the "Miami-Dade County Public Schools – Bullying and Harassment

VITAL ALERTS FOR STUDENTS AND PARENTS/GUARDIANS

Anonymous Reporting Form located at the following internet web address:
<http://forms.dadeschools.net/webpdf/7229.pdf>

2. Calling 305-995-CARE (2273)
3. Texting anonymously to 274637 (CRIMES) and type in the words: Be safe and then you report.
4. Submitting an online report by visiting <http://besafe.dadeschools.net> .
 ➤ Information and/or resources on bullying and harassment can be found on the ~~Mental Health and Crisis Management Services website located at <http://mhcms.dadeschools.net/bullying.asp>~~. Student Services Crisis Management Services website located at <http://studentservices.dadeschools.net/crisis/index.asp> .

**ALERT:
DISTRICT DRESS
CODE POLICY**

Students, while on school grounds during the regular school day, must refrain from wearing clothing that (a) exposes underwear or body parts in an indecent or vulgar manner, or (b) disrupts the orderly learning environment.

Any student who violates this dress code policy is subject to the following disciplinary actions:

First (1) Offense: a student shall be given a verbal warning and the school principal shall call the student's parent or guardian.

Second (2) Offense: the student is ineligible to participate in any extracurricular activity for a period of time not to exceed 5 days and the school principal shall meet with the student's parent or guardian.

Third (3) or subsequent offense(s): a student shall receive an in-school suspension for a period not to exceed 3 days, the student is ineligible to participate in any extracurricular activity for a period not to exceed 30 days, and the school principal shall call the student's parent or guardian and send the parent or guardian a written letter regarding the student's in-school suspension and ineligibility to participate in extracurricular activities.

**ALERT:
SEXTING**

Board Policy 5136.02, prohibits "sexting" which is the act of sending or forwarding sexually explicit, nude, or partially nude photographs/images through cellular telephones and other electronic media.

Sexting is prohibited and will not be tolerated. The policy 5136.02, Sexting addresses sexting, and will be enforced pursuant the Code of Student Conduct.

The levels of sexting offenses are:

Sexting (1)

GLOSSARY

16.	Cutting Class:	<p>Not going to class when you are supposed to be in class.</p> <p><u>Example: The girls who tried to sign in to school after first period were caught and assigned detention for cutting class.</u></p>
17.	Cyberbullying	<p>The willful and repeated harassment and intimidation of an individual through the use of electronic mail or electronic communication with the intent to coerce, intimidate, harass, or cause substantial emotional distress to a person.</p> <p><u>Cyberbullying means bullying through the use of technology or any electronic communication, which includes, but is not limited to, any transfer of signs, signals, writing, images, sounds, data, or intelligence of any nature transmitted in whole or in part by a wire, radio, electromagnetic system, photo-electronic system, or photo-optical system, including, but not limited to, electronic mail, Internet communications, instant messages, or facsimile communications. Cyberbullying includes the creation of a webpage or weblog in which the creator assumes the identity of another person, or the knowing impersonation of another person as the author of posted content or messages, if the creation or impersonation creates any of the conditions enumerated in the definition of bullying. Cyberbullying also includes the distribution by electronic means of a communication to more than one person or the posting of material on an electronic medium that may be accessed by one or more persons, if the distribution or posting creates any of the conditions enumerated in the definition of bullying.</u></p> <p><u>Example: Cyberbullying can cause students to get in trouble at school even if they use their home computer.</u></p>
18.	Defiance:	<p>Refusing to follow the directions of authority figures within the school, such as administrators, teachers, office workers, custodians, volunteer parents/guardians, cafeteria workers, and others.</p> <p><u>Example: He received detention for defying the cafeteria manager by refusing to pick up his lunch tray when she told him to do so.</u></p>
19.	Destructive Device:	<p>Any bomb, grenade, mine, rocket, missile, pipe bomb, or similar device containing an explosive, incendiary, or poison gas and includes any frangible container filled with an explosive, incendiary, explosive gas, or expanding gas, which is designed or so constructed as to explode by such filler and is capable of causing bodily harm or property damage; any combination of parts either designed or intended for use in converting any device into a destructive device and from which a destructive device may be readily assembled; any device declared a destructive device by the Bureau of Alcohol, Tobacco, and Firearms; any type of weapon which will, is designed to, or may readily be converted to expel a projectile by the action of any explosive and which has a barrel with a bore of one-half inch or more in diameter; and ammunition for such destructive devices, but not including shotgun shells or any other ammunition designed for use in</p>

GLOSSARY	
	<p>educational performance, opportunities, or benefits</p> <p>3. Has the effect of substantially disrupting the orderly operation of a school</p> <p><u>Example: What some people think is "just joking around" might constitute harassment if the person at whom it is directed is distressed by it.</u></p> <p>Repeated harassment is bullying.</p>
	<p>Harassment (Civil Rights): Harassment directed at someone because of his or her gender, gender identity, race, color, religion, ethnicity, national origin, political beliefs, marital status, age, sexual orientation, social and family background, language, pregnancy, or disability.</p> <p><u>Example: Using racial slurs towards someone who is from a different country is harassment based on a characteristic concerning his civil rights.</u></p>
	<p>Harassment (Sexual): Refer to "Sexual Harassment" in this glossary for a specific definition.</p>
41.	<p>Hate Crime: A crime committed against someone that is motivated by hatred of his/her personal characteristics or perceived characteristics, such as religion, color, sexual orientation, ethnicity, ancestry, and/or national origin. Hate crimes are similar to harassment (civil rights), but they involve other serious crimes committed against someone. See "Other Major Crimes/Incidents."</p> <p><u>Example: The students committed a hate crime when they beat a student up because of his/her religion.</u></p>
42.	<p>Hazing:</p> <ul style="list-style-type: none"> • Pressuring or coercing another student into violating laws. • Any brutality of a physical nature, such as whipping, beating, branding, exposure to the elements, forced consumption of any food, liquor, drug, or other substance, or other forced physical activity that could adversely affect the physical health or safety of the student. <p style="text-align: center;">OR</p> <ul style="list-style-type: none"> • Any activity that would subject another student to extreme mental stress, such as sleep deprivation, forced exclusion from social contact, forced conduct that could result in extreme embarrassment, or other forced activity that could adversely affect the mental health or dignity of the student.

