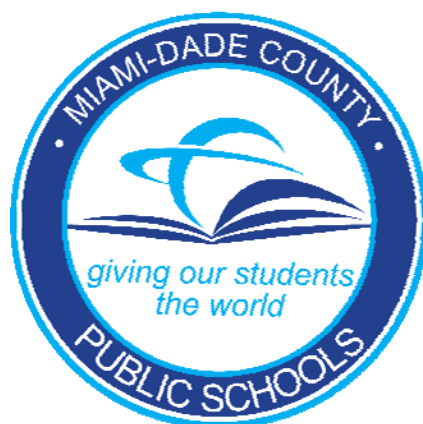


MIAMI BEACH ADULT

&

COMMUNITY

EDUCATION CENTER



**FACULTY AND
STAFF HANDBOOK
2009-2010**

**MS. SHIRLEY A. VELASCO
PRINCIPAL**

Miami-Dade County Public Schools

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Mr. Robert Gornto

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Ms. Shirley A. Velasco, Principal

Ms. Sandra Stein, Vice-Principal

Mr. Jorge Diaz, Assistant Principal

Mr. Forrest A. Cutler, Assistant Principal

**MIAMI BEACH ADULT & COMMUNITY
EDUCATION CENTER**

August 20, 2009

Dear Faculty Members,

Welcome to Miami Beach Adult & Community Education Center. We are committed to continue to develop and enhance our outstanding adult education programs in this thriving Miami Beach community.

Your dedication to our students, your commitment to their learning, and your degree of preparation in your area of expertise will serve as the impetus to propel them into a bright and successful future. Our programs include English for Speakers of Other Languages (E.S.O.L.), dual enrollment, high school completion, state-of-the-art technological programs, industrial technology programs, family/consumer science, and community enrichment programs that respond to the needs of this distinct community. Our school has developed a reputation for helping others in need across the country and in our immediate community. As we begin another year, let us focus on how our lives can be of service to others. Our participation in the Ronald McDonald Pop Tabs Campaign, our leadership in the United Way campaigns, our Holiday Canned Food Drive, and other ventures aimed at assisting others has earned us the title of *The Little School with the Big Heart* – and we continue to grow.

The focus of our Education Center is our students. By serving our students to the best of our abilities, our school thrives as we honor our Miami Beach Community. We treat our students with the highest level of professionalism. We honor their differences through respect and celebration, for our mission is to develop life-long learners with a passion for education. As we begin the 2009-2010 school year, our focus is to encourage our students to reach for the stars, to seek happiness, and to leave our Education Center having experienced life's possibilities.

Our mission is to guide our students to pursue their dreams with commitment, vision, passion, and a spirit of excellence. Let us exemplify this excellence through our preparing well for class, creating a safe stimulating environment, and modeling our professionalism as masters of our trade. This we do as educators who are grateful to our students and our community.

I want to thank you, our faculty and staff, for being an integral part of our Miami Beach Adult and Community Education Center and for always trusting in the belief that we are here to provide to those who need it the most.

Respectfully,

Shirley A. Velasco,
Principal

Philosophy

We believe that Miami Beach Adult and Community Education Center is an exciting and growing learning institution located in the heart of South Beach, one of the nation's most active and renowned communities. Students sixteen years of age and older can participate in a variety of programs geared to meet individuals with varying needs, talents, abilities, and goals.

Our mission is to provide a variety of learning experiences that not only encourage academic excellence, but also offers curricula and activities that address intellectual, emotional, and social areas; to enhance our students' lives with positive and creative experiences.

Additionally, it is our responsibility to provide our students with a safe and orderly educational climate, which allows for free exchange of ideas.

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FACILITIES

Miami Beach Adult & Community Education Center is an adult/vocational school that offers an array of programs on a full-time and/or a part-time basis at the main campus and extends its services throughout the community from a number of satellite sites to include: Treasure Island Elementary, Biscayne Elementary, Miami Beach Senior, Miami Beach Police Athletic League (PAL), North Miami Beach Senior and a variety of other satellite learning centers. The main campus is located at Fienberg/Fisher K-8, 1424 Drexel Avenue, Miami Beach, and is open Monday through Thursday from 8:30 AM to 9:30 PM and Friday from 8:30 AM to 6:30 PM.

The programs offered are in areas of business technology, family/consumer sciences, industrial education, English for Speakers of Other Languages (ESOL), Adult Basic Education (ABE), GED preparation, and basic skills remediation including Dual Enrollment and High School Completion. The Student Services Department is available to assist all students with the selection of programs to meet their goals at the Fienberg/Fisher K-8 campus.

ADMISSIONS

Any person 16 years of age or older, officially withdrawn from the K-12 program in Miami-Dade County Public Schools, who has a desire for adult vocational, general adult education, and/or ABE may enroll in most programs offered through Miami Beach Adult & Community Education Center. The school, as a member of Miami-Dade County Public Schools, adheres to a policy of nondiscrimination and strives affirmatively to provide equal opportunity to all potential students. Any individual, with physical or mental disabilities applying for admission, will be referred to vocational rehabilitation or other appropriate agencies who will work closely with the adult division in determining when the individual is ready to apply for admission to the adult program.

Adult vocational students, who wish to enter programs 450 hours or more, must complete a basic skills (TABE) examination within the first six (6) calendar weeks after admission into the program, even if they hold a high school diploma. Exemptions from the basic skills testing requisite include: students enrolling in continuing workforce education (formerly vocational supplemental) classes; students possessing an associate of applied science, arts, baccalaureate, or graduate-level degree, or who have passed or are exempt from the college level communication and computation examination and/or who are exempt from the college entry-level examination.

Students with disabilities may request testing modifications if they provide written documentation verifying their disability. The basic skills requirement cannot be used to deny entry or placement in a vocational program. Students entering vocational programs, who have not met the basic skills levels established by the State, may register for free remediation (ABE) classes.

Prospective students may register directly into many courses that do not have pre-entrance requirements by completing registration and paying a small registration fee plus vocational tuition, if required. For adult vocational programs, primarily in the Child Care certification courses, prospective students must meet with a counselor prior to enrollment because of additional admission requirements including high school or GED diploma. If counseling and/ or testing indicates that a student does not qualify for his/her original choice, then an alternate program or remediation is recommended.

Students enrolling in adult education programs are required take a basic skills test for placement prior to their registration to determine their appropriate level of study.

DUAL ENROLLMENT AND HIGH SCHOOL COMPLETION

The Dual Enrollment and High School Completion Programs are located at Miami Beach Adult & Community Education Center's Nautilus campus. The Dual Enrollment Program was instituted for the purpose of providing high school credit courses to currently enrolled high school students who need the extra credits to graduate. Those not enrolled in the K-12 program and wish to complete the requirements for high school graduation can do so through the High School Completion Program.

ATTENDANCE POLICIES

All students are expected to attend class regularly and as scheduled. The teacher is expected to maintain attendance records on a daily basis. Adult General Education and Vocational/Technical students who are absent from class for six consecutive meetings will be withdrawn. Students with erratic attendance patterns will be referred to counseling for advisement. Once the student has been withdrawn, the student may re-enter provided there are openings in the class.

STUDENT IDENTIFICATION CARDS

For security purposes, all students must wear a current Miami Beach Adult & Community Education Center school ID at all times prior to entering the campus. All Faculty and Staff are also required to wear a current school ID at all times.

AFTER-SCHOOL CARE

Child Care services are offered for children of staff members. Children must be between the ages of 4 through 12 years of age and enrolled at Fisher/Fienberg K-8 Center.

COUNSELING

Academic and vocational counseling are offered at Miami Beach Adult & Community Education Center's two main campuses, Fienberg/Fisher and Nautilus in the Student Services Department. Both schools offer counselors and career specialists to meet with the students to schedule testing, interpret testing data, and explore academic and vocational options, as well as render information regarding financial aid, job placement, career development, and school policies.

SAVES

Miami Beach Adult & Community Education Center offers the Skills for Academic, Vocational and English Skills (SAVES), originally known as the Cuban/Haitian Program. SAVES is a program to train adult refugees born abroad that arrived documented into the United States and are seeking academic and/or vocational skills. The main purpose of SAVES is to incorporate refugees into the community and workforce as quickly as possible.

Prospective SAVES students need to show their I-94, or parole card, or letter stating: ASYLUM GRANTED, or Residency/Work permit cards that have eligibility codes. The program provides free textbooks, and free tuition for any vocational training. SAVES also provides material offered through any of the M-DCPS 21 adult education centers. While participating in the program, students must be gainfully employed or in the process of obtaining employment. Information on the SAVES program can be provided by Ms. Reina Canosa in the Student Services Department at the Fienberg/Fisher campus.

DRESS CODE

Students are required to dress appropriately for the world of work. Items of clothing should be free of messages related to drugs, sex, smoking, alcohol, and profanity. Students enrolled in certain vocational programs are required to wear uniforms or apparel suitable to their training.

REFUND POLICY

In the event one elects to withdraw, under normal circumstances, the following refund policies will apply:

1. Before start of class - full refund of course and non-resident student fee; no refund of any special fees paid.
2. Within 14 calendar days after start of class - 50 percent refund of course and non-resident fee; no refund on special fees paid.
3. After 14 calendar days of the start of class - no refund of any fees are paid.

THEFT VANDALISM, AND COMPUTER HACKING

Any student caught mutilating a book, stealing, playing with the security system, or hacking will be referred to the administration for disciplinary action.

LOST AND FOUND

Articles that are lost or found are taken to the main office. Students are required to provide some form of identification before making any claims.

STUDENT INSURANCE

Students may purchase accident insurance through the Miami-Dade County Public School System. Forms are available at the registration window.

TUITION/FEES

Tuition for classes is collected at the time of registration. Fees are collected per each trimester. The amount of tuition varies according to student contact hours. Listed below are the 2009-2010 rates per contact hours as determined by the Workforce Development Education Program fee schedule of Miami-Dade County Public Schools,

Vocational Certificate (PSAV) (resident)	\$1.84/hour
Non-Resident Vocational Certificate	\$7.34/hour
Resident Adult General Education	\$0.90/hour
Non-Resident Adult General Education	\$3.64/hour
Resident Continuing Workforce Education	\$3.67/hour
Non-Resident Continuing Workforce Education	\$7.34/hour
Identification Badges	\$5.00/trimester
First time Vocational (Student) Application Fee	\$15.00

After 22 days of class, tuition fees are prorated. Cash or agency vouchers are an acceptable form of payment.

Fees are subject to change without notice.

FEE EXEMPTIONS

Students with a high school diploma whose test scores are 9.0 or above and who register for an adult basic education vocational preparatory instruction **are not** exempt from fees.

OPEN ENTRY/OPEN EXIT PROGRAMS

Completion of programs under the open entry/open exit policy will be based upon successful completion of program instructional competencies **and** the total of required hours of instruction.

ATTENDANCE REPORTS PROCEDURES

The following serves as a directive to be followed by all instructors concerning procedures for attendance reports. **COMPLIANCE WITH THESE PROCEDURES IS MANDATORY. FAILURE TO COMPLY COULD RESULT IN DISCIPLINARY ACTION.**

QUICK TIPS:

1. All attendance report roll sheets must be done in **BLUE INK ONLY**.
2. Never use “white out” (liquid paper) or erasable ink on official documents. Attendance reports are official documents.
3. Never use an eraser on attendance reports; draw a single line through errors and initial next to the correction.
4. Never add more than sixteen names per attendance page.
5. For holidays, teacher planning days, etc., write in Holiday, Teacher Planning, etc.
6. Sign all appropriate pages before submitting reports.
7. Under no circumstances are students allowed in class without being currently enrolled or presenting a one day audit pass from the office. Verify that all students attending your class are official. (You have seen and initialed students’ schedules)

ENTRY CODES

E - Entry of new student: first day attendance for the trimester.

P – Present: when a student is present from the second day on in an ESOL/ABE, or citizenship class, a “P” should be marked after 30 minutes of elapsed time spent in class.

N – No Show: this code is only possible when a student’s name appears pre-printed on

your attendance report, and he or she has never physically reported to your class for the trimester. If a student has never physically attended class and the name is on the pre-printed roll sheet, mark the student as “NO SHOW.” **THE STUDENT MUST BE WITHDRAWN THE DAY FOLLOWING THE SECOND CONSECUTIVE “NO SHOW.” (A 4TH CONSECUTIVE NO SHOW FOR VOCATIONAL STUDENTS.)**

Example: N1, N2, WO (OR N1-N2-N3-N4—WO FOR VOC. STUDENTS)

If a student attends after being withdrawn as a NO SHOW (WN), the student is treated as a new entry and is marked “E.” Remember a student must physically attend class to be a new entry; a **NO SHOW** has never attended class and cannot be considered **RE-ENTRY. ALL RE-ENTRIES MUST BE SENT TO REGISTRATION FOR REPROCESSING.**

NO SHOW ENTRIES DO NOT YIELD FUNDING; THEREFORE, CORRECT REPORTING IS OF UPMOST IMPORTANCE.

RE – Re-entry:

This is used only to re-enter a student who has been withdrawn within the term. Add the student’s name to the attendance report. Instructors will add the student to the attendance report upon receiving proper documentation.

A – Absent:

The student is absent from **ANY** class **AFTER** having attended class at least **ONCE**. Absences are sequentially numbered when students are consecutively absent. For example, for the student who has missed six consecutive days, he/she is marked as **A1, A2, A3, A4, A5, A6 and WX.**

W –Withdrawal:

Withdrawal of students occurs upon the sixth consecutive absence for adult general education classes and/or applied technology classes or at any other time the student officially withdraws.

TR – Transfer:

All transfers must be done through the Student Services Department. The “departing” instructor will indicate on his or her attendance report with a “TR” that the student is transferring to a specific instructor. The student’s new schedule must be presented to the “receiving” instructor. The receiving instructor must mark the student as an entry (“E”) on that date.

CLASSROOM CARE

The off-campus instructor must pay special attention to the classroom care requirements of the facility director at the location assigned. This is necessary to maintain a harmonious relationship with the host facility. The Miami Beach Adult and Community Education Center instructors are in a guest position. Any disputes concerning room usage should be communicated to the off-campus assistant principal.

NO FOOD, DRINK, OR SMOKING IN THE CLASSROOM. This is a stated policy at the initial classroom session with periodic announcements to repeat the policy.

CLASSROOM SUPPLIES AND EQUIPMENT

Requests for classroom supplies and/or equipment should be made to the assistant principal. Equipment must be signed for and returned promptly unless it is on a long-term assignment.

ALL COMPUTERS MUST BE LEFT ON

All computers must be left **ON AT ALL TIMES. NO COMPUTER IS TO BE TURNED OFF.** In addition, personal computers, either staff or student and including laptops, **CANNOT** be brought onto the school campus and connected to the school network without clearance from the computer specialist. Anyone using a school laptop computer must have it scanned each time by the computer specialist when the computer is brought back to school prior to being connected to the school network.

Non-compliance with this directive could result in loss of access rights to the Internet and school network.

STAFF IDENTIFICATION CARDS

To help provide a safe learning environment for all concerned, staff and students, are directed to wear a current Miami Beach Adult and Community Education Center identification card. Identification cards are obtained in the main office.

EMERGENCY PROCEDURES

EXTERNAL AND INTERNAL EMERGENCY SITUATIONS

Staff members are directed to carefully review the emergency procedures on the following pages to ensure that in the event of an emergency, staff member will act in the appropriate manner to insure the safety of all concerned.

PROPERTY CONTROL

It is the goal of Miami Beach Adult & Community Education Center in-house inventory control system to have a zero loss of property.

In order to facilitate achieving this goal, these guidelines have been established to assist and familiarize all staff members with the policies and procedures regarding inventory control.

RESPONSIBILITY

- A. Each staff member is responsible for the controlled property in their classroom, lab, office, and work area.
- B. Each administrator is responsible for the controlled property in their area(s) of supervision.

- C. The Principal is ultimately held responsible for the entire Miami Beach Adult & Community Education Center property inventory.
- D. Miami Beach Adult & Community Education Center staff will exercise daily control of inventory in their work area using proper procedures and forms for transfer, repair, disposal and reporting theft of equipment.

PROCEDURES

- A. Equipment received and logged by the designated staff.
- B. Receipt entered into the MSA Budget/Finance/Purchasing System within five (5) days after receiving equipment or receipt forwarded to proper district supervisor for processing.
- C. Copy of receipt to assistant principal.
- D. Copy of receipt Property Accounting SBAB to file.

Transfer of Equipment (Internal)

- A. Complete Miami Beach Adult & Community Education Center property control form.
- B. Original to Property Accounting SBAB.
- C. Copy to originator.
- D. Copy to receiver.

Repair of Equipment

- A. Complete M-DCPS Outgoing Controlled Equipment Form FM-1670: Sections A, B, C, and D2.
 - (a) Signed by instructor/staff. (b) Signed by administrator.
- B. Complete M-DCPS Repair of A/V Equipment tag, used for **all** equipment whether A/V or not, Form FM-2272.
- C. When equipment is picked up by maintenance, have person picking up equipment:
 - (a) Sign section F2 of Outgoing Controlled Equipment Form (FM-1670).
 - (b) Complete and sign A/V equipment repair tag.
- D. Retain yellow copy of outgoing equipment form for your records. Forward blue copy of outgoing equipment form and bottom of A/V repair tag to Property

Accounting SBAB for data input and filing.

- E. When equipment is returned: Sign repair A/V equipment tag and forward to the designated staff for data input.

Disposal of Equipment/Transfer to another Site

- A. Fill out outgoing controlled equipment form (FM-1670) Sections A, B, C, D1, and D2.
- B. Contact the designated staff for removal of equipment.
- C. When equipment is transported for disposal/transfer the designated staff will obtain the signature or the person receiving the equipment.
- D. The yellow copy is forwarded to the originator.
- E. The blue copy is forwarded to the designee for computer update and hard copy file.

Off-Campus Use of School Property - One Week or Less

When it is necessary to remove equipment from the Miami Beach Adult & Community Education Center campus for educational use, (i.e., job fair presentations, displays, open houses), the procedures are as follows:

- A. Complete Miami Beach Adult & Community Education Center for approval for Off-Campus Use of School Property Form for approval.
- B. Complete M-DCPS Outgoing Controlled Equipment form, FM-1670: Sections A, B, C, and G.
- C. Obtain signature of principal or designee on both forms.
- D. Principal or designee retains copy of each form.
- F. Designee retains copy of each form.
- G. When equipment is returned obtain signature of receipt from principal of designee on both forms.
- H. Forward copy of signed forms to designee for data input.

Off-Campus Memorandum of Property for more than one (1) week - requires an off-campus memo from the principal and a COMPLETED Outgoing Equipment Form (FM-1670: Sections A, B, C, and G). When **annual inventory is taken, equipment must be at site location.**

All forms are available in the main office.

In the event of theft or damage equipment please report **immediately** to your supervisor and security personnel.

UTD

ARTICLE XX -- TEACHING CONDITIONS

Section 3. Workday

A. The employee workday shall be seven hours and five minutes for employees at the elementary level, including Pre-K, and seven hours and 20 minutes for employees at the secondary and adult education levels. The workday shall include lunch and planning/preparation period.

In case of serious emergencies, such as school-wide disruptions which affect the safety and welfare of the student body, employees may be required by the principal to stay longer than the ordinary workday in order to assist in supervising students. The principal or supervising administrator shall make every effort to resolve the emergency as quickly as possible.

In no case shall teachers be required to remain longer than one hour beyond the regular workday.

The workday shall include a maximum of five teaching periods for secondary school teachers.

B. The starting and dismissal time for students shall be established by the Board, provided that no change in schedule will increase the weekly number of hours teachers are presently assigned to teach students.

C. In the case of late arrival or early departure from the work location, an employee present more than one-fourth and less than three-fourths of the workday is considered as having worked one-half day; and an employee present three-fourths or more of the workday is considered as having worked a full day, upon prior notification and approval by the principal or the supervising administrator where no principal exists.

D. The use of sign-in and sign-out sheets is authorized for payroll purposes only, and the only handwritten marks permitted on the sign-in sheets while posted are the employees initials and/or a code indicating that the employee is absent. Under no circumstances shall highlighting or circling be used. Employees are expected to sign in upon arrival to the school site. The use of time clocks and similar devices is prohibited, except for hourly employees.

E. Employees may leave the work location during the hours they are not directly responsible for students, provided prior authorization has been given by the principal.

F. On a school day which immediately precedes a holiday or vacation, the teachers' day shall end at the close of the pupils' day. If the holiday falls on a Monday or the recess begins on a Monday, the employees' day on the preceding Friday will end at the close of the pupils' day. In those schools operating on two shifts, the teachers shall complete their workday. Principals may excuse teachers in this instance 15 minutes early. On other days, a teacher may, with prior approval by the principal or designee, leave, if necessary, after the completion of the teaching assignment. Instructional personnel including all Teachers on Special Assignment (TSAs), all itinerant instructional employees and school psychologists/staffing specialist working in region offices and central administrative offices shall be allowed to leave 30 minutes early on such days.

UTD

ARTICLE XVIII -- OFFICE EMPLOYEES

INTRODUCTION

The terms and conditions of employment for office employees, identified in Appendix F, are limited to those provisions cited in this Article which specifically cover these employees and provisions in other articles which do not limit themselves to other groups of employees.

Section 1. Work Schedule

A. The standard number of working hours during any standard work week will be 37-1/2 hours, exclusive of lunch periods, without a reduction in the current established biweekly wage rate, provided, however, that overtime shall accrue after 37-1/2 hours.

B. All office employees shall have a duty-free lunch period. This duty-free lunch period shall consist of at least 30 minutes.

C. Each employee shall be guaranteed two 15-minute breaks per working day.

D. Office employees who spend a majority of the workday working with a Video Display Terminal (VDT) shall be permitted to perform other job-related duties (e.g., answer phones, file, etc.) 10 minutes out of every hour.

E. Employees shall be entitled to two days off at the completion of the standard work week.

F. The use of sign-in and sign-out sheets designating time-in and time-out is authorized for payroll purposes only. The use of time clocks and similar devices is prohibited, except for hourly employees. Under no circumstances shall highlighting or circling be used.

G. An employee shall be released from a work location early when it is determined by the supervising administrator that the employee's personal safety would be placed in jeopardy by remaining unaccompanied at the work location site.

H. Ten-month employees shall have an opportunity to select an alternative teacher planning day/work year schedule when developed by the Calendar Committee and approved by the Board. At least one-half of the total number of secretarial/clerical staff members at each work location is authorized to exercise the option to select an alternative teacher planning day schedule on each of the designated days.

I. The parties shall discuss the need for establishing a four-day work week prior to implementation of a four-day work week. A four-day work schedule may be implemented by the Board after these discussions and subsequent notification to the Union. Employees affected shall be given no less than two weeks' notice of the changed schedule.

AFSCME

ARTICLE IX -- WORKING CONDITIONS

Section 1. Work Scheduling

A. The standard number of working hours during any standard work week will normally be 40 hours, except as noted in Appendix III.

B. The normal work week shall consist of no more than five consecutive days of work at the regular rate of pay.

C. Employees shall be entitled to two days off at the completion of the standard workweek.

D. Where weekend work is a practice, the Board shall make every effort to rotate schedules to distribute weekend assignments equally.

E. Work schedules will not be altered by changing the number of hours per day to avoid the payment of overtime. Work schedules may be altered due to emergency conditions or factors beyond the Board's control.

It is understood and agreed to that, should it become necessary to establish a regular work schedule which includes Saturdays, negotiations may be reopened on this issue. It is understood that these negotiations will precede implementation of the decision.

The right to utilize the four-day, 10-hour work schedule is expressly reserved to management and adoption of such schedule for any unit member shall not be considered an avoidance of overtime.

Such schedule shall be for four consecutive days. Wherever a 10-hour day schedule is adopted, the workday shall consist of 10 consecutive hours, exclusive of the meal period.

This schedule change may be implemented by the Board after notification to the Union. Employees affected shall be given not less than two weeks' notice of the change in schedule.

F. Employees shall not be required to report to work prior to the established starting time nor be compelled to work beyond their scheduled workday, unless they are compensated for such additional time.

G. Whenever possible, management will schedule and conduct informational/update workshops for bus drivers and bus aides to coincide with regularly-scheduled teacher planning days. Any such workshop held prior to school opening will coincide with a teacher planning day.

H. Whenever possible, employees affected by a permanent change in their work location, due to work load adjustments, shall be given no less than two weeks' notification of such change.

I. Media services employees (assigned to WLRN) may have their daily work schedules adjusted (i.e., beginning and ending times adjusted, but not overall daily working hours) in response to the demands of radio and television production and/or broadcast schedules. Employees shall be provided written notification at least three working days prior to any work schedule change.

AFSCME

ARTICLE XX -- ESTABLISHED PRACTICES

Section 1. Break Time

For daily work assignments of six or more hours, permanent and probationary employees (except bus drivers and bus aides) shall be entitled to one 15-minute break for each half of the work assignment. For work assignments of less than six hours, such employees shall be entitled to one 15-minute break.

Employees who spend a majority of the workday working with a Video Display Terminal (VDT) shall be permitted to perform other job-related duties (i.e., work not involving use of a VDT) 10 continuous minutes out of each hour. Such time shall not be cumulative and shall be in addition to break time established above.

Section 2. Clean-up Time

Permanent and probationary employees (except bus aides) will have 10 minutes prior to the close of each work shift for the purpose of clean-up and/or returning tools and equipment.

Section 3. Split Shifts

There shall be no split work shifts.

Section 4. Shift Differential

A shift differential shall be paid to those full-time permanent and full-time probationary employees working the afternoon/evening (second) shift and the night (third) shift.

A. Second Shift - Full-time permanent and full-time probationary employees, including head custodians, will be eligible for the second shift premium when the start of the shift is 12:30 p.m. or later, but prior to 6:00 p.m. The shift premium will be \$.40 per hour.

B. Third Shift - Full-time permanent and full-time probationary employees, including head custodians, will be eligible for the third shift premium when the start of the shift is 6:00 p.m. or later, or three hours before the beginning of the normally scheduled first day shift. The shift premium will be \$.45 per hour.

Section 5. Shift Assignment

A. Permanent fulltime school-site custodians shall be given a 20-workday notice of a change in shift assignment. Where the change in shift assignment constitutes a hardship, the employee may request a transfer, pursuant to the provisions of Article X, Section 1(E). Shift changes shall not be made in an arbitrary or capricious manner.

