

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

**SUBJECT: INITIAL READING: PROPOSED AMENDMENTS TO SCHOOL BOARD
POLICIES 5200, ATTENDANCE; 5511, STUDENT DRESS CODE AND
UNIFORMS; 5610, SUSPENSION AND EXPULSION OF STUDENTS;
5845, STUDENT ACTIVITIES; AND 2260.01, SECTION 504
PROCEDURES FOR STUDENTS WITH DISABILITIES**

COMMITTEE: PERSONNEL SERVICES AND STUDENT/SCHOOL SUPPORT

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

Consistent with the Board's statutory responsibility to periodically review and update its policies to conform to legislative changes and District practices, this item requests authorization for the Superintendent to initiate rulemaking to adopt proposed amendments to Board Policies 5200, *Attendance*; 5511, *Student Dress Code and Uniforms*; 5610, *Suspension and Expulsion of Students*; 5845, *Student Activities*; and 2260.01, *Section 504 Procedures for Students with Disabilities*.

The proposed amendments to the policies have been aligned with the most recently updated statutory requirements and to incorporate descriptions of the various types of Alternative Educational Settings (AESs) currently utilized by the District as alternatives to outdoor suspension.

Policy 5200, *Attendance*, is proposed to clarify that assignment to an Alternative Educational Setting is considered an excused absence for attendance purposes.

Policy 5511, *Student Dress Code and Uniforms*, is proposed to be amended to delete outdoor suspension as an option for dress code violations and to refer to the Code of Student Conduct for disciplinary action.

Policy 5610, *Suspension and Expulsion of Students*, is proposed to be amended to add an option to use Alternative Educational Settings as a disciplinary action.

Policy 5845, *Student Activities*, is proposed to be amended to specify that students assigned to Alternative Educational Settings are subject to rules governing interscholastic competitions and performances.

Policy 2260.01, *Section 504 Procedures for Students with Disabilities*, is proposed to be amended to include Alternative Educational Settings as a possible disciplinary action.

Attached are the Notice of Intended Action and the proposed policy amendments. Changes from the current policy 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 adoption of proposed amendments to Board Policies 5200, *Attendance*; 5511, *Student Dress Code and Uniforms*; 5610, *Suspension and Expulsion of Students*; 5845, *Student Activities*; and 2260.01, *Section 504 Procedures for Students with Disabilities*.

RECOMMENDED:

That The School Board of Miami-Dade County, Florida, authorize the Superintendent to initiate rulemaking proceedings to amend School Board Policies 5200, *Attendance*; 5511, *Student Dress Code and Uniforms*; 5610, *Suspension and Expulsion of Students*; 5845, *Student Activities*; and 2260.01, *Section 504 Procedures for Students with Disabilities*, to reflect current District practices with regard to assigning students to Alternative Educational Settings.

NOTICE OF INTENDED ACTION

THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA, announced on July 12, 2017, its intention to amend School Board Policies 5200, *Attendance*; 5511, *Student Dress Code and Uniforms*; 5610, *Suspension and Expulsion of Students*; 5845, *Student Activities*; and 2260.01, *Section 504 Procedures for Students with Disabilities*, at its meeting of September 6, 2017.

PURPOSE AND EFFECT: To amend Board Policies 5200, *Attendance*; 5511, *Student Dress Code and Uniforms*; 5610, *Suspension and Expulsion of Students*; 5845, *Student Activities*; and 2260.01, *Section 504 Procedures for Students with Disabilities*, to reflect current District practices with regard to assigning students to Alternative Educational Settings.

SUMMARY: The proposed amendments to School Board Policies 5200, *Attendance*; 5511, *Student Dress Code and Uniforms*; 5610, *Suspension and Expulsion of Students*; 5845, *Student Activities*; and 2260.01, *Section 504 Procedures for Students with Disabilities* have been aligned with the most recent statutory requirements and to include descriptions of the various types of Alternative Educational Settings (AESs) currently utilized by the District as alternatives to outdoor suspension.

SPECIFIC LEGAL AUTHORITY UNDER WHICH RULEMAKING IS AUTHORIZED: 1001.41(1) (2); 1001.42(8) 1001.43(1), 1003.02 (1)(c), 1006.07(2), F.S.

LAWS IMPLEMENTED INTERPRETED, OR MADE SPECIFIC:

92.525; 837.06; 984.151; 1000.05; 1002.20; 1003.01(5)(6); 1003.02(1)(c); 1003.21; 1003.24; 1003.26; 1003.27; 1006.07; 1006.08; 1006.09; 1006.10; 1006.13; 1006.15; 1011.78 F.S.; 29 C.F.R. Part 1630; 34 C.F.R. Part 104; 29 U.S.C. 794 Section 504 of the Rehabilitation Act of 1973, as amended; 42 U.S.C. 12101 et seq., American with Disabilities Act of 1990; F.A.C. 6A-6.03312

IF REQUESTED, A HEARING WILL BE HELD DURING THE BOARD MEETING of September 6, 2017, which begins at 1:00 p.m., in the School Board Auditorium, 1450 N.E. Second Avenue, Miami, Florida 33132. Persons requesting such a hearing or who wish to provide information regarding the statement of estimated regulatory costs, or to provide a proposal for a lower cost regulatory alternative as provided by Section 120.541(1), F.S., must do so in writing by August 7, 2017 to the Superintendent of Schools, Room 912, at the same address.

ANY PERSON WHO DECIDES TO APPEAL THE DECISION made by The School Board of Miami-Dade County, Florida, with respect to this action will need to ensure the preparation of a verbatim record of the proceedings, including the testimony and evidence upon which the appeal is based (Section 286.0105, Florida Statutes).

