

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

SUBJECT: **INITIAL READING: PROMULGATION OF NEW BOARD POLICY
8462.01, *HUMAN TRAFFICKING AND DOMESTIC VIOLENCE*, AND
TO AMEND BOARD POLICY 5330.02, *SUN SAFETY***

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COMMITTEE: **PERSONNEL, STUDENT, SCHOOL, AND COMMUNITY SUPPORT**

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

At its March 13, 2019, regular meeting, the Board approved Agenda Item H-12 (Human Trafficking), sponsored by Dr. Dorothy Bendross-Mindingall, Board Member, and unanimously co-sponsored by the Board Chair, Board Vice-Chair, and all of the other Board members. At the time of that Board meeting, a bill was pending (HB 259) before the Legislature that would require health education in public schools to include human trafficking. The Board discussed the issue extensively and determined that even if the pending bill did not become law, it authorized the Superintendent to initiate rulemaking to express the Board's commitment to increasing awareness of human trafficking and domestic violence. Ultimately, although the bill did pass the Florida House, it died in the Senate on the last day of the session.

This item requests authorization to initiate rulemaking proceedings to promulgate new Policy 8462.01, *Human Trafficking and Domestic Violence*, which authorizes the Superintendent to (1) educate district employees and students about (a) the risks associated with human trafficking and domestic violence and how they affect student learning and (b) the importance of identifying and reporting suspected instances of human trafficking and domestic violence; (2) provide information to raise awareness about these issues to all members of the District, including employees, students, and parents; and (3) make student support services available to victims, including counseling, health services, psychological services, and referrals to available assistance with partner organizations that offer support services outside the school day.

In addition, at its April 17, 2019, regular meeting, the Board approved Agenda Item H-9 (Melanoma Awareness), sponsored by Dr. Lawrence S. Feldman, Board member and unanimously co-sponsored by the Board Chair, Board Vice-Chair, and all of the other Board members, which authorized rulemaking proceedings to amend Policy 5330.02 to include the implementation of annual, coordinated, grade-appropriate sun safety awareness efforts, including curricular/instructional delivery elements, designed to

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increase awareness and skin cancer prevention for K-12 students. This item requests authorization to initiate rulemaking to amend Policy 5330.02, *Sun Safety*, to include the required annual sun safety and skin cancer prevention awareness efforts.

} DELETED

Attached are the Notice of Intended Action, proposed new policy and policy amendment. 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 promulgate new Policy 8462.01, *Human Trafficking and Domestic Violence*, and to amend Policy 5330.02, *Sun Safety*.

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RECOMMENDED:

That The School Board of Miami-Dade County, Florida, authorize the Superintendent to initiate rulemaking proceedings in accordance with the Administrative Procedure Act to promulgate new Policy 8462.02, *Human Trafficking and Domestic Violence*, and to amend Policy 5330.02, *Sun Safety*.

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NOTICE OF INTENDED ACTION

THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA, announced on June 19, 2019, its intention to promulgate new Policy 8462.01, *Human Trafficking and Domestic Violence*, and to amend Policy 5330.02, *Sun Safety*, at its regular meeting on July 24, 2019.

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PURPOSE AND EFFECT: New Policy 8462.01, *Human Trafficking and Domestic Violence*, is proposed which authorizes the Superintendent to (1) educate district employees and students about (a) the risks associated with human trafficking and domestic violence and how they affect student learning and (b) the importance of identifying and reporting suspected instances of human trafficking and domestic violence; (2) provide information to raise awareness about these issues to all members of the District, including employees, students, and parents; and (3) make student support services available to victims, including counseling, health services, psychological services, and referrals to available assistance with partner organizations that offer support services outside the school day.

Policy 5330.02, *Sun Safety*, is proposed to be amended to include the implementation of annual, coordinated, grade-appropriate sun safety awareness efforts, including curricular/instructional delivery elements, designed to increase awareness and skin cancer prevention for K-12 students.