B. Permanent, fulltime school-site custodians shall be given priority consideration for a shift change to fill a vacancy at the same work location.

C. Appeals of Hardship Assignments may be addressed through the administrative directive issued by the Associate Superintendent of School Operations.

Section 6. Food Service Personnel

All food service personnel are to receive meals without payment.

6Gx13- 4E-1.01

Absences, Leaves and Vacations
ABSENCES AND LEAVES

The policies and rules governing absences and leaves of personnel are determined by and patterned after state laws and regulations. Except, for sudden illness or emergency situations, any employee who is absent without prior approval shall be deemed to have been willfully absent without leave.

A. Each full-time employee (excluding probationary employees) is entitled to accumulate one day of sick leave per month of employment. Such sick leave is to be accrued in the following manner:

1. Four days of sick leave will be provided to each instructional employee as of the first day of employment of each contract year. Each employee, other than instructional personnel, shall be credited with four days of sick leave at the end of the first month of employment of each contract year. Each employee shall accrue one day of sick leave for each month of employment creditable to the employee at the end of that month, and which shall not be used prior to the time it is earned and credited to the employee; provided further that the employee shall be entitled to earn no more than one day of sick leave times the number of months of employment during the year of employment.

2. Such sick leave shall be accumulative from year to year and there shall be no limitation on the number of days of sick leave a member of the staff may accrue; and further provided that days transferred from other employers within the Florida Retirement System shall be accrued at the same rate as the days accrued within The School Board of Miami-Dade County.

3. All unused accumulated sick leave days will be restored to employees previously employed upon returning to employment in the school system.

4. A district employee may authorize his or her spouse, child, parent, or sibling who is also a district employee to use sick leave that has accrued to the authorizing employee. The recipient may not use the donated sick leave until all of his or her sick leave has been depleted, excluding sick leave from a sick leave pool, if the recipient participates in a sick leave pool.

Donated sick leave shall have no terminal value.

B. Sick leave shall be approved in the following categories:

1. Illness and/or death of:

Mother	Husband	Foster Children
Father	Wife	Step-parents
Sister	Child	Step-children
Brother	Foster	Parents Grandchild
Mother-in-law		Son-in-law Uncle
Father-in-law		Daughter-in-law Aunt
Brother-in-law		Grandmother Niece
Sister-in-law		Grandfather Nephew

2. Illness and/or death of:

Persons who reside in the same residence as the person who is requesting sick leave.

C. A sick employee who has exhausted all sick leave to which he/she is entitled shall be considered automatically on leave without pay (not to exceed 30 consecutive workdays), with the Board's approval, until such employee returns to work. Leave without pay for illness is considered only a protection of one's employment rights.

D. Each employee eligible for sick leave accrual may be granted six days personal leave each school year or fiscal year for personal reasons, unless otherwise provided in the applicable collective bargaining agreement. Such personal leave shall be chargeable only to accrued sick leave and shall be non-cumulative.

Specific Authority: 230.22(2); 230.23(22) F.S.

Law Implemented, Interpreted, or Made Specific: 231.39; 231.40 F.S.

History: THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA
Repromulgated: 12-11-74, Amended: 8-25-82; 5-13-98; 12-12-01

AFSCME

ARTICLE V –DEFINITIONS

Section 27. Unauthorized Absence: Any absence without pay which has not been requested by the employee and approved by the supervisor, in writing, at least five days in advance. Employees are required to notify the work location, prior to the beginning of the workday, when they are unable to report to work or intend to be absent.

Absences of the employee, where notice of absence is made prior to the start of the workday, but are not covered by the employee having accrued sick or personal leave, shall be charged as unauthorized absence and may result in disciplinary action in accordance with Article XI. Upon the employee reporting back to work, the employee shall be apprised of the unauthorized leave status; however, if the employee can demonstrate that there were extenuating circumstances (e. g., hospitalization or other unanticipated emergency), then consideration will be given to changing the status of leave. The work location supervisor has the authority to change an unauthorized leave; however, nothing herein precludes requested leave being determined to be unauthorized where the employee does not have available sick or sufficient personal leave.

**MIAMI BEACH ADULT & COMMUNITY EDUCATION CENTER
EMERGENCY PROCEDURES
EXTERNAL AND INTERNAL EMERGENCY SITUATIONS**

PERSONNEL RESPONSIBILITIES	INTERNAL SITUATION DIRECTIONS	EXTERNAL SITUATION DIRECTIONS
<p>ADMINISTRATOR IN CHARGE</p> <ul style="list-style-type: none"> • Call 911 and School Police. • Make announcement on PA and Campus Radio • Ensure safety of Students/Staff • Notify Chain of Command • Follow procedures in Critical Incident Response Plan 	<ul style="list-style-type: none"> • Make an announcement over PA "We have an Internal Situation." • All Administrators and Safety Marshals report to your assigned stations. • "Faculty and staff at this time we are going into a "Lock Down" Situation." • "Disregard the fire alarms, if a fire alarm is necessary administration will make an announcement on the PA." • "No one is allowed into classrooms or the school at this time." • "All faculty occupied with students lock the classroom doors." • "All other faculty and staff lock your immediate work area." • "Security lock perimeter doors " • "As soon as we have more information we will advise you." • Provide continual updates as necessary. • The situation has been resolved; please return to your normal activities." 	<ul style="list-style-type: none"> • Make an announcement over PA "We have an External Situation." • All Administrators and Safety Marshals report to your assigned stations. • "Faculty and staff at this time we are going into a "Lock Down" situation." • "Disregard the fire alarms, if a fire alarm is necessary administration will make an announcement on the PA." • "No one is allowed into classrooms or the school at this time." • "All faculty occupied with students lock the classroom doors." • "All other faculty and staff lock your immediate work area." • "Security lock perimeter doors " • "As soon as we have more information we will advise you." • Provide continual updates as necessary • "The situation has been resolved; please return to your normal activities."

**MIAMI BEACH ADULT & COMMUNITY EDUCATION CENTER
EMERGENCY PROCEDURES
EXTERNAL AND INTERNAL EMERGENCY SITUATIONS**

ANNOUNCEMENT CODE	INTERNAL SITUATION DIRECTIONS	EXTERNAL SITUATION DIRECTIONS
<p>SAFETY MARSHALS</p> <ul style="list-style-type: none"> • Refer to Building Assignment Sheet • Job Description 	<ul style="list-style-type: none"> • Review your assigned area and clear all hallways. • Security Guard assigned to your area will notify you of problem and location. • Escort any and all persons in hallways to the appropriate areas: <ul style="list-style-type: none"> • First Floor: Old Cafeteria or 125 • Second Floor: 222, 223, 224, 225, 216 (216-in the evening) • Third Floor: 322, 320, 319, 318, 317 (3rd floor-in the evening) • All disabled students in hallways should be escorted to the nearest classroom with a teacher. • Security Guard assigned to your area will assist with escorting persons to assigned holding area • Depending on the situation further responsibilities may be required. 	<ul style="list-style-type: none"> • Review your assigned area and clear all hallways. • Security Guard assigned to your area will notify you of problem and location. • Escort any and all persons in hallways to the appropriate areas: <ul style="list-style-type: none"> • First Floor: Old Cafeteria or 125 • Second Floor: 222 or 225 • Third Floor: 319 (319-in the evening) • All disabled students in hallways should be escorted to the nearest classroom with a teacher. • Security Guard assigned to your area will assist with escorting persons to assigned holding area • Depending on the situation further responsibilities may be required

**MIAMI BEACH ADULT & COMMUNITY EDUCATION CENTER
EMERGENCY PROCEDURES
EXTERNAL AND INTERNAL EMERGENCY SITUATIONS**

ANNOUNCEMENT CODE	INTERNAL SITUATION DIRECTIONS	EXTERNAL SITUATION DIRECTIONS
SECURITY GUARDS	<ul style="list-style-type: none"> • Refer to Guard Assignments • Secure Perimeter (lock garage gates and all outside building doors). • Report to and patrol assigned Building • Security Guard(s) will notify School Administrator, who will notify M-DCPS School Police or Miami Beach Police for assistance. 	<ul style="list-style-type: none"> • Refer to Guard Assignments • Secure Perimeter (lock garage gates and all outside building doors). • Report to and patrol assigned Building • Security Guard(s) will notify School Administrator, who will notify M-DCPS School Police or Miami Beach Police for assistance.
INSTRUCTORS <ul style="list-style-type: none"> • With student responsibilities 	<ul style="list-style-type: none"> • Classroom doors are to be locked. • Instructors are to cover the windows of the classroom doors at this time • Students should be instructed to move to an area in the classroom that is out of view from the doors. • No one is to enter-except for disabled students who are coming from the hallways. • For safety reasons discourage anyone from leaving the room • If someone insists on leaving the room document the identity of the individual(s) • Wait and listen for further instructions 	<ul style="list-style-type: none"> • Classroom doors are to be locked. • Instructors are to cover the windows of the classroom doors at this time. • Students should be instructed to move to an area in the classroom that is out of view from the doors. • No one is to enter-except for disabled students who are coming from the hallways • For safety reasons discourage anyone from leaving the area • If someone insists on leaving the area document the identity of the individual(s) • Wait and listen for further instructions
<ul style="list-style-type: none"> • FACULTY AND STAFF • Without student responsibilities 	<ul style="list-style-type: none"> • Office area is to be locked • Door windows are to be covered at this time. • Clients and visitors are instructed to move to a part of the area that is out of view from the doors. • Clients and visitors are to remain in the area • If someone insists on leaving the room document the identity of the individual(s) • Wait and listen for further instructions 	<ul style="list-style-type: none"> • Office area is to be locked • Door windows are to be covered at this time. • Clients and visitors are instructed to move to a part of the area that is out of view from the doors. • Clients and visitors are to remain in the area • If someone insists on leaving the room document the identity of the individual(s) • Wait and listen for further instructions

UTILIZATION OF THE INTERNET AS A TOOL FOR LEARNING

Purpose of the rule

The purpose of this rule is to establish a policy for the acceptable use of the Internet as a tool for learning in the School District of Dade County, Florida (hereinafter referred to as District). In summary, the rule affirms that neither employees nor students may use the Internet to do any action or receive and/or communicate any language that the employee or student could not do in person. Any act or word prohibited by federal, state, and/or local law or regulation (including DCPS Rules) and/or collective bargaining agreement if done by a DCPS employee or student in person is similarly forbidden by this rule to be done by any employee or student by or through the Internet. Additionally, the rule reflects that there is no expectation of privacy in the use of e-mail or Internet communications when such communications occur over DCPS provided equipment by DCPS employees, students, or others.

Purpose of access to the Internet

The purpose of providing students and employees access to the Internet is to promote academic excellence in the District's educational objectives. This computer technology provides resource sharing, innovation and communication that will help launch today's schools into the information age.

I. Resources Available on the Internet

Students and employees of the District have access to the following resources:

- A. Electronic mail communication throughout the world;
- B. Local, national and world-wide information and news;
- C. Correspondence with scientists at research institutions;
- D. Access to public domain software of all types;
- E. Collaboration with peers on projects and problem solving strategies;
- F. Science Learning Network (SLN), Library of Congress, Educational Resource and Information Center (ERIC), Smithsonian Museums, and many university library catalogs.

II. Acceptable Use Policy

Utilization of the Internet by students and employees must be in support of and consistent with the educational objectives of the District. When utilizing the Internet all users must adhere to the provisions of this rule and the standards of conduct established in the DCPS Code of Student Conduct (both elementary and secondary), Code of Conduct for Adult Students, the Code of Ethics of the Education Profession in the State of Florida, and School Board Rule 6Gx13-4A-1.21, Responsibilities and Duties.

A. Transmission of any material in violation of local, state, and federal law or regulation is prohibited. This includes, but is not limited to copyright material, threatening or obscene material or material protected by trade secret.

1. Obscene material is that material which:

a) The average person, applying contemporary community standards, would find, taken as a whole, appeals to the prurient interest;

b) Depicts or describes, in a patently offensive way, sexual conduct as defined in '847.001 (11) Fla. Stat. (1995); and

c) Taken as a whole lacks serious literary, artistic, political, or scientific value.

B. Procedures concerning the protest of instructional materials and educational media as they are accessed through the Internet are governed by School Board Rule 6Gx13-6A-1.26, Instructional Materials and Resources.

C. School Board Rule 6Gx13-1C-1.06, Politics--Participation of Staff, governs the use of the Internet for political activities.

D. Use of the Internet for product advertisement, commercial activities, political campaigning or solicitation is prohibited.

III. Privilege

Accessing the Internet through District equipment is a privilege, not a right, and inappropriate use, including violation of this rule may result in cancellation of the privilege.

A. School, Region, and District administrators are delegated the authority to determine appropriate and acceptable use as provided under this rule.

B. Any user account may be closed, suspended or revoked at any time a school, Region, or District administrator determines an account user or holder has used the Internet in an inappropriate or unacceptable manner in violation of this or any other applicable District rule.

C. Inappropriate or unacceptable use is defined as use that violates the District's purpose in providing students and employees access to the Internet and use that violates the DCPS Code of Student Conduct (both elementary and secondary), Code of Conduct for Adult Students, the Code of Ethics of the Education Profession in the State of Florida, and School Board Rule 6Gx13-4A-1.21 or any local, state, or federal law or regulation.

D. Access to the Internet in school as a tool for learning will be automatic. Parents will be advised in writing of their rights to indicate that they do not want their child to access the Internet in school.

IV. Monitoring

The District reserves the right to review any material on user accounts for purposes of maintaining adequate fileserver space. In reviewing and monitoring user accounts for the purpose of determining adequate fileserver space, the District shall respect the privacy rights of user accounts.

V. Network Etiquette

All users are expected to abide by the generally accepted rules of network etiquette. These rules include, but are not limited to the following:

- A. Be polite. Do not get abusive in your message to others.
- B. Use appropriate language. Do not swear, use profanity, use vulgarities or any other inappropriate language.
- C. Do not engage in activities which are prohibited under local, state or federal law.
- D. Do not engage in activities which violate the DCPS Code of Student Conduct (both elementary and secondary), Code of Conduct for Adult Students, the Code of Ethics of the Education Profession in the State of Florida, and School Board Rule 6Gx13-4A-1.21.
- E. Do not reveal your personal address, telephone number nor those of other students and employees.
- F. Note that electronic mail (e-mail) is not guaranteed to be private. People who operate the system do have access to all mail. Messages relating to or in support of illegal activities may be reported to the authorities and may result in the loss of user privileges.
- G. Do not use the network in such a way that would be disruptive to others.
- H. All communications and information accessible via the network should be assumed to be private property.
- I. Do not use the network to send or receive messages that discriminate based on gender, race, color, religion, ethnic or national origin, political beliefs, marital status, age, sexual orientation, social and family background, linguistic preference, disability or that are inflammatory.

VI. Services

Use of any information obtained via the Internet is at the user's own risk. The District will not be responsible for any damages a user may suffer. This includes loss of data resulting from delays, non-deliveries, mis-deliveries, or service interruptions caused by negligence, errors, or omissions.

The District denies responsibility for the accuracy or quality of information obtained through its services. All users need to consider the source of any information they obtain, and consider how valid that information may be.

VII. Security

Security on any computer network is a high priority, especially when the system involves many users.

A. If a user can identify a security problem on the network, the user must notify a system administrator. The user must not demonstrate the problem to others.

B. Users must not use another individual's account without written permission from that individual. Attempts to log into the system as any other user will result in cancellation of user privileges. Attempts to log in to the Internet as a system administrator may result in the cancellation of user privileges.

C. Any user that has been determined by administrators to have violated this rule may be denied future access to the Internet through the District network.

D. A student or employee with a history of utilizing other computer systems in an inappropriate or unacceptable manner may be denied access to the Internet through the District network.

VIII. Vandalism and Harassment

Vandalism and harassment when utilizing the Internet will result in cancellation of user privileges. This includes, but is not limited to, the uploading or creation of computer viruses and the attempt to destroy, harm or modify data of another user.

IX. Procedures for Use

Student users must always get permission from their teachers or facilitators before using the network or accessing any specific file or application. Student users must also follow written and oral classroom instructions.

A. All users have the same right to use the equipment. Therefore, users shall not play games or use the computer resources for non-academic activities when other users require the system for academic purposes. In addition, users shall not waste nor take supplies, such as paper, printer ribbons, and diskettes that are provided by the District.

B. Teachers are responsible for teaching proper techniques and standards for participation, for guiding student access to appropriate sections of the Internet, and for assuring that students understand that if they misuse the

network they will lose their privilege to access the Internet from the classroom environment.

X. Inappropriate Material

On a global network it is impossible to control effectively the content of data and an industrious user may discover inappropriate material. Inappropriate material is that material that is determined inconsistent with the goals, objectives and policies of the educational mission of the District. Access and use of the Internet is for use as a regular instructional activity. It is the users' responsibility not to initiate access to materials that are inconsistent with the goals, objectives and policies of the educational mission of the District.

XI. Disciplinary Actions for Improper Use

The act of accessing the Internet through the District's network signifies that the user will abide by the provisions of this rule.

Any user violating this rule, or applicable local, state, or federal law or regulation is subject to loss of network access privileges and any other disciplinary actions, as reflected in the DCPS Code of Student Conduct (both elementary and secondary), Code of Conduct for Adult Students, the Code of Ethics of the Education Profession in the State of Florida, applicable collective bargaining agreements, and School Board Rule 6Gx13-4A-1.21.

Approved October 23, 1996

COPYRIGHT LAW COPYRIGHT AND FAIR USE GUIDELINES

Knowing the Law

It is essential for everyone involved in setting school policy or overseeing day-to-day copyright decisions to be familiar with the laws governing copyright, as well as with the most common interpretations of these laws as they relate to education. The library media center, by way of the library media specialist, will inform staff through the teacher handbook and through in-service of major provisions of the copyright law as they relate to copying for educational purposes. However, school employees, except for the Board Attorney, will not supply legal advice. The information that follows is meant to provide a broad overview and help to direct library media specialists to documents that should be studied in greater depth.

Copyright Law PL 94-553 Title 17, United States Code

The U. S. Constitution (in Article I, Section 8) grants the federal government the power to set copyright law. The current law, Copyright Act of 1976, is contained in Title 17 of the U. S. Code. The following excerpts are from sections of Title 17 that are of particular interest to educators.

Section 102 – Definition of Copyright

This section defines copyrightable materials as "original works of authorship fixed in any tangible medium of expression, now known or later developed, from which they can be perceived, reproduced, or otherwise communicated." It lists some types of works that qualify (literary, musical, pictorial, audiovisual, etc.) but makes it clear that these are just examples. It also lists some examples of things that can not be copyrighted (including ideas, procedures, and concepts).

Section 106 – Rights of Copyright Owner

This section outlines five basic rights granted to the creator of the copyrighted work: 1

1. The right to reproduce or copy the work
2. The right to prepare derivative works (e. g., adaptations, and altered versions)
3. The right to sell or distribute copies of the work to the public
4. The right to perform the work publicly
5. The right to display the work publicly

This section also states that these rights belong exclusively to the copyright owner except when they are curtailed by the limitations and exemptions outlined in Sections 107 through 118 of the Copyright Law.

The creator of the work owns these five rights, subject to limitations called "fair use."

Section 107 – Fair Use Guidelines

This section explains one of the most significant limitations on the exclusive rights of the copyright owner – that of fair use. Fair use provisions of the copyright law grant certain types of users' conditional rights to use or reproduce certain copyrighted materials as long as the reproduction or use of those materials meets defined guidelines. Fair use

balances quite finely the free use of copyrighted materials by educators and the rights of the author to sell his words and expressions of his ideas. Fair use is said to apply to such cases as "criticism, comment, news reporting, teaching (including multiple copies for classroom use), scholarship, or research." The burden of proving fair use falls to the educator using the material so thorough knowledge of copyright law and associated guidelines is essential for library media specialists and educators using copyrighted work.

In determining whether the use made of a copyrighted work is a fair use, the following four factors need to be considered:

1. The purpose and character of the use (e. g., whether such use is commercial or for nonprofit educational purposes).
2. The nature of the copyrighted work (e. g., whether it is factual or fictional – with reproduction on nonfiction more likely to qualify as fair use than reproduction of an original work of fiction).
3. The amount and substantiality of the portion used in relation to the work as a whole.
4. The effect of the use upon potential market for or value of the work 2.

Section 110 – Public Performance

Section 110 focuses on the circumstances under which works may be performed or displayed publicly even if they are not licensed for this purpose (e. g., a videotape purchased with a FOR HOME USE ONLY notice). For educators, one of the most significant portions of this section is clause (1), often referred to as the "face-to-face teaching exemption." This grants teachers or students in a nonprofit educational institution the right to perform or display legally purchased works in the course of instruction in a classroom setting.

Section 117 – Copyrighted Software

This section was amended in December 1980, to focus on the duplication of copyrighted software by purchasers of that software. This section defined two circumstances under which such duplication is legal:

1. When the creation of a copy is an essential step in allowing the software to run on a particular computer
2. When the copy is created for archival purposes only (to be stored away and used only if the original fails) with the understanding that it will be destroyed "in the event that continued possession of the computer program should cease to be rightful.

Interpretations and Guidelines

Videotapes

The copyright law clearly protects the use of audiovisual works such as videotapes. Since ownership of a physical object is different from ownership of the copyright therein, guidelines are necessary to define what libraries can do with the videotapes they own without infringing on copyright. If a particular use would be an infringement, permission

can always be sought from the copyright owner.

A. In-classroom Use

In-classroom use of a copyrighted videotape is permissible under the following conditions:

1. The performance must be by instructors (including guest lecturers) or by pupils.
2. The performance is in connection with face-to-face teaching activities.
3. The entire audience is involved in the teaching activity.
4. The entire audience is in the same room or same general area.
5. The teaching activities are conducted by a non-profit educational institution.
6. The performance takes place in a classroom or similar place devoted to instruction, such as school library, gym, auditorium, or workshop.
7. The videotape is lawfully made; the person responsible had no reason to believe that the videotape was unlawfully made.

B. Loan of Videotapes

1. Videotapes labeled "For Home Use Only" may be loaned to patrons for their personal use. They should not knowingly be loaned to groups (outside the school setting) for public performance.
2. Copyright notice as it appears on the label of a videotape should not be obscured.
3. Video-recorders may be loaned to a patron without fear of liability even if the patron uses the recorder to infringe a copyright. However, it may be a good idea to post notices on equipment which may be used for copying to assist copyright owners in preventing unauthorized reproduction, such as: MANY VIDEOTAPED MATERIALS ARE PROTECTED BY COPYRIGHT. TITLE 17 U. S. CODE SECTION 101. UNAUTHORIZED COPYING MAY BE PROHIBITED BY LAW.

C. Duplication of Videotapes

1. Under limited circumstances, libraries may duplicate a videotape or a part thereof, but the rules of Section 108 which library media specialists routinely utilize with respect to photocopying, apply to the reproduction.

Guidelines for Video recording of Broadcast Programming for Educational Purposes (Congressional Record, October 14, 1981, pp. E4750-E4752)

Educators should be aware that off-air videotaping for classroom use remains a very controversial issue in the application of copyright law. In accordance with the fair use doctrine, nonprofit educational institutions may record television programs and use these recordings for instructional purposes. Such practices, however, must meet the following guidelines:

1. The guidelines were developed to apply only to off-air recording by nonprofit educational institutions.
2. A broadcast program may be recorded off-air simultaneously with broadcast transmission (including simultaneous cable retransmission) and retained by a non-profit educational institution for a period not to exceed the first 45 consecutive days after date of recording. Upon conclusion of such retention period, all off-air recordings must be erased or destroyed immediately. "Broadcast programs" are television programs transmitted by television stations

- for reception by the general public without charge.
3. Off-air recordings may be used once by individual teachers in the course of relevant teaching activities, and repeated once only when instructional reinforcement is necessary, in classrooms and similar places devoted to instruction within a single building, cluster, or campus, as well as in the homes of students receiving formalized home instruction, during the first 10 consecutive school days in the 45 calendar day retention period. "School days" are school session days – not counting weekends, holidays, vacations, examination periods, or other scheduled interruptions within the 45 calendar day retention period.
 4. Off-air recordings may be made only at the request of and use by individual teachers, and may not be regularly recorded in anticipation of requests. No broadcast program may be recorded off-air more than once at the request of the same teacher, regardless of the number of times the program may be broadcast.
 5. A limited number of copies may be reproduced from each off-air recording to meet the legitimate needs of teachers under these guidelines. Each such additional copy shall be subject to all provisions governing the original recording.
 6. After the first 10 consecutive school days, off-air recordings may be used up to the end of the 45 calendar day retention period only for teacher evaluation purposes (i. e., to determine whether or not to include the broadcast program in the teaching curriculum) and may not be used in the recording institution for student exhibition or any other non-evaluation purpose without authorization.
 7. Off-air recordings need not be used in their entirety, but the recorded programs may not be altered from their original content. Off-air recordings may not be physically or electronically combined or merged to constitute teacher anthologies or compilations.
 8. All copies of off-air recordings must include the copyright notice on the broadcast program as recorded.
 9. Educational institutions are expected to establish appropriate control procedures to maintain the integrity of these guidelines.

Guidelines for School Use of Rented or Purchased Prerecorded Videocassette Programs

Section 110(1) of the Copyright Law provides educators with the right to use copyrighted materials for instructional purposes without consent of the author. This limitation on the materials for instructional purposes without consent of the author. This limitation on the copyright owner's exclusive right encompasses the use of prerecorded videocassette programs in an instructional setting. Section 110 (1), "Limitations on Exclusive Rights, Exemptions of Certain Performances and Displays" states:

The following are not infringements of copyright performance or display of a work by instructors or pupils in the course of face-to-face teaching activities of a nonprofit educational institution, in a classroom or similar place devoted to instruction: MANY COMPUTER PROGRAMS ARE PROTECTED BY COPYRIGHT. TITLE 17 U. S. CODE SECTION 101. UNAUTHORIZED COPYING MAY BE PROHIBITED BY LAW. Copies of programs which have been reproduced in violation of the copyright law may not be used on school equipment. License restrictions, if any should be observed.

Photocopying

The copyright "rule of thumb" with photocopying is spontaneity and brevity. These assume the teacher has not had time to receive permission or purchase the rights.