A COPY OF THE PROPOSED AMENDED POLICIES is available at cost to the public for inspection and copying in the Citizen Information Center, Room 102, 1450 N.E. Second Avenue, Miami, Florida 33132.

Originator: Mrs. Valtena G. Brown
Date: June 27, 2017

1

ATTENDANCE

2 Parents and students are responsible for attendance which shall be required of all students
3 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 student as
5 soon as practicable. The Superintendent shall require, from the parent of each student of
6 compulsory school age or from an adult student who has been absent from school or from
7 class for any reason, a statement of the cause for such absence. The District reserves the
8 right to verify such statements and to investigate the cause of each single absence.

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

11 Accordingly:

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

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

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

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

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

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

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

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

17 **Attendance Defined**

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

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

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

- 1 D. Early Sign-outs –No student shall be released within the final thirty (30)
2 minutes of the school day unless authorized by the principal or principal's
3 designee (i.e., emergency, sickness).
- 4 Each student who is scheduled at a school center for instructional purposes for a partial day,
5 and at an area vocational-technical center, a vocational school or a community college for a
6 partial day shall, if present at the school center, be reported as present one-half day.
- 7 Reasonable excuses for time missed at school:
- 8 A. Personal illness of the student (medical evidence may be required by the
9 Principal for absences exceeding five (5) consecutive days). The written
10 statement must include all days the student has been absent from school. If
11 a student is continually sick and repeatedly absent from school due to a
12 specific medical condition, s/he must be under the supervision of a health
13 care provider in order to receive excused absences from school.
- 14 B. Court appearance of the student, subpoena by law enforcement agency, or
15 mandatory court appearance.
- 16 C. Absence due to a medical appointment requires a written statement from a
17 health care provider indicating the date and time of the appointment and
18 submitted to the Principal.
- 19 D. An approved school activity (absences recorded but not reported).
- 20 E. Other absences with prior approval of the Principal.
- 21 F. Attendance at a center under Department of Children and Families
22 supervision.
- 23 G. Significant community events with prior permission of the Principal. When
24 more than one (1) school is involved, the Region Superintendent will
25 determine the status of the absence.
- 26 H. Observance of a religious holiday or service when it is mandated for all
27 members of a faith that such a holiday or service should be observed.
- 28 I. Death in the immediate family.

1 J. School-sponsored event or educational enrichment activity that is not a
2 school-sponsored event, as determined and approved by the Principal. The
3 student must receive advance written permission from the Principal.
4 Examples of special events include: public functions, conferences, and
5 regional, State, and national competitions.

6 K. Outdoor suspension and assignment to an AES.

7 L. Other individual student absences beyond the control of the parent or
8 student, as determined and approved by the Principal, requires
9 documentation related to the condition.

10 Unexcused absences include absences due to:

11 A. vacations, personal services, local non-school event, program or sporting
12 activity;

13 B. older students providing day care services for siblings;

14 C. illness of others;

15 D. non-compliance with immunization requirements (unless lawfully
16 exempted).

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

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

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

1 Any student who fails to attend any regularly scheduled class and has no excuse for absence
2 should be referred to the appropriate administrator. Disciplinary action should include
3 notification to parents or guardians. Chronic truancy or deliberate nonattendance in excess of
4 fifteen (15) school days within a ninety (90) calendar day period shall be sufficient grounds for
5 withdrawal of students sixteen (16) years of age or older, who are subject to compulsory
6 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 his/her
9 parents are provided the opportunity to challenge the attendance record
10 prior to notification and that such notification complies with applicable Board
11 policies;

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

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

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

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

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

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

1 **Attendance Records and Reports Required**

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

9 **Falsification of Attendance Records - Penalty**

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

14 The principal shall require:

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

- 1 The teacher shall:
- 2 A. encourage school and class attendance with challenging and rigorous
3 instruction and curriculum and by demonstrating an interest in the welfare of
4 students;
- 5 B. take attendance during homeroom and whenever students change
6 instructors in elementary schools and take attendance each period of the
7 school day in secondary schools, and report absences as required by the
8 school;
- 9 C. at the request of the student or parent, provide make-up assignments for
10 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 absences/tardinesses
14 from teachers- upon return to school or class within three (3) days;
15
16 It should be noted that all classwork, due to the nature of instruction, is not
17 readily subject to make-up work.
- 18 C. complete the make-up assignments for classes missed within the
19 equivalent number of days absent;
20
21 Failure to make up all assignments will result in a lower assessment of the
22 student's academic and/or effort grade.
- 23 D. be reported as present for the school day in order to participate in athletic
24 and extracurricular activities.
- 25 The parent shall:
- 26 A. be responsible for their child's school attendance as required by law and
27 stress the importance of regular and punctual school attendance with their
28 child;
- 29 B. report and explain an absence or tardiness to the school;

1 C. ensure that the child has requested and completes make-up assignments
2 for all excused absences/tardinesses from the teachers upon return to
3 school or class;

4 D. appear before the Attendance Review Committee at the scheduled time to
5 provide information relating to their child's absences and to support
6 prescribed activities.

7 **Truancy**

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

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

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

25 A. frequent attempts at communication between the teacher and the family;

26 B. evaluation for alternative education programs;

27 C. attendance contracts.

1 **Emergency Student Data Form**

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

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

20 **Legal Names of Students**

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

26 **Principal's Report on Attendance**

27 The dates to be covered by the Principal's Report on Attendance are announced annually by
28 the Federal and State Compliance Office. Reports are to be certified on-line by the principal
29 by the fifth working day after the close of a reporting period. Attendance reports shall be
30 accurate and current 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 survey of
3 each school shall be made by aggregating the full-time equivalent student membership of
4 each program by school. The District's full-time equivalent (FTE) membership shall be
5 computed and currently maintained according to rules of the State Department of Education.
6 Instructions will be distributed by the Federal and State Compliance Office prior to each
7 survey. These surveys are the basis of State monies forwarded to the District according to
8 prescribed cost factors and base funds under the Florida Education Finance Program. For
9 FTE Surveys 2 and 3, FTE will be prorated and allocated to schools based on student
10 enrollment/attendance.