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SUMMARY: New Policy 8462.01, *Human Trafficking and Domestic Violence*, is proposed which authorizes the Superintendent to (1) educate district employees and students about (a) the risks associated with human trafficking and domestic violence and how they affect student learning and (b) the importance of identifying and reporting suspected instances of human trafficking and domestic violence; (2) provide information to raise awareness about these issues to all members of the District, including employees, students, and parents; and (3) make student support services available to victims, including counseling, health services, psycholo

gical services, and referrals to available assistance with partner organizations that offer support services outside the school day. Additionally, Policy 5330.02, *Sun Safety*, is proposed to be amended to include the implementation of annual, coordinated, grade-appropriate sun safety awareness efforts, including curricular/instructional delivery elements, designed to increase awareness and skin cancer prevention for K-12 students.

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

LAWS IMPLEMENTED INTERPRETED OR MADE SPECIFIC: 787.06; 1001.42(8); 1001.43(1); F.S.

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IF REQUESTED, A HEARING WILL BE HELD DURING SCHOOL BOARD MEETING OF July 24, 2019, 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 July 16, 2019, 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 NEW AND AMENDED POLICY are 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.

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SUN SAFETY

2 Students and staff are encouraged to use sunscreen and protective clothing to
3 protect against dangerous overexposure to the sun, harmful ultraviolet (UV) rays,
4 and the development of skin cancer.

5 **Definitions**

6 Ultraviolet radiation, or “UV ray,” from sunlight is a major risk factor for most skin
7 cancers. Even though UV rays make up only a very small portion of the sun’s rays,
8 they are the main cause of the sun’s damaging effects on the skin.

9 “PABA free” means that the product does not contain para-aminobenzoic acid.
10 PABA free sunscreens are hypoallergenic. PABA has been known to cause problems
11 with some individuals with certain allergies.

12 **Use of Sunscreen**

13 Students shall be allowed to carry and apply sunscreen without a physician’s note
14 or prescription. Sunscreen shall not be considered an over-the-counter medication
15 pursuant to Policy 5330, Use of Medications. Unless they are siblings, students may
16 not share sunscreen.

17 School staff shall not provide or apply sunscreen to students. However, staff may
18 assist a student who is unable to physically apply sunscreen when requested by the
19 student and authorized by the student’s parent and the school principal in writing.

20 **Other Protective Measures**

21 Schools shall encourage students and staff to:

22 A. seek shade when engaged in outside activities especially from
23 10 a.m. to 4 p.m. when excessive UV rays are present;

24 B. wear protective clothing when exposed to the sun, including hats
25 which cover the ears and back of the neck;

26 C. use a PABA free sunscreen product thirty (30) minutes before
27 engaging in outside activities;

1 D. wear sunglasses which block the majority of UV rays and reduce the
2 potential for cataract formation;

3 E. avoid artificial sources of UV rays such as sunlamps and tanning
4 beds.

5 **Education and Awareness**

6 | Coordinated, grade-appropriate Sun safety and skin cancer prevention awareness,
7 | ~~shall be~~ included in through the District's Comprehensive Health Education
8 | Curriculum. shall take place annually for all K-12 students.

9 Adopted 10/7/14

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NEW POLICY

HUMAN TRAFFICKING AND DOMESTIC VIOLENCE

Human trafficking and domestic violence are major problems in the United States. In fact, Florida ranks third in the nation for human trafficking. Human trafficking is defined as the transporting, soliciting, recruiting, harboring, providing or obtaining of another person for transport; for the purposes of forced labor, domestic servitude or sexual exploitation using force, fraud and/or coercion. As described in Section 787.06, F.S., human trafficking is a form of modern-day slavery, and it is often accompanied by domestic violence.

Addressing and preventing human trafficking and domestic violence in school communities requires the collective efforts of trained individuals and entities inside and outside schools. Prevention begins with training and awareness of how to identify at-risk minors and warning signs of relevant behavior. In addition, student safety and the risk of abuse affect students' ability to be successful in school.

The School Board authorizes the Superintendent to:

- (1) educate district employees and students about (a) the risks associated with human trafficking and domestic violence and how they affect student learning and (b) the importance of identifying and reporting suspected instances of human trafficking and domestic violence;
- (2) provide information to raise awareness about these issues to all members of the District, including employees, students, and parents; and
- (3) make student support services available to victims, including counseling, health services, psychological services, and referrals to available assistance with partner organizations that offer support services outside the school day.

The Superintendent may develop administrative procedures if necessary to implement this policy.