GLOSSARY

		<p>Any act of hazing that causes risk of serious bodily injury or death is a misdemeanor.</p> <p>Any act of hazing that results in serious bodily injury or death is a felony.</p> <p>Hazing is defined in 1006.135, F.S. means any action or situation endangers the mental or physical health or safety of a student at a school with any of grades 6 through 12 for purposes including, but not limited to, initiation or admission into or affiliation with any organization operating under the sanction of a high school with any of grades 6 through 12. "Hazing" includes, but is not limited to:</p> <ul style="list-style-type: none"> a. <u>Pressuring, or coercing, or forcing a the student into:</u> <ul style="list-style-type: none"> 1. <u>Violating state or federal law;</u> 2. <u>Consuming any food, liquor, drug, or other substance;</u> or 3. <u>Participating in physical activity that could adversely affect the health or safety of the student.</u> b. <u>Any brutality of a physical nature, such as whipping, beating, branding, or exposure to the elements</u> <p>Hazing does not include customary athletic events or other 858 similar contests or competitions or any activity or conduct that 859 furthers a legal and legitimate objective.</p> <p>Example: <u>Requiring new students to stay awake for two nights in order to join a club is prohibiting hazing.</u></p>
43. Hearing:		<p>A formal proceeding where different sides of a story are presented to a person who makes a decision about what happened and what to do.</p> <p>Example: <u>My parent and I asked for a hearing with the principal when I was suspended for having lip gloss in my backpack.</u></p>
44. Homicide:		<p>The killing of one person by another.</p> <p>Example: <u>The student was arrested for homicide after when he beat his classmate to death.</u></p>
45. Inappropriate Items:		<p>Items unsuitable for school because they tend to disrupt the learning environment.</p> <p>Example: <u>Magazines that feature violent video games are inappropriate items for school.</u></p>
46. Inappropriate Public Display of Affection:		<p>Engaging in unsuitable, intimate, sexually-suggestive behavior (like kissing and touching), in agreement with someone else, in places where others are likely to be present, such as hallways, stairwells,</p>

1

BULLYING AND HARASSMENT

2 The School Board is committed to providing a safe learning environment for all
3 students and shall strive to eradicate bullying and harassment in its schools by
4 providing awareness, prevention, and education in promoting a school atmosphere
5 in which bullying, harassment, and intimidation will not be tolerated by students,
6 Board employees, visitors, or volunteers.

7 The Board has adopted the Policy Against Bullying and Harassment for Miami-Dade
8 County Public Schools, incorporated by reference. Included in this State mandated
9 policy is a comprehensive bullying prevention curriculum for all students in grades
10 Pre-K through 12. This document is on file in the Office of Board Recording
11 Secretary and the Citizen Information Center and is available in each school and
12 regional center.

13 This policy is also incorporated by reference into the Code of Student Conduct and
14 the Procedures for Promoting and Maintaining a Safe Learning Environment, and
15 supersedes any existing policy, guideline, or Board policy regarding bullying and
16 harassment that may be inconsistent with this policy. These policies apply to all
17 students in the District.

18 This policy does not replace the District's current policy prohibiting harassment on
19 the basis of sex, race, color, ethnic or national origin, religion, marital status,
20 disability, age, political beliefs, gender orientation, gender, gender identification,
21 social and family background, linguistic preference, and pregnancy. Specific Federal
22 policy guidelines on harassment have been established by the U.S. Department of
23 Education's Office of Civil Rights (OCR) for Title IX, Florida Equity Act, Section 504
24 of the Rehabilitation Act, Americans with Disabilities Act (ADA) and the Age
25 Discrimination Act. The Florida Department of Education's Office of Equity and
26 Access (OEA) reviews and monitors the implementation of these harassment policies.

27 | F.S. 110.1221, 1002.20, 1006.13, 1006.135, 1006.147
28 Florida Department of Education Model Policy (June 2008)

Policy Against Bullying and Harassment MIAMI DADE COUNTY PUBLIC SCHOOLS

Miami Dade County Public Schools (M-DCPS or District) 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.

This M-DCPS policy is consistent with 1006.147, F.S. F.S., Bullying and Harassment Prohibited, its content, definitions and guidelines. This statute may also be cited as the "Jeffrey Johnston Stand Up for All Students Act."

a. It is the policy of the Miami-Dade County Public School District that all of its students and school employees have an educational setting that is safe, secure and free from harassment and bullying of any kind. The District will not tolerate bullying and harassment. Bullying and harassment, as defined herein below, is prohibited

b. **Definitions:**

Bullying means systematically and chronically, inflicting physical hurt or psychological distress on one or more students or school employees. It is further defined as a pattern of unwanted and repeated written, verbal, or physical behavior, including any threatening, insulting, dehumanizing gesture by an adult or student, that is severe or pervasive enough to create an intimidating, hostile, or offensive educational environment; cause discomfort or humiliation; or unreasonably interfere with the individual's school performance or participation that includes a noted power differential.

Bullying may involve, but is not limited to:

1. Teasing
2. Social exclusion
3. Threats
4. Intimidation
5. Stalking
6. Physical violence
7. Theft
8. Sexual, religious, or racial harassment
9. Public or private humiliation
10. Destruction of Property
11. Cyberstalking
12. Cyberbullying
13. Hazing

Harassment means any threatening, insulting or dehumanizing gesture, use of data or computer software, or written, verbal or physical conduct directed against a student or school employee that:

1. Places a student or school employee in reasonable fear of harm to his or her person or damage to his or her property.
2. Has the effect of substantially interfering with a student's educational performance, opportunities, or benefits
3. Has the effect of substantially disrupting the orderly operation of a school

Bullying and hHarassment also encompasses:

1. Retaliation against a student or school employee by another student or school employee for asserting or alleging an act of bullying or harassment. Reporting an act of bullying or harassment that is not made in good faith is considered retaliation.
2. Perpetuation of conduct listed in the definition of bullying and harassment by an individual or group with intent to demean, dehumanize, embarrass or cause emotional or physical harm to a student or school employee by:
 - a. Incitement or coercion
 - b. Accessing or knowingly and willingly causing or providing access to data or computer software through a computer, computer system, computer network, electronic or wireless devices on or off school grounds to bully or harass that jeopardizes student or school employee safety or disrupts the learning environment within the scope of the district school system.
 - c. Acting in a manner that has an effect substantially similar to the effect of bullying or harassment.

Cyberbullying means bullying through the use of technology or any electronic communication, which includes, but is not limited to, any transfer of signs, signals, writing, images, sounds, data, or intelligence of any nature transmitted in whole or in part by a wire, radio, electromagnetic system, photoelectronic system, or photooptical system, including, but not limited to, electronic mail, Internet communications, instant messages, or facsimile communications. Cyberbullying includes the creation of a webpage or weblog in which the creator assumes the identity of another person, or the knowing impersonation of another person as the author of posted content or messages, if the creation or impersonation creates any of the conditions enumerated in the definition of bullying. Cyberbullying also includes the distribution by electronic means of a communication to more than one person or the posting of material on an electronic medium that may be accessed by one or more persons, if the distribution or posting creates any of the conditions enumerated in the definition of bullying.

Cyberstalking is defined in s. 784.048(1)(d), F.S., means to engage in a course of conduct to communicate, or to cause to be communicated, words, images, or language by or through the use of electronic mail or electronic communication, directed at a specific person, causing substantial emotional distress to that person and serving no legitimate purpose.

