

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF FLORIDA
Miami Division**

**NICHOLAS ORTIZ, a minor by
and through his parents
Rafael and Lourdes Ortiz**

Plaintiff,

v.

MATER ACADEMY INC.

Defendant.

COMPLAINT

Plaintiff Nicholas Ortiz (“Nicholas” or “Plaintiff”), by and through his parents Rafael (“Mr. Ortiz”) and Lourdes Ortiz (“Mrs. Ortiz”), sues Defendant Mater Academy, Inc. (“Mater Academy”), the governing body with oversight and control over Mater Academy Cutler Bay (“school”). Reference to “Mater Academy” includes both Mater Academy, Inc. and Mater Academy Cutler Bay High School, except when specifically noted otherwise.

INTRODUCTION

Nicholas Ortiz, a 14-year-old freshman, was discriminated and retaliated against by his high school, Mater Academy, because he is a Christian. Nicholas repeatedly made the school aware of a pattern of pervasive bullying by his fellow students, bullying that was reinforced by the words and actions of the school. Yet the school did not just sweep Nicholas’s bullying claims under the rug—failing to report them as required under the law—they retaliated against Nicholas for

reporting the harassment. The school then added to its violation of Nicholas's First Amendment rights by repeated violations of his constitutional right to due process, suspending him for the maximum time allowed for an allegation they knew was false, which is why they didn't even talk to Nicholas before issuing the punishment. The school validated the despicable false rumors about Nicholas being broadcast on social media, denied Nicholas due process and the opportunity to demonstrate his innocence, and itself acted as a bully by going with the mob and scapegoating an innocent child. Nicholas and his parents suffered severe emotional, reputational, and economic damages as a result, for which he now seeks to be made whole by this Court.

PARTIES

1. Minor Plaintiff Nicholas Ortiz, age fifteen, by and through his parents, is a Florida resident living in in Homestead, Florida.

2. Defendant Mater Academy Inc. is a registered Florida non-profit corporation with its principal place of business in Hialeah Gardens, Florida. It is the governing body with oversight and control over Mater Academy Cutler Bay High School.

JURISDICTION AND VENUE

3. This Court has subject matter jurisdiction over this case pursuant to 28 U.S.C. §§ 1331 and 1343 because Plaintiff's claims arise under the First and Fourteenth Amendments to the U.S. Constitution and 42 U.S.C. § 1983.

4. This Court has supplemental jurisdiction over the state law claims pursuant to 28 U.S.C. § 1367, because those state claims are so related to the federal constitutional and statutory claims in this action such that they do not raise novel or complex issues of state law and do not substantially predominate over the federal claims. There are, further, no exceptional circumstances compelling declining state law claims.

5. Venue is proper in Miami, Florida, under 28 U.S.C. § 1391(b)(1) because the parties reside in Miami-Dade County and under 28 U.S.C. § 1391(b)(2) because the injury to Plaintiff occurred in Miami-Dade County.

FACTS

6. Mater Academy Cutler Bay is a public charter school in Miami-Dade County, governed by Defendant Mater Academy, Inc.

7. As stated on its website, Mater Academy has adopted the Miami-Dade County Public Schools (“District”) Code of Student Conduct Policies and Procedures (“Code of Conduct” or “Code”). A copy of the Code is attached as Exhibit A.

8. Each parent or guardian of a student and each student enrolled in Mater Academy must sign the Code of Conduct. Exhibit A, p. 2.

9. Each school is required to maintain records of parents’ and students’ signed Code of Conduct Acknowledgements of Receipt and Review. Exhibit A, p. 2.

10. Nicholas and his parents signed and returned the Code of Conduct Acknowledgement of Receipt and Review.

11. The Code of Conduct states the policies in the code are intended to “create a safe learning environment to ensure academic success.” Exhibit A, p. 7.

Bullying and Harassment

12. Florida’s Jeffrey Johnston Stand Up for All Students Act (Section 1006.147 of the Florida Statute) prohibits bullying or harassment of a student. The District has incorporated the legal requirements of the Johnson Act into its Policy Against Bullying and Harassment and its Code of Conduct.

13. The Code defines “bullying” as “systematically and chronically, inflicting physical hurt or psychological distress on one or more students or school employees. It is further defined as a pattern of unwanted and repeated written, verbal, or physical behavior, including any threatening, insulting, dehumanizing gesture by an adult or student, that is severe or pervasive enough to create an intimidating, hostile, or offensive educational environment; cause discomfort or humiliations; or unreasonably interfere with the individual’s school performance or participation that includes a noted power differential.” Exhibit A, p. 38.

14. Bullying may involve social exclusion, threats, intimidation, physical violence, religious harassment, destruction of property, and cyberbullying. Exhibit A, p. 38.

15. Retaliating against a student for asserting or alleging an act of bullying is itself an act of bullying. Exhibit A, p. 38.

16. As stated in District policy 5517, discrimination based on religion is prohibited and religion is a legally protected category. A copy of District Policy 5517 is attached as Exhibit B.

17. As stated in the District's Policy Against Bullying and Harassment, when a school principal receives a general complaint of bullying or harassment he or she is required to:

- A. Promptly investigate the report and complete a Bullying Report form, documentation to be coded on a Student Case Management Form;
- B. Meet with students accused of the alleged bullying or harassment to obtain a response to the complaint orally and in writing, documentation to be coded on a Student Case Management Form;
- C. Meet with witnesses and to gather statements regarding the complaint orally and in writing, documentation to be coded on a Student Case Management Form;
- D. Following completion of the investigation, the principal is required to notify parents of the results of the investigation and provide them with a copy of the final report; and
- E. The school must include incidents of bullying in the school's report of safety and discipline data required under F.S. 1006.09(6).

A copy of the District Against Bullying and Harassment is attached as Exhibit C.

18. When a school receives a complaint of bullying or harassment due to religion, the principal is required to:

- A. Document the complaint and notify the District's Office of Civil Rights Compliance within 24 hours;
- B. Provide a copy of MDCPS Policy 5517.02 to the complainant, which outlines the procedures discussed herein as well as the process for appealing any final determination;
- C. Confidentially interview the complainant, respondent, and all witnesses and have all statements reduced to writing;
- D. Document all reports and interventions on student case management forms within ten workdays; and
- E. Provide the complainant, respondent, and the Office of Civil Rights Compliance with written notification of the outcome of the investigation as well as a written report of the investigation within ten workdays of reaching a final determination.

See Exhibit C.

19. Nicholas first enrolled at Mater Academy Cutler Bay in 2018 and remained enrolled until January 2022. He is currently a high school freshman.

20. Nicholas is a practicing Christian.

21. To further his Christian faith, over the last four years Nicholas has often brought his Bible to school to read during his free time.

22. For this activity—bringing his bible to school, reading it, and generally seeking to live according to his faith—Nicholas has been targeted and ostracized by fellow students, school staff, and administrators.

23. During a Fall 2021 classroom discussion, Nicholas's science teacher, Mr. Ardieta, singled out Nicholas in front of his peers and questioned him for believing in God. Mr. Ardieta insinuated that Nicholas was ignorant for believing in the Bible. When Nicholas attempted to defend his beliefs, Mr. Ardieta cut him off and said, in front of the class and during the classroom discussion, Nicholas should not believe the Bible.

24. This same disparaging attitude towards faith has been adopted by Nicholas' peers. Students have regularly made disparaging comments to Nicholas about his Bible reading and his faith.

25. Students have threatened Nicholas publicly and privately with violence both in general and on account of his faith.

26. Nicholas and his parents repeatedly made the Mater Academy administration aware of this bullying.

27. On October 11, 2018, Mrs. Ortiz sent an email to the school notifying the school that, over the course of multiple days, students in Nicholas's PE class had "threatened to hurt him," utilize a personal relationship they had with the principal to wrongfully accuse Nicholas to get him expelled and rallied other students to exclude Nicholas from class participation. A copy of Ms. Ortiz's October 11, 2018, email, redacted where appropriate for privacy concerns is attached as Exhibit D.

28. Nicholas's student file includes no record of this October 2018 bullying complaint.

29. Upon information and belief, the school neither investigated this bullying complaint nor took the related administrative actions required under Florida law or district policy.

30. On information and belief, the school did not report this incident of bullying to the Florida Department of Education as a part of its required School Environmental Safety Incident Reporting obligations.

31. On December 4, 2018, Mrs. Ortiz sent an email to the school notifying the school that Nicholas was being bullied in math class. She stated that other children had told Nicholas they were going to sacrifice him, were taunting him, and that they falsely accused Nicholas of having a knife in his bag. A copy of Ms. Ortiz's December 4, 2018, email, redacted where appropriate for privacy concerns is attached as Exhibit E.

32. Ortiz's student file includes no record of this December 2018 bullying complaint.

33. Upon information and belief, the school neither investigated this bullying complaint nor took the related administrative actions required under Florida law or district policy.

34. Upon information and belief, the school did not report this incident of bullying to the Florida Department of Education as a part of its required School Environmental Safety Incident Reporting obligations.

35. On January 30, 2019, Mrs. Ortiz sent an email to the school notifying the school that the same student who had falsely accused Nicholas of bringing a knife

to school yelled in the school cafeteria that Nicholas was a murderer and again yelled in the cafeteria her false accusation that Nicholas brought a knife to school. Mrs. Ortiz's email further described the deep emotional hurt and fear that this bullying was causing to her son. A copy of Ms. Ortiz's January 30, 2019, email, redacted where appropriate for privacy concerns is attached as Exhibit F.

36. Nicholas's student file includes no record of this January 2019 bullying complaint.

37. Upon information and belief, the school neither investigated this bullying complaint nor took the related administrative actions required under Florida law or district policy.

38. Upon information and belief, the school did not report this incident of bullying to the Florida Department of Education as a part of its required School Environmental Safety Incident Reporting obligations.

September 2021 Incident

39. In September 2021, a group of students grabbed Nicholas' Bible from him while he was reading it during his free time at school. These students started throwing the Bible back and forth, and then ripped pages off the book, sneering and ridiculing Nicholas for his faith. This incident is hereinafter referred to as the "September 2021 Incident."

40. Nicholas personally reported this incident to the administration. Nicholas' student file includes no record of this September 2021 bullying complaint.

41. In response to Nicholas's September 2021 incident complaint that his Bible was vandalized and he was being bullied for his Christian faith, Vice Principal Polido ordered Nicholas to stop bringing his Bible to school.

42. Upon information and belief, other books, reading materials, religious texts, etc, read by other students have not been singled out as being banned from the school as the Bible was for Nicholas.

43. Upon information and belief, Mater Academy did not notify the District's Office of Civil Rights Compliance of the September 2021 incident within 24 hours.

44. Mater Academy did not call Nicholas's parents to inform them of the September 2021 incident.

45. Mater Academy never provided Mr. and Mrs. Ortiz with a copy of MDCPS Policy 5517.02 after receiving complaint of the September 2021 incident.

46. Nicholas was not made aware of the procedures Mater Academy would take to investigate the September 2021 incident or his right to appeal.

47. Upon information and belief, MACB did not report the September 2021 incident on the required student case management forms.

48. MACB never provided Nicholas or his parents with written notification of the outcome of the September 2021 incident investigation or a written report of the investigation.

49. Rather than taking necessary measures to ensure Nicholas was free to read his Bible at school during non-instructional time, the school's solution was to deprive Nicholas of his constitutional right to read his Bible.

October 2021 Incident

50. On October 18, 2021, Mrs. Ortiz sent an email notifying the school that a student ("the aggressive student") was threatening to beat up Nicholas. Mrs. Ortiz's email further outlined a pattern of bullying behavior where the aggressive student repeatedly pushed and threatened Nicholas over the course of multiple days. Mrs. Ortiz further relayed that the threat was active as the student had stated his intent to attack Nicholas the next day. As a part of explaining the aggressive student's pattern of bullying to the school, Mrs. Ortiz noted that the aggressive student kicked Nicholas' iPad out of his hands during class that day. Hereinafter, this incident is referred to as the "October 2021 incident." A copy of Ms. Ortiz's October 18, 2021, email, redacted where appropriate for privacy concerns is attached as Exhibit G.

51. Upon information and belief, neither the aggressive student nor the teacher present during the October 2021 incident, complained about how Nicholas responded to the aggressive student's behavior.

52. The school purportedly investigated the October 2021 incident. During the school's investigation, the school learned that, in response to the aggressive student kicking his iPad out of his hands, Nicholas defended himself by throwing his backpack at the aggressor and slapping his ear.

53. Nicholas' student file does not include any paperwork suggesting Nicholas had engaged in recent disruptive behavior or discipline. Documentation of the October 2021 incident stated the school's subsequent actions only related to the October 2021 incident, not any other alleged misbehavior. Further, there are no records indicating Mater Academy had undertaken any corrective strategies or interventions regarding Nicholas.

54. The Code of Conduct outlines an "evidence-based, problem-solving approach" to address behavioral issues. The Code "provides a continuum of tiered interventions with increasing levels of intensity and duration that aims to prevent inappropriate behavior by means of teaching and reinforcing appropriate behavior." Exhibit A, p. 9.

55. Level I behavioral concerns affect "the orderly operation of the classroom." These include activities like cutting class, confrontation with another student, and misrepresentation. The range of corrective strategies for Level 1 concerns include options like student conferences, reprimand, and detention. Exhibit A, p. 18.

56. Level II behavioral concerns significantly interfere with learning. These include cheating, false accusation, libel, and minor fighting. The range of corrective strategies for level two can include corrective strategies for level one, or further efforts such as referring a student to an outside agency, a program focusing on modifying the inappropriate behavior, or assignment to a long-term alternative educational setting. Exhibit A, p. 19.

57. Level III behaviors endanger health and safety, damage property, or cause serious disruptions to the learning environment. This includes assault, bullying, serious fighting, and harassment. Corrective strategies for a Level III behavior can include measures discussed in Level I and II. Exhibit A, p. 20.

58. Suspension and expulsion are first mentioned as potential corrective actions for Level III offenses. The Code states “[s]uspension and expulsion of students from school programs **are a last resort**, to be utilized only in the most extenuating circumstances as determined by the principal **after** other learning-centered corrective strategies have been utilized and with Region/District notification.” Exhibit A, p. 20 (emphasis added).

59. Prior to the use of suspension, District policy 5610 states the administrator should consider less restrictive alternatives. A copy of the District policy 5610 is attached as Exhibit H.

60. District policy 5500 states principals and administrators “shall assign discipline/corrective strategies to students pursuant to the Code of Student Conduct and, where required by law, protect the student’s due process rights to notice, hearing, and appeal.” A copy of the District policy 5500 is attached as Exhibit I.

61. For suspension, the Code requires administrators to follow explicit procedures to protect students’ due process rights. These procedures include:

- D. Prompt notification of suspension shall be given to the student’s parent by telephone, if possible, and formal written notification to the student’s parent shall be initiated within twenty-four (24) hours of the time the student is informed of the suspension;

E. Prior to the suspension, the student shall be given an informal and impartial hearing before the Principal and shall be informed of the charge(s) against him/her which may result in suspension. If the student denies the charge(s), s/he shall be given an explanation of the evidence, an opportunity to present his/her version of the case, and notification of the action taken by the Principal. In cases of extremely disruptive or dangerous behavior, persons or groups involved may be immediately suspended and ejected from the school campus without a prior hearing. In such instances, each student shall be afforded an informal hearing before the Principal prior to the expiration of suspension.

...

If parents feel that the child has not been afforded a fair hearing, they may request a review by the Region Superintendent. The appeal may consist of a review of the previous hearing, with a ruling on the facts and the validity of the suspension, or the hearing may be reconvened by the Region Superintendent or designee for additional testimony that may be deemed necessary in making a final decision.

Exhibit H.

62. The maximum number of days a school is allowed to suspend a student is 10.

63. The school's documentation regarding the October 2021 incident credited Nicholas' claim that the aggressive student kicked the iPad out of his hand, and that Nicholas' subsequent actions were an immediate response to the aggressive student's act of kicking Nicholas' iPad out of his hands.

64. The school's documentation regarding the October 2021 incident did not mention Nicholas' allegations of bullying.

65. Upon information and belief, the school neither investigated Nicholas' bullying complaints regarding the aggressive student's pattern of threatening behavior, nor took the related actions required under Florida law or district policy.

66. The school did not discipline the aggressive student for his repeated threatening behavior toward Nicholas.

67. The school also did not discipline the aggressive student for kicking the iPad out of Nicholas' hand.

68. Instead, the school retaliated against Nicholas for making a complaint of bullying.

69. The school suspended Nicholas for 10 days for the October 2021 incident, the maximum days a student can be suspended and a punishment reserved for gross violations.

70. The school failed to follow numerous District policies in relation to Nicholas's October 2021 suspension.

71. The school never provided Nicholas with formal written notification of the October 2021 suspension.

72. The school never provided Nicholas with an explanation of the evidence against him or an adequate opportunity to present his side of the story.

73. The school never provided Nicholas with a report detailing the facts against him or the reasons why suspension, and a suspension of the maximum duration, was appropriate.

74. The school never provided Nicholas with a hearing or an appeal.

75. The school never offered or pursued learning-centered corrective strategies for Nicholas.

76. The school suspended Nicholas for the October 2021 incident without offering or pursuing alternative discipline and learning-centered corrective strategies.

77. On information and belief, the school did not he District of Nicholas' suspension as required.

78. The length of the suspension was excessive given the allegations against Nicholas.

79. Mrs. Ortiz emailed the school on October 20, 2021, asking for the school to reconsider the length of the suspension.

80. The school refused to review the length of Nicholas' suspension.

81. Despite Mrs. Ortiz's request that the school reconsider the length of Nicholas's suspension, the school also did not elevate the request for review to the Region Superintendent as required under District policy 5610. See Exhibit H.

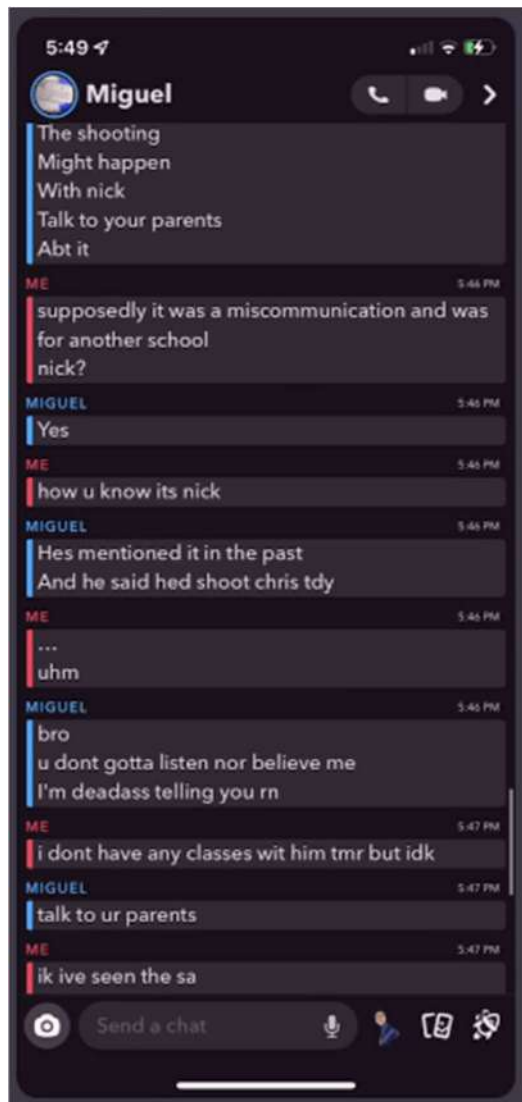
82. Despite Mrs. Ortiz's request for reconsideration, the school did not provide Nicholas any further process, such as a hearing or opportunity to be heard.

December 2021 incident

83. In early December 2021, public school shooting threats began circulating at several Miami Dade County Public Schools.

84. On or about December 5, 2021, two students initiated a text chat wherein they made false and defamatory statements that Nicholas had made school shooting threats in the past, had threatened to shoot a fellow student that day, and

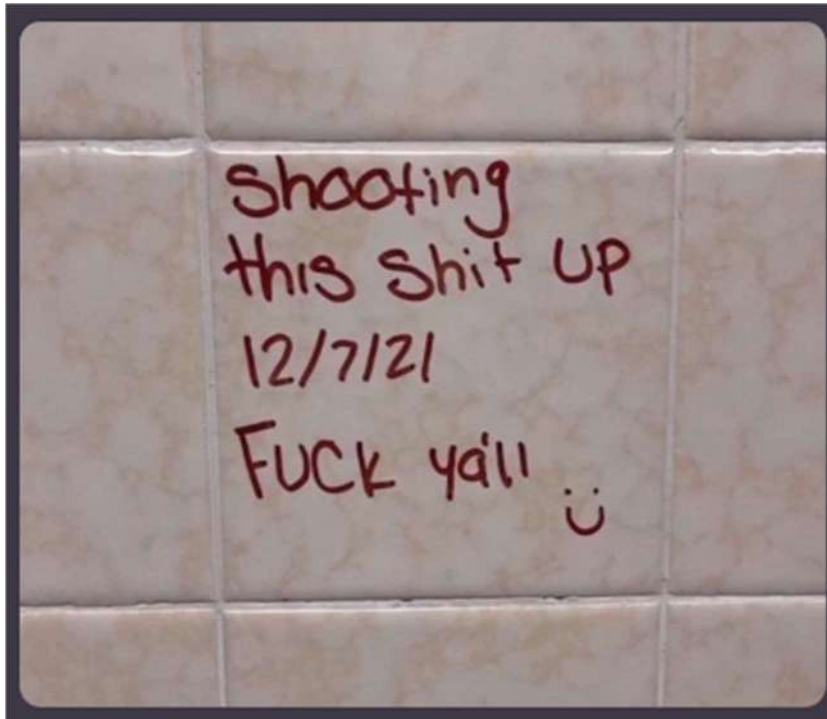
that they should tell parents about the threat. This text exchange is referred to as the “False Text Accusation.”



85. Nicholas has never made threats of violence against the school. He did not say that he would shoot any student that day or any day. The allegations made in the False Text Accusation were utterly and completely false and wholly without foundation.

86. Tristan, one of the students involved in the text conversation who uses the username of “Pyra,” posted his text conversation to a student group chat on the

social media platform Discord, juxtaposing his text conversation in a deliberately manipulative fashion with a written threat that had appeared on the wall of another District high school (“Unrelated Dec. 7 threat”).



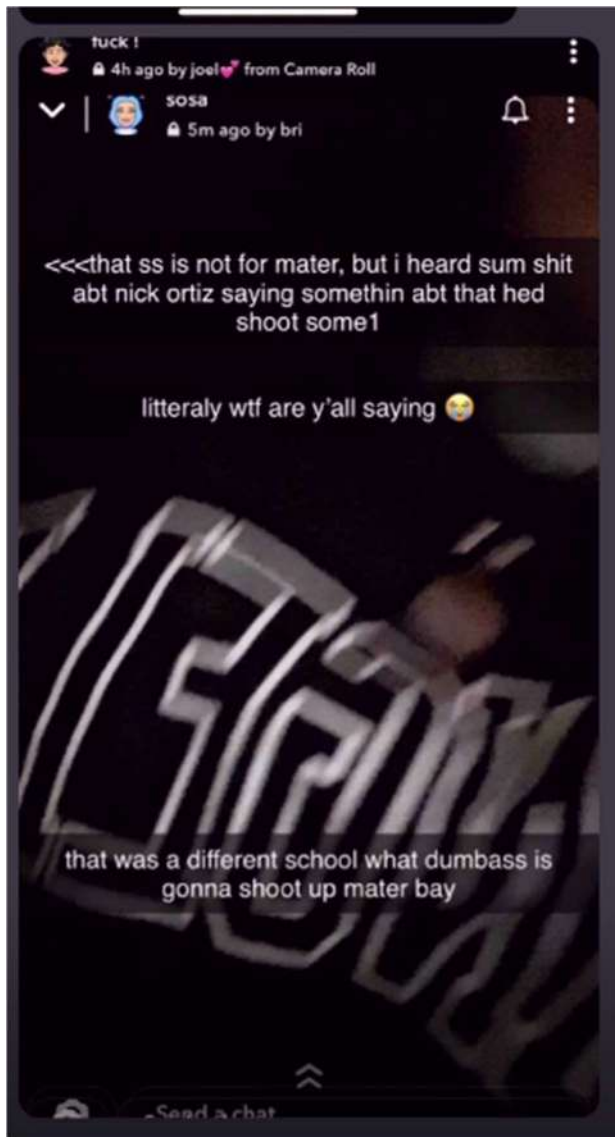
87. The Unrelated Dec. 7 threat was not made at Mater Academy and was not made by Nicholas.

88. From there, the rumor that Nicholas intended to attempt a shooting at Mater Academy escalated, fueled by even more false and defamatory allegations against Nicholas made by students and parents.

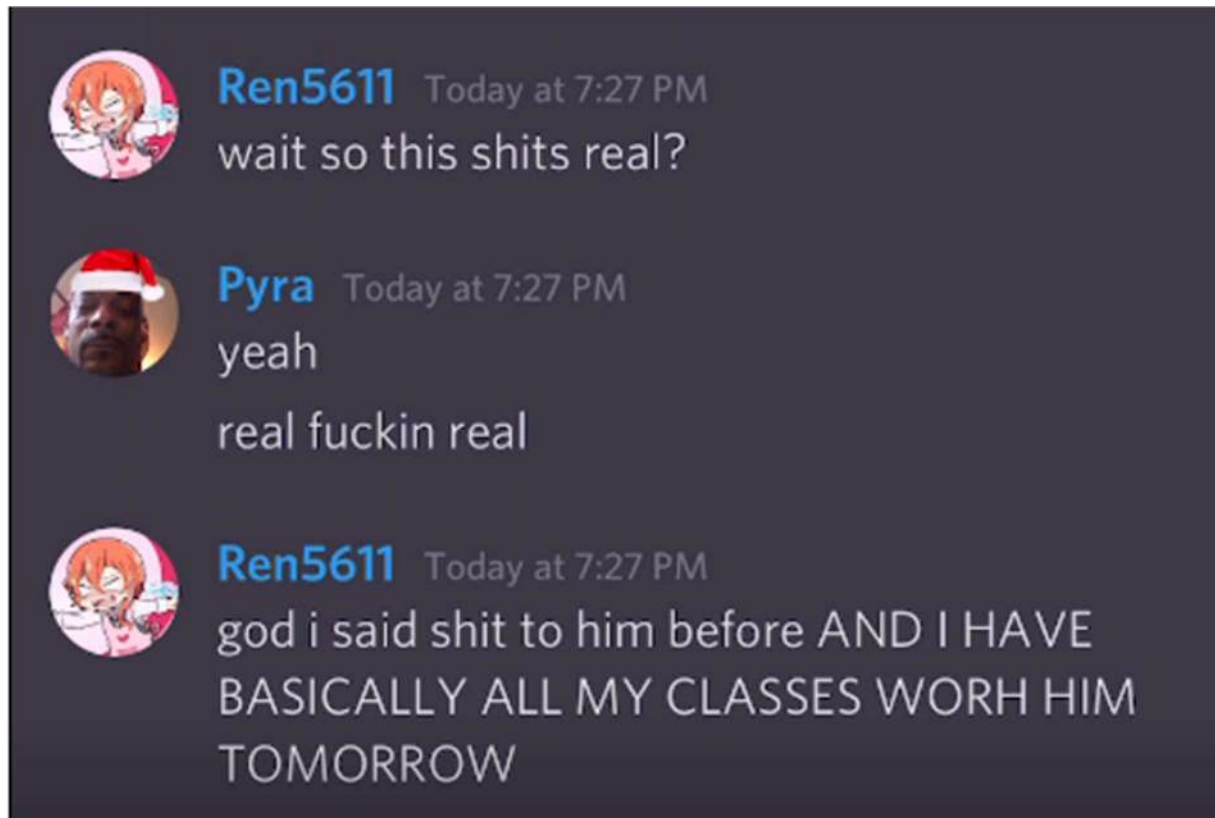
89. A user by the name of Mel posted the following text exchange on Discord.



