

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

**SUBJECT:            FINAL READING: TO AMEND POLICY 5500, STUDENT CONDUCT AND DISCIPLINE**

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

**LINK TO  
STRATEGIC  
BLUEPRINT:       INFORMED, ENGAGED & EMPOWERED STAKEHOLDERS**

Consistent with the Board's statutory responsibility to periodically review and update its policies to conform to legislative changes and District practices, at its regular meeting of August 12, 2020, the Board authorized the amendment of Policy 5500, *Student Conduct and Discipline*. These policy amendments, incorporated by reference into the *Code of Student Conduct-Elementary*, the *Code of Student Conduct-Secondary* and the *Post-Secondary Code of Student Conduct*, were developed after extensive review of regulations that are scheduled to take effect on August 14, 2020 to implement Title IX of the Education Amendments of 1972, and the Florida Administrative Code Rule 6A-1.0017, *School Environmental Safety Incident Reporting* (SESIR) that became effective on June 16, 2020. The policy amendments were drafted in collaboration with, and reviewed by, the Superintendent, Cabinet, and District staff.

On May 6, 2020, the United States Department of Education ("Department") issued new Title IX regulations defining sexual harassment, which is a form of sex discrimination, and prescribing requirements for responding to allegations of sexual harassment. Currently the Board's Codes of Student Conduct permit the application of discipline at the principal's discretion after a school-based administrative investigation. The Title IX regulations prohibit disciplinary action against students, where a formal complaint of sexual harassment is made, until the completion of a grievance process set forth in the regulations. The amendments to Policy 5500, as incorporated into the *Code of Student Conduct-Elementary*, the *Code of Student Conduct-Secondary* and the *Post-Secondary Code of Student Conduct*, comport with the Title IX regulations prohibiting the application of discipline until the sexual harassment grievance process is concluded.

Additionally, Florida Administrative Code Rule 6A-1.0017, *School Environmental Safety Incident Reporting* (SESIR) became effective on June 16, 2020. The new rule sets forth requirements school districts must use to report disruptive or criminal incidents to the Florida Department of Education. The rule clarifies which incidents must be reported when

more than one incident occurs during a single episode; clarifies that certain off-campus conduct meets SESIR reporting criteria; specifies “related elements” applicable to be reported with SESIR incidents; sets forth a framework for analysis of incidents, including consideration of developmentally age-appropriate behavior and disability, if any, and whether the student had the capacity to understand his or her behavior and the inappropriateness of his or her actions; provides that allegations of bullying and harassment that are not able to be substantiated after investigation be reported in SESIR as unsubstantiated bullying and unsubstantiated harassment; provides specific definitions for incidents; requires law enforcement involvement to be reported; requires each district superintendent to designate persons responsible for SESIR reporting and to ensure that all such persons receive the on-line training made available and certify that the rule requirements have been met; and requires principals to ensure that all persons at the school responsible for SESIR information participate in the training and ensure that SESIR data is accurately and timely reported. The amendments to Policy 5500, as incorporated by reference into the *Code of Student Conduct-Elementary*, the *Code of Student Conduct-Secondary* and the *Post-Secondary Code of Student Conduct*, align the documents to the SESIR rule. The proposed revision to Policy 5500, *Student Conduct and Discipline* is also included to align it with the title of the *Post-Secondary Code of Student Conduct*.

A draft version of the District’s *Title IX Sexual Harassment Manual* was posted on the [Office of Civil Rights Compliance Draft Title IX Sexual Harassment Manual's Webpage](#) on September 1, 2020.

The Notice of Intended Action was published in the *Miami Daily Business Review* on August 17, 2020 and posted in various places for public information and mailed to various organizations representing persons affected by the amended policies and individuals requesting notification. The time to request a hearing or protest the adoption of these amendments has elapsed.

Attached are the Notice of Intended Action, policy amendments, and the District’s *Title IX Sexual Harassment Manual*. Changes are indicated by underscoring words to be added and ~~striking through~~ words to be deleted.

**RECOMMENDED:**

That The School Board of Miami-Dade County, Florida, adopt the propose amendments to Board Policy 5500, *Student Conduct and Discipline*, and as incorporated by reference, the *Code of Student Conduct-Elementary*, the *Code of Student Conduct-Secondary* and the *Post-Secondary Code of Student Conduct* and authorize the Superintendent to file the amended policy with The School Board of Miami-Dade County, Florida to be effective October 21, 2020.

## NOTICE OF INTENDED ACTION

THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA, announced on August 12, 2020, its intention to amend Board Policy 5500, *Student Conduct and Discipline*, at its regular meeting on October 21, 2020.

PURPOSE AND EFFECT: Board Policy 5500, *Student Conduct and Discipline*, is proposed to be amended to be in compliance with regulations implementing Title IX of the Education Amendments of 1972, at 34 C.F.R. Part 106, effective August 14, 2020 and Florida Administrative Code Rule 6A-1.0017, effective June 16, 2020.

The amendments to Board Policy 5500, *Student Conduct and Discipline*, incorporate by reference specific requirements from newly promulgated Title IX regulations into the *Code of Student Conduct-Elementary*, the *Code of Student Conduct-Secondary* and the *Code of Student Conduct-Post-Secondary*. The Title IX regulations prohibit disciplinary action against students, where a formal complaint of sexual harassment is made, until the completion of a grievance process set forth in the regulations. Additionally, policy amendments incorporated into the *Code of Student Conduct-Elementary*, the *Code of Student Conduct-Secondary* and the *Code of Student Conduct-Post-Secondary*, comport with the Florida Administrative Code Rule 6A-1.0017, *School Environmental Safety Incident Reporting (SESIR)* setting forth requirements school districts must use to report disruptive or criminal incidents to the Florida Department of Education.

SUMMARY: Amendments to Board Policy 5500, *Student Conduct and Discipline*, incorporate by reference specific requirements from newly promulgated Title IX regulations and newly promulgated Florida Administrative Code Rule 6A-1.0017, into the *Code of Student Conduct-Elementary*, the *Code of Student Conduct-Secondary* and the *Code of Student Conduct-Post-Secondary*.

SPECIFIC LEGAL AUTHORITY UNDER WHICH RULEMAKING IS AUTHORIZED: 1001.41 (1), (2), 1001.42 (8), 1006.07, 1000.05, F.S.; 6A-19.008 F.A.C.

LAWS IMPLEMENTED INTERPRETED OR MADE SPECIFIC: 20 U.S.C. §1681, 34 C.F.R. Part 106; F.A.C. 6A-1.0017.

IF REQUESTED, A HEARING WILL BE HELD DURING SCHOOL BOARD MEETING OF October 21, 2020 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 September 9, 2020, 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 102, 1450 N.E. Second Avenue, Miami, Florida 33132.



Book	Policy Manual
Section	October 21, 2020 - <u>Final</u> Reading
Title	STUDENT CONDUCT AND DISCIPLINE
Code	5500
Status	<u>Final</u> Reading
Adopted	May 11, 2011
Last Revised	November 20, 2018

#### 5500 - **STUDENT CONDUCT AND DISCIPLINE**

Schools shall promote a positive school climate that supports academic achievement and emphasizes civility, fairness, mutual respect, and acceptance of diversity. The *Code of Student Conduct Elementary*, *Code of Student Conduct Secondary*, and the *Post-Secondary Code of Student Conduct* ~~Adult/Vocational Education~~, incorporated by reference, apply to all students in the District. Copies of these documents are on file in the Office of Board Recording Secretary, and the Citizen Information Center, and shall be available in each school and special center.

The Superintendent, principals, and other administrators shall assign discipline/corrective strategies to students pursuant to the Code of Student Conduct and, where required by law, protect the student's due process rights to notice, hearing, and appeal. Additional guidelines for the maintenance of appropriate student behavior are issued by memorandum from District administration.

The Superintendent shall make the Code of Student Conduct available to all students and their parents.

See also Elementary Code of Student Conduct (Español and Kreyòl) and Secondary Code of Student Conduct (Español and Kreyòl).

Effective 7/1/11  
Revised 1/16/13  
Revised 6/18/14  
Revised 4/15/15

Legal

34 C.F.R. Part 106

F.A.C. 6A-1.0017

F.A.C. 6A-19.008

F.S. 1000.05

F.S. 39.201, 39.201(2)(a), 39.301(16), 39.401, 39.401(1)(a), 119.07(1)(3)(h), 120

F.S. 322.091, 394.463, 394.495, 561.01(4), 741.24, 775.082, 775.083, 775.084

F.S. 775.21, 790.001(13), 790.115, 790.161, 790.162, 790.163, 794.011, 794.024

F.S. 794.03, 806.13(2), 810.097, 827.03, 827.04, 827.071, 831.31, 836.10, 893

F.S. 893.02, 893.03, 893.13, 901.15(3), 921.0022, 943.0435, 985.04(7), 985.101

F.S. 985.481, 985.557, 1000.04, 1001.31, 1001.42, 1001.42(6), 1001.43

F.S. 1001.43(1)(6), 1002.20, 1003.01, 1003.02(1)(c)(2), 1003.04, 1003.31

F.S. 1003.32(e)(2)(3)(4)(5)(6)(a)(b), 1003.53, 1006.04, 1006.07, 1006.08, 1006.09

F.S. 1006.10, 1006.12, 1006.13, 1006.135, 1006.147



# Code of Student Conduct



School Operations  
School Board Policy 5500

Final Reading

**G-6**

October 21, 2020

## THE SCHOOL BOARD MIAMI-DADE COUNTY, FLORIDA

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### **Superintendent of Schools**

Alberto M. Carvalho



## Acknowledgment of Receipt and Review

Each parent/guardian of a student and each student enrolled in Miami-Dade County Public Schools must sign and return this page to the student's school to acknowledge that he/she has accessed the online version or obtained a copy of the *Code of Student Conduct*. In addition, this page serves as acknowledgement that you have reviewed the *Code of Student Conduct* with your child. Each school will maintain records of such signed statements.

The online version of the *Code of Student Conduct* in English, Spanish, and Haitian-Creole can be located in the Parent Portal or by accessing through the following website address:

<http://ehandbooks.dadeschools.net/policies/90/index.htm>

If you do not have internet access to obtain a copy of the *Code of Student Conduct*, please visit your child's school to obtain a copy.

I acknowledge receipt of the notification regarding accessing or obtaining a copy of the *Code of Student Conduct* through the Parent Portal or via the internet web address and that I have read and discussed the *Code of Student Conduct* with my child.

\_\_\_\_\_  
Parent's/Guardian's Signature

\_\_\_\_\_  
Date

I acknowledge receipt of the notification regarding accessing or obtaining a copy of the *Code of Student Conduct* through the Parent Portal or via the internet web address and that I have read and discussed the *Code of Student Conduct* with my parent/guardian.

\_\_\_\_\_  
Student's Name

\_\_\_\_\_  
Date



**RETURN TO THE STUDENT'S  
SCHOOL WITHIN (5) SCHOOL  
DAYS UPON RECEIVING  
NOTIFICATION TO REVIEW THE  
CODE OF STUDENT CONDUCT.**





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# CHAPTER I - INFORMATION FOR STUDENTS AND PARENTS/GUARDIANS



## Introduction

The primary objective of Miami-Dade County Public Schools (M-DCPS) is to enhance each student's potential for learning and to foster positive interpersonal relationships. M-DCPS supports the concept that students who possess personal, academic, civic and occupational adequacies will become effective and productive citizens. Students must develop and accept the responsibilities and obligations of citizenship. This document helps students take control of their own learning and their ability to positively alter outcomes by employing appropriate personal choices and skills.

The *Code of Student Conduct* is the District's policy that creates a safe learning environment to ensure academic success. If this objective is to be accomplished, it is necessary that the school environment be a safe and supportive community. The "reculturing" of the school to a positive school climate supports academic achievement and promotes fairness, civility, acceptance of diversity, and mutual respect.

To enhance its effectiveness, this document addresses the role of the parents, the students, and school, but also core values and model student behavior, rights and responsibilities of students, Multi-tiered System of Supports (MTSS), and procedures for using corrective strategies, including suspension and expulsion. The District promotes the following beliefs:

- All students are valuable and can make worthy contributions to society.
- All students are responsible and accountable for their choices and decisions.
- In order to grow and thrive, individuals need caring relationships and a nurturing environment.
- Supportive family relationships are the foundation of the community.
- High expectations lead to higher performance that empower individuals and strengthen society.
- Continuous learning is a lifelong process that is essential to a productive and enriched life.
- Suspension and expulsion of students from school programs are a last resort, to be utilized only in the most extenuating circumstances as determined by the principal after other learning-centered corrective strategies have been utilized and with Region/District notification.

Students, parents/guardians, and school employees are encouraged to read the *Code of Student Conduct* and become familiar with its content. Related Board Policies may be found on the Miami-Dade Public Schools Website at <http://www.neola.com/miamidade-fl/>.  
<http://www.dadeschools.net/schoolboard/rules/>.

## Scope of Authority

This *Code of Student Conduct* is used to govern conduct and discipline of all students attending Miami-Dade County Public Schools. It is expected that students obey District rules while on school grounds; while being transported to or from school at public expense while on the school premises for instruction, and for authorized participation in a school-sponsored activity. During such times, all students are subject to the immediate control and direction of teachers, staff members, and/or bus drivers to whom such responsibility has been assigned by the principal.

This *Code of Student Conduct* also applies to students who commit felonies or delinquent acts which would be felonies if committed by an adult, off School Board owned property or whose off-campus conduct creates a substantial disruption to the school environment.

~~Furthermore, students may be subject to school disciplinary sanctions when they commit off campus acts that poses a threat or danger to the safety of other students, staff, School Board members, or school property, or will disrupt the instructional program, or present danger to themselves.~~ Off-campus conduct and conduct outside of school time that violates the District's *Code of Student Conduct* may also be the basis for discipline up to expulsion if it is accomplished through electronic means and substantially disrupts the educational process or orderly operation of a school. Off-campus conduct that poses a threat or danger to the safety of other students, staff, School Board members, any other members of the District Community, or school property may constitute behavior that has a substantial adverse impact on the educational environment requiring disciplinary action.

Students should be advised that violations of the *Code of Student Conduct* may also be violations of Florida law. Thus, students may be subject to school/district level disciplinary actions as well as discipline imposed by local law enforcement authorities. School Resource Officers (SRO) and other law enforcement authorities have the power to conduct investigations independent of those conducted by school personnel for the same incident. Furthermore, the sanctions imposed by the school district for misconduct are separate and distinct from the consequences that may be imposed following the arrest and prosecution of a student for a violation of law originating from the same incident. Please keep in mind that failure of one entity to act does not prevent the other from taking appropriate actions consistent with this *Code of Student Conduct* or with Florida law.

## Core Values and Examples of Model Student Behavior

The Miami-Dade County Public Schools District is committed to helping all students in developing the values necessary to participate as caring, responsible citizens in our nation’s democracy. Response to Intervention for Behavior (RtIB) is part of a Multi-Tiered System of Supports (MTSS). RtIB/MTSS is a school-wide model that utilizes an evidenced-based, problem solving approach to improve the educational outcome for all students. RtIB/MTSS provides a continuum of tiered interventions with increasing levels of intensity and duration that aims to prevent inappropriate behavior by means of teaching and reinforcing appropriate behavior. The following core values were adopted by the School Board on July 26, 1995.

Citizenship		Helping to create a society based upon democratic values including rules of law, equality of opportunity, due process, reasoned argument, representative government, checks and balances, rights and responsibilities and democratic decision-making, <b>e.g., <i>obeying classroom and school rules.</i></b>
Cooperation		Working together toward goals as basic as human survival in an increasingly interdependent world, <b>e.g., <i>being a member of the team on the athletic field.</i></b>
Fairness		Treating people impartially, not playing favorites, being open-minded, and maintaining an objective attitude toward those whose actions and ideas are different from our own, <b>e.g., <i>treating people the same, regardless of their ethnicity, race, religion, gender, or physical condition.</i></b>
Honesty		Dealing truthfully with people, being sincere, not deceiving them or stealing from them, not cheating or lying, <b>e.g., <i>doing one’s own work when taking a test or working on an individual assignment.</i></b>
Integrity		Standing up for your beliefs about what is right and what is wrong and resisting social pressure to do wrong, <b>e.g. <i>doing the right thing even when no one is watching</i></b>
Kindness		Being sympathetic, helpful, compassionate, benevolent, agreeable and gentle toward people and other living things, <b>e.g., <i>helping a fellow student who has been injured.</i></b>
Pursuit of Excellence		Doing your best with the talents you have, striving toward a goal and not giving up, <b>e.g., <i>putting forth one’s best effort when taking an exam or doing homework.</i></b>
Respect		Showing regard for the worth and dignity of someone or something, being courteous and polite, and judging all people on their merits. Respect takes three major forms: respect for oneself, respect for other people, and respect for all forms of life and the environment, <b>e.g., <i>practicing acceptable manners in the school cafeteria.</i></b>
Responsibility		Thinking before you act and being accountable for your actions, paying attention to others, and responding to their needs. Responsibility emphasizes our positive obligations to care for each other, <b>e.g., <i>performing a community service project.</i></b>



## Values Matter Recognition

Values Matter Miami is Miami-Dade County Public Schools’ values education initiative which was created to teach and promote the District’s nine core values: citizenship, cooperation, fairness, honesty, integrity, kindness, pursuit of excellence, respect, and responsibility. This initiative aims to develop positive student behavior and support schools in creating a culture where everyone is treated with respect, dignity, and kindness.

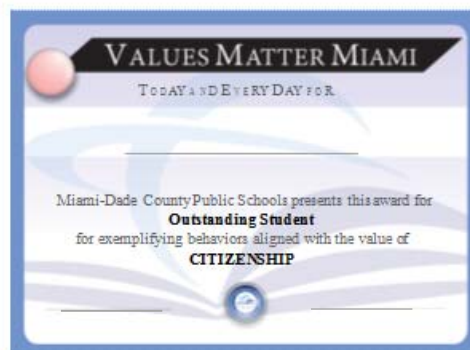
As part of the Values Matter Miami Initiative, Miami-Dade County Public School employees are asked to nominate students who exemplify the designated value each month. These award nominations allow staff members to recognize and celebrate student behaviors that align with our District’s nine core values. Schools are encouraged to host monthly Values Matter Miami celebrations as a way of reinforcing these positive behaviors. District winners are selected from school nominations for each value and winners are recognized at a Districtwide Values Matter Miami Awards Ceremony at the end of the school year.



Values Matter Miami Logo



Values Matter Miami Pin



Values Matter Miami Certificate



## Ways to Recognize Students for Model Behavior

ELEMENTARY STUDENTS	SECONDARY STUDENTS
<ul style="list-style-type: none"> <li>▪ Certificate/trophy/ribbon/plaque/medals</li> <li>▪ Time for music and dancing</li> <li>▪ Music while doing school work</li> <li>▪ Extra computer time/game</li> <li>▪ Free time at the end of class</li> <li>▪ Group activity</li> <li>▪ Class Field Trip</li> <li>▪ A reward (gift certificate, free admission to a school function)</li> <li>▪ Outdoor class</li> <li>▪ Recognition from a local newspaper, media or politician</li> <li>▪ Recognition by the “Do the Right Thing” program sponsored by the Miami-Dade Police Department</li> <li>▪ Outdoor reading</li> <li>▪ Fun walk with the principal or teacher</li> <li>▪ Note home to parents</li> <li>▪ Appointed the class messenger</li> <li>▪ Taking care of the class pet</li> <li>▪ Eating with the teacher</li> <li>▪ Selecting prizes from a treasure box</li> <li>▪ Pencil toppers</li> <li>▪ Stars, smiley faces or stickers</li> <li>▪ Paperback books</li> <li>▪ Extra recess</li> <li>▪ Sports equipment</li> <li>▪ Leading of class line to lunch or recess</li> <li>▪ Recognition during morning announcements or on closed circuit television</li> <li>▪ Selection as a model student of the month and display photograph in an appropriate location</li> </ul>	<ul style="list-style-type: none"> <li>▪ Certificate/trophy/ribbon/plaque/medals</li> <li>▪ Gift certificate to local merchants</li> <li>▪ Free pass to sporting event or play</li> <li>▪ Walk break for entire class</li> <li>▪ Guest presenters in class</li> <li>▪ Class field trip</li> <li>▪ Praise for good behavior and work</li> <li>▪ Note home to parents</li> <li>▪ A call to parents</li> <li>▪ Recognition by the “Do the Right Thing” program sponsored by the Miami-Dade Police Department</li> <li>▪ Coupon for prizes and privileges or surprise gift bag with school supplies</li> <li>▪ Outdoor Class</li> <li>▪ Recognition from a local newspaper, media or politician</li> <li>▪ Photo recognition bulletin board</li> <li>▪ Outdoor reading</li> <li>▪ Music while doing school work</li> <li>▪ Extra computer time/game</li> <li>▪ Sitting with friends</li> <li>▪ Music concert at school</li> <li>▪ Pep rally</li> <li>▪ Paperback book</li> <li>▪ Magazine subscription</li> <li>▪ T-shirt/hat/sunglasses</li> <li>▪ Sports equipment</li> <li>▪ Prime parking spot</li> <li>▪ Recognition during morning announcements or on closed circuit television</li> <li>▪ Recognition in school newspaper</li> <li>▪ Selection as a model student of the month and display photograph in an appropriate location</li> </ul>

## A Synopsis of Model Student Behavior – Level I

Level I Behavior affects the orderly operation of the classroom, school functions, extracurricular/co-curricular programs or approved transportation. The core principle of the multi-tiered RtIB/MTSS model is to provide general academic and behavior instruction and support to all students in all settings. The multi-tiered RtIB/MTSS model is a continuum of tiered interventions with increasing levels of intensity and duration that aims to prevent inappropriate behaviors by means of teaching and reinforcing appropriate behaviors. **Model student behavior** creates a safe learning environment and reduces disruption of the educational process.

MODEL STUDENT BEHAVIOR	STRATEGIES FOR MODEL STUDENTS
<p>Model students:</p> <ul style="list-style-type: none"> <li>- understand and follow school rules;</li> <li>- attend school regularly;</li> <li>- request permission for authorization to leave class when needed;</li> <li>- attend all classes;</li> <li>- are prepared for class each day;</li> <li>- use and possess items that are suitable for an educational setting;</li> <li>- adhere to the school dress code; and use approved electronic devices responsibly</li> </ul>	<p>Model students avoid:</p> <ul style="list-style-type: none"> <li>- being in an unauthorized location;</li> <li>- cutting class;</li> <li>- arriving at school late;</li> <li>- failing to comply with class and school rules;</li> <li>- possessing items that are inappropriate for the educational setting;</li> <li>- using unauthorized electronic devices; and</li> <li>- violating the school dress code.</li> </ul>
<p>Model students:</p> <ul style="list-style-type: none"> <li>- follow class and school rules including riding and waiting for the school bus;</li> <li>- use conflict management skills to resolve problems peacefully;</li> <li>- use respectful and appropriate language;</li> <li>- show concern for others; and</li> <li>- conduct themselves in a cooperative, friendly and respectful manner to staff members and classmates.</li> </ul>	<p>Model students avoid:</p> <ul style="list-style-type: none"> <li>- initiating or participating in a verbal confrontation with another student or staff member;</li> <li>- arriving late to class;</li> <li>- displaying affection inappropriately in public;</li> <li>- leaving school grounds without permission;</li> <li>- using profane or crude language; and</li> <li>- displaying or participating in disruptive behavior.</li> </ul>

### RELATED CORE VALUES FOR LEVEL I MODEL STUDENT BEHAVIORS



## A Synopsis of Model Student Behavior – Level II

Level II behaviors are more serious than Level I because they significantly interfere with learning and/or the well-being of others. The core principle of the multi-tiered RtIB/MTSS model is to provide general academic and behavior instruction and support to all students in all settings. The multi-tiered RtIB/MTSS model is a continuum of tiered interventions with increasing levels of intensity and duration that aims to prevent inappropriate behaviors by means of teaching and reinforcing appropriate behaviors. **Model student behavior** creates a safe learning environment and reduces disruption of the educational process.

MODEL STUDENT BEHAVIOR	STRATEGIES FOR MODEL STUDENTS
Model students: <ul style="list-style-type: none"> <li>- speak and act honestly and truthfully;</li> <li>- show respect to others in words, actions and deeds;</li> <li>- develop good study habits;</li> <li>- complete all homework assignments;</li> <li>- participate actively in class; and</li> <li>- show empathy for others.</li> </ul>	Model students avoid: <ul style="list-style-type: none"> <li>- cheating or misrepresenting the true facts;</li> <li>- making false accusations;</li> <li>- exhibiting behavior that instigates and provokes a negative reaction from others or encourages others to engage in a negative physical or verbal altercation; and</li> <li>- talking about others and spreading rumors.</li> </ul>
Model students: <ul style="list-style-type: none"> <li>- speak and act respectfully to all school personnel;</li> <li>- obey all instructions given by persons in authority;</li> <li>- cooperate with administrators, teachers and staff members;</li> <li>- leave school only when given permission;</li> <li>- demonstrate behavior that is civil, respectful, polite and courteous; and</li> <li>- follow school rules.</li> </ul>	Model students avoid: <ul style="list-style-type: none"> <li>- refusing to comply with school rules or directives from school staff members;</li> <li>- distributing inappropriate materials;</li> <li>- leaving school grounds without permission from a parent or school official;</li> <li>- joining clubs or organizations not approved by the Miami-Dade County School Board;</li> <li>- using profane or provocative language directed at others;</li> <li>- participating in prohibited sales on school grounds; and</li> <li>- possessing or using tobacco products.</li> </ul>
Model students: <ul style="list-style-type: none"> <li>- show respect for the property of others</li> <li>- demonstrate honesty;</li> <li>- report all acts of vandalism to the proper authorities; and</li> <li>- demonstrate school and community pride.</li> </ul>	Model students avoid: <ul style="list-style-type: none"> <li>- taking or concealing the property of others without permission;</li> <li>- destroying or defacing public or private property; and</li> <li>- tarnishing the reputation of their school by damaging the property of others.</li> </ul>
Model students: <ul style="list-style-type: none"> <li>- obey instructions;</li> <li>- show respect to people in authority;</li> <li>- care for the feelings of others; and</li> <li>- treat others with respect.</li> </ul>	Model students avoid: <ul style="list-style-type: none"> <li>- participating in or encouraging a confrontation with a staff member;</li> <li>- becoming involved in a minor fighting incident; and</li> <li>- harassing others by name-calling, gossiping or using gestures that intimidate others.</li> </ul>

### RELATED CORE VALUES FOR LEVEL II MODEL STUDENT BEHAVIORS



## A Synopsis of Model Student Behavior – Level III

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. **Model student behavior** creates a safe learning environment and reduces disruption of the educational process.

<b>MODEL STUDENT BEHAVIOR</b>	<b>STRATEGIES FOR MODEL STUDENTS</b>
<p>Model students:</p> <ul style="list-style-type: none"> <li>- show respect, kindness, friendliness toward others;</li> <li>- accept people based on their individual merits;</li> <li>- demonstrate school pride by being active participants in protecting and maintaining the school campus; and</li> <li>- report all acts of violence, harassment or threats to the proper authorities.</li> </ul>	<p>Model students avoid:</p> <ul style="list-style-type: none"> <li>- physically hurting or threatening another person;</li> <li>- bullying others by using intimidation or teasing;</li> <li>- using social media to intimidate others; and</li> <li>- initiating or being involved in campus disruptions at school-sponsored events.</li> </ul>
<p>Model students:</p> <ul style="list-style-type: none"> <li>- treat others with respect and compassion;</li> <li>- seek to resolve issues before they escalate;</li> <li>- participate only in clubs and organizations sanctioned by their school;</li> <li>- speak to others using positive and respectful language; and</li> <li>- report all acts of violence, harassment or threats to the proper authorities.</li> </ul>	<p>Model students avoid:</p> <ul style="list-style-type: none"> <li>- harassing others by using language or gestures that are demeaning to a person’s race, gender, religion etc.;</li> <li>- participating in hazing activities; and</li> <li>- using sexually suggestive comments or gestures to intimidate others.</li> </ul>
<p>Model students:</p> <ul style="list-style-type: none"> <li>- respect the rights and property of others;</li> <li>- respect the laws of society dealing with the possession, use or sale of alcohol and drugs;</li> <li>- maintain a healthy and safe lifestyle; and</li> <li>- make contributions of time and energy to enrich the school environment.</li> </ul>	<p>Model students avoid:</p> <ul style="list-style-type: none"> <li>- entering a building or residence without permission from the owner;</li> <li>- removing property from a building or residence without permission from the owner;</li> <li>- possessing, using or selling alcohol; unauthorized over-the-counter medications, drug paraphernalia, controlled substances and/or anything that alters mood or is used for mood altering.</li> <li>- displaying or possessing a fake weapon; and</li> <li>- endangering the health and safety of others.</li> </ul>

### RELATED CORE VALUES FOR LEVEL III MODEL STUDENT BEHAVIORS

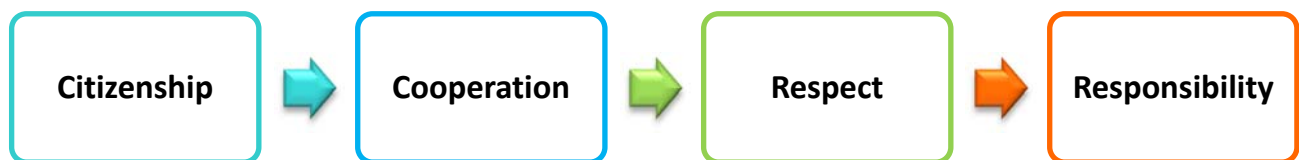


## A Synopsis of Model Student Behavior – Level IV

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. These infractions are crimes requiring police involvement.

MODEL STUDENT BEHAVIOR	STRATEGIES FOR MODEL STUDENTS
<p>Model students:</p> <ul style="list-style-type: none"> <li>- project a positive and cooperative attitude towards staff members and classmates;</li> <li>- are respectful, kind, friendly and get along well with others;</li> <li>- use conflict management skills to resolve disagreements;</li> <li>- are obedient; and</li> <li>- seek guidance from trusted adults for assistance and direction.</li> </ul>	<p>Model students avoid:</p> <ul style="list-style-type: none"> <li>- volatile situations that could escalate into violent actions;</li> <li>- using violent physical actions or threats directed towards staff members;</li> <li>- breaking school rules; and</li> <li>- becoming involved with individuals who do not respect or follow the laws of the community.</li> </ul>
<p>Model students:</p> <ul style="list-style-type: none"> <li>- speak to others using respectful language;</li> <li>- participates only in organizations sanctioned by their school;</li> <li>- demonstrate behavior that is civil, respectful, polite and courteous; and</li> <li>- share materials that are educationally appropriate</li> </ul>	<p>Model students avoid:</p> <ul style="list-style-type: none"> <li>- using language or actions that slander others because of their race, gender, color, religion, ethnicity, national origin, political beliefs, marital status, age, sexual orientation, language, pregnancy or disability and family background;</li> <li>- participating in any form of club initiation or activity that creates the risk of harm to others; and</li> <li>- giving, possessing or sharing obscene or lewd materials.</li> </ul>
<p>Model students:</p> <ul style="list-style-type: none"> <li>- speak and act honestly and truthfully;</li> <li>- follows all laws;</li> <li>- show respect for the property of others;</li> <li>- support law enforcement agencies and schools to promote the safety of all staff members and students;</li> <li>- use school resources to resolve or report issues of concern; and</li> <li>- associate only with people who do not use or sell weapons or controlled substances.</li> </ul>	<p>Model students avoid:</p> <ul style="list-style-type: none"> <li>- taking the property of others without permission;</li> <li>- committing grand theft by taking property valued at <del>\$300</del><u>750</u>.00 or more from others; and possessing, using, distributing or selling any object, controlled substance or weapon and explosives that could inflict serious harm or place a person in fear of serious harm.</li> </ul>

### RELATED CORE VALUES FOR LEVEL IV MODEL STUDENT BEHAVIORS

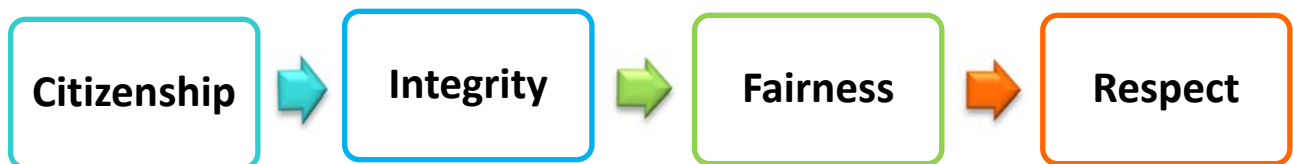


## A Synopsis of Model Student Behavior – Level V

**LEVEL V behaviors** are the most serious acts of misconduct and violent actions that threaten life. These infractions are crimes requiring police involvement.

<b>MODEL STUDENT BEHAVIOR</b>	<b>STRATEGIES FOR MODEL STUDENTS</b>
<p>Model students:</p> <ul style="list-style-type: none"> <li>- accept responsibility for their own actions;</li> <li>- respect life;</li> <li>- show pride in their school and community;</li> <li>- use adaptive skills for solving problems;</li> <li>- maintain their self-control at all times;</li> <li>- seek assistance from a trusted adult to solve problems or report incidents of concern; and</li> <li>- report any acts of aggression or violence between students or students and staff members to a staff member or law enforcement officer.</li> </ul>	<p>Model students avoid:</p> <ul style="list-style-type: none"> <li>- fighting with other students or staff members;</li> <li>- hitting other students or staff members;</li> <li>- speaking disrespectfully to students or staff members;</li> <li>- engaging in or forcing others to participate in sexual acts;</li> <li>- holding people against their will;</li> <li>- threatening to take another person's life;</li> <li>- using weapons;</li> <li>- interrupting the school's learning environment; and</li> <li>- withholding information needed to solve a crime.</li> </ul>
<p>Model students:</p> <ul style="list-style-type: none"> <li>- have respect for life, property and the safety of others;</li> <li>- participate in programs to support law enforcement efforts to ensure safety for all in school and the community;</li> <li>- are law abiding citizens;</li> <li>- cooperate with school officials to create a positive learning environment;</li> <li>- participate in investigations conducted by school staff or law enforcement agencies; and</li> <li>- demonstrate pride in their school and community.</li> </ul>	<p>Model students avoid:</p> <ul style="list-style-type: none"> <li>- setting a fire;</li> <li>- interfering with the orderly learning environment;</li> <li>- making a threat to the safety of others;</li> <li>- providing false information;</li> <li>- withholding information needed to solve a crime; and</li> <li>- committing any act that would result in the destruction of property.</li> </ul>

### RELATED CORE VALUES FOR LEVEL V MODEL STUDENT BEHAVIORS



## CHAPTER II - BEHAVIORS AND RANGE OF **CORRECTIVE STRATEGIES**





BEHAVIORS AND RANGE OF CORRECTIVE STRATEGIES – LEVEL I

BEHAVIORS	RANGE OF CORRECTIVE STRATEGIES
<p><b>LEVEL I Behaviors</b> are acts that disrupt the orderly operation of the classroom, school function, extracurricular activities or approved transportation.</p> <p style="text-align: center;"><b>LEVEL I</b></p> <p>Disruptive Behaviors</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Confrontation with another student</li> <li><input type="checkbox"/> Cutting class</li> <li><input type="checkbox"/> Disruptive behavior (including behavior on the school bus and at the school bus stop)</li> <li><input type="checkbox"/> Failure to comply with class and/or school rules</li> <li><input type="checkbox"/> Inappropriate public display of affection</li> <li><input type="checkbox"/> Misrepresentation</li> <li><input type="checkbox"/> Possession of items or materials that are inappropriate for an educational setting (See Special Notes #1)</li> <li><input type="checkbox"/> Repeated use of profane or crude language (general, not directed at someone)</li> <li><input type="checkbox"/> Unauthorized location</li> <li><input type="checkbox"/> Unauthorized use of wireless communication devices (See Vital Alert page(s) <b>3940</b>)</li> <li><input type="checkbox"/> Violation of dress code (See Vital Alerts page(s) <b>2930</b>)</li> </ul>	<p>The principal or designee <b>must</b> select at least one of the following strategies from <b>PLAN I</b>. Principals may authorize use of <b>PLAN II</b> for serious or habitual <b>Level I</b> infractions.</p> <p style="text-align: center;"><b>PLAN I</b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Parent/guardian contact (See Special Notes #2)</li> <li><input type="checkbox"/> Student Conference (See Special Notes #3)</li> <li><input type="checkbox"/> Student, parents/guardians/staff conference</li> <li><input type="checkbox"/> Behavior Plan</li> <li><input type="checkbox"/> Student Contract</li> <li><input type="checkbox"/> Participation in a counseling session related to infraction</li> <li><input type="checkbox"/> Refer to outside agency/provider (See Special Notes #4)</li> <li><input type="checkbox"/> Peer Mediation</li> <li><input type="checkbox"/> Refer to page(s) <b>51-5751-58</b> for additional corrective strategies on the RtB/MTSS</li> <li><input type="checkbox"/> Reprimand</li> <li><input type="checkbox"/> Detention or other Board-approved in-school program</li> <li><input type="checkbox"/> Restorative Justice Practices Pilot Program (at District approved schools)</li> <li><input type="checkbox"/> Student Court (at District approved schools)</li> <li><input type="checkbox"/> Confiscation of wireless communication devices</li> <li><input type="checkbox"/> Refer to Vital Alerts page(s) <b>29-30</b> for the prescribed corrective strategies for the violation of the dress code.</li> <li><input type="checkbox"/> Revocation of the right to participate in social and/or extracurricular activities</li> <li><input type="checkbox"/> Loss of bus privileges up to 10 days</li> <li><input type="checkbox"/> Replacement or payment of any damaged property (if appropriate)</li> <li><input type="checkbox"/> School Center for Special Instruction (SCSI) or other Alternative Educational Setting (AES) within the school (1-5 days) (See Special Notes # 2, 3 and 5)</li> </ul>
<b>SPECIAL NOTES</b>	
<p>#1 See Sexual Offenses (Other), Level IV, for obscene or lewd material.</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Administrators must contact Miami-Dade Schools Police for any criminal conduct regardless of whether Schools Police Automated Reporting (SPAR) is indicated.</li> <li><input type="checkbox"/> If the victim of a crime requests a police report, the principal or designee must report the incident to the Miami-Dade Schools Police.</li> <li><input type="checkbox"/> <u>Incident-related elements must be included in the description of the incident leading to the disciplinary action. (See Glossary for definitions of incident-related elements).</u></li> </ul>	<p>#2 Good faith attempt must be made immediately to contact the parent/guardian by telephone.</p> <p>#3 When a student is being assigned to SCSI or other AES, they must be given an opportunity to be heard about the incident.</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 <i>Request for Outside Providers</i>.</p> <p>#5 For any assignment away from the student's regular course schedule, written notice must be sent to the parent/guardian within 24 hours via U.S. mail.</p>
<b>Refer to the Glossary for an explanation of unfamiliar words used in the Code of Student Conduct.</b>	



**Code of Student Conduct – Elementary**

**BEHAVIORS AND RANGE OF CORRECTIVE STRATEGIES – LEVEL II**

BEHAVIORS	RANGE OF CORRECTIVE STRATEGIES
<p>Level II Behaviors are more serious than Level I because they significantly interfere with learning and/or the well-being of others.</p> <p style="text-align: center;"><b>LEVEL II</b></p> <p>Seriously Disruptive Behaviors</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Cheating</li> <li><input type="checkbox"/> Confrontation with a staff member</li> <li><input type="checkbox"/> Defiance of school personnel</li> <li><input type="checkbox"/> Distribution of items or materials that are inappropriate for an educational setting (<b>See Special Notes #1</b>)</li> <li><input type="checkbox"/> Failure to comply with previously prescribed corrective strategies</li> <li><input type="checkbox"/> False accusation</li> <li><input type="checkbox"/> Fighting (minor)</li> <li><input type="checkbox"/> Forgery (Written Misrepresentation):</li> <li><input type="checkbox"/> Harassment (<del>non-sexual or isolated</del> <u>protected categories</u>)</li> <li><input type="checkbox"/> Instigative behavior</li> <li><input type="checkbox"/> Joining clubs or groups <b>NOT</b> approved by the School Board</li> <li><input type="checkbox"/> Leaving school grounds without permission</li> <li><input type="checkbox"/> Libel</li> <li><input type="checkbox"/> Petty theft (under <del>\$300.00</del> <u>750.00</u>)</li> <li><input type="checkbox"/> Possession of and/or use of tobacco products or smoking/vaping devices. (See Glossary).</li> <li><input type="checkbox"/> Prohibited sales on school grounds (other than controlled substances)</li> <li><input type="checkbox"/> Slander</li> <li><input type="checkbox"/> Use of profane or provocative language directed at someone</li> <li><input type="checkbox"/> Vandalism (minor)</li> </ul>	<p>The principal or designee <b>must</b> select at least one of the following strategies from <b>PLAN II</b>. The use of appropriate strategies from previous PLAN may be used <u>in conjunction with</u> this PLAN.</p> <p style="text-align: center;"><b>PLAN II</b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Parent/guardian contact (See Special Notes #2)</li> <li><input type="checkbox"/> Student conference (See Special Notes #3)</li> <li><input type="checkbox"/> <b>Corrective Strategies from Level I</b></li> <li><input type="checkbox"/> Participation in counseling session related to the infraction</li> <li><input type="checkbox"/> Refer to outside agency/provider (See Special Notes #4)</li> <li><input type="checkbox"/> Refer to page(s) <del>51-57</del> <u>51-58</u> for additional corrective strategies on the RtB/MTSS</li> <li><input type="checkbox"/> School-based program that focuses on modifying the student’s inappropriate behavior or promotes positive behavior</li> <li><input type="checkbox"/> Restorative Justice Practices Pilot Program (at District approved schools)</li> <li><input type="checkbox"/> Student Court (at District approved schools)</li> <li><input type="checkbox"/> Assignment to an Alternative Educational Setting (1-10 days with region approval for serious or habitual infractions) (See Special Notes #2, 3, and 5)</li> <li><input type="checkbox"/> A principal may request a District-approved administrative assignment to a long-term alternative educational setting (AES) for students who habitually commit infractions with region approval. This action is taken when less severe strategies are deemed inappropriate. (See Special Notes #2, 3, and 5)</li> </ul>
<b>SPECIAL NOTES</b>	
<p>#1 See Sexual Offenses (Other), Level IV, for obscene or lewd material.</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Administrators must contact Miami-Dade Schools Police for any criminal conduct regardless of whether Schools Police Automated Reporting (SPAR) is indicated.</li> <li><input type="checkbox"/> If the victim of a crime requests a police report, the principal or designee must report the incident to the Miami-Dade Schools Police.</li> <li><input type="checkbox"/> <u>Allegations of Bullying and Harassment that are not able to be substantiated after investigation must be reported in SESIR as Unsubstantiated Bullying and Unsubstantiated Harassment.</u></li> <li><input type="checkbox"/> <u>Incident-related elements must be included in the description of the incident leading to the disciplinary action. (See Glossary for definitions of incident-related elements).</u></li> </ul>	<p>#2 Good faith attempt must be made immediately to contact the parent/guardian by telephone.</p> <p>#3 When a student is being assigned to SCSJ or other AES, they must be given an opportunity to be heard about the incident.</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 <i>Request for Outside Providers</i>.</p> <p>#5 For any assignment away from the student’s regular course schedule, written notice must be sent to the parent/guardian within 24 hours via U.S. mail.</p>
<b>Refer to the Glossary for an explanation of unfamiliar words used in the Code of Student Conduct.</b>	

**Code of Student Conduct – Elementary**

**BEHAVIORS AND RANGE OF CORRECTIVE STRATEGIES – LEVEL III**

<b>BEHAVIORS</b>	<b>RANGE OF CORRECTIVE STRATEGIES</b>
<p><b>LEVEL III Behaviors</b> are more serious than Level II because they endanger health and safety, damage property, and/or cause serious disruptions to the learning environment.</p> <p style="text-align: center;"><b>LEVEL III</b></p> <p style="text-align: center;">Offensive/Harmful Behaviors</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Assault/Threat against a non-staff member</li> <li><input type="checkbox"/> Breaking and Entering/Burglary</li> <li><input type="checkbox"/> Bullying (repeated harassment) (<b>See Special Notes #1</b>) (See Vital Alerts page(s) <b>29-3130-32</b>)</li> <li><input type="checkbox"/> Disruption on campus/Disorderly conduct</li> <li><input type="checkbox"/> Fighting (serious)</li> <li><input type="checkbox"/> False Activation of Fire Alarm System</li> <li><input type="checkbox"/> Gambling</li> <li><input type="checkbox"/> Harassment (Civil Rights) (<b>See Special Notes #2</b>) (See Vital Alerts page(s) <b>29-3130-32, 6870</b>)</li> <li><input type="checkbox"/> Hazing (misdemeanor)</li> <li><input type="checkbox"/> Improper Activation of Fire Extinguisher</li> <li><input type="checkbox"/> Possession of simulated weapons</li> <li><input type="checkbox"/> 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 Vital Alert Under the Influence page(s) <b>3637</b>.)</li> <li><input type="checkbox"/> Sexting (1) (See Vital Alerts page(s) <b>3536</b>)</li> <li><input type="checkbox"/> Sexual harassment (<b>See Special Notes #2, #3</b>) (See Vital Alerts page(s) <b>29-3130-32</b> and Glossary page(s) <b>7470, 77</b>)</li> <li><input type="checkbox"/> Technology and Computer Related Offense (1) (See Vital Alerts page(s) <b>37-3838-39</b>)</li> <li><input type="checkbox"/> Threat/Intimidation (<b>See Special Notes #8</b>)</li> <li><input type="checkbox"/> Trespassing</li> <li><input type="checkbox"/> Vandalism (major)</li> </ul>	<p>The principal or designee <b>must</b> select at least one of the following strategies from <b>PLAN III</b>. The use of appropriate strategies from previous PLANS may also be used <u>in conjunction with</u> this PLAN. Principals may authorize the use of <b>PLAN IV</b> for repeated, serious or habitual <b>Level III</b> infractions.</p> <p style="text-align: center;"><b>PLAN III</b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Parent/guardian contact (<b>See Special Notes #4</b>)</li> <li><input type="checkbox"/> Student conference (See Special Notes #5)</li> <li><input type="checkbox"/> Assignment to an Alternative Educational Setting (1 - 10 days.) (<b>See Special Notes #4, 5, and 6</b>)</li> <li><input type="checkbox"/> <b>Corrective Strategies from Level I &amp; II</b></li> <li><input type="checkbox"/> Permanent removal from class and reassignment to different class (placement review committee decision required)</li> <li><input type="checkbox"/> Suspension (See Special Notes #4, 5, 6 and 7)</li> <li><input type="checkbox"/> Recommendation for expulsion (See page(s) <b>4748</b>)</li> </ul>
<b>SPECIAL NOTES</b>	
<ul style="list-style-type: none"> <li><input type="checkbox"/> 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).</li> <li><input type="checkbox"/> <u>Allegations of Bullying and Harassment that are not able to be substantiated after investigation must be reported in SESIR as Unsubstantiated Bullying and Unsubstantiated Harassment.</u></li> </ul> <p>#1 Bullying infractions do not require a SPAR unless incident is Hazing-related.</p> <hr/> <p>#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.</p>	<p>#4 Good faith attempt must be made immediately to contact the parent/guardian by telephone.</p> <p>#5 When a student is being assigned to SCSJ or other AES, they must be given an opportunity to be heard about the incident.</p> <p>#6 For any assignment away from the student's regular course schedule, written notice must be sent to the parent/guardian within 24 hours via U.S. mail.</p> <p>#7 Suspension of students from school programs is a last resort, to be utilized only in the most extenuating circumstances as determined by the principal after other learning-centered corrective strategies have been employed and with Region notification.</p>

## Code of Student Conduct – Elementary

- |                          |   |    |  |
|--------------------------|---|----|--|
| #3                       | <u>Corrective action for Sexual Harassment may be issued only in accordance with the District's <i>Title IX Sexual Harassment Manual</i>.</u>   | #8 | <u>If a student brings a firearm or weapon and/or makes a threat or false report, the school must refer the student to mental health services identified by the school District.</u> |
| <input type="checkbox"/> | <u>Incident-related elements must be included in the description of the incident leading to the disciplinary action. (See Glossary for definitions of incident-related elements).</u> |    |  |

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

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**BEHAVIORS AND RANGE OF CORRECTIVE STRATEGIES – LEVEL IV**

BEHAVIORS	RANGE OF CORRECTIVE STRATEGIES
<p><b>LEVEL IV Behaviors</b> 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;"><b>LEVEL IV</b></p> <p>Dangerous or Violent Behaviors</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Battery (<u>Physical Attack</u>) against a non-staff member</li> <li><input type="checkbox"/> Grand theft (over \$<del>300.00</del><u>750.00</u>)</li> <li><input type="checkbox"/> Hate Crime</li> <li><input type="checkbox"/> Hazing (Felony)</li> <li><input type="checkbox"/> 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</li> <li><input type="checkbox"/> Motor vehicle theft</li> <li><input type="checkbox"/> Other major crimes/incidents</li> <li><input type="checkbox"/> Robbery</li> <li><input type="checkbox"/> 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 Vital Alerts for Under the Influence page(s) <del>36</del><u>437</u>.)</li> <li><input type="checkbox"/> Sex offenses (other) (including possession and/or distribution of obscene or lewd materials)</li> <li><input type="checkbox"/> Sexting (2) (See Vital Alerts page(s) <del>35</del><u>36</u>)</li> <li><input type="checkbox"/> Technology and Computer-Related Offense (2) (See Vital Alerts page(s) <del>37-38</del><u>38-39</u>)</li> </ul>	<p>The principal or designee <b>must</b> use the following strategies from <b>PLAN IV</b>. 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;"><b>PLAN IV</b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Parent/guardian contact (<b>See Special Notes #2</b>)</li> <li><input type="checkbox"/> Student conference (See Special Notes #3)</li> <li><input type="checkbox"/> <b>Corrective Strategies from Level I-III (See Special Note #4)</b></li> <li><input type="checkbox"/> Recommendation for expulsion (See page(s) <del>47</del><u>48</u>)</li> </ul>
<b>SPECIAL NOTES</b>	
<ul style="list-style-type: none"> <li><input type="checkbox"/> 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).</li> <li><input type="checkbox"/> <u>Corrective action for Sexual Harassment may be issued only in accordance with the District's Title IX Sexual Harassment Manual.</u></li> <li><input type="checkbox"/> <u>Incident-related elements must be included in the description of the incident leading to the disciplinary action. (See Glossary for definitions of incident-related elements).</u></li> </ul>	<ul style="list-style-type: none"> <li>#2 Good faith attempt must be made immediately to contact the parent/guardian by telephone.</li> <li>#3 When a student is being assigned to SCSi or other AES, they must be given an opportunity to be heard about the incident.</li> <li>#4 For any assignment away from the student's regular course schedule, written notice must be sent to the parent/guardian within 24 hours via U.S. mail.</li> </ul>
<b>Refer to the Glossary for an explanation of unfamiliar words used in the Code of Student Conduct.</b>	

**Code of Student Conduct – Elementary**

**BEHAVIORS AND RANGE OF CORRECTIVE STRATEGIES – LEVEL V**

BEHAVIORS	RANGE OF CORRECTIVE STRATEGIES
<p><b>LEVEL V Behaviors</b> are the most serious acts of misconduct and violent actions that threaten life.</p> <p style="text-align: center;"><b>LEVEL V</b></p> <p>Most Serious, Dangerous or Violent Behaviors</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Aggravated assault</li> <li><input type="checkbox"/> Aggravated battery against a non-staff member</li> <li><input type="checkbox"/> Armed robbery</li> <li><input type="checkbox"/> Arson</li> <li><input type="checkbox"/> Assault/Threat against M-DCPS employees or persons conducting official business (<b>See Special Notes #1 &amp; #5</b>)</li> <li><input type="checkbox"/> Battery (<u>Physical Attack</u>) or Aggravated battery against M-DCPS employees or persons conducting official business (<b>See Special Notes #1</b>)</li> <li><input type="checkbox"/> Homicide</li> <li><input type="checkbox"/> Kidnapping/Abduction</li> <li><input type="checkbox"/> Making a false report/threat against the school (<b>See Special Notes #1 &amp; #5</b>)</li> <li><input type="checkbox"/> Other major crimes/incidents</li> <li><input type="checkbox"/> Possession, use, sale, or distribution of firearms, explosives, destructive devices, and other weapons. (<b>See Special Notes #1 &amp; #5</b>)</li> <li><input type="checkbox"/> Sexting (3) Offense (See page(s) <b>3536</b>)</li> <li><input type="checkbox"/> Sexual battery</li> <li><input type="checkbox"/> Technology and Computer Related Offense (3) (See page(s) <b>37-3838-39</b>)</li> </ul>	<p>The principal or designee <b>must</b> use the following strategies from <b>PLAN V</b>. 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;"><b>PLAN V</b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Parent/guardian contact (<b>See Special Notes #2</b>)</li> <li><input type="checkbox"/> Student conference (See Special Notes #3)</li> <li><input type="checkbox"/> <b>Corrective Strategies from Level I-IV (See Special Notes #4)</b></li> <li><input type="checkbox"/> Recommendation for expulsion (See page(s) <b>4748</b>)</li> </ul>
<b>SPECIAL NOTES</b>	
<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> <ul style="list-style-type: none"> <li><input type="checkbox"/> <u>Corrective action for Sexual Harassment may be issued only in accordance with the District's Title IX Sexual Harassment Manual.</u></li> <li><input type="checkbox"/> The possession of firearms or other weapons on school property may result in criminal penalties in addition to expulsion.</li> <li><input type="checkbox"/> This level of infraction may result in an expulsion requiring School Board action.</li> </ul> <p>#1 Mandatory one-year expulsion.</p>	<ul style="list-style-type: none"> <li>#2 Good faith attempt must be made immediately to contact the parent/guardian by telephone.</li> <li>#3 When a student is being assigned to SCSJ or other AES, they must be given an opportunity to be heard about the incident.</li> <li>#4 For any assignment away from the student's regular course schedule, written notice must be sent to the parent/guardian within 24 hours via U.S. mail.</li> <li>#5 If a student brings a firearm or weapon and/or makes a threat or false report, the school must refer the student to "mental health services" identified by the school district pursuant to 1012.584(4).</li> </ul> <ul style="list-style-type: none"> <li><input type="checkbox"/> <u>Incident-related elements must be included in the description of the incident leading to the disciplinary action. (See Glossary for definitions of incident-related elements).</u></li> </ul>
<b>Refer to the Glossary for an explanation of unfamiliar words used in the Code of Student Conduct.</b>	

## SAFEGUARDS: PROTECTING THE RIGHTS OF STUDENTS AND PARENTS/GUARDIANS

All corrective strategies used by school-site administrators must be in compliance with School Board rules and policies. Inherent in these rules and policies is the



philosophy of fairness and consideration for actions that are in the best interest of students.

When confronted with an act that may require the imposition of corrective strategies by the school, the student and all other appropriate persons should be given the opportunity to explain the circumstances of the incident.

Students shall not be subjected to any corrective strategies for using a language other than English or because of a disability.

School administrators should communicate with parents/guardians when corrective strategies must be taken against a student.

Parents/guardians and students who disagree with certain strategies and decisions made at the school level have the right to the following formal complaint procedures:

- a school-level hearing;
- appeal of school-level decisions to the regional center office; and
- for alternative education assignments and expulsions, a hearing before an impartial hearing officer.

# CHAPTER III - STUDENT RIGHTS AND RESPONSIBILITIES





## STUDENT RIGHTS AND RESPONSIBILITIES

It is the intent of this chapter to allow students maximum freedom under law, commensurate with the school's responsibility for student health, safety, and welfare. The rights and responsibilities presented in this section reflect the need for providing students with greater opportunities to serve themselves and society.

Students must realize that every right implies a responsibility, and should conduct themselves appropriately on and off campus. Within every school, the principal and staff have the responsibility and authority for maintaining an orderly educational process. Students are citizens of the greater Miami-Dade Community and represent Miami-Dade Schools at all times.