11 F.S. 92.525, 837.06, 984.151, 1001.41, 1001.42, 1001.43, 1002.20, 1003.21

12 F.S. 1003.24, 1003.26, 1003.27, 1006.07

13 Revised 4/15/15

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**THE SCHOOL BOARD OF
MIAMI-DADE COUNTY**

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1 DRESS CODE AND SCHOOL UNIFORMS

2 Students shall come to school clean and appropriately groomed and dressed.
3 Students whose personal attire or grooming distracts the attention of other students
4 or teachers from their school work shall be required to make necessary alterations
5 before entering the classroom ~~or be sent home by the Principal~~. Students who fail to
6 meet the minimum acceptable standards of cleanliness and neatness as determined
7 by the principal and as specified in this policy shall be subject to appropriate
8 disciplinary measures in accordance with Policy 5500, *Code of Student Conduct*.

9 **Dress Code**

- 10 A. This District dress code is intended to regulate the clothing students
11 may wear to school based on the health, safety, and cleanliness of
12 students, to minimize the distraction of students from classroom
13 activities, to prevent disruption of a school program, and to reduce
14 excessive maintenance of school property.
- 15 B. The determination of what constitutes a safety or health hazard, or
16 what constitutes a distraction of students from a classroom activity,
17 or what constitutes a disruption of a school program or excessive
18 maintenance of school property shall be made by the teacher, other
19 District employee concerned, and the Principal.
- 20 C. Disciplinary action may be taken to encourage compliance with the
21 policy. Since the intent of the policy is not to inhibit or prohibit any
22 student who is not in compliance with the dress code from receiving
23 the education to which they are entitled, no student shall be
24 suspended from class or from school, expelled from school, or receive
25 a lowered academic grade as a result of noncompliance.

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- 1 D. Except for schools participating in a mandatory or voluntary school
2 uniform program (see below), senior high schools desiring to establish
3 regulations that go beyond or deviate from this District dress code
4 must have them approved by the Region Superintendent and adopted
5 by the Board. Individual school dress regulations must be submitted
6 to the Superintendent prior to the opening of the school year for which
7 the dress code is effective.
- 8 E. Once a dress code has been approved by the Board, it need only be
9 re-submitted if additional changes are made.

10 **Mandatory Uniforms**

11 To promote a safe and supportive learning environment and improve school safety
12 and discipline, all students in K-8 schools shall participate in a mandatory uniform
13 program. Students in grades 9-12 may participate in a mandatory uniform program
14 as follows:

- 15 A. For students in grades 9-12 only, the Educational Excellence School
16 Advisory Council (EESAC) may determine that a vote should be taken
17 during the spring of any given year provided that notification of the
18 intent to vote is submitted by February of the year in which the voting
19 is to occur to the Regional Superintendent and the Deputy
20 Superintendent, District/School Operations. Voting shall occur on a
21 specific, advertised date(s) to be effective the following school year.

22
23 At least fifty percent (50%) plus one (1) of the parents in that school
24 who vote must vote in favor of establishing a mandatory uniform
25 program. This vote will stand for a minimum of three (3) school years,
26 at which time the EESAC may determine if a subsequent vote
27 is warranted.

28
29 New senior high schools shall conduct an initial vote in the spring of
30 their opening year, and thereafter, conduct votes according to the
31 established procedures for all schools.

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- 1 B. Every school participating in the mandatory uniform program shall
2 establish a uniform committee that adequately represents
3 administrators, teachers, students, and parents and follows
4 guidelines promulgated by the Superintendent for selection of
5 uniforms. The committee cannot select a uniform company as an
6 “official uniform company” for a school. Parents must be advised that
7 the selected uniform can be purchased from a variety of sources, such
8 as other uniform companies, department and discount stores, online
9 retailers, catalogs, etc.
- 10 C. The school-selected uniforms shall prohibit types or styles of clothing
11 as specified in the *Code of Student Conduct*, Policy 5500. The uniform
12 chosen shall consist of (1) solid colored clothing and fabrics for pants,
13 skirts, shorts, or similar clothing, and (2) short or long-sleeved shirts
14 with collars. The uniform also may include a small logo but not
15 mottos or slogans and must comply with all other provisions of this
16 policy concerning appropriate attire.
- 17 D. The uniforms selected shall not be characterized as gender-specific.
- 18 E. The school shall provide for those students who, by reason of financial
19 hardship, cannot comply with the mandatory uniform policy and
20 notify parents of these provisions.
- 21 F. Exceptions to wearing the uniform are permitted when:
- 22 1. Uniforms of a nationally recognized youth organization such as
23 the Boy Scouts or Girl Scouts are worn on regular meeting
24 days.
- 25 2. A student wears a button, armband, or other accouterment to
26 exercise the right to freedom of speech as guaranteed by the
27 First Amendment unless they signify or are related to gangs,
28 gang membership, or gang activity.

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- 1 3. Wearing a school uniform violates a student's sincerely held
2 religious belief.

- 3 4. A student's parent requests a reasonable accommodation to
4 address a student's disability or a documented medical
5 condition.

- 6 5. The principal has authorized a "no-uniform" day as a
7 fundraiser or reward. The principal may also authorize club
8 shirt or uniform days, and school or community spirit days, in
9 which the mandatory school uniform will not be required.

- 10 G. Exemptions from the mandatory uniform program may be obtained
11 as follows:
 - 12 1. A request may be made in writing or in person by the parent
13 for an Application for Exemption from the Uniform Program
14 ("Application") which is available at the student's school site.
15 Students exempted from the mandatory uniform program
16 must adhere to the school's dress code.