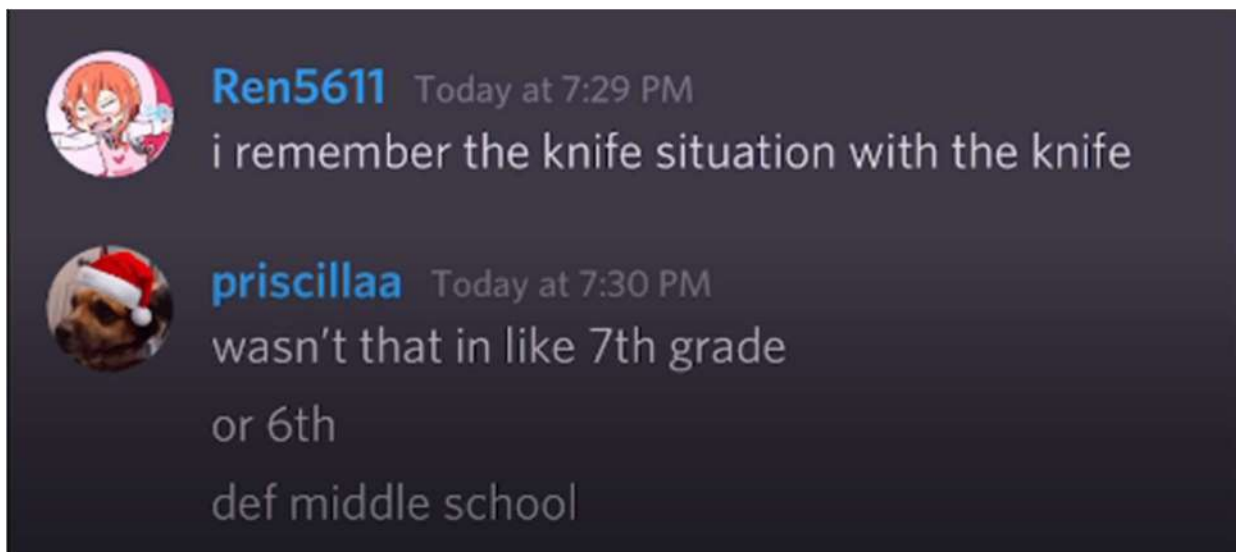
90. When another student stated that they believed the message Mel posted related to another school, Tristan again manipulatively posted the screen shot of his False Text Accusation that Nicholas was planning to attack the school, the screen shot of the Unrelated Dec. 7 threat, and the following screenshot:



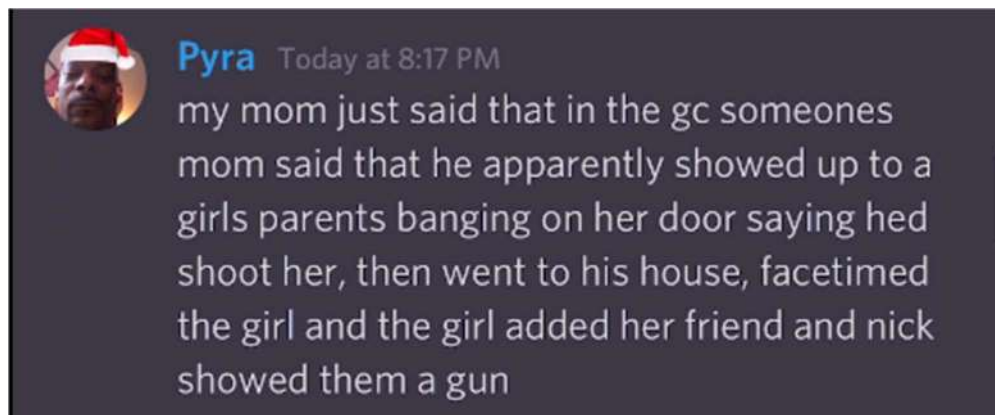
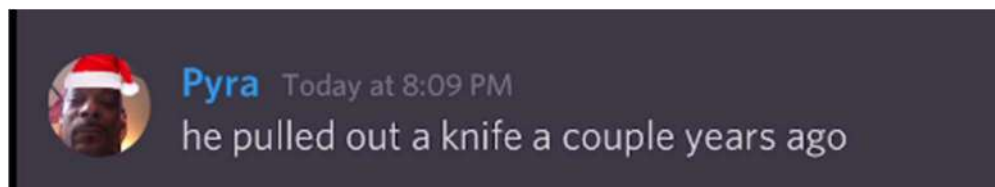
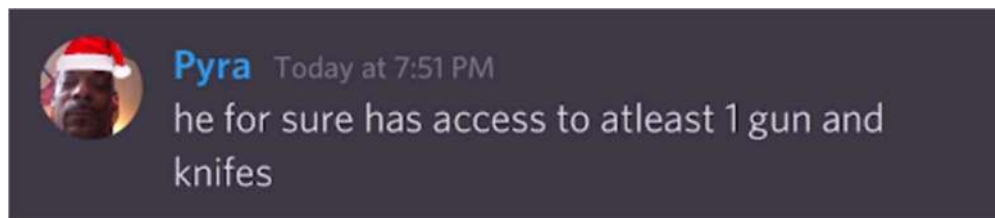
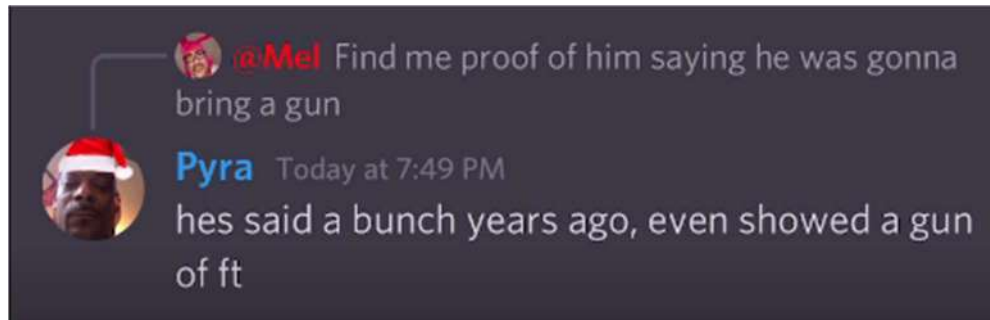
91. From there, Tristan (Pyra) continued to escalate his allegations.

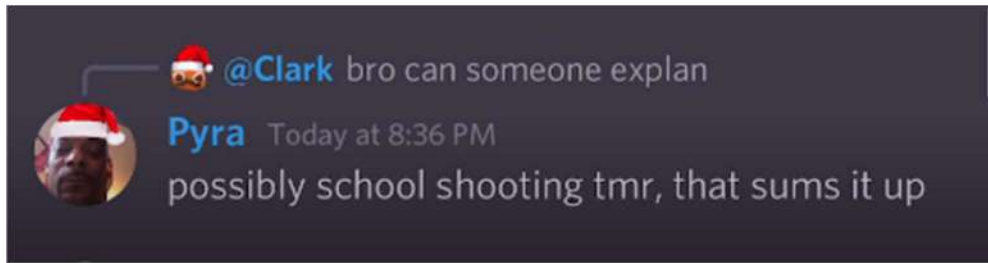


92. User Ren5611 then repeated the false allegation from prior years that Nicholas had previously brought a knife to school.

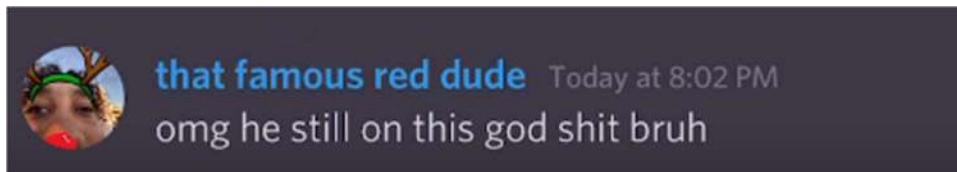
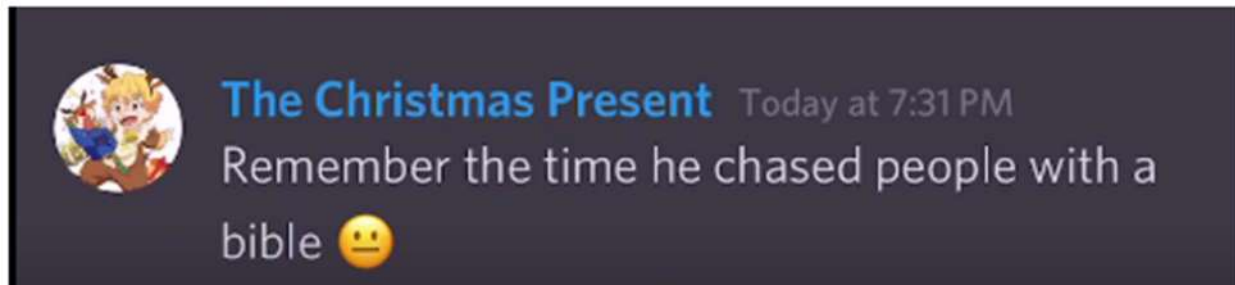


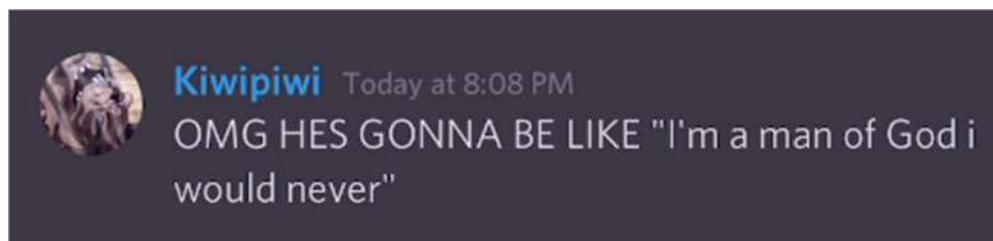
93. Tristan (Pyra) then made a series of false allegations that Nicholas had shown a gun on video chat, had access to firearms and knives, and had exhibited other threatening behavior.

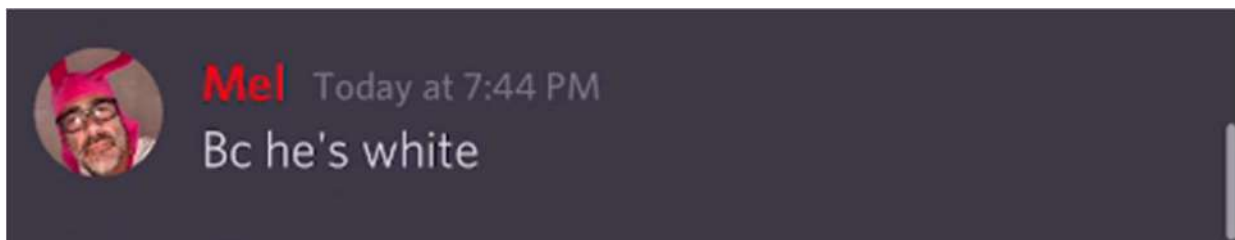
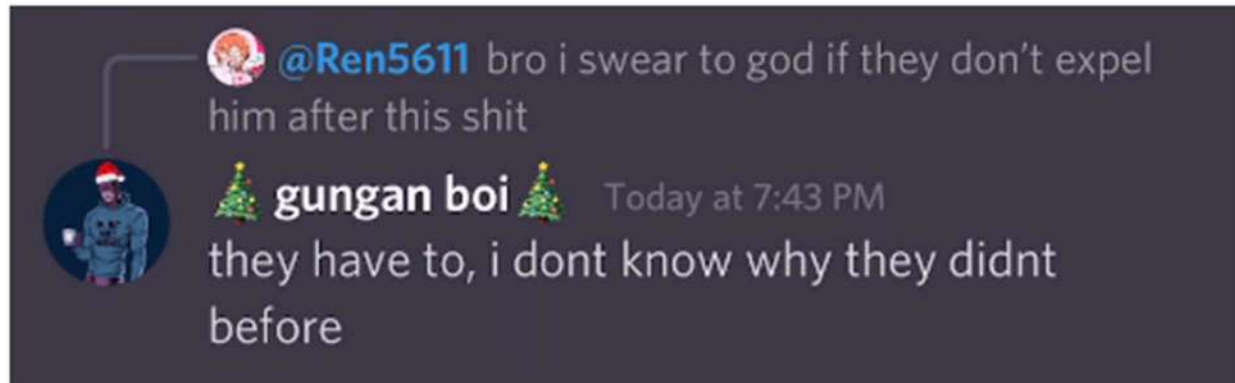




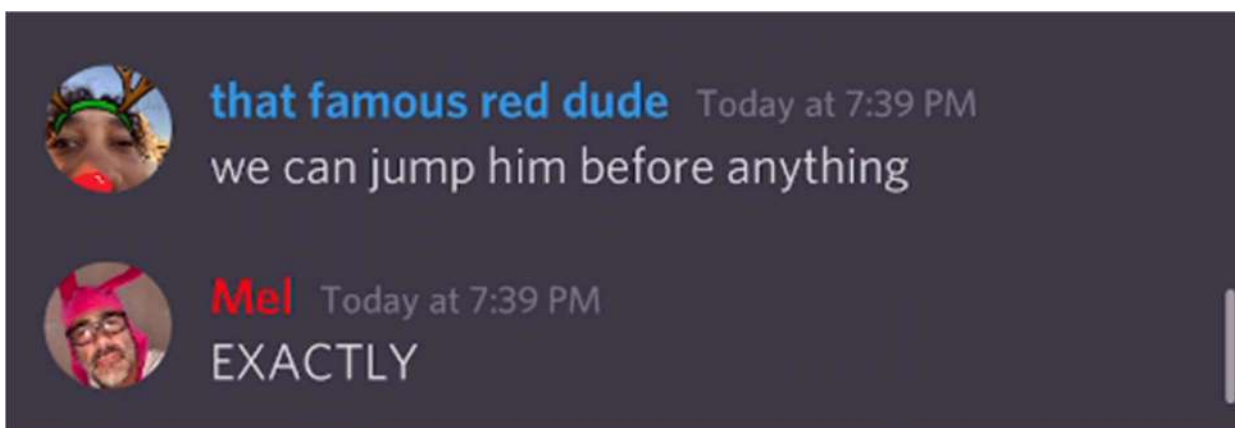
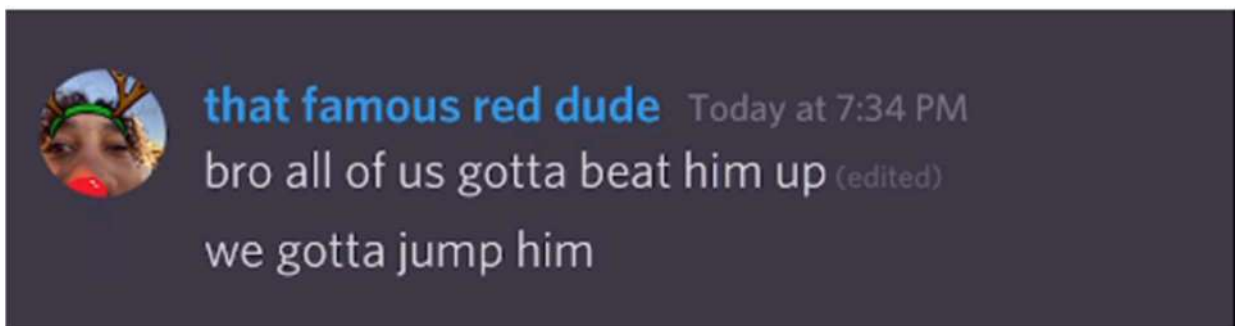
94. The false and defamatory statements alleging violence were also mixed with statements suggesting the students' real issues with Nicholas related to religious and racial animus.

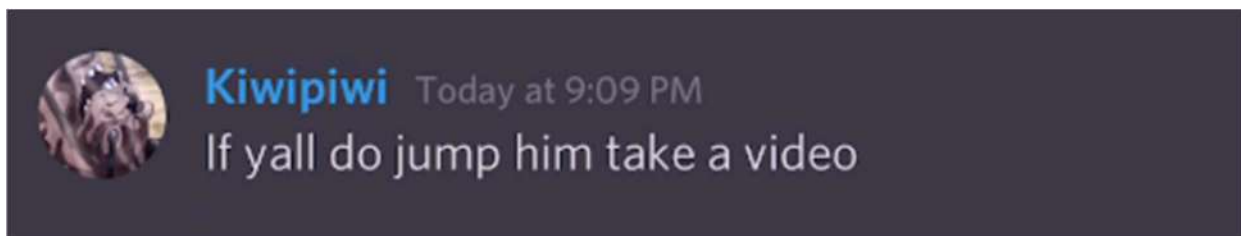
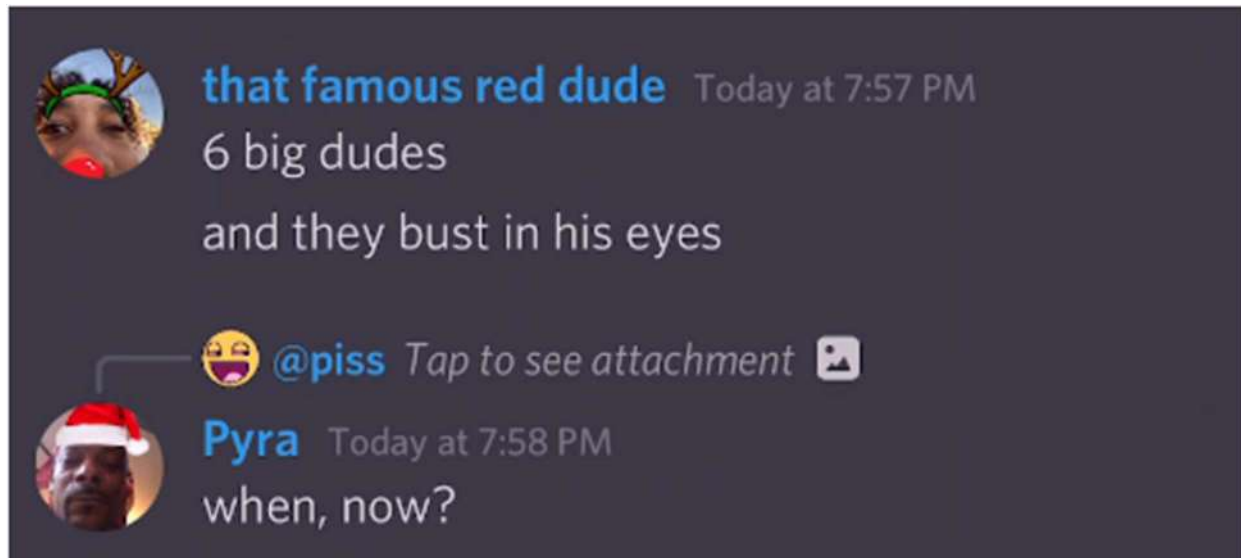
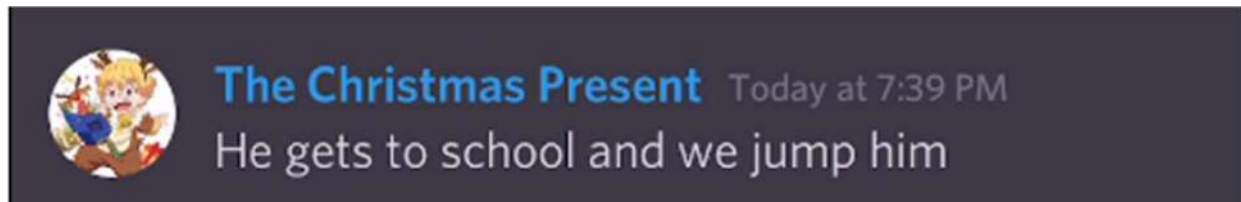




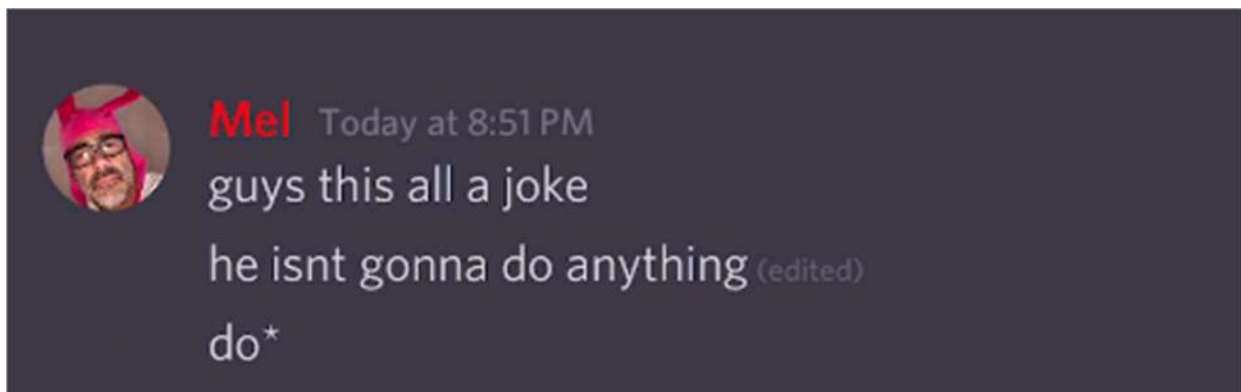


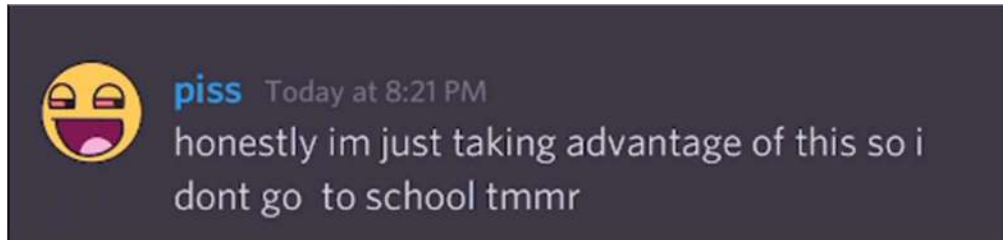
95. Additionally, the students in the Discord chat made numerous threats of violence against Nicholas, none of which were investigated by Mater Academy.





96. However, multiple students acknowledged they knew the allegations were false, or they had ulterior motives for spreading them.





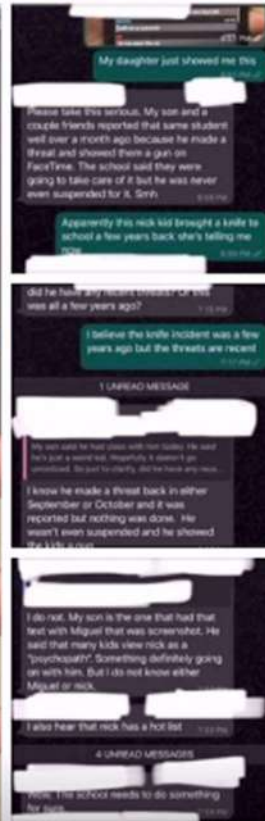
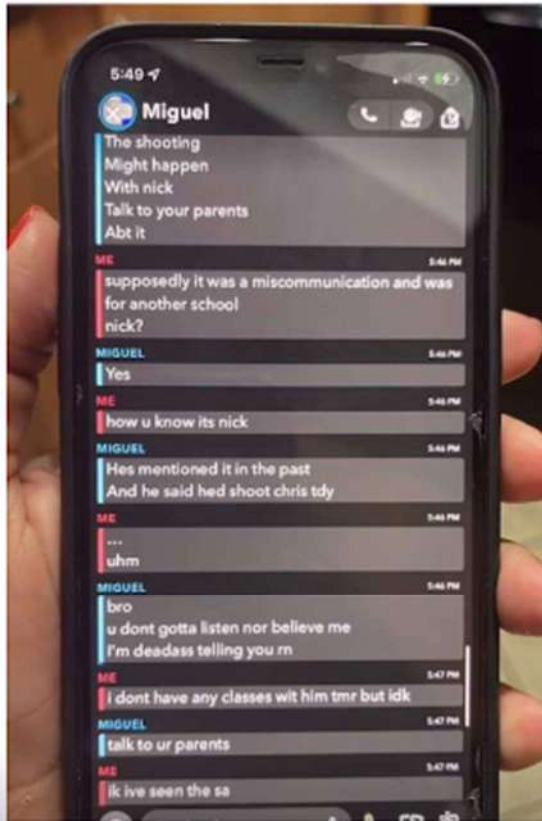
97. While the students were making myriad false and defamatory statements on the student Discord chat, parents were similarly defaming Nicholas on other social media platforms, making new allegations in addition to the defamatory claims already being circulated. These other claims included that Nicholas had a “kill list,” that he was “on the run,” that he was a “psychopath,” and that he had just threatened students live on social media, among others.