Single Copying for Teachers

- A. For class preparation or library reserve, a teacher may make one copy of:
 - 1. A chapter from a book
 - 2. A periodical or newspaper article
 - 3. A short story, poem, or essay, whether or not from a collective work
 - 4. A chart, graph, diagram, drawing, picture, slide, or cartoon (if the original cartoon itself is not copyrighted)

- B. Teachers may make multiple photocopies for classroom use (not exceeding one copy per student) of the following, provided that the copying meets the tests of spontaneity and brevity as stated here:
 - 1. A poem under 250 words or an excerpt from a poem.
 - 2. An article of less than 2,500 words.
 - 3. An excerpt of 1,000 words or 2,500 (whichever is less) of an article longer than 2,500 words.

- C. The copies must be for one course only and each copy includes a notice of copyright.

- D. Teachers cannot make multiple copies of the following:
 - 1. More than three authors from a collective work
 - 2. More than one work by an author
 - 3. More than nine times per term

- E. Teachers cannot make multiple copies to substitute for an anthology, compilations, or collective works without permission.
 - 1. A single copy of a sound recording (such as in a cassette tape, CD, or record) of copyrighted music may be made from sound recordings owned by an educational institution or an individual teacher for the purposes of constructing aural exercises or examinations and may be retained by the educational institution or individual teacher. (This pertains only to the copyright of the music itself and not to any copyright which may exist in the sound recording.)

Fax Machines

Libraries are increasingly using fax machines for interlibrary loan. Libraries are in compliance with the Copyright Law if they only reproduce and distribute one copy of copyrighted material subject to the following constraints:

- 1. The reproduction or distribution is made without any purpose of direct or indirect commercial advantage.
- 2. The collections of the library or archives are:
 - a. Open to the public
 - b. Available not only to researchers affiliated with the library or archives or with the institution of which it is a part, but also to other persons doing research in a specialized field
- 3. The reproduction or distribution of the work includes a notice of copyright.

Educational Multimedia Projects Using Portions of Copyrighted Works

Educators have traditionally brought copyrighted books, videos, slides, sound recordings, and other media into the classroom, along with accompanying projection and playback equipment. Multimedia creators integrated these individual instructional resources with their own original works in a meaningful way, providing compact education tools that allow great flexibility in teaching and learning. Material is stored so that it may be retrieved in a nonlinear fashion, depending on the needs or interests of learners. The following guidelines apply the principles of fair use when teachers and students create their own multimedia projects to meet specific instructional objectives. These guidelines apply to the use, without permission, of portions of lawfully acquired copyrighted works in educational multimedia projects which are created by teachers or students as part of a systematic learning activity. Educational multimedia projects created under these guidelines incorporate students' or teachers' original material together with various copyrighted media formats including but not limited to motion media, music, text materials, graphics, illustrations, photographs, and digital software which are combined into an integrated presentation.

Educational Multimedia Projects by Students

1. Students may incorporate portions of lawfully acquired copyrighted works when producing their own educational multimedia projects for a specific course.
2. Students may perform and display their own educational multimedia projects for use in the course for which they were created and may use them in their own portfolios as examples of their academic work for later personal use such as job and graduate school interviews.

Educational Multimedia Projects by Teachers

1. Teachers may incorporate portions of lawfully acquired copyrighted works when producing their own educational multimedia projects for their own teaching tools in support of curriculum-based instructional activities.
2. Teachers may perform and display their own educational multimedia projects for curriculum-based instruction to students in the following situations:
 - a. For face-to-face instruction.
 - b. Assigned to students for directed self-study.
 - c. For remote instruction to students enrolled in curriculum-based courses and located at remote sites, provided over the institution's secure electronic network in real-time, or for after class review or directed self-study, provided there are technological limitations on access to the network and educational multimedia project (such as a password or PIN) and provided further that the technology prevents the making of copies of copyrighted material.
 - d. For presentations to their peers at workshops or conferences.
 - e. For personal portfolios for later personal use such as tenure review or job interviews.

Limitations – Time, Portion, Copying, and Distribution

1. Time Limitations

Teachers may use their educational multimedia projects created for educational purposes for teaching courses for a period of up to two years after the first instructional use with a class. Use beyond that time period, even for educational purposes, requires permission for each copyrighted portion incorporated in the production.

2. Portion Limitations

Portion limitations means the amount of a copyrighted work that can reasonably be used in educational multimedia projects under these guidelines regardless of the original medium from which the copyrighted works are taken. In the aggregate means the total amount of copyrighted material from a single copyrighted work that is permitted to be used in an educational multimedia project without permission. These limitations apply cumulatively to each teacher's or student's multimedia project(s) for the same semester, cycle, or term. All students should be instructed about copyright. It is understood, however, that students in kindergarten through grade six may not be able to adhere rigidly to the portion limitations in their independent development of educational multimedia projects.

3. Motion Media

Up to 10 percent or three minutes, whichever is less, in the aggregate of a copyrighted motion media work may be reproduced or otherwise incorporated as part of an educational multimedia project.

4. Text Material

Up to 10 percent or 1,000 words, whichever is less, in the aggregate of a copyrighted work consisting of text material may be reproduced or otherwise incorporated as part of an educational multimedia project. An entire poem of less than 250 words may be used, but no more than three poems by one poet, or five poems by different poets from any anthology may be used. For poems of greater length, 250 words may be used but not more than three excerpts by different poets from a single anthology may be used.

5. Music, Lyrics, and Music Video

Up to 10 percent, but in no event more than 30 seconds, of the music and lyrics from an individual musical work (or in the aggregate of extracts from an individual work), whether the musical work is embodied in copies or audio or audiovisual works, may be reproduced or otherwise incorporated as part of a multimedia project. Any alterations to a musical work shall not change the basic melody or the fundamental character of the work.

6. Illustrations and Photographs

The reproduction or incorporation of photographs and illustrations is more difficult to define with regard to fair use because fair use usually precludes the use of an entire work. Under these guidelines, a photograph or illustration may be used in its entirety but no more than five images by an artist or photographer may be reproduced or otherwise incorporated as part of an educational multimedia project. When using photographs and illustrations from a published collective work, not more than 10 percent or 15 images, whichever is less, may be reproduced or otherwise incorporated as part of an educational multimedia project.

7. Numerical Data Sets

Up to 10 percent or 2,500 fields or cell entries, whichever is less, from a copyrighted database or data table may be reproduced or otherwise incorporated as part of an educational multimedia project. A field entry is defined as a specific item of information, such as a name or social security number, in a record of a database file. A cell entry is defined as the intersection where a row and a column meet on a spreadsheet.

8. Copying and Distribution Limitations

Only a limited number of copies, including the original, may be made of a teacher's educational multimedia project. For all of the uses permitted, there may be no more than two copies, only one of which may be placed on reserve. An additional copy may be made for preservation purposes but may only be used or copied to replace a used copy that has been lost, stolen, or damaged. In the case of a jointly created educational multimedia project, each principal creator may retain one copy, but only for the previously stated purposes described for students and teachers.

When Permission is Required

1. Teachers and students must seek individual permission (licenses) before using copyrighted works in educational multimedia projects for commercial reproduction and distribution.
2. Even for educational uses, teachers and students must seek individual permission for all copyrighted works incorporated in their personally created educational multimedia projects before replicating or distributing beyond the limitations.
3. Teachers and students may not use their personally created educational multimedia projects over electronic networks, except for uses as previously described without obtaining permissions for all copyrighted works incorporated in the program.

Important Reminders

1. Caution in Downloading Material From the Internet

Teachers and students are advised to exercise caution in using digital material downloaded from the Internet in producing their own educational multimedia projects, because there is a mix of works protected by copyright and works in the public domain on the network. Access to works on the Internet does not automatically mean that these can be reproduced and reused without permission or royalty payment and, furthermore, some copyrighted works may have been posted to the Internet without authorization of the copyright holder.

2. Attribution and Acknowledgment

Teachers and students are reminded to credit the source and display the copyright notice and copyright information if this is shown in the original source. Crediting must adequately identify the source of the work giving full bibliographic description where available (including author, title, publisher, place, and date of publication). The copyright ownership information includes the copyright notice (year of first publication, and name of the copyright holder).

3. Notice of Use Restrictions

Teachers and students are advised that they must include, on the opening screen of their educational multimedia projects and any accompanying print material, a notice that certain materials are included under the fair use exemption of the U. S. Copyright Law and have been prepared according to the educational multimedia fair use guidelines and are restricted from further use.

4. Future Uses Beyond Fair Use

Teachers and students are advised to note that if there is a possibility that their own educational multimedia projects incorporating copyrighted works under fair use could later result in broader dissemination, whether or not as a commercial product, it is strongly recommended that they take steps to obtain permissions during the development process for all copyrighted portions rather than waiting until after the completion of the project.

5. Integrity of Copyright Works: Alterations

Teachers and students may make alterations in the portions of the copyrighted works they incorporate as part of an educational multimedia project only if the alterations support specific instructional objectives. Teachers and students are advised to note that alterations have been made.

6. Reproduction of De-compilation of Copyrighted Computer Programs

Teachers and students should be aware that reproduction or de-compilation of copyrighted computer programs and portions thereof, for example the transfer of underlying code or control mechanism, even for educational uses, are outside the scope of these guidelines.

7. Licenses and Contract

Teachers and students should determine whether specific copyrighted works or other data or information are subject to a license or contract. Fair use and these

guidelines shall not preempt or supersede licenses and contractual obligations.

Multimedia Guidelines Web Sites:

<http://www.libraries.psu.edu/avs/>

<http://www.sju.edu/-lees/FSU-contents.html>

Copyright Suggestions for Library Media Specialists:

- Teach copyright principles to library patrons. Speak of copyright obligations as you provide materials to students and teachers.
- Post copyright notices on copy machines, video recorders, tape recorders, computers, opaque projectors, and any equipment capable of making copies of any sort. Be prepared to explain the legalese.
- Request copyright permission and have a form letter ready for permission requests, fill-in-the-blank, if possible. The worst a copyright holder can do is say no.
- **MAKE SURE THAT ALL AUDIOVISUAL MATERIAL SHOWN TO STUDENTS IS DIRECTLY RELATED TO THE CURRICULUM.** Track copyrighted material that passes through the library with a school site developed usage form. Home-taped videos, rented videos, and the like should have signed agreements from the faculty members stating that the material complies with fair use. Document educational exemption with lesson plans that tie the material to the curriculum and the lesson at hand.
- Write the required erase date on all videos taped off-air.
- Keep records! All material (especially audiovisual) purchased for the building collection should be tracked for copyright and public performance clearance. Notations on the shelf list or computer record of each piece with clearance should suffice. Retain a file of permissions and purchase orders documenting acquired rights. Keep the catalog or pertinent pages to verify purchase of public performance rights.
- Only programs taped off-air on public channels (VHF and UHF) can be taped without express permission.

The following guidelines governing use of prerecorded videocassette programs in the schools are in accordance with Section 110(1) of the copyright law. Teachers may use rented or purchased videocassette programs for instructional purposes only if all of the following requirements are satisfied¹.

1. The programs must have been recorded or made in a lawful manner.
2. The programs must be used in the course of face-to-face teaching activities. The performance must be part of a systematic course of instruction and the teacher must be able to point to specific performance objectives to which the program relates and be prepared to justify how the program assists in attaining these objectives. If the teacher is not able to make such justification, use of the work in the classroom is not lawful.
3. Programs may be used only in the classroom or similar places devoted to systematic instructional activities.
4. Programs may not be used for recreational, entertainment or cultural value.
5. Unlawfully made programs, or programs which teachers know or have

reason to believe are not lawfully made may not be used under any circumstances.

6. A teacher may not make an archival or back-up copy of a copyrighted videotape.
7. If the videotape is rented, it is recommended that a written release from the rental agency prior to classroom use be obtained.

Computer Software

Computer software and accompanying manuals are protected by copyright laws. Although it is legal to make a backup copy of software, it is illegal to loan or distribute the original software, the backup copy, or manual without a license. If multiple copies are needed by a school, then that school should investigate the acquisition of site licenses. It is the responsibility of site administrators to ensure observance of copyright laws. In order to assist administrators and their staff, a videotape with two presentations, "Don't Copy That Floppy" and "We Lost Control" was sent to each school in May 1993. The videotape was legally obtained from the Software Publishers Association and may be legally copied. A copy is also available from the M-DCPS Film and Video Library.

Reproductions of Computer Software – Section (7 (6) 10 b)

1. Teachers may make a backup copy of a computer program for archival purposes. If the copy in use is destroyed or damaged, the archival copy can be used and the original would need to be re-purchased if another archival copy is to be made.
2. Teachers may adapt a program, but may not do the following:
 - a. Copy, give away, or sell an adaptation of a program.
 - b. Make multiple copies of adaptations for institutional use.
3. Copyrighted programs may not be reproduced on school equipment except for those for which rights have been procured. If the machine is capable of being used to make a copy of a program, a warning should be posted on the machine.
4. Various networks and program producers send out guides. These guides will also tell you the retention rights (e. g., seven days plus fair use; one year; life of the tape).
 - Don't copy commercial computer software except to make an archival copy.
 - Don't copy cartoon, TV, or film characters for decorations, bulletin boards, or handouts. Don't apologize for following federal law. If you would like a free copy of the law, write to the Library of Congress and request Circular 92.
 - Do remember that the person who pushes the button is also liable. So is the administrator who knows that copyright is being violated. We recommend that you notify in writing both the principal and teacher when you are aware of copyright infringement. Keep a copy in your own files.

Copyright Suggestions for School Administrators

- Encourage and model copyright law compliance.
- Monitor use of copy machines, computers, and video recorders. Promote original materials. Using opaque projectors to enlarge graphics, coloring books, greeting cards, illustrations, cartoons, book jackets, and other copyrighted material is out of compliance unless specific permission is received. An exception would be simple map outlines.
- Require that lesson plans document tie-ins for copyrighted audiovisual

- materials. Distribute written guidelines and expectations for faculty and any staff involved with duplication of print or audiovisual materials through the faculty handbook.
- Verbalize high expectations of the staff. Remind them that their actions are being watched by the severest critics – their students.
 -

Resources for Copyright Information

Becker, Gary H. *Copyright: A guide to Information and Resources*. P.O. Box 951870, Lake Mary, FL 32795-1870. 407-333-2037.

Bender, Ivan R. "Copyright and the Newer Technologies." *Wilson Library Bulletin* (June 1993): 44-47.

Gasaway, Laura N. and Sarah K. Wiant. *Libraries and Copyright: A Guide to Copyright Law in the 1990s*. Special Libraries Association, 1994.

Simpson, Carol Mann. *Copyright for School Libraries: A Principal Guide*. Linworth Publishing, Inc., 1994, 16

Strong, William S. *The Copyright Book: A Practical Guide*. MIT Press, 1993.

Talab, R. S. *Commonsense Copyright: a Guide to the New Technologies*. MacFarland & Company, Inc., 1986.

Organizations

American Library Association, Library and Information Center, 1-800-545-2433, ext. 2153

Copyright Office Hotline, 202-707-3000 Educational Uses of Information Technology (EUIT), 202-872-4200

Information Technology Association of America (ITTA), 703-284-5355

Software Publishers Association (SPA), 202-452-1600

United States Copyright Office, The Library of Congress, e-mail address:

<http://lcweb.loc.gov/copyright/copy1.html>

MIAMI-DADE COUNTY PUBLIC SCHOOLS E-MAIL POLICY

Scope:

This Policy applies to:

- All electronic mail systems and services provided or owned by MDCPS; and
- All users, holders, and uses of MDCPS e-mail services; and
- All MDCPS records in the possession of MDCPS employees or other email users of electronic mail services provided by MDCPS.

E-Mail Policy:

- The definition of a public record does not depend on the format of the record, but rather the legal, fiscal, administrative or historical value of the information contained in the record. For this reason e-mails that contain official business must follow the same retention schedules as any other records containing official business in the state of Florida. They must also follow the same rules regarding public availability and examination.
- Retention of public records within Florida government agencies fall into three broad categories:
- retain until obsolete, superseded, or administrative value is lost (OSA). Examples include:
 - transitory records,
 - informal communications,
 - routine announcements,
 - recipient's inter-departmental memoranda, and
 - general information files used in daily functions in administrative areas.
- retain for three fiscal years. Examples include:
 - general correspondence,
 - sender's inter-departmental memoranda, and
 - most fiscal and budget records.
- permanent. Examples include:
 - portions of student records, as defined by Florida statute, and
 - personnel records.
- Transitory records, as defined by the General Counsel of the Florida Department of State, are communications having short-lived administrative value along the same lines as telephone messages, conversations, notification of meetings, etc. Many e-mails fall into this category and may be deleted without first obtaining written permission.
- E-mails which communicate, perpetuate or formalize knowledge are more than transitory and therefore are considered public record. Retention of records determined to be more than transitory must be kept according to Chapter 119, Florida Statutes with retention schedules as described above.

- Users are responsible for storing e-mails that must be retained. System administrators do backup the e-mail system, but only on a very short-term basis and this backup is not designed for retrieval of specific e-mails or public access. This backup storage is not to exceed 30 days.
- E-mails may be retained either electronically or as hard copy. No matter what method of retention is used, however, e-mails must be available for public access upon request, as provided for by state law.
- E-mails containing documents or information that would normally be sent to the MDCPS Forms and Records Management Department for storage if in the form of hard copy must be printed off into hard copy format and sent for storage in the same manner. If and when electronic storage meeting all public record retention statutes is available at this department, the records may be sent in this format.
- Limited, incidental personal use of MDCPS computing and networking systems such as sending short e-mails to friends or relatives is permissible if within reason. Personal use of the MDCPS e-mail system is a privilege, not a right and is provided as a courtesy. If this privilege is abused, it becomes a management issue and may result in the suspension or revocation of the user's e-mail functions or other disciplinary action.

Personal use of e-mail should not:

- deny or restrict other users' access to system resources.
 - tie-up system resources in any but the most unobtrusive way.
 - interfere with job performance.
 - advertise a product or service for profit.
 - fund-raise or advertise on behalf of unsanctioned, non-MDCPS organizations.
 - publicize unsanctioned, non-MDCPS activities.
- Users of the e-mail system should be aware that no privacy can be expected and that e-mails can be reviewed at any time and are considered legally discoverable.
 - Since privacy of e-mails is not guaranteed, users should be aware that sensitive and confidential information contained in or attached to an e-mail may be viewed by persons other than the intended recipient. Sensitive and confidential data includes, but is not restricted to, Human Resource Personnel and Student Information data as described in the Buckley Amendment. This data is considered exempt from public record disclosure under state and federal law. Encryption of such data may be necessary to prevent improper disclosure. E-mail requested by the public for access must first have any exempt data deleted or otherwise blocked out in such a way as to make it unidentifiable.
 - Typically e-mail users transmit more formal "perpetuation or formalization of knowledge" or other significant information by attaching a document to the e-mail. E-mails with these attachments are therefore less likely to be considered transitory.

- MDCPS reserves the right to modify or delete e-mails or attachments that may contain computer viruses, worms, denial of service routines or any other code that would be dangerous and destructive to any portion of the network. All e-mails in which changes have been made will include a notification to the user with an explanation.
- Infringement of copyrights is prohibited anywhere in MDCPS, including e-mail content or attachments.
- Users should maintain the highest standards of courtesy, consideration and appropriateness in all e-mail transmissions.
- Obscene, racist, sexist, harassing, or threatening language or images in e-mails are prohibited.
- Users assume full responsibility for their activities and cannot expect MDCPS to provide protection from offensive e-mail materials, except where technically feasible and cost-effective.
- The use of “spoofing” (the act of disguising the sender of the e-mail by replacing the name in the “From” field), sending e-mails while signed on as a different user without permission or otherwise deliberately misleading the recipient of the e-mail by falsifying the name of the sender is prohibited.
- MDCPS makes every effort to provide reliable e-mail service. MDCPS cannot be held liable for any loss related to interruption of service.

Violations of This Policy:

Violations of this policy may result in disciplinary action, including but not limited to suspension, expulsion, termination of employment and/or contracts and civil/criminal prosecution.

E-MAIL AS PUBLIC RECORD IN FLORIDA

Background:

In 1995 the Florida Supreme Court began the process of defining the role of the new electronic medium of electronic mail (e-mail) communication within government institutions in the state of Florida. In particular, the court was concerned about e-mail as public record. Intuitively people understand that not all e-mail should be introduced as public record but it is difficult to verbalize the concept and define the boundaries of what must be retained. The court began by analyzing the use of e-mails in its own office, stating that all “*official business communicated by e-mail transmissions is a matter of public record.*” The court also acknowledged, however, that “*e-mail messages may include transmissions that are not official business and which, consequently, are not public records.*”

Other court decisions and opinions by such entities as the General Counsel of the Florida Department of State (DOS) produced suggested guidelines. The DOS General Counsel felt that “*Consistent with recent policy decisions that favor agency discretion*

over rule-making" non-rule advisory guidelines were to be offered.

A new category of communication, that of "transitory", has been defined. The DOS created the following definition of transitory messages:

"This record series consists of those records that are created primarily for the communication of information, as opposed to the perpetuation or formalization of knowledge. The informal nature of transitory messages might be compared to a communication taking place during a telephone conversation, or verbal communications in an office hallway. Transitory messages are messages with short-lived administrative value and may include, but would not be limited to, many e-mail messages, telephone voice mail, many messages on "post-it" notes, and most written telephone messages."

Transitory messages will have a retention schedule of:

"Retain until obsolute, superseded, or aadministrative value is lost (OSA)."

This retention allows for destruction of these records without having to obtain official permission. According to a DOS interpretation of another Florida Supreme Court ruling, keeping records defined as OSA "*would lead to the unnecessary retention of useless information, inhibit the use and manageability of e-mail, and limit the public's ability to access useful public records.*"

CRITERIA FOR SUSPENSION AND DISMISSAL STATE BOARD RULE 6B-4.009

The basis for charges upon which dismissal action against instructional personnel may be pursued are set forth in Section 231.36, Florida Statutes. The basis for each of such charges is defined in State Board Rule 6B-4.009:

1. Incompetency is defined as inability or lack of fitness to discharge the required duty as a result of inefficiency or incapacity. Since incompetency is a relative term, an authoritative decision in an individual case may be made on the basis of testimony by members of a panel of expert witnesses appropriately appointed from the teaching profession by the Professional Practices Council. Such judgment shall be based on a preponderance of evidence showing the existence of one or more of the following:

(a) Inefficiency:

(1) ***Repeated** failure to perform duties prescribed by law (Section 231.09, Florida Statutes);

(2) ***Repeated** failure on the part of a teacher to communicate with and relate to children in the classroom, to such extent that pupils are deprived of minimum educational experience; or

(3) ***Repeated** failure on the part of an administrator or supervisor to communicate with and relate to teachers under his supervision to such an extent that the educational program for which he is responsible is seriously impaired.

(b) Incapacity:

(1) lack of emotional stability;

(2) lack of adequate physical ability;

(3) lack of general educational background; or

(4) lack of adequate command of his area of specialization.

2. Immorality is defined as conduct that is inconsistent with the standards of public conscience and good morals. It is conduct sufficiently notorious to bring the individual concerned or the education profession into public disgrace or disrespect and impair the individual's service to the community.

3. Misconduct in office is defined as a violation of the Code of Ethics of the Education Profession which is so serious as to impair the individual's effectiveness in the school system.

4. Gross insubordination or willful neglect of duties is defined as a ***constant** or continuing intentional refusal to obey a direct order, reasonable in nature, and given by and with proper authority.

5. Drunkenness is defined as: (a) That condition which exists when an individual publicly is under the influence of alcoholic beverages or drugs to such an extent that his normal faculties are impaired; or (b) Conviction on the charge of drunkenness by a court of law.

6. Moral turpitude is a crime that is evidenced by an act of baseness, vileness or depravity in the private and social duties, which, according to the accepted standards of the time, a man owes to his fellow man or to society in general and the doing of the act itself and not its prohibition by statute fixes the moral turpitude.

**THE CODE OF ETHICS AND THE PRINCIPLES OF PROFESSIONAL CONDUCT OF
THE EDUCATION PROFESSION IN FLORIDA**

**State Board of Education Rule 6B-1.001, FAC The Code of Ethics of the Education
Profession in Florida**

(1) The educator values the worth and dignity of every person, the pursuit of truth, devotion to excellence, acquisition of knowledge, and the nurture of democratic citizenship. Essential to the achievement of these standards are the freedom to learn and to teach and the guarantee of equal opportunity for all.

(2) The educator's primary professional concern will always be for the student and for the development of the student's potential. The educator will therefore strive for professional growth and will seek to exercise the best professional judgment and integrity.

(3) Aware of the importance of maintaining the respect and confidence of one's colleagues, of students, of parents, and of other members of the community, the educator strives to achieve and sustain the highest degree of ethical conduct.

**State Board of Education Rule 6B-1.006, FAC The Principles of Professional
Conduct of the Education Profession in Florida**

(1) The following disciplinary rule shall constitute the Principles of Professional Conduct for the Education Profession in Florida.

(2) Violation of any of these principles shall subject the individual to revocation or suspension of the individual educator's certificate, or the other penalties as provided by law.

(3) Obligation to the student requires that the individual:

(a) Shall make reasonable effort to protect the student from conditions harmful to learning, to the student's mental and/ or physical health and/ or safety.

(b) Shall not unreasonably restrain a student from independent action in pursuit of learning.

(c) Shall not unreasonably deny a student access to diverse points of view. (d) Shall not intentionally suppress or distort subject matter relevant to a student's academic program.

(d) Shall not intentionally expose a student to unnecessary embarrassment or disparagement.

(e) Shall not intentionally violate or deny a student's legal rights.

(f) Shall not harass or discriminate against any student on the basis of race, color, religion, sex, age, national or ethnic origin, political beliefs, marital status, handicapping condition, sexual orientation, or social and family background and shall make reasonable effort to assure that each student is protected from harassment or discrimination.

(g) Shall not exploit a relationship with a student for personal gain or advantage.

(i) Shall keep in confidence personally identifiable information obtained in the course of professional services, unless disclosure serves professional purposes or is required by law.

(4) Obligation to the public requires that the individual:

(a) Shall take reasonable precautions to distinguish between personal views and those of any educational institution or organization with which the individual is affiliated.