## Code of Student Conduct – Elementary

### Attendance

School administrators have an obligation under state law to enforce compulsory school attendance laws. Students have an obligation to attend school to develop skills and knowledge necessary to function in a modern, democratic society.

<b>Rights:</b>	<b>Responsibilities:</b>
<ul style="list-style-type: none"><li><input type="checkbox"/> You have the <b>right</b> to information on rules and policies for excused absences, unexcused absences and tardies.</li><li><input type="checkbox"/> You have the <b>right</b> to make-up homework assignments after an excused absence.</li></ul>	<ul style="list-style-type: none"><li><input type="checkbox"/> You have the <b>responsibility</b> to attend classes daily.</li><li><input type="checkbox"/> You have the <b>responsibility</b> to provide the school with reasons for absences.</li><li><input type="checkbox"/> You have the <b>responsibility</b> to request missed work from your teacher and complete the work within a reasonable amount of time.</li></ul>



### Complaint Procedures

A complaint results from situations where students feel that they have been treated unfairly. Schools are responsible for providing a way for students to express and process their complaints.

<b>Rights:</b>	<b>Responsibilities:</b>
<ul style="list-style-type: none"><li><input type="checkbox"/> You have the <b>right</b> to speak to a person in authority if you feel you have received unfair treatment. You also have the right to request a formal complaint hearing at either the school level or the Region.</li><li><input type="checkbox"/> You have the <b>right</b> to have all complaints resolved in a fair, orderly and timely manner.</li><li><input type="checkbox"/> <u>Formal complaint procedures with the office of Civil Rights Compliance apply to those situations in that students believe themselves to be victims of discrimination based on sex, gender, gender identity and expression, race,</u></li></ul>	<ul style="list-style-type: none"><li><input type="checkbox"/> You have the <b>responsibility</b> to talk about what you feel is unfair with people who are involved with the situation before requesting a formal hearing.</li><li><input type="checkbox"/> You have the <b>responsibility</b> to state your problems clearly, follow procedures and accept the decision that is made.</li></ul>

## Code of Student Conduct – Elementary

Rights:	Responsibilities:
<p><u>color, religion, ethnic or national origin, political beliefs, marital status, age, sexual orientation, social and family background, linguistic preference, pregnancy or disability. Formal complaint procedures are also available for situations in which students believe themselves to be victims of harassment, including sexual harassment.</u></p> <p>*(See Special Note <sup>1</sup>)</p>	
<p>SPECIAL NOTE</p> <p><b><sup>1</sup>Harassment (Civil Rights) and Sexual Harassment do not require a SPAR, but must be reported to the Civil Rights Compliance Office at 305-995-1580.</b> <u>A student who is the victim of sexual harassment prohibited by Title IX is entitled to file a formal complaint in accordance with the District's <i>Title IX Sexual Harassment Manual</i> and request an investigation.</u></p>	

## Counseling Services

All personal concerns of students can impact school achievement. Each school has a comprehensive Student Services program to recommend resources to assist students and families.

Rights:	Responsibilities:
<p><input type="checkbox"/> You have a <b>right</b> to get help from a school counselor. The counselor will be able to refer you to outside resources if you or your parents need additional assistance.</p>	<p><input type="checkbox"/> You have the <b>responsibility</b> to make an appointment to talk to your counselor about your problems.</p>

## Free Speech, Expression and Assembly

You may express your opinion in any way that is fair. You also have a right to disagree with your classmates' and teachers' opinions. When you disagree, you must respect the rights of others. Give your classmates the same respect you would want to receive from them.

Rights:	Responsibilities:
<p><input type="checkbox"/> You have the <b>right</b> to recite the Pledge of Allegiance. You also have the right not to recite the Pledge of Allegiance if the Pledge goes against personal beliefs.</p> <p><input type="checkbox"/> You have the <b>right</b> to refuse to join in any activity that goes against your religious or personal beliefs.</p> <p><input type="checkbox"/> You have the <b>right</b> to wear badges or other symbols that display personal beliefs as long as the school's dress code is followed and you are not causing a severe disruption in school.</p> <p><input type="checkbox"/> You have the <b>right</b> to say, draw or write personal opinions.</p>	<p><input type="checkbox"/> You have the <b>responsibility</b> to behave while a school program or activity is occurring.</p> <p><input type="checkbox"/> You have the <b>responsibility</b> to respect the beliefs of others.</p> <p><input type="checkbox"/> You have the <b>responsibility</b> to respect the rights of other students who disagree with your way of thinking or behaving.</p> <p><input type="checkbox"/> You have the <b>responsibility</b> to support your opinions with facts and evidence.</p> <p><input type="checkbox"/> You have the <b>responsibility</b> to get permission to gather peacefully on school property.</p>

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Rights:	Responsibilities:
<input type="checkbox"/> You have the <b>right</b> to gather peacefully on school property. <u>Exercise of this right shall be denied only when it substantially disrupts the educational process or orderly operation of a school or poses a threat or danger to the safety of other students, staff, School Board members, any other members of the District Community, or school property.</u>	

### Grades

Grades are just one indication of a student's knowledge or skill at any particular time. Academic grades should reflect a teacher's most objective assessment of a student's academic achievement. These academic grades should not be used as a threat to maintain classroom discipline.

Rights:	Responsibilities:
<input type="checkbox"/> You have the <b>right</b> to know how your teacher determined your grade. <input type="checkbox"/> You have the <b>right</b> to be given a fair grade. <input type="checkbox"/> You have the <b>right</b> to be notified when you are performing unsatisfactorily. <input type="checkbox"/> You have the <b>right</b> to fair and accurate conduct and effort grades.	<input type="checkbox"/> You have the <b>responsibility</b> to ask your teachers what you must do to get certain grades. <input type="checkbox"/> You have the <b>responsibility</b> to work to the best of your ability. <input type="checkbox"/> You have the <b>responsibility</b> to improve your grade when you get an unsatisfactory notice. <input type="checkbox"/> You have the <b>responsibility</b> to exhibit good behavior and effort in class.

### Knowledge and Observation of Rules of Conduct

The most effective learning takes place in an atmosphere where students, parents/guardians, and school staff are fully aware of the grounds for corrective strategies and the procedures to be followed for violations of the *Code of Student Conduct*.

Rights:	Responsibilities:
<input type="checkbox"/> You have the <b>right</b> to a clear explanation of the <i>Code of Student Conduct</i> in understandable language. You have the right to know the consequences of your misconduct.	<input type="checkbox"/> You have the <b>responsibility</b> to become familiar with the <i>Code of Student Conduct</i> and to observe all school and classroom rules.

### Marriage, Pregnancy and Parenthood

Students who are married, parents/guardians, or expectant parents/guardians do not lose their right to free public education. It is, therefore, the responsibility of the public schools to encourage their continued education through the implementation of positive policies and the development of appropriate educational programs.

Rights:	Responsibilities:
<input type="checkbox"/> Students who are married, parents/	<input type="checkbox"/> Students who are married, parents/guardians,

## Code of Student Conduct – Elementary

<p>guardians of expectant students have the <b>right</b> to remain in the regular school program, including appropriate extracurricular activities, or to attend one of the specialized programs designed to meet their particular needs.</p> <p><input type="checkbox"/> Students have the <b>right</b>, upon request, to be referred to an appropriate agency for special counseling regarding marriage, pregnancy, and parenthood/guardianship.</p>	<p>or expectant parents/guardians have the <b>responsibility</b> to maintain an acceptable record of scholarship, effort, and conduct.</p> <p><input type="checkbox"/> Students have the <b>responsibility</b> to request special counseling regarding marriage, pregnancy, and parenthood/guardianship.</p> <p><input type="checkbox"/> Students have the <b>responsibility</b> to request professional medical advice regarding continued school attendance.</p>
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## Participation in School Programs, Student Government and Activities

Students learn from one another and benefit from forming and participating in school programs and student government organizations. Schools have the responsibility to offer opportunities to all students to participate in student government or school programs.

<b>Rights:</b>	<b>Responsibilities:</b>
<p><input type="checkbox"/> You have a <b>right</b> to form or join any approved school activity and not be excluded on the basis of sex, race, color, ethnic or national origin, religion, marital status, disability, age, political beliefs, sexual orientation, gender, gender identification, social and family background, linguistic preference, pregnancy, and any other basis.</p> <p><input type="checkbox"/> You have the <b>right</b> to participate in groups such as student council that help make rules affecting school life.</p>	<p><input type="checkbox"/> You have the <b>responsibility</b> to get permission from your principal to form school clubs or schedule activities.</p> <p><input type="checkbox"/> You have the <b>responsibility</b> to attend club or activity meetings and participate in an appropriate manner.</p>



## Code of Student Conduct – Elementary

### Publications

The primary liberties in students' lives have to do with the process of inquiry and learning, of acquiring and imparting knowledge, and of exchanging ideas. This process requires that students have the right to express opinions, to take stands, and to support causes publicly or privately. One of the important roles of the school is to provide effective avenues through which students may express themselves on a wide range of subjects. Official school publications, such as school newspapers and yearbooks, should reflect the policy and judgment of the student editors and should include viewpoints representative of the entire school community.

<b>Rights:</b>	<b>Responsibilities:</b>
<ul style="list-style-type: none"><li><input type="checkbox"/> You have the <b>right</b> to possess and distribute literature as long as the material does not substantially disrupt the daily activities of the school.</li><li><input type="checkbox"/> You have the <b>right</b> to be free from anyone telling you what you can and cannot read or write.</li></ul>	<ul style="list-style-type: none"><li><input type="checkbox"/> You have the <b>responsibility</b> to obey the principal as to how, when and where materials may be distributed.</li><li><input type="checkbox"/> You have the <b>responsibility</b> to use only those walls or bulletin boards set aside to post student club information.</li><li><input type="checkbox"/> You have the <b>responsibility</b> to read or possess print materials that are not indecent or harmful to others.</li></ul>
<b>Principals may restrict distribution of materials that are primarily commercial in nature or disruptive to the orderly operation of the school.</b>	



### Respect for Persons and Property

The most effective learning takes place in a school where students, parents and teachers respect others and protect the personal property of all members of the school community.

<b>Rights:</b>	<b>Responsibilities:</b>
<ul style="list-style-type: none"><li><input type="checkbox"/> You have a <b>right</b> to be treated with courtesy and respect.</li><li><input type="checkbox"/> You have the <b>right</b> to a safe school environment, at bus stops, on the school bus and during school sponsored activities.</li><li><input type="checkbox"/> You have the <b>right</b> to a school that is free of bullying or harassment.</li></ul>	<ul style="list-style-type: none"><li><input type="checkbox"/> You have the <b>responsibility</b> to show respect and courtesy to fellow students, all School Board personnel and school visitors.</li><li><input type="checkbox"/> You have the <b>responsibility</b> to respect the private and personal property of others. Additionally, you have the responsibility to contribute to a safe learning environment by reporting harmful or dangerous situations to an adult.</li><li><input type="checkbox"/> You have the <b>responsibility</b> not to bully or harass other students.</li></ul>

## Right to Learn

### Philosophical Basis:

Under the law you are given many freedoms, such as the **RIGHT TO LEARN**. With these freedoms, however, come **responsibilities**. Your school has the responsibility to protect your health, safety, and welfare. You have the **responsibility** to use your freedoms wisely.

Rights:	Responsibilities:
<input type="checkbox"/> You have the <b>right</b> to be taught the basic skills.  <input type="checkbox"/> You have the <b>right</b> to study all subjects in a classroom setting, in a language you can understand, with good, fair teachers. These teachers will let you state your opinion freely.  <input type="checkbox"/> You have the <b>right</b> to learn about many new and different ideas with which you may or may not agree.	<input type="checkbox"/> You have the <b>responsibility</b> to work hard so that you can master the basic skills.  <input type="checkbox"/> You have the <b>responsibility</b> to help create a school climate that is <b>fair</b> and helpful.  <input type="checkbox"/> You have the <b>responsibility</b> to respect the rights and beliefs of other students and teachers.

## Search and Seizure

Students possess a right of privacy as well as freedom from unreasonable search and seizure of person or property guaranteed by the Fourth Amendment of the United States Constitution. That individual's right, however, is balanced by the school's responsibility to protect the health, safety, and welfare of all its students.

Rights:	Responsibilities:
You may have a legitimate expectation of privacy; however, your person and/or property, including, but not limited to, backpacks and vehicles, may be searched by school authorities if a reasonable suspicion that a search will turn up evidence that you have violated or are violating law, school board policy or school rules exists. Storage places provided by the school, including desks and/or lockers, and the contents within them remain under the control of the School Board and may be the subject of random search.  <input type="checkbox"/>	<input type="checkbox"/> You have the <b>responsibility</b> not to hide or carry dangerous objects that are against the law or can disturb or frighten your classmates.  <input type="checkbox"/> You have the <b>responsibility</b> to keep only approved materials and objects on your person or in your desk or backpack.

### SPECIAL NOTES

School authorities may search a student's person or property, including vehicles, with or without the student's consent whenever they reasonably suspect that there has been a violation of law, Board policy, or school rules. This authority applies to all situations in which the student is under the jurisdiction of the Board.

## Code of Student Conduct – Elementary

### Student Records

Student records provide information that can be used to develop the best educational program for each student. Care must be exercised by school staff to assure that student records are treated confidentially and that the information is relevant, accurate and appropriate.

<b>Rights:</b>	<b>Responsibilities:</b>
<ul style="list-style-type: none"><li><input type="checkbox"/> Parents/guardians have the <b>right</b> to read your student records. They also have the right to object to information in your student records and must give written permission for anyone to read your records. This permission is called a release</li> <li><input type="checkbox"/> Parent(s)/guardian(s) also may request an informal hearing to challenge the content of your educational record(s), if inaccurate, misleading, or otherwise in violation of the privacy and other rights of the student. Contact the school principal regarding hearing procedures.</li> <li><input type="checkbox"/> Parent(s)/guardian(s) and eligible students have the right to restrict the release of directory information.</li> <li><input type="checkbox"/> Your personally identifiable information may not be released to unauthorized persons without the consent of your parents/guardians.</li></ul>	<ul style="list-style-type: none"><li><input type="checkbox"/> Your parents/guardians have the responsibility to provide the school with any information that is useful in planning your education.</li> <li><input type="checkbox"/> Your parents/guardians have the <b>responsibility</b> to update your address and phone numbers when changed.</li></ul>





CHAPTER IV - VITAL ALERTS FOR STUDENTS & PARENTS /  
GUARDIANS AND FORMAL CORRECTIVE STRATEGIES  
RECOGNIZED IN THE CODE OF STUDENT CONDUCT





## VITAL ALERTS FOR STUDENTS AND PARENTS/GUARDIANS

<b>VITAL ALERT:</b>	Corporal Punishment
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The use of corporal punishment is prohibited in Miami-Dade County Public Schools. This prohibition extends to parents/guardians on school grounds.

<b>VITAL ALERT:</b>	District Dress Code Policy
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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 Board Policy 5511 – *Dress Code and School Uniforms* 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 be assigned to an Alternative Educational Setting 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.

<b>VITAL ALERT:</b>	District Policy Against Bullying and Harassment
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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.

**VITAL ALERT:**

**District Policy Against Bullying and Harassment**

**Bullying and Harassment Defined<sup>1</sup>**

**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 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

<sup>1</sup> Florida Statutes, Section 1006.147. Refer to glossary items #~~47, 48~~50, 51 for definitions of harassment that may apply in other contexts.

**VITAL ALERT:**

**District Policy Against Bullying and Harassment**

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** 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 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 **BESAFE** at <http://besafe.dadeschools.net> or <https://new.tipsubmit.com/en/create-report/anonymous/dadeschools.net>

- Information and/or resources on bullying and harassment can be found on the Student Services Crisis Management Services website located at <http://studentservices.dadeschools.net/crisis/index.asp> or <http://studentservices.dadeschools.net/bullying/>

**VITAL ALERT:**

Implication of Certain Sex Offenses

Minors convicted or adjudicated delinquent for certain sex offenses may be required to register with the State of Florida as a sexual predator or sex offender and will suffer the restrictions and embarrassment of this requirement as defined in Sections 943.0435, 943.04354, 943.0515, 985.481, 985.4815, and 775.21. F.S.

**VITAL ALERT:**

Individuals with Disabilities in Education Act (IDEA):  
Students with a 504 Plan

Behavioral ~~modification~~ interventions that are used to address actions committed by students who meet the guidelines established by the Individuals with Disabilities in Education Act (IDEA) and/or Section 504 of the Rehabilitation Act of 1973 must adhere to federal law, Florida Statutes, Florida Board of Education Rules, and Miami-Dade County School Board Policies.

Assignments to an Alternative Educational Setting (AES), Suspensions and Expulsions for more than ten (10) consecutive days and/or a pattern of suspensions and expulsions that exceed ten (10) days in a school year may be considered “changes in placement” for students with disabilities who have a Section 504 Plan or who are enrolled in Exceptional Student Education (ESE) placement under the Individuals with Disabilities Education Act (IDEA). When the student is removed from his/her educational placement for more than ten (10) days, a manifestation determination must be conducted to review the Behavior Intervention Plan (BIP) and consider whether other strategies, interventions, or assessments are appropriate and the student must be provided appropriate educational services in order to provide a free appropriate education. Schools must take into account the student’s capacity to understand his or her behavior and the inappropriateness of his or her actions.

Discipline guidelines for IDEA students with disabilities are specified in the District’s *Exceptional Student Education Policies and Procedures (SP&P)*, *Board Policy 2260* - and discipline guidelines for Section 504 students with disabilities as outlined in *Board Policy 2260.01 – Section 504 Procedures for Students with Disabilities*.

**VITAL ALERT:**

Off-Campus Conduct

Off campus conduct and conduct outside of school time that violates the district’s *Code of Student Conduct* may also be the basis for discipline up to expulsion if it is accomplished through electronic means and substantially disrupts the educational process or orderly operation of a school. ~~has the potential to causes a substantial disruption to the school environment or impact the rights of others.~~ Off campus conduct that poses a threat or danger to the safety of other students, staff, School Board members, any other members of the District Community, or school property may constitute behavior that has a substantial adverse impact on the educational environment requiring disciplinary action.

**VITAL ALERT:**

Off-Campus Felony Offenses

To minimize off-campus acts that might have an adverse impact on the school environment, the District office will send notifications to schools of students who have been taken into custody for and/or are formally charged with an off-campus felony or delinquent act that would be a felony if committed by an adult. The principal may take administrative action against those students who are formally charged if, after an administrative hearing with notice provided to the parent/guardian of the student, it is shown that the incident has an adverse impact on the educational program, discipline, or welfare of the school.

Students and parents/guardians should be aware that felony offenses can have a serious impact on an individual's future, including the following:

- criminal penalties;
- loss of scholarship eligibility;
- loss of voting privileges;
- loss of employment opportunities; and/or
- loss of driving privileges.

**VITAL ALERT:**

Procedures for Implementing the 45 School Day  
Alternative Placement Rule for Students With  
Disabilities

- The IDEA identifies three specific types of conduct that may trigger unilateral placement of a student with a disability in an Interim Alternative Educational Setting (IAES), without regard to whether the behavior is determined to be a manifestation of the child's disability.
- A student may be removed to an IAES for not more than 45 school days regardless of whether the behavior is determined to be a manifestation of the student's disability, where the student:
  - i. carries or possesses a weapon to or at school, on school premises, or to or at a school function under the jurisdiction of a state or local educational agency;
  - ii. knowingly possesses or uses illegal drugs\*, or sells or solicits the sale of a controlled substance, while at school, on school premises, or at a school function under the jurisdiction of a state or local educational agency; or
  - iii. inflicts serious bodily injury\*\* on another person while at school, on school premises, or at a school sponsored activity.

When a student commits one of the special circumstances listed above, the school where the violation occurred must provide to the parent (1) FM 7063-Notice of 10-Day Temporary Assignment to Pathways: Consideration of Expulsion. Copies of this document must be retained for future meetings.

The school where the incident occurred must immediately place an E5 in the Student Case Management System (SCMS), send FM6562 Rev. (11-05), Expulsion Request to [altd@dadeschools.net](mailto:altd@dadeschools.net), and follow up to ensure that the SPAR is in the SCMS as quickly as possible. The student will be assigned to the alternative placement as soon as is possible. Upon

## Code of Student Conduct – Elementary

### VITAL ALERT:

### Procedures for Implementing the 45 School Day Alternative Placement Rule for Students With Disabilities

placement by the Division of Educational Opportunity and Access (DEOA), the Special Education (SPED) Department Chairperson or Program Specialist shall contact the assigned school and forward a copy of the student's existing Individual Educational Plan (IEP). The assigned alternative school shall implement the student's current IEP, including all related services upon the student's arrival.

Note: If the student is arrested and sent to the Juvenile Detention Center (JDC), the time at the JDC is not included in the 45 school day timeline at the alternative placement. The student should go immediately to the 45 school day placement upon dismissal from the JDC.

Within 10 school days of the incident, an IEP meeting, which includes a representative from the sending school, must be convened by DEOA to determine if the behavior is a manifestation of the student's disability.

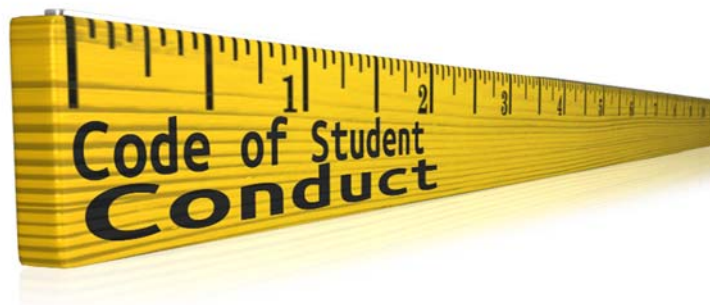
When the behavior is found to be a manifestation of the student's disability, the receiving IAES is responsible for maintaining a record of the number of days the student is enrolled. Ten (10) days prior to the end of the mandatory 45 **school** day placement, the IAES shall notify the sending school and corresponding SPED Center to schedule an IEP meeting. The IEP meeting will be held at the IAES with representatives from the home and/or sending school. The IEP team shall decide the next appropriate placement for the student. The following placements shall be considered:

- Remain in the Interim Alternative Education Setting under appropriate circumstances
- Return to sending school
- Assignment to another school
- Consider other IEP placement options

### SPECIAL NOTE:

\*\* Serious Bodily injury applies only when there is:

- a substantial risk of death;
- extreme physical pain;
- protracted and obvious disfigurement; or
- protracted loss or impairment of the function of a bodily member, organ, or mental faculty.



**VITAL ALERT:**

**Sexting**

*Board Policy 5136.02 - Sexting*, 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*, Sexting addresses sexting, and will be enforced pursuant the *Code of Student Conduct*.

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 must conduct a parent/guardian conference and apply at least one of the additional disciplinary strategies from Level III.

**Sexting (2)**

- Transmission or re-transmission of a sext to an expanded group of recipients.

As an example, a student who has received a sext proceeds to re-transmit the message to a few other students. A second or multiple offense of a Sexting 1 act also constitutes a Sexting 2 offense. The Sexting 2 offense is a Level IV violation of the *Code of Student Conduct*. The principal/designee must conduct a mandatory parent/guardian conference and apply at least one of the additional disciplinary strategies from Level IV.

**Sexting (3)**

- Broad exposure/distribution of a sext without consent and/or transmittal with the intent to victimize another individual.

As an example, a student who has received a sexting message posts the photograph/image on a social networking website in order to subject the individual photographed to ridicule, derision, scorn, etc. A Sexting 3 offense is also the repeated commission of sexting Level 1, 2 and/or 3 offenses. A Sexting 3 offense is a Level V violation of the *Code of Student Conduct* because it involves extreme behaviors that seriously endanger the health and well-being of others and/or damages property or character. The principal/designee must conduct a parent/guardian conference and apply at least one of the additional disciplinary strategies from Level V.

All sexting cases require a Student Services Referral (R7).

A first sexting offense committed by a minor is a non-criminal violation punishable by up to eight (8) hours of community service or subject to a \$60 fine, and/or required training or instructional classes on the dangers of sexting. A second offense is a misdemeanor and the third is a felony with a possible maximum five (5) year prison sentence.



## Code of Student Conduct – Elementary

### VITAL ALERT:

### Threats of Violence

Students are prohibited from making direct or indirect threats of violence against individuals or groups. Even threats made in jest or in exaggeration must be treated as serious threats. Any threat of such violence must be reported immediately to a teacher or school administrator. **A threat to use a dangerous instrument or weapon on school grounds, on school sponsored transportation, or at any school sponsored activity, is prohibited.** All threats of violence (oral, written, electronic, or symbolic) will be reported to law enforcement and investigated by school officials. A student, regardless of age, found to have made a threat of violence shall be referred to mental health services and is subject to appropriate disciplinary consequences, up to and including: assignment to Alternative Educational Setting, **suspension**, expulsion, arrest, and/or prosecution, and may be referred to the school's Threat Assessment Team. When students use social media to threaten other students or school employees which has a direct effect on school property, law enforcement may be requested to conduct a "home visit" and/or law enforcement may be involved which could result in criminal prosecution.

It is unlawful for any person to threaten to throw, project, place, or discharge any destructive device with intent to do bodily harm to any person or with intent to do damage to any property of any person, and any person convicted thereof commits a felony of the second degree pursuant to F.S. 790.162.

It is unlawful for any person to make a false report, with intent to deceive, mislead, or otherwise misinform any person, concerning the placing or planting of any bomb, dynamite, other deadly explosive, or weapon of mass destruction pursuant to F.S. 790.166, or concerning the use of firearms in a violent manner against a person or persons, and any person convicted thereof commits a felony of the second degree pursuant to F.S. 790.163.

Any person who writes or composes and also sends or procures the sending of any letter, inscribed communication, or electronic communication, whether such letter or communication be signed or anonymous, to any person, containing a threat to kill or to do bodily injury to the person to whom such letter or communication is sent, or a threat to kill or do bodily injury to any member of the family of the person to whom such letter or communication is sent, or any person who makes, posts, or transmits a threat in a writing or other record, including an electronic record, to conduct a mass shooting or an act of terrorism, in any manner that would allow another person to view the threat, commits a felony of the second degree pursuant to F.S. 836.10.

### VITAL ALERT:

### Under the Influence

The impairment of one's normal faculties, such as walking, talking, etc., as may be evidenced by, but not limited to: bloodshot eyes, slurred speech, odor of alcohol/licit substance, stumbling, imbalance, drowsiness, flushed face."

**Special Note:** These observations may be made by a lay (non-expert) witness. An administrator may come to the conclusion that a student is under the influence of alcohol or an illicit substance based on the totality of the circumstances. An administrator should first rule out that the student is having a reaction to food or authorized prescription medication or experiencing a medical condition. See Vital Alert on the next page(s) ~~37-38~~– Use of Medication.

## Code of Student Conduct – Elementary

### VITAL ALERT:

### Use of Medication

According to the *Board Policy 5330-Use of Medications*, the School Board is not responsible for the diagnosis and/or treatment of student illnesses. The administration of prescribed medication and/or medically-prescribed treatments to a student during school hours is permitted only when failure to do so would jeopardize the health of the student, the student would not be able to attend school if the medication or treatment were not made available during school hours, or the child is disabled and requires medication to benefit from his/her educational program.

Medication includes all medicines including those prescribed by a medical provider and any nonprescribed (over-the-counter) drugs, preparations, and/or remedies. "Treatment" refers to the manner in which a medication is administered and to health-care procedures which require special training, such as catheterization.

Written medication authorization (Form 2702) signed by the child's medical provider and parent shall be provided before any prescribed medication or treatment may be administered to any student during school hours. Parents may administer medication or treatment. The child's medical provider and the parent must also authorize in writing any self-medication by the student such as epi-pens and inhalers.

Medication shall not be carried on a student's person in the school except as approved by the principal. Furthermore, no student is allowed to provide or sell any type of over-the-counter medication to another student.

### VITAL ALERT:

### Use of Technology and Computer Related Offenses

Students are encouraged to use computers, networks, and online telecommunication such as the Internet and electronic mail (e-mail). While exercising the right to use available technology, students must be aware of their responsibility as users. Technology advancement has provided students with access and the opportunity to commit offenses that violate the *Code of Student Conduct*.

When using electronic devices for the purposes of learning consistent with the educational objectives of the District during the instructional day, students must comply with *Board Policy 7540.03 – Computer Technology and Networks*.

Technology and computer-related offenses include, but are not limited to:

#### Technology and Computer Related Offense (1)

- Accessing or facilitating the access of a computer, electronic device, or networked resource without authorization.
- Computer use inconsistent with educational usage or goals, or any use that violates applicable copyright laws.

#### Technology and Computer Related Offense (2)

## Code of Student Conduct – Elementary

### VITAL ALERT:

### Use of Technology and Computer Related Offenses

- Modifying and/or distributing student data and/or records (including grades) or Personally Identifiable Information (PII) without authorization.
- Engaging in the disruption or denial of service to a computer, electronic device, or networked resource.
- The destruction or damage, either virtual or physical, of a computer, electronic device, or networked resource, including any stored data.
- The introduction of viruses, malware or other illegal/inappropriate software, including unauthorized network monitoring or hacking tools.
- The act of engaging in surveillance of an individual, including the use of a computer's camera or microphone or unauthorized remote desktop or keystroke logging software.
- Using a computer, electronic device, or networked resource to access or transmit materials containing profanity, lewd, pornographic, or inappropriate content (including racially/ethnically insensitive or offensive language).
- Utilizing a computer, electronic device, or network resources to send threats or engage in illegal activities.

### Technology and Computer Related Offense (3)

- Using a computer, electronic device, or networked resource to create access, transmit, or distribute material containing profanity, lewd, pornographic, or inappropriate content and involving a minor.
- Accessing, modifying and/or distributing student data and/or records (including grades) or Personally Identifiable Information (PII), including but not limited to social security number(s), etc. for financial gain.
- The destruction, damage, or interruption, either virtual or physical, of any District information system

These are only a few examples of violations committed through electronic means. The school administration will evaluate and determine the appropriate level infraction under the *Code of Student Conduct*.

## Code of Student Conduct – Elementary

### VITAL ALERT:

### Wireless Communication Devices

Wireless communication devices include two-way communication devices, such as cellular phones, mobile phones, MP3 players, electronic games, beepers, pagers, portable computers including but not limited to laptops, personal digital assistants (PDA), tablets, eReaders, iPads, personal organizers and similar wireless devices. Possessing a wireless communication device is not a violation of the *Code of Student Conduct*. However, a student shall not disrupt the educational process or interfere with the safety-to-life issues of students by using a wireless communication device inappropriately.

When using electronic devices for the purposes of learning consistent with the educational objectives of the District during the instructional day, students must comply with *Board Policy 7540.03 – Student Responsible Use of Technology, Social Media, and District Network Systems*, Student Network and Internet Acceptable Use and Safety.

The following rules must be followed regarding the possession, use, and display of wireless communication devices:

- Students may only possess, display and use wireless communication devices (i.e. texting, email, telephone etc.) before or after the instructional day.
- Students must ensure that the telephone capabilities of their devices are turned off during the instructional day (i.e. ringer off, silent mode, etc.)
- Students shall avoid classroom disruptions, by not displaying, using, or activating the data access portion of their wireless communication devices during the instructional day unless instructed to do so by the teacher and/or authorized school personnel under the Bring Your Own Device initiative outlined in *Board Policy 7540.03*. This includes during class, in the library, during lunch breaks, during class changes and during any other structured activity. Unless using its data access capabilities for instructional purposes as directed by their teacher and/or authorized school personnel as outlined in *Board Policy 7540.03*.
- Students may not use the broadband capabilities (3G, 4G, etc...) of personal devices for data access during school hours – students may only access data utilizing the school's wireless network during this time.
- The school is not responsible if a student's wireless communication or any electronic device is lost or stolen.

The possession of a cellular telephone is not a violation of the *Code of Student Conduct*. However, the possession of a cellular telephone that disrupts the educational process, the use of the cellular telephone capabilities during school hours, use of a cellular phone to commit a crime, and the possession or use of a cellular telephone that disrupts or interferes with the safety-to-life issue for students being transported on a Miami-Dade County Public Schools bus, are infractions of the *Code of Student Conduct*.

**VITAL ALERT:**

Zero Tolerance Policy

The School Board enforces the Florida Department of Education Zero Tolerance Policy on school violence, crime, and the use of weapons. As an approach to reducing school violence, the intent of the policy is to provide a safe school climate that is drug-free and protects student health, safety, and civil rights.

This policy requires the school district to impose the most severe consequences provided for in the *Code of Student Conduct* in dealing with students who engage in violent criminal acts, such as:

- bringing or possessing a firearm or weapon to school, any school sponsored activity, or on school-sponsored transportation; shall also result in a referral for expulsion and mental health services pursuant to Section 1006.13 F.S.
- making a threat or false report, respectively, involving school or school personnel's property, school transportation, or school-sponsored activity; shall also result in a referral for expulsion and mental health services pursuant to Section 1006.13 F.S.
- homicide;
- assault, battery, and culpable negligence;
- relating to kidnapping, false imprisonment, luring or enticing a child, and custody offenses;
- sexual battery;
- lewdness and indecent exposure;
- child abuse;
- robbery;
- robbery by sudden snatching;
- carjacking; and
- home-invasion robbery

A student may also be referred for mental health services if deemed necessary by the threat assessment team.

The State of Florida Juvenile Justice Reform Act of 1965 requires the School District to link juvenile violent incidents to the action taken by the student's school and the District. The District is required to collect data about violent incidents involving students during each school year and transmit a report to the state. Certain infractions in the *Code of Student Conduct* may result in criminal penalties as well as administrative corrective strategies.



## FORMAL CORRECTIVE STRATEGIES RECOGNIZED IN THE CODE OF STUDENT CONDUCT

FORMAL CORRECTIVE  
STRATEGIES:

### Assignment to an Alternative Educational Setting in Lieu of Suspension

A student may be assigned to the following Alternative Educational Settings (AESs) suitable to the Level of Behavior. When the principal utilizes an AES, the student shall be afforded the same due process procedures that are applicable to suspension, including written notice within 24 hours by U.S. mail. Schools must take into account the student's capacity to understand his or her behavior and the inappropriateness of his or her actions.

#### TEMPORARY REMOVAL FROM CLASS

If a student is disruptive in class, the teacher may request assistance from a school administrator to have the student temporarily assigned elsewhere within the student's regularly assigned school. The principal should consider the teacher's recommendations and ensure that the student is provided with assignments that are relevant to the material being taught in the class from which the student was removed.

#### OTHER ALTERNATIVES

Other alternatives, including after-school detention, Saturday School, or other programs available at the school, may be utilized.

In the case of a student with a disability, assignment must be appropriate in light of the student's Individual Educational Plan (IEP) or Section 504 Plan. Removal from a particular class should not effectuate a denial of IEP or Limited English Proficient (LEP) services.

#### RESTORATIVE JUSTICE PRACTICES (at District Approved Schools)

Restorative Justice is a theory of justice that emphasizes repairing the harm caused by crime and conflict. It places decisions in the hands of those who have been most affected by a wrongdoing, and gives equal concern to the victim, the offender, and the surrounding community. Restorative justice practices focus on the infraction and conflict, and utilize various techniques such as peace-making circles, which are designed to repair the harm, heal broken relationships, and address the underlying reasons for the offense.

#### STUDENT COURT (at District Approved Schools)

Student Court is a tribunal for students who have been trained to hear actual cases of school level offenses committed by their peers. Student Court School-Based Program model is for students who violate Level I, Level II and select Level III behaviors of the *Code of Student Conduct*. It provides participating schools with an alternative resource for decreasing the number of in-school and out-of-school suspensions. Student Court is a tribunal for students who have been trained to hear actual cases of school level offenses committed by their peers.

## Code of Student Conduct – Elementary

FORMAL CORRECTIVE STRATEGIES:

### Assignment to an Alternative Educational Setting in Lieu of Suspension

#### ASSIGNMENT TO SCHOOL CENTER FOR SPECIAL INSTRUCTION (SCSI)

The principal may assign the student to the School Center for Special Instruction (SCSI), an alternative setting within the student's regularly assigned school. The SCSI should be designed to provide tutorial and guidance services.

When misconduct in a specific class results in an assignment to SCSI, the student may only be removed from the class where the misconduct occurred. Continued or general misconduct can result in removal from all classes if deemed appropriate by the principal.

#### PERMANENT REMOVAL FROM CLASS

A teacher may remove a student whose behavior the teacher determines interferes with the teacher's ability to communicate effectively with the students in the class or with the ability of the student's classmates to learn. This includes disobedient, violent, abusive, uncontrollable, or disruptive students. The principal shall be notified immediately and the teacher shall be entitled to receive, prior to or upon return of the student to class, a copy of the Student Case Management Form (SCM) describing corrective strategies taken.

Each school must establish a Placement Review Committee to determine appropriate placement of the student when the teacher has withheld consent for return to the teacher's class. The committee consists of at least two teachers, one selected by the faculty, one selected by the teacher who has removed the student, and one member selected by the principal from the school's staff. The teacher who requested the removal may not serve on the committee. The parent/guardian of the student must be informed of the Placement Review Committee and be provided the opportunity to communicate with the committee on behalf of the student. The committee must render a decision within 5 days after the removal of the student from the classroom and may either: (1) place the student in another class within the student's regularly assigned school, or (2) return the student to the teacher's class. The teacher may appeal the committee's decision to the Superintendent.

#### SHORT-TERM AES (1- 10 DAYS)

A principal may remove a student from the student's regular school program and assign the student to an AES for one (1) to ten (10) days for persistent disobedience and/or serious misconduct. Principals take this action when they have exhausted informal corrective strategies, or when they have at least considered those alternatives and rejected them as inappropriate in a given situation.

Reassignment from the student's regular school program is appropriate under certain conditions, included but not limited to the following:

The student's presence in school presents a physical danger to the student or others; and/or  
A "cooling off" period is needed to relieve tensions and relieve pressure;

A student removed from his or her regular school program has the right to request and obtain make-up assignments for the time he or she was reassigned. It is the responsibility of the student to request make-up work for assignments missed due to a reassignment from the student's regular



## Code of Student Conduct – Elementary

FORMAL CORRECTIVE STRATEGIES:

### Assignment to an Alternative Educational Setting in Lieu of Suspension

school program. In the case of a student with a disability, assignment must be appropriate in light of the student's Individual Educational Plan (IEP) or Section 504 Plan. Removal from a particular class should not effectuate a denial of IEP or Limited English Proficient (LEP) services.

A student removed from his or her regular school program is entitled to be notified of the reason for the reassignment and an opportunity to be heard by the principal/designee. Parents/Guardians must be provided written notice within 24 hours by U.S. mail.

#### STUDENT SUCCESS CENTER

The Student Success Centers are one type of Alternative Educational Setting that provide a safe-haven in a structured learning environment for referred students (ages 11 and older) exhibiting Level III-IV behavior and (with Region notification) habitual Level II infractions of the *Code of Student Conduct*.

#### LONG-TERM AES (MORE THAN 10 DAYS)

A principal may request a District-approved administrative assignment to an AES for more than ten (10) days. This action is taken only when less severe strategies are deemed inappropriate. If the nature of the student's behavior warrants, the Superintendent's designee will approve the request and assign the student to one of the alternative educational settings.

In the case of a student with a disability, assignment must be appropriate in light of the student's Individual Educational Plan (IEP) or Section 504 Plan. Removal from a particular class should not effectuate a denial of IEP or Limited English Proficient (LEP) services.

A student removed from his or her regular school program is entitled to be notified of the reason for the reassignment and an opportunity to be heard by the principal/designee and the parents/guardians must be sent written notice within 24 hours by U.S. mail. Furthermore, the student assigned to an AES for more than 10 days is entitled to a hearing.

#### PATHWAYS

Pathways is one type of Alternative Educational Setting for students in grades 6 – 12 that commit the most serious infractions of the *Code of Student Conduct* (Levels IV and V) may be recommended for expulsion. Students will be assigned to the Pathways Program during the period of time which would have traditionally resulted in a ten (10) day outdoor suspension preceding expulsion. Students will receive academic support, in-house counseling services and receive wrap-around services from community agencies.

FORMAL CORRECTIVE STRATEGIES:

## Denial of Bus Privileges

Student misconduct while riding a school bus and/or bus stop is a serious threat to the safety of everyone on the bus as well as other motorists, pedestrians and members of the community. All rules that apply to school grounds and activities also apply when riding the school bus. Parents are responsible for their child's behavior on the school bus to and from school as well as their behavior at the bus stop.

**Unacceptable behaviors on a school bus leading to the need for corrective action, that include but are not limited to the following:**

- Disrupting, distracting, or disobeying a bus operator
- Failing to use required safety equipment on the bus
- Standing or getting out of your seat while bus is in motion
- Failing to sit in assigned seat (if applicable)
- Yelling, inappropriate language, spitting outside the bus window, at other students, pedestrians or motorists.
- Use of profanity, fighting or smoking on the bus
- Boarding a bus other than the students assigned bus/route or attempting to leave the school bus at a stop other than the students assigned stop without permission from the school principal/designee
- Having arms, legs or head outside the window of the bus
- Opening an emergency door and/or exiting the bus when it has stopped, unless directed by the bus driver in an emergency
- Threats against the driver, passengers or bus aide on the bus
- Opening emergency exit while bus is in motion
- Throwing objects out of the window of the bus which may or may not cause damage or injury to others
- Throwing objects at any school bus which may or may not cause damage or injury to others
- Vandalism to bus equipment

Possible corrective action may include the following depending on the severity of the offense:

- Verbal or written reprimand from the school principal/designee
- Parent Conference
- Up to ten (10) days suspension from being transported to and from school
- Up to ten (10) days loss of bus privileges for extracurricular activities
- Assignment to AES
- Recommendation for expulsion if the behavior on the bus constitutes a level III – V

**Corrective actions will be determined by the school principal/designee with input from the Department of Transportation based on the offense and after all necessary documentation has been submitted by the bus driver or transportation center.**

In the case of a student with a disability, suspension of bus privileges must be appropriate in light of the student's Individual Educational Plan (IEP) or Section 504 Plan. A manifestation determination must be conducted for more than ten (10) days of bus suspension for any student who receives transportation as a related service on his or her IEP or Section 504 Plan.

## Code of Student Conduct – Elementary

FORMAL  
CORRECTIVE  
STRATEGIES:

### Denial of Bus Privileges for Students with Disabilities

There are certain Federal regulations, Florida Statutes, and Rules of the State Board of Education that pertain to disciplinary measures for SPED students. The transportation privileges for SPED students may be suspended for violations of the *Code of Student Conduct*; however, there are limits to the length of time SPED students may be suspended from riding the bus.

- A. Consistent with the school district's *Code of Student Conduct* and to the extent that suspension of transportation privileges would be applied to regular education students, school principals may suspend a SPED student's transportation privileges for not more than ten (10) consecutive school days.
- B. School principals may further suspend the transportation privileges of a SPED student for not more than ten (10) consecutive school days in the same school year for separate incidents of misconduct, as long as those suspensions do not constitute a "change of placement" as defined in Rule 6A-6.03312 of the State Board of Education.
- C. Pursuant to Rule 6A-6.03312 of the State Board of Education, a "change in placement" occurs when:
  - The suspension is for more than ten (10) consecutive school days, or
  - The student has been subjected to a series of suspensions of transportation privileges that constitutes a pattern because the suspensions cumulate to more than ten (10) schools days in a school year, because the student's behavior in previous incidents is substantially similar to the student's behavior that resulted in the series of suspensions, and because of additional factors, such as the length of each suspension, the total amount of time the student has been suspended, and the proximity of the suspensions to one another. The school district determines on a case-by-case basis whether a pattern of suspensions constitutes a "change of placement," and this determination is subject to review through due process and judicial proceedings.
- D. Requirements for Manifestation Determination (MD) meetings for transportation related violations:
  - All SPED students who have their transportation privileges suspended are required to have a Manifestation Determination (MD) meeting after the sixth (6th) day of suspension – **if the student is unable to attend school as a result** – and for every suspension thereafter in order to determine whether the pattern of removals constitutes a "change of placement," as defined in paragraph (C), above.
  - When reviewing the student's conduct, the IEP Team will review all relevant information in the student's file, including any information supplied by the parents of the student, any observations of the student from teachers and Transportation staff, and the student's current IEP.
  - The IEP Team shall determine if the misconduct of the student was caused by, or had a substantial relationship to, the student's disability, or whether the conduct was a direct failure of the school district's failure to implement the IEP.

## Code of Student Conduct – Elementary

FORMAL  
CORRECTIVE  
STRATEGIES:

### Denial of Bus Privileges for Students with Disabilities

- If the IEP Team determines that the misconduct of the student was caused by, or had a direct and substantial relationship to the student's disability – or that the conduct in question was a direct result of the school district's failure to implement the IEP – the conduct will be determined to be a manifestation of the student's disability and the school district will take immediate steps to remedy those deficiencies.
- If the IEP Team determines that the conduct in question of the student was a manifestation of the student's disability, the IEP Team will either:
  - Conduct a functional behavioral assessment (FBA) and implement a behavioral implementation plan (BIP) for the student, or
  - If a BIP has already been developed, review and modify it as necessary to address the behavior
- If the IEP Team determines that the behavior **was not a manifestation of the student's disability**, the school district may implement the relevant disciplinary procedures that would otherwise apply to a student without disabilities, in the same manner and for the same duration providing the student continues to receive services so as to enable the student to participate in the general curriculum and to progress toward meeting the student's IEP goals.

E. **Expulsion.** Expulsion of a student from riding a school bus is the measure of last resort. It may be taken only after repeated suspensions of student's bus riding privileges have failed to result in an improvement in the student's behavior, an/or for the most serious of misconduct offenses. Expulsion of a student from riding a school bus must be approved by the M-DCPS School Board in accordance with *Policy 2460-Exceptional Student Education*.

FORMAL CORRECTIVE  
STRATEGIES:

### Denial of Participating in Social and/or Extracurricular Activities

Students may be denied the privilege of participating in social and/or extracurricular activities if they have been disruptive in school or at social and/or extracurricular activities. They may also be denied this privilege if they have been convicted, or found to have committed a felony or a delinquent act that would have been a felony if committed by an adult, and a determination has been made that the incident has an adverse impact on the educational program, discipline or welfare in the school. In addition, for senior high school students, any arrest will result in an immediate minimum 10 day prohibition from participation in interscholastic competitions or performance, including practices.

All senior high school students, in order to participate in interscholastic athletics and/or extracurricular activities, commencing with the successful completion of the eighth grade as defined by Board Policy 5410 - Student Progression Plan, must meet all academic and conduct eligibility requirements contained in *Board Policy 5845 - Student Activities*, *Board Policy 5500 - Student Conduct and Discipline*, and those of the Florida High School Athletic Association (FHSA) and the Greater Miami Athletic Conference (GMAC) Bylaws.

A student's eligibility to participate in any interscholastic athletics and/or extracurricular activity may not

## Code of Student Conduct – Elementary

FORMAL CORRECTIVE STRATEGIES:

### Denial of Participating in Social and/or Extracurricular Activities

be affected by any alleged recruiting violation until final disposition of the allegation pursuant to Section 1006.20 F.S.

FORMAL CORRECTIVE STRATEGIES:

### Expulsion

A principal may request that the Superintendent recommend to the School Board that a student be expelled in accordance with *Board Policy 5610 - Suspension and Expulsion of Students*. Principals may take this action when they have exhausted less severe administrative corrective strategies, or when they have considered those alternatives and rejected them as inappropriate in the given situation.

Only the School Board can approve an expulsion. The maximum period of time for an expulsion may not exceed the remainder of the term or school year, the summer session, plus one additional school year of attendance. An expelled student is entitled to due process, including a formal hearing.

FORMAL CORRECTIVE STRATEGIES:

### Manifestation Determination Procedures

A Manifestation Determination meeting is held any time a change of placement is being considered for a student with a disability, such as, when the student has been referred to an Alternative Educational Setting (AES), School Center for Special Instruction (SCSI), and/or the Student Success Center or Pathways. A Manifestation Determination is a process by which the relationship between the student's disability and the specific behavior that may result in disciplinary action is examined. Schools must take into account the student's capacity to understand his or her behavior and the inappropriateness of his or her actions.

- A. A Manifestation Determination will be made within (10) school days of any decision to change the placement of a student with disability due to a violation of the *Code of Student Conduct*.
  - The IEP Team will meet to review all relevant information in the student's file, including any information supplied by the parents of the student, any observations of the student from teachers, and the student's current IEP. The team will determine whether the conduct in question was the direct result of the student's disability or was the direct result of the school district's failure to implement the IEP.
- B. If the IEP Team determines that the misconduct of the student was caused by, or had a direct and substantial relationship to the student's disability – or that the conduct in question was a direct result of the school district's failure to implement the IEP – the conduct will be determined to be a manifestation of the student's disability and the school district will take immediate steps to remedy those deficiencies in one or more of the following ways:
  - Conduct a functional behavioral assessment (FBA) and implement a behavioral implementation plan (BIP) for the student; or
  - If a BIP has already been developed, review and modify it as necessary to address the behavior; and

## Code of Student Conduct – Elementary

FORMAL CORRECTIVE STRATEGIES:

### Manifestation Determination Procedures

- Return the student to the placement from which the student was removed, unless the parents/guardians and school district agree to a change in placement as part of the modification for the BIP.

\*\*This option does not apply to students with disabilities that violate the *Code of Student Conduct* with infractions listed in the 45 School Day Alternative Placement Rule.

- C. If the IEP Team determines that the behavior **was not a manifestation of the student's disability**, the relevant disciplinary procedures applicable to non-disabled students may be applied to the student in the same manner and for the same duration in which they would be applied to non-disabled students, except that services necessary for a Free Appropriate Public Education (FAPE) will be made available to the student with disability.
- D. If the parent(s)/guardian(s) disagrees with the manifestation determination decision made by the IEP Team, the parent(s)/guardian(s) may appeal the decision by requesting a due process hearing.

FORMAL CORRECTIVE STRATEGIES:

### Mental Health Services

If a school's Threat Assessment Team determines that a student poses a threat of violence or physical harm to himself or herself or others or significantly disruptive behaviors, a referral may be made to counseling or behavioral health programs.

If an immediate mental health or substance abuse crisis is suspected, school personnel will engage behavioral health crisis resources to provide emergency intervention and assessment, make recommendations, and refer the student for appropriate services.

A good faith attempt will be made to notify the student's parent or legal guardian; however, nothing will preclude school district personnel from acting immediately to address imminent threat and/or danger.

FORMAL CORRECTIVE STRATEGIES:

### Peer Mediation

The principal may establish a peer mediation program designed to resolve problems addressed in the *Code of Student Conduct*. The establishment and use of this program is solely within the principal's discretion.

FORMAL CORRECTIVE STRATEGIES:

### Work Back Program in Lieu of Expulsion

In lieu of expulsion, a Work Back Program consistent with existing guidelines, may be available for students who are presently being recommended to the Board for expulsion, except in certain cases for in which a Work Back Program is not allowed.

## BEHAVIORS THAT MAY RESULT IN CRIMINAL PENALTIES



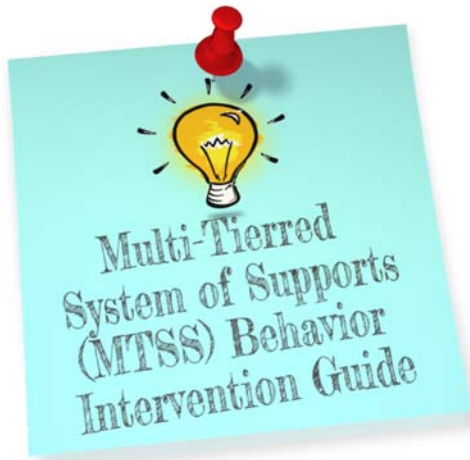
The following behaviors are grounds for corrective strategies by the school and may also result in criminal penalties:

- 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, shall also result in a referral for expulsion and mental health services pursuant to Section 1006.13 F.S.;
- 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 shall also result in a referral for expulsion and mental health services pursuant to Section 1006.13 F.S.; and
- Sexting
- Hazing

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



# CHAPTER V - MULTI-TIERED SYSTEM OF SUPPORTS (MTSS) BEHAVIOR INTERVENTION GUIDE



## MULTI-TIERED SYSTEM OF SUPPORTS (MTSS) BEHAVIOR INTERVENTION GUIDE



### Multi-Tiered System of Supports (MTSS) Behavior Intervention Guide

Multi-Tiered System of Supports (MTSS) behavior intervention guide is intended as a resource for all educators to assist in integrating academic and behavior supports and services into a fluid and seamless system of multi-tiered service delivery for all students. The MTSS model for instruction and intervention is based on the principle that academic and behavioral supports are first provided at a core or universal level to effectively address the needs of all students in a school (referred to as Tier I). However, not all students respond to the same curricula and teaching strategies. As a result, some students with identified needs will receive supplemental or targeted instruction and intervention at Tier II. Finally, at Tier III, a few students with the most severe needs will receive the most intensive and individualized behavioral and / or academic support.

#### TIER I

Teach Rules/Expectations: Establish a structured system for teaching a student rules and expectations prior to a task/request. Such a system may be verbal, written or pictorial.

- **Verbal:** scheduling five minutes prior to an assignment to review rules and expectations
- **Written:** provide the student with written rules and expectations for a given task
- **Pictorial:** teacher can use picture cards to nonverbally teach/remind students of various rules/expectations

Student Repeats Rules/Expectations Prior to Transition: Establish a system in which a student verbally, or in written form, repeats rules/expectations prior to transition.

- Teachers and student have an agreement specifying that before each class change the student verbally reviews the rules and expectations

Preferential Seating: Change the seating arrangement for a student in order to address his/her specific needs. Possible examples may include:

- The student sits in close proximity to the teacher for hearing, vision, and or attention concerns.
- The student is moved away from negative peer influences and near more positive peer influences.

Parent-Teacher Communication System: Establish a set time and method for communication between parent and teacher regarding the student's behavior and progress.

- Methods for communication might include phone contact, face to face meeting, e-mail or note/letter correspondence.

Personal Connection with Student: Establish set times and methods for providing special attention for a student.

## **Code of Student Conduct – Elementary**

- A teacher makes it a point to check in with a student each morning in order to find out how his/her homework was the evening before.

Provide Additional Guidance/Extend Instruction: Provide the student with more specific and or modified instructions, prior to the assignment, in order to assist in general comprehension.

- The teacher may provide additional/individual verbal instructions, written instructions, pictorial instructions, visual guides, completed model of task, etc.

Increase Frequency of Task Related Recognition: Provide specific and consistent recognition and reinforcement for a student's on-task behavior.

- In lieu of simply expecting that a student engage in task related behavior, the teacher will provide reinforcement (verbal, nonverbal, tangible) for a student that is properly engaged in the classroom task.

Visual Schedule: Use for students in need of a structured organizational system, either pictorial or written.

- The schedule is designed to assist the student as he/she progresses through the activities and tasks of the day (i.e. morning bell rings- first class, reading-second class, art, etc.).
- It can also be used to break down a specific task (i.e., open notebook – go to math section- put paper on teacher's desk).

Environmental changes: Make various changes in the environment to accommodate the sensory needs of a student.

- Some examples of this are changing the lighting, re-arranging furniture, or adjusting sound sources.

Use Preferred Activities as Reinforcement: Provide access to a preferred activity (i.e. computer time, art, listening to music, etc.) when a student engages in appropriate behavior.

- The teacher must clearly identify what the preferred activity is, make sure that the identified activity is truly rewarding for the student, establish the circumstances under which the preferred activity will be awarded (i.e. after appropriate behavior has been demonstrated three times), and for how long student will be allowed to engage in the preferred activity.

Personally Greet the Student upon Arrival to Class: Establish a system for spending a personal moment with the student before class, especially with students who may thrive on attention.

- The teacher may want to ask: "How are you today?", "What did you do yesterday after school?", and "How is your family?," etc.

Increase Frequency of Positive Reinforcement: If reinforcement does not occur on a frequent basis, negative/problem behaviors may start to reoccur or increase as a result. When this happens simply increase the frequency of when incentives are delivered.