Hazing as defined in 1006.135, F.S., means any action or situation that endangers the mental or physical health or safety of a student at a school with any of grades 6 through 12 for purposes including, but not limited to, initiation or admission into or affiliation with any organization operating under the sanction of a school with any of grades 6 through 12. "Hazing" includes, but is not limited to:

- a. Pressuring, coercing, or forcing a student into:
 - 1. Violating state or federal law;
 - 2. Consuming any food, liquor, drug, or other substance; or
 - 3. Participating in physical activity that could adversely affect the health or safety of the student.
- b. Any brutality of a physical nature, such as whipping, beating, branding, or exposure to the elements.

Hazing does not include customary athletic events or other similar contests or competitions or any activity or conduct that furthers a legal and legitimate objective.

Complainant is defined as any District employee, consultant, contractor, agent, visitor, volunteer, student, or other person who formally or informally makes a report of bullying, orally or in writing.

Bullying, Harassment, Cyberbullying, and Discrimination (as referred to and defined herein) encompasses, but is not limited to, unwanted harm towards a student or employee based on or with regard to actual or perceived: sex, race, color, religion, national origin, age, disability (physical, mental, or educational), marital status, socio-economic background, ancestry, ethnicity, gender, gender identity or expression, linguistic preference, political beliefs, sexual orientation, or social/family background. This policy prohibits bullying or harassment of any student by any Board member, District employee, consultant, contractor, agent, visitor, volunteer, student, or other person in the school or outside of the school, at school-sponsored events, on school buses, and at training facilities or training programs sponsored by the District.

- c. Description of the type of **behavior expected** from each student and school employee of a public K-12 educational institution:

The Miami-Dade County Public School District expects students to conduct themselves as appropriate for their levels of development, maturity, and demonstrated capabilities with a proper regard for the rights and welfare of other students and school staff, the educational purpose underlying all school activities, and the care of school facilities and equipment.

The school district believes that standards for student behavior must be set cooperatively through interaction among the students, parents/legal guardians, staff, and community members creating an atmosphere that encourages students to grow in self-discipline. The development of this atmosphere requires respect for self and others, as well as for district and community property on the part of students,

staff, and community members. Since students learn by example, school administrators, faculty, staff, and volunteers will demonstrate appropriate behavior, treat others with civility and respect, and refuse to tolerate bullying or harassment. (M-DCPS Code of Student Conduct).

~~The school district upholds that~~ Bullying and harassment of any student or school employee is prohibited:

- a. During any education program or activity conducted by M-DCPS;
 - b. During any school-related or school-sponsored program or activity; or
 - c. On a M-DCPS school bus or school bus stop;
 - d. Through the use of data or computer software that is accessed through a computer, computer system, or computer network of M-DCPS within the scope of our school district, meaning regardless of ownership, any computer, computer system, or computer network that is physically located on school property or at a school-related or school-sponsored program or activity; or
 - e. Through the use of data or computer software that is accessed at a non-school-related location, activity, function, or program or through the use of technology or an electronic device that is not owned, leased, or used by a school district or school, if the bullying substantially interferes with or limits the victim's ability to participate in or benefit from the services, activities, or opportunities offered by a school or substantially disrupts the education process or orderly operation of a school.
 - f. The above section (e) does not require a school to staff or monitor any non-school-related activity, function, or program.
- d. **Consequences** for a student or employee of a public K-12 educational institution who commits an act of bullying or harassment.

Concluding whether a particular action or incident constitutes a violation of this policy requires a determination based on all of the facts and surrounding circumstances. The physical location or time of access of a computer-related incident cannot be raised as a defense in any disciplinary action.

1. Consequences and appropriate remedial action for students who commit acts of bullying or harassment may range from positive behavioral interventions up to and including suspension or expulsion, as outlined in the ~~Code of Student Conduct~~. *Code of Student Conduct* (School Board Policy 5500). ~~The M-DCPS Procedures for Promoting and Maintaining a Safe Learning Environment~~ *M-DCPS Procedures for Promoting and Maintaining a Safe Learning Environment* manual Guideline #33: Bullying and Harassment, specifically provides procedures, appropriate remedial actions and consequences for such acts.

Miami Dade County School Board Policy 5517.02 provides procedures to be followed if a student is being harassed by an adult employee of Miami-Dade

County Public Schools, or by a fellow student.

2. Consequences and appropriate remedial action for a school/district employee found to have committed an act of bullying or harassment are provided in accordance with district policies, procedures, and agreements. (School Board Policies 1210.01, 3210.01, and 4210.01, ~~Code of Ethics~~ Code of Ethics; Personnel Investigative Model – PIM) Additionally, egregious acts of harassment by certified educators may result in a sanction against an educator's state issued certificate. (The Code of Ethics for Public Officers and Employees, Chapter 112, Part III, Florida Statue, The Principles of Professional Conduct of the Education Profession in Florida and School Board Policies 1129, 3129, and 4129)
3. Consequences and appropriate remedial action for a visitor or volunteer, found to have committed an act of bullying or harassment will be determined by the school administrator after consideration of the nature and circumstances of the act, including reports to appropriate law enforcement officials.

- e. Consequences for a student or employee of a public K-12 educational institution who is found to have wrongfully and intentionally accused another of an act of bullying or harassment:

The ~~same~~ aforementioned sanctions listed above apply to persons, whether they are students, school/district employees, or visitors/volunteers/independent contractors, who are found to have ~~made~~ wrongfully and intentionally accused another as ~~an act~~ of bullying or harassment.

~~Consequences and appropriate remedial action for a student found to have wrongfully and intentionally accused another as an act of bullying or harassment range from positive behavioral interventions up to and including suspension or expulsion, as outlined in the Code of Student Conduct. Consequences and appropriate remedial action for a school employee found to have wrongfully and intentionally accused another of an act of bullying or harassment is provided in accordance with district policies, procedures, and agreements, or outlined in the M-DCPS Personnel Investigative Model (PIM). Consequences and appropriate remedial action for a visitor or volunteer, found to have wrongfully and intentionally accused another of an act of bullying or harassment is determined by the school administrator after consideration of the nature and circumstances of the act, including reports to appropriate law enforcement officials.~~

- f. A procedure for reporting an act of bullying or harassment, including provisions that permit a person to anonymously report such an act.

At each school, the principal or the principal's designee is responsible for receiving complaints alleging violations of this policy. All school employees are required to

report alleged violations of this Policy to the principal or the principal's designee. All other members of the school community who have credible information that an act of bullying or harassment has taken place, including students, parents/legal guardians, volunteers, and visitors are encouraged to report any act that may be a violation of this policy anonymously or in-person to the principal or principal's designee.

If the alleged offense is against the principal, the report should be filed with the Regional Center Superintendent. Complaints against the Superintendent should be filed with the School Board Chairperson. Failure to report will result in action(s) or discipline, consistent with the Personnel Investigate Model (PIM). ~~The Code of Ethics~~ The Code of Ethics for Public Officers and Employees, Chapter 112, Part III, Florida Statute, and ~~The Code of Ethics~~ The Code of Ethics and the Principles of Professional Conduct of the Education Profession in Florida and State Board of Education Rule 6B-1.006 also serve as guidelines., as well.