(b) Shall not intentionally distort or misrepresent facts concerning an educational matter in direct or indirect public expression.

(c) Shall not use institutional privileges for personal gain or advantage.

(d) Shall accept no gratuity, gift, or favor that might influence professional judgment.

(e) Shall offer no gratuity, gift, or favor to obtain special advantages.

(5) Obligation to the profession of education requires that the individual:

(a) Shall maintain honesty in all professional dealings.

(b) Shall not on the basis of race, color, religion, sex, age, national or ethnic origin, political beliefs, marital status, handicapping condition if otherwise qualified, or social and family background, deny to a colleague professional benefits or advantages or participation in any professional organization.

(c) Shall not interfere with a colleague's exercise of political or civil rights and responsibilities.

(d) Shall not engage in harassment or discriminatory conduct which unreasonably interferes with an individual's performance of professional or work responsibilities or with the orderly processes of education or which creates a hostile, intimidating, abusive, offensive, or oppressive environment; and, further, shall make reasonable effort to assure that each individual is protected from such harassment or discrimination.

(e) Shall not make malicious or intentionally false statements about a colleague.

(f) Shall not use coercive means or promise special treatment to influence professional judgment of colleagues.

(g) Shall not misrepresent one's own professional qualifications.

(h) Shall not submit fraudulent information on any document in connection with professional activities.

(i) Shall not make any fraudulent statement or fail to disclose a material fact in one's application for a professional position.

(j) Shall not withhold information regarding a position from an applicant or misrepresent an assignment or conditions of employment.

(k) Shall provide upon the request of the certificated individual, a written statement of specific reason for recommendations that lead to the denial of increments, significant changes in employment, or termination of employment.

(l) Shall not assist entry into or continuance in the profession of any person known to be unqualified in accordance with these Principles of Professional Conduct for the Education Profession in Florida and other applicable Florida Statutes and State Board of Education Rules.

(m) Shall self-report within 48 hours to appropriate authorities (as determined by district) any arrests/ charges involving the abuse of a child or the sale and/ or possession of a controlled substance. Such notice shall not be considered an admission of guilt nor shall such notice be admissible for any purpose in any proceeding, civil or criminal, administrative or judicial, investigatory or adjudicatory. In addition, shall self-report any conviction, finding of guilt, withholding of adjudication, commitment to a pretrial diversion program, or entering of a plea of guilty or Nolo Contendere for any criminal offense other than a minor traffic violation within 48 hours after the final judgment. When handling sealed and expunged records disclosed under this rule, school districts shall comply with the confidentiality provisions of Sections 943.0585(4)(c) and 943.059(4)(c), Florida Statutes.

(n) Shall report to appropriate authorities any known allegation of a violation of the Florida School Code or State Board of Education Rules as defined in Section 231.28(1), Florida Statutes.

(o) Shall seek no reprisal against any individual who has reported any allegation of a violation of the Florida School Code or State Board of Education Rules as defined in Section 231.28(1), Florida Statutes.

(p) Shall comply with the conditions of an order of the Education Practices Commission imposing probation, imposing a fine, or restricting the authorized scope of practice.

(q) Shall, as the supervising administrator, cooperate with the Education Practices Commission in monitoring the probation of a subordinate.

HOW TO USE COMMON SENSE AND PROFESSIONAL JUDGMENT TO AVOID LEGAL COMPLICATIONS IN TEACHING

A. Interaction with Students

1. Maintain a professional barrier between you and students. You are the adult, the teacher, and the professional; act like the expert, not like another one of the "kids."
2. Keep the classroom door open when talking with students.
3. Refer students to the appropriate resource person for counseling and/ or discussions about personal matters.
4. **Do NOT** flirt with students.
5. **Do NOT** discuss your personal life or personal matters with students. Do NOT discuss your husband, wife, girlfriend, boyfriend, or dates with students.
6. When transporting students, coordinate transportation ahead of time, and use school or mass transportation if possible. If necessary, call a taxi for the student. If you must transport a student in your vehicle, ask a co-worker to accompany you.
7. Avoid leaving your students unsupervised; have an alternate plan of action.
8. Keep your hands and other parts of your body to yourself.
9. Use verbal praise and reinforcement.
10. Know your school policies and District and State laws governing corporal punishment. Establish and follow a consistent behavior plan. Treat each student with respect. Know the student's rights.
11. Chaperon only school-sponsored functions. **Do NOT** socialize with students. If you chaperon a field trip, put in writing what your responsibilities will be. Do NOT drink alcoholic beverages in front of students. **Do NOT** take children home with you.
12. **Do NOT** make telephone calls or write notes of a personal nature to students.
13. **Do NOT** harass students; respect their differences. What you intend as humor may, in fact, be cultural bias or harassment.

B. Record Keeping and Accounting Procedures

1. Know the laws, School Board policies, and school rules, and follow them. Know your rights.
2. Know your school policies and District and State laws regarding collecting money, purchasing materials and equipment, and follow them. Work in pairs when collecting large amounts of money.
3. Establish a policy regarding your grading system consistent with school and District policies, where applicable. Give a written explanation of it to students and parents at the

beginning of the year or when beginning your class or unit of instruction.

4. Establish a policy regarding your behavioral management system. Give a written explanation of it to students and parents at the beginning of the year or when beginning your class unit of instruction.

C. Reputation in the Community

1. Keep your co-workers and supervisors informed; work and communicate as a team; plan and teach together.

2. Communicate with parents and document your communication.

3. Dress and act appropriately and professionally. You are a role model in the community as well as in the school; be a good example for students.

4. Use common sense and good judgment. Ask yourself how someone else could perceive your comments or actions. Ask yourself if your comments or actions could be taken out of context and/ or misinterpreted.

5. Avoid putting yourself in a position where you have to defend, explain, or justify your behavior or actions. Avoid putting yourself in a position where it is your word against another person's word.

6. Maintain a professional reputation in the community. Even when you are off the job, be discreet.

Source: Florida Education Practice Commission

District Strategic Plan: 2009 – 2010

Goals and Objectives

Background

Strategic planning is a process that provides a framework for decision-making and managing an effective organization. The goal of strategic planning is to build a healthy school culture and to develop a sense of organizational community. It is a proactive method for dealing with change.

Strategic planning begins with involvement. The first step in the process used by Miami-Dade County Public Schools (M-DCPS) was to obtain opinions from public school stakeholders such as parents, Board members, local businesses, community representatives, school staff, and others. Stakeholders were given the opportunity to address strategic planning issues through telephone surveys, written questionnaires, and a strategic planning retreat.

The Strategic Planning Retreat was conducted October 22, 1999 on the campus of the University of Miami. The goal of the retreat was to provide the District with a set of measurable strategic planning goals and objectives. Approximately 125 individuals (e.g., six Board members, seventy-seven M-DCPS staff, and forty members of the local community) attended the retreat. The retreat began with opening remarks by Edward T. Foote, President of the University of Miami and Dr. Paul Sugrue, Dean of the UM School of Business. Dr. William B. Werther (Professor and Office Depot Management Scholar), also from the UM School of Business, served as facilitator for the meeting.

Parents, local business and community representatives, school staff, and other interested parties were invited to react to a set of proposed strategic planning goals. These goals and objectives were developed by staff after analyzing trends and school system needs. During the morning session, twenty-five speakers addressed issues related to strategic planning and future priorities to be addressed by the Miami-Dade County Public Schools. These opinions were used during an afternoon work session involving Board Members and senior staff. The three strategic planning goals and twenty-two objectives that follow were the result of this afternoon session as moderated by Dr. Werther. Revisions to the original goals and objectives were made; however, no change was made to the original wording of a goal or objective if consensus was not reached during the afternoon session.

These goals and objectives will be used to guide the District's Strategic Plan for the next five years (e.g., 2003 - 2008). District staff will design action plans or strategies aimed at successfully accomplishing each objective. These action plans will be implemented and their effectiveness determined through an evaluation, with findings reported to the Board on an annual basis. Objectives may be eliminated from the plan once they have been achieved as evidenced by the evaluation results. The strategic planning process is ongoing and will begin again in five years as a new plan will be developed for the years 2008 - 2013.

Goal I: Academic Performance

Focus: Ensure achievement of high academic standard by all students.

Objectives:

- Ia. Increase academic performance of all students.
- Ib. Eliminate the achievement gap.
- Ic. Improve safety and the school environment.
- Id. Increase graduation and lower student dropout.
- Ie. Eliminate low performing schools.

Goal II: Effective Learning

Focus: Develop our students so that they are able to successfully compete in the global economy.

Objectives:

- IIa. Improve social and professional skills of students.
- IIb. Increase student exposure and understanding of global and economy.

Goal III: Community Involvement

Focus: Actively engage family and community members to become our partners in raising and maintaining high student achievement.

Objectives:

- IIIa. Improve transparency of decision-making throughout the District.
- IIIb. Strengthen business and other community partnerships for assistance in implementing strategic priorities.
- IIIc. Raise parental involvement and participation to maximize student performance.
- IIId. Improve stakeholder satisfaction.

Goal IV: Efficient Management and Practices.

Focus: Reform business practices to ensure efficiency, effectiveness and high ethical standards

Objectives:

- IVa. Improve quality and timeliness of products and services delivered.
- IVb. Improve financial health of the District.
- IVc. Improve fairness and efficiency of personnel investigations.
- IVd. Increase revenues from grants and improve their effectiveness.
- IVe. Increase capacity and improve maintenance of schools.

Goal V: Staff and Faculty Performance

Focus: Recruit, develop and retain high-performing, diverse and motivated faculty and staff.

Objectives:

- Va. Improve and maintain a high-quality work environment.
- Vb. Improve diversity and competency of staff

PACES Procedures for Teacher Evaluation and Professional Development

Each year the principal or an administrator designated by the principal must observe all teachers and school support/resource personnel assigned to the site. Non-school-based employees are observed by the supervising administrator. The purpose of the observation is to gather information to address the indicators required for the annual evaluation decision as stipulated in Florida law.

The **PACES** evaluation procedures shall be implemented as follows:

- Prior to an observation, the principal (or designated administrator), or supervising administrator must review and discuss the Plan for Teaching and Learning (PLAN) with the teacher. The PLAN may be a daily plan **OR** a long-range plan that varies in length. It may be an individual or a collaborative effort, and must address the required indicators in Domain I.
- The principal (or designated administrator) or supervising administrator determines whether the PLAN meets or does not meet standards for Domain I. This determination is reflected on the Observation Form.
- The principal (or designated administrator), or supervising administrator conducts a classroom observation of teaching and learning or of activities of school support/resource personnel for Domains II through VI. It is recommended that this observation occur during the first semester. (Teachers Employees new to a school site **must** be observed within the first 45 calendar days of assignment, excluding the first 10 days of student contact.)
- The classroom observation may be announced or unannounced in accordance with the practice at the school site, must start at the beginning of the scheduled class/subject, and must last a **minimum** of 20 minutes.
- The principal (or designated administrator) or supervising administrator who observed the lesson or the activity of the school support/resource personnel must have a post-observation meeting with the teacher to discuss the results of the observation within 10 calendar days.
- The principal (or designated administrator) or supervising administrator makes decisions about Domains II-VI, using the Observation Form.
- When standards are met, the principal (or designated administrator) or supervising administrator must refer to the applicable Evaluation Procedures on page 11.
- When standards are not met, the principal (or designated administrator) or supervising administrator must refer to pages 12-13 for follow-up observation procedures.

EVALUATION PROCEDURES WHEN STANDARDS ARE MET

It is the statutory responsibility of the principal (for school-based instructional employees) or the supervising administrator (for non-school based support/resource personnel) to evaluate instructional these personnel annually for the dual purpose of providing assistance for professional growth and determining if the employee meets required standards for teaching and learning. An annual evaluation decision is based on official observation(s). An official observation for evaluation must start at the beginning of the lesson or activity for school support/resource personnel and last for a minimum of 20 minutes. This responsibility must be implemented in accordance with all required procedures and due process in the M-DCPS/UTD contract.

The chart below delineates the contractually required minimum number of observations for evaluation when standards are met.

CONTRACT STATUS	OBSERVATION SCHEDULE	PERSON(S) RESPONSIBLE	NOTES
Annual(AC)	One prior to December 1 One after December 1	Principal, or Designated Administrator, or Supervising Administrator of non-school-based support personnel	<ul style="list-style-type: none"> For school-based employees, one of the two required observations for evaluation must be completed by the principal. For non-school based employees, the required observations must be completed by the supervising administrator. In accordance with Florida Statute 231.29, the first 97 calendar days* of initial employment constitute a probationary period during which the employee may resign without breach of contract or be dismissed without cause. Within 10 calendar days after the observation, a post-observation meeting must be held with the employee. A copy of the completed observation form signed by the observer and the employee is provided to the employee.
*The term "calendar days" shall exclude school holidays and recess.			
Professional Service (PSC)	One prior to March 1	Principal, or Designated Administrator, <u>or Supervising Administrator of non-school-based support personnel</u>	<ul style="list-style-type: none"> Within 10 calendar days after the observation, a post-observation meeting must be held with the employee. A copy of the completed observation form signed by the observer and the employee is provided to the employee.
Continuing (CC)	One prior to April 1	Principal, or Designated Administrator, <u>or Supervising Administrator of non-school-based support personnel</u>	<ul style="list-style-type: none"> Within 10 calendar days after the observation, a post-observation meeting must be held with the employee. A copy of the completed observation form signed by the observer and the employee is provided to the employee.

NOTE: No formal observation shall be conducted during the employee's first 10 and last 10 working days with student contact.

REMINDER: For the **PACES** Annual Evaluation to meet standards, all required teaching-and learning components in Domains I – VII must meet standards.

BELOW STANDARDS EVALUATION

If an employee's evaluation does not meet required standards, it is incumbent upon the administrator to provide assistance by developing and issuing a Professional Improvement Plan (PIP). Statutory and/or contractual timelines must be considered when developing a PIP and activities for completion of the PIP must be reasonable and appropriate. This PIP must be directly related to identified deficiencies and structured to include specific recommendations to be used to remedy the deficiencies.

For Annual Contract or Professional Service Contract employees in the 90-Calendar Day Performance Probation and engaged in a professional improvement plan that cannot be completed before the end of the school year, the PIP will be continued into the next year and the annual evaluation withheld until the evaluation process is concluded.

The timelines for the Professional Improvement Plan for Continuing Contract employees shall conclude no later than the last day of the contract year. A PIP resulting from Domain VII noncompliance issues is the exception. Information regarding the Professional Responsibilities Component (Domain VII) is on pp. 18-20 for instructional personnel and pp. 21-23 for school support/resource personnel.

An official observation for evaluation of instructional personnel must start at the beginning of the scheduled class/subject and last a minimum of 20 minutes. Any follow-up observation must start at the beginning of the class and last for the complete lesson. However, for classes extending beyond the standard elementary/secondary scheduled class/subject (e.g., 2 hour block schedule, 3 hour auto mechanics, etc.), the administrator must have observed a lesson from the beginning of the class and remain for a minimum of one hour.

An official observation for evaluation of school support/resource personnel must start at the beginning of the scheduled activity and last a minimum of 20 minutes. Any follow-up observation must start at the beginning of the activity and last for the duration of the activity. However, for activities that extend beyond one hour, the administrator must have observed the activity from the beginning of the activity and remain for a minimum of one hour. Below is a chart which delineates the contractually required number of observations for employees identified as not meeting standards on the PACES Observation Form for Annual Evaluation.

CONTRACT STATUS	PERSON(S) RESPONSIBLE	NOTES
Annual or Professional Service	Principal, or Designated Administrator, <u>or Supervising Administrator of non-school-based support personnel</u>	<p>If the results of the initial observation of teaching and learning do not meet standards, a PACES Observation Form for Annual Evaluation is completed and a post-observation meeting must take place within 10 calendar days excluding employee absence(s). At that meeting, the following occurs:</p> <ul style="list-style-type: none"> • The administrator and employee review and discuss the results of the observation in terms of the Domains and Components that meet standards as well as those that do not. No Professional Improvement Plan (PIP) is issued at this time. • The administrator and the employee shall sign the Observation Form and a copy must be provided to the

	Employee Office of Professional Standards/UTD/ Employee	<p>employee. The administrator and the employee shall discuss an approximate date for the Follow-up observation.</p> <ul style="list-style-type: none"> • The administrator advises the employee that the assistance of a Professional Growth Team (PGT) may be requested at any time prior to the Follow-up observation. (To assemble and implement a PGT see pages 4 through 6 <u>9</u> of the Procedures for Observation, Assessment, and Evaluation of Instructional and School Support/Resource Personnel). • The Follow-up observation must be conducted by the same administrator who completed the initial observation. • If the results of a Follow-up observation meet standards, the results of the Follow-up observation are recorded on the Observation Form for Annual Evaluation and that becomes the observation of record. The Initial Observation Form is then discarded. <p>If standards are not met during the Follow-up observation, the 90-Calendar Day Performance Probation process is initiated for PSC and AC employees. (See page 13 <u>15</u> of the Procedures for Observation, Assessment, and Evaluation of Instructional Personnel.) Procedures for the Professional Growth Team must be implemented without unreasonable delay. (See pages 4 through 6 <u>9</u> of the Procedures for Observation, Assessment, and Evaluation of Instructional and School Support/Resource Personnel.)</p> <p>Employees may use provisions specified in Article XIII, Section 6 of the M-DCPS/UTD contract to address PACES compliance issues.</p> <p>The Union, upon the employee's request, may meet with personnel from the Office of Professional Standards to review all pertinent documents and administrative actions relative to the below standard evaluation and the PIP.</p>
Continuing Contract Employees	Principal, or Designated Administrator, <u>or Supervising Administrator of non-school-based support personnel</u>	<p>If the results of the initial observation of teaching and learning do not meet standards, a PACES Observation Form for Annual Evaluation is completed and a post-observation meeting must take place within 10 calendar days excluding employee absence(s). At that meeting, the following occurs:</p> <ul style="list-style-type: none"> • The administrator and employee review and discuss the results of the observation in terms of the PACES Domains and Components that meet standards as well as those that do not. No Professional Improvement Plan (PIP) is issued at this time. • The administrator and the employee shall sign the Observation Form and a copy must be provided to the employee. The administrator and the employee shall

		<p>discuss an approximate date for the Follow-up observation.</p> <ul style="list-style-type: none"> • The administrator advises the employee that the assistance of a Professional Growth Team (PGT) may be requested at any time prior to the Follow-up observation. (To assemble and implement a PGT see pages 4 through 6 <u>9</u> of the Procedures for Observation, Assessment, and Evaluation of Instructional and School Support/Resource Personnel). • The Follow-up observation must be conducted by the same administrator who completed the initial observation. • If the results of a Follow-up observation meet standards, the results of the Follow-up observation are recorded on the Observation Form for Annual Evaluation and that becomes the observation of record. The Initial Observation Form is then discarded. <p>If the results of the Follow-up observation do not meet standards, the following must occur within 10 calendar days excluding employee absence(s);</p> <ul style="list-style-type: none"> • The principal <u>or immediate supervisor of non-school based support personnel</u> must conduct a conference-for-the record with the employee. • The administrator and employee will review and discuss the results of the observation in terms of the PACES Domains and Components that do not meet standards. • A PIP is reviewed. The employee may advance suggestions for the PIP. Any changes resulting from clarifications made at the meeting must be initialed by the administrator and the employee. • The employee signs and receives a copy of the Observation Form and the PIP signed by the administrator. An employee's signature indicates only receipt of the form. <p>An initial observation and a minimum three (3) observations of record with identified deficiencies are required for the Annual Evaluation to be below standard. If an initial observation and two observations of record with identified deficiencies are conducted by June 1st the Annual Evaluation is withheld pending completion of the observation process. Professional Improvement Plans for Continuing Contract employees shall not be carried over to the next school year, however, the observation process continues.</p> <p>The employee shall have the right to initiate a written response to the Observation Form and/or the Professional Improvement Plan. The response shall become a permanent attachment to his/her personnel file. A complete written report of each below standard observation (Professional</p>
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	Employee Office of Professional Standards/UTD/ Employee	<p>Improvement Plan), including any agreed-upon changes, shall be made and a copy given to the employee within 10 calendar days after the observation. All PIP time lines must be completed prior to the next formal observation.</p> <p>In the event that an employee is absent on authorized leave in excess of 10 consecutive days, the observation process is suspended until the employee returns to active duty, at which time it resumes.</p> <p>Employees who have the Annual Evaluation withheld pending the completion of the observation process are ineligible for summer school employment.</p> <p>Employees may use provisions specified in Article XIII, Section 6 of the M-DCPS/UTD contract to address PACES compliance issues.</p> <p>The Union, upon the employee's request, may meet with personnel from the Office of Professional Standards to review all pertinent documents and administrative actions relative to the below standard evaluation and the PIP procedures. The employee shall be informed in writing of this right.</p>
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The "Carry Over" Process (CC Teachers)

If circumstances make it impossible to conduct the number of observations required to make an Annual Evaluation decision, the decision is withheld until the following school year, with the necessary follow-up observation(s) to be conducted in the subsequent school year.

For school-based instructional personnel, if one additional follow-up observation is required to complete the process, it must be conducted during the first 30 work days with student contact. If two follow-up observations are required, they must be completed within the first 60 work days of student contact.

For non school-based support/resource personnel, if one additional follow-up observation is required to complete the process, it must be conducted during the first 30 work days. If two follow-up observations are required, they must be completed within the first 60 work days. For 12-month personnel observation(s) begin on July 1st.

Upon completion, carry-over follow-up observations yield an Annual Evaluation decision for the previous school year, and they may also serve as the initial observation(s) of record for the year in which they are conducted.

For an employee who at any time during the school year is subject of an investigation that is substantiated AND requires a Performance Improvement Plan for Domain VII, the annual evaluation does not meet standard. For an investigation that is not completed before the end of the school year, the annual evaluation will be withheld pending the outcome of the report.

PROFESSIONAL RESPONSIBILITIES COMPONENT

DOMAIN VII

INSTRUCTIONAL PERSONNEL

Fulfillment of professional responsibilities is an aspect of performance which may be addressed at any time during the school year, and which is included as part of the teacher's annual evaluation. Domain VII is not part of the classroom observation process and is **not to be intermingled** with identified Domains I through VI deficiencies, if any. Domain VII addresses responsible behavior in carrying out assigned duties in compliance with state, district, contract, and school policies and rules. Each of the indicators is defined by stipulations which involve professional responsibilities fulfilled within the school context but addressed apart from Domains I through VI.

The responsible administrator shall initiate, without delay, **progressive** communication(s) with the employee whose performance may put him/her at risk of failure to meet standards in Domain VII. Progressive communications begin with the least formal (verbal). If the problem remains unresolved, communications extend to written notice (which must not be disciplinary in nature and must not assume guilt) and ultimately may include the most formal action (conference-for-the-record).

A conference-for-the-record (CFR) is **mandatory** for the issuance of an improvement plan for Domain VII. Consistent with provisions in Florida Statutes 231.291, a CFR must be conducted within 45 calendar days, exclusive of the summer vacation period, of the school administrator becoming aware of the **incident-related** infraction or of the emergence of a **pattern** of infractions.

The CFR must address the infraction, corrective actions, and the means to meet standards. A Domain VII improvement plan must be issued within **10 calendar days** of the CFR. It must specify the timeline(s), as well as the importance of compliance with the directed corrective actions. Timelines must be reasonable. **Repetition of the initial infraction after remediation** of the original Domain VII infraction warrants another CFR and a new Domain VII improvement plan. The prior pattern, progressive communications, and the original Domain VII improvement plan would satisfy the progressive notification requirements.

If the directed timeline is missed without acceptable explanation, the below standard status continues and warrants immediate follow-up action. Such action may include, for example, extension of timeline(s), assignment of a new improvement plan, or a CFR which may lead to disciplinary action. Patterns of failure to comply with improvement plan requirements in Domains I through VI may also subject the employee to below standard status in Domain VII.

Remediation prior to the end of a school year shall result in meeting Domain VII standards on the annual evaluation. **Within 10 calendar days** of the expiration of the latest directed time frame, a **written** formal determination regarding remediation must be issued. The Domain VII improvement plan may be carried over into the next school year.

Annual evaluations for employees under formal, active investigation at the end of the school year will be held in abeyance and will not be completed and issued until the conclusion of the investigation.

A. Complies with Florida State Board of Education Administrative and School Board Rules, M-DCPS/UTD labor contract and published school rules which are consistent with Board Rules and/or contract provisions.

Documented patterns of behavior are addressed in Domain VII. For Component VII A, however, a single incident-related infraction may put a teacher at risk of failing to meet standards for this component. Standards for this component are not met when the **seriousness of the infraction** requires a formal investigation (i.e., administrative review or personnel investigation) and leads to substantiation of the allegation(s) which would warrant imposition of formal disciplinary proceedings. Use of excessive force, harassment, involving students in unauthorized school activities, utilizing school funds for personal gain, and verbal assault and/or battery against staff members or students are examples of serious incidents.

A.1 Complies with State and School Board rules/policies and implementation requirements of the School Improvement Plan plan for school improvement/excellence or district goals which are consistent with Board rules and contract provisions.

A.2 Complies with published school-site rules and policies which are consistent with Board rules and contract provisions.

A.3 Reports accidents; vandalism; and emergencies as appropriate; and/or missing or damaged school property for which s/he is directly responsible.

A.4 Keeps accurate required records.

A.5 Facilitates home-school communications (bulletins, announcements, conferences).

A.6 Conducts parent-teacher conferences in accordance with contractual provisions, as required, to establish and maintain a positive collaborative relationship with students' families to increase student achievement.

A.7 Attends meetings permitted by the contract.

A.8 Is regularly in attendance, exclusive of authorized leave.

A.9 Performs assigned professional duties permitted by the contract (e.g., homeroom monitoring).

A.10 Plans for the incorporation of technology in the teaching and learning process.

B. Performs Responsibilities and Required School Routines with Punctuality.

Component VII B addresses patterns of performance, i.e., *typical* ways in which the teacher performs and degrees to which these responsibilities are met. Lateness to school, leaving the work site early without authorization, failure to turn in reports or grades in a timely fashion, and failure to follow contractually-permitted site directives are examples of **documented patterns** of performance which may not meet standards.

B.1 Is punctual in meeting responsibilities.

B.2 Is punctual in attendance.