- A student, who is receiving access to the computer lab for the last half hour of the school day in exchange for demonstrating use of problem solving skills, continues to display episodes of inappropriate behavior. The teacher can increase the frequency of positive reinforcement by allowing two or three opportunities scattered throughout the day to access the computer.

Use of Tangible/Non-tangible Rewards: Use tangible and/or non-tangible reinforcers immediately to reward a student for engaging in positive behavior or good performance. The selected tangible/non-tangible reward must be effective for the student in question and delivered on a consistent basis.

- Tangible: food, stickers, toys, etc.
- Non-tangible: verbal praise, public posting of class work, etc.

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Ignore Undesirable Behavior(s): Instead of, or in addition to, reinforcing positive behavior(s), the teacher can ignore undesirable behavior(s). Any time the student engages in an undesirable behavior, the teacher systematically and consistently ignores the student until the behavior ceases.

Establish Logical Consequences for Students: Inform students that engaging in certain problem behaviors will result in specific consequences.

- Out of seat behavior will result in student not earning points on behavior contract. Consequences must be specifically identified to the student and they must be consistently implemented.

Encourage Effort to Display Appropriate Behavior: Provide reinforcement for a student who is trying to display the appropriate replacement behavior, even if he/she is not quite there yet. This practice will encourage the student to “keep up the good work” and eventually demonstrate the replacement behavior

Use of Positive Referrals: Make positive references to the student for engaging in appropriate behavior.

Use Classroom Incentives for Individual Student Accomplishments: Reward an individual student’s success by allowing the entire class to benefit.

- Throw a pizza party for the class if the individual student has a good week on his/her behavior contract.

Call Home to Share News of Student Effort/Success: Establish a system for calling the student’s parents daily/weekly in order to update them on their child’s success and progress.

Use School-Wide Vehicles for Recognition: Recognize student success and/or progress during school announcements, award programs, lunch, assemblies, etc.

Assign Classroom Responsibilities for Student Recognition: Allow student to participate in classroom related responsibilities (i.e. line leader, clean-up after projects, message delivery person, teacher helper, etc.) in exchange for positive behavior.

## TIER II

Teach/Model Communication/Social Skills: Teach a student appropriate methods of communication. Students who do not possess effective communication/social skills will often vent their school related frustrations in disruptive and inappropriate ways.

- A student experiencing difficulty in mathematics may attempt to avoid such work by acting out in the classroom. The concept is to teach the student appropriate ways of expressing their frustrations. The teacher develops a script with the student that addresses his/her specific needs.
- The following is an example of such a script: when the student is having academic difficulty and feeling frustrated, he/she will signal the teacher either verbally or with a predetermined nonverbal sign (i.e., hand raise). The teacher will subsequently respond to the student in order to find out if he/she needs extra instruction, assistance with assignment or a break from work. Extra instruction and assignment assistance can be delivered by the teacher or by an appointed peer tutor. The break may be as simple as a five minute water or bathroom break. As part of the script, the student agrees to resume appropriate work after his/her needs have been met.

## **Code of Student Conduct – Elementary**

- In order to ensure optimal effectiveness, the teacher should provide the script in written form to the student and possibly attach it to his/her desk.

**Task Analysis:** Break down and make concrete the difficult tasks to ensure more success. The teacher can teach a student how to break down a task into more simplistic parts.

- A student who has difficulty compiling a three sentence paragraph may perform better when the task is broken down into small steps. First, teach him/her to identify and write down the theme of the paragraph, then create three categories (introduction, main idea, and conclusion), next brainstorm what ideas should go under each category, and finally the student can compile the paragraph based on the information gathered during previous steps.

**Practice Communication and Social Skills:** After teaching appropriate communication and/or social skills techniques, the teacher may provide specific opportunities for the student to demonstrate such skills in the classroom.

- The teacher may need to establish a verbal or nonverbal prompt with the student (i.e., “now is a good time to use your skills” or tap the student on the shoulder).

**Teach Coping Skills:** Teach appropriate ways to cope/deal with frustration, anger, embarrassment, etc., when students do not have a repertoire of appropriate strategies to deal with adverse situations.

- The teacher can teach the student methods such as asking for a time out or break, relaxation/breathing exercises, taking five minutes to vent feelings privately with teacher/peer, or engaging in an enjoyable activity (i.e. computer, art, etc.). Suggestions for appropriate coping skills can be written and attached to the student’s desk as a reminder.

**Teach Positive Self Talk:** Students who do not believe they are capable in various academic and/or social situations may become increasingly unmotivated to work, withdrawn, or even disruptive in order to avoid uncomfortable scenarios.

- The teacher and or school counselor can teach the student a repertoire of positive statements such as “I am capable of doing my work”, “I can make friends in my class”, or “If I study my spelling words every day, I will get a good grade on my spelling test”.
- The student is taught to repeat such statements as frustrations increase in adverse situations.
- The teacher/counselor may need to provide verbal/nonverbal prompts in order for the student to initiate in the self talk procedures (i.e. “what do you need to tell yourself?” or hand signal).

**Remediation in Specific Academic Areas:** Students with academic deficits may engage in problem behavior as a way to avoid difficult tasks. Implementing classroom academic interventions for remediation should reduce the need to avoid such tasks. In order to select appropriate academic interventions, refer to the School Support Team (if applicable)

**Use of Personal Interests for Motivation:** Incorporate student interests into a given task or activity. The concept is that if a student finds a task/activity enjoyable or interesting, he/she is more likely to stay engaged for a longer period of time.

- A student who has difficulty staying on task during independent reading assignments will likely become more motivated to complete the assignment if the topic is of his/her choosing. (i.e., if the student likes fishing, the reading assignment can be related).

**Teach Alternative Behavior for Sensory Feedback:** A student who engages in a certain behavior for the sole purpose of sensory feedback may be able to learn an alternate (less distracting) behavior to serve the same purpose

- A student that taps his/her pencil on the desk repetitively can squeeze a stress ball instead.

## Code of Student Conduct – Elementary

Teach Anger Management/Problem Solving Skills: Students who experience difficulty controlling emotions and/or lack sufficient problem solving skills are likely to engage in inappropriate/disruptive behavior when “pushed to the emotional limit” and/or frustrated. There are several existing methods to teach anger management and problem solving skills, and the school counselor and/or school psychologist are excellent resources for such methods.

Teach Behavioral Self-Control (BSC): Students who are impulsive and/or lack self-control on a consistent basis will likely benefit from a highly structured plan that addresses self-evaluation, self-management, self-instruction, and self-reinforcement.

- When a student is engaged in inappropriate/problem behavior, the following teacher prompts and student responses should take place:

**Teacher asks:**

“What are you doing?”  
“What do you need to be doing?”  
“What are you going to do now?”  
“Let me know when you finish.”

**Student responds:**

“I am...”  
“I need to...”  
“I have to...”  
“I did...”

Social Stories/Comic Book Conversations: This intervention is appropriate for students in need of understanding the social context of various social situations (i.e. standing in line or taking turns)

- A social story or comic book conversation is written specifically for the student and the situation (i.e. Johnny waits for his turn) and must be visually provided for the student.
- The purpose is to lessen the stress of certain social situations for students who may be lacking in social skills and awareness.
- School counselors, school psychologist and autism support teachers are excellent resources for creating social stories.

Encourage Positive Peer Connections: Provide opportunities for student to be in contact with positive peer role models.

- The student can be seated in close proximity and or placed in work groups with peer role models. Such positive peer connections should be reinforced by the teacher and or any other adult involved with the student.

Contract for Grades: Establish a written contract for grades with a student.

- The teacher and student formerly agree that for each reading test grade above a “C,” the student will receive 10 additional minutes of computer lab time. The agreement is written in contract form and signed by both teacher and student.

Daily/Weekly Progress Reports: Arrange a system for documenting the student’s behavioral progress on a daily/weekly basis.

- The teacher may write a brief note at the end of the day/week to describe the student’s overall behavior.
- The teacher develops specific behavior objectives and a form that can be checked-off daily/weekly to show that behavior objectives are met.

## Code of Student Conduct – Elementary

Monitoring/Redirection: Establish a system for monitoring a student during tasks.

- Checking a student at 10 minute intervals and or providing redirection when needed i.e., eye contact, proximity, tangible incentives, etc.

Spend Individual Time with Student: When a student engages in appropriate behavior, he/she can be rewarded by arranging a specific time for teacher and student to spend time together. It is necessary to be specific when designing this intervention.

- When the student demonstrates appropriate behavior during morning classroom activities, he/she will be allowed to eat lunch with the teacher.

Reward Competing Behaviors: The concept behind competing behaviors is that a student cannot engage in two “competing” behaviors at the same time. Identify a competing behavior for the problem behavior (i.e. reading aloud and making inappropriate noises) and reward the student each time he/she engages in the competing behavior.

Student Self-Monitoring of Progress: Allow the student to monitor his/her own progress.

- The student can have possession of a progress report and /or behavior contract so that he/she can track their own improvement.

Acknowledge Use of Replacement Behaviors: Reward students for engaging in established replacement behaviors.

- Provide the student with verbal praise each time he/she raises his/her hand to get teacher attention instead of calling out loud for teacher attention.

Develop a Written Behavior Contract: Use of a behavior contract with points, check offs, signatures, or some other indication for positive behavior can be a powerful self-reinforcement tool. Allow the student to take possession of the contracts and track his/her own progress.

## TIER III

Choice Making: Allow student to have some degree of control over their school activities.

- The teacher allows the student to choose the sequence of activities (e.g., reading activity first and writing activity second), mode of presentation (i.e. oral, written, demonstration, etc.) learning materials (e.g., pencil/paper, manipulative, computer use, etc.), and or incentives (e.g., tangibles, public attention, access to activity, etc.).

Participation in Extra Curricular Activities: Identify and encourage student to become involved in extra-curricular activities such as sports, art club, music club, etc. The activity should match the individual student’s interests and skills.

Student Follow-Up: This involves establishing a system for a “check-in” time during an assignment to ensure that the student fully understands a specific task or request.

- The teacher and student may have an agreement specifying that 10 minutes after the start of a given assignment/test or request the teacher will verbally confirm the student understands. If the student is in need of further instruction, the teacher will provide it.



## **Code of Student Conduct – Elementary**

Schedule Adjustment: Adjust the daily schedule and/or change the teacher.

- It is possible that a student tends to focus best in the early morning yet all academic classes are scheduled after lunch. In such a case, it would be advantageous for the student's schedule to be adjusted so that academic classes would take place during the morning hours.
- There may be a personality/work style "mismatch" between teacher and student. Changing a student's teacher can make a significant difference.

Peer Mentor/Tutor Opportunity: Allow student to serve as a peer mentor/tutor. This can be effective even when the student him/herself is experiencing difficulties in a given skill area.

- The student can mentor/tutor someone in a lower grade or work group. This can be excellent for improving self-concept, and reinforcing skills in area of difficulty for the student.

Provide Quiet Time Space: Provide a specific time and/or space for quiet or "cool down" purposes.

- If a student becomes easily frustrated during certain academic task, then a quiet area of the classroom can be established as a personal space for that student to go if necessary.

Identify Appropriate Settings for Behavior(s): Suggests that inappropriate behaviors can be appropriate if demonstrated in a suitable setting.

- If a student is constantly singing out loud during class time and causing a disruption, identify or create more appropriate settings for such behavior (i.e., music class, join the chorus, or provide a specific time during class for the student's to show off their "talent").

Chart and Review Daily Student Successes: Create a simple chart listing the replacement behavior(s) and spaces for check-offs of compliance. The chart can be posted on the student's desk and the teacher will check-off every time the behavior(s) are demonstrated at the end of each day, teacher and student can review the chart.

Recognize Small Steps Approximating the Desired Behavior: When a replacement behavior is complex or involves several steps, it may be necessary to reinforce the student for demonstrating smaller approximations or steps of the replacement behavior. Once behaviors have been broken down into steps and taught to the student, reinforce the student for each approximation of the behavior.

# GLOSSARY



## Code of Student Conduct – Elementary

All students and parents/guardians must understand that, in addition to taking corrective strategies at the school level, certain criminal and/or disruptive behavior must, by Board Rule, be reported to appropriate police authorities and to the Miami-Dade Schools Police (E.g., Board Policy 3210 – Standards of Ethical Conduct).



GLOSSARY		
1.	<b>Administrators:</b>	<p>Adults in school with executive authority to manage the day-to-day business. They include the principal and assistant principal, among others.</p> <p><i>Example: School <b>administrators</b> are responsible for making schools run smoothly.</i></p>
2.	<b>Alcohol/Alcohol Use: Level III - Behavior</b>	<p>Mind-altering or mood-altering beverages, including but not limited to beer, wine, wine coolers, vodka coolers, liquors, etc. Possession, use, sale, or distribution of alcohol or controlled substances will result in corrective actions at school and may lead to arrest and criminal penalties.</p> <p>Possession, sale, purchase, or use of alcoholic beverages. Use means the person is caught in the act of using, admits to use or is discovered to have used in the course of an investigation.</p> <p><i>Example: Consumption of excessive <b>alcohol</b> can cause death.</i></p>
<u>3.</u>	<b><u>Alcohol-related Incident</u></b>	<p><u>An incident is alcohol related if there is evidence that those involved in the incident were caught drinking at the incident or had been drinking, based on testing or investigation of a Law Enforcement Officer at the scene, or if they admit to drinking, or if the incident is somehow related to possession, use or sale of alcohol.</u></p>
<del>3.</del> <u>4.</u>	<b>Alternative Educational Setting (AES)</b>	<p>A corrective response to behavior where the student is temporarily removed from his or her regular program of instruction and assigned to another educational setting, either within the student’s regularly assigned school or to another assigned school, under the supervision of district school personnel, with specific classwork assignments to complete. Assignment to an AES is made by a principal, to an SCSI or Success Center, for a period not to exceed ten (10) school days, or to another school location by the district Office of School Operations/Division of Educational Opportunity and Access (DEOA) upon recommendation of the principal, for a longer period of time.</p> <p><i>Example: Behavioral infractions at school might result in assignment to an <b>Alternative Educational Setting</b>.</i></p>

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GLOSSARY		
45.	<p><b>Arson:</b>  <b>Level V - Behavior</b></p>	<p>To <u>intentionally</u> damage or cause to be damaged, by fire or explosion, any dwelling, structure, or conveyance, whether occupied or not, or its contents.</p> <p><i>Example: The girl was arrested for <b>arson</b> and expelled because she intentionally started a fire in the restroom.</i></p>
56.	<p><b>Assault/Threat:</b>  <b>Level III - Behavior</b></p>	<p>An intentional, unlawful threat by word or act to do violence to another, coupled with the apparent ability to do so, and doing some act, which creates a well-founded fear in the other person that such violence is imminent.</p> <p><i>Example: The students <b>assaulted</b> another girl by sending her notes saying that they would beat her up right after class.</i></p>
67.	<p><b>Aggravated Assault:</b>  <b>Level V - Behavior</b></p>	<p>An assault with the use of a weapon or with the intent to commit another felony.</p> <p><i>Example: Using a weapon to threaten someone or attempt to harm someone is aggravated assault.</i></p>
78.	<p><b>Battery (Physical Attack):</b>  <b>Level IV - Behavior</b></p>	<p>(Physical attack/harm) <del>The physical use of force or violence by an individual against another. The attack must be serious enough to warrant consulting law enforcement and result in more serious bodily injury. (To distinguish from Fighting, report an incident as Battery only when the force or violence is carried out against a person who is not fighting back.)</del> <u>An actual and intentional striking of another person against his or her will, or the intentional causing of bodily harm to an individual.</u></p> <p><i>Under Florida law, battery that causes great bodily harm, permanent disfigurement, or permanent disability is called “felony battery.” Under the law, battery, felony battery, and aggravated battery are distinguishable.</i></p> <p><i>Example: The student <b>battered</b> the teacher by pushing her against the wall.</i></p> <p><i>*Assault and/or battery committed against a staff member require a mandatory recommendation for expulsion.</i></p> <p><i>Administrators distinguish battery from fighting by reporting an incident as battery only when force or violence is carried out against a person who is not fighting back or is merely attempting to shield his or her body from attack.</i></p>
89.	<p><b>Aggravated Battery:</b>  <b>Level V - Behavior</b></p>	<p><u>A battery where the attacker intentionally or knowingly causes</u> <del>intentionally or knowingly causing</del> great bodily harm, permanent disfigurement, or permanent disability to another, <del>or committing battery against another with the</del> use of a deadly weapon <u>or where the attacker know or should have known the</u></p>

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		<p><u>victim was pregnant.</u></p> <p><i>Example: Using a deadly weapon to injure someone which results in the person being physically disabled to the point where he/she cannot fight back constitutes <b>aggravated battery</b>.</i></p>
9 <u>10</u> .	<b>Behavior:</b>	<p>The way people act or react or the way they conduct themselves.</p> <p><i>Example: There is certain <b>behavior</b> that is acceptable at school and certain <b>behavior</b> that is unacceptable at school. This Code of Student Conduct will help you distinguish between them.</i></p>
10 <u>11</u> .	<b>Bullying: Level III - Behavior</b>	<p>Repeatedly using hostile, intimidating, domineering, or threatening behavior with the intent or purpose of physically or mentally hurting another individual. Bullying occurs within an interpersonal relationship characterized by an imbalance of power (physical or psychological). Unwanted and repeated written, verbal, or physical behavior, including any threatening, insulting, or dehumanizing acts, by an adult or student that are severe or pervasive enough to create an intimidating, hostile or offensive educational environment. (See Vital Alerts pp 30-32).</p> <p><del>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. See Board Policy 5517.01 – Bullying and Harassment.</del></p> <p><u>Systematically and chronically inflicting physical hurt or psychological distress on one or more students or employees that is severe or pervasive enough to create an intimidating, hostile, or offense environment; or unreasonably interferes with the individual's school performance or participation. Bullying includes instances of cyberbullying. See also Board Policy 5517.01 – Bullying and Harassment and pages 30-32.</u></p> <p><i>Example: When the girl repeatedly made fun of another student for being poor, the girl was guilty of <b>bullying</b>.</i></p>
12.	<b><u>Bullying-related Incident</u></b>	<p><u>An incident is bullying related if the incident includes systematically and chronically inflicting physical hurt or psychological distress on one or more students or employees that is severe or pervasive enough to create an intimidating,</u></p>

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		<p><u>hostile, or offensive environment; or unreasonably interferes with the individual's school performance or participation.</u></p>
11 <u>13</u> .	<p><b>Burglary/Breaking and Entering:</b> <b>Level III-Behavior</b></p>	<p><del>Illegal entry into a facility. Unlawful entry with force, or unauthorized presence in a building or other structure or conveyance with evidence of the intent to damage or remove property or harm a person(s).</del> <u>Unlawful entry into or remaining in a dwelling, structure, or conveyance with the intent to commit a crime therein.</u></p> <p><i>Example: The students committed <b>burglary</b> when they crawled through the window to steal a camera.</i></p>
12 <u>14</u> .	<p><b>Cheating:</b> <b>Level II-Behavior</b></p>	<p>Using unauthorized answers or sources to receive credit for schoolwork. Some examples are looking at someone else's paper, copying from your notebook when you are supposed to use only your memory, or copying someone else's homework because you did not complete yours.</p> <p><i>Example: The teacher accused him of <b>cheating</b> when she found answers to the test written on his desk.</i></p> <p><b>Plagiarism</b> is a form of cheating when you present another person's words or ideas as your own without giving the originator credit for the information. Some common examples of plagiarism are copying information from a book without using quotation marks and without including a bibliography at the end of the assignment listing the sources used. All information in academic assignments that is not common knowledge must be cited and documented. An example of common knowledge is: Miami is a city in Florida.</p> <p><i>Example: She <b>plagiarized</b> the information in her report by not giving credit to the author for his ideas.</i></p>
13 <u>15</u> .	<p><b>Complaint:</b></p>	<p>A verbal or written disagreement or concern about something that is alleged to be unfair.</p> <p><i>Example: The student voiced a <b>complaint</b> to her assistant principal about the amount of homework her teacher assigned daily.</i></p>
14 <u>16</u> .	<p><b>Complaint Procedure:</b></p>	<p>A series of steps taken to try to resolve a complaint.</p> <p><i>Example: The parent-teacher conference was held as required by the <b>complaint procedure</b> process.</i></p>
15 <u>17</u> .	<p><b>Confrontation:</b> <b>Level I – Behavior</b> (Student) <b>Level II – Behavior</b> (Staff Member)</p>	<p>An argument or squabble.</p> <p><i>Example: The student went up to the custodian and caused a <b>confrontation</b> by yelling at him when the custodian asked him not to walk on the wet floor.</i></p>

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<p><del>16</del><u>18</u>.</p>	<p><b>Controlled Substances (Drugs):</b></p> <p><b>Level III – Behavior</b> (Possession or Use)</p> <p><b>Level IV – Behavior</b> (Intent to Sale or Distribute   Sale or Distribute)</p>	<p>Mind-altering or mood-altering drugs, including but not limited to marijuana, cocaine, heroin, various pills, etc. Possession, use, sale, and/or distribution of controlled substances will result in corrective strategies at school and may lead to arrest and criminal penalties.</p> <p><i>Example: Use of <b>controlled substances</b> can be deadly.</i></p> <p><i>* Chapter 893, Florida Statutes (Drug Abuse Prevention and Control) provides a more extensive list of controlled substances.</i></p>
<p><del>17</del><u>19</u>.</p>	<p><b>Corporal Punishment:</b></p>	<p>The use of physical punishment by a parent or teacher on a student. The use of corporal punishment is prohibited in Miami-Dade County Public Schools. This prohibition extends to parents/guardians on school grounds.</p> <p><i>Example: Slapping or spanking a student is corporal punishment that is not allowed in school.</i></p>
<p><del>18</del><u>20</u>.</p>	<p><b>Corrective Strategies/ Disciplinary Actions</b></p>	<p>Methods or steps used to help students learn how to follow school rules and to protect the safety of everyone at school.</p> <p><i>Example: The teacher used <b>corrective strategies</b> to improve his school behavior.</i></p>
<p><del>19</del><u>21</u>.</p>	<p><b>Counselor:</b></p>	<p>A school employee who is uniquely trained to help students overcome obstacles that may form barriers to learning.</p> <p><i>Example: Trust <b>counselors</b> are trained to talk with students about their problems.</i></p>
<p><del>20</del><u>22</u>.</p>	<p><b>Cutting Class:</b> <b>Level I - Behavior</b></p>	<p>Not going to class when you are supposed to be in class.</p> <p><i>Example: The girls who tried to sign in to school after first period were caught and assigned detention for <b>cutting class</b>.</i></p>
<p><del>21</del><u>23</u>.</p>	<p><b>Cyberbullying:</b> <b>Level III- Behavior</b></p>	<p><b>Cyberbullying</b> 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</p>



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		<p>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.</p> <p><i>Example: <b>Cyberbullying</b> can cause students to get in trouble at school even if they use their home computer.</i></p>
<del>22</del> 24.	<b>Defiance: Level II - Behavior</b>	<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><i>Example: He received detention for <b>defying</b> the cafeteria manager by refusing to pick up his lunch tray when she told him to do so.</i></p>
<del>23</del> 25.	<b>Destructive Device:</b>	<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 a firearm other than a destructive device.</p> <p><i>Example: Students shall be expelled for bringing to school <b>destructive devices</b> that can explode and hurt others.</i></p>
<del>24</del> 26.	<b>Detention:</b>	<p>A corrective strategy in which a student must spend time at school, either before or after the regular school day or on a Saturday.</p> <p><i>Example: The student served <b>detention</b> for one week after school for purposely breaking a window.</i></p>
<del>25</del> 27.	<b>Disciplinary Actions (Also Referred to as Corrective Strategies):</b>	<p>Methods or steps used to help students learn how to follow school rules and to protect the safety of everyone at school.</p> <p><i>Example: <b>Disciplinary actions</b> are taken against students as consequences for violating the Code of Student Conduct and are designed to assist students in improving their behavior.</i></p>

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<del>26</del> <u>28</u> .	<p><b>Disruption:</b> <b>Level I - Behavior</b></p>	<p>Behavior that disturbs the learning and/or safety of others in class, on the school bus and at the bus stop.</p> <p><i>Example: The math class could not focus on preparing for FCAT because the girls' constant chatting was <b>disruptive</b>.</i></p>
<del>27</del> <u>29</u> .	<p><b>Disruption on Campus/ Disorderly Conduct:</b> <b>Level III - Behavior</b></p>	<p>Major disruption of all or a significant portion of campus activities, school-sponsored events, and school bus transportation. Disruptive behavior that poses a serious threat to the learning environment, health, safety, or welfare of others. Example: Bomb threat, inciting a riot, initiating a false fire alarm. (Do not use this code for students defying authority, disobeying or showing disrespect to others, using inappropriate language or gestures, or classroom disruption.)</p> <p><i>Example: Initiating or participating in a brawl at a school event is a <b>disruption on campus</b> that can lead to serious disciplinary consequences.</i></p>
<del>28</del> <u>30</u> .	<p><b>Distribution:</b> <b>Level II - Behavior</b></p>	<p>Giving out, sharing, dispensing to others.</p> <p><i>Example: She was expelled for <b>distribution</b> of pills to other students.</i></p>
<del>29</del> <u>31</u> .	<p><b>Drugs:</b> <b>Level III – Behavior</b> (Possession or Use)</p> <p><b>Level IV – Behavior</b> (Intent to Sale or Distribute   Sale or Distribute)</p>	<p><del>Any substance or chemical that alters mood or is used for mood altering, including but not limited to alcohol, marijuana, cocaine, heroin, pills, over the counter medications that are unauthorized or abused, etc. Possession, use, sale, or distribution of controlled substances that results in corrective actions at school may lead to arrest and criminal penalties.</del></p> <p><u>The use or possession of any drug, narcotic, controlled substance, or any substance when used for chemical intoxication. Use means the person is caught in the act of using, admits to use or is discovered to have used in the course of an investigation.</u></p> <p><i>Example: The misuse of <b>drugs</b> can be deadly, especially for young people.</i></p>
<del>30</del> <u>32</u> .	<p><b>Drug Sale / Distribution Excluding Alcohol:</b></p> <p><b>Level IV – Behavior</b> (Intent to Sale or Distribute   Sale or Distribute)</p>	<p>The illegal sale or distribution of drugs. The manufacture, cultivation, sale, or distribution of any drug, narcotic, controlled substance or substance represented to be a drug, narcotic, or controlled substance.</p> <p><i>Example: The student was caught with a bottle of prescribed pills and many small plastic bags which he was going to use for drug <b>sales and distribution</b>.</i></p>

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<del>31</del> <u>33</u> .	<b>Due Process:</b>	<p>A series of steps taken to protect one’s rights under the law. For example, students who are expelled have the right to know about the charge made against them, the right to explain their side of the story, and the right to appeal the decision of an administrator.</p> <p><i>Example: <b>Due process</b> is required by Board Policy when the right to attend school is taken away.</i></p>
<del>32</del> <u>34</u> .	<b>Electronic Devices: Level I – Behavior (Unauthorized Use)</b>	<p>Any wireless communications/electronic device that is powered by electricity or a battery, which is not required by the curriculum and includes items such as; compact disc players, MP3 players, headphones, cellular phones, PDAs, electronic readers, tablets, laptops, cameras and any similar device.</p> <p><i>Example: Unauthorized use of <b>electronic devices</b> can disrupt the learning process and is not allowed in class.</i></p>
<del>33</del> <u>35</u> .	<b>Enforce:</b>	<p>To compel observance of a law or rule.</p> <p><i>Example: All schools must <b>enforce</b> Florida’s laws, and Miami-Dade County School Board’s Policies.</i></p>
<del>34</del> <u>36</u> .	<b>Expulsion:</b>	<p>The most serious disciplinary action that can be taken and defined as the exclusion of a student from a traditional school for the number of school days remaining in the school year in which the incident that gives rise to expulsion takes place and one (1) additional school year.</p> <p>Expulsion of students from school programs is a last resort, to be utilized only in the most extenuating circumstances, after other learning-centered strategies have been employed and with District approval.</p> <p><i>Example: The student was <b>expelled</b> from school for possessing a gun at school.</i></p>
<del>35</del> <u>37</u> .	<b>False Accusation: Level II - Behavior</b>	<p>An untrue and serious statement about a teacher, staff member, or any other person. False accusations are serious when they hurt the professional reputation of others or otherwise get a person in trouble that they do not deserve.</p> <p><i>Example: The student’s father made a <b>false accusation</b> that the teacher had been arrested.</i></p>
<del>36</del> <u>38</u> .	<b>False Activation of Fire Alarm: Level IV - Behavior</b>	<p>Any action that causes people to believe that there is a fire or threat of a fire when there is not.</p> <p><i>Example: The boys received a suspension for reporting a</i></p>

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		<i>false fire alarm, even though they meant it as a joke.</i>
<del>37</del> <u>39</u> .	<b>False Imprisonment: Level V - Behavior</b>	<p>To forcibly, by threat or secretly confining, abducting, imprisoning, or restraining another person without lawful authority and against her or his will (F.S. 787.02).</p> <p><i>Example: The student locked and blocked the door of the bathroom and would not let the other two students out of the bathroom is considered false imprisonment.</i></p>
<del>38</del> <u>40</u> .	<b>False Report/ Bomb Threat: Level IV - Behavior</b>	<p>Any action that causes people to believe that the school is under a serious threat, including but not limited to explosives and weapons of mass destruction.</p> <p><i>Example: Students who make false bomb threat could be expelled and arrested.</i></p> <p><i>Sections 790.162 and 790.163, F.S. (Weapons and Firearms), further define the making of a false threat or report.</i></p> <p><i>Making a false report requires mandatory expulsion not less than one year and may lead to arrest and criminal penalties.</i></p>
<del>39</del> <u>41</u> .	<b>Felony:</b>	<p>A serious crime, often punishable by imprisonment exceeding one year.</p> <p><i>Example: Many of the infractions in the Code of Student Conduct are also felonies under criminal law and are punishable as such.</i></p>
<del>40</del> <u>42</u> .	<b>Fighting (Minor) Level II - Behavior</b>	<p>Lower level fights such as pushing, shoving, or altercations that stop upon verbal command.</p> <p><i>Example: The students began to fight, but they stopped when the teacher told them to stop and no one was hurt.</i></p>
<del>41</del> <u>43</u> .	<b>Fighting (Serious): Level III - Behavior</b>	<p>When two or more persons mutually participate in use of force or physical violence that requires either</p> <ol style="list-style-type: none"> <li>1) physical restraint</li> </ol> <p style="text-align: center;">OR</p> <ol style="list-style-type: none"> <li>2) results in injury requiring first aid or medical attention. (Mutual combat, mutual altercation)</li> </ol> <p><i>Example: Students involved in serious fighting that causes injury or requires medical attention will be suspended.</i></p>

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4244.	<b>Firearms:</b> <b>Level V - Behavior</b>	<p>Any weapon (including a starter gun) which will, is designed to, or may readily be converted to expel a projectile by the action of an explosive; the frame or receiver of any such weapon; any such firearm muffler or firearm silencer; any destructive device; or any machine gun.</p> <p><i>Example: Students who bring guns to school will be expelled for bringing <b>firearms</b> to school.</i></p>
4345.	<b>Forgery (Written Misrepresentation):</b> <b>Level II-Behavior</b>	<p>Making, altering, or signing a document with the intent to defraud or signing another person’s signature without the person’s consent.</p> <p><i>Example: The student was not permitted to go on the field trip because she <b>forged</b> her mother’s name on the permission slip.</i></p>
4446.	<b>Freedom:</b>	<p>The power to make your own decisions.</p> <p><i>Example: <b>Freedom</b> is usually accompanied by responsibility.</i></p>
4547.	<b>Gambling:</b> <b>Level III – Behavior</b>	<p>Participating in games of chance for money and/or other things of value.</p> <p><i>Example: Throwing dice for money is <b>gambling</b>.</i></p>
48.	<b><u>Gang-related Incident</u></b>	<u>An incident is gang-related if gang affiliation/association caused the incident or was a contributing factor to action that happened during the incident.</u>
4649.	<b>Grievance:</b>	<p>A formal complaint.</p> <p><i>Example: The student’s parents/guardians filed a grievance when she was suspended for having make-up in her backpack.</i></p>
4750.	<b>Harassment:</b> <b>Level II - Behavior</b>	<p>Conduct directed at a person that causes him/her to feel intimidated or verbally, mentally, or emotionally abused, or that causes him/her substantial emotional distress.</p> <p>Any threatening, insulting or dehumanizing gesture, use of data or computer software, written, verbal or physical conduct directed against a student or school employee that:</p> <ol style="list-style-type: none"> <li>1. Places a student or school employee in reasonable fear of harm to his or her person or damage to his or her property.</li> <li>2. Has the effect of substantially interfering with a</li> </ol>

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		<p>student’s educational performance, opportunities, or benefits</p> <p>3. Has the effect of substantially disrupting the orderly operation of a school- <u>including any course of conduct directed at a specific person that causes substantial emotional distress in such person and serves no legitimate purpose.</u></p> <p><i>Example: What some people think is “just joking around” might constitute harassment if the person at whom it is directed is distressed by it.</i></p> <p>Repeated harassment is bullying.</p>
4851.	<p><b>Harassment (Civil Rights):</b>  <b>Level III - Behavior</b></p>	<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><i>Example: Using racial slurs towards someone who is from a different country is harassment based on a characteristic concerning his civil rights.</i></p> <p>For purposes of Title VI, the United States Department of Education, Office for Civil Rights, defines harassment to include conduct based on race, color or national origin, that is sufficiently severe, pervasive and/or persistent that it interferes with or limits a student’s ability to participate in or benefit from the services, activities or privileges provided by the District.</p> <p><u>For purposes of Title IX, the United States Department of Education defines sexual harassment <del>to include conduct as unwelcome sexual conduct, including conditioning any aid, benefit or service of the school on an individual’s participation in unwelcome sexual conduct, sexual assault, dating or domestic violence, stalking, and all forms of sexual harassment that a reasonable person would determine so severe, pervasive, and objectively offensive that it denies a student access to an education program or activity.</del></u></p>
4952.	<p><b>Harassment (Sexual):</b>  <b>Level III - Behavior</b></p>	<p>Refer to “Sexual Harassment” in this glossary for a specific definition.</p>
5053.	<p><b>Hate Crime:</b>  <b>Level IV - Behavior</b></p>	<p>A crime committed against someone that is motivated <u>all or in part by hostility to the victim’s real or perceived <del>hatred of his/her personal characteristics or perceived characteristics,</del></u></p>

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		<p><del>such as</del> <u>race, religion, color, sexual orientation, ethnicity, ancestry, and/or national origin, political beliefs, marital status, age, social and family backyard, linguistic preference or mental/physical disability.</u> Hate crimes are similar to harassment (civil rights), but they <u>also</u> involve other serious crimes committed against someone. See “Other Major Crimes/Incidents.”</p> <p><i>Example: The students committed a hate crime when they beat a student up because of his/her religion.</i></p>
<u>54.</u>	<b><u>Hate Crime related Incident</u></b>	<p><u>All incidents motivated all or in part by hostility to the victim’s real or perceived race, religion, color, sexual orientation, ethnicity, ancestry, national origin, political beliefs, marital status, age, social and family background, linguistic preference or mental/physical disability.</u></p>
<del>54</del> <u>55.</u>	<b>Hazing: Level III - Behavior</b>	<p>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 of initiation or admission into or affiliation with any school-sanctioned organization. “Hazing” includes, but is not limited to: pressuring, coercing, or forcing a student to participate in illegal or dangerous behavior, or any brutality of physical nature, such as whipping, beating, or exposure to elements.</p> <p><i>Example: Requiring new students to stay awake for two nights in order to join a club is prohibiting <b>hazing</b>.</i></p>
<u>56.</u>	<b><u>Hazing-related Incident</u></b>	<p><u>An incident is hazing-related if the incident includes any action or situation that endangers the mental or physical health or safety of a student for purposes of initiation or admission into or affiliation with any school-sanctioned organization.</u></p>
<del>52</del> <u>57.</u>	<b>Hearing:</b>	<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><i>Example: My parent and I asked for a <b>hearing</b> with the principal when I was suspended for having lip gloss in my backpack.</i></p>
<del>53</del> <u>58.</u>	<b>Homicide: Level V - Behavior</b>	<p>The unjustified killing of one human being by another (murder, manslaughter).</p> <p><i>Example: The student was arrested for <b>homicide</b> after when he beat his classmate to death.</i></p>
<del>54</del> <u>59.</u>	<b>Improper Activation of a Fire Extinguisher</b>	<p>To intentionally remove and/or activate a fire extinguisher when there is no actual fire.</p>



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	<b>Level III - Behavior</b>	<i>Example: The student dared his friend to remove the fire extinguisher and spray the hallway with foam <b>is improper activation of a fire extinguisher.</b></i>
<del>55</del> <u>60</u> .	<b>Inappropriate Items:</b> <b>Level II - Behavior</b>	Items unsuitable for school because they tend to disrupt the learning environment.  <i>Example: Magazines that feature violent video games are <b>inappropriate items</b> for school.</i>
<del>56</del> <u>61</u> .	<b>Inappropriate Public Display of Affection:</b> <b>Level I - Behavior</b>	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, classrooms, school buses, etc.  <i>Example: Kissing in the hallway and stairwells is an example of an <b>inappropriate public display of affection.</b></i>  Engaging in this type of behavior in hidden places is also inappropriate, and depending on the circumstances, may constitute a more serious infraction. See <b>Sexual Offenses (Other)</b> in this glossary.
<del>57</del> <u>62</u> .	<b>Infraction:</b>	The breaking of a school policy; a violation; an infringement.  <i>Example: Every <b>infraction</b> in the Code of Student Conduct has a range of corrective responses.</i>
<u>63</u> .	<b><u>Injury-related Incident</u></b>	<u>Includes all incidents that result in serious bodily injury. Serious bodily injury includes death or injuries with substantial risk of death, extreme physical pain, protracted and obvious disfigurement, and protracted loss or impairment of the function of a bodily member, organ, or mental faculty.</u>
<del>58</del> <u>64</u> .	<b>In-School Suspension/ School Center for Special Instruction (SCSI):</b>	A corrective response to behavior where the student is temporarily removed from his or her regular program of instruction and assigned to an AES within the student's regularly assigned school, under the supervision of district school personnel, with specific classwork assignments to complete, for a period not to exceed ten (10) school days.  <i>Example: The student was assigned by the principal to the <b>School Center for Special Instruction (SCSI)</b> for one day after habitually disrupting the science class over a period of weeks.</i>
<del>59</del> <u>65</u> .	<b>Instigative Behavior:</b> <b>Level II - Behavior</b>	Behavior that incites or urges others to do something wrong.  <i>Example: The student <b>instigated</b> his classmates to riot by daring them to create a disturbance in the school.</i>

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<del>60</del> <u>66</u> .	<b>Intimidate:</b>	To make another person afraid.  <i>Example: The boy tried to <b>intimidate</b> another student by threatening to report him to the principal.</i>
<del>61</del> <u>67</u> .	<b>Kidnapping/ Abduction Level V - Behavior</b>	Forcibly, or by threat, confining, abducting, or imprisoning another person against his/her will and without lawful authority (abduction of an individual).  <i>Example: After the abduction the <b>kidnapper</b> asked for a \$10,000 ransom to release the prisoner.</i>
<del>62</del> <u>68</u> .	<b>Joining Clubs or Groups Not Approved by the School Board: Level II - Behavior</b>	Students must receive prior consent from administrators before organizing school clubs or groups.  <i>Example: A group of students was reprimanded for <b>joining a gang which was a group not approved by the School Board.</b></i>
<del>63</del> <u>69</u> .	<b>Lewd:</b>	Vulgar, indecent, improper, or naughty <u>and</u> of a sexual nature.  <i>Example: The student called her friend a <b>lewd and</b> derogatory word for a body part.</i>
<del>64</del> <u>70</u> .	<b>Libel: Level II - Behavior</b>	A writing (including computer-typed), picture, sign, or any other form of print that is false and capable of injuring another person's reputation through publication and/or distribution.  <i>Example: Passing around an untrue note about someone might constitute <b>libel</b>, and if so, is actionable in civil court.</i>
<del>65</del> <u>71</u> .	<b>Misrepresentation: Level I - Behavior</b>	An untrue statement or action that is made to deceive or mislead.  <i>Example: The girl misrepresented the truth when she told the teacher that she had completed her homework when she had not.</i>
<del>66</del> <u>72</u> .	<b>Nicotine Dispensing Devices:</b>	Any product that can be used to deliver nicotine to an individual by inhaling vaporized nicotine from the product, including, but not limited to, an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or other similar device or product and any replacement nicotine cartridge for the device or product.  <i>Example: The student was caught using an electronic cigarette which is a nicotine dispensing device.</i>
<del>67</del> <u>73</u> .	<b>Obscene Material:</b>	Material that is indecent, lewd, and improper for school.

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		<i>Example: Adult magazines with pictures of nude people are <b>obscene materials</b>, that are not allowed at school.</i>
<del>68</del> <u>74</u> .	<b>Other Major Crimes/ Incidents:</b> <b>Level IV – Behavior</b> <b>Level V - Behavior</b>	Any serious, harmful incident resulting in the need for law enforcement intervention not previously classified (major incidents that do not fit within the other definitions).  <i>Example: Knowingly using counterfeit money in the school cafeteria is an example of an <b>other major crime/incident</b>.</i>
<del>69</del> <u>75</u> .	<b>Pathways:</b>	Pathways is one type of Alternative Educational Setting for students in grades 6-12 that commit the most serious infractions of the <i>Code of Student Conduct</i> (Levels IV and V) may be recommended for expulsion. Students will be assigned to the Pathways Program during the period of time which would have traditionally resulted in a ten (10) day outdoor suspension preceding expulsion. Students will receive academic support, in-house counseling services and receive wrap-around services from community agencies.  <i>Example: The student had committed a Level V behavior and was recommended to the <b>Pathways</b> Program.</i>
<del>70</del> <u>76</u> .	<b>Person Conducting Official Business:</b>	Any person who is on M-DCPS property or at an M-DCPS sponsored event to work, to assist students or employees, or to perform any function associated with education in Miami-Dade County.  <i>Example: The student was expelled for assaulting a psychologist who was at the school <b>conducting official business</b>.</i>
<del>71</del> <u>77</u> .	<b>Physical Attack:</b> <b>Level IV - Behavior</b>	Physical attack refers to an actual and intentional striking of another person against his/her will or intentional causing of bodily harm to an individual.  <i>Example: The student slapping another student across the face is considered a physical attack.</i>
<del>72</del> <u>78</u> .	<b>Possession:</b> <b>Level II - Behavior</b> <b>Level III – Behavior</b> <b>Level V - Behavior</b>	Having control or ownership.  <i>Example: The drugs in his <b>possession</b> were confiscated before his arrest.</i>
<del>73</del> <u>79</u> .	<b>Property:</b>	Something that belongs to someone else or a group of people.  <i>Example: My pens, pencils, and paper are my <b>property</b>.</i>
<del>74</del> <u>80</u> .	<b>Profane:</b> <b>Level I - Behavior</b>	Vulgar, crude, indecent.  <i>Example: Cuss words are considered <b>profanity</b>.</i>
<del>75</del> <u>81</u> .	<b>Prohibited Sales on School Grounds: (Other</b>	Sale of items on school grounds without the authority of the principal.

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	<p>than controlled substances)  <b>Level II - Behavior</b></p>	<p><i>Example: The student selling candy bars and chips in the hallway without the permission of the principal is considered <b>prohibited sales on school grounds.</b></i></p>
7682.	<p><b>Provocative:</b>  <b>Level II - Behavior</b></p>	<p>Disrespectful conduct or words that tend to cause anger, rage, or humiliation in the person at whom they are directed.</p> <p><i>Example: The student’s words “I hate you” were <b>provocative</b> and upset the teacher.</i></p>
7783.	<p><b>Reprimand:</b></p>	<p>An explanation of how a behavior is inappropriate and a warning of the future consequence for doing it again.</p> <p><i>Example: The assistant principal <b>reprimanded</b> the student for using profane language and explained to the student how his behavior violated the Code of Student Conduct and advised him of future corrective action if the incident occurred again.</i></p>
7884.	<p><b>Responsibility:</b></p>	<p>An expectation, duty, or obligation to behave in a certain way.</p> <p><i>Example: As a student, I have a <b>responsibility</b> to respect the property of others.</i></p>
7985.	<p><b>Review:</b></p>	<p>Reconsider. To check-over or rethink a decision.</p> <p><i>Example: I hope our teacher will <b>review</b> the failing test grades she gave us last week.</i></p>
8086.	<p><b>Right:</b></p>	<p>A privilege; a fair and just claim.</p> <p><i>Example: All students have the <b>right</b> to a free and appropriate public education.</i></p>
8187.	<p><b>Robbery:</b>  <b>Level IV - Behavior</b></p>	<p>Using force to take something from another. The taking or attempted taking of anything of value that is owned by another person or organization, under the confrontational circumstances of force, or threat of force or violence, and /or by putting the victim in fear.</p> <p><i>Example: The student who threatened to harm the boy if he refused to hand over his cell phone, which resulted in the boy handing over his cell phone committed <b>robbery.</b></i></p>
8288.	<p><del>Armed</del> <b>Robbery</b>  <b>(Armed):</b>  <b>Level V - Behavior</b></p>	<p>The taking of money or property from another through use of force, violence, assault, or putting in fear and while having a weapon.</p> <p><i>Example: The <b>armed robber</b> told the cashier that he would use the gun in his pocket unless she gave him all of the money.</i></p>
8389.	<p><b>Sale:</b></p>	<p>Distribution or sharing for money or profit in return.</p>

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	<p><b>Level II – Behavior</b> <b>Level IV - Behavior</b></p>	<p><i>Example: She was expelled for <b>selling</b> drugs to other students.</i></p>
<p><u>8490.</u></p>	<p><b>School Board Personnel/ School Staff:</b></p>	<p>Any employee who works in a school or for the School Board of Miami-Dade County, such as teachers, administrators, counselors, office staff, cafeteria workers, custodians, etc.</p> <p><i>Example: <b>School Board personnel</b> dedicate their careers to the education and well-being of all students.</i></p> <ul style="list-style-type: none"> <li>• <i>Violence against school board personnel is grounds for mandatory expulsion and may result in criminal penalties.</i></li> </ul>
<p><u>8591.</u></p>	<p><b>Sexting:</b> <b>Level III – Behavior</b> (Sexting 1)</p> <p><b>Level IV – Behavior</b> (Sexting 2)</p> <p><b>Level V – Behavior</b> (Sexting 3)</p>	<p>Sexting - sending or forwarding through cellular telephones and other electronic media sexually explicit, nude or partially nude photographs/images. (See Vital Alerts page(s) <b>3536</b>)</p> <p>Sexting may involve:</p> <ul style="list-style-type: none"> <li>• Transmission to one or more students</li> <li>• Partially nude or fully nude photographs/images</li> <li>• Possession, without transmittal, of partially nude or fully nude photographs/images</li> <li>• Substantial interference with the academic environment and student performance</li> <li>• Interference with a person’s personal and social demeanor</li> </ul> <p><i>Example: Taking a picture of someone’s private parts with or without consent and sending through a cellular phone to share with others is <b>sexting</b>.</i></p>
<p><u>8692.</u></p>	<p><b>Sexual Assault:</b> <b>Level IV - Behavior</b></p>	<p>An incident that includes a threat of: rape, fondling, indecent liberties, <u>or</u> child molestation, <del>or sodomy</del>. Both male and female students can be victims of sexual assault.</p> <p>The threat must include all of the following elements: (1) intent; (2) fear; and (3) capability.</p> <p><i>Example: The student pushed the girl against the wall in the stairwell and told her to kiss him or he would hurt her committed a <b>sexual assault</b>.</i></p>
<p><u>8793.</u></p>	<p><b>Sexual Battery:</b> <b>Level V - Behavior</b></p>	<p>Forced or attempted oral, anal, or vaginal penetration by using a sexual organ or an object simulating a sexual organ, or the anal or vaginal penetration of another by any body part or object.</p> <p><i>Example: Touching another person’s private body parts may constitute <b>sexual battery</b>.</i></p>

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		<ul style="list-style-type: none"> <li>Also refer to <b>Sexual Offenses (Other)</b> for other sexual acts.</li> </ul>
<p>8894.</p>	<p><b>Sexual Harassment:</b> <b>Level III - Behavior</b></p>	<p><del>Displaying unwanted and repeated conduct of a sexual nature that substantially interferes with a student’s academic performance and/or creates an intimidating, hostile, or offensive school environment, or causes discomfort or humiliation for that student.</del></p> <p><u>The United States Department of Education defines sexual harassment as unwelcome sexual conduct, including conditioning any aid, benefit or service of the school on an individual’s participation in unwelcome sexual conduct, sexual assault, dating or domestic violence, stalking, and all forms of sexual harassment that a reasonable person would determine so severe, pervasive, and objectively offensive that it denies a student access to an education program or activity. <del>Such conduct may include but is not limited to unwelcome touching, graphic verbal comments, sexual jokes, slurs, gestures, or pictures, whether in-person or through any other method, including sexual cyber-harassment.</del></u></p> <p><u>Florida Administrative Code Rule 6A-1.0017 defines sexual harassment as unwanted verbal, nonverbal, or physical behavior with sexual connotations 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, as defined in Rule 6A-19.008, F.A.C.</u></p> <p><u>Examples may include but are not limited to unwelcome touching, graphic verbal comments, sexual jokes, slurs, gestures, or pictures, whether in-person or through any other method, including sexual cyber-harassment.</u></p> <p><i>Example: The student was suspended for <b>sexual harassment</b> because he repeatedly talked about a female student’s private parts, making her feel uncomfortable.</i></p>
<p>8995.</p>	<p><b>Sexual Offenses (Other):</b> <b>Level IV - Behavior</b></p>	<p>Sexual contact in a lewd manner. A variety of actions can be characterized as sexual offenses at school.</p> <p><i>Examples: include, but are not limited to:</i></p> <ul style="list-style-type: none"> <li>Possessing and/or distributing obscene or lewd materials at school;</li> <li>Exposing or touching private body parts in a lewd manner;</li> <li>Touching someone else’s body in a lewd manner;</li> <li>Voyeurism (e.g., secretly looking at or photographing someone in the restroom or locker room without his/her</li> </ul>

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		<p>knowledge);</p> <ul style="list-style-type: none"> <li>• Sexual activity on school grounds between students;</li> <li>• Any type of sexual contact with a student who is under age 16 years old.</li> </ul> <p>Other sexual contact, including intercourse, without force or threat of force. Subjecting an individual to lewd sexual gestures, sexual activity, or exposing private body parts in a lewd manner. (Law enforcement must be notified to investigate.) (Lewdness, indecent exposure)</p>
<del>90</del> <u>96.</u>	<p><b>Slander:</b>  <b>Level II - Behavior</b></p>	<p>Speaking false words that are capable of hurting another person's reputation, community standing, office, trade, business, or means of livelihood.</p> <p><i>Example: Starting an untrue rumor about someone might constitute <b>slander</b>.</i></p>
<del>91</del> <u>97.</u>	<p><b>Smoking:</b>  <b>Level II - Behavior</b></p>	<p>Holding a lighted cigarette (cigar, etc.), drawing in and exhaling the smoke of tobacco, or use of any tobacco product.</p> <p><i>Example: <b>Smoking</b> cigarettes is unhealthy.</i></p>
<del>92</del> <u>98.</u>	<p><b>SPAR:</b></p>	<p>School Police Automated Reporting system for recording infractions that are reported to school police.</p> <p><i>Example: Administrators must create a <b>SPAR</b> for battery, a serious infraction of the Code of Student Conduct.</i></p>
<del>93</del> <u>99.</u>	<p><b>Stealing/Theft:</b>  <b>Level II – Behavior</b>  <b>Level IV - Behavior</b></p>	<p>Knowingly obtaining or using the property of another with the intent to temporarily or permanently deprive the owner of its use or benefit.</p> <p><i>Example: He <b>stole</b> the library book when he slipped it into his backpack and left the library without checking it out.</i></p>
<del>94</del> <u>100.</u>	<p><b>Student Government:</b></p>	<p>A group of students chosen by other students to represent the entire student body.</p> <p><i>Example: Every year, the <b>Student Government</b> Association presents their yearly plan of activities to the school administration.</i></p>
<del>95</del> <u>101.</u>	<p><b>Student Success Center</b></p>	<p>The Student Success Centers are one type of Alternative</p>



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	<b>(SSC):</b>	<p>Educational Setting that provide a safe-haven in a structured learning environment for referred students (ages 11 and older) exhibiting Level III-IV behavior and (with Region approval) habitual Level II infractions of the <i>Code of Student Conduct</i>.</p> <p><i>Example: The student was referred to the Student Success Center (SSC) for committing a Level III behavior.</i></p>
<del>96</del> <u>102</u> .	<b>Suspension:</b>	<p>A corrective response to serious behavior where the student is temporarily removed from all classes of instruction on public school grounds and all other school-sponsored activities, except as authorized by the principal, for a period not to exceed ten (10) school days and remanding of the student to the custody of the student's parent with specific homework assignments to complete.</p> <p>Suspension is a last resort, to be utilized in the most extenuating circumstances, after other learning-centered strategies have been employed and with Region notification.</p> <p><i>Example: Serious behavioral infractions at school might result in <b>suspension</b> from school.</i></p>
<del>97</del> <u>103</u> .	<b>Symbol:</b>	<p>Something that stands for something else.</p> <p><i>Example: Each star in the American flag is a <b>symbol</b> for one of the states in our country.</i></p>
<del>98</del> <u>104</u> .	<p><b>Theft/Larceny:</b>  <b>Level II – Behavior</b>                      (Petty Theft)</p> <p><b>Level IV – Behavior</b>                      (Grand Theft &amp; Motor Vehicle Theft)</p>	<p>The taking of property from a person, building, or a vehicle. The unauthorized taking, carrying, riding away with, or concealing the property of another person, including motor vehicles, without threat, violence, or bodily harm.</p> <p><i>Example: He committed <b>theft/larceny</b> when he slipped the library book into his backpack and left the library without checking it out.</i></p>
<del>99</del> <u>105</u> .	<p><del><b>Grand Theft (Grand):</b></del>  <b>Level IV - Behavior</b></p>	<p>Stealing something over \$<del>300.00</del><u>750.00</u> in value.</p> <p><i>Example: He was charged with <b>grand theft</b> when he stole the school's computer.</i></p>
<del>100</del> <u>106</u> .	<p><del><b>Motor Vehicle Theft (Motor Vehicle):</b></del>  <b>Level IV - Behavior</b></p>	<p>Taking a <b>motor powered vehicle</b> without permission.</p> <p><i>Example: The student drove the teacher's car from the parking lot without permission and then was arrested for <b>motor vehicle theft</b>.</i></p>

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101 <del>101</del> 107.	<b>Petty Theft:</b> <b>Level II - Behavior</b>	<p>Knowingly obtaining or using the property of another under <del>\$300.00</del><u>750.00</u> in value with the intent to temporarily or permanently deprive the owner of its use or benefit.</p> <p><i>Example: The principal called school police to report the <b>petty theft</b> of a student's purse.</i></p>
102 <del>102</del> 108.	<b>Threat/Assault:</b> <b>Level III – Behavior</b>	<p>An intentional, unlawful threat by word or act to do violence to another, coupled with the apparent ability to do so, and doing some act, which creates a well-founded fear in the other person that such violence is imminent.</p> <p><i>Example: The student was suspended for making a <b>threat</b> to kill the teacher, causing her to fear for her life.</i></p>
103 <del>103</del> 109.	<b>Threat Assessment Team:</b>	<p>The Threat Assessment Team is comprised of members with expertise in counseling, instruction, school administration, and law enforcement whom may refer student(s) for mental health services when appropriate.</p> <p><i>Example: The student who made a threat against the school was referred for mental health services by the school's Threat Assessment Team.</i></p>
104 <del>104</del> 110.	<b>Threat/Intimidation:</b>	<p><del>Instilling fear in others. A threat to cause physical harm to another person with or without the use of a weapon that includes all of the following elements:</del></p> <ul style="list-style-type: none"> <li><del>1) intent – an intention that the threat is heard or seen by the person who is the object of the threat;</del></li> <li><del>2) fear – a reasonable fear or apprehension by the person who is the object of the threat that the threat could be carried out; and</del></li> <li><del>3) capability – the ability of the offender to actually carry out the threat directly or by a weapon or other instrument that can easily be obtained.</del></li> </ul> <p><u>An incident where there was no physical contact between the offender and victim, but the victim felt that physical harm could have occurred based on verbal or nonverbal communication by the offender. This includes nonverbal threats (e.g. brandishing a weapon) and verbal threats of physical harm which are made in person, electronically or through any other means.</u></p> <p><i>Example: The student made a <b>threat</b> through a written letter to the coach threatening to kill him with a knife,</i></p>
105 <del>105</del> 111.	<b>Tobacco and Smoking Devices:</b> <b>Level II - Behavior</b>	<p><u>The possession, use, distribution, or sale of tobacco or nicotine products on school grounds, at school-sponsored events, or on school transportation by any</u></p>