If the alleged offense is against a school board employee, disciplinary actions may be taken consistent with any applicable bargaining agreement provisions, (Personnel Investigative Model – PIM), to resolve a complaint of bullying or harassment. The principal or an employee accused of bullying or harassment will discuss the determination and any recommended corrective action with the Regional Center Superintendent prior to its implementation.

The principal of each school in the District will prominently publicize to students, staff, volunteers, visitors and parents/legal guardians how a report of bullying or harassment may be filed either in-person or anonymously and how this report will be acted upon. The victim of bullying or harassment, any witnesses, and anyone who has credible information that an act of bullying or harassment has taken place may file a report. A school employee, school volunteer, student, parent/legal guardian or other persons who promptly reports and in good faith reports an act of bullying or harassment to the appropriate school official and who makes this report in compliance with the District procedures set forth in the district policy is immune from a cause of action for damages arising out of the reporting itself or any failure to remedy the reported incident. Submission of a good faith complaint or report of bullying or harassment will not affect the complainant or report's future employment, grades, learning or working environment, or work assignments.

Written and oral reports shall be considered official reports. Complaints must be filled as soon as possible after the alleged incident and documented on the Student Case Management Referral form. Subsequently, the information should be recorded in the Integrated Student Information System (ISIS), within 30 school days of the last act of alleged bullying or harassment.

~~The MDCPS Procedures for Promoting and Maintaining a Safe Learning Environment manual Guideline #33: Bullying and Harassment (Federal Law, The Florida Board of Education Rules 6A-19.008, and 6B-1.006, and Miami-Dade~~

County School Board Policies 5517.02 ~~Discrimination/Harassment Complaint Procedure for Students~~ *Discrimination/Harassment Complaint Procedure for Students*, and ~~Anti-Discrimination/Harassment Complaint Procedure for Employees~~ *Anti-Discrimination/Harassment Complaint Procedure for Employees*, 1362.02, 3362.02, and 4362.02) includes procedures for reporting an act of bullying or harassment.

Reports may be made anonymously, but formal disciplinary action may not be based solely on the basis of an anonymous report. Anonymous reports must be investigated in the same manner and treated with the same seriousness as all other reports.

If a student or other individual believes there has been bullying or harassment, regardless of whether it fits a particular definition, s/he should report it and allow the principal or principal's designee to determine the appropriate course of action.

Anonymous reports may be made by parents and students by utilizing the Miami-Dade County Public Schools Anonymous Bullying Report form. Anonymous online reports can be filled out on-line and will be received directly by the principal of the school where the alleged incident took place via electronic mail. Such forms can also be printed from the on-line site and filled out in writing.

Each school is required to have a Bullying/Harassment Anonymous Reporting Box for parents and students to utilize. Written, anonymous reports may be placed in the school's reporting box located in a discrete location determined by the principal.

The principal or principal's designee will document all reports and interventions on the appropriate Student Case Management Referral Form or Student Case Management Discipline Form and further use the Integrated Student Information System (ISIS) for system wide documentation.

Administrative Review and Procedures: Receipt of Complaints

The building principal and principal's designee shall promptly investigate all reports of bullying and harassment. All matters involving such complaints will remain confidential to the extent permitted by law. Staff members are encouraged to watch for early signs of bullying and harassment and to intervene before the bullying or harassment escalates.

Even when there has been no report of bullying, each staff member is encouraged to be vigilant and look for students who appear to be isolated from other students, about whom other students are making inappropriate comments, or who show signs of being a victim of their peers. To confirm their concerns, the staff member may choose to:

- Intensify observations of student(s) in question,

- Confer with colleagues about students potentially involved,
- Engage in short personal interviews with some students,
- Contact the parent to inquire as to how the student is perceiving school interactions, and/or
- Speak privately with the possible victim of bullying or harassment.

If such measures confirm the staff member's concern that a student is being bullied or harassed or the staff member observes or receives a report of a bullying or harassment about that student, they must inform the principal or principal's designee either verbally or through written communication on a standard Student Case Management Referral form.

Students and/or their parents/guardians may file a Bullying and Harassment Report Form (available in the main office of each school) regarding suspected bullying or harassment. Such reports will be promptly forwarded to the principal or principal's designee for review, investigation, and action.

The written report shall be reasonably specific as to actions giving rise to the suspicion of bullying and will must include:

- Persons involved, designating bully, victim, and bystanders roles in the current situation,
- Number of times and places of the alleged conduct,
- Names of any potential student or staff witnesses, and
- Any actions taken.

Reporting and Documenting Procedures: Students

1. In an expeditious manner, the principal or principal's designee will shall confer with the student, parent or guardian who submitted the report in order to obtain a clear understanding of the alleged incident and obtain details regarding the current situation. If not already completed, the principal or principal's designee will complete the Bullying Report Form. Documentation of this conference will be coded on a Student Case Management Form.
2. The principal or principal's designee will meet with all student(s) accused of the alleged bullying or harassment, to obtain a response to the complaint both orally and in writing. Documentation of this conference will be coded on a Student Case Management Form.
3. The principal or principal's designee will meet with all witnesses, individually and confidentially, identified by the person(s) making the report of bullying or harassment. Witnesses will be asked to make a statement both orally and in writing regarding the alleged facts that form the basis of the complaint. Documentation of this meeting will be coded on a Student Case Management Form.

4. Following the completion of the investigation, any student(s) found to have violated this policy will be subject to any of the disciplinary actions described in the ~~Code of Student Conduct~~ *Code of Student Conduct* and coded on a Student Case Management Referral Form. The principal or principal's designee will notify parents, guardians or legal custodians of any student(s) involved in an incident of bullying or harassment under this policy. The Florida Department of Education requires that school administrators/designees provide immediate notification to the parents of both the victim and the alleged perpetrator of ~~an act of~~ bullying or harassment. Acceptable means of notification to parents/guardians and/or legal custodians include: ~~via~~ telephone, personal conference, and/or in writing. Notification must be consistent with the student privacy rights under the applicable provisions of the Family Educational Rights and Privacy Act of 1974 (FERPA). Such persons shall have access to any written reports pertaining to the prohibited incident to the extent permitted by State and Federal privacy/confidentiality laws.
5. Retaliation against any student or employee who makes a complaint of bullying or harassment, or any student who becomes involved in the investigation of any such complaint, is strictly prohibited, and may result in discipline irrespective of the merits of the initial complaint. ~~In addition,~~ Making intentionally false reports about intimidation, harassment or bullying for the purpose of getting someone in trouble is similarly prohibited and will not be tolerated. Retaliation and intentionally false reports may result in disciplinary action as indicated above and will be subject to any of the disciplinary actions described in the ~~Student Code of Conduct~~ *Code of Student Conduct* and coded on a Student Case Management Referral Form.
6. The principal or principal's designee shall have the authority to involve local law enforcement if an individual believes danger is imminent due to the alleged bullying or harassment or for any other potential criminal offense.
- g. **A procedure for the prompt investigation** of a report of bullying or harassment and the persons responsible for the investigation must be followed. The investigation of all incidents at school or during school related activities ~~of a reported act of bullying or harassment is deemed to be a school-related activity~~ and begins with a report of bullying or harassment. ~~such an act.~~

At each school in the ~~d~~District, the Procedures for Investigating Bullying and/or Harassment include:

The principal or principal's designee(s), employed by the school, trained in investigative procedures will initiate ~~the a~~ thorough investigation with the victim and alleged perpetrator within (2) school days of receiving a notification of complaint. The designee shall not be the accused perpetrator (harasser, bully or victim).

