

Office of the General Counsel
Walter J. Harvey, General Counsel

SUBJECT: INITIAL **READING: PROPOSED AMENDMENTS TO
SCHOOL BOARD BYLAW 0100, DEFINITIONS**

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

**LINK TO STRATEGIC
PLAN:** **SAFE, HEALTHY, & SUPPORTIVE LEARNING
ENVIRONMENTS**

At its regular meeting of August 2024, the Board approved Board Item H-5, “Combating Antisemitism,” proffered by Vice Chair Monica Colucci, which directed the Superintendent to, among other things, “initiate rulemaking to adopt and/or amend relevant School Board polices to ensure alignment and/or compliance with state statutes, as may be necessary.” The item referenced School Board Bylaw 0100, *Definitions*, which currently incorporates the definition of “anti-Semitism” found in the Florida Educational Equity Act (§ 1000.05(8), Florida Statutes).

Consistent with this item and the Board’s responsibility to periodically review and update its policies to conform to legislative changes, authorization is requested for the Superintendent to initiate rulemaking proceedings to amend Bylaw 0100 to additionally incorporate by reference the definition of “anti-Semitism” created by 2024 Florida House Bill 187 (“H.B. 187”). This statutory definition offers more examples of what constitutes anti-Semitism. Incorporating this new statutory definition in Bylaw 0100 will strengthen the Board’s prohibition of this type of discrimination in school and workplace settings.

This amendment was drafted in collaboration with, and reviewed by the Superintendent, Cabinet, and District staff. The Notice of Intended Action and Bylaw with strikethroughs and underlines are attached.

RECOMMENDED: That The School Board of Miami-Dade County, Florida, authorize the Superintendent to initiate rulemaking proceedings in accordance with the Administrative Procedure Act to amend School Board Bylaw 0100, *Definitions*.

NOTICE OF INTENDED ACTION

THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA, announced on October 16, 2024, its intention to amend Board Bylaw 0100, *Definitions*, at its meeting of November 20, 2024.

PURPOSE AND EFFECT: Bylaw 0100, *Definitions*, is proposed for amendment in response to Board action. The bylaw will be amended to add a reference to the definition of anti-Semitism created by 2024 Florida House Bill 187 (“H.B. 187”).

SUMMARY: Bylaw 0100, *Definitions*, is proposed for amendment in response to Board action to incorporate the definition of anti-Semitism created by H.B. 187. This definition offers more examples of what constitutes anti-Semitism than F.S. 1000.05(8), which the bylaw currently incorporates by reference.

SPECIFIC LEGAL AUTHORITY UNDER WHICH RULEMAKING IS AUTHORIZED: F.S. s. 1001.41(1), (2).

LAW IMPLEMENTED, INTERPRETED, OR MADE SPECIFIC: F.S. s. 1.015.

IF REQUESTED, A HEARING WILL BE HELD DURING THE SCHOOL BOARD MEETING OF November 20, 2024, which begins at 1:00 p.m., in the School Board Auditorium, 1450 N.E. Second Avenue, Miami, Florida 33132. Persons requesting such a hearing or who wish to provide information regarding the statement of estimated regulatory costs, or to provide a proposal for a lower cost regulatory alternative as provided in Section 120.541(1), F.S., must do so in writing by November 13, 2024, to the Superintendent of Schools, Room 912, at the same address.

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

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



Book	Policy Manual
Section	October 16, 2024 – <u>Initial</u> Reading
Title	DEFINITIONS
Code	0100
Status	<u>Initial</u> Reading

0100 - **DEFINITIONS**

The following definitions apply to these policies:

Administrative Procedures

A statement, based on policy, usually written, which outlines and/or describes the means by which a policy should be implemented and provides for the management cycle of planning, action, and assessment or evaluation.

Anti-Semitism

A certain perception of the Jewish people, which may be expressed as hatred toward Jewish people, rhetorical and physical manifestations of anti-Semitism directed toward a person, his/her property, or toward Jewish community institutions or religious facilities. Discrimination against employees and students or resulting from institutional policies that is motivated by anti-Semitic intent must be treated identically to discrimination motivated by race under State law— [and Board policies prohibiting discrimination](#). Examples of acts considered to be anti-Semitism are set forth in F.S. 1000.05 [and F.S. 1.015](#).

Board

The School Board of Miami-Dade County.

Bylaw

Policy of the Board for its own governance.

Chair

The presiding officer of the Board. (See Bylaw 0163)

Compulsory School Age

All children who have attained the age of six (6) years or who will have attained the age of six (6) years by February 1st of any school year or who are older than six (6) years of age but who have not attained the age of sixteen (16) years, except as otherwise provided in Florida statute, who are required to attend school regularly during the entire school term.
F.S. 1003.21.