 - 17 2. The application must be completed in full and submitted to the
18 Principal.

 - 19 3. The Principal then meets with the parents to discuss the
20 uniform policy and the objections to the policy. The purposes
21 of this meeting include: (1) verifying the accuracy of the
22 information on the application; and (2) preventing fraud or
23 misrepresentation.

 - 24 4. Parents should be notified of the exemption procedure.

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- 1 H. Compliance with a mandatory uniform policy shall be implemented
2 as follows:
- 3 1. Each school shall develop and use incentives and positive
4 reinforcement measures to encourage and achieve full
5 compliance with the uniform policy and should resort to
6 disciplinary action only when positive measures fail to ensure
7 compliance. Schools shall communicate with parents so that
8 expectations, rationale, and benefits are fully understood by
9 students and families.
- 10 2. Disciplinary action may be taken to encourage compliance with
11 the policy. Since the intent of the policy is not to inhibit or
12 prohibit any student who is not in uniform from receiving the
13 education to which they are entitled, no student shall be
14 suspended from class or from school, expelled from school, or
15 receive a lowered academic grade as a result of noncompliance.
- 16 3. Disciplinary action may be initiated only after all other means
17 to secure support and cooperation have not succeeded.
18 Schools shall use "progressive discipline" to encourage full and
19 consistent compliance with the least amount of disciplinary
20 action.
- 21 4. Prior to initiating any disciplinary action against a student for
22 not complying with the policy, a school administrator or
23 counselor shall hold a conference with the parent to solicit
24 cooperation and support.
- 25 I. The school participates as requested in any required evaluation of the
26 mandatory school uniform program.
- 27 J. The Board is immune from any civil liability resulting from adoption
28 of this mandatory uniform policy.

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1 **Standards for Evaluating the Appropriateness of Dress/Grooming**

- 2 A. A student with hair of such length or style that it creates classroom
3 or school disorder, or distracts the attention of another student or
4 students in any class in session from the lesson being presented or
5 from any other assigned classroom activity, or which creates a safety
6 or health hazard for any student in a classroom will be required to
7 change the length or style of the hair. Failure on the part of a student
8 to comply with this requirement shall result in disciplinary measures
9 ~~which may include suspension from school~~ in accordance with Policy
10 5500, Code of Student Conduct.
- 11 B. A student who wears items of clothing which, because of fit, design,
12 color, texture, inadequate coverage, or some other factor, create
13 classroom or school disorder or distract the attention of another
14 student or students in any class in session from the lesson being
15 presented or from any other assigned school activity, or which create
16 a safety or health hazard for any student in school, shall be required
17 to change the clothing to eliminate the disorder, distraction, or
18 hazard. Failure on the part of a student to do so shall result in
19 disciplinary measures ~~which may include suspension from school.~~ in
20 accordance with Policy 5500, Code of Student Conduct.
- 21 C. A student who fails to maintain personal cleanliness, grooming, or
22 neatness of dress which creates classroom or school disorder or
23 distracts the attention of others from assigned classroom activity will
24 be required to maintain a level of personal cleanliness, grooming, or
25 neatness of dress that eliminates the disorder or the distraction of
26 other students. Failure to do so shall result in ~~discipline disciplinary~~
27 measures which may include suspension from school. in accordance
28 with Policy 5500, Code of Student Conduct.
- 29 D. Articles of clothing that cause excessive maintenance problems of
30 school property -- for example, shoe cleats that scratch floors or tear
31 rugs, trousers with metal rivets that scratch furniture -- are not
32 allowed. Students who fail to change articles of clothing of this type
33 after being instructed to do so by school employees are subject to
34 ~~discipline disciplinary measures which may include suspension from~~
35 school. in accordance with Policy 5500, Code of Student Conduct.

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1 The time, the specific location, the type of activity going on, and whether the alleged
2 offense is the first or repetitious on the part of a student must all be considered when
3 disciplining a student. The primary consideration is correction of a problem by the
4 quickest and most reasonable method so that the instructional program for students
5 may proceed with the least possible disruption.

6 F.S. 1001.43, 1011.78

7 Revised 8/5/15

8 Revised 10/14/15

9 Revised 11/23/16

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1 OUT-OF- SCHOOL SUSPENSION AND EXPULSION OF STUDENTS

2 Suspension and expulsion are the most severe sanctions and cannot be imposed
3 without due process. Prior to the use of suspension, the administrator should
4 consider less restrictive alternatives such as the School Center for Special
5 Instruction (SCSI) or a short-term Alternative Educational Setting (AES) as described
6 in the *Code of Student Conduct (CSC)*. Students assigned to SCSI must be afforded
7 the opportunity to complete classwork. Students with disabilities must continue to
8 receive a Free Appropriate Public Education (FAPE) while assigned to SCSI.

9 No student is to be suspended, expelled, or excluded from their regular class
10 schedule, an activity, program, or a school unless his/her behavior represents
11 misconduct as specified in the Code of Student Conduct (CSC), Policy 5500. The
12 CSC shall also specify the procedures to be followed by school officials. In addition
13 to the procedural safeguards and definitions in this policy and the CSC, the
14 procedures in Policy 2460 shall apply to students identified as disabled under the
15 IDEA and/or Section 504 of the Rehabilitation Act of 1973.

16 **Definitions**

17 A. "Suspension" shall be the temporary exclusion of a student from the
18 District's program for a period not to exceed ten (10) school days.

19 B. "Expulsion" shall be the exclusion of a student from a traditional
20 school for the number of school days remaining in the school year in
21 which the incident that gives rise to the expulsion takes place and
22 one (1) additional school year.