1. Documented interviews with the victim, alleged perpetrator, and witnesses are conducted privately, separately, and are confidential and at no time will the alleged perpetrator and victim be interviewed together. Employees will have the right to representation of their choice during an interview which includes representation from their respective bargaining unit, association, and/or legal counsel. The Personnel Investigative Model (PIM) shall be utilized to guide the process.

The investigator shall collect and evaluate the facts including, but not limited to:

- Description of incident(s) including nature of the behavior; context in which the alleged incident(s) occurred, etc;
 - How often the conduct occurred;
 - Whether there were past incidents or past continuing patterns of behavior;
 - The relationship between the parties involved;
 - The characteristics of parties involved (i.e., grade, age, etc.);
 - The identity and number of individuals who participated in bullying or harassing behavior;
 - Where the alleged incident(s) occurred;
 - Whether the conduct adversely affected the student's education or educational environment;
 - Whether the alleged victim felt or perceived an imbalance of power as a result of the reported incident;
 - The date and time, and method in which the parent(s)/legal guardian(s) were contacted; and
 - Description of follow-up action
- Whether a particular action or incident constitutes a violation of this policy requires a determination based on all the facts and surrounding circumstances and includes:
 - Recommendation of consequences or remedial steps necessary to stop the bullying and/or harassing behavior
 - A written final report by the principal or designee
 - The highest level of confidentiality possible will be upheld maintained regarding the submission of a complaint or a report of bullying and/or harassment, and the investigative procedures that follow.
 - The procedure for including incidents of bullying in the school's report of safety and discipline data is required under F.S. 1006.09(6).
- h. A process to investigate whether a reported act of bullying or harassment is within ~~the scope of the district school system~~ School Board's jurisdiction and, if not, a process for referral of such an act to the appropriate jurisdiction. Computers without

web-filtering software or computers with web-filtering software that is disabled shall be used when complaints of cyberbullying are investigated.

A principal or designee will initiate an investigation to determine whether an alleged act is within the ~~scope of the school district~~ School Board's jurisdiction, and whether it constitutes a violation of this policy by conducting a prompt, thorough and complete investigation of each alleged incident.

~~The trained designee(s) will provide a report on results of the investigation with recommendations for the principal to make a determination if an act of bullying or harassment falls within the scope of the district.~~

- If it is within the School Board's jurisdiction, ~~scope of the district~~, ~~movego to~~ Procedures for Investigating Bullying and/or Harassment.
- If it is outside the ~~scope of the district~~ School Board's jurisdiction, and could be determined a criminal act, refer to appropriate law enforcement.
- If it is outside the School Board's jurisdiction, ~~scope of the district~~, and is determined not a criminal act, inform parents/legal guardians of all students involved.

- i. A procedure for providing **immediate notification to the parents/legal guardians** of a victim of bullying or harassment and the parents/legal guardians of the perpetrator of an act of bullying or harassment as well as, notification to all local agencies where criminal charges may be pursued against the perpetrator:

The principal, or designee, will promptly report by telephone, personal conference, and/or in writing, the occurrence of any incident of bullying or harassment as defined by this policy to the parent or legal guardian of all students involved on the same day an investigation of the incident(s) has been initiated. Notification must be consistent with the student privacy rights under the applicable provisions of the Family Educational Rights and Privacy Act of 1974 (FERPA).

Special consideration regarding parental notification should be provided for students whom are being bullied / harassed based on actual or perceived sexual orientation, or gender identity or expression in order as to protect the child's well-being and avoid the violating on the student's privacy rights. If the bullying or harassment incident results in the perpetrator being charged with a crime, the principal, or designee, shall by telephone or in writing by first class mail, inform parents/legal guardian of the victim(s) involved in the bullying or harassment incident about the Unsafe School Choice Option (No Child Left Behind, Title IX, Part E, Subpart 2, Section 9532) that states "A student attending a persistently dangerous public elementary school or secondary school, as determined by the State in consultation with a representative sample of local educational agencies, or a student who becomes the victim of a violent criminal offense, as determined by State law, while in or on the grounds of a public elementary school or secondary school that the student attends, be allowed to attend a safe public elementary school or secondary school within the local educational agency, including a public charter school."

Once the investigation has been completed and criminal charges ~~may be pursued~~ against the perpetrator are a possibility, all appropriate local law enforcement agencies will be notified by telephone and/or in writing.

- j. A procedure to **refer** victims and perpetrators of bullying or harassment for **counseling**:

A ~~The~~ District referral procedure ~~will establish a protocol~~ for intervening when bullying or harassment is suspected or when a bullying incident is reported. ~~The procedure shall include:~~

Referral for Intervention and Counseling: Students

Both victims and perpetrators of bullying or harassment will be referred to ~~the members~~ of the school's Student Services Team for counseling support and interventions. (Parent or legal guardian must be notified). Documentation of services will be coded on a Student Case management Form.

Counseling and support services may be provided to address the needs of the victim, the bystanders, as well as the perpetrator(s) of bullying or harassment (e.g., individual counseling, empathy training, anger management, etc.). Research-based counseling/interventions will be used to address the behavior of the students who bully and harass others. ~~will be specifically utilized.~~

Research-based counseling/interventions that include assistance and support will be provided to parents/~~legal guardians~~, ~~if deemed necessary or appropriate.~~

Referrals to at least two different community-based counseling agencies pursuant to Policy 1213.01, ~~Requests for Outside Providers~~ *Requests for Outside Providers*, will be ~~provided~~ made to the parent/guardian when additional family counseling services are recommended. Documentation of the services will be coded on a Student Case Management Form.

- ~~A process by which~~ The teacher, staff member, or parent/legal guardian may request, informal consultation with specialty staff, e.g., school counselor, school social worker, or school psychologist, etc., to determine the severity of concern and appropriate steps to address the concern (the involved students' parents or legal guardian may be included). Documentation of the conference will be coded on a Student Case Management Form.
- If a formal discipline report or formal complaint is made, the principal or designee must refer the student(s) to the school's Student Services Team for consideration of appropriate services. (Parent or legal guardian involvement is required at this point).