Melissa Gala ▸ Mater Bay Family

December 6, 2021 at 7:37 PM · 🧑🏻



I want all the parents to be aware that there is a child that attends mater bay that has displayed numerous red flags with his behavior/ actions and something needs to be done about it before we have another Michigan situation that could've been avoided

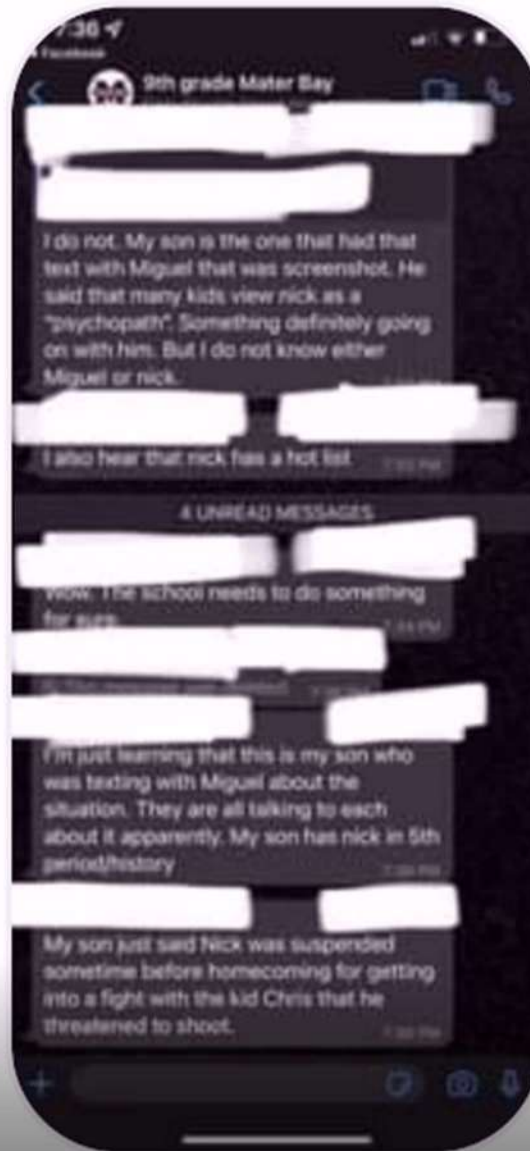


🤔 🤔 🤔 26

138 Comments



Michelle Miret Ortiz



2 mos

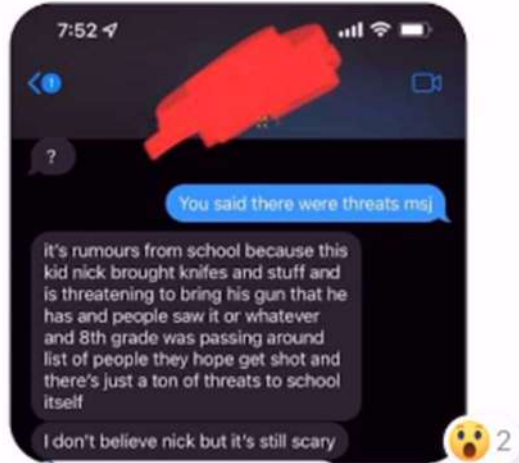
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Rep



Lauren H. Balance

This is a msj my daughter sent me 🙄



2 mos Like Reply More

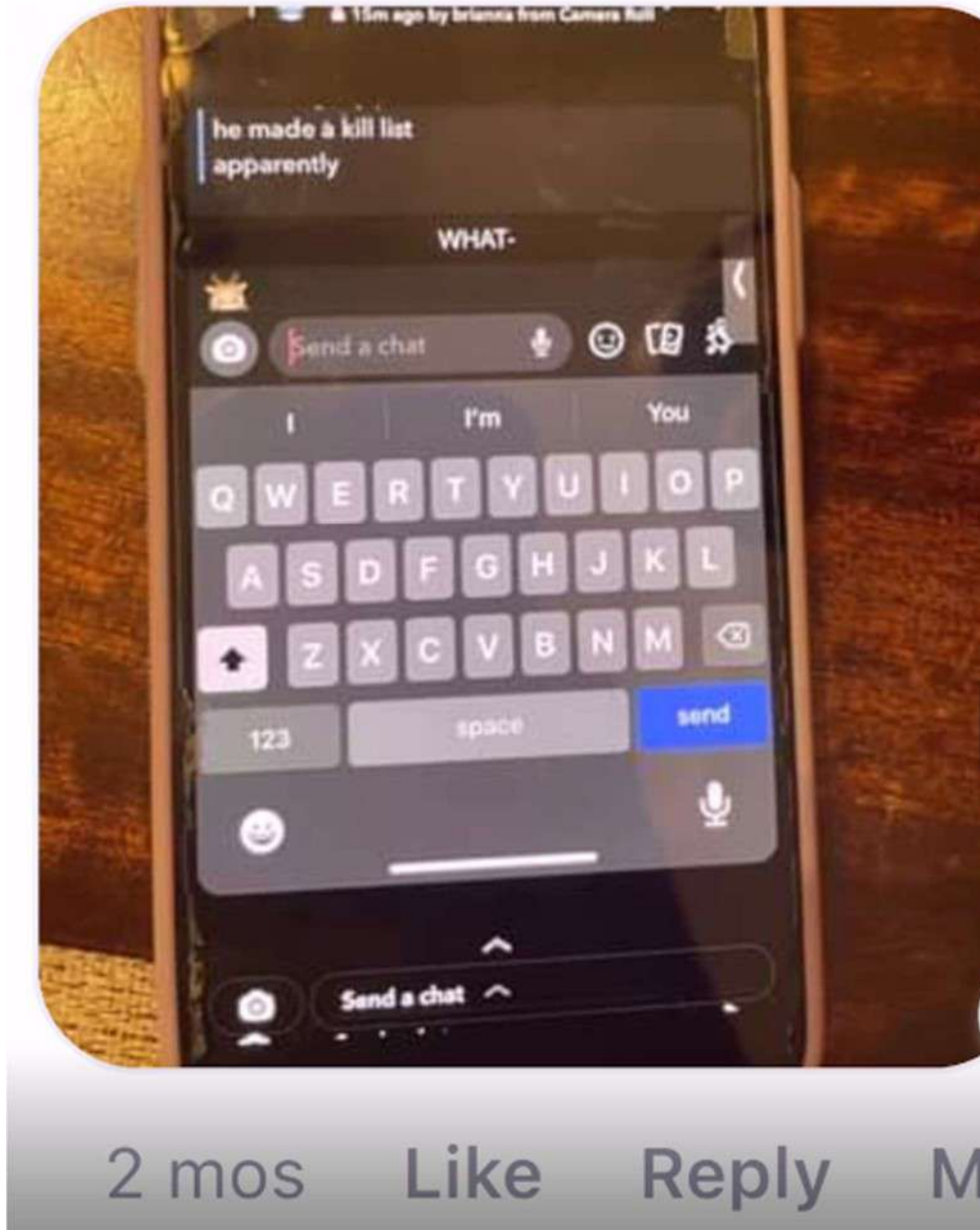


Michelle Miret Ortiz

How has he brought knives and stuff to school and we haven't been made aware???? Isn't this something the school should notify parents of??? 🙄

2 mos Like Reply More

Michelle Miret Ortiz





Kayleen Logo

Maidenis Martinez hmm okay! Anyone called the school? I mean as of last night the kid was on "the run" because no arrests were made but don't quote me on that



2 mos Like Reply More



Nicole Angelina

He is in 9th grade and unfortunately it is true. He apparently just said it again on a live social media video



2 mos Like Reply More



Nicole Angelina

🔒 **Yamzter Gonzalez** correction students did see his Instagram live last night where he was making threats and he also flashed a gun at student making threats on another occasion!

2 mos Like Reply More



Melissa Gala

Leydi Galvez apparently he has made threats on multiple occasions but the latest threat I believe was today. He took a knife to school a few years ago, showed a gun on FaceTime and showed up to a students house banging on her door because she called him weird



2 mos Like Reply More



Luisa Moise

Melissa Gala my daughter is here telling me that the kid walked up to her friend and looked at her dead in that face and randomly said "hmmm I dont know about you" I was like anyone that has had a weird encounter with this kid needs to speak up. Also she stated that he uploaded a kill list on social media and 2 of her close friends were on it. She does not want to go back. Both of my daughters are terrified. And he's just going to be left in the school? 🙄 wow. What do I do with my kids now mid school year. Send them to school and hope they duck??



2 mos Like Reply More

98. Parents repeatedly used Nicholas' full name, and some parents circulated his photograph so that kids could "watch out" for him.



Thelma Josephs

The child's full name is Nick Ortiz?

2 mos Like Reply More



Lisa N. Ciro

Post a picture of him so we can tell our kids to watch him

2 mos Like Reply More

99. To be clear, every one of these allegations was false, defamatory, and without foundation. None of these parents had any firsthand knowledge of any of these allegations, as none of these allegations ever happened. They were completely made up by the high school rumor mill.

100. A very small subset of parents questioned the wisdom of ruining Nicholas's character and reputation based on high school gossip.



Yamzter Gonzalez

Caballero I understand that everyone got scared but has anyone stopped to think what this will do to that kid's life and those parents. All these was based on rumors cuz no one actually saw anything and the rumor of him taking a knife when everyone knows Cruz 1- the kid would've been expelled and 2- It would've been reported to the authorities. But nothing was found. Just look how serious this is that those kids in other schools where tracked down and are right now in juvie being processed just for posting on social media.



2 mos Like Reply More

101. But pleas for discretion and not maligning a child without proof fell on deaf ears, as parents claimed their defamation was rational and appropriate so they could “protect their children.”

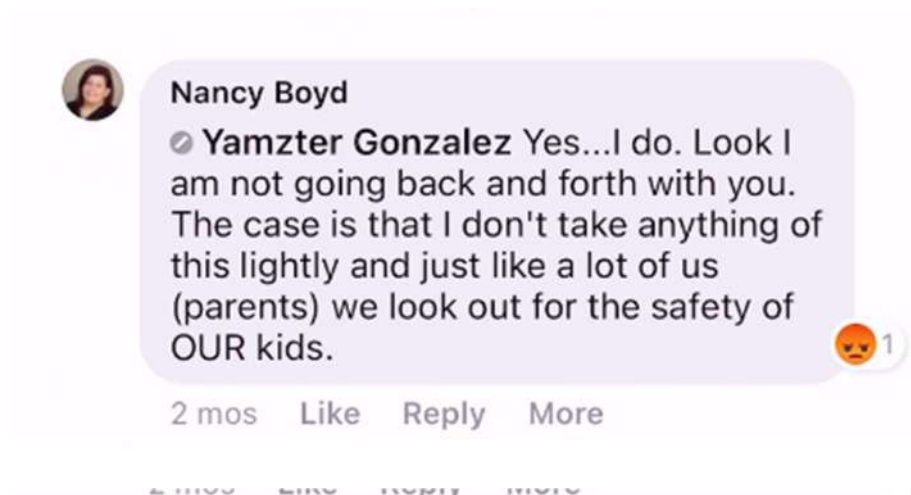


Jessica Nunez Smith

Well, you wouldn't know because by the looks of it you're not a parent, so the day that you're in our shoes, you can talk! & no one is defaming anyone, it was a threat and as parents we did what we thought was right to protect our kids. I don't need to explain myself to you. Have a nice day.



2 mos Like Reply More



102. Even as the school put out word that there was no credible threat, parents continued to malign Nicholas.



Yamzter Gonzalez

Michelle Echegaray they did, and clearly said there were no treats i dont know how much more do you want to know. It was obvious that all the rumors were cleared. Or perhaps what it's wanted here is to find some sort of guilt on the kid. But listen anyhow all those things that were reported are literally punishable. We are forgetting that a kid here was wrongfully accused by a lot of parents I just hope none of our kids go thru this.

2 mos Like Reply More



Write a reply...

Reply



Nicole Angelina

🔒 **Yamzter Gonzalez** excuse me but my son was not and is not lying sir! Continue all the claims you would like and believe what you would like. Have a great day

2 mos Like Reply More



Melissa Gala

Steven Mckaig people still aren't happy because for one the school never informed parents of his prior misconduct and only put out a statement after being bombarded with calls and emails from parents and again after all this the kid is most likely going to get away with it



7

2 mos Like Reply More



Nancy Boyd

🔒 **Yamzter Gonzalez** it is not adding any fire to anything when it comes to life (especially when it comes to our children) we need to take it serious.

Rumors happened in Michigan and in Broward (Douglass High)

We are not going to let our guards down.

2 mos Like Reply More



Michelle Miret Ortiz

Just received this. So if there was no direct threat, why all the msgs from students talking about this same kid making threats and the knife he has brought in the past. Why wasn't he immediately suspended??? Why weren't parents informed??

2 mos Like Reply More



Erika Felipe

So what does that mean? This kid is gonna be able to go back to school like nothing happened?! He shouldn't be allowed back into the school.



2 mos Like Reply More



Anays Mata

Are they even considering let us know what happened with this kid Nick? Or we need to wait that our kids show us another chat? That's insane. I need a serious, complete and transparent report of what really happened. Not happy with that vague statement.



2 mos Like Reply More



Vanessa Arochena replied · 4 replies



Melissa Gala

Steven Mckaig he already got away with bringing a knife to school. Get away with what ?for making threats, brandishing a gun on FaceTime, showing up to another child's house banging on the door... if you don't see a problem with that then nothing I can say will make you comprehend have a good day sir



2 mos Like Reply More



103. While this firestorm raged on social media, Nicholas Ortiz was at home with his parents, largely unaware of the controversy. Nicholas never brought a knife to school. He never made a kill list. He never made any threats against any students or against the school. He was not on Instagram live or facetime or using any other video chat function on December 6 or the days immediately prior. He never showed a firearm, which he does not own, has never held, and to which he has no access. In short, the allegations against Nicholas Ortiz were fabricated out of whole cloth.¹

104. The U.S. Department of Homeland Security visited the Ortiz home, investigated, and determined the allegations were without foundation.

105. In the early morning hours of December 7, 2021, after Homeland Security had visited the Ortiz home and concluded that the allegations against Nicholas were unfounded, Mr. Ortiz emailed the school to let the administration know that students had conspired to falsely accuse Nicholas of threatening a school shooting. Mr. Ortiz told the school that the rumors were false and amounted to slander and libel. He told the school Nicholas had never done or said the things of

¹ Nicholas Ortiz will separately be pursuing legal action for the state law torts committed by these parents and students.

which he was being accused, and that Nicholas was being targeted because of his religious beliefs. Mr. Ortiz provided the school with screenshots of the student Discord chat where the rumors started. A copy of Mr. Ortiz's December 7, 2021, email correspondence with the school, redacted where appropriate for privacy concerns is attached as Exhibit J.

106. The school responded by email on December 7, 2021, by saying that Mr. Ortiz's characterizations of events were not accurate, but that the school was not going to address what was inaccurate about them. The school stated that it had investigated all allegations of misconduct and would continue to investigate allegations of misconduct as outlined in the Code of Conduct. Exhibit J.

107. Mr. Ortiz asked if the school had investigated the threats to jump Nicholas that had Mr. Ortiz had provided to the school through the Discord chat screenshots. Mr. Ortiz further stated that Nicholas had stayed home from school because of those threats. Exhibit J.

108. The school never responded to this email from Mr. Ortiz. Instead, Mr. Ortiz received a phone call at 11:38 am on December 8, 2021, from the school vice-principal, Mrs. Benavente.

109. Mrs. Benavente stated she was calling to let Mr. Ortiz know that Nicholas was being suspended for 10 days.

110. Mr. Ortiz asked why since Nicholas did not do anything wrong, and Mr. Ortiz had provided the school with evidence Nicholas was being framed.

111. Mrs. Benavente acknowledged that she had received the evidence Mr. Ortiz had provided but stated that Nicholas was being suspended due to the disruption to the learning environment.

112. Mr. Ortiz tried to explain that Nicholas was innocent, had done nothing wrong, and that this action was unfair, but Mrs. Benavente said the decision was made and the school would not reconsider.

113. Mr. Ortiz asked her to send him something in writing via email, and Mrs. Benavente refused stating that her phone call was enough.

114. Once again and despite saying they would be following the processes outlined in the Student Code of Conduct, the school did not follow its own procedures.

115. The school did not protect Nicholas' due process rights to notice, hearing, and appeal.

116. The school never provided formal written notification of the suspension to the Ortizes.

117. Nicholas was not given an informal and impartial hearing with the Principal where he was informed of the charges against him which could result in his suspension.

118. Nicholas was never given an explanation of the evidence against him or the opportunity to present his version of events.

119. Nicholas was not on campus the day that he was suspended. In fact, no one from the school ever talked to Nicholas about the reasons for his suspension before or after the school suspended him.

120. The school gathered no facts from Nicholas regarding the allegations.

121. Had they done so, they would have easily determined, as did law enforcement, that the accusations were false and unfounded.

122. The school never provided Nicholas with any documentation related to the investigation or the accusations against him.

123. When Nicholas requested and received a copy of his student file in late January 2022, it contained defamatory, falsified, and fraudulent records. The Student Case Management Referral and the Notice of Suspension the school provided as a part of Nicholas's student file is attached to this complaint as Exhibit K. These documents are referred to as the "December 2021 suspension documents."

124. The December 2021 suspension documents stated "Information was shared with school administration, where Nicholas is making violent statements towards others." It further said that Nicholas gestured "I'm going to shoot this kid" and stated "I'm just gonna shoot the whole school." See Exhibit K.

125. The December 2021 suspension documents accuse Nicholas of multiple felony offenses. The statements are false and defamatory. Nicholas never made violent statements towards others. He never said he was going to shoot a kid or shoot the school. The school's statements were made with malice and the express intent to harm Nicholas's reputation. The entirety of the school's "investigation" regarding the allegations was to glean false statements from the high school rumor mill. There was no proof Nicholas made the statements, other than hearsay from other students who Nicholas has complained have been bullying him for years. The school knew the

rumors regarding Nicholas being suspended for bringing a knife to school were false. There were no documents or hard evidence to support the outrageous allegations against Nicholas.

126. The December 2021 suspension documents falsely stated that the school had “informally discussed the misconduct with [Nicholas] who [had] been presented with the evidence.” The document further falsely stated that Nicholas had “been given an opportunity to present his/her side of the story.” The school never discussed any allegation with Nicholas, never presented him with the evidence against him, and never provided him with an opportunity to tell his side of the story. Again, the school’s entire “investigation” was to credit high school hearsay without giving the accused a chance to be informed of the substance of the allegations against him or defend himself.

127. The school never provided Nicholas or his parents with a copy of the Notice of Suspension before, during, or after the suspension.

128. As evidenced by the fact that Nicholas was never provided statutorily and constitutionally required due process, school officials apparently falsified the December 2021 suspension documents to suggest to others in the school, the District, the Florida Department of Education, and others that there was some direct proof of Nicholas’ guilt and that Nicholas was provided with the statutorily and constitutionally required due process.

129. The Florida Department of Education has a Zero Tolerance Policy—reflected in the Code—for the violent criminal act of making a threat or a false

report. It is required that all threats of violence “be reported to law enforcement and investigated by school officials” and result in “referral for expulsion and mental health services pursuant to Section 1006.13 F.S.” Exhibit A, pp. 20, 44, 48. To be clear, the school has no discretion in response to a false threat of this nature. They are required to refer someone for expulsion in these circumstances.

130. Further, any false threat of violence concerning the use of a firearm is a felony of the second degree pursuant to F.S. 790.163.

131. The police investigated Nicholas and found the accusations against him were unfounded.

132. Despite this, and despite being provided evidence about the threats and bullying against Nicholas, the school, once again, retaliated against Nicholas.

133. The school knew the allegations against Nicholas were false, which is why they didn’t even talk to Nicholas before suspending him.

134. The school knew the allegations against Nicholas were false, which is why he was never presented with the “evidence” against him or a chance to provide his own evidence which would have exonerated him.

135. The school knew the allegations against Nicholas were unfounded, which is why they did not follow the state’s zero tolerance policy and refer Nicholas for expulsion, which would have provided Nicholas with due process outside of the school’s purview and demonstrated the school’s malfeasance to district administrators.

136. The school repeatedly failed to follow the required processes, mandatory processes the District, the State, and the United States Constitution mandate to protect students against this very scenario.

137. Instead, the school took the side of the bullies and emboldened their aggressive and harassing behavior. It ignored claims of bullying, allowing animus against an innocent child to fester and metastasize, the bullies' actions escalating with the school's every failure to do their job.

138. Yet worse than just looking the other way, the school repeatedly retaliated against Nicholas for reporting that he was being bullied, culminating in Nicholas's December 2021 suspension which gave the entire community the false impression that Nicholas was guilty of the heinous crimes of which he was accused. The school validated the rumors, denied Nicholas due process and the opportunity to demonstrate his innocence, and itself acted as a bully by going with the mob and scapegoating an innocent child.

139. The school's actions gave the impression, intentionally, that the despicable lies publicly repeated about Nicholas were true. Meanwhile, the real culprits of the false allegations of violence against the school, who should be held responsible, remain free and undeterred.

140. Nicholas was bullied, physically assaulted, and threatened by students, and then abandoned and suffered retaliation at the hands of the very adults who were supposed to protect him.

141. Being targeted and bullied by fellow students was bad enough, but school administrators' and staffs' complete dereliction of duty left the family no choice but to remove Nicholas from school for his safety in January 2022.

142. Nicholas and his parents suffered severe emotional, reputational, and economic damages as a result.

143. These false allegations and the school's affirmance of them have destroyed Nicholas's reputation within his community. His full name and photograph have been repeatedly bandied about by students and parents for gross and despicable crimes. He was compared with murderers and maligned as a murderer on social media. Parents told their children to "watch out" for him. He has been ostracized and demonized in a way that has left deep and lasting emotional and psychological scars. He is suffering from depression, having difficulty sleeping, and struggling with isolation and feelings of hopelessness. He has to endure public stares and disparaging comments, talking behind his back, and the knowledge that his community's lasting association with his name and memory will be "the kid who was going to shoot up the school."

144. The social media record accusing Nicholas of felony crimes and mental instability—affirmed by the school through its retaliatory suspension—is permanent, and will likely impact his educational prospects, job prospects, relationship prospects, and professional opportunities for decades to come.

145. The rumors impacted Mr. and Mrs. Ortiz's jobs. Mrs. Ortiz's employer and coworkers heard about the allegations, knew they were about the Ortizs' son,

and Mr. and Mrs. Ortiz's reputations were therefore marred by association as they had to respond to claims that they were unfit parents who were raising a psychopath who was planning to shoot up a public school. Mr. Ortiz is self-employed, and the stress and anxiety caused by these events hurt his job performance and made him take time away from his job.

146. The reputational damage to Nicholas has been so extensive, it is no longer safe for him to attend school in the area. His parents have had to try to work full-time while still helping Nicholas continue in his education behind closed doors. This has caused serious financial harm to the family and has impacted the Ortiz's opportunities for advancement within their occupations.

147. And this is only the damage which the Ortiz's have been made aware of thusfar. Daily, new ramifications manifest, ramifications which could have been avoided had the school only taken the actions it promised parents, the District, and the State it would do to protect the children within its care.

COUNT I
Procedural Due Process
Violation of 42 U.S.C. § 1983

148. Plaintiff incorporates by reference and re-alleges paragraphs 1 – 147.

149. Nicholas had a liberty and property interest in his education that qualified for protection under the due process clause the Fourteenth Amendment.

150. The school was acting under color of state law and is deemed a state actor because it was performing a traditionally public function. *Brentwood Acad. v. Tennessee Secondary Sch. Athletic Ass'n*, 531 U.S. 288, 296 (2001).

151. The school failed to provide Nicholas with adequate notice, an opportunity to be heard, and substantial evidence to support the penalty before imposing both the October 2021 suspension and the December 2021 suspension on Nicholas.

152. By failing to provide Nicholas with adequate notice, an opportunity to be heard, and substantial evidence to support the October 2021 and December 2021 suspensions, the school deprived Nicholas of his liberty and property interest in his education.

153. As a result of the school's failure to provide Nicholas with adequate due process, Nicholas has suffered serious and irreparable harm to his constitutional rights, as well as other damages.

154. Nicholas found it necessary to engage the services of private counsel to vindicate his rights under the law. Plaintiff is therefore entitled to an award of attorneys' fees pursuant to 42 U.S.C. § 1988.

COUNT II

First Amendment Retaliation Violation of 42 U.S.C. § 1983

155. Plaintiff incorporates by reference and re-alleges paragraphs 1 – 154.

156. Nicholas engaged in conduct that was protected by the First Amendment by reporting acts of bullying and by reading the Bible and otherwise expressing his Christian faith at school.

157. Defendant Mater Bay, Inc. took adverse actions against Nicholas and suspended him for the exercise of his First Amendment rights which would chill a person of ordinary firmness from continuing to engage in that activity.

158. Nicholas's October 2021 suspension was substantially motivated or caused by Nicholas's exercise of his First Amendment rights.

159. As a result of the school's retaliation against Nicholas, Nicholas has suffered serious and irreparable harm to his constitutional rights, as well as other damages.

160. Nicholas found it necessary to engage the services of private counsel to vindicate his rights under the law. Plaintiff is therefore entitled to an award of attorneys' fees pursuant to 42 U.S.C. § 1988.

COUNT III

First Amendment Free Exercise Violation of 42 U.S.C. § 1983

161. Plaintiff incorporates by reference and re-alleges paragraphs 1 – 160.

162. Nicholas was practicing his Christian faith by bringing his Bible to school to read it during non-instructional periods of the day.

163. Nicholas was respectful of instructional time and read his Bible in times and places that were not disruptive to school activities.

164. By Mr. Ardieta insinuating that Nicholas was ignorant for believing in the Bible and that he should not believe Bible, Mr. Ardieta incited other students to bully and pick on Nicholas for reading the Bible.

165. Mr. Ardieta's actions prevented Nicholas from freely exercising his religious beliefs at school.

166. School officials, having no specific policy regarding the reading of literature at school, exercised their own discretion in telling Nicholas that he could not bring the Bible to school.

167. By singling out the Bible as prohibited reading material, the school discriminated against Nicholas' faith by treating the Bible unfavorably as compared to other reading material.

168. Telling Nicholas he could not Bring his Bible to school did not further a compelling state or government interest.

169. The school's solution of telling Nicholas to not bring his Bible to school, as opposed to disciplining the students who bully Nicholas for reading the Bible, is not the least restrictive or least burdensome method to further any perceived state interest.

170. The school's solution of telling Nicholas to not bring his Bible to school, as opposed to disciplining the students who bully Nicholas for reading the Bible, is not narrowly tailored to further any perceived government interest.

171. By requiring Nicholas to not bring his Bible to school, by singling out the Bible, and by permitting teachers to belittle Nicholas for his faith, the school violated Nicholas' right to freely exercise his religion at school.

COUNT IV

First Amendment Free Expression Violation of 42 U.S.C. § 1983

172. Plaintiff incorporates by reference and re-alleges paragraphs 1 – 171.

173. Nicholas's expressive act of bringing his Bible to school is protected speech.

174. Nicholas's expressive act of bringing a bible to school and reading it during his free time did not interfere with the school's work.

175. Nicholas's expressive act of bringing a bible to school and reading it during his free time did not collide with the rights of other students to be secure and to be let alone.

176. Telling Nicholas not to bring his bible to school violated his constitutional right of free expression.

177. As a result, Nicholas has suffered serious and irreparable harm to his constitutional rights, as well as other damages.

178. Nicholas found it necessary to engage the services of private counsel to vindicate his rights under the law. Plaintiff is therefore entitled to an award of attorneys' fees pursuant to 42 U.S.C. § 1988.

COUNT V

Breach of Contract

179. Plaintiff incorporates by reference and re-alleges paragraphs 1 – 178.

180. The school entered into written contractual agreements with Nicholas, by and through his parents, whereby the parties agreed to adhere to the Student Code of Conduct, a true and correct copy of which is attached hereto as Exhibit A.