23
24 C. "Alternative Educational Setting" is a corrective response to behavior
25 where the student is temporarily removed from his or her regular
26 program of instruction and assigned to another educational setting,
27 either within the student's regularly assigned school or to another
28 assigned school, under the supervision of District personnel, with
29 specific classwork assignments to complete. Assignment to an AES
30 is made by a principal, to an SCSI or Success Center, for a period
31 not to exceed ten (10) school days, or to another school location by
32 the Office of School Operations/Division of Educational Opportunity
33 and Access (DEOA) upon recommendation of the principal, for a
34 longer period of time.

35
36
37 **Suspension from School or From Riding School Bus**

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- 1 A. When a student's actions violate law, School Board policies, or
2 school rules, the student may be suspended or assigned to an AES
3 by the Principal. A student who is suspended shall not be allowed
4 to attend his/her regular classes or school-sponsored activities for a
5 prescribed number of days not to exceed ten (10). The Principal may
6 suspend a student from riding the school bus for a prescribed
7 number of days not to exceed ten (10). Parents of students
8 suspended from the school bus have the obligation to provide
9 transportation to and from school. If bus transportation is a related
10 service on a student's Individualized Education Plan (IEP), a bus
11 suspension must be counted towards the ten (10) days of
12 suspension. ~~Outdoor suspension criterion are located in the CSC.~~
- 13 B. A teacher shall not suspend a student from school or class, nor
14 shall a bus driver suspend a student from riding a school bus.
- 15 C. The Superintendent may suspend a student from any or all
16 co-curricular or extra-curricular activities for violations of the CSC.
17 The length of suspension shall be determined according to the CSC
18 in accordance with Policy 5845. Additionally, a manifestation
19 determination meeting may be required for students with
20 disabilities, depending on the number of days of suspension given
21 (Policy 2460).
- 22 D. Prompt notice of a suspension, in-school suspension or assignment
23 to AES shall be given by telephone to the student's parent if
24 possible. Formal written notification to the student's parent shall be
25 initiated within twenty-four (24) hours of the time the student is
26 informed of the suspension.
- 27 E. Except in the event of emergencies or disruptive conditions which
28 require immediate suspension or in the case of a serious breach of
29 conduct that is defined as willful disobedience, open defiance of
30 authority of a member of the school staff, violence against persons
31 or property, or any other act which substantially disrupts the
32 orderly conduct of the school, all out-of-school suspensions shall
33 not begin prior to the beginning of the next school day following the
34 infraction unless the parents have been notified.

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1 F. Prior to the suspension, in-school suspension or assignment to AES,
2 the student shall be given an informal and impartial hearing before
3 the Principal and shall be informed of the charge(s) against him/her
4 which may result in suspension. If the student denies the charge(s),
5 s/he shall be given an explanation of the evidence, an opportunity to
6 present his/her version of the case, and notification of the action
7 taken by the Principal. In cases of extremely disruptive or
8 dangerous behavior, persons or groups involved may be immediately
9 suspended and ejected from the school campus without a prior
10 hearing. In such instances, each student shall be afforded an
11 informal hearing before the Principal prior to the expiration of
12 suspension. Students are not entitled to full procedural rights that
13 the law guarantees to students who are recommended for expulsion
14 or are defendants in criminal cases. At suspension hearings,
15 students are not:

- 16 1. entitled to the presence of an attorney;
- 17 2. allowed to confront or cross-examine witnesses;
- 18 3. allowed to record mechanically, or have a court reporter
19 record the proceedings unless the Principal has elected to
20 record or report the hearing verbatim.

21 If the parent(s) feel that the child has not been afforded a fair
22 hearing at the school, they may request a review by the Region
23 Superintendent. The appeal may consist of a review of the previous
24 hearing, with a ruling on the facts and the validity of the
25 suspension, or the hearing may be reconvened by the Region
26 Superintendent or designee for additional testimony that may be
27 deemed necessary in making a final decision.

28 G. The Principal shall ensure the student is provided with specific
29 homework assignments to complete. ~~determine, in consultation with~~
30 ~~teachers, when appropriate, whether the student should be given~~
31 ~~the opportunity to make up school work and course requirements~~
32 ~~missed while absent due to out-of-school suspension. If this~~
33 ~~privilege is given, the student shall have a reasonable amount of~~
34 ~~time, up to five (5) school days comparable to the days of~~
35 ~~suspension, following the suspension to complete the school work~~
36 ~~missed and shall do so on his/her own initiative. Failure to make~~
37 ~~up all written assignments missed during the approved time frame~~
38 ~~of the suspension in accordance with Policy 5200 will result in the~~
39 ~~student being given the academic grade of "F" for those written~~
40 ~~assignments. Under no circumstances are teachers required to~~
41 ~~make special provisions to comply with this procedure. Upon~~
42 ~~completion of the make-up work, the student should submit the~~
43 ~~work to the teacher. The teacher must grade and record the~~
44 ~~make-up work as it is received. For students in exceptional~~

1 education classes, refer to the Exceptional Student Education
2 Policies and Procedures (SP&P) Policy 2460.

3 H. The Superintendent may grant to a Principal the authority to waive
4 mandatory suspension policies.

5
6 **Expulsion/Administrative Assignment**

7 A. A Principal may recommend expulsion of a student to the
8 Superintendent. The Principal shall provide the Superintendent an
9 adequate history of the student's actions and alternative measures
10 taken relevant to the recommendation. When the Superintendent
11 makes a recommendation for expulsion to the Board, written notice
12 shall be given to the student and his/her parent of the
13 recommendation and charges and advising the student and parent
14 of their right to due process. Offenses requiring the recommendation
15 for expulsion are located in the CSC.