- k. ~~A procedure for including incidents of bullying or harassment in the~~ School's must

report of data concerning school safety and **discipline data** required under F. S. 1006.09(6), F.S. The report must include each incident of bullying or harassment and the resulting consequences, including any disciplinary actions and referrals. The report must include, in a separate section, each reported incident of bullying or harassment that does not meet the criteria of a prohibited act under this section with recommendations for responding to such incidents:

The school District will utilize Florida's School Environmental Safety Incident Reporting (SESIR) Statewide Report on School Safety and Discipline Data, which include **bullying/harassment** as an incident code as well as **bullying-related** as a related element code. The SESIR definition of harassment is any threatening, insulting, or dehumanizing gesture, use of data or computer software, or written, verbal, or physical conduct that 1) places a student or school employee in reasonable fear of harm to his or her person or damage to his or her property, 2) has the effect of substantially interfering with a student's educational performance, opportunities, or benefits, or 3) has the effect of substantially disrupting the orderly operation of a school including any course of conduct directed at a specific person that causes substantial emotional distress in such a person and serves no legitimate purpose.

~~If a~~ **Bullying and/or harassment incidents occurs then it will be reported in SESIR with the bullying/harassment codes: reports of bullying (BUL), harassment (HAR), unsubstantiated bullying (UBL), and unsubstantiated harassment (UHR).** . If the bullying/harassment results in any of the following SESIR incidents, the incident will be coded appropriately using the relevant incident code AND the related element code entitled **bullying-related** code. Those incidents are:

- Alcohol Possession or Use
- Arson
- Battery
- Breaking and Entering
- Disruption on Campus
- Drug Sale/Distribution Excluding Alcohol
- Drug Use/Possession Excluding Alcohol
- Major Fighting
- Hazing
- Homicide
- Kidnapping
- Larceny/Theft/Motor Vehicle Theft
- Physical Attack
- Robbery
- Sexual Assault
- Sexual Battery
- Sexual Harassment
- Sexual Offenses
- Threat/Intimidation

- Trespassing
- Tobacco
- Stalking
- Vandalism
- Weapons Possession
- Other Major (Other major incidents that do not fit within the other definitions)

Discipline and referral data will be recorded in Student Discipline/Referral Action Report and Integrated Student Information System (ISIS).

The eDistrict will provide bullying and harassment incident, discipline, and referral data to the Florida Department of Education in the format requested, through Survey 5 from Education Information and Accountability Services, and at designated dates provided by the Department.

1. A procedure for **providing instruction** to students, parents/legal guardians, teachers, school administrators, counseling staff, and school volunteers on preventing, identifying, and responding to bullying or harassment, including instruction on recognizing behaviors that lead to bullying and harassment and taking appropriate preventive action based on those observations:

Evidence-based Procedures for Responding to Bullying and Harassment: Students

The eDistrict strives to ensure that schools sustain maintain healthy, positive, and safe learning environments for all students. It is important to change the social climate of the school and the social norms ~~with regards to~~ regarding bullying and harassment. This requires the efforts of everyone in the school environment – teachers, administrators, counselors, school nurses other non-teaching staff (such as bus drivers, custodians, cafeteria workers, and/or school librarians), parents/legal guardians, and students.

Students, parents/legal guardians, teachers, school administrators, counseling staff, and school volunteers shall be given instruction at a minimum of once per year on the District's Policy Against Bullying and Harassment by the District Safe Schools Programs' staff. The instruction shall include evidence-based methods of preventing bullying and harassment, how to effectively identify and respond to bullying and harassment in schools, as well as the requirements and procedures for compliance with the eDistrict Policy Against Bullying and Harassment.

- m. A procedure for **regularly reporting to a victim's parents/legal guardians** the actions taken to protect the victim of bullying and harassment.

The principal or designee shall by telephone and/or in writing report the occurrence of any incident of bullying or harassment as defined by this policy to the parent or legal guardian of all students involved on the same day an investigation of the incident has been initiated. According to the level of infraction, parents/legal

guardians will be notified by telephone and/or writing of actions being taken to protect the child. The frequency of notification will depend on the seriousness of the bullying or harassment incident. Notification must be consistent with the student privacy rights under the applicable provisions of the Family Educational Rights and Privacy Act of 1974 (FERPA).

- n. A **procedure for publicizing** the policy which must include its publication in the ~~Code of Student Conduct~~ Code of Student Conduct required under s. 1006.07(2), F.S., and in all employee handbooks:

At the beginning of each school year, the Superintendent or designee shall, in writing, inform school staff, parents/legal guardians, or other persons responsible for the welfare of a student of the ~~the~~ District's student safety and violence prevention policy.

Each ~~the~~ District school shall provide notice to students and staff of this policy through appropriate references in the ~~Code of Student Conduct~~ Code of Student Conduct and employee handbooks, and/or through other reasonable means. The Superintendent shall also make all contractors contracting with the ~~the~~ District aware of this policy.

Each school principal shall develop an annual process for discussing the ~~school~~ ~~the~~ District policy on bullying and harassment with students in a student assembly or other reasonable format. Reminders of the policy and bullying prevention messages such as posters and signs will be displayed around each school and on ~~the~~ District school buses.

- o. **Appeals Process:** If the student/parent does not agree with the final determination made by the school site, he/she may appeal the determination by submitting a letter of appeal within 15 workdays to the ~~Office of Mental Health and Crisis Management Services Region Office or Division of Student Services District Office.~~
- p. **Constitutional Safeguard:** This policy does not prohibit, and should not be interpreted or enforced to prohibit, expressive activity or conduct protected by the First Amendment of the United States Constitution or Article I, Section 4 of the Florida Constitution.
- q. **Preclusion:** This policy shall not be interpreted or applied to prevent a victim or accused from seeking redress under any other available law either civil or criminal.
- r. **Severability:** If a provision of this policy is or becomes illegal, invalid, or unenforceable in any jurisdiction, that shall not affect the validity or enforceability in that jurisdiction of any other provision of this policy.

1

WEAPONS

2 Students are prohibited from possessing, storing, making, or using a weapon,
3 including a concealed weapon, in a school safety zone and any setting that is under
4 the control and supervision of the School Board for the purpose of school activities
5 approved and authorized by the Board including, but not limited to, property leased,
6 owned, or contracted for by the Board, a school-sponsored event, or in a
7 Board-owned vehicle.

8 Weapons and firearms are defined in F.S. 790.001 and include, but are not limited
9 to, firearms, guns of any type, knives, razors, clubs, electric weapons, metallic
10 knuckles, martial arts weapons, ammunition, and explosives. Weapon also means
11 any object which, in the manner in which it is used, is intended or represented to be
12 used, is capable of inflicting serious bodily harm or property damage, or
13 endangering health and safety. This policy also prohibits look-alike items, false fire
14 alarms, bomb threats, or intentional calls to falsely report a dangerous condition.