C. Participates in professional growth activities designed to promote student learning and advance school improvement.

Component VII C addresses participation in annual professional growth activities. Each teacher must develop and implement a Professional Development Plan (PDP) which is evaluated by the school principal as part of the **PACES** annual evaluation in M-DCPS. The principal reviews the PDP and supporting documentation with the teacher and makes a final decision as to whether the PDP and supporting documentation either **MEETS... OR ...DOES NOT MEET STANDARD for PACES Teaching and Learning Component VII C in PACES Domain VII.**

The PDP is developed with consideration for learner performance improvement outcomes. For each area identified for learner performance improvement, the teacher should provide objective evidence of learning and/or achievement gains. Charts, graphs, pre- and post-pictures (or videos) of products, gain scores on standardized tests, scores on pre- and post-administered teacher-made tests, grade improvements and other evidence might be used. Improvements in learner performance may or may not be those originally predicted and results may have been influenced by extraneous factors (e.g., illness, lack of parent involvement, and support). The important concern of this documentation is that the teacher is focused on improving teaching effectiveness and learning in a manner that links personal professional development with documentation to support improvements in learner performance.

C.1 Uses learner (student) performance assessment data in planning for teaching and learning.

C.2 Demonstrates learner (student) performance improvements consistent with the Professional Development Plan (PDP)

C.3 Uses learner (student) performance assessment outcomes to advance teaching and learning.

REMINDER: For the PACES Annual Evaluation to meet standards, all required teaching and learning components in Domains I – VII must meet standards.

PROFESSIONAL RESPONSIBILITIES COMPONENT

DOMAIN VII

SCHOOL SUPPORT/RESOURCE PERSONNEL

Fulfillment of professional responsibilities is an aspect of performance which may be addressed at any time during the school year, and which is included as part of the annual evaluation of support/resource personnel. Domain VII is not part of the classroom observation process and is **not to be intermingled** with identified Domains I through VI deficiencies, if any. Domain VII addresses responsible behavior in carrying out assigned duties in compliance with state, district, contract, and school policies and rules. Each of the indicators is defined by stipulations which involve professional responsibilities fulfilled within the worksite context but addressed apart from Domains I through VI.

The responsible administrator shall initiate, without delay, **progressive** communication(s) with the employee whose performance may put him/her at risk of failure to meet standards in Domain VII. Progressive communications begin with the least formal (verbal). If the problem remains unresolved, communications extend to written notice (which must not be disciplinary in nature and must not assume guilt) and ultimately may include the most formal action (conference-for-the-record).

A conference-for-the-record (CFR) is **mandatory** for the issuance of an improvement plan for Domain VII. Consistent with provisions in Florida Statutes 231.291, a CFR must be conducted within 45 calendar days, exclusive of the summer vacation period, of the worksite administrator becoming aware of the **incident-related** infraction or of the emergence of a pattern of infractions.

The CFR must address the infraction, corrective actions, and the means to meet standards. A Domain VII improvement plan must be issued within **10 work days** of the CFR. It must specify the timeline(s), as well as the importance of compliance with the directed corrective actions. Timelines must be reasonable. **Repetition of the initial infraction after remediation** of the original Domain VII infraction warrants another CFR and a new Domain VII improvement plan. The prior pattern, progressive communications, and the original Domain VII improvement plan would satisfy the progressive notification requirements.

If the directed timeline is missed without acceptable explanation, the below standard status continues and warrants immediate follow-up action. Such action may include, for example, extension of timeline(s), assignment of a new improvement plan, or a CFR which may lead to disciplinary action. Patterns of failure to comply with improvement plan requirements in Domains I through VI may also subject the employee to below standard status in Domain VII.

Remediation prior to the end of a school year shall result in meeting Domain VII standards on the annual evaluation. **Within 10 days** of the expiration of the latest directed time frame, a **written** formal determination regarding remediation must be issued. The Domain VII improvement plan may be carried over into the next school year.

Annual evaluations for employees under formal, active investigation at the end of the school year will be held in abeyance and will not be completed and issued until the conclusion of the investigation.

A. Complies with Florida State Board of Education Administrative and School Board Rules, M-DCPS/UTD labor contract and published school rules which are consistent with Board Rules and/or contract provisions.

Documented patterns of behavior are addressed in Domain VII. For Component VII A, however, a single incident-related infraction may put support/resource personnel at risk of failing to meet standards for this component. Standards for this component are not met when the **seriousness of the infraction** requires a formal investigation (i.e., administrative review or personnel investigation) and leads to substantiation of the allegation(s) which would warrant imposition of formal disciplinary proceedings. Use of excessive force, harassment, involving students in unauthorized school activities, utilizing school funds for personal gain, and verbal assault and/or battery against staff members or students are examples of serious incidents.

A.1 Complies with State and School Board rules/policies and implementation requirements of the School Improvement Plan plan for school improvement/excellence or district goals which are consistent with Board rules and contract provisions.

A.2 Complies with published school-site rules and policies which are consistent with Board rules and contract provisions.

A.3 Reports accidents; vandalism; and emergencies as appropriate; and/or missing or damaged school property for which s/he is directly responsible.

A.4 Keeps accurate required records.

A.5 Facilitates home-school communications as appropriate to job description.

A.6 Participates in conferences, as appropriate to the job description, in accordance with contractual provisions, as required, to establish and maintain a positive collaborative relationship with students' families, staff, students, to increase student achievement.

A.7 Attends meetings permitted by the contract.

A.8 Is regularly in attendance, exclusive of authorized leave.

A.9 Performs assigned professional duties permitted by the contract.

A.10 Plans for the incorporation of technology in the teaching and learning process, or in the implementation of assigned duties.

B. Performs Responsibilities and Required School Routines with Punctuality.

Component VII B addresses patterns of performance, i.e., *typical* ways in which support/resource personnel perform and degrees to which these responsibilities are met. Lateness to the worksite, leaving the worksite early without authorization, failure to turn in reports or assignments in a timely fashion, and failure to follow contractually-permitted site directives are examples of **documented patterns** of performance which may not meet standards.

B.1 Is punctual in meeting responsibilities.

B.2 Is punctual in attendance.

C. Participates in professional growth activities designed to promote student learning and advance school improvement.

C.1 Uses learner (student) performance assessment data, self assessment information and other appropriate information to develop a PDP or PGP.

C.2 Uses learner (student) performance assessment outcomes, plan for school improvement/excellence, and/or district goals to develop PDP/PGP activities.

REMINDER: For the *PACES* Annual Evaluation to meet standards, all required components in Domains I – VII must meet standards.

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The School Board of Miami-Dade County

Permanent Personnel

SEPARATION--DISMISSAL OR SUSPENSION - ALL PERSONNEL

No person, unless as a part of one's law enforcement responsibilities or as allowed by Section 790.115(2)(a)1., 2., F.S., shall bring upon any school property or have in his or her possession, while on any school property any firearm, weapon or destructive device, as defined in Section 790.001 Florida Statutes (F.S.). Pursuant to Section 790.115(2)(a)3, F.S., for the purpose of campus parking privileges, this prohibition shall include any firearm or weapon securely encased in a vehicle or other private conveyance. The school district will post notice of this prohibition at various entrances and exits of school property parking lots, and make it part of all applicable handbooks. Any employee in violation of this rule shall be subject to reprimand, suspension, and/or dismissal.

The Superintendent of Schools shall cause each such violation to be investigated and take appropriate action or make appropriate recommendations for Board action.

A "firearm" includes, but is not limited to the following: any weapon (including a starter gun) which will or is designed to, or may readily be converted to, expel a projectile by the action of any explosive; the frame or receiver of such weapon; any firearm muffler or firearm silencer; any destructive device; or any machine gun.

A "weapon" includes, but is not limited to the following: any deadly weapon, knife (including pocket-knives which are used to threaten or injure another individual), any dirk, metallic knuckles, slingshot, billy club, tear gas gun, chemical weapon or device, containing more than one-half ounce of chemical, or any electric weapon or device, which through the application or use of electrical current, is designed, redesigned, used, or intended to be used for offensive or defensive purposes, the destruction of life, or infliction of injury, or any other object which is used to threaten or injure another individual.

A "destructive device" includes, but is not limited to the following: any explosive, incendiary, or poison gas bomb, grenade, mine, rocket, missile, or similar device; and includes any type of weapon which will, or is designed to or may readily be converted to, expel a projectile by the action of any explosive and has a barrel with a bore of one-half inch or more in diameter and ammunition for such destructive devices.

Specific Authority: 1001.41(1)(2); 1001.42(22); 1001.43(10) F.S.
Law Implemented, Interpreted, or Made Specific: 790.001; 790.115(2)(a)3 F.S.

History: THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA
New: 11-28-79
Amended: 10-21-81; 12-15-04

6Gx13- 5C-1.02

The School Board of Miami-Dade County

Activities

CONDUCT--STANDARDS OF BEHAVIOR

Standards of behavior for school premises, classroom, or school bus should be understood and accepted by students and faculty. Any revision of standards should be cooperatively established. All standards should be reasonable and attainable and should be carefully maintained. Students whose behavior is such that it hinders the progress of or endangers the wellbeing of other students shall be suspended or expelled from school until such time as school authorities can be assured that the student is willing to cooperate in the school program. (See Board Rule 6Gx13- 5A-1.062).

In each instance in which an employee acts to help a student with proper conduct, emphasis shall be placed upon the growth of the student in the ability to self-discipline.

Specific Authority: 230.22(2) F.S.

Law Implemented, Interpreted, or Made Specific: 230.23(6)(d); 230.33(8); 232.25;

232.26; 232.27; 232.28 F.S.

History: THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA

Repromulgated: 12-1174

6Gx13- 5D-1.08

The School Board of Miami-Dade County

Welfare

MAINTENANCE OF APPROPRIATE STUDENT BEHAVIOR

The schools are established for the benefit of all students. The educational purposes of the schools are accomplished best in a climate of student behavior that is socially acceptable and conducive to the learning and teaching process. Student behavior that disrupts this process or that infringes upon the rights of other individuals will not be tolerated. The School Board endorses a zero tolerance policy toward school related violent crime.

The School Board reaffirms its support of the administrative staff and teachers in taking all necessary steps to enforce and implement all School Board rules pertaining to the maintenance of appropriate student behavior. Important among these rules are those in the areas of conduct, corporal punishment, suspensions and expulsions, and climate for learning.

The School Board directs that:

1. The Superintendent of Schools, through the Miami-Dade Schools Police Department shall pursue the investigation and assist in the subsequent prosecution of any adults inciting students to perform violent and unlawful acts in the schools; and
2. Each individual teacher shall be granted full disciplinary authority over every student in his/her classroom, in accordance with Florida Statutes, Florida Board of Education rules, School Board rules, and administrative memoranda.

Guidelines

- I. Guidelines for assisting in the maintenance of appropriate student behavior are found in Florida Statutes, administrative memoranda and the following School Board rules:

Board Rule No. Title

- 6Gx13- 1A-1.07 Student Expression
- 6Gx13- 1A-1.09 Communications from Outside Schools
- 6Gx13- 1A-1.13 Appearances, Films, Performances
- 6Gx13- 1A-1.16 Materials - Distribution Through Students

- 6Gx13- 1A-1.161 Materials-Distribution Through Students
- 6Gx13- 1D-1.06 Student Dances
- 6Gx13- 1D-1.08 Flag and National Anthem
- 6Gx13- 1E-1.02 Cooperation with Law Enforcement Agencies -
General Policy
- 6Gx13- 1E-1.021 Cooperation with Law Enforcement Agencies -
Specific Procedures
- 6Gx13- 3E-1.07 Insurance Program - District
- 6Gx13- 3E-1.10 Transportation - Specific Procedures
- 6Gx13- 3E-1.102 Transportation - Zero Tolerance
- 6Gx13- 4A-1.21 Responsibilities and Duties
- 6Gx13- 5A-1.04 Student Attendance--Specific
Responsibilities
- 6Gx13- 5A-1.062 Suspension, Board-Approved Alternatives,
Expulsions, and Referrals to Children
and Families
- 6Gx13- 5A-1.11 Foreign Student Registration
- 6Gx13- 5B-1.04 Promotion, Placement, and Graduation -
Grades K-12 and Adult
- 6Gx13- 5C-1.02 Conduct - Standards of Behavior
- 6Gx13- 5C-1.031 Dress Code
- 6Gx13- 5D-1.04 Student Safety and Health Protection
- 6Gx13- 5D-1.05 Injuries to Students
- 6Gx13- 5D-1.06 Student Accident Insurance
- 6Gx13- 5D-1.07 Corporal Punishment - Prohibited
- 6Gx13- 5D-1.08 Maintenance of Appropriate Student Behavior
- 6Gx13- 5D-1.09 Student Case Management System
- 6Gx13- 5D-1.10 Discrimination/Harassment: Complaint
Procedures for Students
- 6Gx13- 6A-1.06 Emergency Management Procedures
- 6Gx13- 6A-1.08 Guidelines for Instruction Pertaining to the Flag
and Pledge of Allegiance
- 6Gx13- 6A-1.09 Climate for Learning - School Symbols
- 6Gx13- 6A-1.14 Controversial Issues
- 6Gx13- 6A-1.331 Procedures for Providing Special Education
for Exceptional Students

These School Board rules are applicable to all students under the jurisdiction of Miami-Dade County Public Schools and are augmented by the **Code of Student Conduct Elementary**, **Code of Student Conduct Secondary**, and the **Procedures for Promoting and Maintaining a Safe Learning Environment**, which are incorporated by reference in this School Board Rule, and are a part hereof. Copies of these three 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.

II. Additional guidelines for the maintenance of appropriate student behavior are issued by memorandum from the District administration.

Specific Authority: 1001.41(1)(2); 1001.42(22); 1001.43(10) F.S.

Law Implemented, Interpreted, or Made Specific: 39.201; 39.201(2)(a); 39.301(16); 39.401; 39.401(1)(a); 119.07(1)(3)(h); 120; 322.091; 561.01(4); 741.24; 775.082; 775.083; 775.084; 775.21; 775.21(4)(b)(6)(7)(a); 790.161; 790.162; 790.163; 794; 794.011; 794.024; 794.03; 800; 806.13(2); 810.097; 827; 827.03; 827.04; 827.071; 831.31; 893; 893.02; 893.03; 893.13; 901.15(3); 985.04(7); 985.207(1)(b); 1000.04; 1001.31; 1001.42(22); 1001.43(1)(a)(b)(d)(e)(6); 1003.01(5)(a)(b)(6)(7); 1003.02(1)(c)(2); 1003.04; 1003.31(1)(d)(2)(3)(a)(b)(c); 1003.32(1)(a)(b)(c)(I)(II)(III)(IV)(6)(7)(8); 1006.07(1); 1006.08(1)(2); 1006.09(1)(2)(3)(5)(7)(9); 1006.10(2)(7); 1006.13(1)(2)(3)(4) F.S.

History: THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA

Repromulgated: 12-11-74

Amended: 11-25-75; 9-23-81; 9-22-82; 12-7-83; 9-19-84; 11-6-85; 2-19-86; 8-20-86; 12-17-86; 7-13-88; 9-7-88; 11-2-88; 6-27-90; 9-26-90; 10-20-93; 6-22-94; 9-21-94; 11-16-94; 9-6-95; 7-24-96; 8-28-96; 10-9-96; 8-27-97; 2-18-98; 8-22-01; 1-16-02; 10-22-03

6Gx13- 5D-1.07

The School Board of Miami-Dade County

Welfare

CORPORAL PUNISHMENT - PROHIBITED

The administration of corporal punishment in Miami-Dade County Public Schools is strictly prohibited. Miami-Dade County Public Schools has implemented comprehensive programs for the alternative control of discipline. These programs include, but are not limited to, counseling, timeout rooms, in-school suspension centers, student mediation and conflict resolution, parental involvement, alternative education programs, and other forms of positive reinforcement.

In addition, suspensions and/or expulsions are available as administrative disciplinary actions depending upon the severity of the misconduct. Procedures are in place for students to make up any work missed while on suspension, or to participate in an alternative program if recommended for expulsion.

Specific Authority: 230.22(2) F.S.

Law Implemented, Interpreted, or Made Specific: 230.23(6)(c); 231.09; 232.25; 232.26; 232.27 F.S.

History: THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA

Repromulgated:

2-11-74 Amended:

2-15-77; 9-6-89

Technical Change:

5-1-98

6Gx13- 5C-1.031

The School Board of Miami-Dade County

Activities

DRESS CODE

Students are expected to come to school with proper attention having been given to personal cleanliness, grooming, and neatness of dress. Students whose personal attire or grooming distracts the attention of other students or teachers from their school work shall be required to make the necessary alterations to such attire or grooming before entering the classroom or be sent home by the principal to be properly prepared for school. Students who fail to meet the minimum acceptable standards of cleanliness and neatness as determined by the principal and as specified in this rule shall be subject to appropriate disciplinary measures including suspension.

SPECIFIC REGULATIONS

- I. There is a minimal district-wide dress code. It is not intended to regulate the length of hair, length of dress, or types of clothing (such as slacks, dresses, shorts) which students may wear to school except as these relate to the health, safety, or cleanliness of students, to the distraction of students from classroom activities, to the disruption of a school program, or to excessive maintenance of school property.
- II. The determination of what constitutes a safety or health hazard, or what constitutes a distraction of students from a classroom activity, or what constitutes a disruption of a school program or excessive maintenance of school property shall be made by the teacher, or other School Board employee concerned, and the principal. Common sense, when rendering such a judgment, should prevail.
- III. Suspension of students within the purview of this dress code shall be made by the principal pursuant to current Florida Statutes and Miami-Dade County School Board Rules and after observing the rights of due process of the student concerned. A student will be suspended only after being given an opportunity to correct the cause of the act for which charged, and after a conference on the matter with professional school personnel and the parents.
- IV. Except with regard to school uniforms (see Section V. below), schools desiring to establish regulations that go beyond or deviate from this District-wide dress code must have such regulations approved by the

Region
Superintendent and adopted by the Miami-Dade County School Board.
Such
individual school dress regulations must be submitted to the
Superintendent
or designee prior to the opening of the school year for which the dress
code
is effective. Once a dress code has been approved by the School Board, it
need only be re-submitted if additional changes are made.

V. Schools shall be eligible to participate in a mandatory uniform program, if the following conditions are met:

- A. At least 50 percent plus one (1) of the parents in that school who vote, vote in favor of establishing such a program. Vote(s) shall be taken at all schools during the spring every third year, using the 2001-2002 spring vote as the inaugural year (however, a school's Educational Excellence School Advisory Council (EESAC) may determine that a vote should be taken during the spring of any given year). Voting shall occur on a specific date(s) determined and advertised by the Superintendent, to be effective the following school year. New schools shall conduct an initial vote in the spring of their opening year, and thereafter, conduct votes according to the established schedule for all schools.
- B. The school establishes a uniform committee that adequately represents all segments of the school community and follows guidelines promulgated by the Superintendent for selection of uniforms.
- C. The school-selected uniforms comply in all respects with the other provisions of this rule concerning appropriate attire.
- D. The uniforms selected are not characterized as gender-specific.
- E. The school makes provisions for those students who, by reason of financial hardship, cannot comply with the mandatory uniform policy and notifies parents of these provisions.
- F. Exceptions to wearing the uniform are permitted when:

1 Uniforms of a nationally recognized youth organization such as the Boy Scouts or Girl Scouts are worn on regular meeting days.

2 A student wears a button, armband, or other accouterment to exercise the right to freedom of speech as guaranteed by the First Amendment and School Board Rule 6Gx13-1A-1.07, unless the button, armband, or other accouterment signifies or is related to gangs, gang membership, or gang activity.

3 The wearing of a school uniform violates a student's sincerely held religious belief.

4 A student's parent or guardian has secured an exemption from the mandatory uniform policy by following the procedures set forth in Section V.G.

G. Parents or guardians are permitted to exempt their children from the mandatory uniform program by the following procedure:

1 A request is made by mail or in person by the parent or guardian for an Application for Exemption from the Uniform Program ("Application"). The parent or guardian may obtain an Application at the student's school site.

2 The Application is completed in full and submitted to the school principal.

3 The school principal or other designated administrator meets with the parents to discuss the uniform policy and the nature of the objections to the policy. The purposes of this meeting include: (1) ensuring that the parents or guardians understand the reasons for, and goals of the uniform policy; (2) verifying the accuracy of the information on the Application; (3) preventing fraud or misrepresentation.

4 For the purposes of consistent administration and evaluation of the uniform policy, the parent or guardian must meet with a designated district administrator to discuss the nature of their objection to the policy.

5 Parents should be notified of the exemption procedure.

H. The school, having duly instituted a mandatory uniform policy, implements compliance measures as indicated below:

1. Each school shall develop incentives and positive reinforcement measures to encourage full compliance with the uniform policy. Each school should strive to achieve full compliance through use of incentives and positive reinforcement measures, and should resort to disciplinary action only when positive measures fail to ensure compliance.

In addition, schools shall communicate with parents so that expectations, rationale and benefits are fully understood by the student and his or her family.

2. If necessary, disciplinary action may be taken to encourage compliance with the policy. Since the intent of the policy is not to inhibit or prohibit any student who is not in uniform from receiving the education to which he/she is entitled, no student shall be suspended from class or from school, expelled from school, or receive a lowered academic grade as a result of not complying with the policy.

1 Disciplinary action is initiated only after all other means to secure support and cooperation as mentioned above have not succeeded. A "progressive discipline" approach is to be employed by the school support staff so as to encourage full and consistent compliance with the least amount of disciplinary action.

2 Prior to initiating any disciplinary action against a student not complying with the policy, a school administrator or counselor shall hold a conference with the parent or guardian to solicit cooperation and support.

- I. The school participates as requested in any required evaluation of the mandatory school uniform program.
- VI. Standards for evaluating the appropriateness of dress/grooming covered by this rule are listed below:
- A. A student with hair of such length or style that it creates classroom or school disorder, or distracts the attention of another student or students in any class in session from the lesson being presented or from any other assigned classroom activity, or which creates a safety or health hazard for any student in a classroom will be required to change the length or style of the hair. Failure on the part of a student to comply with such a requirement shall result in disciplinary measures which may include suspension from school.
 - B. A student who wears items of clothing which, because of fit, design, color, texture, inadequate coverage, or some other factor, create classroom or school disorder or distract the attention of another student or students in any class in session from the lesson being presented or from any other assigned school activity, or which create a safety or health hazard for any student in school, shall be required to change the clothing to eliminate the disorder, distraction, or hazard. Failure on the part of a student to do so shall result in disciplinary measures which may include suspension from school.
 - C. A student who fails to maintain personal cleanliness, grooming, or neatness of dress to the extent that presence in the classroom creates classroom or school disorder or distracts the attention of others from assigned classroom activity will be required to maintain a level of personal cleanliness, grooming, or neatness of dress that eliminates the disorder or the distraction of other students in the classroom. Failure on the part of a student to do so shall result in disciplinary measures which may include suspension from school.
 - D. Articles of clothing that cause excessive maintenance problems of school property -- for example, shoe cleats that scratch floors or tear rugs, trousers with metal rivets that scratch furniture -- will be ruled unacceptable. Students who fail to change articles of clothing of this type after being instructed to do so by school employees are subject to disciplinary measures which may include suspension from school.
- VII. The time, the specific location, the type of activity going on, and whether the alleged offense is the first or repetitious on the part of a student must all be considered when meting out punishment to a student. The

primary consideration is correction of a problem by the quickest and most reasonable method so that the instructional program for students may proceed with the least possible disruption.

Specific Authority: 1001.41(1)(2); 1001.42(22); 1001.43(10) F.S.

Law Implemented, Interpreted, or Made Specific: 1001.42(6); 1001.43(1)(b), F.S.

History: THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA

Repromulgated: 12-11-74 Amended: 7-6-83; 11-15-89; 3-22-95; 4-11-97; 7-9-97; 3-17-99; 8-22-01; 3-12-03

6Gx13- 5A-1.062

The School Board of Miami-Dade County

Attendance

**SUSPENSION, BOARD-APPROVED ALTERNATIVES, EXPULSION,
AND REFERRAL TO CHILDREN AND FAMILY SERVICES**

General Responsibilities

A student cannot be deprived of an education without due process of the law guaranteed by the Fourteenth Amendment to the Constitution of the United States of America.

Enrollment in a public school does not signify a waiver of the student's constitutional rights. It is essential that school administrators be aware that upon initiating disciplinary proceedings against a student they must proceed in a fixed order. A fair hearing procedure must be afforded the student in any type of action which may result in a change in program assignment, school suspension, or expulsion.

Except in the case of excessive force or cruel and unusual punishment, a teacher or other member of the instructional staff, a principal or designated representative shall not be civilly or criminally liable for any action carried out in conformity with Florida Statutes, State Board of Education Rules, and School Board Rules regarding change in program or school assignments, suspension and/or expulsion of students, or other Board-approved alternatives made in good faith.

Except in cases of an emergency, a good faith effort must be made by the principal to employ parental assistance or other alternative measures prior to change in program or school assignment, suspension/expulsion, or other Board-approved disciplinary alternatives.

The term **alternative measures** is defined to include, but not limited to, activities such as SCSJ, PRIDE, parental conferences, remedial techniques, and **properly supervised activities relating to the upkeep and maintenance of school facilities** (work assignment). In the event a principal elects to require students, as a disciplinary measure, to perform maintenance or custodial services on buildings or grounds, such activity is specifically exempted from the provisions of the Child Labor Laws in Chapter 450, Florida Statutes.

Specific Procedures

I. Administrative Authority

A. The Board shall decide all cases recommended for expulsion.

B. The Superintendent of Schools shall:

1 Propose rules and regulations for the control, discipline, suspension, and expulsion of students;

2 Review and/or modify principals' recommendations for suspension and expulsion of students; and

3 Transmit to the School Board for action recommendations for expulsion of students.

C. The principal or the principal's designated representative, subject to law, the rules of the State Board of Education and the District School Board, shall:

1 Develop policies by which any teacher or other member of the instructional staff or any bus driver transporting students of the school may be delegated such responsibility for the control and direction of students as may be considered desirable.

2 Suspend a student in accordance with School Board Rules. Each suspension shall be reported in writing within twenty-four (24) hours, with the reasons therefore, to the student's parent or guardian and to the Superintendent of Schools.