181. Plaintiff fully performed under the contract.

182. Mater Bay Academy, Inc. materially breached multiple provisions of the Parent and Student Handbook Agreement and the Miami-Dade County Public Schools' Student's Code of Conduct including but not limited to:

- a. Failure to follow the Student's Code of Conduct Corrective Strategies plan;
- b. Failure to follow the Student's Code of Conduct formal complaint procedures;
- c. Failure to investigate and resolve Nicholas's complaints of bullying and harassment per district policies;
- d. Failure to follow procedures mandated by both school board policy and Florida law concerning false reports of violence;
- e. Failure to follow District policy 5610;
- f. Failure to make Region notification prior to suspension.

183. Further, the administration violated other school board policies including District policies 1210 and 1210.01.

184. Plaintiff has suffered serious emotional, psychological, and economic damage as a result of Defendant's breach, in amounts to be explored at trial.

COUNT VI

Fraud - Actual or Constructive

185. Plaintiff incorporates by reference and re-alleges paragraphs 1 – 184.

186. The school had a fiduciary relationship with Nicholas.

187. The school made numerous false representations of fact in the December 2021 suspension documents.

188. The document stated that the school had informally discussed the misconduct with Nicholas.

189. This was a known false representation of fact. The school never spoke to Nicholas about the alleged misconduct.

190. The document stated that Nicholas had been presented with the evidence.

191. This was a known false representation of fact. Nicholas was never presented with the evidence against him.

192. The document stated that Nicholas had been given the opportunity to present his side of the story.

193. This was a known false representation of fact. Nicholas was never provided an opportunity to present his side of the story.

194. The document stated that the Ortiz's had been given a copy of the Notice of Suspension and been notified of their procedural safeguards within 24 hours of the suspension.

195. This was a known false representation of fact. The Ortiz's were never provided with the Notice of Suspension and were never notified of the procedural

safeguards under which the school had to operate, or their ability to request a conference.

196. The school knew all of the above facts were false when they made them as each statement alleges actions were taken by taken by the school which the school would have known they did not do.

197. The school falsified the December 2021 suspension documents to induce others in the school administration, the District, or the Florida Board of Education to rely upon them and to make it appear as if Nicholas was provided with due process.

198. On information and belief, others in the administration, the District, the Florida Department of Education, and parties yet to be discovered, did rely on the false representations in the Notice of Suspension.

199. The school abused its fiduciary relationship with Nicholas and took unconscionable advantage of Nicholas by failing to inform him of his due process rights under the law and then lying about having done so on the December 2021 suspension documents.

200. Plaintiff suffered actual damages, emotional harm, and reputational harm as a result.

COUNT VII

Breach of Fiduciary Duty

201. Plaintiff incorporates by reference and re-alleges paragraphs 1 – 199.

202. Nicholas and the school shared a relationship where Nicholas reposes trust and confidence in the school and the school undertakes such trust and assumes a duty to advise, counsel and/or protect Plaintiff.

203. The school breached its duty to Plaintiff by failing to follow its own rules and guidelines, failing to investigate claims of bullying and harassment, and making false statements in the December 2021 suspension documents.

204. Nicholas suffered damages as a result.

Jury Trial Demand

Plaintiff demands trial by jury on all counts so triable.

Prayer for Relief

Nicholas prays this Court grant the relief requested herein, specifically that the Court render following judgment in Nicholas's favor and against the Defendant Mater Academy, Inc.:

- i. Monetary damages, including and punitive damages, in an amount to be determined at trial;
- ii. Attorneys' fees and costs pursuant to 42 U.S.C. § 1988;
- iii. Taxable court costs;
- iv. Any other appropriate relief.

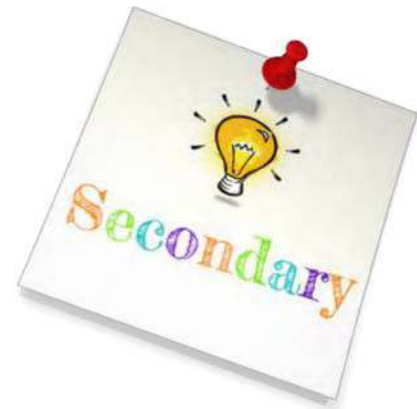
Respectfully submitted,

/s/ Matthew Sarelson
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Exhibit A



Code of Student Conduct



**School Operations
School Board Policy 5500**

THE SCHOOL BOARD MIAMI-DADE COUNTY, FLORIDA

Ms. Perla Tabares Hantman, Chair
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Ms. Mari Tere Rojas

Student Advisor
Maria Martinez

Superintendent of Schools
Alberto M. Carvalho



Code of Student Conduct – Secondary

Acknowledgment of Receipt and Review

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

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

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

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

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

Parent's/Guardian's Signature

Date

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

Student's Name

Date



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



Code of Student Conduct – Secondary

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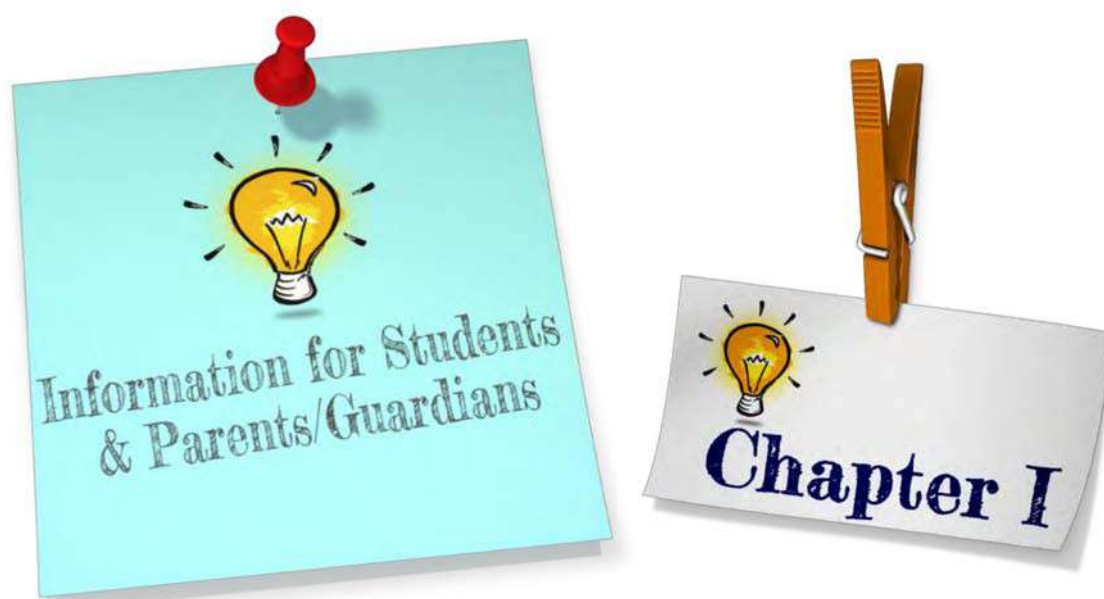
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Code of Student Conduct – Secondary

CHAPTER I - INFORMATION FOR STUDENTS AND PARENTS/GUARDIANS



Code of Student Conduct – Secondary

Introduction

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

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

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

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

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

Code of Student Conduct – Secondary

Scope of Authority

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

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

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

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

Code of Student Conduct – Secondary**Core Values and Examples of Model Student Behavior**

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

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

Code of Student Conduct – Secondary

Values Matter Recognition

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

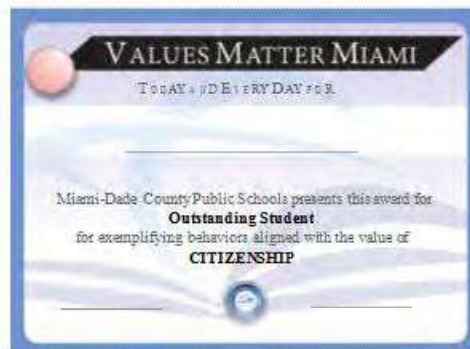
As part of the Values Matter Miami Initiative, Miami-Dade County Public School employees are asked to nominate students who exemplify the designated value each month. These award nominations allow staff members to recognize and celebrate student behaviors that align with our District's nine core values.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



Values Matter Miami Logo



Values Matter Miami Pin



Values Matter Miami Certificate

Code of Student Conduct – Secondary**Ways to Recognize Students for Model Behavior**

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

Code of Student Conduct – Secondary**A Synopsis of Model Student Behavior – Level I**

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

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

RELATED CORE VALUES FOR LEVEL I - MODEL STUDENT BEHAVIORS

Code of Student Conduct – Secondary**A Synopsis of Model Student Behavior – Level II**

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

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

RELATED CORE VALUES FOR LEVEL II - MODEL STUDENT BEHAVIORS

Code of Student Conduct – Secondary**A Synopsis of Model Student Behavior – Level III**

LEVEL III behaviors are more serious than Level II because they endanger health and safety, damage property and/or cause serious disruptions to the learning environment. **Model student behavior** creates a safe learning environment and reduces disruption of the educational process.

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

RELATED CORE VALUES FOR LEVEL III - MODEL STUDENT BEHAVIORS

Code of Student Conduct – Secondary**A Synopsis of Model Student Behavior – Level IV**

LEVEL IV behaviors are more serious acts of unacceptable behavior than Level III. They seriously endanger the health and well-being of others and/or damage property. These infractions are crimes requiring police involvement.

MODEL STUDENT BEHAVIOR	STRATEGIES FOR MODEL STUDENTS
Model students: <ul style="list-style-type: none"> - project a positive and cooperative attitude towards staff members and classmates; - are respectful, kind, friendly and get along well with others; - use conflict management skills to resolve disagreements; - are obedient; and - seek guidance from trusted adults for assistance and direction. 	Model students avoid: <ul style="list-style-type: none"> - volatile situations that could escalate into violent actions; - using violent physical actions or threats directed towards staff members; - breaking school rules; and - becoming involved with individuals who do not respect or follow the laws of the community.
Model students: <ul style="list-style-type: none"> - speak to others using respectful language; - participates only in organizations sanctioned by their school; - demonstrate behavior that is civil, respectful, polite and courteous; and - share materials that are educationally appropriate 	Model students avoid: <ul style="list-style-type: none"> - using language or actions that slander others because of their race, gender, color, religion, ethnicity, national origin, political beliefs, marital status, age, sexual orientation, language, pregnancy or disability and family background; - participating in any form of club initiation or activity that creates the risk of harm to others; and - giving, possessing or sharing obscene or lewd materials.
Model students: <ul style="list-style-type: none"> - speak and act honestly and truthfully; - follows all laws; - show respect for the property of others; - support law enforcement agencies and schools to promote the safety of all staff members and students; - use school resources to resolve or report issues of concern; and - associate only with people who do not use or sell weapons or controlled substances. 	Model students avoid: <ul style="list-style-type: none"> - taking the property of others without permission; - committing grand theft by taking property valued at \$750.00 or more from others; and possessing, using, distributing or selling any object, controlled substance or weapon that could inflict serious harm or place a person in fear of serious harm.

RELATED CORE VALUES FOR LEVEL IV - MODEL STUDENT BEHAVIORS

Code of Student Conduct – Secondary**A Synopsis of Model Student Behavior – Level V**

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

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

RELATED CORE VALUES FOR LEVEL V - MODEL STUDENT BEHAVIORS

Code of Student Conduct – Secondary

CHAPTER II - BEHAVIORS AND RANGE OF CORRECTIVE STRATEGIES



Code of Student Conduct – Secondary**BEHAVIORS AND RANGE OF CORRECTIVE STRATEGIES – LEVEL I**

BEHAVIORS	RANGE OF CORRECTIVE STRATEGIES
<p>LEVEL I Behaviors are acts that disrupt the orderly operation of the classroom, school function, extracurricular activities or approved transportation.</p> <p style="text-align: center;">LEVEL I</p> <p>Disruptive Behaviors</p> <ul style="list-style-type: none"> <input type="checkbox"/> Confrontation with another student <input type="checkbox"/> Cutting class <input type="checkbox"/> Disruptive behavior (including behavior on the school bus and at the school bus stop) <input type="checkbox"/> Failure to comply with class and/or school rules <input type="checkbox"/> Inappropriate public display of affection <input type="checkbox"/> Misrepresentation <input type="checkbox"/> Possession of items or materials that are inappropriate for an educational setting (See Special Notes #¹) <input type="checkbox"/> Repeated use of profane or crude language (general, not directed at someone) <input type="checkbox"/> Unauthorized location <input type="checkbox"/> Unauthorized use of wireless communication devices (See Vital Alerts page(s) 47) <input type="checkbox"/> Violation of dress code (See Vital Alerts page(s) 37) 	<p>The principal or designee must select at least one of the following strategies from PLAN I. Principals may authorize use of PLAN II for serious or habitual Level I infractions.</p> <p style="text-align: center;">PLAN I</p> <ul style="list-style-type: none"> <input type="checkbox"/> Parent/guardian contact (See Special Notes #²) <input type="checkbox"/> Student Conference (See Special Notes #³) <input type="checkbox"/> Student, parents/guardians/staff conference <input type="checkbox"/> Behavior Plan <input type="checkbox"/> Student Contract <input type="checkbox"/> Participation in a counseling session related to infraction <input type="checkbox"/> Refer to outside agency/provider (See Special Notes #⁴) <input type="checkbox"/> Peer Mediation <input type="checkbox"/> Refer to page(s) 59-66 for additional corrective strategies on the Rtl:B/MTSS <input type="checkbox"/> Reprimand <input type="checkbox"/> Detention or other Board-approved in-school program <input type="checkbox"/> Restorative Justice Practices Pilot Program (at District approved schools) <input type="checkbox"/> Student Court (at District approved schools) <input type="checkbox"/> Confiscation of wireless communication devices <input type="checkbox"/> Refer to Vital Alerts page(s) 37 for the prescribed corrective strategies for the violation of the dress code. <input type="checkbox"/> Revocation of the right to participate in social and/or extracurricular activities <input type="checkbox"/> Loss of bus privileges up to 10 days <input type="checkbox"/> Replacement or payment of any damaged property (if appropriate) <input type="checkbox"/> School Center for Special Instruction (SCSI) or other Alternative Educational Setting (AES) within the school (1-5 days) (See Special Notes # 2, 3 and 5)
SPECIAL NOTES	
<p>#1 See Sexual Offenses (Other), Level IV, for obscene or lewd material.</p> <ul style="list-style-type: none"> <input type="checkbox"/> Administrators must contact Miami-Dade Schools Police for any criminal conduct regardless of whether Schools Police Automated Reporting (SPAR) is indicated. <input type="checkbox"/> If the victim of a crime requests a police report, the principal or designee must report the incident to the Miami-Dade Schools Police. <input type="checkbox"/> Incident-related elements must be included in the description of the incident leading to the disciplinary action. (See Glossary for definitions of incident-related elements). 	<p>#2 Good faith attempt must be made immediately to contact the parent/guardian by telephone.</p> <p>#3 When a student is being assigned to SCSI or other AES, they must be given an opportunity to be heard about the incident.</p> <p>#4 When referring parent(s)/guardian(s) to outside Agencies/providers for services, schools must adhere to Board Policies 1213.01, 3213.01, and 4213.01 <i>Request for Outside Providers</i>.</p> <p>#5 For any assignment away from the student's regular course schedule, written notice must be sent to the parent/guardian within 24 hours via U.S. mail.</p>
Refer to the Glossary for an explanation of unfamiliar words used in the Code of Student Conduct.	

Code of Student Conduct – Secondary

BEHAVIORS AND RANGE OF CORRECTIVE STRATEGIES – LEVEL II

BEHAVIORS	RANGE OF CORRECTIVE STRATEGIES
<p>Level II Behaviors are more serious than Level I because they significantly interfere with learning and/or the well-being of others.</p> <p style="text-align: center;">LEVEL II</p> <p>Seriously Disruptive Behaviors</p> <ul style="list-style-type: none"> <input type="checkbox"/> Cheating <input type="checkbox"/> Confrontation with a staff member <input type="checkbox"/> Defiance of school personnel <input type="checkbox"/> Distribution of items or materials that are inappropriate for an educational setting (See Special Notes #1) <input type="checkbox"/> Failure to comply with previously prescribed corrective strategies <input type="checkbox"/> False accusation <input type="checkbox"/> Fighting (minor) <input type="checkbox"/> Forgery (Written Misrepresentation): <input type="checkbox"/> Harassment (non-protected categories) <input type="checkbox"/> Instigative behavior <input type="checkbox"/> Joining clubs or groups NOT approved by the School Board <input type="checkbox"/> Leaving school grounds without permission <input type="checkbox"/> Libel <input type="checkbox"/> Petty theft (under \$750.00) <input type="checkbox"/> Possession of and/or use of tobacco products or smoking/vaping devices. (See Glossary). <input type="checkbox"/> Prohibited sales on school grounds (other than controlled substances) <input type="checkbox"/> Slander <input type="checkbox"/> Use of profane or provocative language directed at someone <input type="checkbox"/> Vandalism (minor) 	<p>The principal or designee must select at least one of the following strategies from PLAN II. The use of appropriate strategies from previous PLAN may be used <u>in conjunction with</u> this PLAN.</p> <p style="text-align: center;">PLAN II</p> <ul style="list-style-type: none"> <input type="checkbox"/> Parent/guardian contact (See Special Notes #2) <input type="checkbox"/> Student conference (See Special Notes #3) <input type="checkbox"/> Corrective Strategies from Level I <input type="checkbox"/> Participation in counseling session related to the infraction <input type="checkbox"/> Refer to outside agency/provider (See Special Notes #4) <input type="checkbox"/> Refer to page(s) 59-66 for additional corrective strategies on the Rtl:B/MTSS <input type="checkbox"/> School-based program that focuses on modifying the student's inappropriate behavior or promotes positive behavior <input type="checkbox"/> Restorative Justice Practices Pilot Program (at District approved schools) <input type="checkbox"/> Student Court (at District approved schools) <input type="checkbox"/> Assignment to an Alternative Educational Setting (1-10 days with region approval for serious or habitual infractions) (See Special Notes #2, 3, and 5) <input type="checkbox"/> A principal may request a District-approved administrative assignment to a long-term alternative educational setting (AES) for students who habitually commit infractions with region endorsement. This action is taken when less severe strategies are deemed inappropriate. (See Special Notes #2, 3, and 5)
SPECIAL NOTES	
<p>#1 See Sexual Offenses (Other), Level IV, for obscene or lewd material.</p> <ul style="list-style-type: none"> <input type="checkbox"/> Administrators must contact Miami-Dade Schools Police for any criminal conduct regardless of whether Schools Police Automated Reporting (SPAR) is indicated. <input type="checkbox"/> If the victim of a crime requests a police report, the principal or designee must report the incident to the Miami-Dade Schools Police. <input type="checkbox"/> Allegations of Bullying and Harassment that are not able to be substantiated after investigation must be reported in SESIR as Unsubstantiated Bullying and Unsubstantiated Harassment. <input type="checkbox"/> Incident-related elements must be included in the description of the incident leading to the disciplinary action. (See Glossary for definitions of incident-related elements). 	<p>#2 Good faith attempt must be made immediately to contact the parent/guardian by telephone.</p> <p>#3 When a student is being assigned to SCSi or other AES, they must be given an opportunity to be heard about the incident.</p> <p>#4 When referring parent(s)/guardian(s) to outside Agencies/ providers for services, schools must adhere to Board Policies 1213.01, 3213.01, and 4213.01 <i>Request for Outside Providers</i>.</p> <p>#5 For any assignment away from the student's regular course schedule, written notice must be sent to the parent/guardian within 24 hours via U.S. mail.</p>
Refer to the Glossary for an explanation of unfamiliar words used in the Code of Student Conduct.	

Code of Student Conduct – Secondary**BEHAVIORS AND RANGE OF CORRECTIVE STRATEGIES – LEVEL III**

BEHAVIORS	RANGE OF CORRECTIVE STRATEGIES
<p>LEVEL III Behaviors are more serious than Level II because they endanger health and safety, damage property, and/or cause serious disruptions to the learning environment.</p> <p style="text-align: center;">LEVEL III</p> <p style="text-align: center;">Offensive/Harmful Behaviors</p> <ul style="list-style-type: none"> <input type="checkbox"/> Assault/Threat against a non-staff member <input type="checkbox"/> Breaking and Entering/Burglary <input type="checkbox"/> Bullying (repeated harassment) (See Special Notes #1) (See Vital Alerts page(s) 37-39;76-77) <input type="checkbox"/> Disruption on campus/Disorderly conduct <input type="checkbox"/> Fighting (serious) <input type="checkbox"/> False Activation of Fire Alarm System <input type="checkbox"/> Gambling <input type="checkbox"/> Harassment (Civil Rights) (See Special Notes #2) (See Vital Alerts page(s) 37-39;77) <input type="checkbox"/> Hazing (misdemeanor) <input type="checkbox"/> Improper Activation of Fire Extinguisher <input type="checkbox"/> Possession of simulated weapons <input type="checkbox"/> Possession or use of alcohol, unauthorized over-the-counter medications, drug paraphernalia, controlled substances and/or anything that alters mood or is used for mood altering (See Vital Alert Under the Influence page(s) 44.) <input type="checkbox"/> Sexting (1) (See Vital Alerts page(s) 43;83) <input type="checkbox"/> Sexual harassment (See Special Notes #2, #3) (See Vital Alerts page(s) 37-39 and Glossary page(s) 74;84) <input type="checkbox"/> Technology and Computer Related Offense (1) (See Vital Alerts page(s) 45-46) <input type="checkbox"/> Threat/Intimidation (See Special Notes #8) <input type="checkbox"/> Trespassing <input type="checkbox"/> Vandalism (major) 	<p>The principal or designee must select at least one of the following strategies from PLAN III. The use of appropriate strategies from previous PLANS may also be used <u>in conjunction with</u> this PLAN. Principals may authorize the use of PLAN IV for repeated, serious or habitual Level III infractions.</p> <p style="text-align: center;">PLAN III</p> <ul style="list-style-type: none"> <input type="checkbox"/> Parent/guardian contact (See Special Notes #4) <input type="checkbox"/> Student conference (See Special Notes #5) <input type="checkbox"/> Assignment to an Alternative Educational Setting (1 - 10 days.) (See Special Notes #4, 5, and 6) <input type="checkbox"/> Corrective Strategies from Level I & II <input type="checkbox"/> Permanent removal from class and reassignment to different class (placement review committee decision required) <input type="checkbox"/> Suspension (See Special Notes #4, 5, 6 and 7) <input type="checkbox"/> Recommendation for expulsion (See page(s) 55)
SPECIAL NOTES	
<ul style="list-style-type: none"> <input type="checkbox"/> All Level III, IV, and V infractions, unless otherwise noted, require Schools Police Automated Reporting (SPAR). Administrators must contact Miami-Dade Schools Police. Miami-Dade Schools Police will determine if the incident will result in an information report or will lead to other police action(s). <input type="checkbox"/> Allegations of Bullying and Harassment that are not able to be substantiated after investigation must be reported in SESIR as Unsubstantiated Bullying and Unsubstantiated Harassment. <p>#1 Bullying infractions do not require a SPAR unless incident is Hazing-related.</p> <p>#2 Harassment Civil Rights and Sexual Harassment do not require a SPAR, but must be reported to the Miami-Dade County Public Schools Office of Civil Rights Compliance at 305-995-1580.</p> <p>#3 Corrective action for Sexual Harassment may be issued only in accordance with the District's <i>Title IX Sexual Harassment Manual</i>.</p> <ul style="list-style-type: none"> <input type="checkbox"/> Incident-related elements must be included in the description of the incident leading to the disciplinary action. (See Glossary for definitions of incident-related elements). 	<p>#4 Good faith attempt must be made immediately to contact the parent/guardian by telephone.</p> <p>#5 When a student is being assigned to SCSJ or other AES, they must be given an opportunity to be heard about the incident.</p> <p>#6 For any assignment away from the student's regular course schedule, written notice must be sent to the parent/guardian within 24 hours via U.S. mail.</p> <p>#7 Suspension of students from school programs is a last resort, to be utilized only in the most extenuating circumstances as determined by the principal after other learning-centered corrective strategies have been employed and with Region notification.</p> <p>#8 If a student brings a firearm or weapon and/or makes a threat or false report, the school must refer the student to mental health services identified by the school District.</p>
Refer to the Glossary for an explanation of unfamiliar words used in the Code of Student Conduct.	

Code of Student Conduct – Secondary**BEHAVIORS AND RANGE OF CORRECTIVE STRATEGIES – LEVEL IV**

BEHAVIORS	RANGE OF CORRECTIVE STRATEGIES
<p>LEVEL IV Behaviors are more serious acts of unacceptable behavior than Level III. They seriously endanger the health and well-being of others and/or damage property.</p> <p style="text-align: center;">LEVEL IV</p> <p>Dangerous or Violent Behaviors</p> <ul style="list-style-type: none"> <input type="checkbox"/> Battery (Physical Attack) against a non-staff member <input type="checkbox"/> Grand theft (over \$750.00) <input type="checkbox"/> Hate Crime <input type="checkbox"/> Hazing (Felony) <input type="checkbox"/> Intent to sell and/or distribute alcohol, unauthorized over-the-counter medications, drug paraphernalia, controlled substances and/or anything that alters mood or is used for mood altering <input type="checkbox"/> Motor vehicle theft <input type="checkbox"/> Other major crimes/incidents <input type="checkbox"/> Robbery <input type="checkbox"/> Sale and/or distribution of alcohol, unauthorized over-the-counter medications, drug paraphernalia, controlled substances and/or anything that alters mood or is used for mood altering (See Vital Alerts for Under the Influence page(s) 44) <input type="checkbox"/> Sex offenses (other) (including possession and/or distribution of obscene or lewd materials) <input type="checkbox"/> Sexting (2) (See Vital Alerts page(s) 43;83) <input type="checkbox"/> Sexual Assault <input type="checkbox"/> Technology and Computer-Related Offense (2) (See Vital Alerts page(s) 45-46) 	<p>The principal or designee <u>must</u> use the following strategies from PLAN IV. The use of appropriate strategies from previous PLANS may also be used <u>in conjunction with</u> this PLAN.</p> <p style="text-align: center;">PLAN IV</p> <ul style="list-style-type: none"> <input type="checkbox"/> Parent/guardian contact (See Special Notes #2) <input type="checkbox"/> Student conference (See Special Notes #3) <input type="checkbox"/> Corrective Strategies from Level I-III (See Special Note #4) <input type="checkbox"/> Recommendation for expulsion (See page(s) 55)
SPECIAL NOTES	
<ul style="list-style-type: none"> <input type="checkbox"/> All Level III, IV, and V infractions, unless otherwise noted, require Schools Police Automated Reporting (SPAR). Administrators must contact Miami-Dade Schools Police. Miami-Dade Schools Police will determine if the incident will result in an information report or will lead to other police action(s). <input type="checkbox"/> Corrective action for Sexual Harassment may be issued only in accordance with the District's <i>Title IX Sexual Harassment Manual</i>. <input type="checkbox"/> Incident-related elements must be included in the description of the incident leading to the disciplinary action. (See Glossary for definitions of incident-related elements). 	<ul style="list-style-type: none"> #2 Good faith attempt must be made immediately to contact the parent/guardian by telephone. #3 When a student is being assigned to SCSJ or other AES, they must be given an opportunity to be heard about the incident. #4 For any assignment away from the student's regular course schedule, written notice must be sent to the parent/guardian within 24 hours via U.S. mail.
Refer to the Glossary for an explanation of unfamiliar words used in the Code of Student Conduct.	