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		<p><u>person under the age of 21.</u></p> <p>All uses of tobacco, including cigars, cigarettes, pipe tobacco, chewing tobacco, snuff, nicotine dispensing devices, electronic cigarettes or smoking devices, any other matter or substances containing tobacco or nicotine, including any product designed or manufactured to imitate any of these products regardless of whether it contains tobacco or nicotine, and the possession of papers used to roll cigarettes.</p> <p><i>Example: <b>Tobacco products</b> are unhealthy.</i></p>
<del>106</del> <u>112.</u>	<p><b>Trespassing:</b> <b>Level II - Behavior</b></p>	<p>To enter or remain on school grounds/campus, school transportation, or at a school-sponsored event/off campus, without authorization or invitation and with no lawful purpose for entry.</p> <p><i>Example: The student was <b>trespassing</b> when he entered the school after being warned by the principal that the school was closed.</i></p>
<del>107</del> <u>113.</u>	<p><b>Unauthorized Medication:</b> <b>Level III - Behavior</b></p>	<p>Any medication prescribed by a medical provider and any non-prescribed (over-the-counter) drugs, preparations, and/or remedies that have not been authorized by the student's physician and/or parent/guardian and that have not been approved by the principal as outlined in Board policy 5330, Use of Medications.</p> <p><i>Example: The student was swallowing two aspirins, an <b>unauthorized medication</b>, given to her by her best friend in the school cafeteria during lunch.</i></p>
<del>108</del> <u>114.</u>	<p><b>Under the Influence:</b></p>	<p>The impairment of one's normal faculties, such as walking, talking, etc., as may be evidenced by, but not limited to: bloodshot eyes, slurred speech, odor of alcohol/licit substance, stumbling, imbalance, drowsiness, flushed face."</p> <p><i>Example: The student appeared to be <b>under the influence</b> of alcohol, as his breath smelled of alcohol, he spoke incoherently and he was unable to maintain his balance.</i></p> <p><b>Special Note:</b> These observations may be made by a lay (non-expert) witness. An administrator may come to the conclusion that a student is under the influence of alcohol or an illicit substance based on the totality of the circumstances. An administrator should first rule out that the student is having a reaction to food or authorized prescription medication or experiencing a medical condition. See Vital Alert Use of Medication on page(s) <del>37</del><u>38</u>.</p>

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<del>109</del> <u>115.</u>	<p><b>Vandalism:</b>  <b>Level II – Behavior</b>                      (Vandalism Minor)</p> <p><b>Level III – Behavior</b>                      (Vandalism Major)</p>	<p>The intentional destruction, damage, or defacement of public or private/<u>personal</u> property without consent of the owner or the person having custody or control of it.</p> <p><b>Major:</b> resulting in damages over \$1,000.00.</p> <p><b>Minor:</b> resulting in damages under \$1,000.00.</p> <p><i>Example: The student committed <b>vandalism</b> when he spray painted graffiti on the school.</i></p>
<del>110</del> <u>116.</u>	<p><b>Vaping:</b>  <b>Level II - Behavior</b></p>	<p>To inhale and exhale the vapor produced by an electronic cigarette or similar device.</p> <p><i>Example: The student was vaping with an electronic cigarette in the stairwell.</i></p>
<u>117.</u>	<p><b><u>Vaping-related Incident</u></b></p>	<p><u>All incidents that involve the use of non-combustible vaping products, including electronic cigarettes, vapes and vape pens, or any electronic nicotine delivery system if the liquid used contains nicotine or a controlled substance.</u></p>
<del>111</del> <u>118.</u>	<p><b>Violation/Infraction:</b></p>	<p>The breaking of a school policy; an infringement.</p> <p><i>Example: For every behavior <b>violation</b> there is a recommended corrective strategy.</i></p>
<del>112</del> <u>119.</u>	<p><b>Violence:</b></p>	<p>Physical force used to injure, damage, or destroy.</p> <p><i>Example: Acts of <b>violence</b> include serious fighting, using a weapon to hurt someone, and throwing objects hard enough to injure a person or damage property.</i></p>
<del>113</del> <u>120.</u>	<p><b>Weapons:</b>  <b>Level V - Behavior</b></p>	<p>Any instrument that can be used to inflict serious harm on another person or that places another person in fear of serious harm. Examples include but are not limited to all types of firearms (weapons used to shoot with, such as guns), dart-guns, stun guns, dirks (daggers), knives*, metallic knuckles, clubs, tear gas guns, chemical weapons or devices, bombs, aerosols, and other destructive devices (any item that can explode or cause destruction, such as grenades, mines, rockets, or missiles) and any other object used to inflict harm. This definition does not include simulated weapons.</p> <p>*Although common pocket knives are not classified as weapons under the Florida criminal code, M-DCPS students are prohibited from carrying pocket knives on school property. School Operations/Alternative Education will determine the appropriate disciplinary action to apply based on the item that is confiscated and how it is used.</p> <p><i>Example: Everyday objects <b>such as pens, pencils, thumbtacks, and rubber bands can be weapons</b> if they are</i></p>

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		<p><i>used to seriously harm or attempt to seriously harm someone.</i></p> <p><i>* Section 790.001, F.S. (Weapons and Firearms), provides a further definition of weapons.</i></p>
<del>114</del> 121.	<p><b>Simulated Weapons (Simulated):</b> <b>Level III - Behavior</b></p>	<p>Any instrument that looks like a weapon but is not a weapon.</p> <p><i>Example: Toy guns are <b>simulated weapons</b>.</i></p>
<del>115</del> 122.	<p><b>Weapons Possession:</b> <b>Level V – Behavior</b></p>	<p>Possession of any instrument or object, as defined by Section 790.001, Florida Statutes, or district code of conduct that can inflict serious harm on another person or that can place a person in reasonable fear of serious harm. (Possession of a common pocketknife is exempted from state zero tolerance expulsion requirement 1006.07(2) F.S.; however, law enforcement should be notified of any weapon or knife, including pocketknives, for investigation). (Possession of firearms and other instruments which can cause harm).</p> <p><i>Example: The student had a knife in his pocket which constitutes a weapons possession.</i></p>
<del>116</del> 123.	<p><b>Weapons Possession, Use, Sale, or Distribution:</b> <b>Level V - Behavior</b></p>	<p>Having, using, selling, or distributing any instrument or object that can inflict serious harm or place a person in reasonable fear of serious harm. See “weapons” above.</p> <p><i>*Under Florida’s <b>Zero Tolerance</b> law, no person, unless part of one’s law enforcement responsibilities, shall bring upon school property or have in his or her possession, while on school property, any firearms, weapons or other destructive devices as defined in Section 790.001. F.S. this prohibition shall include any firearm or weapon securely encased in a vehicle or other private conveyance on a campus. Possession, use, sale, or distribution of firearms that results in disciplinary action at school may lead to arrest and criminal penalties.</i></p> <p>Possession, use, sale, and/or distribution of weapons that results in disciplinary action at school may lead to arrest and criminal penalties.</p> <p><i>Example: <b>Weapons</b> are not allowed in school in order to provide a safe environment for all students.</i></p>
124.	<p><b><u>Weapon-related Incident</u></b></p>	<p><u>All incidents where anyone involved possessed or used a weapon or if the incident was related to possession, use or sale of weapons.</u></p>

Code of Student Conduct – Elementary

GLOSSARY		
<del>117</del> 125.	<b>Witness:</b>	A person who saw something happen.  <i>Example: I <b>witnessed</b> a fight between two students at school.</i>
<del>118</del> 126.	<b>Zero Tolerance:</b>	A principle that violence will not be tolerated at school, during school activities, on school property, or on school-sponsored transportation.  <i>Example: The <b>zero tolerance</b> policy will help keep our schools a safe place for students.</i>

# APPENDIX





## Code of Student Conduct – Elementary

### Best Practices and Suggestions for Rewarding Model Student Behavior

The District believes in the dignity, worth, and potential of each and every student, and provides opportunities to enable all students to make the dream of education a reality. To encourage and recognize positive model student behavior, students will be rewarded and recognized for striving to do their best, and for respecting other students and teachers.

Studies have revealed that model student behavior improves when students

- know what is expected of them at school;
- believe they have the academic and social skills to achieve;
- are recognized and given praised for doing good work or behaving appropriately;
- feel that there is someone at school who seems to care about them as people; and
- believe there is someone at school who encourages their development.

Studies also indicate the importance of parental support

- Student achievement related to parent support is not limited to the early years, but is significant at all ages and grade levels.
- Children of involved parents achieve more regardless of socioeconomic status, ethnic/racial background, or the parents' educational level.
- Children of involved parents exhibit more positive attitudes and behavior.
- Children of involved parents have fewer instances of alcohol use, violence, and antisocial behavior.
- Children of involved parents have higher grades, test scores and better attendance, and are more likely to graduate from high school and have greater enrollment in post-secondary education.

Research offers some suggestions for schools to clearly communicate expectations for model student behavior

- The school must provide a well-written set of model student behavior expectations for the school.
- The set of expectations is short (generally from 5 to 7 items).
- Students should be involved in the development, refinement, and communication of the expectations of model student behavior.
- The model student behavior expectations are statements of how to achieve model behavior, rather than what not to do.
- Model student behavior expectations are posted prominently throughout the school.
- Model student behavior expectations are emphasized in each classroom (e.g. explicitly taught, reminded, and encouraged).
- Students should be encouraged to remember and repeat statements of model student behavior.

Adapted from G. Roy Mayer (2000) California State University, Los Angeles

“Always bear in mind  
that your own resolution to succeed  
is more important than any other one thing.”

Abraham Lincoln, Former President

## Code of Student Conduct – Elementary

### Parent Resources

For information regarding resources in the community to assist your child, please call or visit the following:

	<p>Miami-Dade County Public Schools Parent Portal <a href="http://www.dadeschools.net/parents.asp">http://www.dadeschools.net/parents.asp</a></p>
	<p>Miami-Dade County Public Schools' Office of Parental Involvement The Parent Academy 1450 NE 2<sup>nd</sup> Avenue, Suite 226 Miami, Florida 33132 305-995-2680  <a href="http://theparentacademy.dadeschools.net/">http://theparentacademy.dadeschools.net/</a></p>
	<p>The Children's Trust 3150 Southwest 3rd Avenue Miami, FL 33129 (305) 571-5700  <a href="http://www.thechildrenstrust.org/">http://www.thechildrenstrust.org/</a></p>
	<p>Switchboard of Miami A Community Resource Directory maintained by the Switchboard of Miami - To speak to a Helpline counselor Call 2-1-1 or 305-358-4357  Online Help Pages <a href="http://www.switchboardmiami.org/">http://www.switchboardmiami.org/</a></p> 
	<p>Florida KidCare 1-888-540-5437 TTY: 1-877-316-8748  Through Florida KidCare, the state of Florida offers health insurance for or children from birth through age 18, even if one or both parents are working. It  <a href="http://www.floridakidcare.org/">http://www.floridakidcare.org/</a></p>

## Code of Student Conduct – Elementary

### Anti-Discrimination Policy

The School Board of Miami-Dade County, Florida adheres to a policy of nondiscrimination in employment and educational programs/activities and strives affirmatively to provide equal opportunity for all as required by:

**Title VI of the Civil Rights Act of 1964** - prohibits discrimination on the basis of race, color, religion, or national origin.

**Title VII of the Civil Rights Act of 1964 as amended** - prohibits discrimination in employment on the basis of race, color, religion, gender, or national origin.

**Title IX of the Education Amendments of 1972** - prohibits discrimination on the basis of gender. M-DCPS does not discriminate on the basis of sex in any education program or activity that it operates as required by Title IX. M-DCPS also does not discriminate on the basis of sex in admissions or employment.

Age Discrimination Act of 1975 - prohibits discrimination based on age in programs or activities.

**Age Discrimination in Employment Act of 1967 (ADEA) as amended** - prohibits discrimination on the basis of age with respect to individuals who are at least 40 years old.

**The Equal Pay Act of 1963 as amended** - prohibits gender discrimination in payment of wages to women and men performing substantially equal work in the same establishment.

**Section 504 of the Rehabilitation Act of 1973** - prohibits discrimination against the disabled.

**Americans with Disabilities Act of 1990 (ADA)** - prohibits discrimination against individuals with disabilities in employment, public service, public accommodations and telecommunications.

**The Family and Medical Leave Act of 1993 (FMLA)** - requires covered employers to provide up to 12 weeks of unpaid, job-protected leave to eligible employees for certain family and medical reasons.

**The Pregnancy Discrimination Act of 1978** - prohibits discrimination in employment on the basis of pregnancy, childbirth, or related medical conditions.

**Florida Educational Equity Act (FEEA)** - prohibits discrimination on the basis of race, gender, national origin, marital status, or handicap against a student or employee.

**Florida Civil Rights Act of 1992** - secures for all individuals within the state freedom from discrimination because of race, color, religion, sex, national origin, age, handicap, or marital status.

**Title II of the Genetic Information Nondiscrimination Act of 2008 (GINA)** - prohibits discrimination against employees or applicants because of genetic information.

**Boy Scouts of America Equal Access Act of 2002** – No public school shall deny equal access to, or a fair opportunity for groups to meet on school premises or in school facilities before or after school hours, or discriminate against any group officially affiliated with Boy Scouts of America or any other youth or community group listed in Title 36 (as a patriotic society).

Veterans are provided re-employment rights in accordance with P.L. 93-508 (Federal Law) and Section 295.07 (Florida Statutes), which stipulate categorical preferences for employment.

#### **In Addition:**

**School Board Policies 1362, 3362, 4362, and 5517** - Prohibit harassment and/or discrimination against students, employees, or applicants on the basis of race, color, ethnic or national origin, religion, marital status, disability, genetic information, age, political beliefs, sexual orientation, sex/gender, gender identification, social and family background, linguistic preference, pregnancy, citizenship status, and any other legally prohibited basis. Retaliation for engaging in a protected activity is also prohibited.

**For additional information about Title IX or any other discrimination/harassment concerns, contact the U.S. Department of Education Asst. Secretary for Civil Rights or:**

Office of Civil Rights Compliance (CRC)  
Executive Director/Title IX Coordinator  
155 N.E. 15th Street, Suite P104E  
Miami, Florida 33132

Phone: (305) 995-1580 TDD: (305) 995-2400

Email: [crc@dadeschools.net](mailto:crc@dadeschools.net) Website: <https://hrdadeschools.net/civilrights>

Revised ~~08/2017~~ 07/2020



# Code of Student Conduct



School Operations  
School Board Policy 5500

Final Reading

**G-6**

October 21, 2020

## THE SCHOOL BOARD MIAMI-DADE COUNTY, FLORIDA

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### **Superintendent of Schools**

Alberto M. Carvalho



## Acknowledgment of Receipt and Review

Each parent/guardian of a student and each student enrolled in Miami-Dade County Public Schools must sign and return this page to the student’s school to acknowledge that he/she has accessed the online version or obtained a copy of the *Code of Student Conduct*. In addition, this page serves as acknowledgement that you have reviewed the *Code of Student Conduct* with your child. Each school will maintain records of such signed statements.

The online version of the *Code of Student Conduct* in English, Spanish, and Haitian-Creole can be located in the Parent Portal or by accessing through the following website address:

<http://ehandbooks.dadeschools.net/policies/90/index.htm>

If you do not have internet access to obtain a copy of the *Code of Student Conduct*, please visit your child’s school to obtain a copy.

I acknowledge receipt of the notification regarding accessing or obtaining a copy of the *Code of Student Conduct* through the Parent Portal or via the internet web address and that I have read and discussed the *Code of Student Conduct* with my child.

\_\_\_\_\_  
Parent’s/Guardian’s Signature

\_\_\_\_\_  
Date

I acknowledge receipt of the notification regarding accessing or obtaining a copy of the *Code of Student Conduct* through the Parent Portal or via the internet web address and that I have read and discussed the *Code of Student Conduct* with my parent/guardian.

\_\_\_\_\_  
Student’s Name

\_\_\_\_\_  
Date



**RETURN TO THE STUDENT’S  
SCHOOL WITHIN (5) SCHOOL  
DAYS UPON RECEIVING  
NOTIFICATION TO REVIEW THE  
CODE OF STUDENT CONDUCT.**



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# CHAPTER I - INFORMATION FOR STUDENTS AND PARENTS/GUARDIANS



## Introduction

The primary objective of Miami-Dade County Public Schools (M-DCPS) is to enhance each student's potential for learning and to foster positive interpersonal relationships. M-DCPS supports the concept that students who possess personal, academic, civic and occupational adequacies will become effective and productive citizens. Students must develop and accept the responsibilities and obligations of citizenship. This document helps students take control of their own learning and their ability to positively alter outcomes by employing appropriate personal choices and skills.

The *Code of Student Conduct* is the District's policy that creates a safe learning environment to ensure academic success. If this objective is to be accomplished, it is necessary that the school environment be a safe and supportive community. The "reculturing" of the school to a positive school climate supports academic achievement and promotes fairness, civility, acceptance of diversity, and mutual respect.

To enhance its effectiveness, this document addresses the role of the parents, the students, and school, but also core values and model student behavior, rights and responsibilities of students, Multi-tiered System of Supports (MTSS), and procedures for using corrective strategies, including suspension and expulsion. The District promotes the following beliefs:

- All students are valuable and can make worthy contributions to society.
- All students are responsible and accountable for their choices and decisions.
- In order to grow and thrive, individuals need caring relationships and a nurturing environment.
- Supportive family relationships are the foundation of the community.
- High expectations lead to higher performance that empower individuals and strengthen society.
- Continuous learning is a lifelong process that is essential to a productive and enriched life.
- Suspension and expulsion of students from school programs are a last resort, to be utilized only in the most extenuating circumstances as determined by the principal after other learning-centered corrective strategies have been utilized and with Region/District notification.

Students, parents/guardians, and school employees are encouraged to read the *Code of Student Conduct* and become familiar with its content. Related Board Policies may be found on the Miami-Dade Public Schools Website at <http://www.neola.com/miamidade-fl/>.  
<http://www.dadeschools.net/schoolboard/rules/>.

## Scope of Authority

This *Code of Student Conduct* is used to govern conduct and discipline of all students attending Miami-Dade County Public Schools. It is expected that students obey District rules while on school grounds; while being transported to or from school at public expense while on the school premises for instruction, and for authorized participation in a school-sponsored activity. During such times, all students are subject to the immediate control and direction of teachers, staff members, and/or bus drivers to whom such responsibility has been assigned by the principal.

This *Code of Student Conduct* also applies to students who commit felonies or delinquent acts which would be felonies if committed by an adult, off School Board owned property or whose off-campus conduct creates a substantial disruption to the school environment.

~~Furthermore, students may be subject to school disciplinary sanctions when they commit off-campus acts that poses a threat or danger to the safety of other students, staff, School Board members, or school property, or will disrupt the instructional program, or present danger to themselves.~~ Off-campus conduct and conduct outside of school time that violates the District's *Code of Student Conduct* may also be the basis for discipline up to expulsion if it is accomplished through electronic means and substantially disrupts the educational process or orderly operation of a school. Off-campus conduct that poses a threat or danger to the safety of other students, staff, School Board members, any other members of the District Community, or school property may constitute behavior that has a substantial adverse impact on the educational environment requiring disciplinary action.

Students should be advised that violations of the *Code of Student Conduct* may also be violations of Florida law. Thus, students may be subject to school/district level disciplinary actions as well as discipline imposed by local law enforcement authorities. School Resource Officers (SRO) and other law enforcement authorities have the power to conduct investigations independent of those conducted by school personnel for the same incident. Furthermore, the sanctions imposed by the school district for misconduct are separate and distinct from the consequences that may be imposed following the arrest and prosecution of a student for a violation of law originating from the same incident. Please keep in mind that failure of one entity to act does not prevent the other from taking appropriate actions consistent with this *Code of Student Conduct* or with Florida law.

## Core Values and Examples of Model Student Behavior

The Miami-Dade County Public Schools District is committed to helping all students in developing the values necessary to participate as caring, responsible citizens in our nation’s democracy. Response to Intervention for Behavior (RtIB) is part of a Multi-Tiered System of Supports (MTSS). RtIB/MTSS is a school-wide model that utilizes an evidenced-based, problem solving approach to improve the educational outcome for all students. RtIB/MTSS provides a continuum of tiered interventions with increasing levels of intensity and duration that aims to prevent inappropriate behavior by means of teaching and reinforcing appropriate behavior. The following core values were adopted by the School Board on July 26, 1995.

Citizenship	Helping to create a society based upon democratic values including rules of law, equality of opportunity, due process, reasoned argument, representative government, checks and balances, rights and responsibilities and democratic decision-making, <b>e.g., obeying classroom and school rules.</b>
Cooperation	Working together toward goals as basic as human survival in an increasingly interdependent world, e.g., <b>being a member of the team on the athletic field.</b>
Fairness	Treating people impartially, not playing favorites, being open-minded, and maintaining an objective attitude toward those whose actions and ideas are different from our own, e.g., <b>treating people the same, regardless of their ethnicity, race, religion, gender, or physical condition.</b>
Honesty	Dealing truthfully with people, being sincere, not deceiving them or stealing from them, not cheating or lying, <b>e.g., doing one’s own work when taking a test or working on an individual assignment.</b>
Integrity	Standing up for your beliefs about what is right and what is wrong and resisting social pressure to do wrong, <b>e.g. doing the right thing even when no one is watching</b>
Kindness	Being sympathetic, helpful, compassionate, benevolent, agreeable and gentle toward people and other living things, e.g., <b>helping a fellow student who has been injured.</b>
Pursuit of Excellence	Doing your best with the talents you have, striving toward a goal and not giving up, e.g., <b>putting forth one’s best effort when taking an exam or doing homework.</b>
Respect	Showing regard for the worth and dignity of someone or something, being courteous and polite, and judging all people on their merits. Respect takes three major forms: respect for oneself, respect for other people, and respect for all forms of life and the environment, <b>e.g., practicing acceptable manners in the school cafeteria.</b>
Responsibility	Thinking before you act and being accountable for your actions, paying attention to others, and responding to their needs. Responsibility emphasizes our positive obligations to care for each other, <b>e.g., performing a community service project.</b>

## Values Matter Recognition

Values Matter Miami is Miami-Dade County Public Schools' values education initiative which was created to teach and promote the District's nine core values: citizenship, cooperation, fairness, honesty, integrity, kindness, pursuit of excellence, respect, and responsibility. This initiative aims to develop positive student behavior and support schools in creating a culture where everyone is treated with respect, dignity, and kindness.

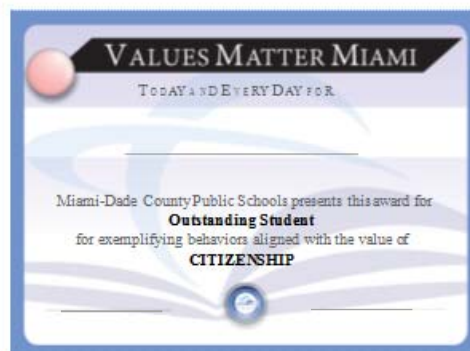
As part of the Values Matter Miami Initiative, Miami-Dade County Public School employees are asked to nominate students who exemplify the designated value each month. These award nominations allow staff members to recognize and celebrate student behaviors that align with our District's nine core values. Schools are encouraged to host monthly Values Matter Miami celebrations as a way of reinforcing these positive behaviors. District winners are selected from school nominations for each value and winners are recognized at a Districtwide Values Matter Miami Awards Ceremony at the end of the school year.



**Values Matter Miami Logo**



**Values Matter Miami Pin**



**Values Matter Miami Certificate**



## Ways to Recognize Students for Model Behavior

ELEMENTARY STUDENTS	SECONDARY STUDENTS
<ul style="list-style-type: none"> <li>▪ SPOTS success recognition</li> <li>▪ Certificate/trophy/ribbon/plaque/medals</li> <li>▪ Time for music and dancing</li> <li>▪ Music while doing school work</li> <li>▪ Extra computer time/game</li> <li>▪ Free time at the end of class</li> <li>▪ Group activity</li> <li>▪ Class Field Trip</li> <li>▪ A reward (gift certificate, free admission to a school function)</li> <li>▪ Outdoor class</li> <li>▪ Recognition from a local newspaper, media or politician</li> <li>▪ Recognition by the “Do the Right Thing” program sponsored by the Miami-Dade Police Department</li> <li>▪ Outdoor reading</li> <li>▪ Fun walk with the principal or teacher</li> <li>▪ Note home to parents</li> <li>▪ Appointed the class messenger</li> <li>▪ Taking care of the class pet</li> <li>▪ Eating with the teacher</li> <li>▪ Selecting prizes from a treasure box</li> <li>▪ Pencil toppers</li> <li>▪ Stars, smiley faces or stickers</li> <li>▪ Paperback books</li> <li>▪ Extra recess</li> <li>▪ Sports equipment</li> <li>▪ Leading of class line to lunch or recess</li> <li>▪ Recognition during morning announcements or on closed circuit television</li> <li>▪ Selection as a model student of the month and display photograph in an appropriate location</li> </ul>	<ul style="list-style-type: none"> <li>▪ SPOTS success recognition</li> <li>▪ Certificate/trophy/ribbon/plaque/medals</li> <li>▪ Gift certificate to local merchants</li> <li>▪ Free pass to sporting event or play</li> <li>▪ Walk break for entire class</li> <li>▪ Guest presenters in class</li> <li>▪ Class field trip</li> <li>▪ Praise for good behavior and work</li> <li>▪ Note home to parents</li> <li>▪ A call to parents</li> <li>▪ Recognition by the “Do the Right Thing” program sponsored by the Miami-Dade Police Department</li> <li>▪ Coupon for prizes and privileges or surprise gift bag with school supplies</li> <li>▪ Outdoor Class</li> <li>▪ Recognition from a local newspaper, media or politician</li> <li>▪ Photo recognition bulletin board</li> <li>▪ Outdoor reading</li> <li>▪ Music while doing school work</li> <li>▪ Extra computer time/game</li> <li>▪ Sitting with friends</li> <li>▪ Music concert at school</li> <li>▪ Pep rally</li> <li>▪ Paperback book</li> <li>▪ Magazine subscription</li> <li>▪ T-shirt/hat/sunglasses</li> <li>▪ Sports equipment</li> <li>▪ Prime parking spot</li> <li>▪ Recognition during morning announcements or on closed circuit television</li> <li>▪ Recognition in school newspaper</li> <li>▪ Selection as a model student of the month and display photograph in an appropriate location</li> </ul>

## A Synopsis of Model Student Behavior – Level I

Level I Behavior affects the orderly operation of the classroom, school functions, extracurricular/co-curricular programs or approved transportation. The core principle of the multi-tiered RtIB/MTSS model is to provide general academic and behavior instruction and support to all students in all settings. The multi-tiered RtIB/MTSS model is a continuum of tiered interventions with increasing levels of intensity and duration that aims to prevent inappropriate behaviors by means of teaching and reinforcing appropriate behaviors. **Model student behavior** creates a safe learning environment and reduces disruption of the educational process.

MODEL STUDENT BEHAVIOR	STRATEGIES FOR MODEL STUDENTS
<p>Model students:</p> <ul style="list-style-type: none"> <li>- understand and follow school rules;</li> <li>- attend school regularly;</li> <li>- request permission for authorization to leave class when needed;</li> <li>- attend all classes;</li> <li>- are prepared for class each day;</li> <li>- use and possess items that are suitable for an educational setting;</li> <li>- adhere to the school dress code; and use approved electronic devices responsibly</li> </ul>	<p>Model students avoid:</p> <ul style="list-style-type: none"> <li>- being in an unauthorized location;</li> <li>- cutting class;</li> <li>- arriving at school late;</li> <li>- failing to comply with class and school rules;</li> <li>- possessing items that are inappropriate for the educational setting;</li> <li>- using unauthorized electronic devices; and</li> <li>- violating the school dress code.</li> </ul>
<p>Model students:</p> <ul style="list-style-type: none"> <li>- follow class and school rules including riding and waiting for the school bus;</li> <li>- use conflict management skills to resolve problems peacefully;</li> <li>- use respectful and appropriate language;</li> <li>- show concern for others; and</li> <li>- conduct themselves in a cooperative, friendly and respectful manner to staff members and classmates.</li> </ul>	<p>Model students avoid:</p> <ul style="list-style-type: none"> <li>- initiating or participating in a verbal confrontation with another student or staff member;</li> <li>- arriving late to class;</li> <li>- displaying affection inappropriately in public;</li> <li>- leaving school grounds without permission;</li> <li>- using profane or crude language; and</li> <li>- displaying or participating in disruptive behavior.</li> </ul>

### RELATED CORE VALUES FOR LEVEL I - MODEL STUDENT BEHAVIORS



## A Synopsis of Model Student Behavior – Level II

Level II behaviors are more serious than Level I because they significantly interfere with learning and/or the well-being of others. The core principle of the multi-tiered RtI/MTSS model is to provide general academic and behavior instruction and support to all students in all settings. The multi-tiered RtI/MTSS model is a continuum of tiered interventions with increasing levels of intensity and duration that aims to prevent inappropriate behaviors by means of teaching and reinforcing appropriate behaviors. **Model student behavior** creates a safe learning environment and reduces disruption of the educational process.

MODEL STUDENT BEHAVIOR	STRATEGIES FOR MODEL STUDENTS
<p>Model students:</p> <ul style="list-style-type: none"> <li>- speak and act honestly and truthfully;</li> <li>- show respect to others in words, actions and deeds;</li> <li>- develop good study habits;</li> <li>- complete all homework assignments;</li> <li>- participate actively in class; and</li> <li>- show empathy for others.</li> </ul>	<p>Model students avoid:</p> <ul style="list-style-type: none"> <li>- cheating or misrepresenting the true facts;</li> <li>- making false accusations;</li> <li>- exhibiting behavior that instigates and provokes a negative reaction from others or encourages others to engage in a negative physical or verbal altercation; and</li> <li>- talking about others and spreading rumors.</li> </ul>
<p>Model students:</p> <ul style="list-style-type: none"> <li>- speak and act respectfully to all school personnel;</li> <li>- obey all instructions given by persons in authority;</li> <li>- cooperate with administrators, teachers and staff members;</li> <li>- leave school only when given permission;</li> <li>- demonstrate behavior that is civil, respectful, polite and courteous; and</li> <li>- follow school rules.</li> </ul>	<p>Model students avoid:</p> <ul style="list-style-type: none"> <li>- refusing to comply with school rules or directives from school staff members;</li> <li>- distributing inappropriate materials;</li> <li>- leaving school grounds without permission from a parent or school official;</li> <li>- joining clubs or organizations not approved by the Miami-Dade County School Board;</li> <li>- using profane or provocative language directed at others;</li> <li>- participating in prohibited sales on school grounds; and</li> <li>- possessing or using tobacco products.</li> </ul>
<p>Model students:</p> <ul style="list-style-type: none"> <li>- show respect for the property of others</li> <li>- demonstrate honesty;</li> <li>- report all acts of vandalism to the proper authorities; and</li> <li>- demonstrate school and community pride.</li> </ul>	<p>Model students avoid:</p> <ul style="list-style-type: none"> <li>- taking or concealing the property of others without permission;</li> <li>- destroying or defacing public or private property; and</li> <li>- tarnishing the reputation of their school by damaging the property of others.</li> </ul>
<p>Model students:</p> <ul style="list-style-type: none"> <li>- obey instructions;</li> <li>- show respect to people in authority;</li> <li>- care for the feelings of others; and</li> <li>- treat others with respect.</li> </ul>	<p>Model students avoid:</p> <ul style="list-style-type: none"> <li>- participating in or encouraging a confrontation with a staff member;</li> <li>- becoming involved in a minor fighting incident; and</li> <li>- harassing others by name-calling, gossiping or using gestures that intimidate others.</li> </ul>

### RELATED CORE VALUES FOR LEVEL II - MODEL STUDENT BEHAVIORS



## A Synopsis of Model Student Behavior – Level III

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. **Model student behavior** creates a safe learning environment and reduces disruption of the educational process.

MODEL STUDENT BEHAVIOR	STRATEGIES FOR MODEL STUDENTS
<p>Model students:</p> <ul style="list-style-type: none"> <li>- show respect, kindness, friendliness toward others;</li> <li>- accept people based on their individual merits;</li> <li>- demonstrate school pride by being active participants in protecting and maintaining the school campus; and</li> <li>- report all acts of violence, harassment or threats to the proper authorities.</li> </ul>	<p>Model students avoid:</p> <ul style="list-style-type: none"> <li>- physically hurting or threatening another person;</li> <li>- bullying others by using intimidation or teasing;</li> <li>- using social media to intimidate others; and</li> <li>- initiating or being involved in campus disruptions at school-sponsored events.</li> </ul>
<p>Model students:</p> <ul style="list-style-type: none"> <li>- treat others with respect and compassion;</li> <li>- seek to resolve issues before they escalate;</li> <li>- participate only in clubs and organizations sanctioned by their school;</li> <li>- speak to others using positive and respectful language; and</li> <li>- report all acts of violence, harassment or threats to the proper authorities.</li> </ul>	<p>Model students avoid:</p> <ul style="list-style-type: none"> <li>- harassing others by using language or gestures that are demeaning to a person’s race, gender, religion etc.;</li> <li>- participating in hazing activities; and</li> <li>- using sexually suggestive comments or gestures to intimidate others.</li> </ul>
<p>Model students:</p> <ul style="list-style-type: none"> <li>- respect the rights and property of others;</li> <li>- respect the laws of society dealing with the possession, use or sale of alcohol and drugs;</li> <li>- maintain a healthy and safe lifestyle; and</li> <li>- make contributions of time and energy to enrich the school environment.</li> </ul>	<p>Model students avoid:</p> <ul style="list-style-type: none"> <li>- entering a building or residence without permission from the owner;</li> <li>- removing property from a building or residence without permission from the owner;</li> <li>- possessing, using or selling alcohol; unauthorized over-the-counter medications, drug paraphernalia, controlled substances and/or anything that alters mood or is used for mood altering.</li> <li>- displaying or possessing a fake weapon; and</li> <li>- endangering the health and safety of others.</li> </ul>

### RELATED CORE VALUES FOR LEVEL III - MODEL STUDENT BEHAVIORS



## A Synopsis of Model Student Behavior – Level IV

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. These infractions are crimes requiring police involvement.

<b>MODEL STUDENT BEHAVIOR</b>	<b>STRATEGIES FOR MODEL STUDENTS</b>
<p>Model students:</p> <ul style="list-style-type: none"> <li>- project a positive and cooperative attitude towards staff members and classmates;</li> <li>- are respectful, kind, friendly and get along well with others;</li> <li>- use conflict management skills to resolve disagreements;</li> <li>- are obedient; and</li> <li>- seek guidance from trusted adults for assistance and direction.</li> </ul>	<p>Model students avoid:</p> <ul style="list-style-type: none"> <li>- volatile situations that could escalate into violent actions;</li> <li>- using violent physical actions or threats directed towards staff members;</li> <li>- breaking school rules; and</li> <li>- becoming involved with individuals who do not respect or follow the laws of the community.</li> </ul>
<p>Model students:</p> <ul style="list-style-type: none"> <li>- speak to others using respectful language;</li> <li>- participates only in organizations sanctioned by their school;</li> <li>- demonstrate behavior that is civil, respectful, polite and courteous; and</li> <li>- share materials that are educationally appropriate</li> </ul>	<p>Model students avoid:</p> <ul style="list-style-type: none"> <li>- using language or actions that slander others because of their race, gender, color, religion, ethnicity, national origin, political beliefs, marital status, age, sexual orientation, language, pregnancy or disability and family background;</li> <li>- participating in any form of club initiation or activity that creates the risk of harm to others; and</li> <li>- giving, possessing or sharing obscene or lewd materials.</li> </ul>
<p>Model students:</p> <ul style="list-style-type: none"> <li>- speak and act honestly and truthfully;</li> <li>- follows all laws;</li> <li>- show respect for the property of others;</li> <li>- support law enforcement agencies and schools to promote the safety of all staff members and students;</li> <li>- use school resources to resolve or report issues of concern; and</li> <li>- associate only with people who do not use or sell weapons or controlled substances.</li> </ul>	<p>Model students avoid:</p> <ul style="list-style-type: none"> <li>- taking the property of others without permission;</li> <li>- committing grand theft by taking property valued at <del>\$300</del><u>750</u>.00 or more from others; and possessing, using, distributing or selling any object, controlled substance or weapon that could inflict serious harm or place a person in fear of serious harm.</li> </ul>

### RELATED CORE VALUES FOR LEVEL IV - MODEL STUDENT BEHAVIORS

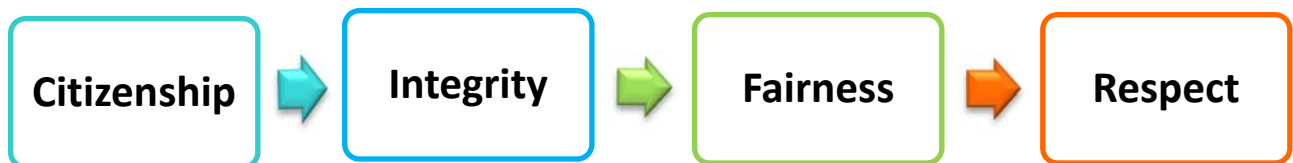


## A Synopsis of Model Student Behavior – Level V

**LEVEL V behaviors** are the most serious acts of misconduct and violent actions that threaten life. These infractions are crimes requiring police involvement.

<b>MODEL STUDENT BEHAVIOR</b>	<b>STRATEGIES FOR MODEL STUDENTS</b>
<p>Model students:</p> <ul style="list-style-type: none"> <li>- accept responsibility for their own actions;</li> <li>- respect life;</li> <li>- show pride in their school and community;</li> <li>- use adaptive skills for solving problems;</li> <li>- maintain their self-control at all times;</li> <li>- seek assistance from a trusted adult to solve problems or report incidents of concern; and</li> <li>- report any acts of aggression or violence between students or students and staff members to a staff member or law enforcement officer.</li> </ul>	<p>Model students avoid:</p> <ul style="list-style-type: none"> <li>- fighting with other students or staff members;</li> <li>- hitting other students or staff members;</li> <li>- speaking disrespectfully to students or staff members;</li> <li>- engaging in or forcing others to participate in sexual acts;</li> <li>- holding people against their will;</li> <li>- threatening to take another person’s life;</li> <li>- using weapons;</li> <li>- interrupting the school’s learning environment; and</li> <li>- withholding information needed to solve a crime.</li> </ul>
<p>Model students:</p> <ul style="list-style-type: none"> <li>- have respect for life, property and the safety of others;</li> <li>- participate in programs to support law enforcement efforts to ensure safety for all in school and the community;</li> <li>- are law abiding citizens;</li> <li>- cooperate with school officials to create a positive learning environment;</li> <li>- participate in investigations conducted by school staff or law enforcement agencies; and</li> <li>- demonstrate pride in their school and community.</li> </ul>	<p>Model students avoid:</p> <ul style="list-style-type: none"> <li>- setting a fire;</li> <li>- interfering with the orderly learning environment;</li> <li>- making a threat to the safety of others;</li> <li>- providing false information;</li> <li>- withholding information needed to solve a crime; and</li> <li>- committing any act that would result in the destruction of property.</li> </ul>

### RELATED CORE VALUES FOR LEVEL V - MODEL STUDENT BEHAVIORS



## CHAPTER II - BEHAVIORS AND RANGE OF **CORRECTIVE STRATEGIES**





BEHAVIORS AND RANGE OF CORRECTIVE STRATEGIES – LEVEL I

BEHAVIORS	RANGE OF CORRECTIVE STRATEGIES
<p><b>LEVEL I Behaviors</b> are acts that disrupt the orderly operation of the classroom, school function, extracurricular activities or approved transportation.</p> <p style="text-align: center;"><b>LEVEL I</b></p> <p>Disruptive Behaviors</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Confrontation with another student</li> <li><input type="checkbox"/> Cutting class</li> <li><input type="checkbox"/> Disruptive behavior (including behavior on the school bus and at the school bus stop)</li> <li><input type="checkbox"/> Failure to comply with class and/or school rules</li> <li><input type="checkbox"/> Inappropriate public display of affection</li> <li><input type="checkbox"/> Misrepresentation</li> <li><input type="checkbox"/> Possession of items or materials that are inappropriate for an educational setting (See Special Notes #1)</li> <li><input type="checkbox"/> Repeated use of profane or crude language (general, not directed at someone)</li> <li><input type="checkbox"/> Unauthorized location</li> <li><input type="checkbox"/> Unauthorized use of wireless communication devices (See Vital Alerts page(s) <del>4245</del>)</li> <li><input type="checkbox"/> Violation of dress code (See Vital Alerts page(s) <del>3235</del>)</li> </ul>	<p>The principal or designee <b>must</b> select at least one of the following strategies from <b>PLAN I</b>. Principals may authorize use of <b>PLAN II</b> for serious or habitual <b>Level I</b> infractions.</p> <p style="text-align: center;"><b>PLAN I</b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Parent/guardian contact (See Special Notes #2)</li> <li><input type="checkbox"/> Student Conference (See Special Notes #3)</li> <li><input type="checkbox"/> Student, parents/guardians/staff conference</li> <li><input type="checkbox"/> Behavior Plan</li> <li><input type="checkbox"/> Student Contract</li> <li><input type="checkbox"/> Participation in a counseling session related to infraction</li> <li><input type="checkbox"/> Refer to outside agency/provider (See Special Notes #4)</li> <li><input type="checkbox"/> Peer Mediation</li> <li><input type="checkbox"/> Refer to page(s) <del>55-61</del> <b>57-64</b> for additional corrective strategies on the RtB/MTSS</li> <li><input type="checkbox"/> Reprimand</li> <li><input type="checkbox"/> Detention or other Board-approved in-school program</li> <li><input type="checkbox"/> Restorative Justice Practices Pilot Program (at District approved schools)</li> <li><input type="checkbox"/> Student Court (at District approved schools)</li> <li><input type="checkbox"/> Confiscation of wireless communication devices</li> <li><input type="checkbox"/> Refer to Vital Alerts page(s) <del>32-35</del> for the prescribed corrective strategies for the violation of the dress code.</li> <li><input type="checkbox"/> Revocation of the right to participate in social and/or extracurricular activities</li> <li><input type="checkbox"/> Loss of bus privileges up to 10 days</li> <li><input type="checkbox"/> Replacement or payment of any damaged property (if appropriate)</li> <li><input type="checkbox"/> School Center for Special Instruction (SCSI) or other Alternative Educational Setting (AES) within the school (1-5 days) (See Special Notes # 2, 3 and 5)</li> </ul>
<b>SPECIAL NOTES</b>	
<p>#1 See Sexual Offenses (Other), Level IV, for obscene or lewd material.</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Administrators must contact Miami-Dade Schools Police for any criminal conduct regardless of whether Schools Police Automated Reporting (SPAR) is indicated.</li> <li><input type="checkbox"/> If the victim of a crime requests a police report, the principal or designee must report the incident to the Miami-Dade Schools Police.</li> <li><input type="checkbox"/> <u>Incident-related elements must be included in the description of the incident leading to the disciplinary action. (See Glossary for definitions of incident-related elements).</u></li> </ul>	<p>#2 Good faith attempt must be made immediately to contact the parent/guardian by telephone.</p> <p>#3 When a student is being assigned to SCSI or other AES, they must be given an opportunity to be heard about the incident.</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 <i>Request for Outside Providers</i>.</p> <p>#5 For any assignment away from the student's regular course schedule, written notice must be sent to the parent/guardian within 24 hours via U.S. mail.</p>
<b>Refer to the Glossary for an explanation of unfamiliar words used in the Code of Student Conduct.</b>	

## BEHAVIORS AND RANGE OF CORRECTIVE STRATEGIES – LEVEL II

BEHAVIORS	RANGE OF CORRECTIVE STRATEGIES
<p>Level II Behaviors are more serious than Level I because they significantly interfere with learning and/or the well-being of others.</p> <p style="text-align: center; color: orange; font-weight: bold;">LEVEL II</p> <p>Seriously Disruptive Behaviors</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Cheating</li> <li><input type="checkbox"/> Confrontation with a staff member</li> <li><input type="checkbox"/> Defiance of school personnel</li> <li><input type="checkbox"/> Distribution of items or materials that are inappropriate for an educational setting (<b>See Special Notes #1</b>)</li> <li><input type="checkbox"/> Failure to comply with previously prescribed corrective strategies</li> <li><input type="checkbox"/> False accusation</li> <li><input type="checkbox"/> Fighting (minor)</li> <li><input type="checkbox"/> Forgery (Written Misrepresentation):</li> <li><input type="checkbox"/> Harassment (non-<del>sexual</del> or <del>isolated</del> <u>protected categories</u>)</li> <li><input type="checkbox"/> Instigative behavior</li> <li><input type="checkbox"/> Joining clubs or groups <b>NOT</b> approved by the School Board</li> <li><input type="checkbox"/> Leaving school grounds without permission</li> <li><input type="checkbox"/> Libel</li> <li><input type="checkbox"/> Petty theft (under \$<del>300</del><u>750</u>.00)</li> <li><input type="checkbox"/> Possession of and/or use of tobacco products or smoking/vaping devices. (See Glossary).</li> <li><input type="checkbox"/> Prohibited sales on school grounds (other than controlled substances)</li> <li><input type="checkbox"/> Slander</li> <li><input type="checkbox"/> Use of profane or provocative language directed at someone</li> <li><input type="checkbox"/> Vandalism (minor)</li> </ul>	<p>The principal or designee <b>must</b> select at least one of the following strategies from <b>PLAN II</b>. The use of appropriate strategies from previous PLAN may be used <u>in conjunction with</u> this PLAN.</p> <p style="text-align: center; color: orange; font-weight: bold;">PLAN II</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Parent/guardian contact (See Special Notes #2)</li> <li><input type="checkbox"/> Student conference (See Special Notes #3)</li> <li><input type="checkbox"/> <b>Corrective Strategies from Level I</b></li> <li><input type="checkbox"/> Participation in counseling session related to the infraction</li> <li><input type="checkbox"/> Refer to outside agency/provider (See Special Notes #4)</li> <li><input type="checkbox"/> Refer to page(s) <del>55-61</del><u>57-64</u> for additional corrective strategies on the RtB/MTSS</li> <li><input type="checkbox"/> School-based program that focuses on modifying the student's inappropriate behavior or promotes positive behavior</li> <li><input type="checkbox"/> Restorative Justice Practices Pilot Program (at District approved schools)</li> <li><input type="checkbox"/> Student Court (at District approved schools)</li> <li><input type="checkbox"/> Assignment to an Alternative Educational Setting (1-10 days with region approval for serious or habitual infractions) (See Special Notes #2, 3, and 5)</li> <li><input type="checkbox"/> A principal may request a District-approved administrative assignment to a long-term alternative educational setting (AES) for students who habitually commit infractions with region endorsement. This action is taken when less severe strategies are deemed inappropriate. (See Special Notes #2, 3, and 5)</li> </ul>

### SPECIAL NOTES

<p>#1 See Sexual Offenses (Other), Level IV, for obscene or lewd material.</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Administrators must contact Miami-Dade Schools Police for any criminal conduct regardless of whether Schools Police Automated Reporting (SPAR) is indicated.</li> <li><input type="checkbox"/> If the victim of a crime requests a police report, the principal or designee must report the incident to the Miami-Dade Schools Police.</li> <li><input type="checkbox"/> <u>Allegations of Bullying and Harassment that are not able to be substantiated after investigation must be reported in SESIR as Unsubstantiated Bullying and Unsubstantiated Harassment.</u></li> <li><input type="checkbox"/> <u>Incident-related elements must be included in the description of the incident leading to the disciplinary action. (See Glossary for definitions of incident-related elements).</u></li> </ul>	<p>#2 Good faith attempt must be made immediately to contact the parent/guardian by telephone.</p> <p>#3 When a student is being assigned to SCSJ or other AES, they must be given an opportunity to be heard about the incident.</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 <i>Request for Outside Providers</i>.</p> <p>#5 For any assignment away from the student's regular course schedule, written notice must be sent to the parent/guardian within 24 hours via U.S. mail.</p>
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Refer to the Glossary for an explanation of unfamiliar words used in the Code of Student Conduct.

**Code of Student Conduct – Secondary**

**BEHAVIORS AND RANGE OF CORRECTIVE STRATEGIES – LEVEL III**

BEHAVIORS	RANGE OF CORRECTIVE STRATEGIES
<p><b>LEVEL III Behaviors</b> are more serious than Level II because they endanger health and safety, damage property, and/or cause serious disruptions to the learning environment.</p> <p style="text-align: center;"><b>LEVEL III</b></p> <p style="text-align: center;">Offensive/Harmful Behaviors</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Assault/Threat against a non-staff member</li> <li><input type="checkbox"/> Breaking and Entering/Burglary</li> <li><input type="checkbox"/> Bullying (repeated harassment) (<b>See Special Notes #1</b>) (See Vital Alerts page(s) <b>32-3435-37</b>)</li> <li><input type="checkbox"/> Disruption on campus/Disorderly conduct</li> <li><input type="checkbox"/> Fighting (serious)</li> <li><input type="checkbox"/> False Activation of Fire Alarm System</li> <li><input type="checkbox"/> Gambling</li> <li><input type="checkbox"/> Harassment (Civil Rights) (<b>See Special Notes #2</b>) (See Vital Alerts page(s) <b>32-3435-37; 76</b> (<b>See Special Notes #2</b>))</li> <li><input type="checkbox"/> Hazing (misdemeanor)</li> <li><input type="checkbox"/> Improper Activation of Fire Extinguisher</li> <li><input type="checkbox"/> Possession of simulated weapons</li> <li><input type="checkbox"/> 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 Vital Alert Under the Influence page(s) <b>3942</b>)</li> <li><input type="checkbox"/> Sexting (1) (See Vital Alerts page(s) <b>383741</b>)</li> <li><input type="checkbox"/> Sexual harassment (<b>See Special Notes #2, #3</b>) (See Vital Alerts page(s) <b>32-3435-37</b> -and Glossary page <b>7876,83</b>)</li> <li><input type="checkbox"/> Technology and Computer Related Offense (1) (See Vital Alerts page(s) <b>40-4142-4343-44</b>)</li> <li><input type="checkbox"/> Threat/Intimidation (<b>See Special Notes #8</b>)</li> <li><input type="checkbox"/> Trespassing</li> <li><input type="checkbox"/> Vandalism (major)</li> </ul>	<p>The principal or designee <b>must</b> select at least one of the following strategies from <b>PLAN III</b>. The use of appropriate strategies from previous PLANS may also be used <u>in conjunction with</u> this PLAN. Principals may authorize the use of <b>PLAN IV</b> for repeated, serious or habitual <b>Level III</b> infractions.</p> <p style="text-align: center;"><b>PLAN III</b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Parent/guardian contact (<b>See Special Notes #4</b>)</li> <li><input type="checkbox"/> Student conference (See Special Notes #5)</li> <li><input type="checkbox"/> Assignment to an Alternative Educational Setting (1 - 10 days.) (<b>See Special Notes #4, 5, and 6</b>)</li> <li><input type="checkbox"/> <b>Corrective Strategies from Level I &amp; II</b></li> <li><input type="checkbox"/> Permanent removal from class and reassignment to different class (placement review committee decision required)</li> <li><input type="checkbox"/> Suspension (See Special Notes #4, 5, 6 and 7)</li> <li><input type="checkbox"/> Recommendation for expulsion (See page(s) <b>5053</b>)</li> </ul>
<b>SPECIAL NOTES</b>	
<ul style="list-style-type: none"> <li><input type="checkbox"/> 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).</li> <li><input type="checkbox"/> <u>Allegations of Bullying and Harassment that are not able to be substantiated after investigation must be reported in SESIR as Unsubstantiated Bullying and Unsubstantiated Harassment.</u></li> <li>#1 Bullying infractions do not require a SPAR unless incident is Hazing-related.</li> <li>#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.</li> </ul>	<ul style="list-style-type: none"> <li>#4 Good faith attempt must be made immediately to contact the parent/guardian by telephone.</li> <li>#5 When a student is being assigned to SCSi or other AES, they must be given an opportunity to be heard about the incident.</li> <li>#6 For any assignment away from the student's regular course schedule, written notice must be sent to the parent/guardian within 24 hours via U.S. mail.</li> <li>#7 Suspension of students from school programs is a last resort, to be utilized only in the most extenuating circumstances as determined by the principal, after other learning-centered corrective strategies have been employed and with Region notification.</li> <li>#8 If a student brings a firearm or weapon and/or makes a threat or false report, the school must refer the student to mental health services identified by the school</li> </ul>

## Code of Student Conduct – Secondary

- |                          |   |           |
|--------------------------|---|-----------|
| #3                       | <u>Corrective action for Sexual Harassment may be issued only in accordance with the District's <i>Title IX Sexual Harassment Manual</i>.</u>   | District. |
| <input type="checkbox"/> | <u>Incident-related elements must be included in the description of the incident leading to the disciplinary action. (See Glossary for definitions of incident-related elements).</u> |           |

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

**Code of Student Conduct – Secondary**

**BEHAVIORS AND RANGE OF CORRECTIVE STRATEGIES – LEVEL IV**

BEHAVIORS	RANGE OF CORRECTIVE STRATEGIES
<p><b>LEVEL IV Behaviors</b> 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;"><b>LEVEL IV</b></p> <p>Dangerous or Violent Behaviors</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Battery (<u>Physical Attack</u>) against a non-staff member</li> <li><input type="checkbox"/> Grand theft (over \$<del>300</del><u>750</u>.00)</li> <li><input type="checkbox"/> Hate Crime</li> <li><input type="checkbox"/> Hazing (Felony)</li> <li><input type="checkbox"/> 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</li> <li><input type="checkbox"/> Motor vehicle theft</li> <li><input type="checkbox"/> Other major crimes/incidents</li> <li><input type="checkbox"/> Robbery</li> <li><input type="checkbox"/> 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 Vital Alerts for Under the Influence page(s) <del>39</del><u>42</u>)</li> <li><input type="checkbox"/> Sex offenses (other) (including possession and/or distribution of obscene or lewd materials)</li> <li><input type="checkbox"/> Sexting (2) (See Vital Alerts page(s) <del>38</del><u>41</u>)</li> <li><input type="checkbox"/> Sexual Assault</li> <li><input type="checkbox"/> Technology and Computer-Related Offense (2) (See Vital Alerts page(s) <del>40-41</del><u>43-44</u>)</li> </ul>	<p>The principal or designee <b>must</b> use the following strategies from <b>PLAN IV</b>. 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;"><b>PLAN IV</b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Parent/guardian contact (<b>See Special Notes #2</b>)</li> <li><input type="checkbox"/> Student conference (See Special Notes #3)</li> <li><input type="checkbox"/> <b>Corrective Strategies from Level I-III (See Special Note #4)</b></li> <li><input type="checkbox"/> Recommendation for expulsion (See page(s) <del>50</del><u>53</u>)</li> </ul>
<b>SPECIAL NOTES</b>	
<ul style="list-style-type: none"> <li><input type="checkbox"/> 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).</li> <li><input type="checkbox"/> <u>Corrective action for Sexual Harassment may be issued only in accordance with the District's Title IX Sexual Harassment Manual.</u></li> <li><input type="checkbox"/> <u>Incident-related elements must be included in the description of the incident leading to the disciplinary action. (See Glossary for definitions of incident-related elements).</u></li> </ul>	<ul style="list-style-type: none"> <li>#2 Good faith attempt must be made immediately to contact the parent/guardian by telephone.</li> <li>#3 When a student is being assigned to SCSi or other AES, they must be given an opportunity to be heard about the incident.</li> <li>#4 For any assignment away from the student's regular course schedule, written notice must be sent to the parent/guardian within 24 hours via U.S. mail.</li> </ul>
<b>Refer to the Glossary for an explanation of unfamiliar words used in the Code of Student Conduct.</b>	

**Code of Student Conduct – Secondary**

**BEHAVIORS AND RANGE OF CORRECTIVE STRATEGIES – LEVEL V**

BEHAVIORS	RANGE OF CORRECTIVE STRATEGIES
<p><b>LEVEL V Behaviors</b> are the most serious acts of misconduct and violent actions that threaten life.</p> <p style="text-align: center;"><b>LEVEL V</b></p> <p>Most Serious, Dangerous or Violent Behaviors</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Aggravated assault</li> <li><input type="checkbox"/> Aggravated battery against a non-staff member</li> <li><input type="checkbox"/> Armed robbery</li> <li><input type="checkbox"/> Arson</li> <li><input type="checkbox"/> Assault/Threat against M-DCPS employees or persons conducting official business (<b>See Special Notes #1 &amp; #5</b>)</li> <li><input type="checkbox"/> Battery (<u>Physical Attack</u>) or Aggravated battery against M-DCPS employees or persons conducting official business (<b>See Special Notes #1</b>)</li> <li><input type="checkbox"/> Homicide</li> <li><input type="checkbox"/> Kidnapping/Abduction</li> <li><input type="checkbox"/> Making a false report/threat against the school (<b>See Special Notes #1 &amp; 5</b>)</li> <li><input type="checkbox"/> Other major crimes/incidents</li> <li><input type="checkbox"/> Possession, use, sale, or distribution of firearms, explosives, destructive devices, and other weapons. (<b>See Special Notes #1 &amp; 5</b>)</li> <li><input type="checkbox"/> Sexting (3) Offense (See Vital Alerts page(s) <b>3841</b>)</li> <li><input type="checkbox"/> Sexual battery</li> <li><input type="checkbox"/> Technology and Computer Related Offense (3) (See Vital Alerts page(s) <b>40-4143-44</b>)</li> </ul>	<p>The principal or designee <b>must</b> use the following strategies from <b>PLAN V</b>. 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;"><b>PLAN V</b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Parent/guardian contact (<b>See Special Notes #2</b>)</li> <li><input type="checkbox"/> Student conference (See Special Notes #3)</li> <li><input type="checkbox"/> <b>Corrective Strategies from Level I-IV (See Special Notes #4)</b></li> <li><input type="checkbox"/> Recommendation for expulsion (See page(s) <b>5053</b>)</li> </ul>
<b>SPECIAL NOTES</b>	
<ul style="list-style-type: none"> <li><input type="checkbox"/> 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).</li> <li><input type="checkbox"/> <u>Corrective action for Sexual Harassment may be issued only in accordance with the District's Title IX Sexual Harassment Manual.</u></li> <li><input type="checkbox"/> The possession of firearms or other weapons on school property may result in criminal penalties in addition to expulsion.</li> <li><input type="checkbox"/> This level of infraction may result in an expulsion requiring School Board action.</li> </ul> <p>#1 Mandatory one year expulsion.</p>	<ul style="list-style-type: none"> <li>#2 Good faith attempt must be made immediately to contact the parent/guardian by telephone.</li> <li>#3 When a student is being assigned to SCSI or other AES, they must be given an opportunity to be heard about the incident.</li> <li>#4 For any assignment away from the student's regular course schedule, written notice must be sent to the parent/guardian within 24 hours via U.S. mail.</li> <li>#5 If a student brings a firearm or weapon and/or makes a threat or false report, the school must refer the student to "mental health services" identified by the school district pursuant to 1012.584(4).</li> </ul> <p><input type="checkbox"/> <u>Incident-related elements must be included in the description of the incident leading to the disciplinary action. (See Glossary for definitions of incident-related elements).</u></p>
<b>Refer to the Glossary for an explanation of unfamiliar words used in the Code of Student Conduct.</b>	

## SAFEGUARDS: PROTECTING THE RIGHTS OF STUDENTS AND PARENTS/GUARDIANS

All corrective strategies used by school-site administrators must be in compliance with School Board rules and policies. Inherent in these rules and policies is the



philosophy of fairness and consideration for actions that are in the best interest of students.