II. Students Subject to Disciplinary Action

Subject to law and the rules of the State Board of Education students who disrupt the orderly educational process are subject to disciplinary action. This disciplinary action may include, but not be limited to, suspension, expulsion, and other Board-approved alternatives. Students subject to this disciplinary action are those who have committed a serious breach of conduct, including, but not limited to:

A. Willful disobedience;

B. Open defiance of authority of a member of the staff;

C. Violence against persons or property; or

D. Any other act which substantially disrupts or has a detrimental effect on the orderly conduct of the school.

III. Disciplinary Actions

A. Suspension

Suspension is defined as the temporary removal of a student from the regular school program or school bus for a period not to exceed ten (10) days.

1. Due Process

a. Notice of Charge

Prior to suspending a student from the regular school program or school bus, the student shall have the right to be given an oral or written notice of the charges.

The principal shall prepare Form 37 - **Notice of Suspension**. The charge(s) should be specific, indicating the misconduct for which the suspension is being issued. Each suspension shall be reported in writing within twenty-four (24) hours to the student's parent or guardian and the Superintendent of Schools; one copy shall be filed in the student's Cumulative Guidance Record.

b. Initial Hearing

At the time the student is informed of the intent to suspend, a full explanation of the evidence and an opportunity to refute the charge(s) should be given to the student.

c. Appeal Hearing

An appeal hearing should be provided, upon request, for the purpose of presenting the evidence the authorities have and providing the student with an opportunity to present the student's version.

Whenever possible, this hearing should precede the actual suspension. However, in cases where a student's presence poses a continuing danger to persons or property or an ongoing threat to the conduct of the academic process, the student may be suspended prior to the appeal hearing.

2. Alternatives to Suspension

In lieu of suspension, the principal may wish to use any of the Board-approved alternatives, e.g., SCSI, PRIDE, work

assignments. In such cases, students shall be afforded the same due process procedures that are applicable to suspension.

B. Expulsion

Expulsion is defined as the removal of the right and obligation of a student to attend a public school under conditions set by the School Board, and for a period of time not to exceed the remainder of the term or school year and one additional year of attendance.

1. Due Process

a. Notice of Charge

Prior to recommending the expulsion of a student from the regular school program the student should have the right to be given written notice of the charges. The principal shall prepare Form 37A - **Notice of Ten-Day Suspension - Consideration of Expulsion**. The charges shall be specific, indicating the misconduct for which the suspension and consideration of expulsion is being issued. Each suspension/expulsion shall be reported in writing within twenty-four (24) hours to the student's parent or guardian and the Superintendent of Schools; one copy shall be filed in the student's Cumulative Guidance Record.

b. Initial Hearing

At the time the student is informed of the intent to suspend/expel, a full explanation of the evidence and an opportunity to refute the charge(s) should be given to the student.

c. School Level Appeal Hearing

An appeal hearing should be provided, upon request, for the purposes of presenting the evidence the authorities have and providing the student with an opportunity to present the student's own version. A list of the witnesses presently available and a summary of their testimony is to be made available to the parent or guardian upon request.

At the hearing the student may request the presence of any persons who may have witnessed or been involved in the alleged incident. However, the school has no power to compel the

attendance of student witnesses. At the conclusion of the hearing, the principal or the principal's designee shall inform the student and parent or guardian as to what action will be taken in regard to the ten (10) day suspension and recommendation for expulsion, and inform them of the right to appeal the decision to the Superintendent of Schools.

Whenever possible, this hearing should precede the actual suspension and recommendation for expulsion.

However, in cases where a student's presence poses a continuing danger to persons or property or an ongoing threat to the conduct of the academic process, the student may be suspended prior to the appeal hearing.

d. District Level Appeal Hearing

The parent or guardian who does not concur with the recommended disciplinary action may appeal the decision of the principal to the Superintendent of Schools. The Superintendent of Schools, or the Superintendent of Schools' designee, shall review the previous hearing of the student and rule on the facts and the validity of the suspension/expulsion; the hearing may be reconvened for additional testimony which may be deemed necessary in making a final determination.

If the parent or guardian wishes to appeal the disciplinary action beyond the second level, the appeal will be conducted in accordance with the Administrative Procedure Act (Chapter 120 F.S.).

2. Alternatives to Expulsion

In lieu of expulsion, the student may be assigned to the Opportunity School Program or other Board-approved alternative program. In such cases, students should have the right to an administrative review under the provisions of the Administrative Procedure Act (Chapter 120 F.S.).

IV. Referrals to Department of Children and Family Services

A. Truancy

Students between the ages of 7 to 16 years who are habitually absent from school without the consent of parent, guardian, or school personnel shall be considered truant.

1. Referral
Students affected by the Compulsory School Attendance Law (age 7 to 16) may be referred to Children and Family Services for truancy when excessive absences can be validated as truancy. In such cases, a **Complaint of Truancy** form (MIS-11728) shall be submitted to the Court & Community Liaison Officer.
2. Intake Conference
The visiting teacher and/or a representative of the referring school are to be present at the conference scheduled by the Children and Family Services intake counselor.
- 1 Follow-up by School
The principal or designee is to determine the extent of follow-up procedures to be taken to assist in the progress of the student upon return to the school.

B. Child Abuse

An abused child is defined as **any person** under 18 years of age who has been subjected to willful or negligent acts which result in: neglect; malnutrition; sexual abuse; physical injury; mental injury; or failure to provide sustenance, clothing, shelter, or medical treatment.

1. Reporting Procedures
 - a. Any person, including, but not limited to, physician, nurse, teacher, social worker, or employee of a public or private facility serving children, **who has reason(s) to suspect or believe that a child has been subject to child abuse, shall report or cause reports to be made to the Department of Children and Family Services, Single Intake, or the State of Florida, Child Abuse Registry, Tallahassee, Florida.**
 - b. All alleged reports of physical injury to students by Board employees must be immediately reported to the Division of School Police for investigation. The Division of School Police will be responsible for reporting these incidents to Children and Family Services.
2. Personnel willfully failing to report or cause a report of a complaint of child abuse when brought to their attention will be subject to disciplinary action.

Specific Authority: 230.22(2) F.S.

Law Implemented, Interpreted, or Made Specific: 228.041(25),(26),and (28);230.22;

230.23(6)(c); 230.32(6); 230.33(8); 232.17; 232.19; 232.25; 232.26; 232.275; 232.28; 120.52;

120.57; Chapter 450, Part 1, F.S.

History: THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA

New: 9-20-78 Technical Change: 5-1-98

6Gx13- 4-1.09

The School Board of Miami-Dade County

Permanent Personnel

EMPLOYEE-STUDENT RELATIONSHIPS

Nothing is more important to Miami-Dade County Public Schools than protecting the physical and emotional well-being of its students. This policy is developed to ensure that all School Board employees will conform to the highest professional, moral, and ethical standards in dealing with students on or off school property.

As such, all School Board personnel are strictly prohibited from engaging in unacceptable relationships and/or communications with students. Unacceptable relationships and/or communications with students include, but are not limited to the following: dating; any form of sexual touching or behavior; making sexual, indecent or illegal proposals, gestures or comments; exploiting an employee-student relationship for any reason; and/or demonstrating any other behavior which gives an appearance of impropriety.

Any School Board employee who has knowledge of or has reasonable cause to suspect that another School Board employee is engaging in unacceptable relationships and/or communications with a student, as herein defined, shall immediately report such information to a site or region supervisor. Failure to do so shall constitute a violation of this Rule.

Specific Authority: 230.22(2) F.S.

Law Implemented, Interpreted, or Made Specific: 231.001; 231.09; 231.3605 (2)(b) F.S.

History: THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA

New: 2-18-98

6Gx13- 4A-1.21

The School Board of Miami-Dade County

Permanent Personnel

RESPONSIBILITIES AND DUTIES

I. Employee Conduct

All persons employed by The School Board of Miami-Dade County, Florida are representatives of the Miami-Dade County Public Schools. As such, they are expected to conduct themselves, both in their employment and in the community, in a manner that will reflect credit upon themselves and the school system.

Unseemly conduct or the use of abusive and/or profane language in the workplace is expressly prohibited.

II. Records and Reports

All personnel shall maintain, prepare, and submit promptly all reports that may be required by State Law, State Department of Education Rules, School Board Rules, and administrative directives.

III. Reporting Crime, Disruptive and Inappropriate Behavior, and Self-Reporting of Arrest and Convictions/Dispositions.

It shall be the responsibility of the Superintendent of Schools to develop, and distribute periodically, procedures relating to the reporting of criminal acts, disruptive and/or inappropriate behavior.

All employees are under an affirmative duty to report any criminal act, and/or disruptive, and/or inappropriate behavior, including but not limited to those delineated in School Board Rules 6Gx13- 4-1.09, Employee-Student Relationships, and 6Gx13- 5D-1.07, Corporal Punishment--Prohibited, to the administrator or designee to whom the employee is responsible. The responsible administrator has the obligation to conduct an immediate investigation of the allegation in a manner consistent with procedures established by the Superintendent of Schools.

Instructional employees who hold Department of Education

teacher certificates are **required** to self-report within 48 hours to appropriate authorities any arrest and final dispositions of such arrest other than minor traffic violations. (DUI is not considered a minor traffic violation.)

IV. Failure to Report

All violations of law and incidents of disruptive and/or inappropriate behavior are to be reported in accordance with administrative procedures established by the Superintendent of Schools.

Personnel willfully failing to report such occurrences to the responsible administrator and/or appropriate police agency will be subject to disciplinary action.

V. Instructional Personnel

Members of the instructional staff, subject to the rules of the State and District Rules, shall teach efficiently and faithfully, using the books and materials required, following the prescribed courses of study, and employing approved methods of instruction as provided by law and by the rules of the State Department of Education.

Members of the instructional staff shall keep abreast of development in their subject area through attendance at professional meetings, acquaintance with professional publications, and participation in in-services activities.

VI. Non-Instructional Personnel

Members of the non-instructional staff shall maintain all certifications, licenses and job requirements as a condition of employment. Failure to do so shall warrant disciplinary action up to and including dismissal from all employment.

Any loss of certification, license or other job requirement shall immediately be reported by the non-instructional staff member to his/her site supervisor. Failure to do so shall constitute a violation of this rule.

Specific Authority: 230.22(2); 230.23(5); 230.23 (17) F.S.

Law Implemented, Interpreted, or Made Specific: 230.23005 (11); 231.001;
231.045; 231.09; 231.3605(2)(b) F.S.

History: THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA

Repromulgated: 12-11-74

Amended: 1-30-77; 2-18-98; 8-25-99

6Gx13- 4-1.03

The School Board of Miami-Dade County

General Personnel Policy Statement

PERSONNEL FILES

The personnel file of each employee shall be open to inspection subject to the procedures manual entitled, **Personnel Files Procedures**, which is incorporated by reference and is part of this Board Rule and is on file in the Board Office, Citizen Information Center, and Office of the School Board Clerk.

Authorization for retention of records shall be in accordance with Florida Statutes and the State Division of Archives, History and Records Management, and School Board Rule 6Gx13- 3D-1.08.

Specific Authority: 230.22(2) F.S.

Law Implemented, Interpreted, or Made Specific: 119.011; 119.07(3); 231.291
F.S.

History: THE SCHOOL BOARD OF DADE COUNTY, FLORIDA

New: 9-22-82

Amended: 3-21-84; 9-19-84; 11-7-84; 5-21-97

6Gx13- 4-1.05

The School Board of Miami-Dade County

General Personnel Policy Statement

DRUG-FREE WORKPLACE GENERAL POLICY STATEMENT

The School Board of Miami-Dade County, Florida recognizes that substance abuse in our nation and our community exacts staggering costs in both human and economic terms. Substance abuse can be reasonably expected to produce impaired job performance, lost productivity, absenteeism, accidents, wasted materials, lowered morale, rising health care costs, and diminished interpersonal relationship skills. Miami-Dade County Public Schools (M-DCPS) and its employee unions share a commitment to solve this problem and to create and maintain a drug-free work environment.

Miami-Dade County Public Schools is responsible for the instruction and well-being of the students entrusted to its care. A consistent message needs to be communicated to Miami-Dade County Public Schools students; the use of illegal drugs, the abuse of alcohol, and the misuse of prescription drugs is unacceptable and will not be tolerated.

Policy Objectives

- A. To promote a healthy, safe working and learning environment.
- B. To seek the rehabilitation of permanent employees with a self-admitted or detected substance abuse problem.
- C. To eliminate substance abuse problems in the workplace.
- D. To provide a consistent model of substance-free behavior for students.
- E. To provide a clear standard of conduct for Miami-Dade County Public Schools employees.
- F. To communicate that persons who violate the standards of conduct cited in this rule and who refuse or cannot be assisted by rehabilitation or who have negatively impacted students and/or staff shall be dismissed.
- G. To hire drug-free employees.

I. Policy Statement - Illegal Drugs

Drug abuse by employees interferes with the educational and work process, and compromises the safety and well-being of staff and students. Employees are expected to conduct themselves in a manner consistent with the following provisions:

- A. Employees on duty or on School Board property will not manufacture, distribute, dispense, possess or use illegal drugs, nor will they be under the influence of such drugs.
- B. Employees on or off duty will not influence students to use illegal or abuse legal drugs.

C. An employee convicted, adjudicated guilty, or who has entered a plea of guilty for any criminal drug statute violation occurring in the workplace shall notify Miami-Dade County Public Schools within 48 hours after final judgment. One time only, prior to testing, the Miami-Dade County Public Schools shall give all job applicants and part-time employees going to full-time employment a written statement of its policy on a drug-free workplace.

II. **Policy Statement - Alcohol and Prescription Drugs**

Alcohol, prescription and over-the-counter drugs are legal and readily available. Generally safe and acceptable, these drugs, when abused over time or used in combination with one another, can result in chemical dependency or poly-drug addiction. Employees are expected to conduct themselves in a manner consistent with the following provisions:

- A. Employees on duty or on School Board property shall not be under the influence of alcohol. Employees in safety sensitive positions, as defined in the Drug-Free Workplace Technical Guide, which is incorporated by reference into this rule, and made a part thereof, will be free of measurable alcohol concentrations. Further, employees will not manufacture or use alcoholic beverages while on School Board property or on duty.
- B. Employees on duty will not use or take prescription drugs above the level recommended by the prescribing physician, and will not use prescribed drugs for purposes other than what the prescribed drugs were intended. In addition, the employee will not distribute or dispense such drugs, except as provided in School Board Rule 6Gx13-5D-1.021, School Health Services Program.

III. **Policy Statement - Employee Physical Examinations/Screening/Health Services**

In order to establish and support a clear standard of conduct for employees, Miami-Dade County Public Schools adheres to the following provisions:

- A. Drug screening will be included in all physical examinations; existing employees and contracted persons in covered positions will be screened under the Omnibus Transportation Employee Testing Act of 1991 (OTETA), and as required under existing labor contracts, statutes, State Board Rules, and Miami-Dade County Public Schools Board Rules.
- B. Circumstances under which testing may be considered include, but are not limited to, the following:
 - observed use of illegal drugs and/or abuse of alcohol during work hours; apparent physical state of impairment of motor functions; marked changes in personal behavior on the job not attributable to other factors; employee involvement in serious or repetitive accidents on the job causing personal injury to self or others and/or significant property damage; employee involvement in an accident requiring the vehicle to be towed or medical treatment away from the scene of the accident; and any vehicular fatality.

C. Drug and/or alcohol screening shall be conducted by Board approved, independent, certified laboratories utilizing recognized techniques and procedures as described in the Miami-Dade **County Public Schools Drug-Free Workplace Technical Guide**. The Technical Guide shall be located in the Board Office, Citizen Information Center, and the Office of the School Board Clerk.

D. Medical records and information relating directly thereto shall be maintained in strict confidentiality, with the highest regard for employee privacy consistent with Florida's Public Records Act and the purpose of achieving and maintaining a drug-free workplace. Any laboratory contract shall provide that the contractor's records are to be kept confidential under provisions of Florida Laws. M-DCPS shall establish a system of maintaining records to include both the district's and the contractor's record of applicant and employee urinalysis and blood alcohol results.

E. Miami-Dade County Public Schools recognizes that chemical dependency is an illness that can be successfully treated. It is the policy of Miami-Dade County Public Schools, where possible, to seek rehabilitation of permanent employees with a self-admitted or detected drug problem.

IV. Policy Statement - Pre-employment Drug Screening

- A. Miami-Dade County Public Schools will require pre-employment drug screening of applicants in the manner set forth in the **Drug-Free Workplace Technical Guide**.
- B. Applicants will be referred to Board approved, independent, certified laboratories utilizing recognized techniques and procedures, as described in the **Drug-Free Workplace Technical Guide**.
- C. Specimens collected will not be used to conduct any other analysis or test unless otherwise authorized by law.
- D. The validity period for pre-employment drug screening is one year.
- E. Applicants will be informed in advance of the requirement of a negative drug screen as a condition of employment. Applicants testing positive will not be eligible for employment by Miami-Dade County Public Schools for three years from the date of the test. Applicants for designated positions will be informed of the requirement for a random drug screening test, without prior notification, after employment, under existing labor contracts, statutes, OTETA, and Board Rules, except as otherwise provided.

V. Disciplinary Sanctions

Employees who violate the standards of conduct cited in this rule and who the

Board determines will not be assisted by rehabilitation or who have negatively impacted students and/or staff shall be dismissed. A refusal to submit to a drug test or a second violation of the Drug-Free Workplace Policy shall constitute an inability to be assisted by rehabilitation. Nothing will preclude the Board from seeking criminal prosecution for violation of this policy where the Board deems appropriate.

Specific Authority: 230.22(2); 230.23 (17) F.S. Law Implemented, Interpreted, or Made Specific: 234.091 F.S.; 34 CFR ' 86.201; 49 CFR parts 40 and 382, et al; 41 USC ' 701-706

History: THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA

New: 10-4-89 Amended: 9-26-90; 1-6-93; 12-14-94; 8-25-99

6Gx13- 4-1.06

The School Board of Miami-Dade County

General Personnel Policy Statement TOBACCO-FREE WORK PLACES

The School Board of Dade County seeks to foster the health and safety of all Dade County Public Schools employees, students and visitors.

Tobacco products pose a significant risk to the health of the user. Additionally, in sufficient concentrations, side-stream smoke can be hazardous to nonsmokers in the work environment. Use of tobacco products is prohibited in areas where students are located or where there is sensitive or hazardous material, and in other places designated herein. Use of tobacco products will be prohibited on School Board owned/leased properties and vehicles. The district shall achieve this status by July 1, 1991. All employees and applicants will be informed of the Dade County Public Schools tobacco-free work place policy. Each facility shall conduct a vote of all staff members by October 1 of each school year to determine whether the facility shall be designated as tobacco-free. Smoking cessation workshops will be made available to employees, free of charge. Additional information on smoking cessation programs in the community will also be provided to those employees who choose to seek outside assistance, as described in the Dade County Public Schools **Tobacco-Free Work Places Technical Guide**, which is incorporated by reference into this rule, and made a part thereof.

PHASE ONE

Prohibited Areas as of September 1, 1989

Use of tobacco products is not permitted:

- in areas where students are located
 - in areas with sensitive equipment, computer systems or where records and files are kept
 - in areas where combustible fumes can collect, such as garages, storage areas, areas where
 - chemicals are used and stored, woodshops and areas where flammable products are stored
 - in confined areas of general access such as: libraries, clinics, elevators, restrooms, stairwells, copy rooms, lobbies, waiting rooms and switchboard areas
- 6Gx13-
4-1.06 in classrooms, main offices, conference rooms, auditoriums, cafeterias, corridors and always
- in any new facility
 - on school buses in any facility where the staff has voted by two-thirds

majority that the facility be tobacco-free.

Special consideration will be provided to transfer requests of employees who use tobacco products and are assigned to facilities which have achieved tobacco-free status as a result of a vote.

Designated Smoking Areas as of September 1, 1989

Smoking/tobacco use will be permitted in Dade County Public Schools vehicles, (except buses, on which smoking is prohibited by law) only when there is no objection from one or more of the occupants.

Smoking in private (enclosed) offices is left to the discretion of the person occupying the office. If he/she chooses to designate his/her office as a smoking area, a sign should be posted to that effect; the office door shall remain closed while smoking occurs; and meetings with nonsmokers may be held elsewhere.

Separate area(s) shall be designated as smoking area(s) in facilities not voted or designated tobacco-free.

PHASE TWO

Dade County Public Schools will achieve a totally tobacco-free status by July 1, 1991. Visitors will be politely informed that Dade County Public Schools is tobacco-free.

Specific Authority: 230.22(2) F.S.

Law Implemented, Interpreted, or Made Specific: 386.204 F.S.

History: THE SCHOOL BOARD OF DADE COUNTY, FLORIDA

New: 8-23-89

6Gx13- 3E-1.081

The School Board of Miami-Dade County

Non-instructional Operations

SAFETY PROGRAM

The School Board of Dade County, Florida authorizes the development and administration of a Safety Program that provides for:

1. A safe and healthful educational environment for the student population;
2. A safe and healthful work-place for each employee;
3. Safe use of facilities by the general public; and
4. The reduction of property and liability losses.

The primary goal of the Safety Program shall be to prevent or minimize accident and injury risk and other loss potential. The program will be administered under the direction of the Superintendent of Schools and will be reviewed periodically by the Board.

Specific Authority: 230.22(2) F.S.

Law Implemented, Interpreted, or Made Specific: 230.23(6); 232.36; 232.45; 235.06; 235.14; 235.19; 235.26; 440.56 F.S.

History: THE SCHOOL BOARD OF DADE COUNTY, FLORIDA

New: 4-25-79

6Gx13- 1D-1.012

The School Board of Miami-Dade County

Use of School Facilities

**EQUAL ACCESS---AVAILABILITY OF SECONDARY SCHOOL
FACILITIES TO STUDENTS FOR MEETINGS**

I. In accordance with The Equal Access Act, the Board authorizes secondary school premises to be made available to students who wish to conduct meetings during non-instructional time. Non-instructional time is defined as the time set aside by the school in the morning before actual classroom instruction begins or in the afternoon after actual classroom instruction ends, exclusive of the optional periods offered by the Board. The use of secondary school premises for these meetings may be approved by the school's administrative staff in accordance with the following provisions:

A. The meeting:

1. Is voluntary and student-initiated;
2. Does not materially and substantially interfere with the orderly conduct of educational activities within the school;
3. Is not directed, conducted, controlled, or regularly attended by non-school persons;
4. Does not require additional tax funds;
5. Is not unlawful.

B. The length of the meeting shall not extend beyond 5:00 p.m., unless extended by individual school policy.

C. Admission fees are not charged during the course of the meeting.

D. An application for use of secondary school premises must be properly executed by the student initiating the request, utilizing forms available from the school office where use is being requested.

There shall be no sponsorship of the meetings by the school, the School Board, or its agents or employees. The term "sponsorship" includes the act of promoting, leading, or participating in a meeting. The assignment of a teacher, administrator, or other school employee to a meeting for custodial purposes 6Gx13- 1D-1.012 does not constitute sponsorship for the meeting. Employees or agents of the school or School Board may be present at meetings only in a non-participatory capacity.

Use of school premises shall not be denied on the basis of the number of participants or on the basis of the content of the speech at such meetings, e.g., religious, political, philosophical; however, nothing in this rule shall be construed to limit the authority of the school, its agents or employees, to maintain order and discipline on school premises, to protect the well-being of students and faculty, and to assure that attendance of students at meetings is voluntary.

E. Denial by the principal of the use of school premises to any student-initiated group for the purposes of conducting a meeting during non-instructional time may be appealed to the Assistant Superintendent of School Operations.

Specific Authority: 230.22(2) F.S. Law Implemented, Interpreted, or Made
Specific: The Equal Access Act - P.L. 98-377; 20 U.S.C. 4071

History: THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA
New: 12-12-84 Amended: 8-19-87 Technical Change: 5-1-98

6Gx13- 4D-1.11

The School Board of Miami-Dade County

Compensation and Related Benefits

EMPLOYEE ASSISTANCE PROGRAM

The School Board of Dade County, Florida, recognizes that a wide range of problems not directly associated with an employee's job function can have an effect on an employee's job performance. In most instances, the employee will overcome such personal problems independently and the effect on job performance will be negligible. In other instances, normal supervisory assistance will serve either as motivation or guidance by which such problems can be resolved so the employee's job performance will return to an acceptable level. In some cases, however, efforts of neither the employee nor supervisor have the desired effect of resolving the employee's problems and unsatisfactory job performance persists over a period of time, either constantly or intermittently.

The Employee Assistance Program is intended to help employees and their families who are suffering from such persistent problems as may tend to jeopardize an employee's health and continued employment. The problems may include alcoholism, drug abuse, emotional or other concerns, such as health, family, financial, legal, or vocational difficulties. Behavioral disorders and mental health problems are recognized as illnesses that can be successfully treated. Employees who need help in those areas of concern will be given the same considerations as those employees with other illnesses. The program goal is to help individuals who develop such problems by providing for consultation, and referral to treatment and rehabilitation to prevent their condition from progressing to a degree at which they cannot work effectively. The program also promotes physical and mental health by providing activities to prevent problems which may affect an individual's health and job performance

I. Program Objectives

The Employee Assistance Program objectives are:

- A. To provide employees with the humanitarian viewpoint of behavioral/medical disorders and to encourage an enlightened attitude toward these health problems.
- B. To help those individuals who develop behavioral/medical problems by providing for consultation and referral to treatment and rehabilitation; and to prevent their condition from progressing to a degree at which they cannot work effectively.
- C. To provide supervisors with policy and procedural guidelines for the management of behavioral/medical problems affecting job performance.
- D. To direct managers and supervisors toward prompt corrective action where deterioration in an individual's work performance is apparently related to behavioral/medical disorders.

- E. To identify, develop, and implement the Wellness Program to promote physical and mental health for Dade County Public Schools employees.

II. Program Services

The Employee Assistance Program offers consultation to supervisors and employees through ongoing training programs and instructional materials, provides diagnostic evaluation services for treatment, and implements the Wellness Program to insure ongoing strides to prevent employees' behavioral/medical health problems.

Appropriate measures will be taken to insure the confidentiality of records for any person admitted to the program, according to established personnel guidelines and federal regulations.