16 B. Upon receipt of a recommendation for expulsion from the Principal,
17 the Superintendent may make an administrative assignment in lieu
18 of expulsion or a Work Back in Lieu of Expulsion program.

19 C. For students in exceptional student education, refer to Exceptional
20 Student Education Policies and Procedures (SP&P), Policy 2460.

21 D. All students who are recommended for expulsion shall undergo
22 screening to determine if they qualify for exceptional education
23 programs.

24 E. A student who has been suspended or expelled by another district
25 temporarily may be assigned to an alternative school for the same
26 length of time as imposed by the other district.

27 F. The informal hearing at the school level shall be conducted by the
28 Principal. If available, the student shall be given an opportunity to
29 be heard at this hearing. At the conclusion of the hearing, the
30 Principal will reaffirm the suspension and recommendation for
31 expulsion, or, based upon consideration of the facts and
32 circumstances explained at the hearing, will advise the parent of the
33 school's intention to withdraw the request for expulsion and take
34 some alternative action.

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1 G. The parent shall be informed that, prior to any Board action being
2 taken on the expulsion or administrative assignment, they will be
3 given the opportunity to request a hearing before an impartial
4 hearing officer. Prior to a formal hearing, the parent will be offered
5 an appeal conference with a representative from School
6 Operations/Alternative Education.

7 H. Students with disabilities who are expelled are entitled to a Due
8 Process Hearing with the Florida Division of Administrative
9 Hearings. However, during the course of litigation, the student's
10 placement is at the alternative school. Students with disabilities
11 must continue to receive FAPE while assigned to an alternative
12 school. Refer to the Exceptional Student Education Policies and
13 Procedures (SP&P) Policy 2460.

14
15

16 A copy of this policy is to be made available to students and parents upon request.
17 Key provisions of the policy should also be included in the CSC.

18 F.S. 1002.20, 1003.01(5)(a)(b), 1003.02, 1006.07, 1006.09
19 F.A.C. 6A-6.03312
20 18 U.S.C. Section 921
21 20 U.S.C. 8921

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1

STUDENT ACTIVITIES

2

All clubs and organizations approved by the principal to operate within the school must comply with the following:

3

4

- A. Neither the student's race, gender, color, creed, political beliefs nor any other discriminatory basis prohibited by the School Board shall be a factor in selecting members or officers for clubs and organizations.

5

6

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- B. The decision of the membership cannot be one of the factors in selecting additional members. This shall not be applied to those organizations specifically exempt by statute.

8

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- C. The charter and constitution setting forth the purposes, qualifications for membership, and the rules of conduct of each approved club or organization shall be kept on file and always available to all students and instructional personnel of the school.

14

15

16

- D. The school student activities should be grouped under five (5) headings: elective office (student council and class government organizations), honors clubs, service clubs, interest clubs, and others.

17

18

19

- E. Requirements for membership in honors clubs of national scope originate at the national level. Requirements for other honors clubs, including academic area related clubs, are based on scholarship, leadership, and service.

20

21

- F. Interest and satisfactory conduct should be the only requirements for membership in service clubs and interest clubs.

22

23

- G. A student who wishes to represent the school through interscholastic competitions or performance must comply with the following:

24

25

1. A student must maintain a cumulative 2.00 GPA or higher as specified by State law. (F.S. 1003.43(1))

26

27

2. A student must receive a minimum 2.00 in conduct in the preceding semester.

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3. Students assigned to Indoor Suspension/School Center for Specialized Instruction (SCSI), will not be allowed to participate in interscholastic competitions or performances on the weekend. If a student is assigned to an Alternative Education Setting (AES) or suspended, he or she will be unable to participate in interscholastic competitions or performances on the day(s) on which he or she is assigned or suspended. If the assignment to an AES or suspension takes place on/or includes a Friday, the student will be unable to

- 1 participate in interscholastic competitions or performances on the
2 weekend and may be subject to further sanctions or penalties.
3
4 4. ~~A student who is serving an Outdoor Suspension shall not practice or~~
5 ~~participate in interscholastic competitions or performances and may be~~
6 ~~subject to further sanctions or penalties.~~
7
8 4.5. A student who has a total of eleven (11) cumulative days of assignment
9 to an AES or suspension (indoor and outdoor) will not be allowed to
10 participate in interscholastic competitions or performances for the
11 remainder of the school year.
12
13 5.6. A student who has ten (10) or more cumulative absences will not be
14 allowed to participate in interscholastic competitions or performances
15 for the remainder of the school year.
16
17 6.7. A student who has twenty (20) or more cumulative tardies will not be
18 allowed to participate in interscholastic competitions or performances
19 for the remainder of the school year.
20
21 7.8. A student must be reported as present for the school day in order to
22 participate in interscholastic competitions or performances, including
23 practices.
24
25 8.9. A student who participates in interscholastic competitions or
26 performances and has not performed at grade level as defined by the
27 Florida Department of Education will may seek two (2) hours per week
28 of academic tutoring. ~~Failure to seek required tutoring will result in a~~
29 ~~seven (7) calendar day suspension from interscholastic competitions or~~
30 ~~performances.~~
31
32 9. 10. Any student who is arrested for conduct occurring on or off school
33 grounds will be prohibited from participating in all interscholastic

- 1 competitions or performances for a minimum of ten (10) days, including
2 practices.
3
- 4 Violations may be appealed to the Administrative Director,
5 District/School Operations, Division of Athletics, Activities and
6 Accreditation.
7
- 8 H. Screening procedures of a service club must not permit discrimination
9 on any basis prohibited by the Board and must be approved by the
10 principal.
11
- 12 I. Each student shall be furnished with a list of all clubs and organizations
13 approved by the school.
14
- 15 J. There shall be no period of probationary membership.
16
- 17 K. Hazing of members is prohibited.
18
- 19 L. Only approved club insignia or jewelry may be worn by members.
20
- 21 M. Dues shall be reasonable and not prohibitive.
22
- 23 N. All meetings shall be held on school property in school facilities. This
24 may be waived for special meetings and events upon the request of the
25 faculty sponsor and the approval of the principal.
26
- 27 O. A faculty sponsor shall be present at all meetings and all social events
28 shall be adequately chaperoned.
29
- 30 P. All monies accruing to any school club or organizations shall be
31 accounted for through the school's Internal Fund.
32
- 33 Q. Students failing to maintain requirements for membership shall be
34 suspended from membership until the requirements have been
35 achieved.
36
- 37 R. No club or organization shall engage in any activity or act that violates
38 Board policies.