When confronted with an act that may require the imposition of corrective strategies by the school, the student and all other appropriate persons should be given the opportunity to explain the circumstances of the incident.

Students shall not be subjected to any corrective strategies for using a language other than English or because of a disability.

School administrators should communicate with parents/guardians when corrective strategies must be taken against a student.

Parents/guardians and students who disagree with certain strategies and decisions made at the school level have the right to the following formal complaint procedures:

- a school-level hearing;
- appeal of school-level decisions to the regional center office; and
- for alternative education assignments and expulsions, a hearing before an impartial hearing officer.



## CHAPTER III - STUDENT RIGHTS AND RESPONSIBILITIES



## Student Rights and Responsibilities

It is the intent of this chapter to allow students maximum freedom under law, commensurate with the school's responsibility for student health, safety, and welfare. The rights and responsibilities presented in this section reflect the need for providing students with greater opportunities to serve themselves and society.

Students must realize that every right implies a responsibility, and should conduct themselves appropriately on and off campus. Within every school, the principal and staff have the responsibility and authority for maintaining an orderly educational process. Students are citizens of the greater Miami-Dade Community and represent Miami-Dade Schools at all times.



## Code of Student Conduct – Secondary

### Attendance

#### Philosophical Basis:

School administrators have an obligation under state law to enforce compulsory school attendance laws. Students have an obligation to avail themselves of the opportunity for public school education, an education that should help the students develop the skills and knowledge necessary to function in a modern, democratic society.

<b>Rights:</b>	<b>Responsibilities:</b>
<ul style="list-style-type: none"><li><input type="checkbox"/> Students have the right to information on rules, policies and procedures that clearly define excused absences, unexcused absences, and tardies.</li><li><input type="checkbox"/> Students have the right not to be penalized in any way for excused absences. Participation in a school-sponsored activity shall be considered an excused absence.</li><li><input type="checkbox"/> Students have the right to make up classwork within three days of returning to school in the case of an excused absence or absence because of assignment to an AES or suspension.</li></ul>	<ul style="list-style-type: none"><li><input type="checkbox"/> Students have the responsibility to take advantage of their educational opportunity by attending all classes daily and on time, unless circumstances beyond their control prevent them from doing so.</li><li><input type="checkbox"/> Students have the responsibility to provide the school an adequate explanation for an absence with appropriate documentation.</li><li><input type="checkbox"/> Students have the responsibility to request the make-up assignments from their teachers for excused absences upon their return to school and to complete this work within three days.</li></ul>

### Complaint Procedures

#### Philosophical Basis:

When students wish to express dissatisfaction about a situation in the school, they can submit a formal complaint. Schools are responsible for providing mechanisms for the expression and resolution of these complaints.

<b>Rights:</b>	<b>Responsibilities:</b>
<ul style="list-style-type: none"><li><input type="checkbox"/> Students have the right to a standard procedure for the resolution of formal complaints through a process that includes appropriate lines of communication, a time line, and a method of appeal.</li><li><input type="checkbox"/> Students have the right to expect that discrimination and formal complaints will be resolved in an expeditious, orderly, and equitable manner.</li><li><input type="checkbox"/> Formal complaint procedures with the office of Civil Rights Compliance apply to those situations in that students believe themselves to be victims of discrimination based on <u>sex</u>, gender, gender identity and expression, race, color, religion, ethnic or national origin, political beliefs, marital status, age, sexual orientation, social and family background,</li></ul>	<ul style="list-style-type: none"><li><input type="checkbox"/> Students have the responsibility to discuss their complaints informally with the persons involved prior to invoking the formal complaint procedures, unless they feel they are unable to resolve the grievance at the school level.</li><li><input type="checkbox"/> Students have the responsibility to state the formal complaint clearly, to follow established procedures for resolving a formal complaint, and to accept the decision that is rendered and to file a timely appeal.</li></ul>

## Code of Student Conduct – Secondary

Rights:	Responsibilities:
<p>linguistic preference, pregnancy or disability. Formal complaint procedures are also available for situations in which students believe themselves to be victims of harassment, including sexual harassment.</p> <p>*(See Special Note <sup>1</sup>)</p> <p><input type="checkbox"/> Parents/guardians may request a hearing before an impartial hearing officer when a student has been assigned to an alternative placement or expelled.</p>	
<p><b>SPECIAL NOTE</b></p> <p><b><sup>1</sup> Harassment (Civil Rights) and Sexual Harassment do not require a SPAR, but must be reported to the Civil Rights Compliance Office at 305-995-1580. <u>A student who is the victim of sexual harassment prohibited by Title IX is entitled to file a formal complaint in accordance with the District's Title IX Sexual Harassment Manual and request an investigation.</u></b></p>	

## Counseling Services

### Philosophical Basis:

Personal concerns can seriously threaten and inhibit the educational development of students. Schools have the responsibility to make relevant and objective information available to students, to provide a comprehensive Student Services program, and to recommend students to agencies equipped with the facilities and resources necessary to offer additional, direct assistance.

Rights:	Responsibilities:
<p><input type="checkbox"/> Students have the right to appropriate counseling that addresses their personal and educational needs within a reasonable period of time.</p> <p><input type="checkbox"/> Students have the right of access to counselors who can assist by allocating the time, attention, and assistance without interruptions or cancellation of appointments.</p> <p><input type="checkbox"/> Students have the right to be accurately informed, in a language they can understand, of all support programs available.</p> <p><input type="checkbox"/> Students have the right to request a change of counselor.</p>	<p><input type="checkbox"/> Students have the responsibility to schedule appointments in advance unless their problem or concern is an emergency.</p> <p><input type="checkbox"/> Students have the responsibility to keep scheduled appointments in a timely manner and to respect the rights of others in accessing the counselor's services.</p> <p><input type="checkbox"/> Students have the responsibility to use these services for their educational, career, and personal development.</p> <p><input type="checkbox"/> Students have the responsibility to work cooperatively with the administration in seeking this change.</p>

## Code of Student Conduct – Secondary

### Free Speech, Expression and Assembly

#### Philosophical Basis:

One of the basic purposes of education is to prepare students for responsible self-expression in a democratic society. Citizens in our democracy are permitted self-expression under the First and Fourteenth Amendments of the United States Constitution. Full opportunity should be provided for students to inquire, to question, and to exchange ideas. They should be encouraged to participate in discussions in which many points of view, including those that are controversial, are freely expressed.

<b>Rights:</b>	<b>Responsibilities:</b>
<ul style="list-style-type: none"><li><input type="checkbox"/> The Pledge of Allegiance is a statement of American ideals, and students shall be protected in their right to affirm their identity with these ideals. However, students who, do not wish to participate in the pledge may, upon written request of their parent/guardian, refrain from participation but may not be disruptive.</li><li><input type="checkbox"/> Students have the right to refrain from any activity that violates the precepts of their religion.</li><li><input type="checkbox"/> Students have the right to express themselves by speaking, writing, wearing, or displaying symbols of ethnic, cultural, or political values.</li><li><input type="checkbox"/> Students have the right to petition and survey student opinion in accordance with procedures established by the principal.</li><li><input type="checkbox"/> Students have the right to form and express their own opinions on controversial issues without jeopardizing relations with their teachers or the school.</li><li><input type="checkbox"/> Students have the right to assemble peacefully on school grounds or in school buildings. Exercise of this right shall be denied only when <del>it substantially and directly endangers physical health or safety, damages property, or seriously and immediately disrupts the activities of others.</del> <u>it substantially disrupts the educational process or orderly operation of a school or poses a threat or danger to the safety of other students, staff, School Board members, any other members of the District Community, or school property.</u></li></ul>	<ul style="list-style-type: none"><li><input type="checkbox"/> Students have the responsibility to act in a manner that preserves the dignity of the occasion.</li><li><input type="checkbox"/> Students have the responsibility to respect the religious beliefs of others.</li><li><input type="checkbox"/> Students have the responsibility to accept the rights of others to have differing viewpoints and to express themselves on those issues with which they disagree, in a manner that does not infringe upon the rights of others or interfere with the orderly educational process of the school. This should be done in a manner that is not obscene, libelous, or in violation of the school dress code.</li><li><input type="checkbox"/> Students initiating a petition or survey have the responsibility to ensure its reasonableness and accuracy.</li><li><input type="checkbox"/> Students have the responsibility to become informed and knowledgeable about controversial issues and to express their opinion respectfully and without disrupting the educational environment or violating school rules.</li><li><input type="checkbox"/> Students have the responsibility to plan, seek approval of, and conduct activities that are consistent with the educational objectives of the school.</li></ul>

## Code of Student Conduct – Secondary

### Grades

#### Philosophical Basis:

Grades, are an indicator of the students' knowledge or skill at any particular time, although they are not necessarily an accurate gauge as to whether learning has taken place. However, since much emphasis is placed upon grades, students' academic grades should reflect the teacher's most objective assessment of students' academic achievement. Academic grades should not be used as a threat in order to maintain classroom decorum.

<b>Rights:</b>	<b>Responsibilities:</b>
<ul style="list-style-type: none"><li><input type="checkbox"/> Students have the right to be informed of the teacher's grading criteria, which is consistent with district guidelines, at the beginning of each grading period.</li><li><input type="checkbox"/> Students have the right to receive an academic grade that reflects their achievement.</li><li><input type="checkbox"/> Students have the right to be notified when they are performing unsatisfactorily.</li><li><input type="checkbox"/> Students have the right to receive a conduct and effort grade in each class consistent with their overall behavior and effort.</li><li><input type="checkbox"/> Students have the right to achieve academic success based upon their own initiative and ability without interference from others.</li></ul>	<ul style="list-style-type: none"><li><input type="checkbox"/> Students have the responsibility to ask teachers in advance of a graded assignment for an explanation of any grading criteria or practice they may question or that needs clarification.</li><li><input type="checkbox"/> Students have the responsibility to maintain reasonable standards of academic performance commensurate with their ability.</li><li><input type="checkbox"/> Students have the responsibility to make every effort to improve their performance upon receipt or notification of unsatisfactory performance.</li><li><input type="checkbox"/> Students have the responsibility to conduct themselves in each class in ways that are conducive to the learning process.</li><li><input type="checkbox"/> Students have the responsibility to earn grades based upon their performance while guarding against cheating by other students.</li></ul>

### Knowledge and Observation of Rules of Conduct

#### Philosophical Basis:

The most effective learning takes place in an atmosphere where students, parents/guardians, and school staff are fully aware of the grounds for corrective strategies and the procedures to be followed for violations of the Code of Student Conduct.

<b>Rights:</b>	<b>Responsibilities:</b>
<ul style="list-style-type: none"><li><input type="checkbox"/> Students have the right to a clear explanation of the <i>Code of Student Conduct</i> in understandable language. They have the right to know the consequences of their misconduct.</li></ul>	<ul style="list-style-type: none"><li><input type="checkbox"/> Students have the responsibility to become familiar with the <i>Code of Student Conduct</i> and to observe all school and classroom rules.</li></ul>



## Marriage, Pregnancy and Parenthood

### Philosophical Basis:

Students who are married, parents/guardians, or expectant parents/guardians do not lose their right to free public education. It is, therefore, the responsibility of the public schools to encourage their continued education through the implementation of positive policies and the development of appropriate educational programs.

Rights:	Responsibilities:
<ul style="list-style-type: none"> <li><input type="checkbox"/> Students who are married, parents or expectant parents have the right to remain in the regular school program, including appropriate extracurricular activities, or to attend one of the specialized programs designed to meet their particular needs.</li> <li><input type="checkbox"/> Students have the right, upon request, to be referred to an appropriate agency for special counseling regarding marriage, pregnancy, and parenthood.</li> </ul>	<ul style="list-style-type: none"> <li><input type="checkbox"/> Students have the responsibility to request professional medical advice regarding continued school attendance.</li> <li><input type="checkbox"/> Students have the responsibility to request special counseling regarding marriage, pregnancy, and parenthood.</li> </ul>

## Participation in School Programs and Activities

### Philosophical Basis:

Students learn from one another. Positive association with others may contribute to the overall goals of education. Schools have the responsibility to promote appropriate formal and informal school programs and activities among students.

Rights:	Responsibilities:
<ul style="list-style-type: none"> <li><input type="checkbox"/> Students have the right to organize and participate in associations and extracurricular activities within the school that are organized for any proper and lawful purposes. Group membership cannot be denied any student because of gender, gender identity or expression, race, color, religion, ethnic or national origin, political beliefs, marital status, age, sexual orientation, social and family background, linguistic preference, pregnancy or disability.</li> <li><input type="checkbox"/> Students have the right to have an elected representative student council appropriate to the school's level, and to take an active part in student activities designed to help make rules that affect their lives in school.</li> </ul>	<ul style="list-style-type: none"> <li><input type="checkbox"/> Students have the responsibility to seek prior and proper consent from administrators and other designated school personnel before organizing student associations and for meeting approved criteria for membership in clubs and organizations.</li> <li><input type="checkbox"/> Student council officers and representatives have the responsibility to be aware of school needs and concerns of the student body and to work toward meeting those needs.</li> <li><input type="checkbox"/> Students have the responsibility to participate regularly in their respective organizations, to conduct themselves in an appropriate manner, and to operate according to School Board policies and individual school requirements.</li> </ul>



## Code of Student Conduct – Secondary

### Publications



#### Philosophical Basis:

The primary liberties in students' lives have to do with the process of inquiry and learning, of acquiring and imparting knowledge, and of exchanging ideas. This process requires that students have the right to express opinions, to take stands, and to support causes publicly or privately. One of the important roles of the school is to provide effective avenues through which students may express themselves on a wide range of subjects. Official school publications, such as school newspapers, should reflect the policy and judgment of the student editors and should include viewpoints representative of the entire school community.

Rights:	Responsibilities:
<ul style="list-style-type: none"> <li><input type="checkbox"/> Students have the right to possess, post and distribute any forms of literature that are not inherently substantially disruptive to the school program including, but not limited to, newspapers, magazines, leaflets and pamphlets.</li> <li><input type="checkbox"/> Students have the right to be free from censorship of their publications except within the framework of guidelines previously agreed upon by current students and administrators.</li> </ul>	<ul style="list-style-type: none"> <li>• Students have the responsibility to obey the principal as to how, when and where materials may be distributed.</li> <li>• Students have the responsibility to use only those bulletin boards or wall area designated for use by students and student organizations, to seek approval for distribution of materials, and to accept responsibility for the effect that the posting, publication, or distribution of this literature might have on the normal activities of the school.</li> <li>• Students have the responsibility to refrain from publishing libelous and obscene materials, to seek full information on the topics they write about, and to observe the normal rules for responsible journalism.</li> </ul>
<p><b>Principals may restrict distribution of materials that are primarily commercial in nature or disruptive to the orderly operation of the school.</b></p>	

### Respect for Persons and Property

#### Philosophical Basis:

Students have an obligation to assume responsibility for their own actions regarding respect for other persons and their property. The school must provide a climate that fosters respect for persons and property.

Rights:	Responsibilities:
<ul style="list-style-type: none"> <li><input type="checkbox"/> Students have the right to be treated with courtesy and respect.</li> <li><input type="checkbox"/> Students have the right to an environment where public or private property rights are respected.</li> <li><input type="checkbox"/> Students have the right to expect safe conditions at school, at bus stops, on the school bus and during school-sponsored activities.</li> <li><input type="checkbox"/> Students have the right to an educational</li> </ul>	<ul style="list-style-type: none"> <li><input type="checkbox"/> Students have the responsibility to show respect and courtesy to fellow students, all School Board personnel, parents/guardians and school visitors.</li> <li><input type="checkbox"/> Students have the responsibility for neither taking nor damaging the property of fellow students, school personnel or the school.</li> <li><input type="checkbox"/> Students have the responsibility to respect the privacy and property of persons living in areas surrounding schools and bus stops. Additionally, students have the responsibility to</li> </ul>

## Code of Student Conduct – Secondary

Rights:	Responsibilities:
<p>setting that is safe, secure and free from harassment and bullying of any kind.</p>	<p>contribute to a safe learning environment by reporting criminal acts and potentially harmful or dangerous situations including bullying or harassment, to an adult.</p> <p><input type="checkbox"/> Students have the responsibility not to bully or harass other students.</p>

## Right to Learn

### Philosophical Basis:

All students, in accordance with their age, grade level, and maturity, have the right to be involved in their education. Course selection and participation in school activities are an integral part of learning. Students' opinions concerning course materials, content, and relevance are important and deserve analysis and consideration by educators.

Rights:	Responsibilities:
<p><input type="checkbox"/> Students have the right of access to clear curriculum descriptions that will help them make more informed choices.</p> <p><input type="checkbox"/> Students have the right to participate in challenging, creative, academic programs at all levels in elementary, middle, and senior high schools.</p> <p><input type="checkbox"/> Students have the right to study all subjects under qualified instructors in an atmosphere free from bias and prejudice.</p> <p><input type="checkbox"/> Secondary students have the right to representation on committees that participate in textbook selection and curriculum planning from individual school councils to district level.</p> <p><input type="checkbox"/> Students have the right of equal access to any extracurricular activity.</p> <p><input type="checkbox"/> Students with disabilities may be entitled to special services.</p>	<p><input type="checkbox"/> Students have the responsibility to seek clarification, if necessary, from informed persons in the school.</p> <p><input type="checkbox"/> Students have the responsibility to strive for academic growth by participating to their utmost ability.</p> <p><input type="checkbox"/> Students have the responsibility to contribute to the development of a positive climate in the school that is conducive to wholesome learning and living.</p> <p><input type="checkbox"/> Students have the responsibility to respect the rights of others who have differing viewpoints, and become informed and knowledgeable about controversial issues.</p> <p><input type="checkbox"/> Students have the responsibility to involve themselves in committees and enrich their classes through participation in implementation and evaluation.</p> <p><input type="checkbox"/> Students have the responsibility to request participation in any extracurricular activity.</p>



## Code of Student Conduct – Secondary

### Search and Seizure

#### Philosophical Basis:

Students possess the right of privacy as well as freedom from unreasonable search and seizure of person or property guaranteed by the Fourth Amendment of the United States Constitution. That individual's right, however, is balanced by the school's responsibility to protect the health, safety, and welfare of all its students.

<b>Rights:</b>	<b>Responsibilities:</b>
<ul style="list-style-type: none"><li><input type="checkbox"/> Students may have a legitimate expectation of privacy; however, your person and/or property, including, but not limited to back packs, purses, devices and vehicles, may be searched if a reasonable suspicion that a search will turn up evidence that you have violated or are violating law, school board policy or school rules exists. Storage places provided by the school, including desks and/or lockers, and the contents within them remain under the control of the School Board and may be the subject of random search.</li><li><input type="checkbox"/> Except in emergency situations, students have the right to prior notification of any general search of lockers.</li><li><input type="checkbox"/> Students have the right to use authorized locks on school-owned lockers.</li><li><input type="checkbox"/> Students have the right to notice that they may be subject to random search for weapons by metal detectors while on school grounds or at school functions at any time. (See Special Note <sup>1</sup>)</li></ul>	<ul style="list-style-type: none"><li><input type="checkbox"/> Students have the responsibility not to carry or conceal any material prohibited by law or by the <i>Code of Student Conduct</i>.</li><li><input type="checkbox"/> Students are responsible for the contents of their lockers, on their person, vehicles, book bags, purses, devices, etc...</li><li><input type="checkbox"/> Students have the responsibility to adhere to policies governing the use of school lockers.</li></ul>

#### SPECIAL NOTES

<sup>1</sup> School authorities may search a student's person or property, including vehicles, with or without the student's consent whenever they reasonably suspect that there has been a violation of law, Board policy, or school rules. This authority applies to all situations in which the student is under the jurisdiction of the Board.

**Signs that advise students and visitors that they are subject to search for weapons by metal detectors will be posted in prominent locations at each secondary school and adult vocational site.**

**Philosophical Basis:**

The respect afforded a student government is a result of its active and constructive involvement in the daily operation of the school. In order to be effective, student government and its concomitant responsibilities suggest that representatives be given an opportunity to participate in those decisions that affect the learning climate of the school. To enhance the deliberating process, Board Policies and individual school policies should be available to students in a specific location. Respected student governments are forums for expression, discussion, and action regarding important issues. All members of the school community share the responsibility for shaping student governments into positive instruments of student involvement.

<b>Rights:</b>	<b>Responsibilities:</b>
<ul style="list-style-type: none"><li><input type="checkbox"/> Students have the right, under the direction of a faculty advisor, to form and operate a student government within their respective schools.</li><li><input type="checkbox"/> Students have the right to recommend and/or confirm members of the faculty to serve as sponsors for their school's student government organization.</li><li><input type="checkbox"/> Students have the right to seek office in student government or any organization, regardless of gender, gender identity and expression race, color, religion, ethnic or national origin, political beliefs, marital status, age, sexual orientation, social and family background, linguistic preference, pregnancy or disability.</li><li><input type="checkbox"/> Student government officers and representatives have the right to attend official student government meetings during school hours.</li></ul>	<ul style="list-style-type: none"><li><input type="checkbox"/> Student government officers and representatives have the responsibility to be alert to the needs of the school and concerns of the student body, and to work toward addressing them.</li><li><input type="checkbox"/> Students have the responsibility to secure the prior consent of any faculty member recommended.</li><li><input type="checkbox"/> Students have the responsibility to conduct election campaigns in a positive, mature manner, with respect shown for their opponents.</li><li><input type="checkbox"/> Students have the responsibility to participate in meetings regularly and to conduct themselves in an appropriate manner, to demonstrate positive leadership in school government, and to operate within School Board rules and school regulations.</li></ul>



## Student Records

### Philosophical Basis:

Student records to provide information that can be used to develop the best possible educational program for each student. A student's record contains information useful for advisement, counseling, individual instructional program design, recommendations for advanced study, job placement and other information needed for making appropriate educational decisions. Care must be exercised by the school staff to assure that student records are treated confidentially and that the information is relevant, accurate, and appropriate.

<b>Rights:</b>	<b>Responsibilities:</b>
<ul style="list-style-type: none"> <li><input type="checkbox"/> Parents/guardians and eligible students have the <b>right</b> to review student records.</li> <li><input type="checkbox"/> They also have the right to object to information in your student records and must give written permission for anyone to read your records. This permission is called a release.</li> <li><input type="checkbox"/> Parents/guardians and eligible students may request an informal hearing to challenge the content of your educational record(s), if inaccurate, misleading, or otherwise in violation of the privacy and other rights of the student. Contact the school principal regarding hearing procedures.</li> <li><input type="checkbox"/> Parents/guardians and eligible students have the right to restrict the release of directory information.</li> <li><input type="checkbox"/> Students have the right to be protected by legal provisions that prohibit the release of personally identifiable information to unauthorized persons without the consent of the parents/guardians or eligible student.</li> <li><input type="checkbox"/> Your personally identifiable information may not be released to unauthorized persons without the consent of your parents/guardians. For students in grades ten through twelve (10-12), the District may release your name(s) and address(es) to a recruiting officer for any branch of the United States Armed Forces or an institution of higher education who requests such information, unless the you or your parents/guardians submit a written request not to release such information.</li> <li><input type="checkbox"/> These rights automatically transfer to students as soon as they become 18 years of age (eligible students).</li> </ul>	<ul style="list-style-type: none"> <li><input type="checkbox"/> Parents/guardians and eligible students have the responsibility to provide the school with any information that may be useful in making appropriate educational decisions. Parents/guardians and eligible students have the responsibility to meet their financial obligations as it relates to school fees or notify administration if they are not able to meet their financial obligations.</li> <li><input type="checkbox"/> Parents/guardians and eligible students have the responsibility to release information to those persons or agencies who are working actively and constructively for the benefit of the student.</li> <li><input type="checkbox"/> Parents/guardians and eligible students have the responsibility to notify the school of any change of address, telephone numbers, and other pertinent personal data.</li> </ul>

CHAPTER IV - VITAL ALERTS FOR STUDENTS & PARENTS /  
GUARDIANS AND FORMAL CORRECTIVE STRATEGIES  
RECOGNIZED IN THE CODE OF STUDENT CONDUCT





## VITAL ALERTS FOR STUDENTS AND PARENTS/GUARDIANS

<b>VITAL ALERT:</b>	Corporal Punishment
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The use of corporal punishment is prohibited in Miami-Dade County Public Schools. This prohibition extends to parents/guardians on school grounds.

<b>VITAL ALERT:</b>	District Dress Code Policy
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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 Board Policy 5511 – *Dress Code and School Uniforms* 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 be assigned to an Alternative Educational Setting 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.

<b>VITAL ALERT:</b>	District Policy Against Bullying and Harassment
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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.



**VITAL ALERT:**

**District Policy Against Bullying and Harassment**

**Bullying and Harassment Defined<sup>1</sup>**

**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 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.

<sup>1</sup> Florida Statutes, Section 1006.147. Refer to glossary items #[47-50](#), [48-51](#) for definitions of harassment that may apply in other contexts.

**VITAL ALERT:**

**District Policy Against Bullying and 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** 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 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 BESAFE at <http://besafe.dadeschools.net> .  
<https://new.tipsubmit.com/en/create-report/anonymous/dadeschools.net> .

- Information and/or resources on bullying and harassment can be found on the Student Services Crisis Management Services website located at <http://studentservices.dadeschools.net/crisis/index.asp> .

## Code of Student Conduct – Secondary

<b>VITAL ALERT:</b>	Implication of Certain Sex Offenses
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Minors convicted or adjudicated delinquent for certain sex offenses may be required to register with the State of Florida as a sexual predator or sex offender and will suffer the restrictions and embarrassment of this requirement as defined in Sections 943.0435, 943.04354, 943.0515, 985.481, 985.4815, and 775.21. F.S.

<b>VITAL ALERT:</b>	Individuals with Disabilities in Education Act (IDEA): Students with a 504 Plan
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Behavioral ~~modification~~ interventions that are used to address actions committed by students who meet the guidelines established by the Individuals with Disabilities in Education Act (IDEA) and/or Section 504 of the Rehabilitation Act of 1973 must adhere to federal law, Florida Statutes, Florida Board of Education Rules, and Miami-Dade County School Board Policies.

Assignments to an Alternative Educational Setting (AES), Suspensions and Expulsions for more than ten (10) consecutive days and/or a pattern of suspensions and expulsions that exceed ten (10) days in a school year may be considered “changes in placement” for students with disabilities who have a Section 504 Plan or who are enrolled in Exceptional Student Education (ESE) placement under the Individuals with Disabilities Education Act (IDEA). When the student is removed from his/her educational placement for more than ten (10) days, a manifestation determination must be conducted to review the Behavior Intervention Plan (BIP) and consider whether other strategies, interventions, or assessments are appropriate and the student must be provided appropriate educational services in order to provide a free appropriate education. Schools must take into account the student’s capacity to understand his or her behavior and the inappropriateness of his or her actions.

Discipline guidelines for IDEA students with disabilities are specified in the District’s *Exceptional Student Education Policies and Procedures (SP&P)*, *Board Policy 2260* - and discipline guidelines for Section 504 students with disabilities as outlined in *Board Policy 2260.01 – Section 504 Procedures for Students with Disabilities*.

<b>VITAL ALERT:</b>	Off-Campus Conduct
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Off campus conduct and conduct outside of school time that violates the district's *Code of Student Conduct* may also be the basis for discipline up to expulsion if it is accomplished through electronic means and substantially disrupts the educational process or orderly operation of a school. ~~has the potential to causes a substantial disruption to the school environment or impact the rights of others.~~

Off-campus conduct that poses a threat or danger to the safety of other students, staff, School Board members, any other members of the District Community, or school property may constitute behavior that has a substantial adverse impact on the educational environment requiring disciplinary action.

**VITAL ALERT:**

Off-Campus Felony Offenses

To minimize off-campus acts that might have an adverse impact on the school environment, the District office will send notifications to schools of students who have been taken into custody for and/or are formally charged with an off-campus felony or delinquent act that would be a felony if committed by an adult. The principal may take administrative action against those students who are formally charged if, after an administrative hearing with notice provided to the parent/guardian of the student, it is shown that the incident has an adverse impact on the educational program, discipline, or welfare of the school.

Students and parents/guardians should be aware that felony offenses can have a serious impact on an individual's future, including the following:

- criminal penalties;
- loss of scholarship eligibility;
- loss of voting privileges;
- loss of employment opportunities; and/or
- loss of driving privileges.

**VITAL ALERT:**

Procedures for Implementing the 45 School Day  
Alternative Placement Rule for Students With  
Disabilities

- The IDEA identifies three specific types of conduct that may trigger unilateral placement of a student with a disability in an Interim Alternative Educational Setting (IAES), without regard to whether the behavior is determined to be a manifestation of the child's disability.
- A student may be removed to an IAES for not more than 45 school days regardless of whether the behavior is determined to be a manifestation of the student's disability, where the student:
  - i. carries or possesses a weapon to or at school, on school premises, or to or at a school function under the jurisdiction of a state or local educational agency;
  - ii. knowingly possesses or uses illegal drugs\*, or sells or solicits the sale of a controlled substance, while at school, on school premises, or at a school function under the jurisdiction of a state or local educational agency; or
  - iii. inflicts serious bodily injury\*\* on another person while at school, on school premises, or at a school sponsored activity.

When a student commits one of the special circumstances listed above, the school where the violation occurred must provide to the parent (1) FM 7063-Notice of 10-Day Temporary Assignment to Pathways: Consideration of Expulsion. Copies of this document must be retained for future meetings.

The school where the incident occurred must immediately place an E5 in the Student Case Management System (SCMS), send FM6562 Rev. (11-05), Expulsion Request to [alted@dadeschools.net](mailto:alted@dadeschools.net), and follow up to ensure that the SPAR is in the SCMS as quickly as

## Code of Student Conduct – Secondary

### VITAL ALERT:

### Procedures for Implementing the 45 School Day Alternative Placement Rule for Students With Disabilities

possible. The student will be assigned to the alternative placement as soon as is possible. Upon placement by the Division of Educational Opportunity and Access (DEOA), the Special Education (SPED) Department Chairperson or Program Specialist shall contact the assigned school and forward a copy of the student's existing Individual Educational Plan (IEP). The assigned alternative school shall implement the student's current IEP, including all related services upon the student's arrival.

Note: If the student is arrested and sent to the Juvenile Detention Center (JDC), the time at the JDC is not included in the 45 school day timeline at the alternative placement. The student should go immediately to the 45 school day placement upon dismissal from the JDC.

Within 10 school days of the incident, an IEP meeting, which includes a representative from the sending school, must be convened by DEOA to determine if the behavior is a manifestation of the student's disability.

When the behavior is found to be a manifestation of the student's disability, the receiving IAES is responsible for maintaining a record of the number of days the student is enrolled. Ten (10) days prior to the end of the mandatory 45 **school** day placement, the IAES shall notify the sending school and corresponding SPED Center to schedule an IEP meeting. The IEP meeting will be held at the IAES with representatives from the home and/or sending school. The IEP team shall decide the next appropriate placement for the student. The following placements shall be considered:

- Remain in the Interim Alternative Education Setting under appropriate circumstances
- Return to sending school
- Assignment to another school
- Consider other IEP placement options

### SPECIAL NOTE:

\*\* Serious Bodily injury applies only when there is:

- a substantial risk of death;
- extreme physical pain;
- protracted and obvious disfigurement; or
- protracted loss or impairment of the function of a bodily member, organ, or mental faculty.

**VITAL ALERT:**

Sexting

*Board Policy 5136.02 - Sexting*, 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*, Sexting addresses sexting, and will be enforced pursuant the *Code of Student Conduct*.

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 must conduct a parent/guardian conference and apply at least one of the additional disciplinary strategies from Level III.

**Sexting (2)**

- Transmission or re-transmission of a sext to an expanded group of recipients.

As an example, a student who has received a sext proceeds to re-transmit the message to a few other students. A second or multiple offense of a Sexting 1 act also constitutes a Sexting 2 offense. The Sexting 2 offense is a Level IV violation of the *Code of Student Conduct*. The principal/designee must conduct a mandatory parent/guardian conference and apply at least one of the additional disciplinary strategies from Level IV.

**Sexting (3)**

- Broad exposure/distribution of a sext without consent and/or transmittal with the intent to victimize another individual.

As an example, a student who has received a sexting message posts the photograph/image on a social networking website in order to subject the individual photographed to ridicule, derision, scorn, etc. A Sexting 3 offense is also the repeated commission of sexting Level 1, 2 and/or 3 offenses. A Sexting 3 offense is a Level V violation of the *Code of Student Conduct* because it involves extreme behaviors that seriously endanger the health and well-being of others and/or damages property or character. The principal/designee must conduct a parent/guardian conference and apply at least one of the additional disciplinary strategies from Level V.

All sexting cases require a Student Services Referral (R7).

A first sexting offense committed by a minor is a non-criminal violation punishable by up to eight (8) hours of community service or subject to a \$60 fine, and/or required training or instructional classes on the dangers of sexting. A second offense is a misdemeanor and the third is a felony with a

## Code of Student Conduct – Secondary

### VITAL ALERT:

### Sexting

possible maximum five (5) year prison sentence.

### VITAL ALERT:

### Threats of Violence

Students are prohibited from making direct or indirect threats of violence against individuals or groups. Even threats made in jest or in exaggeration must be treated as serious threats. Any threat of such violence must be reported immediately to a teacher or school administrator. **A threat to use a dangerous instrument or weapon on school grounds, on school sponsored transportation, or at any school sponsored activity, is prohibited.** All threats of violence (oral, written, electronic, or symbolic) will be reported to law enforcement and investigated by school officials. A student, regardless of age, found to have made a threat of violence shall be referred to mental health services and is subject to appropriate disciplinary consequences, up to and including: assignment to Alternative Educational Setting, suspension, expulsion, arrest, and/or prosecution, and may be referred to the school's Threat Assessment Team. When students use social media to threaten other students or school employees which has a direct effect on school property, law enforcement may be requested to conduct a "home visit" and/or law enforcement may be involved which could result in criminal prosecution.

It is unlawful for any person to threaten to throw, project, place, or discharge any destructive device with intent to do bodily harm to any person or with intent to do damage to any property of any person, and any person convicted thereof commits a felony of the second degree pursuant to F.S. 790.162.

It is unlawful for any person to make a false report, with intent to deceive, mislead, or otherwise misinform any person, concerning the placing or planting of any bomb, dynamite, other deadly explosive, or weapon of mass destruction pursuant to F.S. 790.166, or concerning the use of firearms in a violent manner against a person or persons, and any person convicted thereof commits a felony of the second degree pursuant to F.S. 790.163.

Any person who writes or composes and also sends or procures the sending of any letter, inscribed communication, or electronic communication, whether such letter or communication be signed or anonymous, to any person, containing a threat to kill or to do bodily injury to the person to whom such letter or communication is sent, or a threat to kill or do bodily injury to any member of the family of the person to whom such letter or communication is sent, or any person who makes, posts, or transmits a threat in a writing or other record, including an electronic record, to conduct a mass shooting or an act of terrorism, in any manner that would allow another person to view the threat, commits a felony of the second degree pursuant to F.S. 836.10.

### VITAL ALERT:

### Under the Influence

The impairment of one's normal faculties, such as walking, talking, etc., as may be evidenced by, but not limited to: bloodshot eyes, slurred speech, odor of alcohol/licit substance, stumbling, imbalance, drowsiness, flushed face."

**Special Note:** These observations may be made by a lay (non-expert) witness. An administrator



## Code of Student Conduct – Secondary

### VITAL ALERT: Under the Influence

may come to the conclusion that a student is under the influence of alcohol or an illicit substance based on the totality of the circumstances. An administrator should first rule out that the student is having a reaction to food or authorized prescription medication or experiencing a medical condition. See Vital Alert on the next page page(s) ~~40-43~~ – Use of Medication.

### VITAL ALERT: Use of Medication

According to the *Board Policy 5330-Use of Medications*, the School Board is not responsible for the diagnosis and/or treatment of student illnesses. The administration of prescribed medication and/or medically-prescribed treatments to a student during school hours is permitted only when failure to do so would jeopardize the health of the student, the student would not be able to attend school if the medication or treatment were not made available during school hours, or the child is disabled and requires medication to benefit from his/her educational program.

Medication includes all medicines including those prescribed by a medical provider and any nonprescribed (over-the-counter) drugs, preparations, and/or remedies. "Treatment" refers to the manner in which a medication is administered and to health-care procedures which require special training, such as catheterization.

Written medication authorization (Form 2702) signed by the child's medical provider and parent shall be provided before any prescribed medication or treatment may be administered to any student during school hours. Parents may administer medication or treatment. The child's medical provider and the parent must also authorize in writing any self-medication by the student such as epi-pens and inhalers.

Medication shall not be carried on a student's person in the school except as approved by the principal. Furthermore, no student is allowed to provide or sell any type of over-the-counter medication to another student.

### VITAL ALERT: Use of Technology and Computer Related Offenses

Students are encouraged to use computers, networks, and online telecommunication such as the Internet and electronic mail (e-mail). While exercising the right to use available technology, students must be aware of their responsibility as users. Technology advancement has provided students with access and the opportunity to commit offenses that violate the *Code of Student Conduct*.

When using electronic devices for the purposes of learning consistent with the educational objectives of the District during the instructional day, students must comply with *Board Policy 7540.03 – Computer Technology and Networks*.

Technology and computer-related offenses include, but are not limited to:

#### Technology and Computer Related Offense (1)

- Accessing or facilitating the access of a computer, electronic device, or networked resource without authorization.

VITAL ALERT:

Use of Technology and Computer Related Offenses

- Computer use inconsistent with educational usage or goals, or any use that violates applicable copyright laws.

Technology and Computer Related Offense (2)

- Modifying and/or distributing student data and/or records (including grades) or Personally Identifiable Information (PII) without authorization.
- Engaging in the disruption or denial of service to a computer, electronic device, or networked resource.
- The destruction or damage, either virtual or physical, of a computer, electronic device, or networked resource, including any stored data.
- The introduction of viruses, malware or other illegal/inappropriate software, including unauthorized network monitoring or hacking tools.
- The act of engaging in surveillance of an individual, including the use of a computer's camera or microphone or unauthorized remote desktop or keystroke logging software.
- Using a computer, electronic device, or networked resource to access or transmit materials containing profanity, lewd, pornographic, or inappropriate content (including racially/ethnically insensitive or offensive language).
- Utilizing a computer, electronic device, or network resources to send threats or engage in illegal activities.

Technology and Computer Related Offense (3)

- Using a computer, electronic device, or networked resource to create access, transmit, or distribute material containing profanity, lewd, pornographic, or inappropriate content and involving a minor.
- Accessing, modifying and/or distributing student data and/or records (including grades) or Personally Identifiable Information (PII), including but not limited to social security number(s), etc. for financial gain.
- The destruction, damage, or interruption, either virtual or physical, of any District information system

These are only a few examples of violations committed through electronic means. The school administration will evaluate and determine the appropriate level infraction under the *Code of*

## Code of Student Conduct – Secondary

<b>VITAL ALERT:</b>	Use of Technology and Computer Related Offenses
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*Student Conduct.*

<b>VITAL ALERT:</b>	Wireless Communication Devices
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Wireless communication devices include two-way communication devices, such as cellular phones, mobile phones, MP3 players, electronic games, beepers, pagers, portable computers including but not limited to laptops, personal digital assistants (PDA), tablets, eReaders, iPads, personal organizers and similar wireless devices. Possessing a wireless communication device is not a violation of the *Code of Student Conduct*. However, a student shall not disrupt the educational process or interfere with the safety-to-life issues of students by using a wireless communication device inappropriately.

When using electronic devices for the purposes of learning consistent with the educational objectives of the District during the instructional day, students must comply with *Board Policy 7540.03 – Student Responsible Use of Technology, Social Media, and District Network Systems*, Student Network and Internet Acceptable Use and Safety.

The following rules must be followed regarding the possession, use, and display of wireless communication devices:

- Students may only possess, display and use wireless communication devices (i.e. texting, email, telephone etc.) before or after the instructional day.
- Students must ensure that the telephone capabilities of their devices are turned off during the instructional day (i.e. ringer off, silent mode, etc.)
- Students shall avoid classroom disruptions, by not displaying, using, or activating the data access portion of their wireless communication devices during the instructional day unless instructed to do so by the teacher and/or authorized school personnel under the Bring Your Own Device initiative outlined in *Board Policy 7540.03*. This includes during class, in the library, during lunch breaks, during class changes and during any other structured activity. Unless using its data access capabilities for instructional purposes as directed by their teacher and/or authorized school personnel as outlined in *Board Policy 7540.03*.
- Students may not use the broadband capabilities (3G, 4G, etc...) of personal devices for data access during school hours – students may only access data utilizing the school's wireless network during this time.
- The school is not responsible if a student's wireless communication or any electronic device is lost or stolen.

The possession of a cellular telephone is not a violation of the *Code of Student Conduct*. However, the possession of a cellular telephone that disrupts the educational process, the use of the cellular telephone capabilities during school hours, use of a cellular phone to commit a crime, and the possession or use of a cellular telephone that disrupts or interferes with the safety-to-life issue for

## Code of Student Conduct – Secondary

### VITAL ALERT:

### Wireless Communication Devices

students being transported on a Miami-Dade County Public Schools bus, are infractions of the *Code of Student Conduct*.

### VITAL ALERT:

### Zero Tolerance Policy

The School Board enforces the Florida Department of Education Zero Tolerance Policy on school violence, crime, and the use of weapons. As an approach to reducing school violence, the intent of the policy is to provide a safe school climate that is drug-free and protects student health, safety, and civil rights.

This policy requires the school district to impose the most severe consequences provided for in the *Code of Student Conduct* in dealing with students who engage in violent criminal acts, such as:

- bringing or possessing a firearm or weapon to school, any school sponsored activity, or on school-sponsored transportation; shall also result in a referral for expulsion and mental health services pursuant to Section 1006.13 F.S.
- making a threat or false report, respectively, involving school or school personnel's property, school transportation, or school-sponsored activity; shall also result in a referral for expulsion and mental health services pursuant to Section 1006.13 F.S.
- homicide;
- assault, battery, and culpable negligence;
- relating to kidnapping, false imprisonment, luring or enticing a child, and custody offenses;
- sexual battery;
- lewdness and indecent exposure;
- child abuse;
- robbery;
- robbery by sudden snatching;
- carjacking; and
- home-invasion robbery

A student may also be referred for mental health services if deemed necessary by the threat assessment team.

The State of Florida Juvenile Justice Reform Act of 1965 requires the School District to link juvenile violent incidents to the action taken by the student's school and the District. The District is required to collect data about violent incidents involving students during each school year and transmit a report to the state. Certain infractions in the *Code of Student Conduct* may result in criminal penalties as well as administrative corrective strategies.

## FORMAL CORRECTIVE STRATEGIES RECOGNIZED IN THE CODE OF STUDENT CONDUCT

FORMAL CORRECTIVE STRATEGIES:	<b>Assignment to an Alternative Educational Setting in Lieu of Suspension</b>
<p>A student may be assigned to the following Alternative Educational Settings (AESs) suitable to the Level of Behavior. When the principal utilizes an AES, the student shall be afforded the same due process procedures that are applicable to suspension, including written notice within 24 hours by U.S. mail. <u>Schools must take into account the student's capacity to understand his or her behavior and the inappropriateness of his or her actions.</u></p> <p>TEMPORARY REMOVAL FROM CLASS</p> <p>If a student is disruptive in class, the teacher may request assistance from a school administrator to have the student temporarily assigned elsewhere within the student's regularly assigned school. The principal should consider the teacher's recommendations and ensure that the student is provided with assignments that are relevant to the material being taught in the class from which the student was removed.</p> <p>OTHER ALTERNATIVES</p> <p>Other alternatives, including after-school detention, Saturday School, or other programs available at the school, may be utilized.</p> <p>In the case of a student with a disability, assignment must be appropriate in light of the student's Individual Educational Plan (IEP) or Section 504 Plan. Removal from a particular class should not effectuate a denial of IEP or Limited English Proficient (LEP) services.</p> <p><b>RESTORATIVE JUSTICE PRACTICES (at District Approved Schools)</b></p> <p>Restorative Justice is a theory of justice that emphasizes repairing the harm caused by crime and conflict. It places decisions in the hands of those who have been most affected by a wrongdoing, and gives equal concern to the victim, the offender, and the surrounding community. Restorative justice practices focus on the infraction and conflict, and utilize various techniques such as peace-making circles, which are designed to repair the harm, heal broken relationships, and address the underlying reasons for the offense.</p> <p><b>STUDENT COURT (at District Approved Schools)</b></p> <p>Student Court is a tribunal for students who have been trained to hear actual cases of school level offenses committed by their peers. Student Court School-Based Program model is for students who violate Level I, Level II and select Level III behaviors of the <i>Code of Student Conduct</i>. It provides participating schools with an alternative resource for decreasing the number of in-school and out-of-school suspensions. Student Court is a tribunal for students who have been trained to hear actual cases of school level offenses committed by their peers.</p>	

## Code of Student Conduct – Secondary

FORMAL CORRECTIVE STRATEGIES:

### Assignment to an Alternative Educational Setting in Lieu of Suspension

#### ASSIGNMENT TO SCHOOL CENTER FOR SPECIAL INSTRUCTION (SCSI)

The principal may assign the student to the School Center for Special Instruction (SCSI), an alternative setting within the student's regularly assigned school. The SCSI should be designed to provide tutorial and guidance services.

When misconduct in a specific class results in an assignment to SCSI, the student may only be removed from the class where the misconduct occurred. Continued or general misconduct can result in removal from all classes if deemed appropriate by the principal.

#### PERMANENT REMOVAL FROM CLASS

A teacher may remove a student whose behavior the teacher determines interferes with the teacher's ability to communicate effectively with the students in the class or with the ability of the student's classmates to learn. This includes disobedient, violent, abusive, uncontrollable, or disruptive students. The principal shall be notified immediately and the teacher shall be entitled to receive, prior to or upon return of the student to class, a copy of the Student Case Management Form (SCM) describing corrective strategies taken.

Each school must establish a Placement Review Committee to determine appropriate placement of the student when the teacher has withheld consent for return to the teacher's class. The committee consists of at least two teachers, one selected by the faculty, one selected by the teacher who has removed the student, and one member selected by the principal from the school's staff. The teacher who requested the removal may not serve on the committee. The parent/guardian of the student must be informed of the Placement Review Committee and be provided the opportunity to communicate with the committee on behalf of the student. The committee must render a decision within 5 days after the removal of the student from the classroom and may either: (1) place the student in another class within the student's regularly assigned school, or (2) return the student to the teacher's class. The teacher may appeal the committee's decision to the Superintendent.

#### SHORT-TERM AES (1- 10 DAYS)

A principal may remove a student from the student's regular school program and assign the student to an AES for one (1) to ten (10) days for persistent disobedience and/or serious misconduct. Principals take this action when they have exhausted informal corrective strategies, or when they have at least considered those alternatives and rejected them as inappropriate in a given situation.

Reassignment from the student's regular school program is appropriate under certain conditions, included but not limited to the following:

The student's presence in school presents a physical danger to the student or others; and/or  
A "cooling off" period is needed to relieve tensions and relieve pressure;

A student removed from his or her regular school program has the right to request and obtain make-up assignments for the time he or she was reassigned. It is the responsibility of the student to request make-up work for assignments missed due to a reassignment from the student's regular school program. In the case of a student with a disability, assignment must be appropriate in light of the student's Individual Educational Plan (IEP) or Section 504 Plan. Removal from a particular class

## Code of Student Conduct – Secondary

FORMAL CORRECTIVE STRATEGIES:

### Assignment to an Alternative Educational Setting in Lieu of Suspension

should not effectuate a denial of IEP or Limited English Proficient (LEP) services.

A student removed from his or her regular school program is entitled to be notified of the reason for the reassignment and an opportunity to be heard by the principal/designee. Parents/Guardians must be provided written notice within 24 hours by U.S. mail.

#### STUDENT SUCCESS CENTER

The Student Success Centers are one type of Alternative Educational Setting that provide a safe-haven in a structured learning environment for referred students (ages 11 and older) exhibiting Level III-IV behavior and (with Region notification) habitual Level II infractions of the *Code of Student Conduct*.

#### LONG-TERM AES (MORE THAN 10 DAYS)

A principal may request a District-approved administrative assignment to an AES for more than ten (10) days. This action is taken only when less severe strategies are deemed inappropriate. If the nature of the student's behavior warrants, the Superintendent's designee will approve the request and assign the student to one of the alternative educational settings.

In the case of a student with a disability, assignment must be appropriate in light of the student's Individual Educational Plan (IEP) or Section 504 Plan. Removal from a particular class should not effectuate a denial of IEP or Limited English Proficient (LEP) services.

A student removed from his or her regular school program is entitled to be notified of the reason for the reassignment and an opportunity to be heard by the principal/designee and the parents/guardians must be sent written notice within 24 hours by U.S. mail. Furthermore, the student assigned to an AES for more than 10 days is entitled to a hearing.

#### PATHWAYS

Pathways is one type of Alternative Educational Setting for students in grades 6 – 12 that commit the most serious infractions of the *Code of Student Conduct* (Levels IV and V) may be recommended for expulsion. Students will be assigned to the Pathways Program during the period of time which would have traditionally resulted in a ten (10) day outdoor suspension preceding expulsion. Students will receive academic support, in-house counseling services and receive wrap-around services from community agencies.

FORMAL CORRECTIVE STRATEGIES:

### Denial of Bus Privileges

Student misconduct while riding a school bus and/or bus stop is a serious threat to the safety of everyone on the bus as well as other motorists, pedestrians and members of the community. All rules that apply to school grounds and activities also apply when riding the school bus. Parents are responsible for their child's behavior on the school bus to and from school as well as their behavior at the bus stop.

**Unacceptable behaviors on a school bus leading to the need for corrective action, that**



## Code of Student Conduct – Secondary

FORMAL CORRECTIVE  
STRATEGIES:

### Denial of Bus Privileges

**include but are not limited to the following:**

- Disrupting, distracting, or disobeying a bus operator
- Failing to use required safety equipment on the bus
- Standing or getting out of your seat while bus is in motion
- Failing to sit in assigned seat (if applicable)
- Yelling, inappropriate language, spitting outside the bus window, at other students, pedestrians or motorists.
- Use of profanity, fighting or smoking on the bus
- Boarding a bus other than the students assigned bus/route or attempting to leave the school bus at a stop other than the students assigned stop without permission from the school principal/designee
- Having arms, legs or head outside the window of the bus
- Opening an emergency door and/or exiting the bus when it has stopped, unless directed by the bus driver in an emergency
- Threats against the driver, passengers or bus aide on the bus
- Opening emergency exit while bus is in motion
- Throwing objects out of the window of the bus which may or may not cause damage or injury to others
- Throwing objects at any school bus which may or may not cause damage or injury to others
- Vandalism to bus equipment

Possible corrective action may include the following depending on the severity of the offense:

- Verbal or written reprimand from the school principal/designee
- Parent Conference
- Up to ten (10) days suspension from being transported to and from school
- Up to ten (10) days loss of bus privileges for extracurricular activities
- Assignment to AES
- Recommendation for expulsion if the behavior on the bus constitutes a level III – V

**Corrective actions will be determined by the school principal/designee with input from the Department of Transportation based on the offense and after all necessary documentation has been submitted by the bus driver or transportation center.**

In the case of a student with a disability, suspension of bus privileges must be appropriate in light of the student's Individual Educational Plan (IEP) or Section 504 Plan. A manifestation determination must be conducted for more than ten (10) days of bus suspension for any student who receives transportation as a related service on his or her IEP or Section 504 Plan.