15 The Superintendent is authorized to establish administrative procedures on
16 weapons which require students to immediately report knowledge of weapons and
17 threats of violence by students and staff to the principal, School Police or other
18 appropriate staff member.

19 The Superintendent shall also post notices prohibiting the carrying and possession
20 of concealed weapons in a school safety zone, including schools and school
21 buildings, on school premises, and at school activities. The failure to post a notice,
22 however, shall not prevent enforcement of this policy.

23 Items pre-approved by the Principal as part of a class or individual presentation or a
24 theatrical prop used under adult supervision, if used for the purpose and in the
25 manner approved, are an exception to this policy. Working firearms, and any
26 ammunition, and any items that could endanger health and safety shall not be
27 approved as part of any school sponsored presentation, including classes and
28 assemblies or as a theatrical prop.

29 Violations of this policy shall be addressed pursuant to the Code of Student Conduct
30 (Policy 5500).

31 F.S. 790, 790.001, 1001.43(1)(a), 1006.07
32 20 U.S.C. 7151

1

STUDENT ABUSE AND NEGLECT

2 Any person, including teachers, administrators, support personnel, and other
3 District and school personnel, who knows, or has reasonable cause to suspect that a
4 child or a student has been abused, abandoned, or neglected by a parent, legal
5 custodian, caregiver, adult, or other person responsible for the child's welfare, or
6 that a child is in need of supervision and care and has no parent, legal custodian, or
7 responsible adult relative immediately known and available to provide supervision
8 and care shall report such knowledge or suspicion to the Florida Department of
9 Children and Families ("DCF") in a manner prescribed by this Policy.

10

11 In addition, any person, including teachers, administrators, support personnel, and
12 other District and school personnel who knows, or has reasonable cause to suspect
13 that a child or student is the victim of childhood sexual abuse or the victim of a
14 known or suspected juvenile sexual offender, shall report such knowledge or
15 suspicion to the Department of Children and Families.

16

17 Any person who is required by F.S. 39.201, to report known or suspected child
18 abuse, abandonment or neglect and who knowingly and willfully fails to do so, or
19 who knowingly and willfully prevents another person from doing so, is guilty of a
20 misdemeanor or felony of the first third degree, punishable as provided in F.S. 775.082,
21 775.083, or 775.084.

22 Prohibiting or delaying an employee or subordinate from making a report of known
23 or suspected child abuse or neglect may constitute a violation of law even if the
24 supervisor intends to make the report themselves.

25 Although reports of known or suspected child abuse or neglect should always be
26 made by the person first learning of the incident, persons with additional
27 information regarding the incident must provide the information to the appropriate
28 authority as outlined in Florida State statutes and this policy.

29 **General Definition of Child Abuse**

30 Child abuse includes harm or threatened harm to a child's physical or mental health
31 or welfare by the acts or omissions of a parent, legal guardian, adult household
32 member, legal custodian, caregiver, or other person responsible for the child's
33 welfare including an employee of any school, public or private day care center,
34 residential home, institution, facility, or agency or any other person at such

1 institution legally responsible for the child's care. Harm to a child's health or
2 welfare can occur when the parent or other person responsible for the child's welfare
3 inflicts, or allows to be inflicted, upon the child physical, sexual, or mental injury
4 that causes or is likely to cause the child's physical, mental, or emotional health to
5 be significantly impaired. Child abuse includes the neglect and abandonment of a
6 child.

7 In determining whether harm has occurred, the following factors must be considered
8 in evaluating any physical, mental, or emotional injury to a child:

- 9 A. the age of the child;
- 10 B. any prior history of injuries to the child;
- 11
- 12 C. the location of the injury on the body of the child;
- 13 D. the multiplicity of the injury; and
- 14 E. the type of trauma inflicted.

15 **Examples of Abuse, Neglect, and Abandonment**

16 **Physical Injury** - the result of willful acts that produce injuries.

17 **Mental Injury** - an injury to the intellectual or psychological capacity of a child as
18 evidenced by discernible and substantial impairment in the ability to function within
19 the normal range of performance and behavior.

20 **Neglect** - depriving a child, or allowing a child to be deprived of, necessary food,
21 clothing, shelter, or medical treatment, although financially able to provide such
22 care, or permitting a child to live in an environment when such deprivation or
23 environment causes the child's physical, mental, or emotional health to be
24 significantly impaired.

25 **Sexual Abuse** - allowing the commission of sexual battery or lewd and lascivious
26 acts, against or in the presences of the child or sexually exploiting the child.

27 **Abandonment** - making no provision for the child's support and failing to establish
28 or maintain a substantial or positive relationship with the child.

29 **Child in Need of Supervision and Care** - when a child that has no parent, legal
30 custodian, or responsible adult relative immediately known and available to provide
31 supervision and care.

1 **Additional Categories of Abuse** - Exploiting a child, or allowing a child to be
2 exploited (hiring and employing; infliction of pain or suffering); exposing a child to a
3 controlled substance or alcohol; using mechanical devices, unreasonable restraints,
4 or extended periods of isolation to control children; engaging in violent behavior that
5 demonstrates a wanton disregard for the presence of a child and could reasonably
6 result in serious injury to the child; negligently failing to protect a child from
7 inflicted physical, mental, or sexual injury caused by the acts of another; allowing a
8 child's sibling to die as a result of abuse or neglect.

9 Additional definitions of child abuse can be found in F.S. 39.01.

10 **Child Abuse Reporting Procedures**

11 Complete the following procedures when reporting suspicion of child abuse,
12 abandonment, neglect, or that a child is in need of supervision and care:

13 A. Immediately report suspected abuse to the twenty-four (24) hour,
14 toll-free DCF Central Abuse Hotline at **1-800-96-ABUSE (22873)**.
15 New allegations of child abuse require the immediate reporting of
16 suspected child abuse, neglect, and abandonment regardless of a
17 child's current placement under the supervision of DCF.
18

19 The report should include the child's name, home address found in
20 the Integrated Student Information System (ISIS) and on the
21 Student Data Card, parent/guardian information, and any other
22 identifiable information that will assist DCF in locating the child.
23

24 A determination should be made as to who perpetrated the abuse
25 and where the incident occurred for appropriate law enforcement
26 notification, and then no further questioning of the child by School
27 Board employees shall take place.
28

29 Advise the Florida Abuse Hotline operator of whether the student is
30 in school on the day that the report is made.

31 B. Immediately notify (305) 995-COPS (2677) and the school site
32 administrator that the abuse has been reported to the DCF Central
33 Abuse Hotline.

34 C. If the incident of suspected abuse alleges that a school board
35 employee is the offender, follow the steps outlined above.