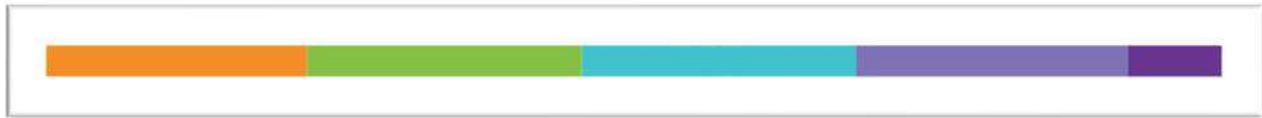
Code of Student Conduct – Secondary

BEHAVIORS AND RANGE OF CORRECTIVE STRATEGIES – LEVEL V

BEHAVIORS	RANGE OF CORRECTIVE STRATEGIES
<p>LEVEL V Behaviors are the most serious acts of misconduct and violent actions that threaten life.</p> <p style="text-align: center;">LEVEL V</p> <p>Most Serious, Dangerous or Violent Behaviors</p> <ul style="list-style-type: none"> <input type="checkbox"/> Aggravated assault <input type="checkbox"/> Aggravated battery against a non-staff member <input type="checkbox"/> Armed robbery <input type="checkbox"/> Arson <input type="checkbox"/> Assault/Threat against M-DCPS employees or persons conducting official business (See Special Notes #1 & #5) <input type="checkbox"/> Battery (Physical Attack) or Aggravated battery against M-DCPS employees or persons conducting official business (See Special Notes #1) <input type="checkbox"/> Homicide <input type="checkbox"/> Kidnapping/Abduction <input type="checkbox"/> Making a false report/threat against the school (See Special Notes #1 & 5) <input type="checkbox"/> Other major crimes/incidents <input type="checkbox"/> Possession, use, sale, or distribution of firearms, explosives, destructive devices, and other weapons. (See Special Notes #1 & 5) <input type="checkbox"/> Sexting (3) Offense (See Vital Alerts page(s) 43;83) <input type="checkbox"/> Sexual battery <input type="checkbox"/> Technology and Computer Related Offense (3) (See Vital Alerts page(s) 45-46) 	<p>The principal or designee <u>must</u> use the following strategies from PLAN V. The use of appropriate strategies from previous PLANS may also be used <u>in conjunction with</u> this PLAN.</p> <p style="text-align: center;">PLAN V</p> <ul style="list-style-type: none"> <input type="checkbox"/> Parent/guardian contact (See Special Notes #2) <input type="checkbox"/> Student conference (See Special Notes #3) <input type="checkbox"/> Corrective Strategies from Level I-IV (See Special Notes #4) <input type="checkbox"/> Recommendation for expulsion (See page(s) 55)
SPECIAL NOTES	
<ul style="list-style-type: none"> <input type="checkbox"/> All Level III, IV, and V infractions, unless otherwise noted, require Schools Police Automated Reporting (SPAR). Administrators must contact Miami-Dade Schools Police. Miami-Dade Schools Police will determine if the incident will result in an information report or will lead to other police action(s). <input type="checkbox"/> Corrective action for Sexual Harassment may be issued only in accordance with the District's <i>Title IX Sexual Harassment Manual</i>. <input type="checkbox"/> The possession of firearms or other weapons on school property may result in criminal penalties in addition to expulsion. <input type="checkbox"/> This level of infraction may result in an expulsion requiring School Board action. <p>#1 Mandatory one year expulsion.</p>	<ul style="list-style-type: none"> #2 Good faith attempt must be made immediately to contact the parent/guardian by telephone. #3 When a student is being assigned to SCSJ or other AES, they must be given an opportunity to be heard about the incident. #4 For any assignment away from the student's regular course schedule, written notice must be sent to the parent/guardian within 24 hours via U.S. mail. #5 If a student brings a firearm or weapon and/or makes a threat or false report, the school must refer the student to "mental health services" identified by the school district pursuant to 1012.584(4). <p><input type="checkbox"/> Incident-related elements must be included in the description of the incident leading to the disciplinary action. (See Glossary for definitions of incident-related elements).</p>
Refer to the Glossary for an explanation of unfamiliar words used in the Code of Student Conduct.	

Code of Student Conduct – Secondary

SAFEGUARDS: PROTECTING THE RIGHTS OF STUDENTS AND PARENTS/GUARDIANS



All corrective strategies used by school-site administrators must be in compliance with School Board rules and policies. Inherent in these rules and policies is the philosophy of fairness and consideration for actions that are in the best interest of students.

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

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

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

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

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

Code of Student Conduct – Secondary

CHAPTER III - STUDENT RIGHTS AND RESPONSIBILITIES



Code of Student Conduct – Secondary

Student Rights and Responsibilities

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

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



Code of Student Conduct – Secondary**Attendance****Philosophical Basis:**

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

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

Complaint Procedures**Philosophical Basis:**

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

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

Code of Student Conduct – Secondary

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

Counseling Services**Philosophical Basis:**

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

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

Code of Student Conduct – Secondary**Free Speech, Expression and Assembly****Philosophical Basis:**

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

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

Code of Student Conduct – Secondary**Grades****Philosophical Basis:**

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

Rights:	Responsibilities:
<input type="checkbox"/> Students have the right to be informed of the teacher's grading criteria, which is consistent with district guidelines, at the beginning of each grading period.	<input type="checkbox"/> Students have the responsibility to ask teachers in advance of a graded assignment for an explanation of any grading criteria or practice they may question or that needs clarification.
<input type="checkbox"/> Students have the right to receive an academic grade that reflects their achievement.	<input type="checkbox"/> Students have the responsibility to maintain reasonable standards of academic performance commensurate with their ability.
<input type="checkbox"/> Students have the right to be notified when they are performing unsatisfactorily.	<input type="checkbox"/> Students have the responsibility to make every effort to improve their performance upon receipt or notification of unsatisfactory performance.
<input type="checkbox"/> Students have the right to receive a conduct and effort grade in each class consistent with their overall behavior and effort.	<input type="checkbox"/> Students have the responsibility to conduct themselves in each class in ways that are conducive to the learning process.
<input type="checkbox"/> Students have the right to achieve academic success based upon their own initiative and ability without interference from others.	<input type="checkbox"/> Students have the responsibility to earn grades based upon their performance while guarding against cheating by other students.

Knowledge and Observation of Rules of Conduct**Philosophical Basis:**

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

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

Code of Student Conduct – Secondary**Marriage, Pregnancy and Parenthood****Philosophical Basis:**

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

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

Participation in School Programs and Activities**Philosophical Basis:**

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

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

Code of Student Conduct – Secondary**Publications****Philosophical Basis:**

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

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

Respect for Persons and Property**Philosophical Basis:**

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

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

Code of Student Conduct – Secondary

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

Right to Learn**Philosophical Basis:**

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

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



Code of Student Conduct – Secondary**Search and Seizure****Philosophical Basis:**

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

Rights:	Responsibilities:
<ul style="list-style-type: none"> <input type="checkbox"/> Students may have a legitimate expectation of privacy; however, your person and/or property, including, but not limited to back packs, purses, devices and vehicles, may be searched if a reasonable suspicion that a search will turn up evidence that you have violated or are violating law, school board policy or school rules exists. Storage places provided by the school, including desks and/or lockers, and the contents within them remain under the control of the School Board and may be the subject of random search. <input type="checkbox"/> Except in emergency situations, students have the right to prior notification of any general search of lockers. <input type="checkbox"/> Students have the right to use authorized locks on school-owned lockers. <input type="checkbox"/> Students have the right to notice that they may be subject to random search for weapons by metal detectors while on school grounds or at school functions at any time. (See Special Note ¹) 	<ul style="list-style-type: none"> <input type="checkbox"/> Students have the responsibility not to carry or conceal any material prohibited by law or by the <i>Code of Student Conduct</i>. <input type="checkbox"/> Students are responsible for the contents of their lockers, on their person, vehicles, book bags, purses, devices, etc... <input type="checkbox"/> Students have the responsibility to adhere to policies governing the use of school lockers.
<p style="text-align: center;">SPECIAL NOTES</p> <p>¹ School authorities may search a student's person or property, including vehicles, with or without the student's consent whenever they reasonably suspect that there has been a violation of law, Board policy, or school rules. This authority applies to all situations in which the student is under the jurisdiction of the Board.</p> <p>Signs that advise students and visitors that they are subject to search for weapons by metal detectors will be posted in prominent locations at each secondary school and adult vocational site.</p>	

Code of Student Conduct – Secondary**Student Government****Philosophical Basis:**

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

Rights:	Responsibilities:
<input type="checkbox"/> Students have the right, under the direction of a faculty advisor, to form and operate a student government within their respective schools.	<input type="checkbox"/> Student government officers and representatives have the responsibility to be alert to the needs of the school and concerns of the student body, and to work toward addressing them.
<input type="checkbox"/> Students have the right to recommend and/or confirm members of the faculty to serve as sponsors for their school's student government organization.	<input type="checkbox"/> Students have the responsibility to secure the prior consent of any faculty member recommended.
<input type="checkbox"/> Students have the right to seek office in student government or any organization, regardless of gender, gender identity and expression race, color, religion, ethnic or national origin, political beliefs, marital status, age, sexual orientation, social and family background, linguistic preference, pregnancy or disability.	<input type="checkbox"/> Students have the responsibility to conduct election campaigns in a positive, mature manner, with respect shown for their opponents.
<input type="checkbox"/> Student government officers and representatives have the right to attend official student government meetings during school hours.	<input type="checkbox"/> Students have the responsibility to participate in meetings regularly and to conduct themselves in an appropriate manner, to demonstrate positive leadership in school government, and to operate within School Board rules and school regulations.



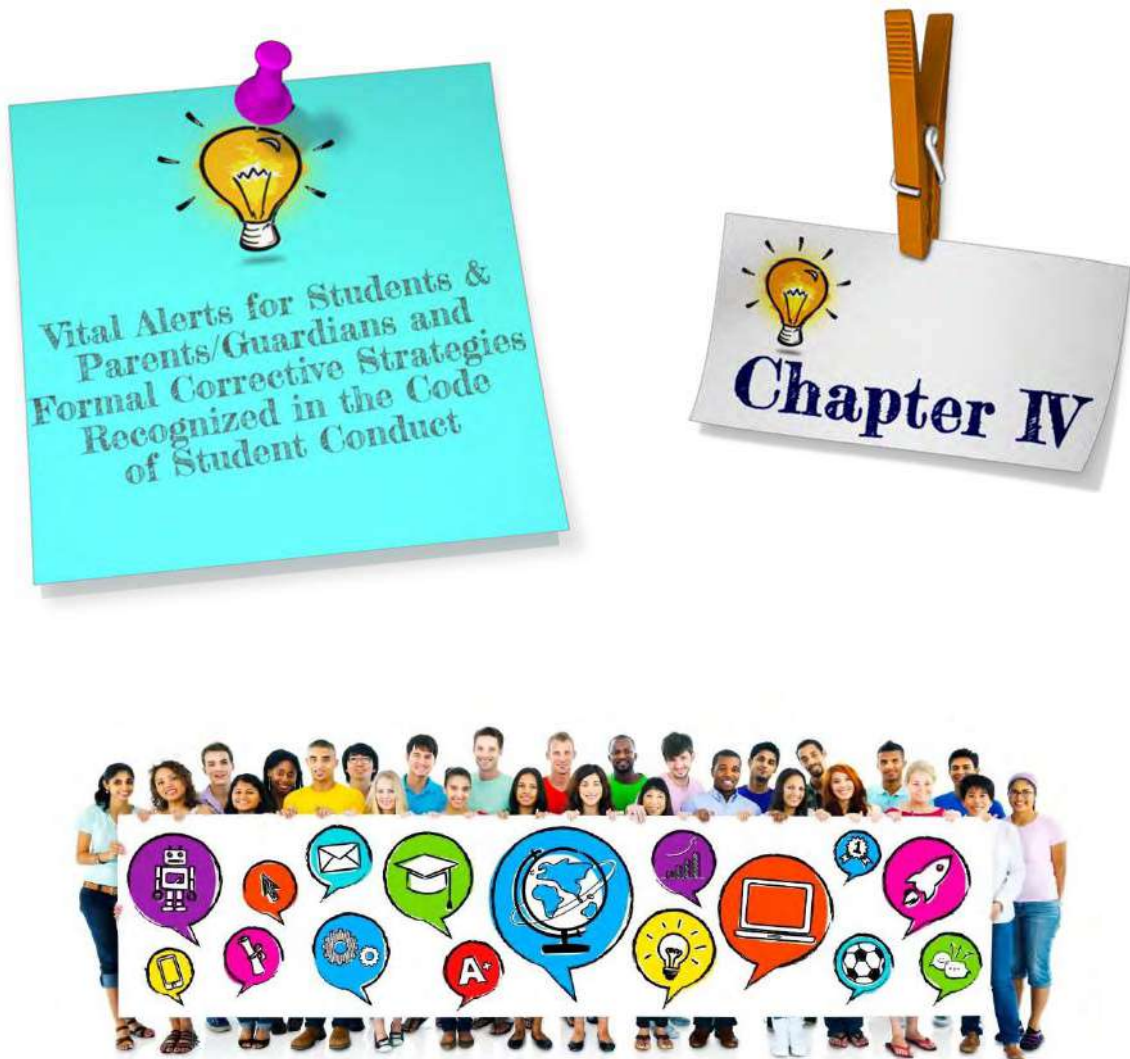
Code of Student Conduct – Secondary**Student Records****Philosophical Basis:**

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

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

Code of Student Conduct – Secondary

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



Code of Student Conduct – Secondary

VITAL ALERTS FOR STUDENTS AND PARENTS/GUARDIANS**VITAL ALERT: Corporal Punishment**

The use of corporal punishment is prohibited in Miami-Dade County Public Schools. This prohibition extends to parents/guardians on school grounds.

VITAL ALERT: District Dress Code Policy

Students, while on school grounds during the regular school day, must refrain from wearing clothing that (a) exposes underwear or body parts in an indecent or vulgar manner, or (b) disrupts the orderly learning environment.

Any student who violates Board Policy 5511 – *Dress Code and School Uniforms* is subject to the following disciplinary actions:

First (1) Offense: a student shall be given a verbal warning and the school principal shall call the student's parent or guardian.

Second (2) Offense: the student is ineligible to participate in any extracurricular activity for a period of time not to exceed 5 days and the school principal shall meet with the student's parent or guardian.

Third (3) or subsequent offense(s): a student shall be assigned to an Alternative Educational Setting for a period not to exceed 3 days, the student is ineligible to participate in any extracurricular activity for a period not to exceed 30 days, and the school principal shall call the student's parent or guardian and send the parent or guardian a written letter regarding the student's in-school suspension and ineligibility to participate in extracurricular activities.

VITAL ALERT: District Policy Against Bullying and Harassment

Miami Dade County Public Schools (M-DCPS) is committed to providing a safe learning environment for all students and is dedicated to eradicating bullying and harassment by providing awareness and prevention education. Bullying, harassment, and intimidation by students, school board employees, visitors, or volunteers is prohibited and will not be tolerated.

During the investigation of any bullying and/or harassment allegation, the principal/designee or appropriate area/district administrator should take appropriate actions to protect the complainant, alleged victim, other students or employees consistent with the requirements of applicable Board Policies, regulations, and statutes.

Code of Student Conduct – Secondary**VITAL ALERT:****District Policy Against Bullying and Harassment****Bullying and Harassment Defined¹**

Bullying means systematically and chronically, inflicting physical hurt or psychological distress on one or more students or school employees. It is further defined as a pattern of unwanted and repeated written, verbal, or physical behavior, including any threatening, insulting, dehumanizing gesture by an adult or student, that is severe or pervasive enough to create an intimidating, hostile, or offensive educational environment; cause discomfort or humiliations; or unreasonably interfere with the individual's school performance or participation that includes a noted power differential.

Bullying may involve, but is not limited to:

1. Teasing
2. Social exclusion
3. Threats
4. Intimidation
5. Stalking
6. Physical violence
7. Theft
8. Sexual, religious, or racial harassment
9. Public or private humiliation
10. Destruction of Property
11. Cyberstalking
12. Cyberbullying
13. Hazing

Harassment means any threatening, insulting or dehumanizing gesture, use of data or computer software, or written, verbal or physical conduct directed against a student or school employee who:

1. places a student or school employee in reasonable fear of harm to his or her person or damage to his or her property,
2. substantially interferes with a student's educational performance, opportunities, or benefits, or
3. substantially disrupts the orderly operation of a school.

Bullying and Harassment also includes:

1. Retaliation against a student or school employee by another student or school employee for asserting or alleging an act of bullying or harassment. Reporting an act of bullying or harassment that is not made in good faith is considered retaliation.
2. Perpetuation of conduct listed in the definition of bullying and harassment by an individual or group with intent to demean, dehumanize, embarrass or cause emotional or physical harm to a student or school employee by:
 - a. Incitement or coercion
 - b. Accessing or knowingly and willingly causing or providing access to data or computer software through a computer, computer system, computer network, electronic or wireless devices on or off school grounds to bully or harass that jeopardizes student or school employee safety or disrupts the learning environment within the scope of the district school system.
 - c. Acting in a manner that has an effect substantially similar to the effect of bullying or harassment.

¹ Florida Statutes, Section 1006.147. Refer to glossary items #50, 51 for definitions of harassment that may apply in other contexts.

Code of Student Conduct – Secondary**VITAL ALERT:****District Policy Against Bullying and Harassment**

Cyberstalking means to engage in a course of conduct to communicate, or to cause to be communicated, words, images, or language by or through the use of electronic mail or electronic communication, directed at a specific person, causing substantial emotional distress to that person and serving no legitimate purpose.

Cyberbullying means bullying through the use of technology or any electronic communication, which includes, but is not limited to, any transfer of signs, signals, writing, images, sounds, data, or intelligence of any nature transmitted in whole or in part by a wire, radio, electromagnetic system, photo-electronic system, or photo-optical system, including, but not limited to, electronic mail, Internet communications, instant messages, or facsimile communications. Cyberbullying includes the creation of a webpage or weblog in which the creator assumes the identity of another person, or the knowing impersonation of another person as the author of posted content or messages, if the creation or impersonation creates any of the conditions enumerated in the definition of bullying. Cyberbullying also includes the distribution by electronic means of a communication to more than one person or the posting of material on an electronic medium that may be accessed by one or more persons, if the distribution or posting creates any of the conditions enumerated in the definition of bullying.

HOW TO REPORT BULLYING/HARASSMENT ANONYMOUSLY

If you have information regarding bullying/harassment and would like to report this information anonymously, you may do so by:

1. Filing the “Miami-Dade County Public Schools – Bullying and Harassment Anonymous Reporting Form located at the following internet web address:
<http://forms.dadeschools.net/webpdf/7229.pdf>
2. Calling 305-995-CARE (2273)
3. Texting anonymously to 274637 (CRIMES) and type in the words: Be safe and then you report.
4. Submitting an online report by visiting BESAFE at <https://new.tipsubmit.com/en/create-report/anonymous/dadeschools.net> .

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

Code of Student Conduct – Secondary**VITAL ALERT:****Implication of Certain Sex Offenses**

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

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

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

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

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

VITAL ALERT:**Off-Campus Conduct**

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

Code of Student Conduct – Secondary

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

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

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

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

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

The school where the incident occurred must immediately place an E5 in the Student Case Management System (SCMS), send FM6562 Rev. (11-05), Expulsion Request to alted@dadeschools.net, and follow up to ensure that the SPAR is in the SCMS as quickly as possible. The student will be assigned to the alternative placement as soon as is possible. Upon placement by the Division of Educational Opportunity and Access (DEOA), the Special Education

Code of Student Conduct – Secondary**VITAL ALERT:****Procedures for Implementing the 45 School Day
Alternative Placement Rule for Students With
Disabilities**

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

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

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

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

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

SPECIAL NOTE:

** Serious Bodily injury applies only when there is:

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

Code of Student Conduct – Secondary**VITAL ALERT:****Sexting**

Board Policy 5136.02 - Sexting, prohibits “sexting” which is the act of sending or forwarding sexually explicit, nude, or partially nude photographs/images through cellular telephones and other electronic media.

Sexting is prohibited and will not be tolerated. The policy *5136.02-Sexting*, Sexting addresses sexting, and will be enforced pursuant the *Code of Student Conduct*.

The levels of sexting offenses are:

Sexting (1)

- A personal, 1-to-1 student-to-student exposure/transmission which is not coerced and not intended for redistribution.

As an example, a student may voluntarily send a provocative sext that includes a nude photograph/image to his/her boyfriend or girlfriend. The Sexting 1 offense is a Level III violation in the *Code of Student Conduct*. The principal must conduct a parent/guardian conference and apply at least one of the additional disciplinary strategies from Level III.

Sexting (2)

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

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

Sexting (3)

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

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

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

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

Code of Student Conduct – Secondary**VITAL ALERT:****Threats of Violence**

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

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

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

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

VITAL ALERT:**Under the Influence**

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

Special Note: These observations may be made by a lay (non-expert) witness. An administrator may come to the conclusion that a student is under the influence of alcohol or an illicit substance based on the totality of the circumstances. An administrator should first rule out that the student is having a reaction to food or authorized prescription medication or experiencing a medical condition. See Vital Alert on the next page page(s) **45** – Use of Medication.

Code of Student Conduct – Secondary**VITAL ALERT:****Use of Medication**

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

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

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

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

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

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

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

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

Technology and Computer Related Offense (1)

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

Code of Student Conduct – Secondary**VITAL ALERT: Use of Technology and Computer Related Offenses****Technology and Computer Related Offense (2)**

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

Technology and Computer Related Offense (3)

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

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

Code of Student Conduct – Secondary**VITAL ALERT:****Wireless Communication Devices**

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

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

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

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

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

Code of Student Conduct – Secondary**VITAL ALERT:****Zero Tolerance Policy**

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

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

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

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

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

Code of Student Conduct – Secondary

FORMAL CORRECTIVE STRATEGIES RECOGNIZED IN THE CODE OF STUDENT CONDUCT

**FORMAL CORRECTIVE
STRATEGIES:**
**Assignment to an Alternative Educational Setting in Lieu
of Suspension**

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

TEMPORARY REMOVAL FROM CLASS

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

OTHER ALTERNATIVES

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

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

RESTORATIVE JUSTICE PRACTICES (at District Approved Schools)

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

STUDENT COURT (at District Approved Schools)

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

Code of Student Conduct – Secondary**FORMAL CORRECTIVE STRATEGIES:****Assignment to an Alternative Educational Setting in Lieu of Suspension****ASSIGNMENT TO SCHOOL CENTER FOR SPECIAL INSTRUCTION (SCSI)**

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

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

PERMANENT REMOVAL FROM CLASS

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

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

SHORT-TERM AES (1- 10 DAYS)

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

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

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

A student removed from his or her regular school program has the right to request and obtain make-up assignments for the time he or she was reassigned. It is the responsibility of the student to request make-up work for assignments missed due to a reassignment from the student's regular school program. In the case of a student with a disability, assignment must be appropriate in light of the student's Individual Educational Plan (IEP) or Section 504 Plan. Removal from a particular class should not effectuate a denial of IEP or Limited English Proficient (LEP) services.

Code of Student Conduct – Secondary**FORMAL CORRECTIVE STRATEGIES:****Assignment to an Alternative Educational Setting in Lieu of Suspension**

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

STUDENT SUCCESS CENTER

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

LONG-TERM AES (MORE THAN 10 DAYS)

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

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

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

PATHWAYS

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

FORMAL CORRECTIVE STRATEGIES:**Denial of Bus Privileges**

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

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

Code of Student Conduct – Secondary**FORMAL CORRECTIVE STRATEGIES:****Denial of Bus Privileges**

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

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

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

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

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

Code of Student Conduct – Secondary

FORMAL CORRECTIVE STRATEGIES:**Denial of Bus Privileges for Students with Disabilities**

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

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

Code of Student Conduct – Secondary

FORMAL CORRECTIVE STRATEGIES:**Denial of Bus Privileges for Students with Disabilities**

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

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

FORMAL CORRECTIVE STRATEGIES:**Denial of Participating in Social and/or Extracurricular Activities**

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

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

Code of Student Conduct – Secondary**FORMAL CORRECTIVE STRATEGIES:****Denial of Participating in Social and/or Extracurricular Activities**

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

FORMAL CORRECTIVE STRATEGIES:**Expulsion**

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

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

FORMAL CORRECTIVE STRATEGIES:**Manifestation Determination Procedures**

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

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

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**FORMAL CORRECTIVE
STRATEGIES:****Manifestation Determination Procedures**

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

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

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

**FORMAL CORRECTIVE
STRATEGIES:****Mental Health Services**

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

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

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

Code of Student Conduct – Secondary

FORMAL CORRECTIVE STRATEGIES:

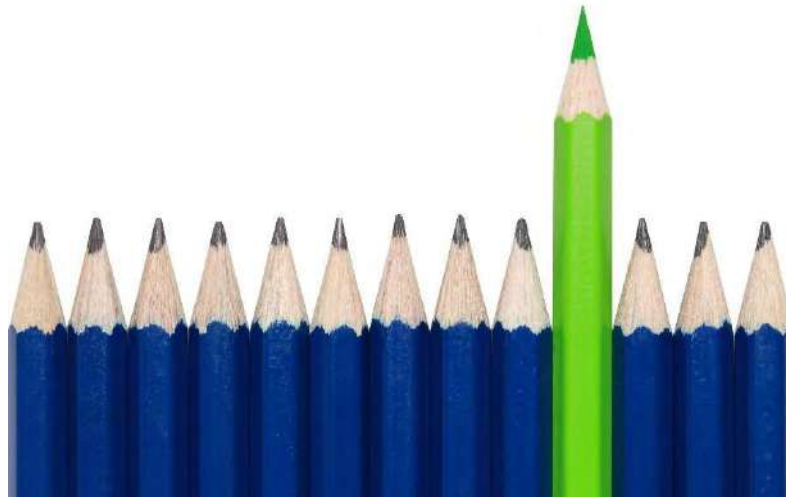
Peer Mediation

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

FORMAL CORRECTIVE STRATEGIES:

Work Back Program in Lieu of Expulsion

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



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BEHAVIORS THAT MAY RESULT IN CRIMINAL PENALTIES



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

- ☐ Illegal use, possession, or sale of controlled substances while on school grounds or attending a school function;
- ☐ Use of a wireless communication device in the commission of a crime;
- ☐ Possession of a firearm or weapon while on school grounds, school bus or at a school function, shall also result in a referral for expulsion and mental health services pursuant to F.S. 1006.13;
- ☐ Violence against any district School Board personnel;
- ☐ Disruptive behavior on a school bus, or at a bus stop, or other violation of the School Board's transportation policy;
- ☐ Violation of the School Board's sexual harassment policy;
- ☐ Making a threat or false report involving destructive devices or explosives directed against a school, school personnel property, school transportation, or school-sponsored activity, shall also result in a referral for expulsion and mental health services pursuant to F.S. 1006.13; and
- ☐ Sexting
- ☐ Hazing

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

Code of Student Conduct – Secondary

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



Code of Student Conduct – Secondary

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



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

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

TIER I

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

TIER II

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Student responds:
 “I am...”
 “I need to...”
 “I have to...”
 “I did...”