The Procedures Manual entitled, **Employee Assistance Program Guidelines**, is incorporated by reference and is part of this Board Rule. Copies of this document are on file in the Board Office, the Citizen Information Center, and the Office of the School Board Clerk.

The Superintendent of Schools will report annually to the Board regarding the impact of the Employee Assistance Program.

Specific Authority: 230.22(2) F.S.

Law Implemented, Interpreted, or Made Specific: 230.03(2); 230.22(5); 230.23(5) F.S.

History: THE SCHOOL BOARD OF DADE COUNTY, FLORIDA

New: 2-11-81 Amended: 1-9-85; 11-4-87; 5-7-97

6Gx13- 4-1.08

The School Board of Miami-Dade County

General Personnel Policy Statement

VIOLENCE IN THE WORKPLACE

Nothing is more important to Dade County Public Schools (DCPS) than protecting the safety and security of its students and employees and promoting a violence-free work environment. Threats, threatening behavior, or acts of violence against students, employees, visitors, guests, or other individuals by anyone on DCPS property will not be tolerated. Violations of this policy may lead to disciplinary action which includes dismissal, arrest, and/or prosecution.

Any person who makes substantial threats, exhibits threatening behavior, or engages in violent acts on DCPS property shall be removed from the premises as quickly as safety permits, and shall remain off DCPS premises pending the outcome of an investigation. DCPS will initiate an appropriate response. This response may include, but it is not limited to, suspension and/or termination of any business relationship, reassignment of job duties, suspension or termination of employment, and/or criminal prosecution of the person or persons involved.

Dade County Public Schools employees have a right to work in a safe environment. Violence or the threat of violence by or against students and employees will not be tolerated.

Specific Authority: 230.22(2) F.S.
Law Implemented, Interpreted, or Made Specific: 231.001; 231.06; 231.07;
231.085;
231.09 F.S.

History: THE SCHOOL BOARD OF DADE COUNTY, FLORIDA

New: 10-9-96

6Gx13- 1B-1.031

The School Board of Miami-Dade County

Participation by the Public
**GUIDELINES FOR THE ESTABLISHMENT OF EDUCATIONAL
EXCELLENCE SCHOOL ADVISORY COUNCILS**

As stipulated in Section 229.58 F.S., District and School Advisory Councils, each school must establish a school advisory council, which shall include in its name the phrase "school advisory council." In Miami-Dade County Public Schools, such councils shall be named Educational Excellence School Advisory Councils. Each Miami-Dade County Public Schools "Council" must be composed of the principal, and an appropriately balanced number of teachers, education support employees, students, parents, and other business and community citizens who are representative of the ethnic, racial, linguistic, disabled and economic community served by the school. In an effort to meet statutory requirements regarding the establishment and functioning of school advisory councils (Florida Statutes 229.58 and 229.591), district and region office administrators have worked cooperatively with representatives of parents, teachers, citizen groups, business groups, and students to develop the guidelines which follow:

I. GENERAL CONSIDERATIONS:

A. Each Educational Excellence School Advisory Council is to "be the sole body responsible for final decision-making at the school relating to implementation of the provisions of ss. 229.591, 229.592, and 230.23(16)." This responsibility is to implement the state system of school improvement and accountability, to assist in the preparation and evaluation of the school improvement plan, and to assist in the preparation of the school's annual budget. It may include recommending waivers or changes to Florida Statutes, Florida Board of Education Rules, School Board Rules, and labor contract provisions, where such waivers or changes are deemed necessary to eliminate obstacles to the delivery of necessary and appropriate educational programs and services.

B. The Council must be composed of the principal, teachers, education support employees, students, parents, and other citizens who are representative of the ethnic, racial, linguistic, disabled and economic community served by the school. Every council must include at least one member (administrator, teacher, parent or community member) who represents the Exceptional Student Education program at the school.

C. Council members representing teachers, education support employees, students, and parents shall be elected by their respective peer groups at the school in a fair and equitable manner as follows:

- 1 Teachers shall be elected by teachers.

2 Education support employees shall be elected by education support employees.

3 Students shall be elected by students.

4 Parents shall be elected by parents.

D. Self-standing adult education and postsecondary vocational education centers are required to establish councils.

E. Adult and postsecondary vocational programs which are offered at other facilities, such as high schools, will be considered as part of their "home school's" activities and do not require a separate council.

F. Elections shall be conducted annually to fill vacancies.

G. Each Educational Excellence School Advisory Council will establish operating bylaws in accordance with Section IV of this rule.

II. COMPOSITION AND PROCEDURAL REQUIREMENTS:

All schools are required to establish an Educational Excellence School Advisory Council which meets the following conditions (inclusive of alternative schools and outreach centers):

A. Parents (4)---All four-parent representatives to the Educational Excellence School Advisory Council must be determined through an election in which all parents have an opportunity to participate. Limited English proficient (LEP) parents or parental representatives will be included.

B. Student (1)---Advisory councils of vocational/adult-technical centers, high schools, middle schools, and elementary schools containing grades five and/or six shall include students. Elementary schools not housing grades five and six may include students on their advisory councils.

Elementary schools may include no more than one student representative.

All students at each of the vocational/adult/technical, senior high, middle or elementary schools must be given an opportunity to elect their representative to the Educational Excellence School Advisory Council. Each school may establish its own nomination and election procedures.

C. Teachers (5) ---The teacher representatives to the Educational Excellence School Advisory Council must be determined through an election in which all teachers have an opportunity to participate.

---The term "teacher" shall include classroom teachers; certified student services personnel, and media specialists.

D. Education Support Employee (1) ---The term "education support employee" means any person employed by a school, including "paraprofessionals," who are not defined as instructional or administrative personnel and whose duties require

20 or more hours in each normal working week.

---The education support employee representative to the Educational Excellence School Advisory Council must be determined through an election process in which all education support employees have an opportunity to participate.

E. Alternates ---One alternate for each group listed above should be selected in the same manner used to elect representatives for each group.

F. UTD Steward (1)---Automatic representation for the "Designated Steward."

G. Business/ Community Representative(1) ---This individual is to be appointed by the principal. ---The principal will make the best effort to notify local businesses, chambers of commerce, community and civic organizations and groups, and the public at large of any vacancy.

H. Principal ---The principal is required to be a member of the Council and must participate fully in all meetings and decision-making processes.

I. Representation Additions for Adult/Postsecondary Programs which Share Facilities ---In addition to the requirements described above, an administrator, a student, and a teacher, all from the adult/postsecondary program, must be added to the Educational Excellence School Advisory Council in every facility at which both adult/postsecondary and regular K-12 programs are offered. Both the student and teacher must be elected by peers; the administrator shall be the principal of the adult/postsecondary program.

J. Majority Requirement ---Having established the Educational Excellence School Advisory Council in accordance with the procedures outlined above, each Council will also add a sufficient number of parents, students, and/or business/community representatives in order to make the majority of the members of each Educational Excellence School Advisory Council persons who are not employed at the school. Selection of additional members shall be done in a manner consistent with procedures in this Rule.

K. Increased Representation ---After having been established in accordance with the preceding composition and procedural requirements, the Educational Excellence School Advisory Council may submit a request, with explanation, to the Educational Excellence School Advisory Council Support Committee through the Office of Educational Planning and Quality Enhancement, as established by the Superintendent of Schools, to increase the number of representatives in one, several, or all of the groups for which representation is required. The Educational Excellence School Advisory Council Support Committee will make recommendations to the Superintendent or his/her designee regarding the appropriateness of the request.

---The specific request to increase Educational Excellence School Advisory

Council representation must be approved by a majority vote of the Council prior to submission to the Educational Excellence School Advisory Council Support Committee for consideration.

L. Special Council Membership for Self-Standing, Adult/Postsecondary Centers ---Given the unique circumstances related to the implementation of adult/postsecondary programs in facilities which serve adult students only (self-standing), the Educational Excellence School Advisory Councils at these centers shall be composed as follows:

Parents (0) --not applicable to these Centers

Students (1) --elected by peers

Teachers (5) --elected by peers

Education Support

Employee (1) --elected by peers

Alternates --one for each of the groups above; elected by peers

UTD Steward (1) --automatic representation

Business/Community Representatives (2)
appointed by the principal

Principal --The principal is required to be a member of the Council and must participate fully in all meetings and decision-making processes.

M. Variation in Composition

---If a school believes that it has unique circumstances regarding the formation of the Educational Excellence School Advisory Council, it may propose a variation in the composition set forth above.

---The proposed variation in composition shall be submitted to the Educational Excellence School Advisory Council Support Committee which will make recommendations to the Superintendent or his/her designee regarding the appropriateness of the request.

III. REVIEW/APPROVAL PROCEDURES:

A. Review by Office of Educational Planning and Quality Enhancement

---Each school will submit its initial Educational Excellence School Advisory Council membership, or any changes to that membership, to the Office of

Educational Planning and Quality Enhancement.

---Concerns about the composition of the Council at any particular school will be referred to the Educational Excellence School Advisory Council Support Committee.

---The Educational Excellence School Advisory Council Support Committee will propose resolutions to the Superintendent or his/her designee.

B. School Board Review

---The School Board shall annually review the membership composition of each Educational Excellence School Advisory Council. Should the School Board determine that the membership elected by the school is not representative of the ethnic, racial, linguistic, disabled, and economic community served by the school, the Board shall direct the Superintendent to recommend additional members for appointment to the Council to achieve proper representation.

IV. EDUCATIONAL EXCELLENCE SCHOOL ADVISORY COUNCIL BYLAWS

Each Educational Excellence School Advisory Council can include in its operating bylaws provisions similar to those described herein. However, the operating bylaws for each Educational Excellence School Advisory Council must include the provision herein entitled IV.B.5. Unexcused Absences, IV. C. Election Process, IV.D.5. Convenient Meeting Time, IV.E. Quorum, IV.F.3. Notice to Members, and IV.H.1. Maintenance of Minutes.

A. PURPOSE

The purpose of the _____ School Educational Excellence School Advisory Council is to work to ensure improved student achievement. One of the ways the Council will do this is by preparing and evaluating the school improvement plan as required by Section 229.591, F.S., Comprehensive Revision of Florida's System of School Improvement and Education Accountability.

B. COUNCIL MEMBERS

- 1. Composition
- The _____ Council shall be made up of ___ teachers, ___ parents, ___ students, ___ education support employees, ___ business/community representatives, the UTD steward and the principal. With the exception of the principal and the business/community representatives, all other members shall be elected by their constituent groups. Teachers, parents, students, and education support employees shall also elect an alternate representative. The Council will be representative of the ethnic, racial, linguistic, disabled, and economic community served by _____ School. *(Note: Refer to Section II for required minimums as well as procedures to seek variations or expansion.)*
- 2. Eligibility

- All teachers, student services personnel, and the media specialist employed by the school are eligible to be elected teacher representatives to the Council. All other persons employed by the school, including paraprofessionals, and those who are not defined as instructional or administrative personnel and whose duties require 20 or more hours in each normal working week are eligible to be elected as the education support employee representative. All parents, guardians, or significant others responsible for a child enrolled in _____ School are eligible to be elected as parent representatives, with the exception of those parents who are also employed by _____ School.

- Terms

The terms of office shall begin on _____ and end on _____. *(Note: This may be different for the different subgroups of the Council. Consideration may be given to having parents elected to staggered terms. Teachers should be elected for the three year period which corresponds to the teacher contract.)*

4. Responsibilities Council members are expected to:

- a. attend all regular and special meetings,
- b. communicate with constituents to collect data and opinions for decision making,
- c. report to constituents the actions taken by the Council, and
- d. consider the needs of all students when making decisions.

5. Unexcused Absences

Any member who has two consecutive unexcused absences from council meetings shall be considered to have resigned. The member shall be replaced following election/selection procedures as stated in these bylaws.

C. ELECTION PROCESS

(Outline here the process by which teachers, parents, students, and education support employees will be nominated and elected to office, as well as a process to fill vacancies. An additional section could describe how the chair will be elected.)

The school shall give proper notice of the election of Council members in accordance with Florida's Government in the Sunshine Law. The school shall also make its best effort to hold elections for each constituent group during hours that are convenient for each constituent group.

D. MEETINGS

1. Regular Meetings

The regular meetings of the Council will be held on the ____ day of each month.

The meetings will be held in _____ at

1 Special Meetings

2 Cancellation

3 All meetings shall be open to the public and shall not be held in any facility

or location which discriminates on the basis of sex, age, race, creed, color, origin, disability, or economic status or which operates in such a manner as to unreasonably restrict access to such a facility.

4 Convenient Meeting Time All meetings will be held at a time that is convenient to parents, students, teachers, and business/community representatives. In the event a special meeting is needed, the principal, chair or a majority of Council members may call a meeting. A regular Council meeting may be canceled by the Council.

E. QUORUM

A majority of the voting members of the Council shall constitute a quorum. A quorum must be present before a vote may be taken.

F. AGENDA

- 1) The Chair shall prepare and distribute the agenda for all regular and special meetings.
 - a) Adding to the Agenda
 - b) Council members may add items to any regular meeting agenda by contacting the Chair in advance.
 - c) Non-Council members may propose an agenda item by contacting a Council member.
 - d) The agenda may be amended at the meeting by majority vote.

2) Notice to Members

All members must receive at least three days' advance notice in writing of any matter that is scheduled to come before the Council for a vote.

G. CONSENSUS DECISION MAKING

The primary method of decision making shall be by consensus.

H. MINUTES

(1) Maintenance of Minutes

Minutes shall be kept for all meetings of the EESAC. Copies of the approved minutes shall be maintained by the school as a permanent record. In addition, beginning July 1, 2002, a copy of the minutes of every meeting will be provided electronically to the District.

(2) Content

The minutes shall include the names of those in attendance and any actions taken by the Council. The minutes shall be approved at the next regular meeting of the Council and an official copy kept on file in _____.

I. INPUT FROM NON-COUNCIL MEMBERS

Those who are in attendance at the Council meetings shall be provided an opportunity to discuss issues under consideration in the following manner:

(Describe how this can be done. Consider a specified time at the end of each meeting.)

J. COMMITTEES

(List any standing committees, including their responsibilities, and make provisions to establish special committees. Include guidelines for composition which ensures balanced participation.)

K. AMENDMENTS

These bylaws may be amended at any regular meeting by a 2/3 vote of the membership of the Educational Excellence School Advisory Council, provided that at least 5 working days written notice of the proposed change has been given to all members of the Council.

Specific Authority: 230.22(2); 230.23(22) F.S. Law Implemented, Interpreted, or Made Specific: 229.58; 229.591; 229.592; 230.23005(5) F.S.

History: THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA

New: 4-22-92 Amended: 9-8-93; 5-25-94; 12-11-96; 10-8-97; 3-17-99; 12-12-01; 8-21-02

6Gx13- 6A-1.112

The School Board of Miami-Dade County

Instruction-Elementary and Secondary

ACCEPTABLE USE POLICY FOR THE NETWORK

Purpose of the rule

The purpose of this rule is to establish a policy for the acceptable use of the network as a tool for learning in Miami-Dade County Public Schools (M-DCPS) (hereinafter referred to as District). The M-DCPS network is defined as all computer resources, including software, hardware, lines and services that allow connection of District computers to other computers, whether they are within the District or external to the District. This includes connection to the Internet. In summary, the rule affirms that no user may use the network to take any action or receive and/or communicate any language that the employee or student could not take or communicate in person. Users are defined as anyone authorized by administration to use the Network. This includes, but is not limited to, staff, students, parents, vendors, contractors, and volunteers. Prohibitions in applicable federal, state and/or local law or regulation, collective bargaining agreements and Board Rules are included. Additionally, this rule reflects that there is no expectation of privacy in the use of e-mail or network communications when such communications occur over M-DCPS provided equipment by M-DCPS employees, students, or others.

Purpose of Access to the Network

Networks give schools the ability to share educational and research resources from around the world with all students. These resources include access to instructional applications, interactive collaboration between teachers, students and other users, document sharing, communications of all forms with people from around the world and libraries, museums and research facilities.

I. Acceptable Use Policy

Utilization of the network by users must be in support of and consistent with the educational objectives of the District. When utilizing the network all users must adhere to the provisions of this rule and the standards of conduct established in the *M-DCPS Code of Student Conduct* (both elementary and secondary), *Code of Conduct for Adult Students*, the *Code of Ethics of the Education Profession in the State of Florida*, the *M-DCPS Network Security Standards* and School Board Rule 6Gx13-4A-1.21, Responsibilities and Duties.

- A. Transmission of any material in violation of local, state, and federal law or regulation is prohibited. This includes, but is not limited to

copyright material, threatening or obscene material or material protected by trade secret.

1. Obscene material is that material which:

- a. The average person, applying contemporary community standards, would find, taken as a whole, appeals solely to the prurient interest; and
- b. Depicts or describes, in a patently offensive way, sexual conduct as defined in Section 847.001 (11) F.S. (1995); and
- c. Taken as a whole, lacks serious literary, artistic, political, or scientific value.

- B. Procedures concerning the protest of instructional materials and educational media as they are accessed through the Internet are governed by School Board Rule 6Gx13-6A-1.26, Instructional Materials and Resources.
- C. School Board Rule 6Gx13-1C-1.06, Politics--Participation of Staff, governs the use of the Internet for political activities.
- D. Use of the network for product advertisement, commercial activities, political campaigning or solicitation is prohibited.
- E. The Children's Internet Protection Act (CIPA) requires school districts to prevent students from viewing objectionable material. Pursuant to CIPA, MDCPS uses an Internet Content Filter to prevent user access to prohibited material.

Users of the M-DCPS network are charged with notice that besides obscene material, there are other potentially objectionable materials available on the Internet, including sites with adult content, nudity, and gambling, as well as sites advocating violence and illegal activities. No content filter will ever be 100% accurate, and on occasion either objectionable material may get through or non-objectionable material may be blocked.

Bypassing the M-DCPS content filter without authorization is strictly prohibited. M-DCPS has procedures in place to evaluate requests from users to block or unblock sites as necessary.

Students, parents and staff should be aware that connection to any Internet or network provider not under District control may be unfiltered. This is particularly true of open wireless connections, which can be found almost anywhere. The District is not responsible for unfiltered content that may be viewed or downloaded on M-DCPS equipment that has been provided to

individuals for use outside District property. The District is also not responsible for issues caused by the connection of personal devices to the district's network or improper use of the District's network or equipment.

II. Privilege

Accessing the Internet through District equipment is a privilege, not a right, and inappropriate use, including violation of this rule may result in cancellation of the privilege.

- A. School, regional center, and District administrators are delegated the authority to determine appropriate and acceptable use as provided under this rule.
- B. Any user account may be closed, suspended or revoked at any time a school, regional center, or District administrator determines an account user or holder has used the network in an inappropriate or unacceptable manner in violation of this or any other applicable District rule.
- C. Inappropriate or unacceptable use is defined as use that violates the District's purpose in providing students and employees access to the Internet and use that violates the M-DCPS *Code of Student Conduct* (both elementary and secondary), *Code of Conduct for Adult Students*, the *Code of Ethics of the Education Profession in the State of Florida*, the *M-DCPS Network Security Standards*, and School Board Rule 6Gx13-4A-1.21, or any local, state, or federal law or regulation.
- D. Access to the Internet from the district network as a tool for learning will be automatic. Parents must notify the school in writing if they do not want their child to access the Internet.

III. Monitoring

Administration reserves the right to review any material on user accounts for purposes of maintaining adequate filespace and monitoring appropriateness of material accessed through the network. In reviewing and monitoring user accounts for the purpose of determining adequate filespace, the District shall respect the privacy rights of user accounts.

IV. Network Etiquette

All users are expected to abide by the generally accepted rules of network etiquette. These standards of conduct include, but are not limited to the following:

- A. Users should be polite. The use of abusive language is prohibited.
- B. Use appropriate language. The use of profanity, vulgarities or any other inappropriate language is prohibited.
- C. Engaging in activities which are prohibited under local, state or federal law is prohibited.
- D. Activities which violate the M-DCPS *Code of Student Conduct* (both elementary and secondary), *Code of Conduct for Adult Students*, the *Code of Ethics of the Education Profession in the State of Florida*, the *M-DCPS Network Security Standards* and School Board Rule 6Gx13-4A-1.21, are prohibited.
- E. Do not reveal your personal address and/or telephone number or that of other users unless compelled to by law.
- F. Electronic mail (e-mail) is not guaranteed to be private. People who operate the system do have access to all mail. Messages relating to or in support of illegal activities will be reported to the authorities.
- G. Do not use the network in such a way that other users would be unable to get the full benefit of information available. This includes, but is not limited to: running applications that deny the network's services to others, tying up computers without a legitimate educational or school district or school business purpose while others are waiting, damaging software or hardware so that others are unable to use it, or any conduct that would be prohibited by Section 815.06 Fla. Stat.
- H. Do not use the network to send or receive messages that discriminate based on gender, race, color, religion, ethnic or national origin, political beliefs, marital status, age, sexual orientation, social and family background, linguistic preference, disability or that are inflammatory.

V. **Services**

Use of any information obtained via the Internet is at the user's own risk. The District will not be responsible for any damages a user may incur. This includes, but is not limited to, loss of data resulting from delays, non-deliveries, mis-deliveries, or service interruptions caused by negligence, errors, or omissions.

The District is not responsible for the accuracy or quality of information obtained through the network. All users need to consider the source of any information they obtain through the network, and evaluate the accuracy of the information.

VI. Security

Security on any computer network is a high priority, especially when the system involves many users.

- A. If a user can identify a security problem on the network, the user must notify a system administrator. The user must not demonstrate the problem to others.
- B. Users must not use another individual's account without written permission from that individual. Attempts to log into the system as any other user will result in disciplinary action as described in Section X - Disciplinary Actions for Improper Use contained herein.
- C. Any user that has been determined by administrators to have violated this rule may be denied future access to the Internet through the District network.
- D. A user with a history of utilizing other computer systems in an inappropriate or unacceptable manner may be denied access to the District network.
- E. Users of the network will be held responsible for all activity associated with the user's account. Users should not share their passwords with anyone, engage in activities that would reveal anyone's password or allow anyone to use a computer to which they are logged on.
- F. Accessing chat rooms or instant messaging while using the M-DCPS network is prohibited.
- G. The use of Internet tools, such as blogs and discussion boards, are intended for educational purposes only.
- H. Downloading pictures, sounds, video clips, text documents or any material without authorization and without confirmation that the material is not copyrighted is prohibited (see School Board Rule 6Gx13- 4C-1.061 through 4C-1.063, Copyrights – Educational Media, Electronic Media, and Compliance and Fair Use).
- I. Downloading games, video files, audio files or running streaming media without educational value and without authorization by a teacher or a local administrator is prohibited. These applications tie up a great deal of bandwidth and storage and many of the files infringe on the owners' copyrights.
- J. Downloading or installing software applications without authorization is prohibited.

- K. Using the District's wireless equipment while on M-DCPS property to connect to any wireless networks but those provided by M-DCPS without authorization is prohibited. External signals will not provide content filtering and access to private networks may be illegal.

VII. Vandalism and Harassment

Vandalism and harassment when utilizing the Internet will result in cancellation of user privileges. This includes, but is not limited to, the uploading or creation of computer viruses and the attempt to destroy, harm or modify data of another user.

VIII. Procedures for Use

Student users must always get permission from their teachers or facilitators before using the network or accessing any specific file or application. Student users must also follow written and oral classroom instructions.

- A. All users have the same right to use the computer resources. Therefore, users shall not play games without educational value or use the computer resources for non-academic activities when other users require the system for academic purposes

Personal use of the M-DCPS network, including e-mail and the Internet, is permitted as long as that use does not interfere with an employee's duties and/or system operation and abides by all district policies and standards.

- B. Teachers are responsible for teaching proper techniques and standards for participation, for guiding student access to appropriate sections of the Internet, and for assuring that students understand that if they misuse the network they will lose their privilege to access the Internet from the classroom environment. Students should not be provided with network access unless they are properly supervised by an individual trained to provide the guidance students require.

IX. Inappropriate Material

On a global network it is impossible to control effectively the content of data and an industrious user may discover inappropriate material. Inappropriate material is that material that is determined inconsistent with the goals, objectives and policies of the educational mission of the District.

X. Disciplinary Actions for Improper Use

The act of accessing the Internet through the District's network signifies that the user will abide by the provisions of this rule.

Disciplinary action for inappropriate use by students will be based on the tiered actions described in the codes of student conduct (Elementary, Secondary or Adult) and may include, but is not limited to, loss of privilege, suspension or expulsion. Disciplinary action for inappropriate use by staff will be as provided for in the applicable collective bargaining agreements.

Specific Authority: 1001.41(1)(2); 1001.42(23); 1001.43(10) F.S.

Law Implemented, Interpreted, or Made Specific: 1001.42(5) and (6) and 1012.53 F.S.

History: THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA

New: 10-23-96 Technical Change: 5-1-98 Amended: 6-13-07

6Gx13- 4A-1.01

The School Board of Miami-Dade County

Permanent Personnel

EQUAL OPPORTUNITY EMPLOYMENT AND ASSIGNMENT

The School Board of Miami-Dade County, Florida adheres to a policy of nondiscrimination in employment and strives affirmatively to provide equal opportunity for all as required by state and federal law. The Board attempts to identify and overcome real or potential artificial barriers to employment, training, or promotional opportunities for its staff and applicants.

Employment:

The School Board strives to ensure a highly qualified staff (in terms of educational background and experience) that reflects the overall diversity (in terms of factors such as race, ethnicity and gender) of the pool of qualified candidates. In recruiting applicants for School Board positions, the School Board also encourages men and women to enter non-traditional occupational areas where their gender is under-represented.

The School Board continually develops and reviews job descriptions and entry qualifications in order to ensure that the tasks and duties required are reasonable and do not impose artificial barriers to qualified applicants.

It is the policy of the School Board that no person will be denied access, employment, training, or promotion on the basis of gender, race, color, religion, ethnic or national origin, political beliefs, marital status, age, sexual orientation, social and family background, linguistic preference, pregnancy, or disability, and that merit principles will be followed.

The School Board offers in-service training programs designed to assist employees in achieving new competencies and/or promotion.

Personnel Management and Services will conduct job advertising and recruitment activities in a manner designed to apprise persons of diverse backgrounds relative to gender, race, color, religion, ethnic or national origin, political beliefs, marital status, age, sexual orientation, social and

family background, linguistic preference, disability, or who may be pregnant or experiencing pregnancy-related medical conditions, of the job advertised.