- 1 Additionally, the site administrator must contact the Office of
2 Professional Standards (OPS).
- 3 D. School-site employees shall not contact the child's parent or
4 guardian, including anyone who is in a parental relationship to a
5 student or any person exercising supervisory authority over a child
6 in place of the parent. The representative from DCF or law
7 enforcement agency will contact the parent/guardian.
- 8 E. Board employees shall not contact the alleged perpetrator. A
9 representative from DCF or law enforcement will contact the alleged
10 perpetrator.
- 11 F. Maintain confidentiality of the report and suspected abuse at all
12 times, notwithstanding providing information to officials for
13 purposes of the investigation.
- 14 G. Simply notifying a school site or work supervisor does not relieve the
15 employee from the stipulated mandatory –reporting requirements.
16 School or other District personnel who are informed of suspected
17 abuse, abandonment, and neglect are also obligated to report to the
18 central abuse hotline.

19 No employee of the District shall be subject to reprisal or discharge because of
20 his/her actions in reporting abuse, abandonment, or neglect pursuant to law and
21 this policy. ~~the requirements of F.S. 39.203.~~

22
23
24 No Board employee may agree, as a condition of receiving information about child
25 abuse, neglect, or abandonment from a victim, a perpetrator, witness, or other
26 person, that the Board employee will not report this information as required by law
27 and this Board policy.

28 **Post-Reporting Procedures**

- 29 A. The person who reports the alleged abuse shall remain at the school
30 and an appropriate Board employee shall remain with the child until
31 a representative from DCF or law enforcement arrives on campus.
32 At that point questioning of the child may resume, but only at the
33 direction of either the DCF or law enforcement agency.
- 34 B. In the event a report of suspected child abuse is made after regular
35 school hours and a school administrator is unavailable because the

1 report occurred after hours, the Board employee must be sure to
2 inform the school administrator the following morning. Please note
3 that the DCF Central Abuse Hotline must always be called.

4 C. Do not maintain records or reports made pursuant to this policy as
5 part of the student's educational record.

6 D. Any school teacher or other school official or personnel who reports
7 a case of child abuse may, at the time s/he makes the report,
8 request that the department notify him/her that a child protective
9 investigation occurred as a result of the report and may also request
10 a written summary of the outcome of the investigation. DCF shall
11 mail such a notice to the reporter within ten (10) days after
12 completing the child protective investigation.

13 E. After a call has been made to the hotline, all issues and concerns
14 pertaining to the report should be directed to ~~District~~/School
15 Operations at 305-995-~~2710805-4600~~. Any issues and concerns
16 occurring after business hours should be directed to 305-995-COPS
17 (2677).

18 **Students Who Have Not Been Picked Up From School Or After School Care**

19 A. If a student has not been picked up from school after dismissal, the
20 principal or after school care manager shall make every effort to
21 contact the parent/guardian or other authorized individuals listed
22 on the Student Data /Emergency Contact Card.

23 B. After two hours have passed from the regularly scheduled dismissal
24 time, the principal may contact **1-800-96-ABUSE** (22873) to report
25 the incident. This step should only be taken when all efforts have
26 been exhausted with regard to contacting the parent/guardian or
27 other authorized individuals on the student data card.

28 **DCF/Law Enforcement Investigations of Child Abuse**

29 A. Arrival On Campus:

30
31 Upon arriving on campus, all personnel from DCF will be required to
32 produce their State issued identification. School personnel shall
33 examine and verify the identity of the DCF representative and may
34 call the Abuse Hotline to confirm but shall not make a photocopy of
35 the ID or request any additional identification document or

1 | information. Because immediate investigation of child abuse is
2 | critical, every effort must be made to prevent delay in verification.
3 | ~~They are not required to produce any other identification.~~
4 |

5 | Upon the initiation of an investigation by DCF and/or law
6 | enforcement agency, no additional investigation should be initiated
7 | by any school-site personnel. Depending on the nature of the
8 | allegations, a representative from one or both of those agencies has
9 | the authority to conduct an interview with a student on school
10 | premises during the school day and may come to school to do so.
11 | Upon arriving on campus the representative from DCF and/or law
12 | enforcement agency shall advise the principal of that agency's
13 | presence and purpose. Upon the presentation of proper
14 | identification, these individuals must be given access to the student.

15 | B. Interviewing Students
16 |

17 | A school staff member known to the child may be present during the
18 | interview only under the following conditions if:

- 19 | 1. A representative from DCF or law enforcement believes that
20 | the school staff member(s) could enhance the success of the
21 | interview, and a school-site administrator has informed the
22 | alleged abused child that the child may have a staff member
23 | present and the child chooses to do so.
- 24 | 2. When a determination has been made to conduct an interview
25 | on school grounds, it should be conducted in an area that
26 | ensures confidentiality and avoids embarrassment to the
27 | student.

1 C. Removal of Students From Campus

2
3 If the representative from DCF or law enforcement agency
4 determines that the student is to be removed from school, this shall
5 be done as inconspicuously and expeditiously as possible. Court
6 orders shall not be required to commence an investigation or remove
7 a child. The agency that removes the student from school shall be
8 responsible for contacting that student's parent(s) or guardian(s).

9
10 A DCF employee who removes a child from campus must sign the
11 student out of school pursuant to District policies and procedures.

12
13 Under no circumstance shall an alleged student witness be removed
14 from the school or a school sponsored activity or event.

15 D. Records and Information Sharing

16
17 Access to any records or information reasonably necessary to ensure
18 appropriate services for the child or for the safety of the child should
19 be provided to DCF/law enforcement. Such records and information
20 are otherwise confidential and may be shared with DCF/law
21 enforcement only through an interagency agreement and in
22 accordance with Federal and State law.

23 **Penalties For Failure To Comply With Mandatory Reporting Requirements**

24 A. Any employee who is required to report known or suspected child
25 abuse or neglect and who knowingly and willfully fails to do so, or
26 who knowingly and willfully prevents another person from doing so,
27 is guilty of a ~~misdemeanor~~felony of the ~~first~~third degree, punishable
28 as provided in F.S. 775.082 or 775.083.

29 B. A person who knowingly and willfully makes public or discloses any
30 confidential information contained in the central abuse registry and
31 tracking system or in the records of any child abuse or neglect case,
32 except as provided in F.S. 39.201 and 794.024 is guilty of a
33 misdemeanor of the second degree, punishable as provided in
34 F.S. 775.082 or 775.083.

35 C. A person who knowingly and willfully makes a false report of child
36 abuse or neglect, or who advises another to make a false report, is
37 guilty of a ~~misdemeanor~~felony -of the third degree, punishable as

1 provided in F.S. 775.082 or 775.083. Anyone making a report who
2 is acting in good faith is immune from any liability under this
3 subsection.

4 Any employee who fails to abide by this policy may be subject to disciplinary action,
5 up to and including dismissal from employment.

6 F.S. 39.01(47), 39.201, 39.202, 39.203, 39.204, 39.205, 39.206, 39.303, 39.305,
7 984.03, 984.04
8 F.S. 1001.41, 1006.061, 1012.98