There are certain Federal regulations, Florida Statutes, and Rules of the State Board of Education that pertain to disciplinary measures for SPED students. The transportation privileges for SPED students may be suspended for violations of the *Code of Student Conduct*; however, there are limits to the length of time SPED students may be suspended from riding the bus.

- A. Consistent with the school district's *Code of Student Conduct* and to the extent that suspension of transportation privileges would be applied to regular education students, school principals may suspend a SPED student's transportation privileges for not more than ten (10) consecutive school days.
- B. School principals may further suspend the transportation privileges of a SPED student for not more than ten (10) consecutive school days in the same school year for separate incidents of misconduct, as long as those suspensions do not constitute a "change of placement" as defined in Rule [6A-6.03312](#) of the State Board of Education.
- C. Pursuant to Rule [6A-6.03312](#) of the State Board of Education, a "change in placement" occurs when:
  - The suspension is for more than ten (10) consecutive school days, or
  - The student has been subjected to a series of suspensions of transportation privileges that constitutes a pattern because the suspensions cumulate to more than ten (10) schools days in a school year, because the student's behavior in previous incidents is substantially similar to the student's behavior that resulted in the series of suspensions, and because of additional factors, such as the length of each suspension, the total amount of time the student has been suspended, and the proximity of the suspensions to one another. The school district determines on a case-by-case basis whether a pattern of suspensions constitutes a "change of placement," and this determination is subject to review through due process and judicial proceedings.
- D. Requirements for Manifestation Determination (MD) meetings for transportation related violations:
  - All SPED students who have their transportation privileges suspended are required to have a Manifestation Determination (MD) meeting after the sixth (6th) day of suspension – **if the student is unable to attend school as a result** – and for every suspension thereafter in order to determine whether the pattern of removals constitutes a "change of placement," as defined in paragraph (C), above.
  - When reviewing the student's conduct, the IEP Team will review all relevant information in the student's file, including any information supplied by the parents of the student, any observations of the student from teachers and Transportation staff, and the student's current IEP.
  - The IEP Team shall determine if the misconduct of the student was caused by, or had a substantial relationship to, the student's disability, or whether the conduct was a direct failure of the school district's failure to implement the IEP.

## Code of Student Conduct – Secondary

FORMAL CORRECTIVE STRATEGIES:

### Denial of Bus Privileges for Students with Disabilities

- If the IEP Team determines that the misconduct of the student was caused by, or had a direct and substantial relationship to the student's disability – or that the conduct in question was a direct result of the school district's failure to implement the IEP – the conduct will be determined to be a manifestation of the student's disability and the school district will take immediate steps to remedy those deficiencies.
- If the IEP Team determines that the conduct in question of the student was a manifestation of the student's disability, the IEP Team will either:
  - Conduct a functional behavioral assessment (FBA) and implement a behavioral implementation plan (BIP) for the student, or
  - If a BIP has already been developed, review and modify it as necessary to address the behavior
- If the IEP Team determines that the behavior **was not a manifestation of the student's disability**, the school district may implement the relevant disciplinary procedures that would otherwise apply to a student without disabilities, in the same manner and for the same duration providing the student continues to receive services so as to enable the student to participate in the general curriculum and to progress toward meeting the student's IEP goals.

E. **Expulsion.** Expulsion of a student from riding a school bus is the measure of last resort. It may be taken only after repeated suspensions of student's bus riding privileges have failed to result in an improvement in the student's behavior, an/or for the most serious of misconduct offenses. Expulsion of a student from riding a school bus must be approved by the M-DCPS School Board in accordance with *Policy 2460-Exceptional Student Education*.

FORMAL CORRECTIVE STRATEGIES:

### Denial of Participating in Social and/or Extracurricular Activities

Students may be denied the privilege of participating in social and/or extracurricular activities if they have been disruptive in school or at social and/or extracurricular activities. They may also be denied this privilege if they have been convicted or found to have committed a felony or a delinquent act that would have been a felony if committed by an adult, and a determination has been made that the incident has an adverse impact on the educational program, discipline or welfare in the school. In addition, for senior high school students, any arrest will result in an immediate minimum 10 day prohibition from participation in interscholastic competitions or performance, including practices.

All senior high school students, in order to participate in interscholastic athletics and/or extracurricular activities, commencing with the successful completion of the eighth grade as defined by *Board Policy 5410 - Student Progression Plan*, must meet all academic and conduct eligibility requirements contained in *Board Policy 5845 - Student Activities*, *Board Policy 5500 - Student Conduct and Discipline*, and those of the Florida High School Athletic Association (FHSAA) and the Greater Miami Athletic Conference (GMAC) Bylaws.

## Code of Student Conduct – Secondary

FORMAL CORRECTIVE STRATEGIES:

### Denial of Participating in Social and/or Extracurricular Activities

A student's eligibility to participate in any interscholastic athletics and/or extra-curricular activity may not be affected by any alleged recruiting violation until final disposition of the allegation pursuant to Section 1006.20 F.S.

FORMAL CORRECTIVE STRATEGIES:

### Expulsion

A principal may request that the Superintendent recommend to the School Board that a student be expelled in accordance with *Board Policy 5610 - Suspension and Expulsion of Students*. Principals may take this action when they have exhausted less severe administrative corrective strategies, or when they have considered those alternatives and rejected them as inappropriate in the given situation.

Only the School Board can approve an expulsion. The maximum period of time for an expulsion may not exceed the remainder of the term or school year, the summer session, plus one additional school year of attendance. An expelled student is entitled to due process, including a formal hearing.

FORMAL CORRECTIVE STRATEGIES:

### Manifestation Determination Procedures

A Manifestation Determination meeting is held any time a change of placement is being considered for a student with a disability, such as, when the student has been referred to an Alternative Educational Setting (AES), School Center for Special Instruction (SCSI), and/or the Student Success Center or Pathways. A Manifestation Determination is a process by which the relationship between the student's disability and the specific behavior that may result in disciplinary action is examined. Schools must take into account the student's capacity to understand his or her behavior and the inappropriateness of his or her actions.

- A. A Manifestation Determination will be made within (10) school days of any decision to change the placement of a student with disability due to a violation of the *Code of Student Conduct*.
  - The IEP Team will meet to review all relevant information in the student's file, including any information supplied by the parents of the student, any observations of the student from teachers, and the student's current IEP. The team will determine whether the conduct in question was the direct result of the student's disability or was the direct result of the school district's failure to implement the IEP.
- B. If the IEP Team determines that the misconduct of the student was caused by, or had a direct and substantial relationship to the student's disability – or that the conduct in question was a direct result of the school district's failure to implement the IEP – the conduct will be determined to be a manifestation of the student's disability and the school district will take immediate steps to remedy those deficiencies in one or more of the following ways:
  - Conduct a functional behavioral assessment (FBA) and implement a behavioral implementation plan (BIP) for the student; or

## Code of Student Conduct – Secondary

FORMAL CORRECTIVE STRATEGIES:

### Manifestation Determination Procedures

- If a BIP has already been developed, review and modify it as necessary to address the behavior; and
- Return the student to the placement from which the student was removed, unless the parents/guardians and school district agree to a change in placement as part of the modification for the BIP.

\*\*This option does not apply to students with disabilities that violate the *Code of Student Conduct* with infractions listed in the 45 School Day Alternative Placement Rule.

- C. If the IEP Team determines that the behavior **was not a manifestation of the student's disability**, the relevant disciplinary procedures applicable to non-disabled students may be applied to the student in the same manner and for the same duration in which they would be applied to non-disabled students, except that services necessary for a Free Appropriate Public Education (FAPE) will be made available to the student with disability.
- D. If the parent(s)/guardian(s) disagrees with the manifestation determination decision made by the IEP Team, the parent(s)/guardian(s) may appeal the decision by requesting a due process hearing.

FORMAL CORRECTIVE STRATEGIES:

### Mental Health Services

If a school's Threat Assessment Team determines that a student poses a threat of violence or physical harm to himself or herself or others or significantly disruptive behaviors, a referral may be made to counseling or behavioral health programs.

If an immediate mental health or substance abuse crisis is suspected, school personnel will engage behavioral health crisis resources to provide emergency intervention and assessment, make recommendations, and refer the student for appropriate services.

A good faith attempt will be made to notify the student's parent or legal guardian; however, nothing will preclude school district personnel from acting immediately to address imminent threat and/or danger.

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FORMAL CORRECTIVE STRATEGIES:

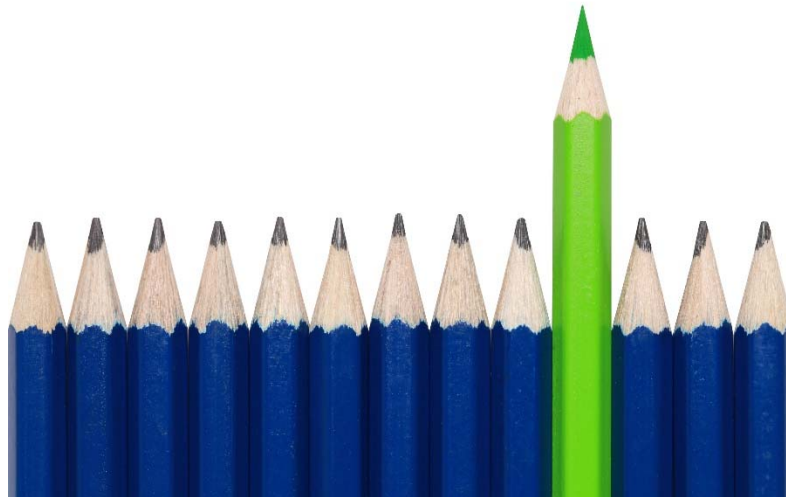
### Peer Mediation

The principal may establish a peer mediation program designed to resolve problems addressed in the *Code of Student Conduct*. The establishment and use of this program is solely within the principal's discretion.

FORMAL CORRECTIVE STRATEGIES:

### Work Back Program in Lieu of Expulsion

In lieu of expulsion, a Work Back Program consistent with existing guidelines, may be available for students who are presently being recommended to the Board for expulsion, except in certain cases for in which a Work Back Program is not allowed.



## BEHAVIORS THAT MAY RESULT IN CRIMINAL PENALTIES

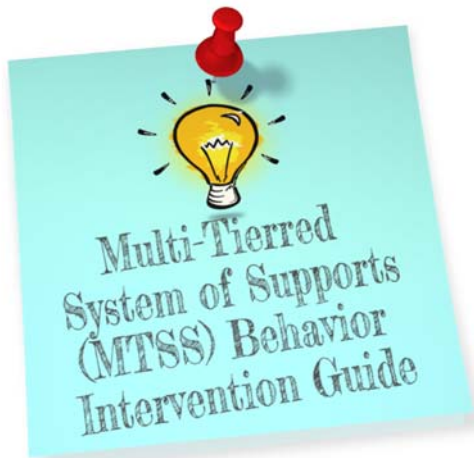
The following behaviors are grounds for corrective strategies by the school and may also result in criminal penalties:

- 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, shall also result in a referral for expulsion and mental health services pursuant to F.S. 1006.13;
- 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, shall also result in a referral for expulsion and mental health services pursuant to F.S. 1006.13; and
- Sexting
- Hazing

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



# CHAPTER V - MULTI-TIERED SYSTEM OF SUPPORTS (MTSS) BEHAVIOR INTERVENTION GUIDE



## MULTI-TIERED SYSTEM OF SUPPORTS (MTSS) BEHAVIOR INTERVENTION GUIDE



### Multi-Tiered System of Supports (MTSS) Behavior Intervention Guide

Multi-Tiered System of Supports (MTSS) behavior intervention guide is intended as a resource for all educators to assist in integrating academic and behavior supports and services into a fluid and seamless system of multi-tiered service delivery for all students. The MTSS model for instruction and intervention is based on the principle that academic and behavioral supports are first provided at a core or universal level to effectively address the needs of all students in a school (referred to as Tier I). However, not all students respond to the same curricula and teaching strategies. As a result, some students with identified needs will receive supplemental or targeted instruction and intervention at Tier II. Finally, at Tier III, a few students with the most severe needs will receive the most intensive and individualized behavioral and / or academic support.

#### TIER I

Teach Rules/Expectations: Establish a structured system for teaching a student rules and expectations prior to a task/request. Such a system may be verbal, written or pictorial.

- **Verbal:** scheduling five minutes prior to an assignment to review rules and expectations
- **Written:** provide the student with written rules and expectations for a given task
- **Pictorial:** teacher can use picture cards to nonverbally teach/remind students of various rules/expectations

Student Repeats Rules/Expectations Prior to Transition: Establish a system in which a student verbally, or in written form, repeats rules/expectations prior to transition.

- Teachers and student have an agreement specifying that before each class change the student verbally reviews the rules and expectations

Preferential Seating: Change the seating arrangement for a student in order to address his/her specific needs. Possible examples may include:

- The student sits in close proximity to the teacher for hearing, vision, and or attention concerns.
- The student is moved away from negative peer influences and near more positive peer influences.

Parent-Teacher Communication System: Establish a set time and method for communication between parent and teacher regarding the student's behavior and progress.

- Methods for communication might include phone contact, face to face meeting, e-mail or note/letter correspondence.

Personal Connection with Student: Establish set times and methods for providing special attention for a student.

## **Code of Student Conduct – Secondary**

- A teacher makes it a point to check in with a student each morning in order to find out how his/her homework was the evening before.

Provide Additional Guidance/Extend Instruction: Provide the student with more specific and or modified instructions, prior to the assignment, in order to assist in general comprehension.

- The teacher may provide additional/individual verbal instructions, written instructions, pictorial instructions, visual guides, completed model of task, etc.

Increase Frequency of Task Related Recognition: Provide specific and consistent recognition and reinforcement for a student's on-task behavior.

- In lieu of simply expecting that a student engage in task related behavior, the teacher will provide reinforcement (verbal, nonverbal, tangible) for a student that is properly engaged in the classroom task.

Visual Schedule: Use for students in need of a structured organizational system, either pictorial or written.

- The schedule is designed to assist the student as he/she progresses through the activities and tasks of the day (i.e. morning bell rings- first class, reading-second class, art, etc.).
- It can also be used to break down a specific task (i.e., open notebook – go to math section- put paper on teacher's desk).

Environmental changes: Make various changes in the environment to accommodate the sensory needs of a student.

- Some examples of this are changing the lighting, re-arranging furniture, or adjusting sound sources.

Use Preferred Activities as Reinforcement: Provide access to a preferred activity (i.e. computer time, art, listening to music, etc.) when a student engages in appropriate behavior.

- The teacher must clearly identify what the preferred activity is, make sure that the identified activity is truly rewarding for the student, establish the circumstances under which the preferred activity will be awarded (i.e. after appropriate behavior has been demonstrated three times), and for how long student will be allowed to engage in the preferred activity.

Personally Greet the Student upon Arrival to Class: Establish a system for spending a personal moment with the student before class, especially with students who may thrive on attention.

- The teacher may want to ask: "How are you today?", "What did you do yesterday after school?", and "How is your family?," etc.

Increase Frequency of Positive Reinforcement: If reinforcement does not occur on a frequent basis, negative/problem behaviors may start to reoccur or increase as a result. When this happens simply increase the frequency of when incentives are delivered.

- A student, who is receiving access to the computer lab for the last half hour of the school day in exchange for demonstrating use of problem solving skills, continues to display episodes of inappropriate behavior. The teacher can increase the frequency of positive reinforcement by allowing two or three opportunities scattered throughout the day to access the computer.

Use of Tangible/Non-tangible Rewards: Use tangible and/or non-tangible reinforcers immediately to reward a student for engaging in positive behavior or good performance. The selected tangible/non-tangible reward must be effective for the student in question and delivered on a consistent basis.

- Tangible: food, stickers, toys, etc.
- Non-tangible: verbal praise, public posting of class work, etc.

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Ignore Undesirable Behavior(s): Instead of, or in addition to, reinforcing positive behavior(s), the teacher can ignore undesirable behavior(s). Any time the student engages in an undesirable behavior, the teacher systematically and consistently ignores the student until the behavior ceases.

Establish Logical Consequences for Students: Inform students that engaging in certain problem behaviors will result in specific consequences.

- Out of seat behavior will result in student not earning points on behavior contract. Consequences must be specifically identified to the student and they must be consistently implemented.

Encourage Effort to Display Appropriate Behavior: Provide reinforcement for a student who is trying to display the appropriate replacement behavior, even if he/she is not quite there yet. This practice will encourage the student to “keep up the good work” and eventually demonstrate the replacement behavior

Use of Positive Referrals: Make positive references to the student for engaging in appropriate behavior.

Use Classroom Incentives for Individual Student Accomplishments: Reward an individual student’s success by allowing the entire class to benefit.

- Throw a pizza party for the class if the individual student has a good week on his/her behavior contract.

Call Home to Share News of Student Effort/Success: Establish a system for calling the student’s parents daily/weekly in order to update them on their child’s success and progress.

Use School-Wide Vehicles for Recognition: Recognize student success and/or progress during school announcements, award programs, lunch, assemblies, etc.

Assign Classroom Responsibilities for Student Recognition: Allow student to participate in classroom related responsibilities (i.e. line leader, clean-up after projects, message delivery person, teacher helper, etc.) in exchange for positive behavior.

## TIER II

Teach/Model Communication/Social Skills: Teach a student appropriate methods of communication. Students who do not possess effective communication/social skills will often vent their school related frustrations in disruptive and inappropriate ways.

- A student experiencing difficulty in mathematics may attempt to avoid such work by acting out in the classroom. The concept is to teach the student appropriate ways of expressing their frustrations. The teacher develops a script with the student that addresses his/her specific needs.
- The following is an example of such a script: when the student is having academic difficulty and feeling frustrated, he/she will signal the teacher either verbally or with a predetermined nonverbal sign (i.e., hand raise). The teacher will subsequently respond to the student in order to find out if he/she needs extra instruction, assistance with assignment or a break from work. Extra instruction and assignment assistance can be delivered by the teacher or by an appointed peer tutor. The break may be as simple as a five minute water or bathroom break. As part of the script, the student agrees to resume appropriate work after his/her needs have been met.

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- In order to ensure optimal effectiveness, the teacher should provide the script in written form to the student and possibly attach it to his/her desk.

**Task Analysis:** Break down and make concrete the difficult tasks to ensure more success. The teacher can teach a student how to break down a task into more simplistic parts.

- A student who has difficulty compiling a three sentence paragraph may perform better when the task is broken down into small steps. First, teach him/her to identify and write down the theme of the paragraph, then create three categories (introduction, main idea, and conclusion), next brainstorm what ideas should go under each category, and finally the student can compile the paragraph based on the information gathered during previous steps.

**Practice Communication and Social Skills:** After teaching appropriate communication and/or social skills techniques, the teacher may provide specific opportunities for the student to demonstrate such skills in the classroom.

- The teacher may need to establish a verbal or nonverbal prompt with the student (i.e., “now is a good time to use your skills” or tap the student on the shoulder).

**Teach Coping Skills:** Teach appropriate ways to cope/deal with frustration, anger, embarrassment, etc., when students do not have a repertoire of appropriate strategies to deal with adverse situations.

- The teacher can teach the student methods such as asking for a time out or break, relaxation/breathing exercises, taking five minutes to vent feelings privately with teacher/peer, or engaging in an enjoyable activity (i.e. computer, art, etc.). Suggestions for appropriate coping skills can be written and attached to the student’s desk as a reminder.

**Teach Positive Self Talk:** Students who do not believe they are capable in various academic and/or social situations may become increasingly unmotivated to work, withdrawn, or even disruptive in order to avoid uncomfortable scenarios.

- The teacher and or school counselor can teach the student a repertoire of positive statements such as “I am capable of doing my work”, “I can make friends in my class”, or “If I study my spelling words every day, I will get a good grade on my spelling test”.
- The student is taught to repeat such statements as frustrations increase in adverse situations.
- The teacher/counselor may need to provide verbal/nonverbal prompts in order for the student to initiate in the self talk procedures (i.e. “what do you need to tell yourself?” or hand signal).

**Remediation in Specific Academic Areas:** Students with academic deficits may engage in problem behavior as a way to avoid difficult tasks. Implementing classroom academic interventions for remediation should reduce the need to avoid such tasks. In order to select appropriate academic interventions, refer to the School Support Team (if applicable)

**Use of Personal Interests for Motivation:** Incorporate student interests into a given task or activity. The concept is that if a student finds a task/activity enjoyable or interesting, he/she is more likely to stay engaged for a longer period of time.

- A student who has difficulty staying on task during independent reading assignments will likely become more motivated to complete the assignment if the topic is of his/her choosing. (i.e., if the student likes fishing, the reading assignment can be related).

**Teach Alternative Behavior for Sensory Feedback:** A student who engages in a certain behavior for the sole purpose of sensory feedback may be able to learn an alternate (less distracting) behavior to serve the same purpose

- A student that taps his/her pencil on the desk repetitively can squeeze a stress ball instead.

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**Teach Anger Management/Problem Solving Skills:** Students who experience difficulty controlling emotions and/or lack sufficient problem solving skills are likely to engage in inappropriate/disruptive behavior when “pushed to the emotional limit” and/or frustrated. There are several existing methods to teach anger management and problem solving skills, and the school counselor and/or school psychologist are excellent resources for such methods.

**Teach Behavioral Self-Control (BSC):** Students who are impulsive and/or lack self-control on a consistent basis will likely benefit from a highly structured plan that addresses self-evaluation, self-management, self-instruction, and self-reinforcement.

- When a student is engaged in inappropriate/problem behavior, the following teacher prompts and student responses should take place:

**Teacher asks:**

“What are you doing?”  
“What do you need to be doing?”  
“What are you going to do now?”  
“Let me know when you finish.”

**Student responds:**

“I am...”  
“I need to...”  
“I have to...”  
“I did...”

**Social Stories/Comic Book Conversations:** This intervention is appropriate for students in need of understanding the social context of various social situations (i.e. standing in line or taking turns)

- A social story or comic book conversation is written specifically for the student and the situation (i.e. Johnny waits for his turn) and must be visually provided for the student.
- The purpose is to lessen the stress of certain social situations for students who may be lacking in social skills and awareness.
- School counselors, school psychologist and autism support teachers are excellent resources for creating social stories.

**Encourage Positive Peer Connections:** Provide opportunities for student to be in contact with positive peer role models.

- The student can be seated in close proximity and or placed in work groups with peer role models. Such positive peer connections should be reinforced by the teacher and or any other adult involved with the student.

**Contract for Grades:** Establish a written contract for grades with a student.

- The teacher and student formerly agree that for each reading test grade above a “C,” the student will receive 10 additional minutes of computer lab time. The agreement is written in contract form and signed by both teacher and student.

**Daily/Weekly Progress Reports:** Arrange a system for documenting the student’s behavioral progress on a daily/weekly basis.

- The teacher may write a brief note at the end of the day/week to describe the student’s overall behavior.
- The teacher develops specific behavior objectives and a form that can be checked-off daily/weekly to show that behavior objectives are met.

**Monitoring/Redirection:** Establish a system for monitoring a student during tasks.

- Checking a student at 10 minute intervals and or providing redirection when needed i.e., eye contact, proximity, tangible incentives, etc.

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**Spend Individual Time with Student:** When a student engages in appropriate behavior, he/she can be rewarded by arranging a specific time for teacher and student to spend time together. It is necessary to be specific when designing this intervention.

- When the student demonstrates appropriate behavior during morning classroom activities, he/she will be allowed to eat lunch with the teacher.

**Reward Competing Behaviors:** The concept behind competing behaviors is that a student cannot engage in two “competing” behaviors at the same time. Identify a competing behavior for the problem behavior (i.e. reading aloud and making inappropriate noises) and reward the student each time he/she engages in the competing behavior.

**Student Self-Monitoring of Progress:** Allow the student to monitor his/her own progress.

- The student can have possession of a progress report and /or behavior contract so that he/she can track their own improvement.

**Acknowledge Use of Replacement Behaviors:** Reward students for engaging in established replacement behaviors.

- Provide the student with verbal praise each time he/she raises his/her hand to get teacher attention instead of calling out loud for teacher attention.

**Develop a Written Behavior Contract:** Use of a behavior contract with points, check offs, signatures, or some other indication for positive behavior can be a powerful self-reinforcement tool. Allow the student to take possession of the contracts and track his/her own progress.

### TIER III

**Choice Making:** Allow student to have some degree of control over their school activities.

- The teacher allows the student to choose the sequence of activities (e.g., reading activity first and writing activity second), mode of presentation (i.e. oral, written, demonstration, etc.) learning materials (e.g., pencil/paper, manipulative, computer use, etc.), and or incentives (e.g., tangibles, public attention, access to activity, etc.).

**Participation in Extra Curricular Activities:** Identify and encourage student to become involved in extra-curricular activities such as sports, art club, music club, etc. The activity should match the individual student’s interests and skills.

**Student Follow-Up:** This involves establishing a system for a “check-in” time during an assignment to ensure that the student fully understands a specific task or request.

- The teacher and student may have an agreement specifying that 10 minutes after the start of a given assignment/test or request the teacher will verbally confirm the student understands. If the student is in need of further instruction, the teacher will provide it.



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Schedule Adjustment: Adjust the daily schedule and/or change the teacher.

- It is possible that a student tends to focus best in the early morning yet all academic classes are scheduled after lunch. In such a case, it would be advantageous for the student's schedule to be adjusted so that academic classes would take place during the morning hours.
- There may be a personality/work style "mismatch" between teacher and student. Changing a student's teacher can make a significant difference.

Peer Mentor/Tutor Opportunity: Allow student to serve as a peer mentor/tutor. This can be effective even when the student him/herself is experiencing difficulties in a given skill area.

- The student can mentor/tutor someone in a lower grade or work group. This can be excellent for improving self-concept, and reinforcing skills in area of difficulty for the student.

Provide Quiet Time Space: Provide a specific time and/or space for quiet or "cool down" purposes.

- If a student becomes easily frustrated during certain academic task, then a quiet area of the classroom can be established as a personal space for that student to go if necessary.

Identify Appropriate Settings for Behavior(s): Suggests that inappropriate behaviors can be appropriate if demonstrated in a suitable setting.

- If a student is constantly singing out loud during class time and causing a disruption, identify or create more appropriate settings for such behavior (i.e., music class, join the chorus, or provide a specific time during class for the student's to show off their "talent").

Chart and Review Daily Student Successes: Create a simple chart listing the replacement behavior(s) and spaces for check-offs of compliance. The chart can be posted on the student's desk and the teacher will check-off every time the behavior(s) are demonstrated at the end of each day, teacher and student can review the chart.

Recognize Small Steps Approximating the Desired Behavior: When a replacement behavior is complex or involves several steps, it may be necessary to reinforce the student for demonstrating smaller approximations or steps of the replacement behavior. Once behaviors have been broken down into steps and taught to the student, reinforce the student for each approximation of the behavior.

# GLOSSARY



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All students and parents/guardians must understand that, in addition to taking corrective strategies at the school level, certain criminal and/or disruptive behavior must, by Board Rule, be reported to appropriate police authorities and to the Miami-Dade Schools Police (Board Policy 3210- Standards of Ethical Conduct).



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1.	<b>Administrators:</b>	<p>Adults in school with executive authority to manage the day-to-day business. They include the principal and assistant principal, among others.</p> <p><i>Example: School <b>administrators</b> are responsible for making schools run smoothly.</i></p>
2.	<b>Alcohol/Alcohol Use: Level III - Behavior</b>	<p>Mind-altering or mood-altering beverages, including but not limited to beer, wine, wine coolers, vodka coolers, liquors, etc. Possession, use, sale, or distribution of alcohol or controlled substances will result in corrective actions at school and may lead to arrest and criminal penalties.</p> <p>Possession, sale, purchase, or use of alcoholic beverages. Use means the person is caught in the act of using, admits to use or is discovered to have used in the course of an investigation.</p> <p><i>Example: Consumption of excessive <b>alcohol</b> can cause death.</i></p>
3.	<b><u>Alcohol-related Incident</u></b>	<p><u>An incident is alcohol related if there is evidence that those involved in the incident were caught drinking at the incident or had been drinking, based on testing or investigation of a Law Enforcement Officer at the scene, or if they admit to drinking, or if the incident is somehow related to possession, use or sale of alcohol.</u></p>
<del>3</del> 4.	<b>Alternative Educational Setting (AES)</b>	<p>A corrective response to behavior where the student is temporarily removed from his or her regular program of instruction and assigned to another educational setting, either within the student's regularly assigned school or to another assigned school, under the supervision of district school personnel, with specific classwork assignments to complete. Assignment to an AES is made by a principal, to an SCSI or Success Center, for a period not to exceed ten (10) school days, or to another school location by the district Office of School Operations/Division of Educational Opportunity and Access (DEOA) upon recommendation of the principal, for a longer period of time.</p> <p><i>Example: Behavioral infractions at school might result in assignment to an <b>Alternative Educational Setting</b>.</i></p>

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45.	<p><b>Arson:</b>  <b>Level V - Behavior</b></p>	<p><del>Intentionally setting a fire on school property.</del> To <u>intentionally</u> damage or cause to be damaged, by fire or explosion, any dwelling, structure, or conveyance, whether occupied or not, or its contents.</p> <p><i>Example: The girl was arrested for <b>arson</b> and expelled because she intentionally started a fire in the restroom.</i></p>
65.	<p><b>Assault/Threat:</b>  <b>Level III - Behavior</b></p>	<p>An intentional, unlawful threat by word or act to do violence to another, coupled with the apparent ability to do so, and doing some act, which creates a well-founded fear in the other person that such violence is imminent.</p> <p><i>Example: The students <b>assaulted</b> another girl by sending her notes saying that they would beat her up right after class.</i></p>
76.	<p><b>Aggravated Assault:</b>  <b>Level V - Behavior</b></p>	<p>An assault with the use of a weapon or with the intent to commit another felony.</p> <p><i>Example: Using a weapon to threaten someone or attempt to harm someone is aggravated assault.</i></p>
78.	<p><b>Battery (Physical Attack):</b>  <b>Level IV - Behavior</b></p>	<p>(Physical attack/harm) <del>The physical use of force or violence by an individual against another. The attack must be serious enough to warrant consulting law enforcement and result in more serious bodily injury. (To distinguish from Fighting, report an incident as Battery only when the force or violence is carried out against a person who is not fighting back.)</del> <u>An actual and intentional striking of another person against his or her will, or the intentional causing of bodily harm to an individual.</u></p> <p><i>Under Florida law, battery that causes great bodily harm, permanent disfigurement, or permanent disability is called "felony battery." Under the law, battery, felony battery, and aggravated battery are distinguishable.</i></p> <p><i>Example: The student <b>battered</b> the teacher by pushing her against the wall.</i></p> <p><i>*Assault and/or battery committed against a staff member require a mandatory recommendation for expulsion.</i></p> <p><i>Administrators distinguish battery from fighting by reporting an incident as battery only when force or violence is carried out against a person who is not fighting back or is merely attempting to shield his or her body from attack.</i></p>
89.	<p><b>Aggravated Battery:</b>  <b>Level V - Behavior</b></p>	<p><u>A battery where the attacker intentionally or knowingly causes</u> <del>intentionally or knowingly causing</del> great bodily harm, permanent disfigurement, or permanent disability to another, or <del>committing battery against another with the</del> use of a deadly weapon.</p> <p><i>Example: Using a deadly weapon to injure someone which</i></p>

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		<p><i>results in the person being physically disabled to the point where he/she cannot fight back constitutes <b>aggravated battery</b> or where the attacker knew or should have known the victim was pregnant.</i></p>
9 <u>10</u> .	<b>Behavior:</b>	<p>The way people act or react or the way they conduct themselves.</p> <p><i>Example: There is certain <b>behavior</b> that is acceptable at school and certain <b>behavior</b> that is unacceptable at school. This Code of Student Conduct will help you distinguish between them.</i></p>
10 <u>11</u> .	<b>Bullying: Level III - Behavior</b>	<p>Repeatedly using hostile, intimidating, domineering, or threatening behavior with the intent or purpose of physically or mentally hurting another individual. Bullying occurs within an interpersonal relationship characterized by an imbalance of power (physical or psychological). Unwanted and repeated written, verbal, or physical behavior, including any threatening, insulting, or dehumanizing acts, by an adult or student that are severe or pervasive enough to create an intimidating, hostile or offensive educational environment.</p> <p><del>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. See Board Policy 5517.01 – Bullying and Harassment.</del></p> <p><u>Systematically and chronically inflicting physical hurt or psychological distress on one or more students or employees that is severe or pervasive enough to create an intimidating, hostile, or offense environment; or unreasonably interferes with the individual's school performance or participation. Bullying includes instances of cyberbullying. See also Board Policy 5517.01 – Bullying and Harassment and pages 35-37.</u></p> <p><i>Example: When the girl repeatedly made fun of another student for being poor, the girl was guilty of <b>bullying</b>.</i></p>

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12.	<b><u>Bullying-related Incident</u></b>	An incident is <u>bullying related</u> if the incident includes <u>systematically and chronically inflicting physical hurt or psychological distress on one or more students or employees that is severe or pervasive enough to create an intimidating, hostile, or offensive environment; or unreasonably interferes with the individual's school performance or participation.</u>
13.	<b>Burglary/Breaking and Entering: Level III-Behavior</b>	<del>Illegal entry into a facility. Unlawful entry with force, or unauthorized presence in a building or other structure or conveyance with evidence of the intent to damage or remove property or harm a person(s).</del> <u>Unlawful entry into or remaining in a dwelling, structure, or conveyance with the intent to commit a crime therein.</u>  <i>Example: The students committed <b>burglary</b> when they crawled through the window to steal a camera.</i>
14.	<b>Cheating: Level II-Behavior</b>	Using unauthorized answers or sources to receive credit for schoolwork. Some examples are looking at someone else's paper, copying from your notebook when you are supposed to use only your memory, or copying someone else's homework because you did not complete yours.  <i>Example: The teacher accused him of <b>cheating</b> when she found answers to the test written on his desk.</i>  <b>Plagiarism</b> is a form of cheating when you present another person's words or ideas as your own without giving the originator credit for the information. Some common examples of plagiarism are copying information from a book without using quotation marks and without including a bibliography at the end of the assignment listing the sources used. All information in academic assignments that is not common knowledge must be cited and documented. An example of common knowledge is: Miami is a city in Florida.  <i>Example: She <b>plagiarized</b> the information in her report by not giving credit to the author for his ideas.</i>
15.	<b>Complaint:</b>	A verbal or written disagreement or concern about something that is alleged to be unfair.  <i>Example: The student voiced a <b>complaint</b> to her assistant principal about the amount of homework her teacher assigned daily.</i>
16.	<b>Complaint Procedure:</b>	A series of steps taken to try to resolve a complaint.  <i>Example: The parent-teacher conference was held as required by the <b>complaint procedure</b> process.</i>
17.	<b>Confrontation: Level I – Behavior (Student)</b>	An argument or squabble.  <i>Example: The student went up to the custodian and caused a</i>

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	<b>Level II – Behavior</b> (Staff Member)	<b>confrontation</b> by yelling at him when the custodian asked him not to walk on the wet floor.
<del>16</del> <u>18</u> .	<b>Controlled Substances (Drugs):</b>  <b>Level III – Behavior</b> (Possession or Use)  <b>Level IV – Behavior</b> (Intent to Sale or Distribute   Sale or Distribute)	Mind-altering or mood-altering drugs, including but not limited to marijuana, cocaine, heroin, various pills, etc. Possession, use, sale, and/or distribution of controlled substances will result in corrective strategies at school and may lead to arrest and criminal penalties.  <i>Example: Use of <b>controlled substances</b> can be deadly.</i>  * Chapter 893, Florida Statutes (Drug Abuse Prevention and Control) provides a more extensive list of controlled substances.
<del>17</del> <u>19</u> .	<b>Corporal Punishment:</b>	The use of physical punishment by a parent or teacher on a student. The use of corporal punishment is prohibited in Miami-Dade County Public Schools. This prohibition extends to parents/guardians on school grounds.  <i>Example: Slapping or spanking a student is corporal punishment that is not allowed in school.</i>
<del>18</del> <u>20</u> .	<b>Corrective Strategies/ Disciplinary Actions</b>	Methods or steps used to help students learn how to follow school rules and to protect the safety of everyone at school.  <i>Example: The teacher used <b>corrective strategies</b> to improve his school behavior.</i>
<del>19</del> <u>21</u> .	<b>Counselor:</b>	A school employee who is uniquely trained to help students overcome obstacles that may form barriers to learning.  <i>Example: Trust <b>counselors</b> are trained to talk with students about their problems.</i>
<del>20</del> <u>22</u> .	<b>Cutting Class:</b> <b>Level I - Behavior</b>	Not going to class when you are supposed to be in class.  <i>Example: The girls who tried to sign in to school after first period were caught and assigned detention for <b>cutting class</b>.</i>
<del>21</del> <u>23</u> .	<b>Cyberbullying:</b> <b>Level III- Behavior</b>	<b>Cyberbullying</b> 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



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		<p>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.</p> <p><i>Example: <b>Cyberbullying</b> can cause students to get in trouble at school even if they use their home computer.</i></p>
<del>22</del> <u>24</u> .	<p><b>Defiance:</b> <b>Level II - Behavior</b></p>	<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><i>Example: He received detention for <b>defying</b> the cafeteria manager by refusing to pick up his lunch tray when she told him to do so.</i></p>
<del>23</del> <u>25</u> .	<p><b>Destructive Device:</b></p>	<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 a firearm other than a destructive device.</p> <p><i>Example: Students shall be expelled for bringing to school <b>destructive devices</b> that can explode and hurt others.</i></p>
<del>24</del> <u>26</u> .	<p><b>Detention:</b></p>	<p>A corrective strategy in which a student must spend time at school, either before or after the regular school day or on a Saturday.</p> <p><i>Example: The student served <b>detention</b> for one week after school for purposely breaking a window.</i></p>
<del>25</del> <u>27</u> .	<p><b>Disciplinary Actions (Also Referred to as Corrective Strategies):</b></p>	<p>Methods or steps used to help students learn how to follow school rules and to protect the safety of everyone at school.</p> <p><i>Example: <b>Disciplinary actions</b> are taken against students as consequences for violating the Code of Student Conduct and are designed to assist students in improving their behavior.</i></p>

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<del>26</del> <u>28</u> .	<b>Disruption:</b> <b>Level I - Behavior</b>	Behavior that disturbs the learning and/or safety of others in class, on the school bus and at the bus stop.  <i>Example: The math class could not focus on preparing for FCAT because the girls' constant chatting was <b>disruptive</b>.</i>
<del>27</del> <u>29</u> .	<b>Disruption on Campus/ Disorderly Conduct:</b> <b>Level III - Behavior</b>	Major disruption of all or a significant portion of campus activities, school-sponsored events, and school bus transportation. Disruptive behavior that poses a serious threat to the learning environment, health, safety, or welfare of others. Example: Bomb threat, inciting a riot, initiating a false fire alarm. (Do not use this code for students defying authority, disobeying or showing disrespect to others, using inappropriate language or gestures, or classroom disruption.)  <i>Example: Initiating or participating in a brawl at a school event is a <b>disruption on campus</b> that can lead to serious disciplinary consequences.</i>
<del>28</del> <u>30</u> .	<b>Distribution:</b> <b>Level II - Behavior</b>	Giving out, sharing, dispensing to others.  <i>Example: She was expelled for <b>distribution</b> of pills to other students.</i>
<del>29</del> <u>31</u> .	<b>Drugs:</b> <b>Level III – Behavior</b> (Possession or Use)  <b>Level IV – Behavior</b> (Intent to Sale or Distribute   Sale or Distribute)	<del>Any substance or chemical that alters mood or is used for mood altering, including but not limited to alcohol, marijuana, cocaine, heroin, pills, over the counter medications that are unauthorized or abused, etc. Possession, use, sale, or distribution of controlled substances that results in corrective actions at school may lead to arrest and criminal penalties.</del> <u>The use or possession of any drug, narcotic, controlled substance, or any substance when used for chemical intoxication. Use means the person is caught in the act of using, admits to use or is discovered to have used in the course of an investigation.</u>  <i>Example: The misuse of <b>drugs</b> can be deadly, especially for young people.</i>
<del>30</del> <u>32</u> .	<b>Drug Sale / Distribution Excluding Alcohol:</b>  <b>Level IV – Behavior</b> (Intent to Sale or Distribute   Sale or Distribute)	The illegal sale or distribution of drugs. The manufacture, cultivation, sale, or distribution of any drug, narcotic, controlled substance or substance represented to be a drug, narcotic, or controlled substance.  <i>Example: The student was caught with a bottle of prescribed pills and many small plastic bags which he was going to use for drug <b>sales and distribution</b>.</i>
<del>31</del> <u>32</u> .	<b>Due Process:</b>	A series of steps taken to protect one's rights under the law.

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		<p>For example, students who are expelled have the right to know about the charge made against them, the right to explain their side of the story, and the right to appeal the decision of an administrator.</p> <p><i>Example: <b>Due process</b> is required by Board Policy when the right to attend school is taken away.</i></p>
<del>32</del> <u>34</u> .	<p><b>Electronic Devices: Level I – Behavior (Unauthorized Use)</b></p>	<p>Any wireless communications/electronic device that is powered by electricity or a battery, which is not required by the curriculum and includes items such as; compact disc players, MP3 players, headphones, cellular phones, PDAs, electronic readers, tablets, laptops, cameras and any similar device.</p> <p><i>Example: Unauthorized use of <b>electronic devices</b> can disrupt the learning process and is not allowed in class.</i></p>
<del>33</del> <u>35</u> .	<p><b>Enforce:</b></p>	<p>To compel observance of a law or rule.</p> <p><i>Example: All schools must <b>enforce</b> Florida’s laws, and Miami-Dade County School Board’s Policies.</i></p>
<del>34</del> <u>36</u> .	<p><b>Expulsion:</b></p>	<p>The most serious disciplinary action that can be taken and defined as the exclusion of a student from a traditional school for the number of school days remaining in the school year in which the incident that gives rise to expulsion takes place and one (1) additional school year.</p> <p>Expulsion of students from school programs is a last resort, to be utilized only in the most extenuating circumstances, after other learning-centered strategies have been employed and with District approval.</p> <p><i>Example: The student was <b>expelled</b> from school for possessing a gun at school.</i></p>
<del>35</del> <u>37</u> .	<p><b>False Accusation: Level II - Behavior</b></p>	<p>An untrue and serious statement about a teacher, staff member, or any other person. False accusations are serious when they hurt the professional reputation of others or otherwise get a person in trouble that they do not deserve.</p> <p><i>Example: The student’s father made a <b>false accusation</b> that the teacher had been arrested.</i></p>
<del>36</del> <u>38</u> .	<p><b>False Activation of Fire Alarm: Level IV - Behavior</b></p>	<p>Any action that causes people to believe that there is a fire or threat of a fire when there is not.</p> <p><i>Example: The boys received a suspension for reporting a <b>false fire alarm</b>, even though they meant it as a joke.</i></p>
<del>37</del> <u>39</u> .	<p><b>False Imprisonment:</b></p>	<p>To forcibly, by threat or secretly confining, abducting,</p>

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	<b>Level V - Behavior</b>	<p>imprisoning, or restraining another person without lawful authority and against her or his will (F.S. 787.02).</p> <p><i>Example: The student locked and blocked the door of the bathroom and would not let the other two students out of the bathroom is considered false imprisonment.</i></p>
<del>38</del> <u>40</u> .	<b>False Report/ Bomb Threat: Level IV - Behavior</b>	<p>Any action that causes people to believe that the school is under a serious threat, including but not limited to explosives and weapons of mass destruction.</p> <p><i>Example: Students who make <b>false bomb threat</b> could be expelled and arrested.</i></p> <p>Sections 790.162 and 790.163, F.S. (Weapons and Firearms), further define the making of a false threat or report.</p> <p><i>Making a false report requires mandatory expulsion not less than one year and may lead to arrest and criminal penalties.</i></p>
<del>39</del> <u>41</u> .	<b>Felony:</b>	<p>A serious crime, often punishable by imprisonment exceeding one year.</p> <p><i>Example: Many of the infractions in the Code of Student Conduct are also <b>felonies</b> under criminal law and are punishable as such.</i></p>
<del>40</del> <u>42</u> .	<b>Fighting (Minor) Level II - Behavior</b>	<p>Lower level fights such as pushing, shoving, or altercations that stop upon verbal command.</p> <p><i>Example: The students began to fight, but they stopped when the teacher told them to stop and no one was hurt.</i></p>
<del>41</del> <u>43</u> .	<b>Fighting (Serious): Level III - Behavior</b>	<p>When two or more persons mutually participate in use of force or physical violence that requires either</p> <ol style="list-style-type: none"> <li>1) physical restraint</li> </ol> <p style="text-align: center;">OR</p> <ol style="list-style-type: none"> <li>2) results in injury requiring first aid or medical attention. (Mutual combat, mutual altercation)</li> </ol> <p><i>Example: Students involved in serious <b>fighting</b> that causes injury or requires medical attention will be suspended.</i></p>
<del>42</del> <u>44</u> .	<b>Firearms: Level V - Behavior</b>	<p>Any weapon (including a starter gun) which will, is designed to, or may readily be converted to expel a projectile by the action of an explosive; the frame or receiver of any such weapon; any such firearm muffler or firearm silencer; any destructive device; or any machine gun.</p> <p><i>Example: Students who bring guns to school will be expelled for bringing <b>firearms</b> to school.</i></p>

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43 <u>45</u> .	<b>Forgery (Written Misrepresentation):</b> <b>Level II-Behavior</b>	<p>Making, altering, or signing a document with the intent to defraud or signing another person’s signature without the person’s consent.</p> <p><i>Example: The student was not permitted to go on the field trip because she <b>forged</b> her mother’s name on the permission slip.</i></p>
44 <u>46</u> .	<b>Freedom:</b>	<p>The power to make your own decisions.</p> <p><i>Example: <b>Freedom</b> is usually accompanied by responsibility.</i></p>
45 <u>47</u> .	<b>Gambling:</b> <b>Level III – Behavior</b>	<p>Participating in games of chance for money and/or other things of value.</p> <p><i>Example: Throwing dice for money is <b>gambling</b>.</i></p>
48.	<b><u>Gang-related Incident</u></b>	<p><u>An incident is gang-related if gang affiliation/association caused the incident or was a contributing factor to action that happened during the incident.</u></p>
46 <u>49</u> .	<b>Grievance:</b>	<p>A formal complaint.</p> <p><i>Example: The student’s parents/guardians filed a grievance when she was suspended for having make-up in her backpack.</i></p>
47 <u>50</u> .	<b>Harassment:</b> <b>Level II - Behavior</b>	<p>Conduct directed at a person that causes him/her to feel intimidated or verbally, mentally, or emotionally abused, or that causes him/her substantial emotional distress.</p> <p>Any threatening, insulting or dehumanizing gesture, use of data or computer software, written, verbal or physical conduct directed against a student or school employee that:</p> <ol style="list-style-type: none"> <li>1. Places a student or school employee in reasonable fear of harm to his or her person or damage to his or her property.</li> <li>2. Has the effect of substantially interfering with a student’s educational performance, opportunities, or benefits</li> <li>3. <u>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 person and serves no legitimate purpose.</u></li> </ol> <p><i>Example: What some people think is “just joking around” might constitute harassment if the person at whom it is</i></p>

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		<p><i>directed is distressed by it.</i></p> <p>Repeated harassment is bullying.</p>
4851.	<p><b>Harassment (Civil Rights):</b> <b>Level III - Behavior</b></p>	<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><i>Example: Using racial slurs towards someone who is from a different country is harassment based on a characteristic concerning his civil rights.</i></p> <p>For purposes of Title VI, the United States Department of Education, Office for Civil Rights, defines harassment to include conduct based on race, color or national origin, that is sufficiently severe, pervasive and/or persistent that it interferes with or limits a student’s ability to participate in or benefit from the services, activities or privileges provided by the District.</p> <p><u>For purposes of Title IX, the United States Department of Education defines sexual harassment <del>to include conduct</del> as unwelcome sexual conduct, including conditioning any aid, benefit or service of the school on an individual’s participation in unwelcome sexual conduct, sexual assault, dating or domestic violence, stalking, and all forms of sexual harassment that a reasonable person would determine so severe, pervasive, and objectively offensive that it denies a student access to an education program or activity.</u></p>
4952.	<p><b>Harassment (Sexual):</b> <b>Level III - Behavior</b></p>	<p>Refer to “Sexual Harassment” in this glossary for a specific definition.</p>
5053.	<p><b>Hate Crime:</b> <b>Level IV – Behavior</b></p>	<p>A crime committed against someone that is motivated <u>all or in part by hostility to the victim’s real or perceived <del>hatred of his/her personal characteristics or perceived characteristics, such as</del> race, religion, color, sexual orientation, ethnicity, ancestry, and/or national origin, political beliefs, marital status, age, social and family background, linguistic preference or mental/physical disability</u>. Hate crimes are similar to harassment (civil rights), but they <u>also</u> involve other serious crimes committed against someone. See “Other Major Crimes/Incidents.”</p>

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		<i>Example: The students committed a hate crime when they beat a student up because of his/her religion.</i>
<u>54.</u>	<b><u>Hate Crime related Incident</u></b>	<u>All incidents motivated all or in part by hostility to the victim's real or perceived race, religion, color, sexual orientation, ethnicity, ancestry, national origin, political beliefs, marital status, age, social and family background, linguistic preference or mental/physical disability.</u>
<del>51.</del> <u>55.</u>	<b>Hazing: Level III - Behavior</b>	<p>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 of initiation or admission into or affiliation with any school-sanctioned organization. "Hazing" includes, but is not limited to: pressuring, coercing, or forcing a student to participate in illegal or dangerous behavior, or any brutality of physical nature, such as whipping, beating, or exposure to elements.</p> <p><i>Example: Requiring new students to stay awake for two nights in order to join a club is prohibiting <b>hazing</b>.</i></p>
<u>56.</u>	<b><u>Hazing-related Incident</u></b>	<u>An incident is hazing-related if the incident includes any action or situation that endangers the mental or physical health or safety of a student for purposes of initiation or admission into or affiliation with any school-sanctioned organization.</u>
<del>52.</del> <u>57.</u>	<b>Hearing:</b>	<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><i>Example: My parent and I asked for a <b>hearing</b> with the principal when I was suspended for having lip gloss in my backpack.</i></p>
<del>53.</del> <u>58</u>	<b>Homicide: Level V - Behavior</b>	<p>The unjustified killing of one human being by another (murder, manslaughter).</p> <p><i>Example: The student was arrested for <b>homicide</b> after when he beat his classmate to death.</i></p>
<del>54.</del> <u>59</u>	<b>Improper Activation of a Fire Extinguisher Level III - Behavior</b>	<p>To intentionally remove and/or activate a fire extinguisher when there is no actual fire.</p> <p><i>Example: The student dared his friend to remove the fire extinguisher and spray the hallway with foam <b>is improper activation of a fire extinguisher</b>.</i></p>



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<del>55.</del> <u>60.</u>	<b>Inappropriate Items: Level II - Behavior</b>	Items unsuitable for school because they tend to disrupt the learning environment.  <i>Example: Magazines that feature violent video games are <b>inappropriate items</b> for school.</i>
<del>56.</del> <u>61</u>	<b>Inappropriate Public Display of Affection: Level I - Behavior</b>	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, classrooms, school buses, etc.  <i>Example: Kissing in the hallway and stairwells is an example of an <b>inappropriate public display of affection</b>.</i>  Engaging in this type of behavior in hidden places is also inappropriate, and depending on the circumstances, may constitute a more serious infraction. See <b>Sexual Offenses (Other)</b> in this glossary.
<del>57.</del> <u>62.</u>	<b>Infraction:</b>	The breaking of a school policy; a violation; an infringement.  <i>Example: Every <b>infraction</b> in the Code of Student Conduct has a range of corrective responses.</i>
<u>63.</u>	<b><u>Injury-related Incident</u></b>	<u>Includes all incidents that result in serious bodily injury. Serious bodily injury includes death or injuries with substantial risk of death, extreme physical pain, protracted and obvious disfigurement, and protracted loss or impairment of the function of a bodily member, organ, or mental faculty.</u>
<del>58.</del> <u>64.</u>	<b>In-School Suspension/ School Center for Special Instruction (SCSI):</b>	A corrective response to behavior where the student is temporarily removed from his or her regular program of instruction and assigned to an AES within the student's regularly assigned school, under the supervision of district school personnel, with specific classwork assignments to complete, for a period not to exceed ten (10) school days.  <i>Example: The student was assigned by the principal to the <b>School Center for Special Instruction (SCSI)</b> for one day after habitually disrupting the science class over a period of weeks.</i>
<del>59.</del> <u>65.</u>	<b>Instigative Behavior: Level II - Behavior</b>	Behavior that incites or urges others to do something wrong.  <i>Example: The student <b>instigated</b> his classmates to riot by daring them to create a disturbance in the school.</i>
<del>60.</del> <u>66.</u>	<b>Intimidate:</b>	To make another person afraid.  <i>Example: The boy tried to <b>intimidate</b> another student by threatening to report him to the principal.</i>
<del>61.</del> <u>67.</u>	<b>Kidnapping/ Abduction Level V - Behavior</b>	Forcibly, or by threat, confining, abducting, or imprisoning another person against his/her will and without lawful authority (abduction of an individual).