Equitable Faculty Composition:

It is the School Board's goal that every school have a diverse, high quality faculty (that is, instructional staff and counselors) that reasonably reflects the qualifications (in terms of advanced degrees, experience and teaching out-of-field), experience and diversity (in terms of race, ethnicity and gender) of the pool of teachers at that grade level configuration district-wide.

I. Hiring:

To promote this goal, Personnel Management and Services will recruit a highly qualified and diverse applicant pool (See School Board Rule 6Gx134C-1.19). Personnel shall provide all site administrators with information concerning the entire pool of qualified applicants. In addition, site administrators shall seek to interview a broad range of candidates for all available positions. All hiring decisions should be made by the site administrator based on the applicants' qualifications and the needs of the school and not on the basis of race, ethnicity or gender. Site administrators should be provided with continual training opportunities on multicultural issues, interviewing techniques, effective recruitment and retention practices, and public policy and legal issues related to employment and equity in order to help them to make appropriate hiring decisions and to develop and maintain diverse faculties. In addition, the Board may provide financial or other incentives for highly-qualified teachers (such as those possessing advanced degrees, specialized training, or National Board certification or those demonstrating exceptional instructional abilities) who commit to teach for at least five years at a school having difficulty retaining an experienced and highly-qualified faculty or at schools with a relatively high percentage of low-income or low-performing students.

II. Assignment and Transfer:

To promote the goal of a diverse, highly-qualified faculty at each school, the overall diversity (in terms of factors such as educational background, experience, race, ethnicity and gender) of the school's staff may be considered as one factor in assessing requests for transfer to or from the school and in making assignments of teachers already hired by the MDCPS. In addition, the Board may provide financial or other incentives for highly-qualified teachers (such as those possessing advanced degrees, specialized training, or National Board certification or those demonstrating exceptional instructional abilities) who commit to teach for at least five years at a school having difficulty retaining an experienced and highly-qualified faculty or at schools with

a relatively high percentage of low-income or low-performing students.

III. Monitoring and Accountability:

Each year, Personnel Management and Services, School Operations, and Equal Educational Employment Opportunity and Diversity Compliance ("EEEODC), jointly will establish goals for the qualifications and diversity of school faculties by grade level configuration. The EEEODC will also monitor and annually report the qualifications (in terms of factors such as advanced degrees, experience and teaching out-of-field) and the diversity (in terms of factors such as race, ethnicity and gender) of each individual school's faculty. Each site administrator shall be responsible for ensuring that these goals are met to the extent practicable on an annual basis. As noted above, staff development activities for site administrators should be provided to support them in meeting this responsibility. Where a school fails to meet the M-DCPS annual goals in terms of the qualifications (that is, falls below a specified minimum in terms of education or experience or exceeds a certain maximum in terms of out-of-field teachers) or diversity (that is, fails to reasonably reflect school level district-wide averages in terms of race, ethnicity or gender) of its faculty for two consecutive years, the authority to hire teachers for and approve transfers to and from that school may revert to the Superintendent of Schools or his or her designee.

Employee Relations:

The Board believes that democracy cannot be taught in the Miami-Dade County Public Schools without demonstrating its belief in democracy in the way the schools are operated.

All employees are hereby notified that they are expected to teach or work with other employees, to teach students, and to supervise or be supervised in their work by other employees without regard for the gender, race, color, religion, ethnic or national origin, political beliefs, marital status, age, sexual orientation, social and family background, linguistic preference, pregnancy, or disability of the individual. This is a unitary school system and should be understood as such by all persons connected with it.

It is understood that harassment or discrimination based on an employee's gender, race, color, religion, ethnic or national origin, political beliefs, marital status, age, sexual orientation, social and family background, linguistic preference, pregnancy, or disability is a violation of state and federal laws and a breach of the EEEODC policy, which shall be grounds for disciplinary action including but not limited to a discharge.

Sexual harassment, including same-sex harassment, is a violation of Title VII of the Civil Rights Act of 1964 and Title IX of the Education Amendments of 1972. It is defined as a pattern of behavior that includes unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when: (1) submission to such conduct is made, either explicitly or implicitly, a term or condition of an individual's employment; (2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or (3) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment. Such conduct needs to be severe or pervasive.

Complaints:

Complaints alleging employment harassment or discrimination on the basis of gender, race, color, religion, ethnic or national origin, political beliefs, marital status, age, sexual orientation, social and family background, linguistic preference, pregnancy, or disability should be referred to EEO/ODC.

Specific Authority: 230.22(2); 230.23(22) F.S. Law Implemented, Interpreted, or Made Specific: 112.042; 112.043; 230.23(5); 230.23005(6)(11); 230.33(7)(a),(b),(c),(d); 231.02 F.S.; 6A-19.010 FAC; Title VI of the Civil Rights Act of 1964; Title VII of the Civil Rights Act of 1964, as amended; Title IX of the Education Amendments of 1972; Section 504 of the Rehabilitation Act of 1973; Age Discrimination in Employment Act of 1967, as amended; Equal Pay Act of 1963; Florida Educational Equity Act, F.S. 228.2001; the Americans With Disabilities Act of 1990; the Pregnancy Discrimination Act of 1978; the Florida Civil Rights Act of 1992; and the Family and Medical Leave Act of 1993.

History: THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA

Repromulgated: 12-11-74 Amended: 8-19-81; 6-8-94; 8-25-99; 6-19-02

6Gx13- 4A-1.32

The School Board of Miami-Dade County

Permanent Personnel

DISCRIMINATION/HARASSMENT: COMPLAINT PROCEDURES FOR EMPLOYEES

PROCEDURES FOR ASSURANCE OF COMPLIANCE
WITH FEDERAL/STATE REGULATIONS/SCHOOL BOARD POLICIES
OF NONDISCRIMINATION/HARASSMENT IN EMPLOYMENT

I. Purpose

The School Board of Miami-Dade County, Florida, has established procedures to assure nondiscrimination in employment, and the elimination of harassment, including sexual harassment. It is the policy of the School Board that all employees will be treated with respect. Hostile treatment or violence against an employee because of his/her gender, race, color, religion, ethnic or national origin, political beliefs, marital status, age, sexual orientation, social and family background, linguistic preference, pregnancy or disability, will not be tolerated.

It is recognized that discrimination or harassment complaints by employees may arise from actual or perceived situations and circumstances related to the prohibition of discrimination. It is the intent of these procedures to assure that discrimination or harassment complaints are resolved in an expeditious, orderly, and equitable manner that serves to fulfill the letter and intent of the law. All administrators and principals are required to make a conscientious effort to fully consider and understand the nature and basis of the discrimination or harassment complaint of an employee and resolve it, to the satisfaction of the complainant, without delay or refer it, without delay, to the appropriate office for resolution. The initiation of a discrimination or harassment complaint by an employee will not be used as a basis for actions that adversely affect the complainant's standing in his/her work location. Additionally, participation in or assistance in the investigation of a complaint shall not to be used as the basis for any adverse employment action on an employee.

Discrimination or harassment complaints made under the provisions of this rule will be handled using federal enforcement agencies; procedures and standards in the processing and

investigation of discrimination/harassment charges and without extraneous administrative barriers. No anonymous complaints shall be accepted or processed. The complaint must be signed attesting that it is true to the best of the complainant's knowledge, information and belief. Any complainant who knowingly submits false information will be subject to disciplinary action. A record will be maintained of each discrimination or harassment complaint investigation to include the final disposition of each.

II. Procedure for Filing Complaints

A School Board employee who has a reasonable and good-faith belief that he/she has been the subject of discrimination or harassment because of his/her gender, race, color, religion, ethnic or national origin, political beliefs marital status, age, sexual orientation, social and family background, linguistic preference, pregnancy, or disability, shall communicate in writing the allegation(s) to his/her principal or supervising administrator.

If the employee does not feel comfortable discussing his/her complaint at the work site or next administrative level, the employee may file the complaint directly with the School Board's Civil Rights and Diversity Compliance (CRDC) office.

Due to the sensitive nature of sexual harassment complaints, employees may file such a complaint directly with the School Board's CRDC office.

If the complaint is submitted to the principal or administrator, the principal or administrator will be responsible for scheduling a meeting with the complainant to discuss the complaint. In the event the complaint involves the employee's principal or supervising administrator, the employee may go directly to the next level of administration, such as an Assistant/Associate/Deputy Superintendent. If the employee does not feel comfortable discussing his/her complaint at his/her work location, the employee may file the complaint with the next administrative level.

If the complaint is not resolved to the complainant's satisfaction after discussion with the principal or supervising administrator, or cannot be resolved at that level, the employee may appeal at the next level of administration, i.e., Assistant/Associate/Deputy Superintendent.

If the complaint is not satisfactorily resolved at the second level of administration, as determined by the employee, he/she may file a complaint with the School Board's CRDC office. The employee will

be requested to provide to the School Board's CRDC office signed, specific information regarding the discriminatory or harassing action(s) or inaction(s), the basis (e.g., age, race, disability, etc.) for the action(s) or inaction(s), the alleged offender(s), witnesses, etc.

III. Appeals

If the employee does not agree with the final determination made by the School Board's CRDC office, he/she may appeal the determination to the Superintendent's designee to hear such appeals by submitting a letter of appeal within 15 work days of the date of the final determination.

IV. Special Provisions

- A. Failure on the part of the employee to initiate and/or follow-up on a complaint in a timely manner may result in the complaint being considered abandoned. A complaint must be filed within 300 days of the alleged discriminatory act(s).
- B. Failure by a principal or appropriate administrator to address a complaint, within ten (10) workdays will automatically allow the complainant to move the complaint to the next level of administration.
- C. In general, School Board employees are obligated to perform their duties, as directed, while complaints are pending resolution.
- D. Records of an ongoing investigation shall remain confidential and not subject to disclosure pursuant to Chapter 119, Florida Statutes, until a final determination is made on the case.
- E. Suspensions, dismissals, and reductions in pay grade are not subject to federal/state regulations in the absence of discrimination.

This rule is intended to effect compliance with federal/state regulations, i.e., Title VI of the Civil Rights Act of 1964; Title VII of the Civil Rights Act of 1964, as amended; Title IX of the Education Amendments of 1972; Section 504 of the Rehabilitation Act of 1973; Age Discrimination in Employment Act of 1967, as amended; Equal Pay Act of 1963; the Florida Educational Equity Act, F.S. 1000.05; the Americans with Disabilities Act of 1990; the Pregnancy Discrimination Act of 1978; the Florida Civil Rights Act of 1992; and the Family and Medical Leave Act of 1993.

Specific Authority: 1001.41(1)(2); 1001.42(22); 1001.43(10) F.S. Law Implemented, Interpreted, or Made Specific: 1001.43(11) F.S.; 6A-19.009 FAC; Title VI of the Civil Rights Act of 1964; Title VII of the Civil Rights Act of 1964, as amended; Title IX of the Education Amendments of 1972; Section 504 of the Rehabilitation Act of 1973; Age Discrimination in Employment Act of 1967, as amended; Equal Pay Act of 1963; the Florida Educational Equity Act, F.S.

1000.05; the Americans with Disabilities Act of 1990; the Pregnancy Discrimination Act of 1978; the Florida Civil Rights Act of 1992; and the Family and Medical Leave Act of 1993.

History: THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA

New: 6-4-86

Amended: 9-17-86; 3-4-92; 6-8-94; 8-25-99; 10-22-03

6Gx13-8C-1.212

The School Board of Miami-Dade County

School Board--Methods of Operation

CONE OF SILENCE

Definition:

A. "Cone of Silence" means a prohibition on any communication regarding a particular Request for Proposals (RFP), bid, or other competitive solicitation between:

- 1 any person who seeks an award there from, including a potential vendor or vendor's representative; and
- 2 any School Board member or the member's staff, the Superintendent, Deputy Superintendent and their respective support staff, or any person appointed by the School Board to evaluate or recommend selection in such procurement process.

The Cone of Silence shall not apply to communication with the School Board Attorney or his or her staff, or with designated school district staff who are not serving on the particular Procurement Committee, to obtain clarification or information concerning the subject solicitation. For purposes of this section, "vendor's representative" means an employee, partner, director, or officer of a potential vendor, or consultant, lobbyist, or actual or potential subcontractor or sub-consultant of a vendor, or any other individual acting through or on behalf of any person seeking an award.

B. A Cone of Silence shall be applicable to each RFP, bid, or other competitive solicitation during the solicitation and review of bid proposals. At the time of issuance of the solicitation, the Superintendent or the Superintendent's designee shall provide public notice of the Cone of Silence. The Superintendent shall include in any advertisement and public solicitation for goods and services a statement disclosing the requirements of this section.

C. The Cone of Silence shall terminate at the time the Superintendent of Schools submits a written recommendation to award or approve a contract, to reject all bids or responses, or otherwise takes action which ends the solicitation and review process.

D. Nothing contained herein shall prohibit any potential vendor or vendor's representative: 6Gx13- 8C-1.212

- 1 from making public representations at duly noticed pre-bid conferences or before duly noticed selection and negotiation committee meetings;
- 2 from engaging in contract negotiations during any duly noticed public meeting;
- 3 from making a public presentation to the School Board during any duly noticed public meeting; or
- 4 from communicating in writing with any school district employee or official

for purposes of seeking clarification or additional information, subject to the provisions of the applicable RFP, or bid documents.

The potential vendor or vendor's representative shall file a copy of any written communication with the School Board Clerk who shall make copies available to the public upon request.

- E. Nothing contained herein shall prohibit the Procurement Committee's representative from initiating contact with a potential vendor or vendor's representative and subsequent communication related thereto for the purposes of obtaining further clarifying information regarding a response to an RFP, or competitive solicitation. Such contact shall be in writing and shall be provided to the members of the applicable Procurement Committee, including any response thereto.
- F. Any violation of this rule shall be investigated by the School Board's Inspector General and may result in any recommendation for award, or any RFP award, or bid award to said potential vendor or vendor's representative being deemed void or voidable. The potential vendor or vendor's representative determined to have violated this rule, shall be subject to debarment. In addition to any other penalty provided by law, violation of this rule by a school district employee shall subject the employee to disciplinary action up to and including dismissal.

Specific Authority: 1001.41(1)(2); 1001.42(22); 1001.43(10) F.S.

Law Implemented, Interpreted or Made Specific: 1001.43(10); 1001.51(14) F.S.

History: THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA

New: 6-18-03

6Gx13- 4A-1.18

The School Board of Miami-Dade County

Permanent Personnel – ASSIGNMENT - MEMBERS OF SAME FAMILY

Administrative supervisors may not employ or directly supervise relatives at the same work location. The administrative supervisor of any District entity or office shall disclose to the Superintendent of Schools or his/her designee any relative for whom the supervisor is responsible as to employment decisions, payroll authorization or job performance evaluations. All employees shall disclose to the Superintendent of Schools or his/her designee, the names of all relatives working at the same work location. Failure to immediately so advise shall be grounds for disciplinary action, up to and including dismissal.

School Board personnel may not directly or indirectly recommend independent contracts between the School Board and any relative. Work location is defined to include payroll cost center or any administrative unit under the direct supervision of a permanent employee of the school system.

"Relative" with respect to an administrative supervisor means an individual who is related to the supervisor as father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, halfbrother, half-sister, grandfather, grandmother, grandchild or any person who resides in the same residence as the supervisor.

In the event of substantiated charges of favoritism or disruptive repercussions at a work site, based on family relationship, the appropriate area, bureau or district office will be responsible for effective resolution of the issue.

Specific Authority: 1001.41(1)(2); 1001.42(22); 1001.43(10) F.S.

Law Implemented, Interpreted, or Made Specific: 1001.42(22); 1001.43(1) F.S.

History: THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA

Repromulgated: 12-11-74

Amended: 2-22-84; 7-13-88; 1-14-04

6Gx13- 4A-1.213

The School Board of Miami-Dade County

School Board's Code of Ethics

I. INTRODUCTION

All members of The School Board of Miami-Dade County, Florida, administrators, teachers and all other employees of Miami-Dade County Public Schools, regardless of their position, because of their dual roles as public servants and educators are to be bound by the following Code of Ethics. Adherence to the Code of Ethics will create an environment of honesty and integrity and will aid in achieving the common mission of providing a safe and high quality education to all Miami-Dade County Public Schools students. As stated in the Code of Ethics of the Education Profession in Florida (State Board of Education Rule 6B-1.001):

1. The educator values the worth and dignity of every person, the pursuit of truth, devotion to excellence, acquisition of knowledge, and the nurture of democratic citizenship. Essential to the achievement of these standards are the freedom to learn and to teach and the guarantee of equal opportunity for all.
2. The educator's primary professional concern will always be for the student and for the development of the student's potential. The educator will therefore strive for professional growth and will seek to exercise the best professional judgment and integrity.
3. Aware of the importance of maintaining the respect and confidence of one's colleagues, students, parents, and other members of the community, the educator strives to achieve and sustain the highest degree of ethical conduct.

Further, nonacademic and elected officials are bound to accept these principles since these groups reflect critical policy direction and support services for the essential academic purpose.

II. APPLICATION

This Code of Ethics applies to all members of The School Board of Miami-Dade County, Florida, administrators, teachers, and all other employees. The term "employee," as used herein, applies to all these groups regardless of full or part time status. It further applies to all persons who receive any direct economic benefit such as membership in School Board funded insurance programs.

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Employees are subject to various other laws, rules, and regulations including but not limited to "The Code of Ethics for the Education Profession in Florida and the Principles of Professional Conduct of the Education Profession in Florida," Chapter 6B-1.001 and -1.006, F.A.C., the "Code of Ethics for Public Officers and Employees," found in Chapter 112, Part III of the Florida Statutes, and School Board Rule 6Gx13- 4A-1.212, Conflict of Interest, which are

incorporated herein by reference and this Code of Ethics should be viewed as additive to these laws, rules and regulations. To the extent not in conflict with any laws, School Board rules or governmental regulations, this Code of Ethics shall control with regard to conduct. In the event of any conflict, the law, regulation or School Board Rule shall control.

III. FUNDAMENTAL PRINCIPLES

The fundamental principles upon which this Code of Ethics is predicated are as follows:

- Citizenship – Helping to create a society based upon democratic values; e.g., rule of law, equality of opportunity, due process, reasoned argument, representative government, checks and balances, rights and responsibilities, and democratic decision-making.
- Cooperation – Working together toward goals as basic as human survival in an increasingly interdependent world.
- Fairness – Treating people impartially, not playing favorites, being openminded, and maintaining an objective attitude toward those whose actions and ideas are different from our own.
- Honesty – Dealing truthfully with people, being sincere, not deceiving them nor stealing from them, not cheating nor lying.
- Integrity – Standing up for your beliefs about what is right and what is wrong and resisting social pressure to do wrong.
- Kindness – Being sympathetic, helpful, compassionate, benevolent, agreeable, and gentle toward people and other living things.
- Pursuit of Excellence – Doing your best with the talents you have, striving toward a goal, and not giving up.
- Respect – Showing regard for the worth and dignity of someone or something, being courteous and polite, and judging all people on their merits. It takes three major forms: respect for oneself, respect for other people, and respect for all forms of life and the environment.
- 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.

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Each employee agrees and pledges:

1. To abide by this Code of Ethics, making the well-being of the students and the honest performance of professional duties core guiding principles.
2. To obey local, state and national laws, codes and regulations.
3. To support the principles of due process to protect the civil and human rights of all individuals.
4. To treat all persons with respect and to strive to be fair in all matters.
5. To take responsibility and be accountable for his or her actions.
6. To avoid conflicts of interest or any appearance of impropriety.
7. To cooperate with others to protect and advance the District and its students.
8. To be efficient and effective in the delivery of job duties.

IV. CONFLICTS OF INTEREST

Employees shall employ independent objective judgment in performing their

duties, deciding all matters on the merits, free of partiality or prejudice and unimpeded by conflicts of interest or other improper influences. No employee shall engage in conduct, which creates a conflict of interest. A conflict of interest shall be defined as a situation in which regard for a private interest tends to lead to disregard of a public duty or interest. A conflict of interest shall exist upon use by an employee of the authority of his/her office or the use of any confidential information received through his/her employment for the private pecuniary benefit of the employee, or the employee's immediate family or a business with which the employee or a member of the employee's immediate family has employment or ownership worth \$5,000 or more, either directly or indirectly, without disclosure to the appropriate school district official. Financial Interest. Except as authorized in any collective bargaining agreement, an employee shall not engage, or have any interest, financial or otherwise, direct or indirect, in any business, transaction or professional entity, either as a director, officer, partner, trustee, employee, or manager in that entity, which conflicts with or impairs the proper discharge of official duties or which could bring disfavor or disrespect upon the employee or Miami-Dade County Public Schools. Any provision of this code which requires disclosure to school district officials will be satisfied by the filing of a financial disclosure statement in the form required of members of the School Board.

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Contracting Decisions. An employee shall not recommend, vote or otherwise participate in the decision to make any contract between the school district and any business or entity in which the employee has a personal or financial conflict of interest. This includes contractual relationships with units of government as well as for profit and not for profit organizations such as charter schools.

An employee who has a financial conflict of interest because of a relationship with a business, governmental agency or not for profit institution must recuse him or herself from any decision concerning that entity including any decision to contract or not to contract with the entity and the administration of the contract. The reason for such recusal must be stated in writing and filed with the Superintendent and the School Board Attorney prior to or at the time of the action requiring the recusal.

Honoraria. An employee will not solicit or accept an honorarium, which is related to the employee's job duties. "Honorarium" shall be defined consistent with § 112.3149, F.S., as a payment of money or anything of value paid to the employee or on his or her behalf as consideration for an oral presentation or writing other than a book.

Personal Advertisements. An employee shall not advertise business or professional activities on school property or use schoolwork hours, property or services to perform or promote personal, not for profit, or commercial enterprises or to campaign or raise money for any candidates for political office.

Employee Publications. An employee shall not participate in the review and approval of publications or materials for school district purchase by the office in which the employee is employed if the employee or a member of the

employee's immediate family is the author/editor of or has any financial interest in the sale of such publications or materials.

Referrals. In no situation, shall an employee refer a parent or student to a service, service provider or product in return for anything of value. Officers or employees making referrals as part of their official duties shall make referrals to more than one provider of the service or product, if available. For example, school counselors shall refer parents or students to more than one counselor or provider of medical services, if available. Additionally, an employee shall not refer a parent or student to any service, service provider, or product in which that employee has a financial interest, without first disclosing that interest to the parent or student.

Outside Income. Employees shall not accept any outside earned income in any situation where a reasonable person in the community could conclude that the receipt of the income would be inconsistent, incompatible or in conflict with the employee's official duties.

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General Limitation on Solicitation. An employee shall not solicit, directly or indirectly any payments or other benefits under circumstances that would create in the mind of a reasonable person in the community the belief that such payments or benefits were provided with the intent to improperly influence the employee's actions. This provision does not apply to lawful campaign contributions.

Gifts and Gratuities. The acceptance of gifts as per School Board rule, payments or other benefits from those with whom Miami-Dade County Public Schools does business, regardless of profit or not for profit status, can be improper. A gift is defined as anything of value that an employee receives, or that is paid or given to another on an employee's behalf without any payment or consideration received in return. Examples of gifts are tickets to sporting or cultural events, items of food, meals which cannot be immediately consumed such as a holiday party, use of facilities, forgiveness of debts, interests in real property, investments, or merchandise, or a rebate or discount (unless the rebate or discount is normally given to any member of the public). Employees who are in the position to make or influence a decision to spend school funds shall not solicit or accept any personal gifts, favors or benefits of more than nominal value during a calendar year from any single person or organization that might benefit from the employee's decision. This provision does not apply to: (a) Meals provided at an event at which the employee participates in a seminar or similar activity; (b) Travel expenses and meals paid by a local, state, federal or foreign government agency; or (c) Lawful campaign contributions.

V. CONDUCT REGARDING STUDENTS

As set forth in the Principles of Professional Conduct for the Education Profession in Florida, each employee:

1. Shall make reasonable effort to protect the student from conditions harmful to learning and/or to the student's mental and/or physical health and/or safety.
2. Shall not unreasonably restrain a student from independent action in

pursuit of learning.

3. Shall not unreasonably deny a student access to diverse points of view.
4. Shall not intentionally suppress or distort subject matter relevant to a student's academic program.
5. Shall not intentionally expose a student to unnecessary embarrassment or disparagement.
6. Shall not intentionally violate or deny a student's legal rights.

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7. Shall not harass or discriminate against any student on the basis of race, color, religion, sex, age, national or ethnic origin, political beliefs, marital status, handicapping condition, sexual orientation, or social and family background and shall make reasonable effort to assure that each student is protected from harassment or discrimination.
8. Shall not exploit a relationship with a student for personal gain or advantage.
9. Shall keep in confidence personally identifiable information obtained in the course of professional service, unless disclosure serves professional purposes or is required by law.

VI. PERSONNEL MATTERS

Confidentiality. An educator shall comply with state, and federal laws and regulations, and local school board policies relating to the confidentiality of student records. Unethical conduct includes, but is not limited to, sharing of confidential information concerning student academic and disciplinary records, personal confidences, health or medical information, family status and/or income, and assessment/testing results.

Enforcement. Enforcement will be pursuant to State law and to School Board rules, which may include penalties for violations of the Code of Ethics that will be imposed pursuant to the applicable State law or School Board Rule.

Certification. Each employee will be required to sign a Certificate in substantially the form and substance attached as Exhibit "A", which is incorporated herein by reference, certifying that the employee has read, understands and agrees to abide by this Code of Ethics as well as the state laws and School Board rules and regulations cited in the Code. A failure to sign the Certificate will not excuse a failure to comply with the Code of Ethics. The certification shall be according to a process determined by the Office of Human Resources, Recruiting, and Performance Management. Infractions shall be reported to the Office of Human Resources, Recruiting, and Performance Management and the Office of the Inspector General.

Specific Authority: F.S. 1001.41(1) (2); 1001.42 (23); 1001.43(10) F.S.

Law Implemented, Interpreted, or Made Specific: Chapter 112, Part III, F.S.; 6B-1.001; 6B-1.006, F.A.C.

History: THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA

New: 10-20-04

Amended: 7-11-07

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