District

The School District. When referencing this School District, District will be capitalized.

District-Based Noninstructional Administrators

Persons with District-level administrative or policymaking duties who have broad authority for the management of policies and general District operations related to the noninstructional program. These personnel often report directly to the Superintendent and supervise other administrative employees. Also includes assistant, associate, or deputy superintendents and directors of major noninstructional areas, such as personnel, construction, facilities, transportation, data processing, and finance. (F.S. 1012.01(2)(b))

Due Process

Legal safeguards to which a person is entitled in order to protect his/her rights.

Full Board

Authorized number of voting members entitled to govern the District. There are nine (9) voting members of the Board.

General Counsel

General counsel to The School Board of Miami-Dade County.

Major Tangible Personal School Property

Any tangible personal property, of a nonconsumable nature, owned by the Board which has a capitalized value equal to or greater than the value defined in Florida statute and a normal life expectancy of one (1) year or more. (F.S. 274)

May

This word is used when an action by the Board or its designee is permitted but not required.

Meeting

Any gathering attended by or open to all members of the Board and held with the intent on the part of the members of the body present to discuss or act as a unit upon the specific public business of that body. All meetings shall comply with the Florida Sunshine Laws.

Minor Tangible Personal School Property

Items that are tangible, of a nonconsumable nature, with a life expectancy of one (1) year or more and with a value less than that amount defined in Florida statute. (F.S. 274)

Parent

The natural, adoptive, foster or surrogate parents, the party designated by the courts as the legal guardian or custodian of a student, any person in a parental relationship to a student or any person exercising supervisory authority over a student in place of the parent.

F.S. 1000.21
34 C.F.R. 99.3

Policy

A general written statement by the Board defining its expectations or position on a particular matter and authorizing appropriate action that must or may be taken to establish and/or maintain those expectations. The term policy and rule have the same meaning.

Principal

The administrative and supervisory head of the school assigned by the Board and responsible for the enforcement of all Board regulations and Florida statutes which pertain to the office.

In policy, the use of the word "Principal" or "principal" authorizes delegation of responsibilities to appropriate staff members unless expressly prohibited by law or policy. (F.S. 1001.41, 1012.28)

Property

All buildings, grounds, and other real or personal school property belonging to, held by, or used by the Board.

Real Property

Property used as a site or school plant for purposes of carrying out the District's program or mission including any equipment which is permanently attached to or is an integral part of the building or site.

Relative

A father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, domestic partner, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half-brother, half-sister, grandfather, grandmother, grandchild or any person who resides in the same residence.

Rule

A statement of general applicability that implements, interprets, or prescribes law or policy, or describes the procedures or practice requirements of the District, including any form which imposes any requirement or solicits any information not specifically required by statute or existing rule. The term "rule" and "policy" have the same meaning.

F.S. 120.52(16)

School Property Custodian

The person responsible for the custody of property under his/her control as delegated by the Superintendent or the Board. This is not to be confused with the building custodian who is responsible for cleaning and maintaining the building and grounds.

Shall

Word used when an action by the Board or its designee is required. The words "will" or "must" also signify a required action.

Student

A person who is officially enrolled in a school or program of the District.

Superintendent

A constitutional officer under the Florida Constitution and the chief executive officer of the District. In policy, the use of the word "Superintendent" or "superintendent" authorizes delegation of responsibilities to appropriate staff members unless expressly prohibited by law or policy.

Textbook

Learning material duly adopted and required as standard work for the study of a particular subject. It may be bound and printed with a hard or soft cover, or it may be electronic, e.g., computer software, interactive videodisc, magnetic media, CD ROM, computer courseware, on-line service, electronic medium, or other means of conveying information.

Vice-Chair

The Vice-Chair of the Board.

Workshop

A meeting called by the Board Chair, Superintendent, or a majority of the Board for the purpose of exploring matters that constitute the business of the District.

Statutory and Code of Notations - **A.)** Citations to Florida statute are noted as F.S. **B.)** Citations to the rules of the State Board of Education are noted as F.A.C. (Florida Administrative Code) **C.)** Citations to the Federal Register are noted as F.R. **D.)** Citations to the Code of Federal Regulations are noted as C.F.R. **E.)** Citations to the United States Code are noted as U.S.C.

Effective 07.01.2011

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Technical Correction 11.16.2022

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Legal References:

F.S. 120.52(16)

F.S. 274

F.S. 1000.05(7)

F.S. 1000.21

F.S. 1001.41

F.S. 1003.21

F.S. 1012.01(2)(b)

F.S. 1012.28

34 C.F.R. 99.3

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