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		<i>Example: After the abduction the <b>kidnapper</b> asked for a \$10,000 ransom to release the prisoner.</i>
<del>62</del> . <u>68</u> .	<b>Joining Clubs or Groups Not Approved by the School Board:</b> <b>Level II - Behavior</b>	Students must receive prior consent from administrators before organizing school clubs or groups.  <i>Example: A group of students was reprimanded for <b>joining a gang which was a group not approved by the School Board.</b></i>
<del>63</del> . <u>69</u> .	<b>Lewd:</b>	Vulgar, indecent, improper, or naughty <u>and</u> of a sexual nature.  <i>Example: The student called her friend a <b>lewd and derogatory</b> word for a body part.</i>
<del>64</del> . <u>70</u> .	<b>Libel:</b> <b>Level II - Behavior</b>	A writing (including computer-typed), picture, sign, or any other form of print that is false and capable of injuring another person’s reputation through publication and/or distribution.  <i>Example: Passing around an untrue note about someone might constitute <b>libel</b>, and if so, is actionable in civil court.</i>
<del>65</del> . <u>71</u> .	<b>Misrepresentation:</b> <b>Level I - Behavior</b>	An untrue statement or action that is made to deceive or mislead.  <i>Example: The girl misrepresented the truth when she told the teacher that she had completed her homework when she had not.</i>
<del>66</del> . <u>72</u> .	<b>Nicotine Dispensing Devices:</b>	Any product that can be used to deliver nicotine to an individual by inhaling vaporized nicotine from the product, including, but not limited to, an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or other similar device or product and any replacement nicotine cartridge for the device or product.  <i>Example: The student was caught using an electronic cigarette which is a nicotine dispensing device.</i>
<del>67</del> . <u>73</u> .	<b>Obscene Material:</b>	Material that is indecent, lewd, and improper for school.  <i>Example: Adult magazines with pictures of nude people are <b>obscene materials</b>, that are not allowed at school.</i>
<del>68</del> . <u>74</u> .	<b>Other Major Crimes/ Incidents:</b>	Any serious, harmful incident resulting in the need for law enforcement intervention not previously classified (major

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	<p><b>Level IV – Behavior</b> <b>Level V - Behavior</b></p>	<p>incidents that do not fit within the other definitions).</p> <p><i>Example: Knowingly using counterfeit money in the school cafeteria is an example of an <b>other major crime/incident</b>.</i></p>
<p><del>69.</del><u>75.</u></p>	<p><b>Pathways:</b></p>	<p>Pathways is one type of Alternative Educational Setting for students in grades 6-12 that commit the most serious infractions of the <i>Code of Student Conduct</i> (Levels IV and V) may be recommended for expulsion. Students will be assigned to the Pathways Program during the period of time which would have traditionally resulted in a ten (10) day outdoor suspension preceding expulsion. Students will receive academic support, in-house counseling services and receive wrap-around services from community agencies.</p> <p><i>Example: The student had committed a Level V behavior and was recommended to the <b>Pathways</b> Program.</i></p>
<p><del>70.</del><u>76.</u></p>	<p><b>Person Conducting Official Business:</b></p>	<p>Any person who is on M-DCPS property or at an M-DCPS sponsored event to work, to assist students or employees, or to perform any function associated with education in Miami-Dade County.</p> <p><i>Example: The student was expelled for assaulting a psychologist who was at the school <b>conducting official business</b>.</i></p>
<p><del>71.</del><u>77.</u></p>	<p><b>Physical Attack (Battery):</b> <b>Level IV - Behavior</b></p>	<p>Physical attack refers to an actual and intentional striking of another person against his/her will or intentional causing of bodily harm to an individual.</p> <p><i>Example: The student slapping another student across the face is considered a physical attack.</i></p>
<p><del>72.</del><u>78.</u></p>	<p><b>Possession:</b> <b>Level II - Behavior</b> <b>Level III – Behavior</b> <b>Level V - Behavior</b></p>	<p>Having control or ownership.</p> <p><i>Example: The drugs in his <b>possession</b> were confiscated before his arrest.</i></p>
<p><del>73.</del><u>79.</u></p>	<p><b>Property:</b></p>	<p>Something that belongs to someone else or a group of people.</p> <p><i>Example: My pens, pencils, and paper are my <b>property</b>.</i></p>
<p><del>74.</del><u>80.</u></p>	<p><b>Profane:</b> <b>Level I - Behavior</b></p>	<p>Vulgar, crude, indecent.</p> <p><i>Example: Cuss words are considered <b>profanity</b>.</i></p>
<p><del>75.</del><u>81.</u></p>	<p><b>Prohibited Sales on School Grounds: (Other than controlled substances)</b> <b>Level II - Behavior</b></p>	<p>Sale of items on school grounds without the authority of the principal.</p> <p><i>Example: The student selling candy bars and chips in the hallway without the permission of the principal is considered <b>prohibited sales on school grounds</b>.</i></p>

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<del>76</del> . <u>82</u> .	<b>Provocative:</b> <b>Level II - Behavior</b>	Disrespectful conduct or words that tend to cause anger, rage, or humiliation in the person at whom they are directed.  <i>Example: The student's words "I hate you" were <b>provocative</b> and upset the teacher.</i>
<del>77</del> . <u>83</u> .	<b>Reprimand:</b>	An explanation of how a behavior is inappropriate and a warning of the future consequence for doing it again.  <i>Example: The assistant principal <b>reprimanded</b> the student for using profane language and explained to the student how his behavior violated the Code of Student Conduct and advised him of future corrective action if the incident occurred again.</i>
<del>78</del> . <u>84</u> .	<b>Responsibility:</b>	An expectation, duty, or obligation to behave in a certain way.  <i>Example: As a student, I have a <b>responsibility</b> to respect the property of others.</i>
<del>79</del> . <u>85</u> .	<b>Review:</b>	Reconsider. To check-over or rethink a decision.  <i>Example: I hope our teacher will <b>review</b> the failing test grades she gave us last week.</i>
<del>80</del> . <u>86</u> .	<b>Right:</b>	A privilege; a fair and just claim.  <i>Example: All students have the <b>right</b> to a free and appropriate public education.</i>
<del>81</del> <u>87</u> .	<b>Robbery:</b> <b>Level IV - Behavior</b>	Using force to take something from another. The taking or attempted taking of anything of value that is owned by another person or organization, under the confrontational circumstances of force, or threat of force or violence, and /or by putting the victim in fear.  <i>Example: The student who threatened to harm the boy if he refused to hand over his cell phone, which resulted in the boy handing over his cell phone committed <b>robbery</b>.</i>
<del>82</del> . <u>88</u> .	<del><b>Armed Robbery</b></del> <del><b>(Armed):</b></del> <b>Level V - Behavior</b>	The taking of money or property from another through use of force, violence, assault, or putting in fear and while having a weapon.  <i>Example: The <b>armed robber</b> told the cashier that he would use the gun in his pocket unless she gave him all of the money.</i>
<del>83</del> . <u>89</u> .	<b>Sale:</b> <b>Level II – Behavior</b> <b>Level IV - Behavior</b>	Distribution or sharing for money or profit in return.  <i>Example: She was expelled for <b>selling</b> drugs to other students.</i>

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<p><del>84.</del><u>90.</u></p>	<p><b>School Board Personnel/ School Staff:</b></p>	<p>Any employee who works in a school or for the School Board of Miami-Dade County, such as teachers, administrators, counselors, office staff, cafeteria workers, custodians, etc.</p> <p><i>Example: <b>School Board personnel</b> dedicate their careers to the education and well-being of all students.</i></p> <ul style="list-style-type: none"> <li>• <i>Violence against school board personnel is grounds for mandatory expulsion and may result in criminal penalties.</i></li> </ul>
<p><del>85.</del><u>91.</u></p>	<p><b>Sexting:</b>  <b>Level III – Behavior</b>                      (Sexting 1)</p> <p><b>Level IV – Behavior</b>                      (Sexting 2)</p> <p><b>Level V – Behavior</b>                      (Sexting 3)</p>	<p>Sexting - sending or forwarding through cellular telephones and other electronic media sexually explicit, nude or partially nude photographs/images. (See Vital Alerts page(s) <del>38</del><u>41</u>)</p> <p>Sexting may involve:</p> <ul style="list-style-type: none"> <li>• Transmission to one or more students</li> <li>• Partially nude or fully nude photographs/images</li> <li>• Possession, without transmittal, of partially nude or fully nude photographs/images</li> <li>• Substantial interference with the academic environment and student performance</li> <li>• Interference with a person’s personal and social demeanor</li> </ul> <p><i>Example: Taking a picture of someone’s private parts with or without consent and sending through a cellular phone to share with others is <b>sexting</b>.</i></p>
<p><del>86.</del><u>92.</u></p>	<p><b>Sexual Assault:</b>  <b>Level IV - Behavior</b></p>	<p>An incident that includes a threat of: rape, fondling, indecent liberties, <u>or</u> child molestation, <del>or</del> <b>sodomy</b>. Both male and female students can be victims of sexual assault.</p> <p>The threat must include all of the following elements: (1) intent; (2) fear; and (3) capability.</p> <p><i>Example: The student pushed the girl against the wall in the stairwell and told her to kiss him or he would hurt her committed a <b>sexual assault</b>.</i></p>
<p><del>87.</del><u>93.</u></p>	<p><b>Sexual Battery:</b>  <b>Level V - Behavior</b></p>	<p>Forced or attempted oral, anal, or vaginal penetration by using a sexual organ or an object simulating a sexual organ, or the anal or vaginal penetration of another by any body part or object.</p>

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		<p><i>Example: Touching another person's private body parts may constitute <b>sexual battery</b>.</i></p> <ul style="list-style-type: none"> <li>• Also refer to <b>Sexual Offenses (Other)</b> for other sexual acts.</li> </ul>
<p><del>88.94.</del></p>	<p><b>Sexual Harassment: Level III - Behavior</b></p>	<p><del>Displaying unwanted and repeated conduct of a sexual nature that substantially interferes with a student's academic performance and/or creates an intimidating, hostile, or offensive school environment, or causes discomfort or humiliation for that student.</del></p> <p><u>The United States Department of Education defines sexual harassment as unwelcome sexual conduct, including conditioning any aid, benefit or service of the school on an individual's participation in unwelcome sexual conduct, sexual assault, dating or domestic violence, stalking, and all forms of sexual harassment that a reasonable person would determine so severe, pervasive, and objectively offensive that it denies a student access to an education program or activity. <del>Such conduct may include but is not limited to unwelcome touching, graphic verbal comments, sexual jokes, slurs, gestures, or pictures, whether in-person or through any other method, including sexual cyber harassment.</del></u></p> <p><u>Florida Administrative Code Rule 6A-1.0017 defines sexual harassment as unwanted verbal, nonverbal, or physical behavior with sexual connotations 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, as defined in Rule 6A-19.008, F.A.C.</u></p> <p><u>Examples may include but are not limited to unwelcome touching, graphic verbal comments, sexual jokes, slurs, gestures, or pictures, whether in-person or through any other method, including sexual cyber-harassment.</u></p> <p><i>Example: The student was suspended for <b>sexual harassment</b> because he repeatedly talked about a female student's private parts, making her feel uncomfortable.</i></p>

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<del>89.</del> <u>95.</u>	<b>Sexual Offenses (Other):</b> <b>Level IV - Behavior</b>	<p>Sexual contact in a lewd manner. A variety of actions can be characterized as sexual offenses at school.</p> <p><i>Examples: include, but are not limited to:</i></p> <ul style="list-style-type: none"> <li>• Possessing and/or distributing obscene or lewd materials at school;</li> <li>• Exposing or touching private body parts in a lewd manner;</li> <li>• Touching someone else’s body in a lewd manner;</li> <li>• Voyeurism (e.g., secretly looking at or photographing someone in the restroom or locker room without his/her knowledge);</li> <li>• Sexual activity on school grounds between students;</li> <li>• Any type of sexual contact with a student who is under age 16 years old.</li> </ul> <p>Other sexual contact, including intercourse, without force or threat of force. Subjecting an individual to lewd sexual gestures, sexual activity, or exposing private body parts in a lewd manner. (Law enforcement must be notified to investigate.) (Lewdness, indecent exposure)</p>
<del>90.</del> <u>96.</u>	<b>Slander:</b> <b>Level II - Behavior</b>	<p>Speaking false words that are capable of hurting another person’s reputation, community standing, office, trade, business, or means of livelihood.</p> <p><i>Example: Starting an untrue rumor about someone might constitute <b>slander</b>.</i></p>
<del>91.</del> <u>97.</u>	<b>Smoking:</b> <b>Level II - Behavior</b>	<p>Holding a lighted cigarette (cigar, etc.), drawing in and exhaling the smoke of tobacco, or use of any tobacco product.</p> <p><i>Example: <b>Smoking</b> cigarettes is unhealthy.</i></p>
<del>92.</del> <u>98.</u>	<b>SPAR:</b>	<p>School Police Automated Reporting system for recording infractions that are reported to school police.</p> <p><i>Example: Administrators must create a <b>SPAR</b> for battery, a serious infraction of the Code of Student Conduct.</i></p>
<del>93.</del> <u>99.</u>	<b>Stealing/Theft:</b> <b>Level II – Behavior</b> <b>Level IV - Behavior</b>	<p>Knowingly obtaining or using the property of another with the intent to temporarily or permanently deprive the owner of its use or benefit.</p> <p><i>Example: He <b>stole</b> the library book when he slipped it into his backpack and left the library without checking it out.</i></p>



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<del>94.</del> <u>100.</u>	<b>Student Government:</b>	<p>A group of students chosen by other students to represent the entire student body.</p> <p><i>Example: Every year, the <b>Student Government</b> Association presents their yearly plan of activities to the school administration.</i></p>
<del>95.</del> <u>101.</u>	<b>Student Success Center (SSC):</b>	<p>The Student Success Centers are one type of Alternative Educational Setting that provide a safe-haven in a structured learning environment for referred students (ages 11 and older) exhibiting Level III-IV behavior and (with Region approval) habitual Level II infractions of the <i>Code of Student Conduct</i>.</p> <p><i>Example: The student was referred to the Student Success Center (SSC) for committing a Level III behavior.</i></p>
<del>96.</del> <u>102.</u>	<b>Suspension:</b>	<p>A corrective response to serious behavior where the student is temporarily removed from all classes of instruction on public school grounds and all other school-sponsored activities, except as authorized by the principal, for a period not to exceed ten (10) school days and remanding of the student to the custody of the student’s parent with specific homework assignments to complete.</p> <p>Suspension is a last resort, to be utilized in the most extenuating circumstances, after other learning-centered strategies have been employed and with Region notification.</p> <p><i>Example: Serious behavioral infractions at school might result in <b>suspension</b> from school.</i></p>
<del>97.</del> <u>103.</u>	<b>Symbol:</b>	<p>Something that stands for something else.</p> <p><i>Example: Each star in the American flag is a <b>symbol</b> for one of the states in our country.</i></p>
<del>98.</del> <u>104.</u>	<p><b>Theft/Larceny:</b>  <b>Level II – Behavior</b>                      (Petty Theft)</p> <p><b>Level IV – Behavior</b>                      (Grand Theft &amp; Motor Vehicle Theft)</p>	<p>The taking of property from a person, building, or a vehicle. The unauthorized taking, carrying, riding away with, or concealing the property of another person, including motor vehicles, without threat, violence, or bodily harm.</p> <p><i>Example: He committed <b>theft/larceny</b> when he slipped the library book into his backpack and left the library without checking it out.</i></p>
<del>99.</del> <u>105.</u>	<p><b>Grand Theft (Grand):</b>  <b>Level IV - Behavior</b></p>	<p>Stealing something over \$<del>300.</del><u>750.</u>00 in value.</p> <p><i>Example: He was charged with <b>grand theft</b> when he stole the school’s computer.</i></p>

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<del>100.</del> <u>106.</u>	<del>Motor Vehicle Theft (Motor Vehicle):</del> Level IV - Behavior	<p>Taking a <b>motor powered vehicle</b> without permission.</p> <p><i>Example: The student drove the teacher's car from the parking lot without permission and then was arrested for <b>motor vehicle theft</b>.</i></p>
<del>101.</del> <u>107.</u>	<del>Petty Theft Petty):</del> Level II - Behavior	<p>Knowingly obtaining or using the property of another under <del>\$300.00</del><u>750.00</u> in value with the intent to temporarily or permanently deprive the owner of its use or benefit.</p> <p><i>Example: The principal called school police to report the <b>petty theft</b> of a student's purse.</i></p>
<del>102.</del> <u>108.</u>	<del>Threat/Assault:</del> Level III – Behavior	<p>An intentional, unlawful threat by word or act to do violence to another, coupled with the apparent ability to do so, and doing some act, which creates a well-founded fear in the other person that such violence is imminent.</p> <p><i>Example: The student was suspended for making a <b>threat</b> to kill the teacher, causing her to fear for her life.</i></p>
<del>103.</del> <u>109.</u>	<del>Threat Assessment Team:</del>	<p>The Threat Assessment Team is comprised of members with expertise in counseling, instruction, school administration, and law enforcement whom may refer student(s) for mental health services when appropriate.</p> <p><i>Example: The student who made a threat against the school was referred for mental health services by the school's Threat Assessment Team.</i></p>
<del>104.</del> <u>110.</u>	<del>Threat/Intimidation:</del>	<p><del>Instilling fear in others. A threat to cause physical harm to another person with or without the use of a weapon that includes all of the following elements:</del></p> <ul style="list-style-type: none"> <li><del>-1) intent – an intention that the threat is heard or seen by the person who is the object of the threat;</del></li> <li><del>-2) fear – a reasonable fear or apprehension by the person who is the object of the threat that the threat could be carried out; and</del></li> <li><del>3) capability – the ability of the offender to actually carry out the threat directly or by a weapon or other instrument that can easily be obtained.</del></li> </ul> <p><u>An incident where there was no physical contact between the offender and victim, but the victim felt that physical harm could have occurred based on verbal or nonverbal communication by the offender. This includes nonverbal threats (e.g. brandishing a weapon) and verbal threats of physical harm which are made in person, electronically or through any other means.</u></p>

Code of Student Conduct – Secondary

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		<p><i>Example: The student made a <b>threat</b> through a written letter to the coach threatening to kill him with a knife,</i></p>
<del>105.</del> <u>111.</u>	<p><b>Tobacco and Smoking Devices:</b> <b>Level II - Behavior</b></p>	<p><u>The possession, use, distribution, or sale of tobacco or nicotine products on school grounds, at school-sponsored events, or on school transportation by any person under the age of 21.</u></p> <p>All uses of tobacco, including cigars, cigarettes, pipe tobacco, chewing tobacco, snuff, nicotine dispensing devices, electronic cigarettes or smoking devices, any other matter or substances containing tobacco or nicotine, including any product designed or manufactured to imitate any of these products regardless of whether it contains tobacco or nicotine, and the possession of papers used to roll cigarettes.</p> <p><i>Example: <b>Tobacco products</b> are unhealthy.</i></p>
<del>106.</del> <u>112.</u>	<p><b>Trespassing:</b> <b>Level II - Behavior</b></p>	<p>To enter or remain on school grounds/campus, school transportation, or at a school-sponsored event/off campus, without authorization or invitation and with no lawful purpose for entry.</p> <p><i>Example: The student was <b>trespassing</b> when he entered the school after being warned by the principal that the school was closed.</i></p>
<del>107.</del> <u>113.</u>	<p><b>Unauthorized Medication:</b> <b>Level III - Behavior</b></p>	<p>Any medication prescribed by a medical provider and any non-prescribed (over-the-counter) drugs, preparations, and/or remedies that have not been authorized by the student's physician and/or parent/guardian and that have not been approved by the principal as outlined in Board policy 5330, Use of Medications.</p> <p><i>Example: The student was swallowing two aspirins, an <b>unauthorized medication</b>, given to her by her best friend in the school cafeteria during lunch.</i></p>
<del>108.</del> <u>114.</u>	<p><b>Under the Influence:</b></p>	<p>The impairment of one's normal faculties, such as walking, talking, etc., as may be evidenced by, but not limited to: bloodshot eyes, slurred speech, odor of alcohol/elicit</p>

Code of Student Conduct – Secondary

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		<p>substance, stumbling, imbalance, drowsiness, flushed face.”</p> <p><i>Example: The student appeared to be <b>under the influence</b> of alcohol, as his breath smelled of alcohol, he spoke incoherently and he was unable to maintain his balance.</i></p> <p><b>Special Note:</b> These observations may be made by a lay (non-expert) witness. An administrator may come to the conclusion that a student is under the influence of alcohol or an illicit substance based on the totality of the circumstances. An administrator should first rule out that the student is having a reaction to food or authorized prescription medication or experiencing a medical condition. See Vital Alert Use of Medication on page(s) <del>40</del><u>42</u>.</p>
<del>109</del> . <u>115</u> .	<p><b>Vandalism:</b>  <b>Level II – Behavior</b>            (Vandalism Minor)</p> <p><b>Level III – Behavior</b>            (Vandalism Major)</p>	<p>The intentional destruction, damage, or defacement of public or private/<u>personal</u> property without consent of the owner or the person having custody or control of it.</p> <p><b>Major:</b> resulting in damages over \$1,000.00.</p> <p><b>Minor:</b> resulting in damages under \$1,000.00.</p> <p><i>Example: The student committed <b>vandalism</b> when he spray painted graffiti on the school.</i></p>
<del>110</del> . <u>116</u> .	<p><b>Vaping:</b>  <b>Level II - Behavior</b></p>	<p>To inhale and exhale the vapor produced by an electronic cigarette or similar device.</p> <p><i>Example: The student was vaping with an electronic cigarette in the stairwell.</i></p>
<u>117</u> .	<p><b><u>Vaping-related Incident</u></b></p>	<p><u>All incidents that involve the use of non-combustible vaping products, including electronic cigarettes, vapes and vape pens, or any electronic nicotine delivery system if the liquid used contains nicotine or a controlled substance.</u></p>
<del>111</del> . <u>118</u> .	<p><b>Violation/Infraction:</b></p>	<p>The breaking of a school policy; an infringement.</p> <p><i>Example: For every behavior <b>violation</b> there is a recommended corrective strategy.</i></p>
<del>112</del> . <u>119</u> .	<p><b>Violence:</b></p>	<p>Physical force used to injure, damage, or destroy.</p> <p><i>Example: Acts of <b>violence</b> include serious fighting, using a weapon to hurt someone, and throwing objects hard enough to injure a person or damage property.</i></p>
<del>113</del> . <u>120</u> .	<p><b>Weapons:</b>  <b>Level V - Behavior</b></p>	<p>Any instrument that can be used to inflict serious harm on another person or that places another person in fear of serious harm. Examples include but are not limited to all</p>

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		<p>types of firearms (weapons used to shoot with, such as guns), dart-guns, stun guns, dirks (daggers), knives*, metallic knuckles, clubs, tear gas guns, chemical weapons or devices, bombs, aerosols, and other destructive devices (any item that can explode or cause destruction, such as grenades, mines, rockets, or missiles) and any other object used to inflict harm. This definition does not include simulated weapons.</p> <p>*Although common pocket knives are not classified as weapons under the Florida criminal code, M-DCPS students are prohibited from carrying pocket knives on school property. School Operations/Alternative Education will determine the appropriate disciplinary action to apply based on the item that is confiscated and how it is used.</p> <p><i>Example: Everyday objects <b>such as pens, pencils, thumbtacks, and rubber bands can be weapons</b> if they are used to seriously harm or attempt to seriously harm someone.</i></p> <p>* Section 790.001, F.S. (Weapons and Firearms), provides a further definition of weapons.</p>
<del>114.</del> <u>121.</u>	<b>Simulated Weapons (Simulated):</b> <b>Level III - Behavior</b>	<p>Any instrument that looks like a weapon but is not a weapon.</p> <p><i>Example: Toy guns are <b>simulated weapons</b>.</i></p>
<del>115.</del> <u>122.</u>	<b>Weapons Possession:</b> <b>Level V – Behavior</b>	<p>Possession of any instrument or object, as defined by Section 790.001, Florida Statutes, or district code of conduct that can inflict serious harm on another person or that can place a person in reasonable fear of serious harm. (Possession of a common pocketknife is exempted from state zero tolerance expulsion requirement 1006.07(2) F.S.; however, law enforcement should be notified of any weapon or knife, including pocketknives, for investigation). (Possession of firearms and other instruments which can cause harm).</p> <p><i>Example: The student had a knife in his pocket which constitutes a weapons possession.</i></p>
<del>116.</del> <u>123.</u>	<b>Weapons Possession, Use, Sale, or Distribution:</b> <b>Level V - Behavior</b>	<p>Having, using, selling, or distributing any instrument or object that can inflict serious harm or place a person in reasonable fear of serious harm. See “weapons” above.</p> <p><i>*Under Florida’s <b>Zero Tolerance</b> law, no person, unless part of one’s law enforcement responsibilities, shall bring upon school property or have in his or her possession, while on school property, any firearms, weapons or other destructive devices as defined in Section 790.001. F.S. this prohibition shall include any firearm or weapon securely encased in a vehicle or other private conveyance on a campus. Possession, use, sale, or distribution of firearms that results</i></p>

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		<p><i>in disciplinary action at school may lead to arrest and criminal penalties.</i></p> <p>Possession, use, sale, and/or distribution of weapons that results in disciplinary action at school may lead to arrest and criminal penalties.</p> <p><i>Example: <b>Weapons</b> are not allowed in school in order to provide a safe environment for all students.</i></p>
<u>124.</u>	<b><u>Weapon-related Incident</u></b>	<u>All incidents where anyone involved possessed or used a weapon or if the incident was related to possession, use or sale of weapons.</u>
<del>117.</del> <u>125.</u>	<b>Witness:</b>	<p>A person who saw something happen.</p> <p><i>Example: I <b>witnessed</b> a fight between two students at school.</i></p>
<del>118.</del> <u>126.</u>	<b>Zero Tolerance:</b>	<p>A principle that violence will not be tolerated at school, during school activities, on school property, or on school-sponsored transportation.</p> <p><i>Example: The <b>zero tolerance</b> policy will help keep our schools a safe place for students.</i></p>

# APPENDIX





## Code of Student Conduct – Secondary

### Best Practices and Suggestions for Rewarding Model Student Behavior

The District believes in the dignity, worth, and potential of each and every student, and provides opportunities to enable all students to make the dream of education a reality. To encourage and recognize positive model student behavior, students will be rewarded and recognized for striving to do their best, and for respecting other students and teachers.

Studies have revealed that model student behavior improves when students

- know what is expected of them at school;
- believe they have the academic and social skills to achieve;
- are recognized and given praised for doing good work or behaving appropriately;
- feel that there is someone at school who seems to care about them as people; and
- believe there is someone at school who encourages their development.

Studies also indicate the importance of parental support

- Student achievement related to parent support is not limited to the early years, but is significant at all ages and grade levels.
- Children of involved parents achieve more regardless of socioeconomic status, ethnic/racial background, or the parents' educational level.
- Children of involved parents exhibit more positive attitudes and behavior.
- Children of involved parents have fewer instances of alcohol use, violence, and antisocial behavior.
- Children of involved parents have higher grades, test scores and better attendance, and are more likely to graduate from high school and have greater enrollment in post-secondary education.

Research offers some suggestions for schools to clearly communicate expectations for model student behavior

- The school must provide a well-written set of model student behavior expectations for the school.
- The set of expectations is short (generally from 5 to 7 items).
- Students should be involved in the development, refinement, and communication of the expectations of model student behavior.
- The model student behavior expectations are statements of how to achieve model behavior, rather than what not to do.
- Model student behavior expectations are posted prominently throughout the school.
- Model student behavior expectations are emphasized in each classroom (e.g. explicitly taught, reminded, and encouraged).
- Students should be encouraged to remember and repeat statements of model student behavior.

Adapted from G. Roy Mayer (2000) California State University, Los Angeles

“Always bear in mind  
that your own resolution to succeed  
is more important than any other one thing.”

Abraham Lincoln, Former President

## Code of Student Conduct – Secondary

### The Importance of Developing Time Management Skills

Time management is an important skill for students of all ages. From studying for school to being an adult and working at a job, time management skills are essential to becoming productive. It has been proven that those who manage their time well, whether in school, work, or exercise, develop good study habits and responsible behavior. Effectively prioritizing tasks is the key to achieving goals.

Time management training provides the theory and practice needed to make the best use of time. In order to apply time management principles effectively individuals first have to

- accept time management as a personal responsibility;
- have a strong and motivating vision of what an ideal life would be like if students were in better control of their time;
- have clear and specific goals relating to achievement;
- devise a schedule and follow it in order to make this happen, and stick to the plan; and
- realize that students (and probably other people) will have to change their way of doing things.

When students manage time wisely to achieve their goals, they will feel fulfilled, productive and in control of their lives. Students will be happier, calmer and more effective. If students can achieve this state, they will truly be managing their time to make a difference



“Time is the coin of your life. It is the only coin you have,  
and only you can determine how it will be spent.  
Be careful lest you let other people spend it for you.”

Carl Sandburg (1878-1967)

## Code of Student Conduct – Secondary

### Time Management Tips for High School Students

It's 10 P.M.—Do You Know Where Your Homework Is?

Does it seem like there's never enough time in the day to get everything done? Feel like you're always running late? Here are some tips for taking control of your time and organizing your life.

#### 1. Make a "To Do" List Every Day.

Put things that are most important at the top and do them first. If it's easier, use a planner to track all of your tasks. And don't forget to reward yourself for your accomplishments.

#### 2. Use Spare Minutes Wisely.

Get some reading done on the bus ride home from school, for example, and you'll kill two birds with one stone.

#### 3. It's Okay to Say "No."

If your boss asks you to work on a Thursday night and you have a final exam the next morning, realize that it's okay to say no. Keep your short- and long-term priorities in mind.

#### 4. Find the Right Time.

You'll work more efficiently if you figure out when you do your best work. For example, if your brain handles math better in the afternoon, don't wait to do it until late at night.

#### 5. Review Your Notes Every Day.

You'll reinforce what you've learned, so you need less time to study. You'll also be ready if your teacher calls on you or gives a pop quiz.

#### 6. Get a Good Night's Sleep.

Running on empty makes the day seem longer and your tasks seem more difficult.

#### 7. Communicate Your Schedule to Others.

If phone calls are proving to be a distraction, tell your friends that you take social calls from 7-8 p.m. It may sound silly, but it helps.

#### 8. Become a Taskmaster.

Figure out how much free time you have each week. Give yourself a time budget and plan your activities accordingly.

#### 9. Don't Waste Time Agonizing.

Have you ever wasted an entire evening by worrying about something that you're supposed to be doing? Was it worth it? Instead of agonizing and procrastinating, just do it.

#### 10. Keep Things in Perspective.

Setting goals that are unrealistic sets you up for failure. While it's good to set high goals for yourself, be sure not to overdo it. Set goals that are difficult yet reachable.

Consider these tips, but personalize your habits so that they suit you. If you set priorities that fit your lifestyle, you'll have a better chance of achieving your goals.

*Time Management Tips for High School Students* © Copyright 2007 The College Board. All rights reserved. Used with permission. <http://www.collegeboard.com/student/plan/college-success/116.html>

**Code of Student Conduct – Secondary**

**Personal Time Management Tool**

Time Flies When You're...

How do you spend your time? Fill in this worksheet with what you do in a normal school week. Use the results to figure out where you might have some extra time. See how you can improve your schedule.

How many hours a day do you:	Daily Total	Frequency	Weekly Total
Sleep (yes, include naps)?	<input type="text"/>	x <input type="text" value="7"/> =	<input type="text"/>
Spend in school?	<input type="text"/>	x <input type="text" value="5"/> =	<input type="text"/>
Study or do homework?	<input type="text"/>	x <input type="text" value="7"/> =	<input type="text"/>
Watch TV?	<input type="text"/>	x <input type="text" value="7"/> =	<input type="text"/>
Spend online or on the computer?	<input type="text"/>	x <input type="text" value="7"/> =	<input type="text"/>
Talk on the phone (or text message)?	<input type="text"/>	x <input type="text" value="7"/> =	<input type="text"/>
Work at a job?	<input type="text"/>	x <input type="text" value="7"/> =	<input type="text"/>
Commute to and from work and/or school?	<input type="text"/>	x <input type="text" value="7"/> =	<input type="text"/>
Participate in extracurriculars (e.g., sports)?	<input type="text"/>	x <input type="text" value="7"/> =	<input type="text"/>
Prepare and eat meals?	<input type="text"/>	x <input type="text" value="7"/> =	<input type="text"/>
<input type="text"/>	<input type="text"/>	x <input type="text" value="7"/> =	<input type="text"/>
<input type="text"/>	<input type="text"/>	x <input type="text" value="7"/> =	<input type="text"/>
<input type="text"/>	<input type="text"/>	x <input type="text" value="7"/> =	<input type="text"/>
<b>TOTAL HOURS</b>	<input type="text"/>		

Personal Time Management Tool © Copyright 2007 The College Board. All rights reserved. Used with permission. <http://www.collegeboard.com/student/plan/college-success/118.html>

## Code of Student Conduct – Secondary

For information regarding resources in the community to assist your child, please call or visit the following:

	<p>Miami-Dade County Public Schools Parent Portal <a href="http://www.dadeschools.net/parents.asp">http://www.dadeschools.net/parents.asp</a></p>
	<p>Miami-Dade County Public Schools' Office of Parental Involvement The Parent Academy 1450 NE 2<sup>nd</sup> Avenue, Suite 226 Miami, Florida 33132 305-995-2680  <a href="http://theparentacademy.dadeschools.net/">http://theparentacademy.dadeschools.net/</a></p>
	<p>The Children's Trust 3150 Southwest 3rd Avenue Miami, FL 33129 (305) 571-5700  <a href="http://www.thechildrenstrust.org/">http://www.thechildrenstrust.org/</a></p>
	<p>Switchboard of Miami A Community Resource Directory maintained by the Switchboard of Miami - To speak to a Helpline counselor Call <b>2-1-1</b> or <b>305-358-4357</b>  Online Help Pages <a href="http://www.switchboardmiami.org/">http://www.switchboardmiami.org/</a></p> 
	<p>Florida KidCare 1-888-540-5437 TTY: 1-877-316-8748  Through Florida KidCare, the state of Florida offers health insurance for children from birth through age 18, even if one or both parents are working.  <a href="http://www.floridakidcare.org/">http://www.floridakidcare.org/</a></p>

## Code of Student Conduct – Secondary

### Anti-Discrimination Policy

The School Board of Miami-Dade County, Florida adheres to a policy of nondiscrimination in employment and educational programs/activities and strives affirmatively to provide equal opportunity for all as required by:

**Title VI of the Civil Rights Act of 1964** - prohibits discrimination on the basis of race, color, religion, or national origin.

**Title VII of the Civil Rights Act of 1964 as amended** - prohibits discrimination in employment on the basis of race, color, religion, gender, or national origin.

**Title IX of the Education Amendments of 1972** - prohibits discrimination on the basis of gender. M-DCPS does not discriminate on the basis of sex in any education program or activity that it operates as required by Title IX. M-DCPS also does not discriminate on the basis of sex in admissions or employment.

Age Discrimination Act of 1975 - prohibits discrimination based on age in programs or activities.

**Age Discrimination in Employment Act of 1967 (ADEA) as amended** - prohibits discrimination on the basis of age with respect to individuals who are at least 40 years old.

**The Equal Pay Act of 1963 as amended** - prohibits gender discrimination in payment of wages to women and men performing substantially equal work in the same establishment.

**Section 504 of the Rehabilitation Act of 1973** - prohibits discrimination against the disabled.

**Americans with Disabilities Act of 1990 (ADA)** - prohibits discrimination against individuals with disabilities in employment, public service, public accommodations and telecommunications.

**The Family and Medical Leave Act of 1993 (FMLA)** - requires covered employers to provide up to 12 weeks of unpaid, job-protected leave to eligible employees for certain family and medical reasons.

**The Pregnancy Discrimination Act of 1978** - prohibits discrimination in employment on the basis of pregnancy, childbirth, or related medical conditions.

**Florida Educational Equity Act (FEEA)** - prohibits discrimination on the basis of race, gender, national origin, marital status, or handicap against a student or employee.

**Florida Civil Rights Act of 1992** - secures for all individuals within the state freedom from discrimination because of race, color, religion, sex, national origin, age, handicap, or marital status.

**Title II of the Genetic Information Nondiscrimination Act of 2008 (GINA)** - prohibits discrimination against employees or applicants because of genetic information.

**Boy Scouts of America Equal Access Act of 2002** – No public school shall deny equal access to, or a fair opportunity for groups to meet on school premises or in school facilities before or after school hours, or discriminate against any group officially affiliated with Boy Scouts of America or any other youth or community group listed in Title 36 (as a patriotic society).

Veterans are provided re-employment rights in accordance with P.L. 93-508 (Federal Law) and Section 295.07 (Florida Statutes), which stipulate categorical preferences for employment.

#### **In Addition:**

**School Board Policies 1362, 3362, 4362, and 5517** - Prohibit harassment and/or discrimination against students, employees, or applicants on the basis of race, color, ethnic or national origin, religion, marital status, disability, genetic information, age, political beliefs, sexual orientation, sex/gender, gender identification, social and family background, linguistic preference, pregnancy, citizenship status, and any other legally prohibited basis. Retaliation for engaging in a protected activity is also prohibited.

**For additional information about Title IX or any other discrimination/harassment concerns, contact the U.S. Department of Education Asst. Secretary for Civil Rights or:**

Office of Civil Rights Compliance (CRC)  
Executive Director/Title IX Coordinator  
155 N.E. 15th Street, Suite P104E  
Miami, Florida 33132  
Phone: (305) 995-1580 TDD: (305) 995-2400  
Email: [crc@dadeschools.net](mailto:crc@dadeschools.net) Website: <https://hrdadeschools.net/civilrights>

Revised ~~08/2017~~ 07/2020

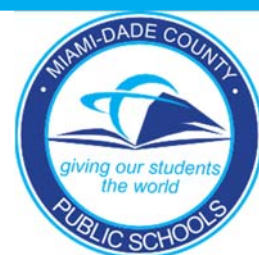
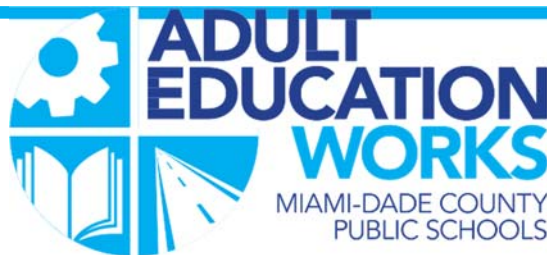
# POST-SECONDARY CODE OF STUDENT CONDUCT



**Co-enrolled and dual enrolled students will follow procedures as specified in the Code of Student Conduct (Secondary)**

Board Policy 5500

~~2019~~ 2020



A DIVISION OF MIAMI-DADE COUNTY PUBLIC SCHOOLS

Updated 02/2019 07/2020



# POST-SECONDARY CODE OF STUDENT CONDUCT

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### DISTRICT DIRECTOR

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## INTRODUCTION

The primary objective of the **Miami-Dade County Public Post-Secondary/ Career Technical Educational programs** is to develop each student's potential for learning and to foster positive interpersonal relationships. If this is to be accomplished, it is necessary that the school's environment be free of disruptions which interfere with teaching and learning activities. The student's conduct determines to a great extent the full development of his/her potential for learning and the development of positive relationships. This *Post-Secondary Code of Student Conduct* –also applies to students who commit felonies or delinquent acts which would be felonies if committed by an adult, off School Board owned property or whose off-campus conduct creates a substantial disruption to the school environment. Off-campus conduct and conduct outside of school time that violates the district's Code of Student Conduct may also be the basis for discipline up to expulsion if it is accomplished through electronic means and substantially disrupts the educational process or orderly operation of a school. Off-campus conduct that poses a threat or danger to the safety of other students, staff, School Board members, any other members of the District Community, or school property may constitute behavior that has a substantial adverse impact on the educational environment requiring disciplinary action.

The purpose of this document is to assist post-secondary students, teachers and school administrators in the consistent maintenance of an environment which will enhance the achievement of this objective. To enhance its effectiveness, this post-secondary Code of Student Conduct addresses not only the role of the student and the school, but also addresses:

- Grounds for disciplinary action; and
- Procedures for taking disciplinary action;

Definitions of behaviors subject to discipline can be found in the *Code of Student Conduct, Secondary*, F.A.C. Rule 6A-1.0017, applicable state and federal laws and/or in application of common use.

These individuals governed by this document are post-secondary students, 16 years of age and older who no longer participate in the secondary educational program.

Students, **who continue to participate in the secondary educational programs (K-12)**, while participating in a post-secondary program (co-enrolled) are governed by the procedures as specified in the Code of Student Conduct (Secondary) Policy 5500. Any infraction occurring during their attendance in the adult education and/or post-secondary program will be reported to the **Home School** principal or designee and notification provided to the parent/guardian.

You are encouraged to read this booklet and develop a thorough understanding of the details presented in this publication.

# POST-SECONDARY CODE OF STUDENT CONDUCT RULES AND PENALTIES:

**Level One Behaviors** are acts that disrupt the orderly operation of the classroom, school function, and extracurricular activities or approved transportation.

## Disruptive Behaviors:

- Confrontation with another student
- Disruptive behavior
- Failure to comply with class and/or school rules
- Possession of items or materials that are inappropriate for an educational setting\*
- Repeated use of profane/crude language (general/not directed at someone)
- Unauthorized location
- Unauthorized use of electronic devices

\*See Sexual Offenses (Other), Level Four, for obscene and lewd materials.

\* 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.

## Level One Penalties:

- Behavior plan
- Parent/guardian contacted (**Students under 18**)\*\*
- Participation in an informal counseling session related to the infraction
- Replacement or payment for any damaged property (if appropriate)
- Reprimand
- Student contract

\*\*Good faith attempt must be made immediately to contact parent/guardian, students under 18, by telephone.

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

## Seriously Disruptive Behaviors:

- Cheating/misrepresentation
- Confrontation with a staff member
- Defiance of school personnel
- Distribution/sale of items/materials that are inappropriate for an educational setting\*
- Failure to comply with previously prescribed penalties
- Fighting (minor)
- Harassment (non-~~sexual~~ protected category or isolated)\*\*
- Libel/slander
- Libel/slander
- Petty theft (under \$300.00)
- Use of profane/provocative language directed at someone
- Vandalism (minor)

\* See Sexual Offenses (Other), Level Four, for obscene and lewd materials.

\*\* Harassment Civil Rights and Sexual Harassment, see Level Three, require a SPAR, and must be reported to the Miami-Dade County Public Schools Office of Civil Rights Compliance at (305) 995-1580.

## Level Two Penalties:

- Parent/guardian contacted (**Students under 18**) \*\*
- Suspension from school (1-5 days)\*\*\*
- Removal from class

\*\*Good faith attempt must be made immediately to contact parent/guardian, students under 18, by telephone.

\*\*\*Send written notice to parent/guardian, students under 18, within 24 hours via U.S. mail.

Updated 02/2019 07/2020

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

**Offensive/Harmful Behaviors:**

- Assault/threat
- Breaking/entering and burglary
- Bullying (repeated harassment)\*
- Disruption on campus/disorderly conduct
- Fighting (serious)
- Harassment (Civil Rights)\*\*
- Hazing (misdemeanor)
- Possession or use of alcohol and/or controlled substances
- Possession of simulated weapons
- Sexting (1)
- Sexual Harassment\*\*
- Trespassing
- Vandalism (major)

\* All Level 3 and Level 4 infractions, unless otherwise noted, require Schools Police Automated Reporting (SPAR); Administrators must contact Miami-Dade Schools Police.

\*\*Harassment Civil Rights and Sexual Harassment, see Level Three, require a SPAR, and must be reported to the Miami-Dade County Public Schools Office of Civil Rights Compliance at (305) 995 1580.

\*\*Corrective action for Sexual Harassment may be issued only in accordance with the District's Title IX Sexual Harassment Manual.

**Level Three Penalties:**

- Parent/guardian contacted (**Students under 18**)\*\*
- Suspension from school (1-10 days)\*\*\*
- Recommendation for dismissal from post-secondary program

\*\*Good faith attempt must be made immediately to contact parent/guardian, **students under 18**, by telephone.

\*\*\*Send written notice to parent/guardian, **students under 18**, within 24 hours via U.S. mail.

**Level Four Behaviors** are more serious acts of unacceptable behavior than Level Three. They are serious acts of misconduct and violent actions that endanger the health and well-being of others and/or damage property, and actions that threaten life.

**Serious, Dangerous, and/or Violent Behaviors:**

- Arson
- Battery/aggravated battery
- Hate crime
- Grand theft (over \$300.00)
- Hazing (felony)
- Making a false report/threat against the school\*
- Motor vehicle theft
- Other major crimes/incidents
- Possession, use, sale or distribution of firearms, explosives, destructive devices and other weapons\*
- Sale and/or distribution of alcohol and/or controlled substances
- Sex offense (other) (including possession/or distribution of obscene or lewd materials)\*\*
- Sexting (2 or 3 Offenses)\*\*
- Sexual battery, sexual assault, dating violence, domestic violence and stalking\*\*

\*Mandatory dismissal for one year.

\* All Level 3 and Level 4 infractions, unless otherwise noted, require Schools Police Automated Reporting (SPAR); administrators must contact Miami-Dade Schools Police.

\*\* Corrective action for Sexual Harassment may be issued only in accordance with the District's Title IX Sexual Harassment Manual.

**Level Four Penalties:**

- Parent/guardian contacted (**Students under 18**)\*\*
- Recommendation for dismissal from post-secondary program
- Suspension from school (1-10 days)\*\*\*

\*\*Good faith attempt must be made immediately to contact parent/guardian, **Students under 18**, by telephone.

\*\*\*Send written notice to parent/guardian, **students under 18**, within 24 hours via U.S. mail.

Updated ~~2019~~07/2020

## SAFEGUARDS: PROTECTING THE RIGHTS OF STUDENTS AND/OR PARENTS/ GUARDIANS FOR STUDENTS UNDER THE AGE OF 18

All penalties used by school-site administrators/or designee must be in compliance with School Board rules and policies. Inherent in these rules and policies is the philosophy of fairness and consideration for actions that are in the best interest of students.

When confronted with an act that may require the imposition of penalties by the school, the student and all other appropriate persons should be given the opportunity to explain the circumstances of the incident.

Students shall not be subjected to any penalties for using a language other than English or because of a disability. School administrators or designee should communicate with the student or parents/guardians when penalties must be taken against a student under the age of 18.

### DUE PROCESS PROCEDURES

In order to ensure that each student receives fair treatment consistent with the fundamental requirements of due process, student suspensions and suspensions with recommendation for dismissal shall be made in accordance with the following procedures.

**Notice of Suspension to Students:** The principal or designee shall deliver by hand or mail a copy of the *written notice of the suspension (FM-5342)* to the student within twenty-four (24) hours of suspension. Failure of the student to receive formal written notice of the suspension shall not affect the validity of the suspension or any other proceedings herein.

**Notice of Suspension to parents/guardians of a minor student (under 18):** The principal or designee shall immediately attempt to notify the parents/guardians by telephone and shall document the fact of such notice or diligent effort to give such notice.

The principal or designee shall deliver by hand or mail a copy of the written *Notice of the Suspension* to the minor student within twenty-four (24) hours of suspension.

The **HOME SCHOOL** administrator must apply *Policy 5610 (Suspension and Expulsion of Student)* to students under the age of 18.

**Appeal of Suspension:** If a student or the parents/guardians of minor wishes to appeal the due process procedures implemented in the suspension process, the appeal shall be submitted to the principal or designee in writing prior to the termination date of the suspension. The principal or designee shall arrange a conference with the student or parent/guardian.

The conference will take place at the school site and be overseen by the principal or designee. The principal or designee shall notify the student or parent in writing of his/her final decision within five (5) days of hearing the appeal.

**Initiation of the Dismissal Process:** The principal or designee shall submit a *Dismissal Request- Adult Student (FM 7458)*, to the Office of School Operations, Adult and Community Education, containing information of the allegations against the student and a detailed description of the incident with supporting documentation. The District will make the final decision on the dismissal request.

Subsequent to a student's suspension and the pending decision on the recommendation for dismissal from an adult education and/or post-secondary program, the student will not be able to enroll in any Miami-Dade County Public School or visit any school campus during the suspension period, unless authorized by the principal or designee.

**Notice to student or parent/guardian of a minor student (under 18):** The principal or designee shall send a letter to the adult student within a reasonable period of time or to the parents/guardians of a minor within 24 hours advising of the District's decision for student dismissal from program. Dismissal from the adult education program shall not automatically affect the student's participation in the K-12 programs.

**Appeal of Suspension with Recommendation for Dismissal:** If a student or the parent/guardian of a minor wishes to appeal the recommendation for dismissal, the request for an appeal hearing shall be made to the District Director, Adult and Community Education, within 10 business days of receiving the *Notice of Suspension and Recommendation for Dismissal (FM-5341)*.

The District Director or designee shall schedule a hearing and notify the student or parent/guardian of a minor of the hearing date and time. The final decision regarding the appeal will be made by the District Director or designee and the decision will be transmitted in writing to the principal. The principal or designee shall send a letter to the student within a reasonable period of time or the parent/guardian of a minor within 24 hours advising of the District's decision.

#### STUDENT SEXTING OFFENSES

Please refer to School Board Policy, 5136.02 *Sexting and the Procedures Manual: Empowering Students to Engage in Positive Communication: A Guide to Combat Student Sexting*.

#### JEANNE CLERY DISCLOSURE OF CAMPUS SECURITY POLICY

The School Board shall comply with all Federal laws to include requirements and regulations of the U.S. Department of Education. The Board shall maintain an educational and work environment free from all forms of discrimination and harassment, which includes *Title IX of the Educational Amendments of 1972* and the *Violence Against Women Reauthorization Act (VAWA) Public Law 113-4* and the *Jeanne Clery Act (20 U.S.C. 1092(f))*, as amended. All schools authorized under the *Title IV Higher Education Act of 1965 (HEA)* must adhere to the above Federal requirements and policies.

Students and employees should refer to School Board Policy 5517- ~~Anti-Prohibition on Discrimination~~ and Harassment Against Students Based on Protected Categories for additional information about Title IX or concerns on who to contact regarding this matter. School Board Policies can be accessed at [www.dadeschools.net](http://www.dadeschools.net) under the School Board tab. The Board also prohibits dating violence, domestic violence, sexual assault and stalking in compliance with VAWA and Title IX whether the offense took place in school or in a school related function or off campus where the circumstances and respondent fall under the substantial control of the School Board. Students and employees are encouraged to report to school's administration if they are victims or suspect that someone is an alleged victim of such crimes. Schools will be required to pursue disciplinary proceeding in cases of alleged crimes that may include law enforcement officials in compliance with Federal, State and local laws. All schools that are authorized under Title IX of HEA and participate in the Federal Student Aid Program must report and submit annual crime statistics as mandated by the *Jeanne Clery Disclosure of Campus Policy and Campus Crime Statistics Act (Clery Act)*. The information will be posted on the school's website as part of the Consumer Information mandate required of Title IV schools. Student and employees should also refer to School Board Policy 8405- School Safety for additional information on reporting school crime and violation of the Student Code of Conduct.



## Acknowledgment of Responsibility

(Students under 18 years of age)

Each parent/guardian of a student who is under the age of 18 and no longer enrolled in the K-12 program and each student under the age of 18 enrolled in the post-secondary program of the Miami-Dade County Public Schools must sign and return this page to the student's school to acknowledge receipt of the website address for the *Post-Secondary Code of Student Conduct*.

WEBSITE ADDRESS: The handbook can be found at <http://adulted.dadeschools.net/>

Each school will maintain records of such signed statements.

I acknowledge that I have been given the website address to electronically access the Post-Secondary Code of Student Conduct. I acknowledge that I have read and discussed this information with my child.

\_\_\_\_\_

Parent's/Guardian's Signature

\_\_\_\_\_

Date

I acknowledge receipt of the website address to electronically access the *Post-Secondary Code of Student Conduct* and I have read and discussed it with my parent/guardian and agree to abide by the rules contained therein.

\_\_\_\_\_

Student's Name

\_\_\_\_\_

Date

\_\_\_\_\_

Student ID Number



RETURN TO STUDENT'S SCHOOL  
WITHIN THREE DAYS UPON RECEIPT OF THE  
WEBSITE INFORMATION FOR THE CODE OF CONDUCT



# Acknowledgment of Responsibility

(Students over 18 years of age)

Each post-secondary student enrolled in Miami-Dade County Public Schools must sign and return this page to the student's school to acknowledge receipt of the website address to electronically access the *Post-Secondary Code of Student Conduct*.

WEBSITE ADDRESS: The handbook can be found at <http://adulthood.dadeschools.net/>

Each school will maintain records of such signed statements.


I acknowledge that I have been given the website address to electronically access the *Post-Secondary Code of Student Conduct* and I have read it and agree to abide by the rules contained therein.

\_\_\_\_\_  
Print Student's Name

\_\_\_\_\_  
Date

\_\_\_\_\_  
Student's Signature

\_\_\_\_\_  
Student ID Number


  
 RETURN TO STUDENT'S SCHOOL  
 WITHIN THREE DAYS UPON RECEIPT OF THE  
 WEBSITE INFORMATION FOR THE CODE OF CONDUCT

## Reconocimiento de Responsabilidad

(Estudiantes menores de 18 años de edad)

Cada padre de familia / tutor de un estudiante que sea menor de 18 años de edad y que ya no está matriculado en el programa de Kindergarten a 12<sup>o</sup> grado y cada estudiante menor de 18 años de edad que esté matriculado en el programa postsecundario de las Escuelas Públicas del Condado Miami-Dade debe firmar y devolver esta hoja a la escuela del estudiante para confirmar que ha recibido el enlace del sitio web para el Código de Conducta Estudiantil Postsecundaria (Post-Secondary Code of Student Conduct).

ENLACE DEL SITIO WEB: Puede acceder al manual en <http://adulthood.dadeschools.net/>

Cada escuela mantendrá archivos de dichas declaraciones firmadas.

Reconozco que he se me ha remitido el enlace del sitio web para acceder de manera electrónica al Código de Conducta Estudiantil Postsecundaria. Reconozco que he leído y discutido esta información con mi hijo/a.

\_\_\_\_\_  
Firma del padre de familia/tutor


\_\_\_\_\_  
Fecha

Reconozco que se me ha remitido el enlace del sitio web para acceder de manera electrónica al Código de Conducta Estudiantil Postsecundaria y he leído y discutido dicho contenido con mi padre/madre/tutor y de acuerdo a cumplir con las reglas descritas en el mismo.

\_\_\_\_\_  
Nombre del estudiante

\_\_\_\_\_  
Fecha

\_\_\_\_\_  
Número de ID del estudiante

  
DEVOLVER A LA ESCUELA DEL ESTUDIANTE  
DENTRO DE TRES DÍAS TRAS EL RECIBO DE LOS  
DATOS DEL SITIO WEB DEL CÓDIGO DE CONDUCTA

# Reconocimiento de Responsabilidad

(Estudiantes mayores de 18 años de edad)

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Cada estudiante de postsecundaria matriculado en las Escuelas Públicas del Condado Miami-Dade debe firmar y devolver esta hoja a la escuela del estudiante para confirmar que ha recibido el enlace del sitio web para acceder de manera electrónica al Código de Conducta Estudiantil Postsecundaria (Post-Secondary Code of Student Conduct).

ENLACE DEL SITIO WEB: Puede acceder al manual en <http://adulthood.dadeschools.net/>

Cada escuela mantendrá archivos de dichas declaraciones firmadas.

Reconozco que se me ha remitido el enlace del sitio web para acceder de manera electrónica al Código de Conducta Estudiantil Postsecundaria y he leído y de acuerdo a cumplir con las reglas descritas en el mismo.

---

Escriba el nombre del estudiante

---

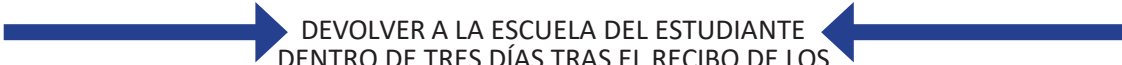
Fecha

---

Firma del estudiante

---

Número de ID del estudiante

 DEVOLVER A LA ESCUELA DEL ESTUDIANTE  
DENTRO DE TRES DÍAS TRAS EL RECIBO DE LOS  
DATOS DEL SITIO WEB DEL CÓDIGO DE CONDUCTA

# Rekonet Responsablite w

(Elèv Ki gen plis pase 18 an)

Chak paran/gayden yon elèv ki poko gen laj 18 an epi ki pa enskri nan program K-12 ak chak elèv ki poko gen laj 18 an ki enskri nan pwogram apre lekòl segondè nan Lekòl Leta Miami-Dade County dwe siyen epi retounen paj sa a nan lekòl elèv la pou fè rekonèt ke yo resevwa adrès sit entènèt la pou Kòd Konduit Elèv Apre Lekòl Segondè.

ADRÈS SIT ENTÈNÈT: Ou ka jwenn manyèl la nan sit entènèt <http://adulthood.dadeschools.net/>

Chak lekòl ap kenbe dosye sou deklarasyon ki siyen yo.

Mwen rekonèt ke mwen te resevwa adrès sit entènèt la poum ka jwenn elektronik aksè Kòd Konduit elèv apre lekòl segondè. Mwen rekonèt ke mwen te li ak diskite enfòmasyon sa yo avèk pitit mwen an.

\_\_\_\_\_  
Siyati Paran/Gadyen Legal La



\_\_\_\_\_  
Dat

Mwen rekonèt ke mwen te resevwa adrès sit entènèt la poum ka jwenn elektronik aksè Kòd Konduit Elèv Apre Lekòl Segondè epi Mwen rekonèt ke mwen te li ak diskite enfòmasyon sa avèk paran/gadyen mwen epi mwen dakò pou mwen respekte règleman ki ladanyo.

\_\_\_\_\_  
Non Elèv La

\_\_\_\_\_  
Dat

\_\_\_\_\_  
Nimewo Identiikasyon elèv la

 **RETOUNEN NAN LEKÒL ELÈV LA  
NAN TWA JOU APRE LI FIN RESEVWA  
ENFOMASYON SOU SIT WEB LA POU KOD KONDUIT.** 

# Rekonet Responsablite w

(Elèv Ki gen plis pase 18 an)

Chak elèv apre lekòl segondè ki enskri nan Lekòl leta Miami-Dade County dwe siyen epi retounen paj sa a nan Lekòl elèv la pou fè rekonèt ke yo resevwa adrès sit entènèt la pou jwenn elektwonik aksè Kòd Konduit Elèv Apre Lekòl Segondè.

ADRÈS SIT ENTÈNÈT: Ou ka jwenn manyèl la a nan sit entènèt <http://adulthood.dadeschools.net/>

Chak lekòl ap kenbe dosye sou deklarasyon ki siyen yo.

Mwen rekonèt ke mwen te resevwa adrès sit entènèt la pou mwen ka jwenn elektronik aksè Kòd Konduit Elèv Apre Lekòl Segondè epi mwen dakò pou mwen respekte règleman ki ladan yo.