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

TIER III

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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5.	Arson: Level V - Behavior	To intentionally damage or cause to be damaged, by fire or explosion, any dwelling, structure, or conveyance, whether occupied or not, or its contents. <i>Example: The girl was arrested for arson and expelled because she intentionally started a fire in the restroom.</i>
6.	Assault/Threat: Level III - Behavior	An intentional, unlawful threat by word or act to do violence to another, coupled with the apparent ability to do so, and doing some act, which creates a well-founded fear in the other person that such violence is imminent. <i>Example: The students assaulted another girl by sending her notes saying that they would beat her up right after class.</i>
7.	Aggravated Assault: Level V - Behavior	An assault with the use of a weapon or with the intent to commit another felony. <i>Example: Using a weapon to threaten someone or attempt to harm someone is aggravated assault.</i>
8.	Battery (Physical Attack): Level IV - Behavior	(Physical attack/harm) An actual and intentional striking of another person against his or her will, or the intentional causing of bodily harm to an individual. <i>Under Florida law, battery that causes great bodily harm, permanent disfigurement, or permanent disability is called "felony battery." Under the law, battery, felony battery, and aggravated battery are distinguishable.</i> <i>Example: The student battered the teacher by pushing her against the wall.</i> <i>*Assault and/or battery committed against a staff member require a mandatory recommendation for expulsion.</i> <i>Administrators distinguish battery from fighting by reporting an incident as battery only when force or violence is carried out against a person who is not fighting back or is merely attempting to shield his or her body from attack.</i>
9.	Aggravated Battery: Level V - Behavior	A battery where the attacker intentionally or knowingly causes great bodily harm, permanent disfigurement, or permanent disability to another, or use of a deadly weapon. <i>Example: Using a deadly weapon to injure someone which results in the person being physically disabled to the point where he/she cannot fight back constitutes aggravated battery or where the attacker knew or should have known the victim was pregnant.</i>
10.	Behavior:	The way people act or react or the way they conduct themselves. <i>Example: There is certain behavior that is acceptable at school and certain behavior that is unacceptable at school. This Code of Student Conduct will help you distinguish between them.</i>

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11.	Bullying: Level III - Behavior	<p>Repeatedly using hostile, intimidating, domineering, or threatening behavior with the intent or purpose of physically or mentally hurting another individual. Bullying occurs within an interpersonal relationship characterized by an imbalance of power (physical or psychological). Unwanted and repeated written, verbal, or physical behavior, including any threatening, insulting, or dehumanizing acts, by an adult or student that are severe or pervasive enough to create an intimidating, hostile or offensive educational environment.</p> <p>Systematically and chronically inflicting physical hurt or psychological distress on one or more students or employees that is severe or pervasive enough to create an intimidating, hostile, or offense environment; or unreasonably interferes with the individual's school performance or participation. Bullying includes instances of cyberbullying. See also Board Policy 5517.01 – Bullying and Harassment and pages 37-39.</p> <p><i>Example: When the girl repeatedly made fun of another student for being poor, the girl was guilty of bullying.</i></p>
12.	Bullying-related Incident	<p>An incident is bullying related if the incident includes systematically and chronically inflicting physical hurt or psychological distress on one or more students or employees that is severe or pervasive enough to create an intimidating, hostile, or offensive environment; or unreasonably interferes with the individual's school performance or participation.</p>
13.	Burglary/Breaking and Entering: Level III-Behavior	<p>Unlawful entry into or remaining in a dwelling, structure, or conveyance with the intent to commit a crime therein.</p> <p><i>Example: The students committed burglary when they crawled through the window to steal a camera.</i></p>
14.	Cheating: Level II-Behavior	<p>Using unauthorized answers or sources to receive credit for schoolwork. Some examples are looking at someone else's paper, copying from your notebook when you are supposed to use only your memory, or copying someone else's homework because you did not complete yours.</p> <p><i>Example: The teacher accused him of cheating when she found answers to the test written on his desk.</i></p> <p>Plagiarism is a form of cheating when you present another person's words or ideas as your own without giving the originator credit for the information. Some common examples of plagiarism are copying information from a book without using quotation marks and without including a bibliography at the end of the assignment listing the sources used. All information in academic assignments that is not common knowledge must be cited and documented. An example of common knowledge is: Miami is a city in Florida.</p> <p><i>Example: She plagiarized the information in her report by not giving credit to the author for his ideas.</i></p>

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15.	Complaint:	A verbal or written disagreement or concern about something that is alleged to be unfair. <i>Example: The student voiced a complaint to her assistant principal about the amount of homework her teacher assigned daily.</i>
16.	Complaint Procedure:	A series of steps taken to try to resolve a complaint. <i>Example: The parent-teacher conference was held as required by the complaint procedure process.</i>
17.	Confrontation: Level I – Behavior (Student) Level II – Behavior (Staff Member)	An argument or squabble. <i>Example: The student went up to the custodian and caused a confrontation by yelling at him when the custodian asked him not to walk on the wet floor.</i>
18.	Controlled Substances (Drugs): Level III – Behavior (Possession or Use) Level IV – Behavior (Intent to Sale or Distribute Sale or Distribute)	Mind-altering or mood-altering drugs, including but not limited to marijuana, cocaine, heroin, various pills, etc. Possession, use, sale, and/or distribution of controlled substances will result in corrective strategies at school and may lead to arrest and criminal penalties. <i>Example: Use of controlled substances can be deadly.</i> <i>* Chapter 893, Florida Statutes (Drug Abuse Prevention and Control) provides a more extensive list of controlled substances.</i>
19.	Corporal Punishment:	The use of physical punishment by a parent or teacher on a student. The use of corporal punishment is prohibited in Miami-Dade County Public Schools. This prohibition extends to parents/guardians on school grounds. <i>Example: Slapping or spanking a student is corporal punishment that is not allowed in school.</i>
20.	Corrective Strategies/ Disciplinary Actions	Methods or steps used to help students learn how to follow school rules and to protect the safety of everyone at school. <i>Example: The teacher used corrective strategies to improve his school behavior.</i>
21.	Counselor:	A school employee who is uniquely trained to help students overcome obstacles that may form barriers to learning. <i>Example: Trust counselors are trained to talk with students about their problems.</i>

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22.	Cutting Class: Level I - Behavior	<p>Not going to class when you are supposed to be in class.</p> <p><i>Example: The girls who tried to sign in to school after first period were caught and assigned detention for cutting class.</i></p>
23.	Cyberbullying: Level III- Behavior	<p>Cyberbullying means bullying through the use of technology or any electronic communication, which includes, but is not limited to, any transfer of signs, signals, writing, images, sounds, data, or intelligence of any nature transmitted in whole or in part by a wire, radio, electromagnetic system, photo-electronic system, or photo-optical system, including, but not limited to, electronic mail, Internet communications, instant messages, or facsimile communications. Cyberbullying includes the creation of a webpage or weblog in which the creator assumes the identity of another person, or the knowing impersonation of another person as the author of posted content or messages, if the creation or impersonation creates any of the conditions enumerated in the definition of bullying. Cyberbullying also includes the distribution by electronic means of a communication to more than one person or the posting of material on an electronic medium that may be accessed by one or more persons, if the distribution or posting creates any of the conditions enumerated in the definition of bullying.</p> <p><i>Example: Cyberbullying can cause students to get in trouble at school even if they use their home computer.</i></p>
24.	Defiance: Level II - Behavior	<p>Refusing to follow the directions of authority figures within the school, such as administrators, teachers, office workers, custodians, volunteer parents/guardians, cafeteria workers, and others.</p> <p><i>Example: He received detention for defying the cafeteria manager by refusing to pick up his lunch tray when she told him to do so.</i></p>
25.	Destructive Device:	<p>Any bomb, grenade, mine, rocket, missile, pipe bomb, or similar device containing an explosive, incendiary, or poison gas and includes any frangible container filled with an explosive, incendiary, explosive gas, or expanding gas, which is designed or so constructed as to explode by such filler and is capable of causing bodily harm or property damage; any combination of parts either designed or intended for use in converting any device into a destructive device and from which a destructive device may be readily assembled; any device declared a destructive device by the Bureau of Alcohol, Tobacco, and Firearms; any type of weapon which will, is designed to, or may readily be converted to expel a projectile by the action of any explosive and which has a barrel with a bore of one-half inch or more in diameter; and ammunition for such destructive devices, but not including shotgun shells or any other ammunition designed for use in a firearm other than a destructive device.</p>

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		<i>Example: Students shall be expelled for bringing to school destructive devices that can explode and hurt others.</i>
26.	Detention:	<p>A corrective strategy in which a student must spend time at school, either before or after the regular school day or on a Saturday.</p> <p><i>Example: The student served detention for one week after school for purposely breaking a window.</i></p>
27.	Disciplinary Actions (Also Referred to as Corrective Strategies):	<p>Methods or steps used to help students learn how to follow school rules and to protect the safety of everyone at school.</p> <p><i>Example: Disciplinary actions are taken against students as consequences for violating the Code of Student Conduct and are designed to assist students in improving their behavior.</i></p>
28.	Disruption: Level I - Behavior	<p>Behavior that disturbs the learning and/or safety of others in class, on the school bus and at the bus stop.</p> <p><i>Example: The math class could not focus on preparing for FCAT because the girls' constant chatting was disruptive.</i></p>
29.	Disruption on Campus/ Disorderly Conduct: Level III - Behavior	<p>Major disruption of all or a significant portion of campus activities, school-sponsored events, and school bus transportation. Disruptive behavior that poses a serious threat to the learning environment, health, safety, or welfare of others. Example: Bomb threat, inciting a riot, initiating a false fire alarm. (Do not use this code for students defying authority, disobeying or showing disrespect to others, using inappropriate language or gestures, or classroom disruption.)</p> <p><i>Example: Initiating or participating in a brawl at a school event is a disruption on campus that can lead to serious disciplinary consequences.</i></p>
30.	Distribution: Level II - Behavior	<p>Giving out, sharing, dispensing to others.</p> <p><i>Example: She was expelled for distribution of pills to other students.</i></p>
31.	Drugs: Level III – Behavior (Possession or Use) Level IV – Behavior (Intent to Sale or Distribute Sale or Distribute)	<p>The use or possession of any drug, narcotic, controlled substance, or any substance when used for chemical intoxication. Use means the person is caught in the act of using, admits to use or is discovered to have used in the course of an investigation.</p> <p><i>Example: The misuse of drugs can be deadly, especially for young people.</i></p>

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32.	Drug Sale / Distribution Excluding Alcohol: Level IV – Behavior (Intent to Sale or Distribute Sale or Distribute)	The illegal sale or distribution of drugs. The manufacture, cultivation, sale, or distribution of any drug, narcotic, controlled substance or substance represented to be a drug, narcotic, or controlled substance. <i>Example: The student was caught with a bottle of prescribed pills and many small plastic bags which he was going to use for drug sales and distribution.</i>
32.	Due Process:	A series of steps taken to protect one's rights under the law. For example, students who are expelled have the right to know about the charge made against them, the right to explain their side of the story, and the right to appeal the decision of an administrator. <i>Example: Due process is required by Board Policy when the right to attend school is taken away.</i>
34.	Electronic Devices: Level I – Behavior (Unauthorized Use)	Any wireless communications/electronic device that is powered by electricity or a battery, which is not required by the curriculum and includes items such as; to compact disc players, MP3 players, headphones, cellular phones, PDAs, electronic readers, tablets, laptops, cameras and any similar device. <i>Example: Unauthorized use of electronic devices can disrupt the learning process and is not allowed in class.</i>
35.	Enforce:	To compel observance of a law or rule. <i>Example: All schools must enforce Florida's laws, and Miami-Dade County School Board's Policies.</i>
36.	Expulsion:	The most serious disciplinary action that can be taken and defined as the exclusion of a student from a traditional school for the number of school days remaining in the school year in which the incident that gives rise to expulsion takes place and one (1) additional school year. Expulsion of students from school programs is a last resort, to be utilized only in the most extenuating circumstances, after other learning-centered strategies have been employed and with District approval. <i>Example: The student was expelled from school for possessing a gun at school.</i>
37.	False Accusation: Level II - Behavior	An untrue and serious statement about a teacher, staff member, or any other person. False accusations are serious when they hurt the professional reputation of others or otherwise get a person in trouble that they do not deserve. <i>Example: The student's father made a false accusation that the teacher had been arrested.</i>

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38.	False Activation of Fire Alarm: Level IV - Behavior	Any action that causes people to believe that there is a fire or threat of a fire when there is not. <i>Example: The boys received a suspension for reporting a false fire alarm, even though they meant it as a joke.</i>
39.	False Imprisonment: Level V - Behavior	To forcibly, by threat or secretly confining, abducting, imprisoning, or restraining another person without lawful authority and against her or his will (F.S. 787.02). <i>Example: The student locked and blocked the door of the bathroom and would not let the other two students out of the bathroom is considered false imprisonment.</i>
40.	False Report/ Bomb Threat: Level IV - Behavior	Any action that causes people to believe that the school is under a serious threat, including but not limited to explosives and weapons of mass destruction. <i>Example: Students who make false bomb threat could be expelled and arrested.</i> <i>Sections 790.162 and 790.163, F.S. (Weapons and Firearms), further define the making of a false threat or report.</i> <i>Making a false report requires mandatory expulsion not less than one year and may lead to arrest and criminal penalties.</i>
41.	Felony:	A serious crime, often punishable by imprisonment exceeding one year. <i>Example: Many of the infractions in the Code of Student Conduct are also felonies under criminal law and are punishable as such.</i>
42.	Fighting (Minor) Level II - Behavior	Lower level fights such as pushing, shoving, or altercations that stop upon verbal command. <i>Example: The students began to fight, but they stopped when the teacher told them to stop and no one was hurt.</i>
43.	Fighting (Serious): Level III - Behavior	When two or more persons mutually participate in use of force or physical violence that requires either 1) physical restraint OR 2) results in injury requiring first aid or medical attention. (Mutual combat, mutual altercation) <i>Example: Students involved in serious fighting that causes injury or requires medical attention will be suspended.</i>

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44.	Firearms: Level V – Behavior	Any weapon (including a starter gun) which will, is designed to, or may readily be converted to expel a projectile by the action of an explosive; the frame or receiver of any such weapon; any such firearm muffler or firearm silencer; any destructive device; or any machine gun. <i>Example: Students who bring guns to school will be expelled for bringing firearms to school.</i>
45.	Forgery (Written Misrepresentation): Level II – Behavior	Making, altering, or signing a document with the intent to defraud or signing another person's signature without the person's consent. <i>Example: The student was not permitted to go on the field trip because she forged her mother's name on the permission slip.</i>
46.	Freedom:	The power to make your own decisions. <i>Example: Freedom is usually accompanied by responsibility.</i>
47.	Gambling: Level III – Behavior	Participating in games of chance for money and/or other things of value. <i>Example: Throwing dice for money is gambling.</i>
48.	Gang-related Incident	An incident is gang-related if gang affiliation/association caused the incident or was a contributing factor to action that happened during the incident.
49.	Grievance:	A formal complaint. <i>Example: The student's parents/guardians filed a grievance when she was suspended for having make-up in her backpack.</i>
50.	Harassment: Level II – Behavior	Conduct directed at a person that causes him/her to feel intimidated or verbally, mentally, or emotionally abused, or that causes him/her substantial emotional distress. Any threatening, insulting or dehumanizing gesture, use of data or computer software, written, verbal or physical conduct directed against a student or school employee that: <ol style="list-style-type: none"> 1. Places a student or school employee in reasonable fear of harm to his or her person or damage to his or her property. 2. Has the effect of substantially interfering with a student's educational performance, opportunities, or benefits 3. Has the effect of substantially disrupting the orderly

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		<p>operation of a school, including any course of conduct directed at a specific person that causes substantial emotional distress in such person and serves no legitimate purpose.</p> <p><i>Example: What some people think is “just joking around” might constitute harassment if the person at whom it is directed is distressed by it.</i></p> <p>Repeated harassment is bullying.</p>
51.	Harassment (Civil Rights): Level III – Behavior	<p>Harassment directed at someone because of his or her gender, gender identity, race, color, religion, ethnicity, national origin, political beliefs, marital status, age, sexual orientation, social and family background, language, pregnancy, or disability.</p> <p><i>Example: Using racial slurs towards someone who is from a different country is harassment based on a characteristic concerning his civil rights.</i></p> <p>For purposes of Title VI, the United States Department of Education, Office for Civil Rights, defines harassment to include conduct based on race, color or national origin, that is sufficiently severe, pervasive and/or persistent that it interferes with or limits a student’s ability to participate in or benefit from the services, activities or privileges provided by the District.</p> <p>For purposes of Title IX, the United States Department of Education defines sexual harassment as unwelcome sexual conduct, including conditioning any aid, benefit or service of the school on an individual’s participation in unwelcome sexual conduct, sexual assault, dating or domestic violence, stalking, and all forms of sexual harassment that a reasonable person would determine so severe, pervasive, and objectively offensive that it denies a student access to an education program or activity.</p>
52.	Harassment (Sexual): Level III – Behavior	Refer to “Sexual Harassment” in this glossary for a specific definition.
53.	Hate Crime: Level IV – Behavior	A crime committed against someone that is motivated all or in part by hostility to the victim’s real or perceived race, religion, color, sexual orientation, ethnicity, ancestry, and/or national origin, political beliefs, marital status, age, social and family background, linguistic preference or mental/physical disability.

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		<p>Hate crimes are similar to harassment (civil rights), but they also involve other serious crimes committed against someone. See “Other Major Crimes/Incidents.”</p> <p><i>Example: The students committed a hate crime when they beat a student up because of his/her religion.</i></p>
54.	Hate Crime related Incident	<p>All incidents motivated all or in part by hostility to the victim’s real or perceived race, religion, color, sexual orientation, ethnicity, ancestry, national origin, political beliefs, marital status, age, social and family background, linguistic preference or mental/physical disability.</p>
55.	Hazing: Level III – Behavior	<p>Any action or situation that endangers the mental or physical health or safety of a student at a school with any of grades 6 through 12 for purposes of initiation or admission into or affiliation with any school-sanctioned organization. “Hazing” includes, but is not limited to: pressuring, coercing, or forcing a student to participate in illegal or dangerous behavior, or any brutality of physical nature, such as whipping, beating, or exposure to elements.</p> <p><i>Example: Requiring new students to stay awake for two nights in order to join a club is prohibiting hazing.</i></p>
56.	Hazing-related Incident	<p>An incident is hazing-related if the incident includes any action or situation that endangers the mental or physical health or safety of a student for purposes of initiation or admission into or affiliation with any school-sanctioned organization.</p>
57.	Hearing:	<p>A formal proceeding where different sides of a story are presented to a person who makes a decision about what happened and what to do.</p> <p><i>Example: My parent and I asked for a hearing with the principal when I was suspended for having lip gloss in my backpack.</i></p>
58	Homicide: Level V – Behavior	<p>The unjustified killing of one human being by another (murder, manslaughter).</p> <p><i>Example: The student was arrested for homicide after when he beat his classmate to death.</i></p>
59	Improper Activation of a Fire Extinguisher Level III – Behavior	<p>To intentionally remove and/or activate a fire extinguisher when there is no actual fire.</p> <p><i>Example: The student dared his friend to remove the fire extinguisher and spray the hallway with foam is improper activation of a fire extinguisher.</i></p>

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

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

Code of Student Conduct – Secondary

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

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

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

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94.	Sexual Harassment: Level III - Behavior	<p>The United States Department of Education defines sexual harassment as unwelcome sexual conduct, including conditioning any aid, benefit or service of the school on an individual's participation in unwelcome sexual conduct, sexual assault, dating or domestic violence, stalking, and all forms of sexual harassment that a reasonable person would determine so severe, pervasive, and objectively offensive that it denies a student access to an education program or activity.</p> <p>Florida Administrative Code Rule 6A-1.0017 defines sexual harassment as unwanted verbal, nonverbal, or physical behavior with sexual connotations by an adult or student that is severe or pervasive enough to create an intimidating, hostile or offensive educational environment, cause discomfort or humiliation or unreasonably interfere with the individual's school performance or participation, as defined in Rule 6A-19.008, F.A.C.</p> <p>Examples may include but are not limited to unwelcome touching, graphic verbal comments, sexual jokes, slurs, gestures, or pictures, whether in-person or through any other method, including sexual cyber-harassment.</p> <p><i>Example: The student was suspended for sexual harassment because he repeatedly talked about a female student's private parts, making her feel uncomfortable.</i></p>
95.	Sexual Offenses (Other): Level IV - Behavior	<p>Sexual contact in a lewd manner. A variety of actions can be characterized as sexual offenses at school.</p> <p><i>Examples: include, but are not limited to:</i></p> <ul style="list-style-type: none"> • Possessing and/or distributing obscene or lewd materials at school; • Exposing or touching private body parts in a lewd manner; • Touching someone else's body in a lewd manner; • Voyeurism (e.g., secretly looking at or photographing someone in the restroom or locker room without his/her knowledge); • Sexual activity on school grounds between students; • Any type of sexual contact with a student who is under age 16 years old. <p>Other sexual contact, including intercourse, without force or threat of force. Subjecting an individual to lewd sexual gestures, sexual activity, or exposing private body parts in a lewd manner. (Law enforcement must be notified to investigate.) (Lewdness, indecent exposure)</p>

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96.	Slander: Level II - Behavior	Speaking false words that are capable of hurting another person's reputation, community standing, office, trade, business, or means of livelihood. <i>Example: Starting an untrue rumor about someone might constitute slander.</i>
97.	Smoking: Level II - Behavior	Holding a lighted cigarette (cigar, etc.), drawing in and exhaling the smoke of tobacco, or use of any tobacco product. <i>Example: Smoking cigarettes is unhealthy.</i>
98.	SPAR:	School Police Automated Reporting system for recording infractions that are reported to school police. <i>Example: Administrators must create a SPAR for battery, a serious infraction of the Code of Student Conduct.</i>
99.	Stealing/Theft: Level II – Behavior Level IV - Behavior	Knowingly obtaining or using the property of another with the intent to temporarily or permanently deprive the owner of its use or benefit. <i>Example: He stole the library book when he slipped it into his backpack and left the library without checking it out.</i>
100.	Student Government:	A group of students chosen by other students to represent the entire student body. <i>Example: Every year, the Student Government Association presents their yearly plan of activities to the school administration.</i>
101.	Student Success Center (SSC):	The Student Success Centers are one type of Alternative Educational Setting that provide a safe-haven in a structured learning environment for referred students (ages 11 and older) exhibiting Level III-IV behavior and (with Region approval) habitual Level II infractions of the <i>Code of Student Conduct</i> . <i>Example: The student was referred to the Student Success Center (SSC) for committing a Level III behavior.</i>
102.	Suspension:	A corrective response to serious behavior where the student is temporarily removed from all classes of instruction on public school grounds and all other school-sponsored activities, except as authorized by the principal, for a period not to exceed ten (10) school days and remanding of the student to the custody of the student's parent with specific homework assignments to complete. Suspension is a last resort, to be utilized in the most extenuating circumstances, after other learning-centered strategies have been employed and with Region notification. <i>Example: Serious behavioral infractions at school might result in suspension from school.</i>

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103.	Symbol:	<p>Something that stands for something else.</p> <p><i>Example: Each star in the American flag is a symbol for one of the states in our country.</i></p>
104.	Theft/Larceny: Level II – Behavior (Petty Theft) Level IV – Behavior (Grand Theft & Motor Vehicle Theft)	<p>The taking of property from a person, building, or a vehicle. The unauthorized taking, carrying, riding away with, or concealing the property of another person, including motor vehicles, without threat, violence, or bodily harm.</p> <p><i>Example: He committed theft/larceny when he slipped the library book into his backpack and left the library without checking it out.</i></p>
105.	Theft (Grand): Level IV - Behavior	<p>Stealing something over \$750.00 in value.</p> <p><i>Example: He was charged with grand theft when he stole the school's computer.</i></p>
106.	Theft (Motor Vehicle): Level IV - Behavior	<p>Taking a motor powered vehicle without permission.</p> <p><i>Example: The student drove the teacher's car from the parking lot without permission and then was arrested for motor vehicle theft.</i></p>
107.	Theft Petty): Level II - Behavior	<p>Knowingly obtaining or using the property of another under \$750.00 in value with the intent to temporarily or permanently deprive the owner of its use or benefit.</p> <p><i>Example: The principal called school police to report the petty theft of a student's purse.</i></p>
108.	Threat/Assault: Level III – Behavior	<p>An intentional, unlawful threat by word or act to do violence to another, coupled with the apparent ability to do so, and doing some act, which creates a well-founded fear in the other person that such violence is imminent.</p> <p><i>Example: The student was suspended for making a threat to kill the teacher, causing her to fear for her life.</i></p>
109.	Threat Assessment Team:	<p>The Threat Assessment Team is comprised of members with expertise in counseling, instruction, school administration, and law enforcement whom may refer student(s) for mental health services when appropriate.</p> <p><i>Example: The student who made a threat against the school was referred for mental health services by the school's Threat Assessment Team.</i></p>
110.	Threat/Intimidation:	<p>An incident where there was no physical contact between the offender and victim, but the victim felt that physical harm could have occurred based on verbal or nonverbal communication by the offender. This includes nonverbal threats (e.g. brandishing a weapon) and verbal threats of</p>

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

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114.	Under the Influence:	<p>The impairment of one's normal faculties, such as walking, talking, etc., as may be evidenced by, but not limited to: bloodshot eyes, slurred speech, odor of alcohol/illicit substance, stumbling, imbalance, drowsiness, flushed face."</p> <p><i>Example: The student appeared to be under the influence of alcohol, as his breath smelled of alcohol, he spoke incoherently and he was unable to maintain his balance.</i></p> <p>Special Note: These observations may be made by a lay (non-expert) witness. An administrator may come to the conclusion that a student is under the influence of alcohol or an illicit substance based on the totality of the circumstances. An administrator should first rule out that the student is having a reaction to food or authorized prescription medication or experiencing a medical condition. See Vital Alert Use of Medication on page(s) 45.</p>
115.	Vandalism: Level II – Behavior (Vandalism Minor) Level III – Behavior (Vandalism Major)	<p>The intentional destruction, damage, or defacement of public or private/personal property without consent of the owner or the person having custody or control of it.</p> <p>Major: resulting in damages over \$1,000.00.</p> <p>Minor: resulting in damages under \$1,000.00.</p> <p><i>Example: The student committed vandalism when he spray painted graffiti on the school.</i></p>
116.	Vaping: Level II - Behavior	<p>To inhale and exhale the vapor produced by an electronic cigarette or similar device.</p> <p><i>Example: The student was vaping with an electronic cigarette in the stairwell.</i></p>
117.	Vaping-related Incident	<p>All incidents that involve the use of non-combustible vaping products, including electronic cigarettes, vapes and vape pens, or any electronic nicotine delivery system if the liquid used contains nicotine or a controlled substance.</p>
118.	Violation/Infraction:	<p>The breaking of a school policy; an infringement.</p> <p><i>Example: For every behavior violation there is a recommended corrective strategy.</i></p>
119.	Violence:	<p>Physical force used to injure, damage, or destroy.</p> <p><i>Example: Acts of violence include serious fighting, using a weapon to hurt someone, and throwing objects hard enough to injure a person or damage property.</i></p>

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

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

A large, diverse group of people of various ages and ethnicities are smiling and holding a long white banner. The banner features several colorful speech bubbles, each containing a different technology-related icon: a robot, a smartphone, a laptop, a globe, a graduation cap, a lightbulb, a rocket, a soccer ball, a gear, a magnifying glass, and a document. The people are standing in two rows, with some holding the banner from behind and others from the front. The background is a plain, light-colored wall.