39

40 F.S. 1006.15

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1 SECTION 504 PROCEDURES FOR STUDENTS WITH DISABILITIES

2 The School Board shall not discriminate in educational programs and activities and will strive
3 to provide equal opportunity for all as required by law.

4 Section 504 of the Rehabilitation Act of 1973, as amended by the ADA Amendments Act of
5 2008 (hereinafter "Section 504"), is Congress' directive to schools receiving any Federal
6 funding to provide students with opportunities for participation in educational programs and
7 activities without discrimination on the basis of disability. It states: "No otherwise qualified
8 individual with a disability shall solely by reason of his/her disability, be excluded from the
9 participation in, be denied the benefits of, or be subjected to discrimination under any
10 program or activity receiving Federal financial assistance." (29 U.S.C. 794 (2009))

11 The District has established and implemented standards and procedures for the identification,
12 evaluation, placement, and provision of a free appropriate public education (FAPE) program
13 for students with disabilities pursuant to Federal law.

14 A student is entitled to FAPE and may be entitled to Section 504 accommodations if s/he has
15 a physical or mental impairment that substantially limits one (1) or more major life activities.

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1 **Definitions of Section 504 Terms**

2 A. Individual with a Disability:

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Any individual who has a physical or mental impairment that substantially limits one (1) or more major life activities, has a record of such an impairment or is regarded as having such an impairment.

An individual meets the requirement of being "regarded as" having an impairment if the individual establishes that s/he has been subjected to an action prohibited under the Act because of an actual or perceived physical or mental impairment whether or not the impairment limits or is perceived to limit a major life activity. "Regarded as" does not apply to impairments that are transitory and minor, expected to last six (6) months or less.

The student who has a physical or mental impairment that substantially limits one (1) or more life activities is entitled to FAPE and may be entitled to Section 504 accommodations. The student who has a record of having impairment, or is regarded as having impairment is considered disabled under Section 504 for purposes of anti-discrimination protection.

20

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B. Physical or Mental Impairment:

A physical impairment is any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one (1) or more of the body systems. A mental impairment is any mental or psychological disorder.

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- 1 C. Substantial Limitation:
2
3 A person is substantially limited when s/he is limited as to the condition,
4 manner, or duration under which an individual can perform a particular
5 major life activity, as compared to the condition, manner, or duration under
6 which the average person in the general population can perform that same
7 major life activity.
- 8 D. Major Life Activity:
9
10 Major life activities under Section 504 include, but are not limited to, caring
11 for one's self, seeing, breathing, walking, hearing, speaking, learning,
12 reading, concentrating, thinking, communicating, and performing manual
13 tasks.
- 14 E. FAPE:
15
16 FAPE means receiving regular or special education and related aids and
17 services that are (1) designed to meet the individual educational needs of
18 students with disabilities as adequately as the needs of nondisabled
19 students are met and (ii) based upon adherence to procedural safeguards.
20 FAPE includes the right to be educated with students who are not disabled
21 to the maximum extent appropriate (i.e. the student's education will be
22 provided in the regular education classroom unless it is demonstrated that
23 education in the regular environment with the use of supplementary aids
24 and services cannot be achieved satisfactorily).

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1 The Section 504 standard of what is appropriate differs from the Individuals with Disabilities
2 Education Act (IDEA) appropriate standard which requires the District to design a program
3 reasonably calculated to confer educational benefits. Section 504 requires that no
4 discrimination occur against a student solely because of his/her disability. Students with
5 disabilities who qualify for Section 504 services must be provided with aids, benefits, or
6 services that are comparable to those provided non-disabled persons. Students with
7 disabilities who meet eligibility for an IEP are protected by Section 504's prohibition against
8 discrimination on the basis of a disability. However, some students with disabilities who do
9 not require an IEP may still be eligible for a Section 504 plan and are also entitled to
10 protection against discrimination on the basis of a disability.

11 **Section 504 Requirements**

12 A. Notice

13

14 Parents must receive notice of the Section 504 meeting and be invited to
15 attend. Parents must also receive a copy of the Section 504 Procedural
16 Safeguards (Notification of Rights and Due Process Procedures).

17 B. Monitoring

18

19 If additional information is presented to school personnel by the parent or
20 other interested party, or the person(s) responsible for implementing the
21 plan are not satisfied that the plan is working, (e.g., the student has not
22 demonstrated improvement or progress) the Section 504 team should
23 reconvene to consider modifying the current plan or to determine other
24 options. Section 504 plans and eligibility should be reviewed annually, or
25 sooner, if requested by either District personnel or parent.

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C. Evaluation

Section 504 evaluation means review of existing information from a variety of sources, such as teacher observations, standardized test scores, report cards, information from parents and medical providers, and/or administration of formal test instruments. Formal test instruments and other standardized evaluation materials must be validated for the specific purpose for which they are used and must be administered by trained personnel in conformance with the instructions provided by their producer. Tests materials include those tailored to assess specific areas of educational need and not merely those which are designed to provide a single general intelligence quotient. Tests are selected and administered so as best to ensure that, when a test is administered a student with impaired sensory, manual, or speaking skills, the test results accurately reflect the student's aptitude or achievement levels or whatever other factor the test purports to measure.