\_\_\_\_\_

Ekri non elèv la

\_\_\_\_\_



Dat

\_\_\_\_\_

Siyati elèv la

\_\_\_\_\_

Nimewo idantifikasyon elèv la

 RETOUNEN NAN LEKÒL ELÈV LA  
NAN TWA JOU APRE LI FIN RESEVWA  
ENFOMASYON SOU SIT WEB LA POU KOD KONDUI 

## ■ ANTI-DISCRIMINATION POLICY ■ FEDERAL AND STATE LAWS



THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA adheres to a policy of nondiscrimination in employment and educational programs/activities and strives affirmatively to provide equal opportunity for all as required by:

- n Title VI of the Civil Rights Act of 1964 - prohibits discrimination on the basis of race, color, religion, or national origin.
- n Title VII of the Civil Rights Act of 1964 as amended - prohibits discrimination in employment on the basis of race, color, religion, gender, or national origin.
- n Title IX of the Education Amendments of 1972 - prohibits discrimination on the basis of sex and gender.
- n Age Discrimination in Employment Act of 1967 (ADEA) as amended - prohibits discrimination on the basis of age with respect to individuals who are at least 40.
- n The Equal Pay Act of 1963 as amended - prohibits gender discrimination in payment of wages to women and men performing substantially equal work in the same establishment.
- n Section 504 of the Rehabilitation Act of 1973 - prohibits discrimination against the disabled.
- n The Individuals with Disabilities Education Act - requires that eligible students with disabilities receive certain procedural safeguards and the provision of a free appropriate public education (FAPE).
- n Americans with Disabilities Act of 1990 (ADA) - prohibits discrimination against individuals with disabilities in employment, public service, public accommodations and telecommunications.
- n The Family and Medical Leave Act of 1993 (FMLA) - requires covered employers to provide up to 12 weeks of unpaid, job-protected leave to "eligible" employees for certain family and medical reasons.
- n The Pregnancy Discrimination Act of 1978 - prohibits discrimination in employment on the basis of pregnancy, childbirth, or related medical conditions.
- n Florida Educational Equity Act (FEEA) - prohibits discrimination on the basis of race, gender, national origin, marital status, or handicap against a student or employee.
- n Florida Civil Rights Act of 1992 - secures for all individuals within the state freedom from discrimination because of race, color, religion, sex, national origin, age, handicap, or marital status.
- n Title II of the Genetic Information Nondiscrimination Act of 2008 (GINA) - prohibits discrimination against employees or applicants because of genetic information.
- n Boy Scouts of America Equal Access Act of 2002 – no public school shall deny equal access to, or a fair opportunity for groups to meet on school premises or in school facilities before or after school hours, or discriminate against any group officially affiliated with Boy Scouts of America or any other youth or community group listed in Title 36 (as a patriotic society).
- n Veterans are provided re-employment rights in accordance with P.L. 93-508 (Federal Law) and Section 295.07 (Florida Statutes), which stipulate categorical preferences for employment.

In Addition:

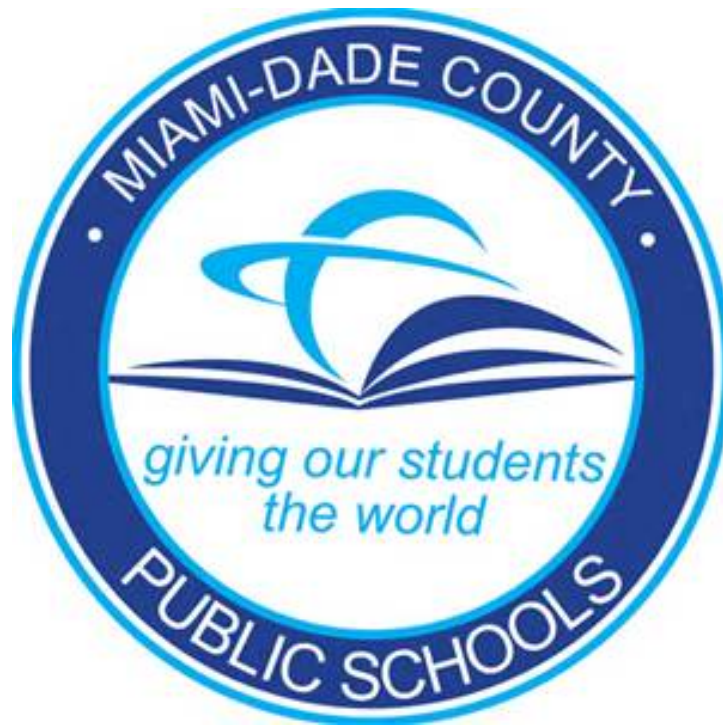
School Board Policies 1362, 3362, 4362, and 5517 – Prohibit harassment and/or discrimination against students, employees, or applicants on the basis of sex, race, color, ethnic or national origin, religion, marital status, disability, genetic information, age, political beliefs, sexual orientation, gender, gender identification, social and family background, linguistic preference, pregnancy, citizenship status, and any other legally prohibited basis. Retaliation for engaging in a protected activity is also prohibited.

Revised : 08-2017



**Office of Civil Rights Compliance**  
***Title IX Sexual Harassment Manual***

**Procedures Related to Reports of  
Sexual Harassment**



Miami-Dade County Public Schools  
The School Board of Miami-Dade County, Florida

Ms. Perla Tabares Hantman, Chair  
Dr. Steve Gallon III, Vice Chair  
Dr. Dorothy Bendross-Mindingall  
Ms. Susie V. Castillo  
Dr. Lawrence S. Feldman  
Dr. Martin Karp  
Dr. Lubby Navarro  
Dr. Marta Pérez  
Ms. Mari Tere Rojas

Ms. Maria Martinez, Student Advisor

**SUPERINTENDENT OF SCHOOLS**

Mr. Alberto M. Carvalho

## **Contact Information**

**District Title IX Coordinator**  
Office of Civil Rights Compliance  
155 N.E. 15th Street, Suite P104E  
Miami, Florida 33132  
Phone: 305 995-1580  
Fax: 305 995-2047  
E-mail: [crc@dadeschools.net](mailto:crc@dadeschools.net)

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## I. **Introduction**

### A. **Purpose**

The Miami-Dade County Public Schools (M-DCPS) Office of Civil Rights Compliance (CRC) *Title IX Sexual Harassment Manual* is designed to outline the procedures for prompt and equitable resolutions of Complaints alleging sexual harassment or related retaliation. These are all expressly prohibited by Miami-Dade County School Board Policy and Title IX of the Education Amendments of 1972 (Title IX).

### B. **M-DCPS Office of Civil Rights Compliance (CRC)**

The District's Title IX Coordinator, located in the CRC, is authorized to coordinate the School Board's response to allegations of sexual harassment and related retaliation.<sup>1</sup> The Title IX Coordinator and Deputy Title IX Coordinators from the CRC Office work with school site Title IX Liaisons to receive reports and Complaints of sexual harassment, provide notice of such Complaints, offer supportive measures and promptly investigate formal Complaints. CRC works with schools and work sites to coordinate the implementation of effective remedies related to sexual harassment. CRC provides connections to counseling and guidance on reporting to law enforcement and the Florida Department of Children and Families. CRC also provides training on recognizing, preventing and responding to all forms of discrimination and harassment including sexual harassment.

CRC strives to ensure that all members of M-DCPS value and respect each other's contributions and opinions without regard to gender, race, social or ethnic background, or any of the protected categories

### C. **Title IX**

Title IX of the Education Amendments of 1972 (Title IX) states:

*No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance.*

As a school district receiving federal financial assistance, Title IX applies to M-DCPS including its schools, educational program and activities.

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<sup>1</sup> As applicable, the procedures contained in this Manual also apply to allegations of retaliation against an individual for activities related to a report of sexual harassment.



**D. Title IX Coordinator**

The District's Title IX Coordinator is located in the Office of Civil Rights Compliance (CRC) at:

155 N.E. 15th Street, Suite P104E  
Miami, FL 33132  
(305)995-1580  
(305) 995-2047 (facsimile)  
[crc@dadeschools.net](mailto:crc@dadeschools.net)

All applicants for employment, employees of all collective bargaining units, students, and parents or legal guardians of the School Board are notified by School Board Policies and this *Title IX Sexual Harassment Manual* that the School Board does not discriminate on the basis of sex in the education program or activity that it operates, and that it is required not to discriminate in such a manner. Inquiries about the application of Title IX may be referred to the District's Title IX Coordinator, the Assistant Secretary of the United States Department of Education, or both.

**E. Training**

The District's Title IX Team, including the Title IX Coordinator, along with any School Title IX Liaisons, Investigators, Decision-Makers, District-appointed Advisors, and Informal Resolution Process Facilitators, must receive training on the definition of sexual harassment as used in this procedures manual, the scope of the District's education program or activity, how to conduct an investigation and implement the grievance procedures, appeals, and informal processes (as applicable), and how to serve impartially including by avoiding pre-judgment of the facts at issue, conflicts of interest and bias.

Title IX training materials will be published on CRC's website at <http://hrdadeschools.net/civilrights>.

Additionally, all Board employees will be trained concerning their obligation to report sexual harassment to their Principal, Work Site Supervisor and/or the District's Title IX Coordinator (using the Title IX Coordinator's contact information listed in this Manual).

## F. Definitions

1. **Complainant** is defined as an individual (employee, student, applicant, or other third parties attempting to participate in an education program or activity under the substantial control of the School Board) who is alleged to be the victim of conduct that could constitute sexual harassment. Parents and guardians who have a legal right to act on behalf of students may do so, including by filing a formal Complaint. A third party, including a parent or guardian, who makes a report of conduct that could constitute sexual harassment on behalf of another individual does not become a Complainant.
2. **Respondent** is defined as an individual who has been alleged to be the perpetrator of conduct that could constitute sexual harassment.
3. **Recipient** refers to elementary and secondary schools, as well as postsecondary institutions, that are recipients of Federal financial assistance. For purpose of Title IX sexual harassment regulations, the U.S. Department of Education uses the phrase “elementary and secondary schools” interchangeably with “local educational agencies” (or “LEAs” or “K-12”).
4. **Sexual Harassment** is defined as conduct on the basis of sex that satisfies one or more of the following definitions:
  - a) **Quid pro quo** is when an employee of the recipient conditions the provision of an aid, benefit, or service of the recipient on an individual’s participation in unwelcome sexual conduct;
  - b) **Unwelcome conduct** is conduct determined by reasonable person to be so **severe, pervasive and objectively offensive** that it effectively denies a person equal access to the recipient’s education program or activity; or
  - c) **“Sexual assault”** as defined by 20 U.S.C. 1092(f)(6)(A)(v) (“Clery Act”) is an offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation; **“Dating violence,”** as defined by 34 U.S.C. 12291(a)(10) is violence committed by a person who is or who has been in a social relationship of a romantic or intimate nature with the Complainant.

*The existence of such a relationship shall be determined based on the Complainant statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship; “Domestic violence,” as defined by 34 U.S.C. 12291(a)(8) is defined as a crime of violence committed by a former or current spouse or intimate partner of the Complainant; by a person with whom the Complainant shares a child in common; by a person who is cohabitating with, or has cohabitated with, the Complainant as a spouse or intimate partner; by a person literally situated to a spouse of the Complainant under the domestic or family violence laws of Florida, or by any other person against an adult or youth Complainant who is protected from that person’s acts under the domestic or family violence laws of Florida; or “Stalking” as defined in 34 U.S.C. 122919(a)(30) is defined as engaging in a course of conduct directed at a specific person that will cause a reasonable person to fear for the person safety or the safety of others or suffer substantial emotional distress.*

5. **Statutory rape** is sexual intercourse with a person who is under the statutory age of consent as defined by state law. In Florida, the age of consent for sexual activity is 18. <sup>2</sup>
6. **Consent** refers to words or actions that a reasonable person would understand as agreement to engage in the sexual conduct at issue. A person may be incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity. A person who is incapacitated is not capable of giving consent. Under Florida Statutes, Section 794.011, the specific definition of consent in relation to sexual battery is intelligent, knowing and voluntary consent; does not include coerced submission; and shall not be deemed or construed to mean the failure by the alleged victim to offer physical resistance to the offender.
7. **Incapacitated** refers to the state where a person does not understand and/or appreciate the nature or fact of sexual activity due to the effect of drugs or alcohol consumption, medical condition, disability, or due to a state of unconsciousness or sleep.

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<sup>2</sup> The age of consent to engage in sexual conduct in Florida is 18. Engaging in sexual conduct with a person under 18 years of age may constitute a crime. Regardless of whether sexual conduct constitutes sexual harassment or a crime, the District’s *Code of Student Conduct* prohibits sexual conduct on school grounds and may prohibit sexual conduct off campus when it causes a substantial disruption to the school environment.

8. **Scope of education program or activity** is defined to include the locations, events or circumstances within the United States, over which the District exercises substantial control. The school must have substantial control over both the Respondent and in the context in which the sexual harassment occurs.
9. **Deliberate Indifference** is defined as a response to sexual harassment that is clearly unreasonable in light of the known circumstances.
10. **Actual Knowledge** is defined as notice of sexual harassment or allegations of sexual harassment to a District's Title IX Coordinator or any official of the district who has the authority to institute corrective measures on behalf of the recipient or to any employee of an elementary or secondary school. Once a school receives notice, it must respond and take action whether a formal Complaint is filed or not.
11. **Supportive Measures** are defined as non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the Complainant or the Respondent before or after the filing of a formal Complaint or where no formal Complaint has been filed. Such measures are designed to restore or preserve equal access to the District's education program or activity without unreasonably burdening the other party, including measures design to protect the safety of all parties or the District's educational environment, or deter sexual harassment. Supportive measures may include counseling, extension of deadlines or other course related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact between the parties, changes in work locations, increased security and monitoring of certain areas of the campus, or other similar measures deemed appropriate under the circumstances.
12. **Formal Complaint** is defined as a document filed by a Complainant or signed by the Title IX Coordinator alleging sexual harassment against a Respondent and requesting that the school district investigate the allegations of sexual harassment. The Title IX Coordinator may sign and therefore initiate a formal Complaint in the event that the Complainant does not, but the Title IX Coordinator will consider the Complainant's wishes and other attending circumstances in exercising that authority.

13. **Relevant Evidence** is defined as evidence that has value in proving or disproving a fact at issue. Evidence of the Complainant's sexual behavior or predisposition may not be deemed relevant unless it is: 1) offered to prove that someone other than the Respondent committed the conduct alleged, or 2) concerns specific incidents of the Complainant's sexual behavior with respect to the Respondent and is offered to prove consent.
14. **Inculpatory Evidence** is evidence that tends to establish a Respondent's responsibility for alleged sexual harassment.
15. **Exculpatory Evidence** is evidence that tends to clear or excuse a Respondent from allegations of sexual harassment.
16. **Days** as used in this manual, means business days (i.e. days that the School Board is open for normal operating hours) unless expressly stated otherwise.
17. **Party** refers to a Complainant or a Respondent.
18. **Preponderance of Evidence** is the greater weight of evidence or evidence which makes an allegation more than likely true.

## II. Title IX Team Roles

### A. District Title IX Coordinator

The District's Title IX Coordinator is generally responsible for:

- Training Investigators, Decision-Makers and Appellate Decision-Makers
- Receiving reports related to sexual harassment
- Offering supportive measures
- Making initial fact assessments
- Informing Complainants of the process for filing a formal Complaint
- Reviewing formal Complaints to determine whether they meet the definition of sexual harassment
- Providing Notice of Allegations contained in a formal Complaint of sexual harassment
- Helping investigators develop an investigation strategy
- Guiding timeline compliance, recordkeeping
- Acting impartially, by avoiding pre-judgment of the facts at issue, conflicts of interest, and bias
- Monitoring implementation and efficacy of supportive measures and remedies
- Supervising all facets of the grievance process pertaining to any report of sexual harassment

The Title IX Coordinator is authorized to coordinate the School Board's response to allegations of sexual harassment and related retaliation. The Title IX Coordinator delegates tasks to Deputy Title IX Coordinators as appropriate.<sup>3</sup> The Title IX Coordinator and Deputy Title IX Coordinators work with school site Title IX Liaisons to receive reports and Complaints of sexual harassment, provide notice of such Complaints, offer supportive measures and promptly investigate Complaints. CRC works with administrators to coordinate the implementation of effective remedies related to sexual harassment.

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<sup>3</sup> Throughout this Manual, the term "Title IX Coordinator" refers to the District's Title IX Coordinator or any member of the Title IX Team to whom the Title IX Coordinator delegates a task of the Title IX Coordinator under this Manual.

## B. **Investigators**

Deputy Title IX Coordinators, CRC Investigators, and Title IX Liaisons cooperate on investigations of Title IX sexual harassment Complaints. Investigators are generally responsible for:

- Investigating formal Complaints of sexual harassment
- Conducting thorough, reliable and prompt investigations
- Acting impartially, by avoiding pre-judgment of the facts at issue, conflicts of interest, and bias
- Reviewing the M-DCPS *Title IX Sexual Harassment Manual* to ensure that all evidence has been gathered for Decision-Makers
- Understanding relevant evidence
- Providing the investigative report to the Title IX Coordinator and Decision-Maker
- Any tasks related to reports and Complaints of sexual harassment as delegated by the Title IX Coordinator or their Principal

### 1. **Deputy Title IX Coordinators**

More specifically, Deputy Title IX Coordinators assist the District Title IX Coordinator with duties such as:

- Any tasks related to reports and Complaints of sexual harassment as delegated by the Title IX Coordinator

### 2. **CRC Investigators**

CRC Investigators assist with duties such as:

- Investigating formal Complaints of sexual harassment using the procedures in this Manual
- Providing the parties and their Advisors with all evidence and considering their written responses prior to completion of the investigative report
- Drafting an investigation report that fairly summarizes all relevant evidence



### 3. **School Title IX Liaisons**

Additionally, School site Title IX Liaisons are Assistant Principals who have been trained and are responsible for:

- Facilitating reporting of allegations of sexual harassment
- Facilitating implementation of supportive measures
- Facilitating the flow of information between the school site and the District's Title IX Office with regard to all grievance procedures
- Any tasks related to reports and Complaints of sexual harassment as delegated by the Title IX Coordinator and/or their Principal

#### C. **Decision-Makers**

Decision-Makers are responsible for:

- Receiving the investigative report and evidence from the investigator
- Reviewing evidence to determine relevance
- Facilitating a question and answer process for the Complainant and Respondent that consists of relevant evidence only
- Explaining any decision to exclude a question as not relevant
- Basing their determination of responsibility only on statements of parties or witnesses who submitted to the question and answer process, but not drawing inferences about the determination of responsibility based solely on a party's or witness's absence from the question and answer process
- Using the definitions contained within this Manual and applicable School Board Policies to render a decision based on the relevant evidence presented
- Providing the parties with a written determination regarding the Respondent's responsibility or non-responsibility for sexual harassment

#### D. **Appellate Decision-Makers**

Appellate Decision-Makers are responsible for:

- Understanding the pertinent definitions, procedures, bases for the finding of responsibility or non-responsibility, and grounds for dismissal and appeal
- Responding to the appeal in a timely manner
- Coordinating any follow up procedures necessary to resolve the grounds for appeal
- Providing the parties with a written determination on the appeal

## E. Informal Resolution Process Facilitators

Informal Resolution Process Facilitators are responsible for conducting the informal resolution process offered by the Title IX Coordinator and mutually agreed to by the parties after a formal Complaint has been filed. They serve as neutral facilitators between the parties trained on: the definition of sexual harassment as provided in this Manual; how to conduct informal resolution processes; and how to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, or bias; and how to keep the informal resolution process confidential from the rest of the Title IX Team until a formal agreement is reached.

Informal Resolution Process Facilitators are also responsible for drafting agreements mutually agreed to by the parties once a resolution is reached and having both parties voluntarily sign the agreement. Informal resolution is not permissible with regard to Complaints alleging sexual harassment by an employee against a student.

## F. Evaluating Bias and Conflicts of Interest

All members of the Title IX Team must ensure the investigation and decision-making processes are free from conflict of interest and bias, as these may be grounds for an appeal on the case. Every member of the Title IX Team should assess for any bias or conflicts of interest before and during the Title IX process. Circumstances that tend to demonstrate bias include:

- **Direct:** an interest directly tied to the parties, their family or career
- **Indirect:** the interest of a group, person or business of one of the parties is or was closely connected (e.g. a friend of a friend, or a previous relationship between those close to a member of the Title IX team or a party)
- **Financial:** monetary gain or loss based on the outcome of the investigation
- **Non-financial:** favoritism or prejudice resulting from friendship, animosity, or other personal involvement with another person or group

A conflict of interest is when a member of the Title IX Team is in a position to derive personal benefit from actions or decisions made in their official capacity.

If a member of the Title IX Team believes they may have a conflict of interest or bias, it should be brought to the attention of the Title IX Coordinator promptly (i.e. before taking any action on a case if possible). If the Title IX Coordinator has a conflict of interest or bias, the Assistant Superintendent of Human Capital Management must be notified for assignment of the matter to a Deputy Title IX Coordinator with direct reporting to the Assistant Superintendent of Human Capital Management, and the Title IX Coordinator must refrain from involvement in the specific matter.

### III. Sexual Harassment Reporting Procedures

#### A. Reporting Sexual Harassment

All persons should report sexual harassment as soon as they become aware of it. Any person may report sexual harassment (whether or not the person reporting is the alleged victim of conduct that constitutes sexual harassment) to any employee of the District. However, persons are strongly encouraged to report allegations of sexual harassment to an employee who has the authority to institute corrective measures, such as the school Principal or the District Title IX Coordinator, in person, by mail, by telephone, or by electronic-mail, or by any other method that results in the verbal or written report being received by those persons.

The District's Title IX Coordinator is located in the Office of Civil Rights Compliance (CRC) at:

155 N.E. 15th Street, Suite P104E  
Miami, FL 33132  
(305)995-1580  
(305) 995-2047 (facsimile)  
[crc@dadeschools.net](mailto:crc@dadeschools.net)

The Complainant's identity must be kept confidential from the Respondent until a formal Complaint is filed or if a particular supportive measure requires the Complainant's identity to be shared with the Respondent (e.g. a no-contact order). If the Respondent is the Principal or Work Site Supervisor, the reporter should contact the Title IX Coordinator directly.

All Principals and Work Site Supervisors (or designees) must promptly notify the District Title IX Coordinator (or designee if the Coordinator is unavailable) and the Title IX Liaison at their work location about a report of sexual harassment reported to them. All employees who make a report to the CRC Office should keep a record of the date, time, method, and person receiving the report.

**Please note that all M-DCPS employees are mandatory reporters pursuant to federal Title IX regulations.**

A person may pursue criminal charges simultaneously with filing a formal Complaint. A person does not need to wait until the Title IX investigation is complete before contacting law enforcement. Questions or complaints relating to Title IX may also be addressed to the Assistant Secretary of the U.S. Department of Education at any time.

## B. Employee Reporting Responsibilities

Any School Board employee who has independent knowledge or receives an allegation or report of conduct that might constitute sexual harassment must **promptly** relay that information to the Principal, Work Site Supervisor, or District Title IX Coordinator or the designees for those individuals. Principals and Work Site Supervisors (or their designees) must **promptly** notify the District Title IX Coordinator (or designee if the Coordinator is unavailable) and the Title IX Liaison at their work location about a report of sexual harassment reported to them. All employees who make a report to the CRC Office should keep a record of the date, time, method, and person receiving the report. A School Board employee who fails to promptly report an incident of sexual harassment of which the employees is aware may be subject to disciplinary action, up to and including termination. All persons should report sexual harassment as soon as they become aware of it.

## C. Additional Steps for Employees Who Receive a Report of Sexual Harassment

1. Ensure the safety and well-being of the Complainant.
2. If there is an emergency, call 911.
3. If you suspect child abuse or neglect, immediately call the Florida Department of Children and Families (DCF) Abuse Hotline at 1-800-96-ABUSE (1-800-962-2873) or submit a report online at <https://reportabuse.dcf.state.fl.us/Child/ChildForm.aspx>
4. Notify the Principal and the Title IX Liaison or Work Site Supervisor that a report has been made to the Title IX Coordinator if you have not made the report the report directly to them.
5. If the report involves an allegation of sexual harassment by an adult against a student or indicates allegations of a Level 3 or higher under the Code of Student Conduct, notify Schools Police at 305-995-COPS.
6. **Always call the M-DCPS Office of Civil Rights Compliance and speak to the Title IX Coordinator or a Deputy Title IX Coordinator regarding any allegation of sexual harassment.**

#### IV. **Initial Grievance Procedures**

M-DCPS is committed to promptly and equitably resolving Complaints alleging sexual harassment. The District will treat both Complainants and Respondents equitably.

At all stages of the grievance process, all members of the Title IX Team as described above, shall assess whether a conflict of interest or bias exists. Should a member of the Title IX Team identify a conflict of interest or bias, they shall notify the Title IX Coordinator promptly (i.e. before taking any action on a case if possible). If the Title IX Coordinator has a conflict of interest or bias, the Title IX Coordinator's immediate supervisor must be notified for assignment of the matter to a Deputy Title IX Coordinator with direct reporting to the Title IX Coordinator's immediate supervisor, and the Title IX Coordinator must refrain from involvement in the specific matter.

The following procedures apply to reports of sexual harassment as defined in this Manual. All steps taken during the application of grievance procedures should be documented. School administrators must call CRC before undertaking any of the following steps.

##### A. **Initial Steps in Response to Allegations of Sexual Harassment**

1. The Title IX Coordinator and Title IX Liaison must log the date, time and method of the report, as well as the person who received and transmitted the report.<sup>4</sup>
2. The Title IX Coordinator and/or Deputy Title IX Coordinator, in conjunction with the school site Title IX Liaison, will assess the initial facts of the report.
3. The District Title IX Coordinator (or designated Deputy Coordinator or Title IX Liaison) shall explain the process for filing a formal Complaint.
4. The Title IX Coordinator and/or designated Deputy Coordinator, in coordination with the Title IX Liaison, shall provide the Complainant with a copy of the formal Title IX Complaint form or refer the Complainant to the District's website to download a copy of the Complaint form.

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<sup>4</sup> It is also advisable for any individual who makes a report of sexual harassment to log this information in their own records.

**B. Supportive Measures Offered to the Complainant and Respondent, As Needed, to Ensure Equal Access to the Educational Program or Activity**

Upon receiving a report of sexual harassment, the Title IX Coordinator shall promptly contact the Complainant (including the parent/guardian for students under age 18) to discuss the availability of supportive measures that are designed to ensure equal access the educational program, whether or not the Complainant intends to or actually files a formal Complaint. If supportive measures are not provided to the Complainant, the Title IX Coordinator shall document the reasons why such a response was not clearly unreasonable in light of the known circumstances.

Supportive measures should also be offered to the Respondent if they are necessary to ensure equity in access to education programs or activities. While a recipient is not obligated in every situation to offer supportive measures to a Respondent, if refusing to offer supportive measures to a Respondent (for instance, where a required proceeding under this Manual falls on a Respondent's final examination date results in a Respondent needing to reschedule the proceeding) would be clearly unreasonable in light of the known circumstances, such a refusal could also violate Title IX.

Supportive measures must be:

- Non-disciplinary, non-punitive
- Individualized
- Meant to restore or preserve equal access to educational programs and activities
- Implemented without unreasonably burdening the other party
- Designed to protect safety of parties or environment or deter sexual harassment
- Confidential to the extent that maintaining confidentiality would not impair the ability to provide the supportive measures

Supportive measures include, but are not limited to:

- Counseling
- Academic support, such as extensions of time or other course-related adjustments
- School campus escort services
- Safety plan
- Class schedule modifications
- Transportation accommodations
- Restrictions on contact between the parties
- School transfers

- Curriculum lessons that contain information about sexual harassment and bullying
- District Student Advocate
- Referrals to outside support agencies
- Employee job/office reassignments
- Referrals to Employee Assistance Program (EAP)

All supportive measures should be documented on the appropriate Student Case Management Forms and/or in the employee file, as well as in the Title IX case file.

### C. **Emergency Removals**

The Principal may institute an emergency removal of a student Respondent after an individualized safety and risk analysis determining that there is an immediate threat to the physical health or safety of any student or other individual. The Principal must contact the Title IX Coordinator after providing notice to the Respondent of the emergency removal. The principal must initiate a Threat Assessment Team (TAT) to review the determination. The TAT process constitutes the Respondent's opportunity to challenge the emergency removal. Principals may contact the Mental Health Services Department at (305) 995-1020 for support as needed. If a student with a disability receives an emergency removal under this section that, independently or combined with prior removals, amounts to a pattern of removals for more than **ten (10) days**, a manifestation determination must be conducted.

Employees may also be removed and placed on alternative assignment by the Office of Professional Standards or a Region Office, with or without a threat to the physical health or safety to a student.



## V. **Formal Grievance Process**

### A. **Formal Complaints**

A formal Complaint may be filed with the Title IX Coordinator<sup>5</sup> in person, by mail, or by electronic mail:

155 N.E. 15th Street, Suite P104E,  
Miami, FL 33132  
(305)995-1580  
(305) 995-2047 (facsimile)  
[crc@dadeschools.net](mailto:crc@dadeschools.net)

The formal Complaint must contain verification that the Complainant (or parent/guardian if under 18 years old) is the person filing the formal Complaint, such as a verifiable physical or digital signature.

When the Title IX Coordinator or designee receives a formal Complaint or signs a formal Complaint, she/he must make a substantive determination of whether the conduct alleged meets the definition of sexual harassment (quid pro quo, unwelcome conduct, or sexual assault, in a program or activity over which the School Board had substantial control over both the Respondent *and* the context in which the harassment occurred).

If the alleged conduct meets the definition of Title IX sexual harassment, the Title IX Coordinator will retain jurisdiction and assign it for investigation pursuant to this Manual.

The Title IX Coordinator may consolidate formal Complaints if the allegations of sexual harassment are against more than one Respondent, or by more than one Complainant against one or more Respondents, or by one party against another party, where the allegations of sexual harassment arise out of the same facts or circumstances.

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<sup>5</sup> If a Title IX Complaint involves allegations of sexual harassment by or involving the Title IX Coordinator, the Complainant should submit the formal Complaint to the Assistant Superintendent of Human Capital Management, who will designate another person to serve in the place of the Title IX Coordinator for the limited purpose of implementing the grievance process with respect to that formal Complaint.

If the conduct does not meet the definition of sexual harassment, the Title IX Coordinator shall return the matter to the Principal or Work Site Supervisor for processing under any other applicable School Board policies as set forth below.

It is a violation of School Board policy for a Complainant, Respondent and/or witnesses to knowingly make false statements or knowingly submit false information, including intentionally making a false report of sexual harassment or submitting a false Complaint form. The School Board will not tolerate such conduct which is a violation of the Code of Student Conduct for students and/or the Code of Ethics and/or Standards of Ethical Conduct for employees.

## B. **Notice of Allegations**

Upon receipt of a formal Complaint, the Title IX Coordinator shall provide written notice to all known parties (Complainants and Respondents), which includes:

- Notice of the grievance process, including the right to informal resolution (if agreed to by both parties) and the applicable standard of evidence (preponderance of the evidence)
- Notice of the allegations with sufficient time to prepare a response before any initial interview, at least **two (2)** days prior
- Sufficient details known at the time, including: the identities of the parties (if known), a detailed description of the incident, date and location of the incident (if known)
- A statement that the Respondent is presumed not responsible and that a determination regarding responsibility will be made at the conclusion of the grievance process
- Notice that the parties have the right to an advisor of their choice, who may be an attorney
- The rights of the students to receive interim supportive measures, if needed to ensure equity in access to educational programs or activities
- Notice of the presumption that the Respondent is not responsible until the investigation is concluded
- Applicable School Board Policies and Procedures alleged to have been violated
- Notice that parties may inspect and review evidence prior to the completion of the investigative report.
- A statement from the provision of the District's *Code of Student Conduct* and/or School Board Policy that prohibits knowingly making false statements or knowingly submitting false information (if any)
- Subsequent notice(s) as necessary if new allegations are discovered during the investigation

## C. **Advisors**

Parties (Complainants and Respondents) have the right to have an advisor of their choice to assist them throughout the process, including attending meetings and interviews. An Advisor may be an attorney but is not required to be an attorney. An Advisor is someone permitted to accompany a party during the grievance process in addition to a parent/guardian, an employee's union representative, or a support person (i.e. paraprofessional) if needed to support an individual with a disability. The District is not responsible for providing the parties with Advisors, except for students in the District's post-secondary schools who are entitled to a live hearing and do not have an advisor.

## D. **Formal Complaint Dismissals**

### 1. **Mandatory Dismissals**

The Title IX Coordinator **shall** dismiss a formal Complaint, or allegations therein, if the following conditions are not met:

- a. the definition of sexual harassment,
- b. against a person in the United States, and
- c. occurring in one of the School Board's educational programs or activities, over which the School Board has substantial control of the program or activity and the Respondent.

The Title IX Coordinator shall provide written notice of a mandatory dismissal simultaneously to the parties, clearly stating the reasons for the dismissal.

The Title IX Coordinator shall refer allegations, **where a student is the Respondent**, that do not meet the definition of sexual harassment to the Principal. If any of the dismissed allegations meet the definition of discrimination or harassment based on another protected category (other than sexual harassment), the procedures outlined in School Board Policy 5517.02, *Discrimination/Harassment Complaint Procedures for Students* must be applied by the Principal. If the dismissed allegations do not meet the definition of discrimination or harassment under any protected category (sexual harassment or any others), the Principal shall close it or investigate it in accordance with School Board Policies 5540, *Investigations Involving Students* and 5500, *Code of Student Conduct*, as applicable, once the **three (3)** day deadline to appeal the dismissal has passed.

Title IX Complaint allegations, **where an employee is the Respondent**, that do not meet the definition of sexual harassment but do meet the definition of discrimination or harassment under another protected category (other than sexual harassment), will be investigated by CRC pursuant to School Board Policies 1362.02, 3362.02, or 4362.02, *Discrimination and Harassment Complaint Procedures*. Any other Complaint allegations dismissed by the Title IX Coordinator shall be closed and/or referred for investigation pursuant to the *Personnel Investigative Model (PIM) Manual*, as applicable.

## **2. Discretionary Dismissals**

The Title IX Coordinator **may** dismiss a formal Complaint or allegations therein if at any time during the investigation or hearing:

- a. the Complainant informs the Title IX Coordinator in writing that the Complainant desires to withdraw the formal Complaint or allegations therein,
- b. the Respondent is no longer enrolled in or employed by the District, or
- c. specific circumstances prevent the school from gathering sufficient evidence to reach a determination, such as when the Complainant stops cooperating for an unreasonably long period.

The Title IX Coordinator shall provide written notice of a discretionary dismissal simultaneously to the parties, clearly stating the reasons for the dismissal.

**\*\*\*Under no circumstances should a formal Complaint be dismissed without consulting with the District's Title IX Coordinator.**

## **E. Informal Resolution Process**

Informal Resolution Process Facilitators are available to assist parties who agree in writing to resolve formal Complaints through the informal resolution process. The goal of the informal resolution process is to stop inappropriate behavior and facilitate resolution through informal means, if possible. **This informal resolution process is not required as a prerequisite to the filing of a formal Title IX Complaint, cannot be offered before the filing of a formal Title IX Complaint, and is completely voluntary.** The option of informal resolution, if offered, remains available to the parties until a determination of responsibility or non-responsibility is made.

Both parties must agree in a signed writing to participate in the informal resolution process. The informal resolution process **will not** be made available in cases involving allegations of sexual harassment of a student by an adult or employee.

The Title IX Coordinator will offer an informal resolution process to both parties in cases where informal resolution is deemed appropriate. In doing so, the Title IX Coordinator will provide the parties a written notice<sup>6</sup> disclosing:

- The requirement that both parties provide voluntary and written consent to the informal resolution process
- That, prior to agreeing to resolution, any party has the right to withdraw from the information resolution process and resume the grievance process with respect to the formal Complaint
- That records that may be maintained or shared
- That the process and outcome must be kept confidential by both parties, except as may be required to effectuate the outcome
- That both parties will be asked to sign an agreement if a resolution is reached
- That the parties are precluded from resuming a formal Complaint arising from the same allegations once a resolution agreement is executed
- Other requirements of the informal resolution process as set forth below

Within **five (5) days** of receiving the signed consent of both parties to participate in the informal resolution process, the Informal Resolution Process Facilitator (“Facilitator”) will contact both parties separately to begin the informal resolution process. If a joint resolution conference is requested and/or deemed appropriate by the Title IX Coordinator, it will be held virtually unless otherwise agreed by the parties and approved by the Title IX Coordinator. Resolution conferences will be scheduled for **one (1) business day** absent extenuating circumstances.

The parties may be accompanied by an Advisor of their choice for the informal resolution conference. However, the Advisor may not participate directly in the discussions with the other party or the Facilitator, and may only communicate directly with the party whom they are accompanying upon a request by the party to take a break and caucus with their Advisor. **A party’s failure to attend a jointly scheduled informal resolution conference will be treated as that party’s decision to withdraw from the process and request that the matter be referred back to the grievance process.** Resolution conferences may be rescheduled however, if the party makes a reasonable request to reschedule that is agreeable to the other party, the Facilitator, and the Title IX Coordinator. Agreements to reschedule must be documented.

At the informal resolution conference, the Facilitator will act as a liaison between the parties, who will not communicate with one another unless specifically agreed otherwise. The goal of the informal resolution conference is to produce a resolution agreement that resolves the formal Title IX Complaint in its entirety. During the

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<sup>6</sup> A Respondent must receive the Notice of Allegations prior to or with the informal resolution process notice.

conference, the parties are expected to participate in discussions in good faith, to consider offers or suggestions with an open mind, to work constructively toward a mutually acceptable resolution, and to implement a resolution agreement in good faith.

The informal resolution process will result in an informal resolution agreement drafted by the Facilitator and signed by both parties. This agreement shall contain a statement that the parties voluntarily agreed to the informal resolution process, the remedies agreed to by the parties and approved by the District, a statement that the parties agree to keep the discussions and agreement confidential, except as may be required to effectuate the outcome, and a statement that the resolution agreement is binding on the parties and fully resolves the formal Complaint. The resolution agreement must be signed by both parties in order to take effect.

Once a resolution agreement is reached, the Facilitator will transmit the agreement to the Title IX Coordinator, who will then notify the parties and applicable members of the Title IX Team that the formal Complaint has been resolved.

Informal Resolution Process Facilitators are to keep all aspects of the informal resolution process confidential during its pendency. This means that any notes taken by the Facilitator and/or any records or other documents offered or provided by either party to the Facilitator during this process will be kept in a separate file and will not be shared with the Title IX Team members assigned to investigate the formal Complaint, make a finding of responsibility or non-responsibility, or decide an appeal.

Appeals from an informal resolution process cannot be taken. If the resolution agreement is breached, corrective action may include, but not be limited to, dissolving the remaining provisions of the agreement, disciplining the breaching party, and/or reviving the grievance process.

There is no set time limit for an informal resolution process to be completed. The informal resolution process is good cause for a delay of the investigation. The grievance process and all related deadlines are suspended while the informal resolution process remains pending.

If one of the parties has requested to withdraw from the informal resolution process, the formal grievance process shall resume.

## F. Investigations

### 1. Timelines

All investigations conducted pursuant to this Manual must be conducted in a reasonably prompt manner. The timeline begins from the date when the Complainant requests an investigation by filing a formal Complaint or the Title IX Coordinator signs a formal Complaint. Any temporary and limited delays in the investigatory process must be documented.

A Title IX investigation may only be delayed for documented good cause. Good cause includes, but is not limited to, the absence of a party, absence of a party's advisor, concurrent law enforcement activity, or accommodations for language barriers and disabilities.

The District will seek to conclude the grievance process, including resolving any appeals, within ninety **(90) calendar days** of receipt of the formal Complaint. The informal resolution process may not be used by the Complainant or Respondent to unduly delay the investigation and determination of responsibility. The Title IX Coordinator will provide the parties with reasonable updates on the status of the grievance process.

### 2. Law Enforcement Investigations

Allegations of sexual harassment may be investigated by law enforcement officials concurrently to a sexual harassment investigation that is conducted after the filing of a formal Title IX Complaint. Depending on the circumstances, a law enforcement investigation may constitute good cause to delay a CRC investigation. The Investigator/Title IX Liaison must contact law enforcement to determine whether a pending law enforcement investigation should delay the Title IX investigation. The investigator must document the basis for the delay.

### 3. Notice of Rights

Upon commencement of a formal Title IX investigation, Complainants and Respondents shall be provided with a Notice of Rights. This notice informs parties of the following:



- Right to present witnesses, including fact and expert witnesses
- Right to present inculpatory and exculpatory evidence
- Right to discuss allegations under investigation without restriction
- Right to gather and present relevant evidence without restriction
- Right to be accompanied to any related meeting or proceeding by an advisor of their choice, who may be, but is not required to be, an attorney<sup>7</sup>
- Right to written notice of the date, time, location, participants, and purpose of investigative interviews or other meetings, with sufficient time to prepare, no less than **two (2) days** in advance
- Right to inspect and review evidence and a draft of the investigative report before finalized

#### 4. **Notice of Investigative Interview**

Parties and witnesses should be interviewed as soon as possible but not before the Notice of Allegations and Notice of Interview are sent. At least **two (2) days** prior to the interview or meeting, the parties shall be notified of the date, time and location of their interview pursuant to this manual. The notice must also include who will be present for the interview. This notice must give sufficient time for the parties to prepare for the interviews. Good faith requests to reschedule will be documented and considered by the investigator. Any extensions of the time must be granted to the parties equally.

#### 5. **Interactions with FERPA**

The obligation to comply with Title IX regulations is not obviated or alleviated by the Family Educational Rights and Privacy Act (FERPA). Consequently, information about other students may be shared with the parties and their parents/guardians, as well as Advisors and witnesses involved with a Title IX Complaint, without a FERPA waiver, provided that the information is being shared for a reason mandated by the Title IX regulations, as set forth in this Manual.

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<sup>7</sup> For K-12 students, the participation of the Advisor is limited to accompanying the party to any meeting or interview, but not participating directly in the meeting or interview by asking questions or directing discussions to anyone but the party whom the Advisor is accompanying. The Advisor's role shall be to advise the party privately upon request of the party to break or caucus with his or her Advisor. For adult students, the Advisor's role is limited in the same way, except as set forth in Section G.2. related to live hearings.

## 6. Interviews and Investigation

Investigators should schedule interviews with parties and witnesses as soon as possible after receiving the Complaint and giving proper notice to all parties. Good cause delays must be documented. A party's continued refusal to cooperate may result in dismissal of the Complaint or in the investigation report being completed without that party's input. The burden of proof and of gathering evidence rests with the District, not on the parties. Investigators must ensure the following:

- a. Investigators should interview the Complainant, Respondent and witnesses by asking questions relevant to the allegations and documenting their responses in writing.
- b. Interviewees shall be provided with a copy of their interview statement (questions and answers) to review and sign. The interview statement documented by the investigator shall be signed by the party or witness it was collected from and dated. Refusals to sign shall be noted by the investigator and dated.
- c. If a party or a witness believes that something has not been properly documented by the investigator, they may append the original interview statement with an additional signed statement clarifying and/or correcting what has been documented by the investigator.
- d. During their interview, parties and witnesses may provide any evidence and/or name other witnesses who may have information relevant to the allegations.
- e. All evidence gathered during a Title IX investigation shall be documented as it is received.
- f. Every effort should be made by the investigator to verify and/or authenticate evidence.
- g. There shall be no prohibition on the parties to discuss the case or on gathering evidence.
- h. The investigator should make note of any information they attempt to but are unable to gather.
- i. Follow-up interviews may be conducted as needed with appropriate notice provided to the parties.
- j. Parties and witnesses shall be allowed to review the written record of their interview.
- k. Records of the interviews conducted, and evidence collected during an investigation, shall be maintained in the case file by the investigator.
- l. The District is not permitted to access, consider, disclose, or otherwise use a party's records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional acting in the professional's capacity, or assisting in that capacity, and which are made and maintained in connection with the provision of treatment to the party, unless the party provides a district with voluntary, written consent to do so.

- m. Investigators shall provide the parties with regular status updates on their case.

## **7. Refusals to Participate in Investigations or Cross-Examination**

A party or witness may refuse to participate in a Title IX investigation. The investigation may continue, however, and could result in a dismissal or an outcome based on other available evidence. The Decision-Maker cannot draw an inference about the determination regarding responsibility based solely on a party's or witness's absence from the live hearing or refusal to answer cross-examination. However, in reaching a determination regarding responsibility, the Decision-Maker must not rely on any statement of a party or witness who does not submit to cross-examination or the written question and answer process.

## **8. Investigative Reports**

The investigative report is the comprehensive document drafted summarizing the investigation. The investigative report should include:

- A description of the allegations
- A description of all written statements and results of interviews with parties and witnesses
- An assessment of credibility of the parties and witnesses (pointing out corroborating evidence or issues with credibility)
- Summary of the relevant evidence and other information collected (e.g. copies of text messages, emails, social media posts, videos, surveillance, etc.)
- Unsuccessful attempts to gather evidence and interview witnesses
- The investigative report should not include a finding made by the investigator

## **9. Review of Evidence and Draft Report by Parties**

- a. Prior to the finalization of the investigative report, the evidence related to the allegations and a draft of the investigative report must be sent simultaneously to each party and their Advisor, if applicable. The report may be sent in electronic form or hard copy. The information sent should also include all evidence, including all inculpatory and exculpatory evidence, whether or not such evidence will be relied upon by the Decision-Maker.

- b. The parties shall be allowed **10 calendar days** from receipt<sup>8</sup> of the draft report to provide a signed, written response to the investigator. Neither party is required to submit a response.
- c. Prior to finalizing the report, the investigator shall consider any written responses provided by the parties and amend the report as appropriate.

#### 10. **Transmission to Decision-Maker**

The Title IX Coordinator shall transmit the Final Investigative Report to the Decision-Maker. Parties shall receive a Notice of Appointment of Decision-Maker. The investigator shall not make any recommendations to the Decision-Maker on what the findings should be.

#### G. **The Decision-Making Process**

District administrators identified by School Operations and the Office of Human Capital Management will serve as Decision-Makers. The Decision-Maker shall issue a Final Determination Report after applying the procedures below. The Decision-Maker shall make a determination of responsibility or non-responsibility and recommend any disciplinary sanctions to be imposed, as well as any other remedies designed to restore or preserve equal access to the education program or activity. The Decision-Maker may delay the issuance of the Final Determination Report for good cause. Any extensions of the timeframes contained herein must be granted to the parties equally.

##### 1. **Written Question and Answer Process for M-DCPS K-12 Programs**

Once the Title IX Coordinator transmits to the Final Investigative Report to the Decision-Maker, the Decision-Maker shall consider the contents of the report in accordance with the applicable standard of preponderance of the evidence. Section G.2., entitled "Determinations in Adult and Career Technical Education Programs," provides specific procedures related to live hearings in the decision-making process applicable to the District's post-secondary programs.

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<sup>8</sup> If the report is provided in electronic mail format or hand-delivery, the date of receipt is considered to be the date sent by electronic mail or hand-delivered. The investigator should request a confirmation or signature of receipt, but failure of the party to confirm receipt will not negate the receipt date being logged as the date provided. If the report is sent by mail, the date of receipt is considered to be the date mailed, plus **three (3) days** added.

Upon receipt of the Final Investigative Report, the parties, their parents/guardians, or their advisors should submit any written, relevant questions that they want asked of any other party or witness to the Decision-Maker within **three (3) days**. Questions submitted and answers to the questions must be posed in a respectful manner (e.g. without using profanity or irrelevant ad hominem attacks). Harassing or abusive questions and answers will not be tolerated. Questions and answers must be presented in numbered format. Duplicative questions are not permitted. The Decision-Maker must review the questions and reserves the right to exclude any question deemed irrelevant pursuant to the definition of “relevance” provided in this Manual. Questions and evidence about the Complainant’s sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the Complainant’s prior sexual behavior are: (1) offered to prove that someone other than the respondent committed the conduct alleged by the Complainant, or (2) if the questions and evidence concern specific incidents of the Complainant’s prior sexual behavior with respect to the Respondent and are offered to prove consent.

The Decision-Maker will send the relevant questions to the other party for that party’s written answers to be submitted within **five (5) days**. Each party (or parent/guardian for students under age 18) must sign their answers swearing or affirming that their statements are true and correct.

Upon receipt of both parties written and signed responses, the Decision-Maker will allow **two (2) days** for limited follow-up questions and **two (2) days** for written answers. The other requirements for initial questions and answers outlined above apply to follow-up questions and answers.

Only the relevant questions and answers will be considered by the Decision-Maker in reaching a final determination of responsibility or non-responsibility. The Decision-Maker must provide the parties with a written explanation of excluded evidence (including questions and answers) in the Final Determination Report.

The Decision-Maker shall use the Final Determination Report to render a decision on whether the Respondent is responsible for the conduct alleged in the Complaint. The Decision-Maker cannot draw an inference about the determination regarding responsibility based solely on a party’s or witness’s refusal to answer questions. However, in reaching a determination regarding responsibility, the Decision-Maker must not rely on any statement of a party or witness who does not submit to the written question and answer process.

## **2. Hearings for M-DCPS Adult and Career Technical Education Programs**

Live hearings are required for the decision-making portion of the Title IX process for allegations involving Adult and Career Technical Education Programs. The Title IX Coordinator will contact the parties with the date, time, and location (or format if virtual) of the hearing. Any good cause extensions of the time for the hearing must be granted to the parties equally.

At the hearing, the Decision-Maker shall permit each party's Advisor to ask the other party and any witnesses all relevant questions and follow up questions, including those which challenge credibility. Such cross-examination at the hearing must be conducted directly, orally, and in real time by the party's Advisor and never by a party personally. Questions and answers to the questions must be posed in a respectful manner (e.g. without using profanity or irrelevant ad hominem attacks). Harassing or abusive questions and answers will not be tolerated. Questions and evidence about the Complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the complainant's prior sexual behavior are offered to prove that someone other than the respondent committed the conduct alleged by the Complainant, or if the questions and evidence concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove consent. Before a Complainant, Respondent, or witness answers a cross-examination or other question, the Decision-Maker must first determine whether the question is relevant and explain any decision to exclude a question as not relevant. Notwithstanding anything to the contrary in this Manual, the Decision-Maker shall not restrict the extent to which Advisors may participate in the hearings.

If a party does not have an Advisor present at the hearing, the District will provide, without fee or charge to that party, an advisor of the District's choice, who may be, but is not required to be, an attorney, to conduct cross-examination on behalf of that party. The Decision-Maker cannot draw an inference about the determination regarding responsibility based solely on a party's or witness's absence from the live hearing or refusal to answer cross-examination. However, in reaching a determination regarding responsibility, the Decision-Maker must not rely on any statement of a party or witness who does not submit to cross-examination or the written question and answer process.

## **3. Dissemination of Written Determinations**

The Decision-Maker will provide the Final Determination Report to the Title IX Coordinator, who will disseminate the written determination to the parties simultaneously, that contains:

- a. The allegations potentially constituting sexual harassment
- b. A description of the grievance process contained herein
- c. Findings of fact supporting the determination
- d. Conclusions regarding the application of School Board policies and/or the *District's Code of Student Conduct* to the facts
- e. A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility based on a preponderance of the evidence
- f. Any disciplinary sanctions imposed on the Respondent
- g. Whether remedies designed to restore or preserve equal access to the School Board's education program or activity will be provided to the Complainant, including continued supportive measures
- h. The School Board's procedures and permissible bases for the Complainant and Respondent to appeal

## H. **Appeal Procedures**

Requests for appeals may be made by either party and shall be submitted directly to the Title IX Coordinator within **three (3) days** of the date of the final determination. The request for appeal will be forwarded to an Appellate Decision-Maker. If no appeal is filed, and **three (3) days** have passed, the decision becomes final. **No disciplinary remedies may be imposed until after the appeal has been heard or the time period for appeal has expired.**

Designated District administrators shall serve as Appellate Decision-Makers.

### 1. **Grounds for Appeal**

A request for appeal of the final determination must include one of the three enumerated grounds for appeal along with a detailed, fact-specific explanation of the basis of the appeal:

- Procedural irregularities that affected the outcome of the matter, including dismissal of a Complaint;
- Newly discovered evidence that could affect the outcome of the matter; and/or
- A conflict of interest or bias which affected the outcome of the matter.

### 2. **Appellate Decision-Making**

- If the basis for the appeal is newly discovered evidence, the appellate Decision-Maker may delegate to the investigator(s) for authentication or additional investigation as needed
- The non-appealing party must be given written notice of the appeal and a chance to respond to information asserted in an appeal

- The parties' written statements in support of, or challenging, the determination of responsibility must be submitted within **three (3) days** after the Title IX Coordinator provides notice to the non-appealing party of the appeal

### 3. **Notice of Appeal Outcome**

- The Notice of Appeal Outcome will include:
  - The findings by the Appellate Decision-Maker (whether the Decision-Maker's findings and conclusions remain unchanged or overturned);
  - The rationale for the result; and
  - A brief summary of the evidence on which the decision is based, as appropriate.
- The determination on appeal becomes final on the date the Appellate Decision-Maker provides the parties with the written determination of the results of the appeal

## I. **Discipline**

Student discipline shall be issued in accordance with the applicable District *Code of Student Conduct*. Employee discipline shall be issued in accordance with the applicable collective bargaining agreement.

### 1. **Student Discipline**

If the Decision-Maker determines the student Respondent is responsible for violating this policy, the Final Determination Report will include any disciplinary sanctions the District imposes on the Respondent. The Title IX Coordinator will notify the school site Principal for implementation of the remedies.

A manifestation determination is required by IDEA when considering the exclusion of a student with a disability that constitutes a disciplinary change of placement. The manifestation determination must take place **within 10 school days** of any decision to change the placement of a child with a disability because of a violation of the District's *Code of Student Conduct*.



## 2. **Employee Discipline**

If the Decision-Maker determines an employee Respondent is responsible for violating this policy, the Final Determination Report will include any disciplinary sanctions the District imposes on the Respondent. The Title IX Coordinator will forward the Final Determination Report to the Office of Professional Standards for implementation of appropriate remedies.

## 3. **Remedies**

If a determination of responsibility for sexual harassment is made against the Respondent, the District will provide remedies to the Complainant. The remedies will be designed to restore preserve equal access to the District's education program or activity. Potential remedies include, but are not limited to, individualized services including supportive measures. Remedies may also be disciplinary or punitive in nature against the Respondent.

## J. **Retaliation**

School Board Policy, federal and state law prohibit retaliation, including but not limited to intimidation, threats, coercion or discrimination against any individual for purposes of interfering with the rights or privileges secured by Title IX or its implementing regulations because an individual has made a report or complaint, testified, assisted, participated, or refused to participate in any discrimination or harassment investigation, proceeding or hearing. Complaints alleging retaliation may be filed using the procedures outlined in this manual.

Retaliation against a person for making a report of sexual harassment, filing a formal Complaint, or participating in an investigation and or hearing is a serious violation of this policy that can result in the imposition of disciplinary sanctions and/other appropriate remedies.

Exercise of rights protected under the First Amendment of the United States Constitution do not constitute retaliation prohibited under this policy.

Charging an individual with a *Code of Student Conduct* violation for making a materially false statement in bad faith in the course of a grievance proceeding under this policy does not constitute retaliation.

## K. **Recordkeeping**

The District's Title IX Coordinator and all individuals responsible for receiving reports, applying formal Complaint procedures, and/or conducting investigations pursuant to this manual shall be responsible for maintaining records related to all Title IX Complaints received by the District for no less than seven (7) years.

These records include but are not limited to, all information, documents, electronically stored information (ESI), and electronic media created and/or received as part of the report, Complaint, or investigation. The information shall be retained immediately upon receipt of specific information and/or written notice that could lead to an investigation, formal Complaint, or potential litigation.

The information, documents, ESI, and electronic media retained may include public records and records exempt from disclosure under Federal and/or State law (e.g., student records).