Code of Student Conduct – Secondary

Best Practices and Suggestions for Rewarding Model Student Behavior

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

Studies have revealed that model student behavior improves when students

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

Studies also indicate the importance of parental support

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

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

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

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

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

Abraham Lincoln, Former President

Code of Student Conduct – Secondary

The Importance of Developing Time Management Skills

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

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

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

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



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

Carl Sandburg (1878-1967)

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Time Management Tips for High School Students

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

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

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

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

2. Use Spare Minutes Wisely.

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

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

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

4. Find the Right Time.

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

5. Review Your Notes Every Day.

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

6. Get a Good Night's Sleep.

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

7. Communicate Your Schedule to Others.

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

8. Become a Taskmaster.

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

9. Don't Waste Time Agonizing.

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

10. Keep Things in Perspective.

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

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

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Code of Student Conduct – Secondary**Personal Time Management Tool**

Time Flies When You're...

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

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

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

Code of Student Conduct – Secondary**Parent Resources**

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

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

Code of Student Conduct – Secondary

Anti-Discrimination Policy

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

In Addition:

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

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

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

Revised 07/2020

EXHIBIT B



Book	Policy Manual
Section	5000 Students
Title	PROHIBITION ON DISCRIMINATION AND HARASSMENT AGAINST STUDENTS BASED ON PROTECTED CATEGORIES
Code	po5517
Status	Active
Adopted	May 11, 2011
Last Revised	October 21, 2020

5517 - PROHIBITION ON DISCRIMINATION AND HARASSMENT AGAINST STUDENTS BASED ON PROTECTED CATEGORIES

The School Board shall comply with all Federal laws and regulations prohibiting discrimination and all requirements and regulations of the U.S. Department of Education. The Board will enforce its prohibition against discrimination and harassment based on sex, race, color, ethnic or national origin, religion, marital status, disability, age, political beliefs, sexual orientation, gender, gender identification, social and family background, linguistic preference, pregnancy, and any other basis prohibited by law. The Board shall maintain an educational and work environment free from all forms of discrimination and harassment, which includes Title IX of the Education Amendments of 1972. Title IX prohibits all forms of sex discrimination and unwelcome sexual conduct, including conditioning any aid, benefit or service of the school on an individual's participation in unwelcome sexual conduct, sexual assault, dating or domestic violence, stalking, and all forms of sexual harassment that a reasonable person would determine so severe, pervasive, and objectively offensive that it denies a student access to an education program or activity. Such conduct may include, but is not limited to, unwelcome touching, graphic verbal comments, sexual jokes, slurs, gestures or pictures, whether in-person or through any other method, including sexual cyber-harassment. All students, administrators, teachers, staff, and all other school personnel share responsibility for avoiding, discouraging, and reporting any form of prohibited discrimination or harassment against students by employees, other students and their parents or guardians, or third parties. This policy prohibits discrimination and harassment at locations, events, or circumstances over which the Board exercises substantial control over both the respondent and the context in which the prohibited conduct occurs, including but not limited to such events occurring on school property, during any school-related or school-sponsored program or activity, and on school-sponsored transportation. This policy also prohibits retaliation against a person who has made a report or filed a formal complaint alleging unlawful discrimination or harassment, or who has participated as a witness in a discrimination or harassment investigation.

For additional information about Title IX or any other discrimination or harassment concerns contact:

Office of Civil Rights Compliance (CRC)
Executive Director/District Title IX Coordinator
155 N.E. 15th Street, Suite P104E
Miami, FL 33132
Phone: (305) 995-1580
Fax: (305) 995-2047
crc@dadeschools.net
<http://crc.dadeschools.net/>

For additional information on Section 504 of the Rehabilitation Act of 1973 or any other student disability concerns contact:

Division of Special Education
504 Coordinator
1501 N.E. 2nd Avenue, Suite 409

Miami, FL 33132
Phone: (305) 995-1796
Fax: (305) 523-0591
ese@dadeschools.net
<http://ese.dadeschools.net/>

The Board will take immediate steps to discipline individuals for:

- A. Retaliating against a person who has made a report or filed a complaint alleging unlawful discrimination or harassment, or who has participated as a witness in a discrimination or harassment investigation.
- B. Filing a malicious or knowingly false report or complaint of discrimination or harassment.
- C. Disregarding, failing to investigate adequately, or delaying investigation of allegations of prohibited discrimination or harassment, when responsibility for reporting and/or investigating unlawful discrimination or harassment charges comprises part of one's duties.

The District compliance officer will supervise compliance with Federal and State regulations and address complaints in accordance with law and Policy 5517.02. The Board will provide proper notice of nondiscrimination for Title II, Title VI, and Title VII of the Civil Rights Act of 1964, Title IX of the Education Amendment Act of 1972, Section 504 of the Rehabilitation Act of 1973, and the Americans with Disabilities Act of 1990.

Reports and Complaints

Students who believe they have been the victim of discrimination, harassment or retaliation are entitled to use the complaint procedures in Policy 5517.02, or, if the complaint involves sexual harassment prohibited by Title IX, to file a formal complaint in accordance with the District's *Title IX Sexual Harassment Manual* and request an investigation. Reports will be addressed as soon as possible after the alleged conduct occurs while the facts are known and potential witnesses are available. When a sexual harassment report is made, supportive measures will be offered, and the formal complaint process will be explained to the complainant. During an investigation of prohibited conduct, the complainant and the respondent shall be provided an equal opportunity to present witnesses and evidence relevant to the complaint. The Principal shall apply the Code of Student Conduct to allegations of discrimination and harassment by students, except as otherwise specified in law or regulation.

Initiating a report or formal complaint will not adversely affect the complainant's participation in educational or extra-curricular programs unless the complainant makes the complaint maliciously or with knowledge that it is false. Investigation of an allegation shall not proceed solely on the basis of an anonymous complaint without first attempting to ascertain the identity of the complainant. If after such efforts, the complainant remains anonymous, the investigation will proceed to the extent possible.

The Superintendent shall develop guidelines setting forth the conditions and requirements to implement this policy in accordance with federal and state laws, regulations, and Board policies. The District's Title IX Coordinator is authorized to coordinate the Board's Title IX obligations.

Privacy/Confidentiality

The District respects the privacy of students, including the complainant, the respondent, and the witnesses, consistent with the Board's legal obligations to investigate, take appropriate action, and comply with any regulatory, discovery or disclosure obligations. All records generated under this policy and Policy 5517.02 shall be maintained as confidential to the extent permitted by law, except as otherwise set forth in law or regulation.

The complaint processes in Policy 5517.02 and/or the *Title IX Sexual Harassment Manual* are not intended to interfere with student rights to pursue complaints with the United States Department of Education, Office for Civil Rights, or the Florida Department of Education. The CRC Office processes such complaints according to the procedures and standards set forth by Federal and State agencies.

Retention of Investigatory Records and Materials

All individuals responsible for receiving reports, applying formal complaint procedures, and/or conducting investigations under this policy, Policy 5517.02, Policy 5517.03, and/or the *Title IX Sexual Harassment Manual* shall retain all information, documents, electronically stored information (ESI), and electronic media created and/or received as part of the report, complaint, or investigation. The information shall be retained immediately upon receipt of specific information and/or written notice that could lead to an investigation, formal complaint, or potential litigation.

The information, documents, ESI, and electronic media retained may include public records and records exempt from disclosure under Federal and/or State law (e.g., student records).

The information, documents, ESI, and electronic media created or received a part of a sexual harassment complaint procedure shall be retained for not less than seven (7) years. All other types of investigations shall be maintained for not less than three (3) years, but longer if required by Policies 8320, 8330 or the District's records retention schedule.

Education and Training

The Board promotes preventative educational measures to create greater awareness of unlawful harassment and discrimination. The Superintendent shall provide appropriate training to members of the School District community related to the implementation of this policy and Policy 5517.02. The District's sexual harassment training information shall be retained for not less than seven (7) years.

Employee Sexual Conduct

Any teacher, administrator, coach, or other school authority who engages in sexual conduct with a student may also be guilty of a crime.

Effect of Other Policies

The definition of harassment that is not based upon protected categories is contained within the *Code of Student Conduct*, referenced in Policy 5500. Florida law also defines *Bullying and Harassment*, as set forth in Policy 5517.01. In accordance with Florida law, Policy 5517.03 defines *Dating Violence or Abuse*. Policy 5136.02 defines *Sexting*.

Effective 7/1/11
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Revised 10/21/20

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Legal	F.S. 110.1221
	F.S. 784.049
	F.S. 1000.05
	F.S. 1006.07
	F.S. 1006.147
	F.S. 1006.148
	F.A.C. 6A-19.008
	20 U.S.C. 1400 et seq., The Individuals with Disabilities Improvement Act of 2004, as amended (commonly known as The Individuals with Disabilities Act)
	20 U.S.C. 1681 et seq.
	29 U.S.C. 621 et seq., Age Discrimination in Employment Act of 1967
	29 U.S.C. 794, Rehabilitation Act of 1973
	42 U.S.C. 12101 et seq., Americans with Disabilities Act of 1990, as amended
	42 U.S.C. 1983
	42 U.S.C. 2000d et seq.
	42 U.S.C. 2000e et seq.
	34 C.F.R. Part 106
	National School Boards Association Inquiry and Analysis – May 2008

Exhibit C

Policy Against Bullying and Harassment MIAMI- DADE COUNTY PUBLIC SCHOOLS

Miami-Dade County Public Schools (M-DCPS or District) is committed to providing a safe learning environment for all students. To this end, M-DCPS is dedicated to eradicating bullying and harassment in its schools by providing awareness, prevention and education in promoting a school atmosphere in which bullying, harassment, and intimidation will not be tolerated by students, school board employees, visitors, or volunteers.

This M-DCPS policy is consistent with Florida Statutes s. [1006.147](#), *Bullying and Harassment Prohibited*, its content, definitions and guidelines. This statute may also be cited as the “Jeffrey Johnston Stand Up for All Students Act.”

- a. It is the policy of the Miami-Dade County Public School District that all of its students and school employees have an educational setting that is safe, secure and free from harassment and bullying of any kind. The District will not tolerate bullying and harassment. Conduct that constitutes bullying and harassment, as defined herein is prohibited.
- b. Definitions:

Bullying includes cyberbullying and means systematically and chronically inflicting physical hurt or psychological distress on one or more students or school employees that is severe or pervasive enough to create an intimidating, hostile, or offensive environment; or unreasonably interfere with the individual's school performance or participation. It is further defined as a pattern of unwanted and repeated written, verbal, or physical behavior, including any threatening, insulting, or dehumanizing gesture by an adult or student. The Miami-Dade County Public Schools *Code of Student Conduct*, incorporated by reference in Policy 5500, *Student Conduct and Discipline*, contains a further description of conduct that may constitute bullying.

Bullying may involve, but is not limited to:

- 1. Teasing
- 2. Social exclusion
- 3. Threats
- 4. Intimidation
- 5. Stalking
- 6. Physical violence
- 7. Theft
- 8. Sexual, religious, or racial harassment
- 9. Public or private humiliation
- 10. Destruction of Property
- 11. Cyberstalking
- 12. Cyberbullying
- 13. Hazing

Harassment means any threatening, insulting or dehumanizing gesture, use of data or computer software, or written, verbal or physical conduct directed against a student or school employee that:

1. Places a student or school employee in reasonable fear of harm to his or her person or damage to his or her property;
2. Has the effect of substantially interfering with a student's educational performance, opportunities, or benefits; or
3. Has the effect of substantially disrupting the orderly operation of a school, including any course of conduct that is directed at a specific person that causes substantial emotional distress in such a person and serves no legitimate purpose.

Bullying and harassment also encompasses:

1. Retaliation against a student or school employee by another student or school employee for asserting or alleging an act of bullying or harassment. Reporting an act of bullying or harassment that is not made in good faith is considered retaliation.
2. Perpetuation of conduct listed in the definition of bullying, including cyberbullying, and harassment by an individual or group with intent to demean, dehumanize, embarrass or cause emotional or physical harm to a student or school employee by:
 - a. Incitement or coercion;
 - b. Accessing or knowingly and willingly causing or providing access to data or computer software through a computer, computer system, computer network, electronic or wireless devices, within the scope of the district school system, on or off school grounds, to bully or harass, that jeopardizes student or school employee safety or disrupts the learning environment;
 - c. Acting in a manner that has an effect substantially similar to the effect of bullying or harassment.

Cyberbullying means bullying through the use of technology or any electronic communication, which includes, but is not limited to, any transfer of signs, signals, writing, images, sounds, data, or intelligence of any nature transmitted in whole or in part by a wire, radio, electromagnetic system, photo electronic system, or photo optical system, including, but not limited to, electronic mail, Internet communications, instant messages, or facsimile communications. Cyberbullying includes the creation of a webpage or weblog in which the creator assumes the identity of another person, or the knowing impersonation of another person as the author of posted content or messages, if the creation or impersonation creates any of the conditions enumerated in the definition of bullying. Cyberbullying also includes the distribution by electronic means of a communication to more than one person or the posting of material on an electronic medium that may be accessed

by one or more persons, if the distribution or posting creates any of the conditions enumerated in the definition of bullying.

Cyberstalking as defined in s. 784.048(1)(d) and 815.03, F.S., means to engage in a course of conduct to communicate, or to cause to be communicated, directly or indirectly, words, images, or language by or through the use of electronic mail or electronic communication, directed at or pertaining to a specific person, or to access, or attempt to access, the online accounts or Internet-connected home electronic systems of another person without that person's permission, causing substantial emotional distress to that person and serving no legitimate purpose.

Hazing as defined in s. 1006.135, F.S., means any action or situation that endangers the mental or physical health or safety of a student at a school with any of grades 6 through 12 for purposes including, but not limited to, initiation or admission into or affiliation with any organization operating under the sanction of a school with any of grades 6 through 12.

"Hazing" includes, but is not limited to:

- a. Pressuring, coercing, or forcing a student into:
 - 1. Violating state or federal law;
 - 2. Consuming any food, liquor, drug, or other substance; or
 - 3. Participating in physical activity that could adversely affect the health or safety of the student.
- b. Any brutality of a physical nature, such as whipping, beating, branding, or exposure to the elements.

Hazing does not include customary athletic events or other similar contests or competitions or any activity or conduct that furthers a legal and legitimate objective.

Complainant is defined as any District employee, consultant, contractor, agent, visitor, volunteer, student, or other person who formally or informally makes a report of bullying, orally or in writing.

Bullying and Harassment Based on Protected Categories encompasses, but is not limited to, unwanted harm towards a student or employee based on or with regard to actual or perceived: sex, race, color, religion, national origin, age, disability (physical, mental, or educational), marital status, socio-economic background, ancestry, ethnicity, gender, gender identity or expression, linguistic preference, political beliefs, sexual orientation, or social/family background. Board policies prohibit bullying or harassment of any student by any Board member, District employee, consultant, contractor, agent, visitor, volunteer, student, or other person in the school or outside of the school, at school-sponsored events, on school buses, and at training facilities or training programs sponsored by the District. Board Policies 5517 and 5517.02 contain additional information about the prohibition against discrimination and harassment of students based on protected categories.

c. Description of the type of behavior expected from each student and school employee of a public K-12 educational institution

The Miami-Dade County Public School District expects students to conduct themselves as appropriate for their levels of development, maturity, and demonstrated capabilities with a proper regard for the rights and welfare of other students and school staff, the educational purpose underlying all school activities, and the care of school facilities and equipment.

The school district believes that standards for student behavior must be set cooperatively through interaction among the students, parents/legal guardians, staff, and community members creating an atmosphere that encourages students to grow in self-discipline. The development of this atmosphere requires respect for self and others, as well as for district and community property on the part of students, staff, and community members. Since students learn by example, school administrators, faculty, staff, and volunteers will demonstrate appropriate behavior, treat others with civility and respect, and refuse to tolerate bullying or harassment (M- DCPS Code of Student Conduct).

Within every school, the principal and staff have the responsibility and authority for maintaining an orderly educational process. Students have the responsibility to show respect to all School Board employees and respond in obedience to said authority. Appropriate methods for recognizing students for model behavior are outlined within the District's Code of Student Conduct manual.

Bullying and harassment of any student or school employee is prohibited:

- a. During any education program or activity conducted by M-DCPS;
- b. During any school-related or school-sponsored program or activity; or
- c. On a M-DCPS school bus or school bus stop;
- d. Through the use of data or computer software that is accessed through a computer, computer system, or computer network of M-DCPS within the scope of our school district, meaning regardless of ownership, any computer, computer system, or computer network that is physically located on school property or at a school-related or school-sponsored program or activity; or
- e. Through the use of data or computer software that is accessed at a non-school-related location, activity, function, or program or through the use of technology or an electronic device that is not owned, leased, or used by a school district or school, if the bullying substantially interferes with or limits the victim's ability to participate in or benefit from the services, activities, or opportunities offered by a school or substantially disrupts the education process or orderly operation of a school.
- f. The above section (e) does not require a school to staff or monitor any non- school-related activity, function, or program.

d. Consequences for a student or employee of a public K-12 educational institution who commits an act of bullying or harassment.

A list of bullying/harassment corrective strategies/disciplinary sanctions are outlined in the *Code of Student Conduct*.

All corrective strategies used by school-site administrators must be in compliance with School Board rules and policies. Inherent in these rules and policies is the philosophy of fairness and consideration for actions that are in the best interest of students. When confronted with an act that may require the imposition of corrective strategies by the school, the student and all other appropriate persons should be given the opportunity to explain the circumstances of the incident.

Students shall not be subjected to any corrective strategies for using a language other than English or because of a disability. School administrators should communicate with parents/guardians when corrective strategies must be taken against a student. Parents/guardians and students who disagree with certain strategies and decisions made at the school-level have the right to the following formal complaint procedures:

- a school-level hearing;
- appeal of school-level decisions to the regional center office; and
- in some instances, a hearing before an impartial hearing officer.

Miami-Dade County School Board Policy 9130 contains additional information regarding complaints. School Board Policy 5517.02 provides procedures to be followed if a student is subjected to discrimination or harassment by an adult employee of Miami-Dade County Public Schools or by a fellow student based on a protected category. Policies 1362.01, 3362.01, and 4362.01 contain complaint procedures for any other member of the District community or third parties for discrimination and harassment based on protected categories.

Concluding whether a particular action or incident constitutes a violation of this policy requires a determination based on all of the facts and surrounding circumstances. The physical location or time of access of a computer-related incident cannot be raised as a defense in any disciplinary action.

1. Consequences and appropriate remedial action for students who commit acts of bullying or harassment may range from positive behavioral interventions up to and including suspension or expulsion, as outlined in the *Code of Student Conduct* (School Board Policy 5500). The physical location or time access of a computer-related incident cannot be raised as a defense in any disciplinary action initiated.

Miami-Dade County School Board Policy 5517.02 provides procedures to be followed if a student is being harassed by an adult employee of Miami-Dade

County Public Schools, or by a fellow student.

2. Consequences and appropriate remedial action for a school/district employee found to have committed an act of bullying or harassment are provided in accordance with district policies, procedures, and agreements (School Board Policies 1210.01, 3210.01, and 4210.01, *Code of Ethics*; Personnel Investigative Model – PIM). Additionally, egregious acts of harassment by certified educators may result in a sanction against an educator's state issued certificate (The Code of Ethics for Public Officers and Employees, Chapter 112, Part III, Florida Statute, The Principles of Professional Conduct of the Education Profession in Florida and School Board Policies 1129, 3129, and 4129).
 3. Consequences and appropriate remedial action for a visitor or volunteer, found to have committed an act of bullying or harassment will be determined by the school administrator after consideration of the nature and circumstances of the act, including reports to appropriate law enforcement officials.
- e. **Consequences** for a student or employee of a public K-12 educational institution who is found to have **wrongfully and intentionally** accused another of an act of bullying or harassment:
- The sanctions listed above apply to persons, whether they are students, school/district employees, or visitors/volunteers/independent contractors, who are found to have wrongfully and intentionally accused another of bullying or harassment.
- f. A **procedure for reporting an act** of bullying or harassment, including provisions that permit a person to anonymously report such an act.

At each school, the principal or the principal's designee is responsible for receiving complaints alleging violations of this policy. All school employees are required to promptly report incidents of discriminatory or harassing conduct to the administrator to whom the employee is responsible or the administrator's designee. (Board Policy 8141 provides additional information about reporting employee misconduct). All reports that might constitute harassment based on protected categories, including sexual harassment, must also be reported to the District's Civil Rights Compliance Office (CRC) so that the Board may address the conduct before it becomes severe, pervasive, or persistent.. Other members of the school community who have credible information that bullying, or harassment has taken place, including students, parents/legal guardians, volunteers, and visitors are encouraged to report any act that may be a violation of this policy anonymously or in-person to the principal or principal's designee.

If the alleged offense is against the principal, the report should be filed with the Regional Center Superintendent. Complaints against the Superintendent should be

filed with the School Board Chairperson. Failure to report will result in action(s) or discipline, consistent with the Personnel Investigate Model (PIM). *The Code of Ethics for Public Officers and Employees*, Chapter 112, Part III, Florida Statutes, and the *Principles of Professional Conduct of the Education Profession* in Florida and State Board of Education Rule 6A-10.081 also serve as guidelines.

If the alleged offense is against a school board employee, disciplinary actions may be taken consistent with any applicable bargaining agreement provisions, (Personnel Investigative Model – PIM), to resolve a complaint of bullying or harassment. The principal or an employee accused of bullying or harassment will discuss the determination and any recommended corrective action with the Regional Center Superintendent prior to its implementation.

The principal of each school in the District will prominently publicize to students, staff, volunteers, visitors and parents/legal guardians how a report of bullying or harassment may be filed either in-person or anonymously and how this report will be acted upon. The victim of bullying or harassment, any witnesses, and anyone who has credible information that bullying or harassment has taken place may file a report. A school employee, school volunteer, student, parent/legal guardian or other persons who promptly and in good faith report bullying or harassment to the appropriate school official and who makes this report in compliance with District procedures is immune from a cause of action for damages arising out of the reporting itself or any failure to remedy the reported incident. Submission of a good faith complaint or report of bullying or harassment will not affect the future employment, grades, participation, learning or working environment, or work assignments of the complainant or reporter.

Written and oral reports shall be considered official reports. Complaints must be filed as soon as possible after the alleged incident and documented on the Student Case Management Referral form. Subsequently, the information should be recorded in the District Student Information System (DSIS).

The Florida Board of Education Rules 6A-19.008, and 6B-1.006, and Miami-Dade County School Board Policies 5517.02 *Discrimination/Harassment Complaint Procedures for Students*, and 1362.02, 3362.02, and 4362.02 *Discrimination and Harassment Complaint Procedures*, include procedures for reporting bullying or harassment.

Reports may be made anonymously, but formal disciplinary action may not be based solely on the basis of an anonymous report. Anonymous reports must be investigated in the same manner and treated with the same seriousness as all other reports.

If a student or other individual believes there has been bullying or harassment, regardless of whether it fits a particular definition, s/he should report it and allow the principal or principal's designee to determine the appropriate course of action.

Anonymous reports may be made by parents and students by utilizing the Miami-Dade County Public Schools Anonymous Bullying Report form. Anonymous online reports can be filled out on-line and will be received directly by the principal of the school where the alleged incident took place via electronic mail. Such forms can also be printed from the on-line site and filled out in writing.

Each school is required to have a Bullying/Harassment Anonymous Reporting Box for parents and students to utilize. Written, anonymous reports may be placed in the school's reporting box located in a discrete location determined by the principal.

The principal or principal's designee will document all reports and interventions on the appropriate Student Case Management Referral Form or Student Case Management Discipline Form and further use the District Student Information System (DSIS) for system wide documentation.

Administrative Review and Procedures: Receipt of Complaints

The building principal and principal's designee shall promptly investigate all reports of bullying and harassment. All reports that might constitute harassment based on protected categories, including sexual harassment, must also be reported to the District's Civil Rights Compliance Office (CRC). The District's CRC Office must be consulted by the principal for special procedures that apply to complaints of sexual harassment. All matters involving complaints will remain confidential to the extent permitted by law. Staff members are encouraged to watch for early signs of bullying and harassment and to intervene before the bullying or harassment escalates.

Even when there has been no report of bullying, each staff member is encouraged to be vigilant and look for students who appear to be isolated from other students, about whom other students are making inappropriate comments, or who show signs of being a victim of their peers. To confirm their concerns, the staff member may choose to:

- intensify observations of student(s) in question,
- confer with colleagues about students potentially involved,
- engage in short personal interviews with some students,
- contact the parent to inquire as to how the student is perceiving school interactions, and/or
- speak privately with the possible victim of bullying or harassment.

If such measures confirm the staff member's concern that a student is being bullied or harassed or the staff member observes or receives a report of a bullying or harassment about that student, they must inform the principal or principal's designee either verbally or through written communication on a standard Student Case Management Referral form.

Students and/or their parents/guardians may file a Bullying and Harassment Report

Form (available in the main office of each school) regarding suspected bullying or harassment. Such reports will be promptly forwarded to the principal or principal's designee for review, investigation, and action.

The written report shall be reasonably specific as to actions giving rise to the suspicion of bullying and must include:

- persons involved, designating bully, victim, and bystander roles in the current situation,
- number of times and places of the alleged conduct,
- names of any potential student or staff witnesses, and any actions taken.