D. Change in Placement

Section 504 requires that the parent is notified prior to any significant change in placement. Examples of significant change in placement are: expulsion, repeated suspensions or assignment to alternative educational setting (AES)/Success Center for more than ten (10) days in a school year which exceed ten (10) days in a school year, graduation from high school, and a significant change in the delivery of education.

E. Discipline

School staff must review information about students with Section 504 services prior to suspending or expelling them for more than ten (10) days. A team of persons knowledgeable about the student must convene to complete a manifestation determination form (FM 3918), and to consider if other strategies, interventions, or assessments are appropriate. This procedure for reevaluation meets the Section 504 requirement.

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1 F. Non-academic Services

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Students with Section 504 services must be provided with an equal opportunity to participate in non-academic and extracurricular services and activities. Non-academic and extracurricular services and activities may include counseling, recreational activities and athletics, transportation, health services, special interest groups or clubs sponsored by the District, referrals to agencies which provide assistance to persons with disabilities, and employment opportunities.

10 **Section 504 Procedures**

11 A. Referral and Evaluation

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Students experiencing difficulty in the classroom and/or are suspected of having a disability should initially be referred to the School Support Team (SST).

The SST shall determine whether it is appropriate to refer the student for an evaluation and possible Section 504 services. All areas of educational need should be considered and established procedures for SST should be followed.

Students with obvious physical or health needs that require accommodations need not go through the SST process in order to be referred for Section 504 eligibility determination.

A student who does not meet eligibility for IDEA is not automatically provided with Section 504 services. However, the SST must consider whether the student's documented disability requires Section 504 services in order for the student to receive FAPE. Section 504 eligibility is based on whether or not a student has a physical or mental impairment that substantially limits one (1) or more life activities.

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1 B. Section 504 Teams
2

3 Section 504 Eligibility Determination teams and Section 504 teams that
4 convene to write Section 504 plans should consist of persons
5 knowledgeable about the student, the meaning of the evaluation data, and
6 the placement options. Though special education personnel may be
7 requested to provide support at a Section 504 meeting, the Section 504
8 process is the responsibility of general education staff.
9

10 Parents must receive notice of the Section 504 meeting and be invited to
11 attend. Parents and students should be encouraged to attend the meeting
12 and provide input that would help the team in making decisions. The
13 parents' attendance, however, is not required.
14

15 The Section 504 team must draw upon information from a variety of
16 sources, including aptitude and achievement tests, standardized test
17 scores, teacher observations and recommendations, report cards, physical
18 condition, social or cultural background, adaptive
19 behavior, and information from parents and medical providers.
20

21 The Section 504 team must consider the student's functioning and any
22 substantial limitation to a life activity without consideration of the
23 ameliorative effects of mitigating measures that the student
24 might use to alleviate the effects of the disability.
25

26 A student's grades and/or test scores should not be the only criteria that the
27 team uses to determine that she/he does not require a Section 504 plan.
28 The team must consider the student's overall functioning.

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- 1 C. Documenting Section 504 Needs & Services
2
3 The school principal must assume responsibility as Section 504 coordinator
4 or assign a designee who is responsible for proper implementation of
5 Section 504 regulations. In interpreting evaluation data, creating Section
6 504 plans, and making placement decisions, the Section 504 team must
7 draw upon information from a variety of sources, including aptitude and
8 achievement, tests, teacher recommendations, physical condition, social or
9 cultural background, and adaptive behavior and ensure that information
10 obtained from all such sources is documented and carefully considered.
11
12 Not every student who meets eligibility for Section 504 protection due to a
13 documented disability automatically requires Section 504 services. The
14 Section 504 team must consider whether the student needs Section 504
15 services. Services, including accommodations, should be evidence-based.
16
17 Implementation of Section 504 services should be documented and if
18 services or accommodations become ineffective they should be modified or
19 removed.

20 Section 504 Grievance Procedures

21 Parents or students who have a disagreement involving a Section 504 plan are entitled to the
22 following grievance procedures:

- 23 A. appeal to the District Section 504 Compliance Officer, 1501 N.E. 2nd
24 Avenue, Suite 407, Miami, Florida 33132, Phone: 305-995-1735, Fax: 305-
25 995-1760.
- 26 B. request mediation; and/or
- 27 C. request a hearing.

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1 Mediation and hearing requests should be made to the Clerk of the Board, 1450 N.E. Second
2 Avenue, Suite 311, Miami, Florida, 33132, Fax: 305-995-1448.

3 All students, including students with disabilities shall be treated with respect. The Board
4 intends that all students be provided equal access, opportunity, and treatment in the provision
5 of educational programs and activities. The Board strives to provide an educational
6 environment that is free from discrimination and harassment and school personnel shall strive
7 to ensure that all students receive equal access to all educational opportunities.

8 For grievances based upon a record of a disability or the fact that school personnel are
9 treating a non-disabled student as disabled, or for a complaint of discrimination or harassment
10 that does not relate to the identification, eligibility, evaluation, or educational placement of the
11 student, a local grievance must be filed according to the grievance procedures in Board Policy
12 5517.02. The complaint should be made directly to the principal and/or the Office of Civil
13 Rights Compliance, 155 NE 15th Street, Suite P104E, Miami, Florida, 33132, Phone: 305-
14 995-1580, Fax: 305-995-2047.

15 F.S. 1000.05
16 29 C.F.R. Part 1630
17 34 C.F.R. Part 104
18 29 U.S.C. 794, Section 504 Rehabilitation Act of 1973, as amended
19 42 U.S.C. 12101 et seq., Americans with Disabilities Act of 1990

20 Revised 3/15/17

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