Reporting and Documenting Procedures: Students

1. In an expeditious manner, the principal or principal's designee shall confer with the student, parent or guardian who submitted the report in order to obtain a clear understanding of the alleged incident and obtain details regarding the current situation. If not already completed, the principal or principal's designee will complete the Bullying Report Form. Documentation of this conference will be coded on a Student Case Management Form.
2. The principal or principal's designee will meet with all student(s) accused of the alleged bullying or harassment, to obtain a response to the complaint both orally and in writing. Documentation of this conference will be coded on a Student Case Management Form.
3. The principal or principal's designee will meet with all witnesses, individually and confidentially, identified by the person(s) making the report of bullying or harassment. Witnesses will be asked to make a statement both orally and in writing regarding the alleged facts that form the basis of the complaint. Documentation of this meeting will be coded on a Student Case Management Form.
4. Following the completion of the investigation, any student(s) found to have violated this policy will be subject to any of the disciplinary actions described in the *Code of Student Conduct* and coded on a Student Case Management Referral Form. The principal or principal's designee will notify parents, guardians or legal custodians of any student(s) involved in an incident of bullying or harassment under this policy. The Florida Department of Education requires that school administrators/designees provide immediate notification to the parents of both the victim and the alleged perpetrator of bullying or harassment. Acceptable means of notification to parents/guardians and/or legal custodians include: telephone, personal conference, and/or in writing. Notification must be consistent with the student privacy rights under the applicable provisions of the Family Educational Rights and Privacy Act of 1974 (FERPA). Such persons shall have access to any written reports pertaining to

the prohibited incident to the extent permitted by State and Federal privacy/confidentiality laws.

5. Retaliation against any student or employee who makes a complaint of bullying or harassment, or any student who becomes involved in the investigation of any such complaint, is strictly prohibited, and may result in discipline irrespective of the merits of the initial complaint. Making intentionally false reports about intimidation, harassment or bullying for the purpose of getting someone in trouble is similarly prohibited and will not be tolerated. Retaliation and intentionally false reports may result in disciplinary action as indicated above and will be subject to any of the disciplinary actions described in the *Code of Student Conduct* and coded on a Student Case Management Referral Form.
 6. The principal or principal's designee shall have the authority to involve local law enforcement if an individual believes danger is imminent due to the alleged bullying or harassment or for any other potential criminal offense.
- g. A procedure for the prompt investigation** of a report of bullying or harassment and the persons responsible for the investigation must be followed. The investigation of all incidents at school or during school related activities begins with a report of bullying or harassment. Incidents that require a reasonable investigation when reported to school authorities shall include alleged incidents of bullying or harassment allegedly committed against a child while the child is in route to school aboard a school bus or at a school bus stop.

At each school in the District, the Procedures for Investigating Bullying and/or Harassment include:

The principal or principal's administrative designee(s), employed by the school, trained in investigative procedures will initiate a thorough investigation with the victim and alleged perpetrator upon receiving a notification of complaint. The designee shall not be the accused perpetrator, victim, school counselor, or other school mental health service provider. All reports that might constitute harassment based on protected categories, including sexual harassment, must also be reported to the District's Civil Rights Compliance Office (CRC). The District's CRC Office must be consulted by the principal for special procedures that apply to complaints of sexual harassment.

Documented interviews with the victim, alleged perpetrator, and witnesses are conducted privately, separately, and are confidential and at no time will the alleged perpetrator and victim be interviewed together. Employees will have the right to representation of their choice during an interview which includes representation from their respective bargaining unit, association, and/or legal counsel. The Personnel Investigative Model (PIM) shall be utilized to guide the process.

The investigator shall collect and evaluate the facts including, but not limited to:

- Description of incident(s) including nature of the behavior; context in which the alleged incident(s) occurred, etc;
- How often the conduct occurred;
- Whether there were past incidents or past continuing patterns of behavior;
- The relationship between the parties involved;
- The characteristics of parties involved (i.e., grade, age, etc.);
- The identity and number of individuals who participated in bullying or harassing behavior;
- Where the alleged incident(s) occurred;
- Whether the conduct adversely affected the student's education or educational environment;
- Whether the alleged victim felt or perceived an imbalance of power as a result of the reported incident;
- The date and time, and method in which the parent(s)/legal guardian(s) were contacted; and
- Description of follow-up action

Whether a particular action or incident constitutes a violation of this policy requires a determination based on all the facts and surrounding circumstances and includes:

- Recommendation of consequences or remedial steps necessary to stop the bullying and/or harassing behavior, and
- A written final report by the principal or designee

The highest level of confidentiality possible will be maintained regarding the submission of a complaint or a report of bullying and/or harassment, and the investigative procedures that follow.

The procedure for including incidents of bullying in the school's report of safety and discipline data is required under [F.S. 1006.09\(6\)](#).

- h. A process to investigate** whether a reported act of bullying or harassment is within the School Board's jurisdiction and, if not, a process for referral of such an act to the appropriate jurisdiction. Computers without web-filtering software or computers with web-filtering software that is disabled shall be used when complaints of cyberbullying are investigated.

A principal or designee will initiate an investigation to determine whether an alleged act is within the School Board's jurisdiction, and whether it constitutes a violation of this policy by conducting a prompt, thorough and complete investigation of each alleged incident.

- If it is within the School Board's jurisdiction, go to Procedures for Investigating Bullying and/or Harassment.
- If it is outside the School Board's jurisdiction, and could be a

criminal act, refer to appropriate law enforcement.

- If it is outside the School Board's jurisdiction, and not a criminal act, inform parents/legal guardians of all students involved.
- i. A procedure for providing **immediate notification to the parents/legal guardians** of a victim of bullying or harassment and the parents/legal guardians of the perpetrator of an act of bullying or harassment as well as, notification to all local agencies where criminal charges may be pursued against the perpetrator:

The principal, or designee, will promptly report by telephone, personal conference, and/or in writing, the occurrence of any incident of bullying or harassment as defined by this policy to the parent or legal guardian of all students involved on the same day an investigation of the incident(s) has been initiated. Notification must be consistent with the student privacy rights under the applicable provisions of the Family Educational Rights and Privacy Act of 1974 (FERPA).

Special consideration regarding parental notification should be provided for students who are being bullied / harassed based on actual or perceived sexual orientation, or gender identity or expression in order to protect the child's well-being and avoid violating the student's privacy rights.

If the bullying or harassment incident results in the perpetrator being charged with a crime, the principal, or designee, shall by telephone or in writing by first class mail, inform parents/legal guardian of the victim(s) involved in the bullying or harassment incident about the Unsafe School Choice Option which states that a "student attending a persistently dangerous public elementary school or secondary school, as determined by the State in consultation with a representative sample of local educational agencies, or who becomes the victim of a violent criminal offense, as determined by State law, while in or on the grounds of a public elementary school or secondary school that the student attends, be allowed to attend a safe public elementary school or secondary school within the local educational agency, including a public charter school." 20 U.S. Code Annotated, Section 7912.

Once the investigation has been completed and criminal charges against the perpetrator are a possibility, all appropriate local law enforcement agencies will be notified by telephone and/or in writing.

In accordance with Board Policy 5131, upon receipt of a report of an incident, the school principal or designee shall provide a copy of the report to the parent and investigate the incident to determine if the incident must be reported as required by Section 1006.09(6), Florida Statutes. Within 24 hours after the receipt of the report, the principal or designee shall also provide a copy of the report to the parent of the alleged offender and superintendent. Upon conclusion of the investigation or within 15 days after the incident was reported, whichever occurs first, the school district shall notify the parent of the program and offer the parents an opportunity to enroll his or her student in another public school that has capacity to request or receive a scholarship to attend an eligible private school, subject to available funding. A

parent who chooses to enroll his or her student in a public school located outside the district in which the student resides pursuant to s. 1002.31, F.S. shall be eligible for a scholarship to transport the student.

- j. A procedure to **refer** victims and perpetrators of bullying or harassment for **counseling**:

The District referral procedure for intervening when bullying or harassment is suspected or when a bullying incident is reported, shall include:

Referral for Intervention and Counseling: Students

Both victims and perpetrators of bullying or harassment will be referred to the school's Student Services Team for counseling support and interventions. (Parent or legal guardian must be notified). Documentation of services will be coded on a Student Case Management Form.

Counseling and support services may be provided to address the needs of the victim, the bystanders, as well as the perpetrator(s) of bullying or harassment (e.g., individual counseling, empathy training, anger management, etc.). Research-based counseling/interventions will be used to address the behavior of the students who bully and harass others.

Research-based counseling/interventions that include assistance and support will be provided to parents/legal guardians, if necessary or appropriate.

Referrals to at least two different community-based counseling agencies pursuant to Policy 1213.01, *Requests for Outside Providers*, will be made to the parent/guardian when additional family counseling services are recommended. Documentation of the services will be coded on a Student Case Management Form.

The teacher, staff member, or parent/legal guardian may request informal consultation with specialty staff, e.g., school counselor, school social worker, or school psychologist, etc., to determine the severity of concern and appropriate steps to address the concern (the involved students' parents or legal guardian may be included). Documentation of the conference will be coded on a Student Case Management Form.

If a formal discipline report or formal complaint is made, the principal or designee must refer the student(s) to the school's Student Services Team for consideration of appropriate services. (Parent or legal guardian involvement is required at this point).

- k. School's must report data concerning school safety and **discipline data** under F. S.1006.09(6). The report must include each incident of bullying or harassment and the resulting consequences, including any disciplinary actions and referrals. The

report must include, in a separate section, each reported incident of bullying or harassment that does not meet the criteria of a prohibited act under this section with recommendations for responding to such incidents:

The school District will utilize Florida's School Environmental Safety Incident Reporting (SESIR) Statewide Report on School Safety and Discipline Data, which include **bullying/harassment** as an incident code as well as **bullying-related** as a related element code. The SESIR definition of harassment is any threatening, insulting, or dehumanizing gesture, use of data or computer software, or written, verbal, or physical conduct that 1) places a student or school employee in reasonable fear of harm to his or her person or damage to his or her property, 2) has the effect of substantially interfering with a student's educational performance, opportunities, or benefits, or 3) has the effect of substantially disrupting the orderly operation of a school including any course of conduct directed at a specific person that causes substantial emotional distress in such a person and serves no legitimate purpose.

Bullying and/or harassment incidents will be reported in SESIR with the **bullying/harassment** codes: **reports of bullying (BUL)**, **harassment (HAR)**, **unsubstantiated bullying (UBL)**, and **unsubstantiated harassment (UHR)**. If the bullying/harassment results in any of the following SESIR incidents, the incident will be coded appropriately using the relevant incident code AND the related element code entitled **bullying-related** code. Those incidents are:

- Alcohol
- Aggravated Battery
- Arson
- Burglary
- Bullying
- Disruption on Campus-Major
- Drug Sale or Distribution
- Drug Use or Possession
- Fighting
- Harassment
- Hazing
- Homicide
- Kidnapping
- Larceny/Theft (\$750 threshold)
- Physical Attack (Battery)
- Robbery
- Sexual Assault
- Sexual Battery (Rape)
- Sexual Harassment
- Sexual Offenses (Other)
- Threat/Intimidation
- Tobacco
- Trespassing

- Vandalism (\$1000 threshold)
- Weapons Possession
- Other Major Incidents (Any serious, harmful incident resulting in the need for law enforcement consultation not previously classified. This includes any drug or weapon found unattended and not linked to any individual).

Discipline and referral data will be recorded in Student Discipline/Referral Action Report and District Student Information System (DSIS).

The District will provide bullying and harassment incident, discipline, and referral data to the Florida Department of Education in the format requested, through Survey 5 from Education Information and Accountability Services, and at designated dates provided by the Department. For incidents of bullying, harassment, sexual harassment, threat/intimidation, and any other incident that is Bullying-Related, districts are required to report the Incident Basis and the Victim Basis, which identifies whether the incident is based upon the person's race, sex, disability, sexual orientation, or religion. Further, the terms Physical (the offense was committed in the presence of the targeted individual) or Remote (the offense was committed remotely) must be coded for incident types of bullying or harassment, substantiated (founded) or unsubstantiated (unfounded).

- I. A list of programs authorized by the school district that provide **instruction** to students, parents/legal guardians, teachers, school administrators, counseling staff, and school volunteers on preventing, identifying, and responding to bullying or harassment, including instruction on recognizing behaviors that lead to bullying and harassment and taking appropriate preventive action based on those observations:

Evidence-based Procedures for Responding to Bullying and Harassment: Students

The District strives to ensure that schools maintain healthy, positive, and safe learning environments for all students. It is important to change the social climate of the school and the social norms regarding bullying and harassment. This requires the efforts of everyone in the school environment – teachers, administrators, counselors, school nurses other non-teaching staff (such as bus drivers, custodians, cafeteria workers, and/or school librarians), parents/legal guardians, and students. Students, parents/legal guardians, teachers, school administrators, counseling staff, and school volunteers shall be given instruction at a minimum of once per year on the District's Policy Against Bullying and Harassment by the District Safe Schools Programs' staff. The instruction shall include evidence-based methods of preventing bullying and harassment, how to effectively identify and respond to bullying and harassment in schools, as well as the requirements and procedures for compliance with the District Policy Against Bullying and Harassment.

The District provides the following list of authorized bullying/harassment

prevention programs including, but not limited to:

Anti-Defamation League- No Place for Hate: This initiative provides educators and students with the resources to ensure that anti-bias and diversity education is included in the school curriculum. No Place for Hate helps to create and sustain inclusive school environments where all students feel valued and have the opportunity to succeed by promoting respect for individual differences while challenging bigotry and prejudice.

Bullying and Harassment Prevention Curriculum: The Division of Student Services developed a comprehensive Bullying Prevention curriculum for all students in grades Pre-K through 12. As a result of this curriculum, each student will receive five bullying prevention lessons per year throughout their educational career in M-DCPS.

Mix It Up at Lunch Day: A national campaign launched by Teaching Tolerance in 2002. Mix It Up at Lunch Day encourages students to identify, question and cross social boundaries. Schools are asked to participate on **the last Tuesday in October each school year!** <http://www.tolerance.org/mix-it-up/what-is-mix>

Sandy Hook Promise: Programs within the initiative focus upon building student connectivity and reporting of dangerous or threatening behavior.

Student Voices (formally known as Heritage Panel): This is a unique youth leadership and prejudice-reduction program that empowers high school and middle school students to explore cultural diversity and develop self-esteem, while fostering values that support the understanding of individual differences.

The SAFE Network: Formally the Sexual Minority Network, is a program under Miami-Dade County Public Schools, Division of Student Services that educates and creates programs that support the healthy development of our LGBTQ youth. All our schools have a designated liaison who receives specialized professional development focused on building expertise in program development and delivery of these comprehensive services. Our program has been supporting students, parents and school staff for the last 20 years. The mission of the network is to provide school and district employees with the knowledge necessary to build comprehensive and inclusive programs that support all students, including students who are gay, lesbian, bisexual, transgender or questioning (LGBTQ).

Values Matter Miami: This initiative is focused upon creating and maintaining a safe learning environment. As part of this process, students will receive instruction on the school district's *Code of Student Conduct* and nine core values. Positive behavior will be emphasized stressing the point that students have the power to make good choices, demonstrate positive behaviors, and make values matter.

- m. A procedure for **regularly reporting to a victim's parents/legal guardians** the actions taken to protect the victim of bullying and harassment.

The principal or designee shall by telephone and/or in writing report the occurrence of any incident of bullying or harassment as defined by this policy to the parent or legal guardian of all students involved on the same day an investigation of the incident has been initiated. According to the level of infraction, parents/legal guardians will be notified by telephone and/or writing of actions being taken to protect the child. The frequency of notification will depend on the seriousness of the bullying or harassment incident. Notification must be consistent with the student privacy rights under the applicable provisions of the Family Educational Rights and Privacy Act of 1974 (FERPA).

- n. A **procedure for publicizing** the policy which must include its publication in the *Code of Student Conduct* required under s. 1006.07(2), F.S., and in all employee handbooks:

At the beginning of each school year, the Superintendent or designee shall, in writing, inform school staff, parents/legal guardians, or other persons responsible for the welfare of a student of the District's student safety and violence prevention policy.

Each District school shall provide notice to students and staff of this policy through appropriate references in the *Code of Student Conduct* and employee handbooks, and/or through other reasonable means. The Superintendent shall also make all contractors contracting with the District aware of this policy.

Each school principal shall develop an annual process for discussing the District policy on bullying and harassment with students in a student assembly or other reasonable format. Reminders of the policy and bullying prevention messages such as posters and signs will be displayed around each school and on District school buses.

- o. **Appeals Process:** If the student/parent does not agree with the final determination made by the school site, he/she may appeal the determination by submitting a letter of appeal within 15 workdays to the Region Office or Division of Student Services District Office.
- p. **Constitutional Safeguard:** This policy does not prohibit and should not be interpreted or enforced to prohibit expressive activity or conduct protected by the First Amendment of the United States Constitution or Article I, Section 4 of the Florida Constitution.
- q. **Preclusion:** This policy shall not be interpreted or applied to prevent a victim or accused from seeking redress under any other available law either civil or criminal.
- r. **Severability:** If a provision of this policy is or becomes illegal, invalid, or

unenforceable in any jurisdiction, that shall not affect the validity or enforceability in that jurisdiction of any other provision of this policy.

Exhibit D

From: Jorge Mico
Sent: Thursday, October 11, 2018 3:41:47 PM
To: Adalyn Benavente
Subject: Re: Nicholas Ortiz

Good afternoon, I received this email. Please let me know what to do next. Coach Mico

Sent from my iPhone

On Oct 11, 2018, at 3:18 PM, Lourdes Ortiz [REDACTED] > wrote:

This email is automatically sent from https://www.materacademybay.com/apps/pages/index.jsp?uREC_ID=879599&type=u by IP address 73.0.142.167 (computer id: 0.4917127795059678) on Thursday, October 11, 2018 at 03:18 PM US/Eastern timezone.

From: Lourdes Ortiz [REDACTED] >
Subject: Nicholas Ortiz

Good afternoon,

Nicholas has been coming home for the last two days complaining about some girls in your class that don't leave him alone. He has stated to me they don't let him play and as a result of letting you know he got sent to the office. Those girls have threatened to hurt him in manners I do not wish to repeat. They have also threatened to have him expelled because as they stated "their family knows the principal". Today in your class again, they threatened him again. He came home crying the minute he got in my car. They are bullying him and he has stated that he had to sit out in pe because now they have everyone rallying against him not letting him play. The girls name is [REDACTED]. It's completely unacceptable that a girl is allowed to threaten him. She stated "she was going to stick a soccer ball up his ass" in her words. When Nicholas got sent to the office they accused him of causing the problem and that is clearly not the case. He was not the aggressor and not the instigator. And [REDACTED] simply got away with her threat. Let me know what we can do from here because if this girl threatens him again it's going to be a bigger problem than it already is. I don't care who she thinks she knows and please forward my email to administration if necessary. Bullying and threats from anyone against my son are not taken lightly. She has threatened to physically harm him and today she repeated continued. My son coming home crying because a girl threatens to hurt him, verbally attacks him and then manipulates others into not letting him participate are unacceptable behaviors that should not be tolerated by the teachers and staff. I am available for a conference if need be. I hope that Nicholas is allowed to participate in pe class tomorrow without any issues.

Lourdes Ortiz
[REDACTED]

Exhibit E

I will gladly call you tomorrow to clarify any concerns, or if you'd like I would like to meet with you in person.

Kind regards,
Ms Benavente

Sent from Mrs. Saladrigas-Benavente's iPhone

On Dec 4, 2018, at 5:59 PM, Lourdes Ortiz [REDACTED] > wrote:

This email is automatically sent from <https://www.materacademybay.com/m/staff/index.jsp?> by IP address 172.58.11.204 (computer id: 0.9106391166742827) on Tuesday, December 4, 2018 at 05:59 PM US/Eastern timezone.

From: Lourdes Ortiz <[REDACTED]>

Subject: Nicholas Ortiz

Good evening,

I noticed Nicholas came home with his lunch today. He was not able to go to his regular scheduled lunch. That to me is completely unacceptable. He eats breakfast at home at 6:30. I understand what he said wasn't the right thing to say, but that shouldn't interrupt his ability to eat. He told me you told him he could eat in your office but not to make a mess and he was so nervous to dirty your office he decided not to eat. There has to be a better way. He told me he over heard your entire conversation with your staff while he waited for a long period of time. My son is not a bad kid and I feel like he is being labeled as such. He came home crying because he said all the kids were stating they were going to sacrifice him and he was simply trying to defend himself. Were all the other students that participated given the same treatment? He needs to be able to attend math class. He's not doing the best in that class and needs all the instruction he can get. He told me that he went back to class and all the kids were saying he has a knife in his bag. That's not ok for him to be taunted. That's ridiculous and completely out of character for him. This is a problem for me at home when my son is constantly being bullied and the tables being turned on him like he's the bad kid. I have never had any issues with Nicholas until this year at this school. Never before. There has to be some resolution to all of this. I don't want him taunted by other students. He's not doing anything wrong. He's not a bad kid. He comes from a home where I work two days a week and take him and pick him up every single day. His dad and I are still married. We don't have any issues at home. He's a pretty normal kid at home with an older brother. It's a very big concern and I hope this stops soon. Please do not hold my son from lunch again. He needs the opportunity to eat at school.

EXHIBIT F

[REDACTED] (Dhillon Law)

From: Karin Sweigart (Dhillon Law)
Sent: Monday, February 28, 2022 1:15 PM
To: [REDACTED] (Dhillon Law)
Subject: FW: Nicholas Ortiz

Karin Sweigart, Esq.
Counsel | Dhillon Law Group Inc.
177 Post Street, Suite 700 | San Francisco, CA 94108
Phone: [REDACTED] 0 | Fax: [REDACTED]

From: Lourdes Ortiz <lortiz1730@aol.com>
Sent: Monday, February 28, 2022 1:14 PM
To: Karin Sweigart (Dhillon Law) [REDACTED]
Subject: Fwd: Nicholas Ortiz

External email

Here is the January 2019 email.

Sent from my iPhone

Begin forwarded message:

From: Lourdes Ortiz [REDACTED] >
Date: January 30, 2019 at 3:53:38 PM EST
To: [REDACTED]
Subject: Nicholas Ortiz

Good afternoon,

Nicholas came to me today crying stating that Elaine which is the same girl that accused Nicholas of having a knife in school started yelling in the cafeteria that he is a murderer and brought a knife to school. This is completely unacceptable. She is obviously the one who thinks and can possibly act out these vicious and cruel behaviors. Today was Nicholas birthday. The last thing he needed on his special day was a girl acting maliciously and purposely saying things to intentionally try and get him in some sort of trouble. I am not sure what this student's motives are, but I do not want any issues. We have moved past all the problems. Nicholas has been able to be successful and I don't want someone to continue to bully and tarnish his reputation. He has come home crying. He was even crying in Ms. Hernandez's class this afternoon. I don't want this student saying that Nicholas is a murderer or that he brought a knife to school. Both are false and this is ridiculous. She is tarnishing his reputation. She started this months ago and she continues. Whatever I need to do to stop her from bullying my child and screaming at him like she did in the middle of lunch today I will do. I am willing to report her to the authorities and file a complaint with the school system because she will not do this to him again. She will not bully, Harass, or

intimidate him anymore. She is a bully. And my child has parents who love and care for him very much. He doesn't have a malicious bone in his body. I hear too many stories of kids killing themselves because of the bullying they are exposed to in school. Apparently, the consequences to her actions haven't been harsh enough for her to realize that this behavior is completely unacceptable. Please let me know anything I can do to stop this foolishness. Nicholas has not had any other issues. His behavior has been great. I don't want this girl to continue to get away with treating others in a manner that is completely out of line. I want you to know that to me this is a very serious situation. I don't want her around Nicholas. I don't want Nicholas called down to the office, I don't want Nicholas to have to keep repeating this story. If you need to speak with him please call me. This is affecting him. It really needs to stop.

Thank you,
Lourdes Ortiz

[REDACTED]

Sent from my iPhone

EXHIBIT G

From: [REDACTED]
To: [REDACTED]
Subject: Fwd: Nicholas Ortiz
Date: Tue, Feb 1, 2022 5:14 pm

Sent from my iPhone

Begin forwarded message:

From: Lourdes Ortiz <[REDACTED]>
Date: February 1, 2022 at 4:46:04 PM EST
To: [REDACTED]
Subject: Fwd: Nicholas Ortiz

Sent from my iPhone

Begin forwarded message:

From: Lourdes Ortiz <[REDACTED]>
Date: October 18, 2021 at 9:44:07 PM EDT
To: Adalyn Benavente [REDACTED]
Subject: Nicholas Ortiz

Good evening,

Nicholas came home saying that [REDACTED] keeps telling him that he is going to beat him up. This has been happening for a few weeks now. He pushes him and he keeps threatening him, and I am writing you this email because today he kicked Nicholas' iPad out of his hands during class. I want you guys to be aware, because I do not want Nicholas to get into any trouble as this kid is looking for a problem we do not want or need. Nicholas has been instructed by us to stay away from [REDACTED], but if [REDACTED] hits him again, he will defend himself if given no other option. He again threatened Nicholas today telling him to wait for tomorrow. They have their first class together and I don't want any issues.

Thank you,

Lourdes Ortiz



Sent from my iPhone

EXHIBIT H



Book	Policy Manual
Section	5000 Students
Title	SUSPENSION AND EXPULSION OF STUDENTS
Code	po5610
Status	Active
Adopted	May 11, 2011
Last Revised	October 21, 2020

5610 - **SUSPENSION AND EXPULSION OF STUDENTS**

Suspension and expulsion are the most severe sanctions and cannot be imposed without due process. Prior to the use of suspension, the administrator should consider less restrictive alternatives such as Alternative Education Settings (AED) which include the School Center for Special Instruction (SCSI) and Student Success Center (SSC). Students assigned to SCSI and SSC must be afforded the opportunity to complete classwork. Students with disabilities must continue to receive a Free Appropriate Public Education (FAPE) while assigned to SCSI.

No student is to be suspended, expelled, or excluded from an activity, program, or a school unless his/her behavior represents misconduct as specified in the Code of Student Conduct (CSC), Policy 5500. The CSC shall also specify the procedures to be followed by school officials. In addition to the procedural safeguards and definitions in this policy and the CSC, the procedures in Policy 2460 shall apply to students identified as disabled under the IDEA and/or Section 504 of the Rehabilitation Act of 1973. All disciplinary decisions and appeals related to sexual harassment shall be handled in accordance with Policy 5517, Policy 5517.02 and Policy 5517.03.

Definitions

- A. "Suspension" shall be the temporary exclusion of a student from the District's program for a period not to exceed ten (10) school days.
- B. "Expulsion" shall be the exclusion of a student from a traditional school for the number of school days remaining in the school year in which the incident that gives rise to the expulsion takes place and one (1) additional school year.

Suspension from School or From Riding School Bus

- A. When a student's actions violate law, School Board policies, or school rules, the student may be suspended by the Principal. A student who is suspended shall not be allowed to attend his/her regular classes or school-sponsored activities for a prescribed number of days not to exceed ten (10). The Principal may suspend a student from riding the school bus for a prescribed number of days not to exceed ten (10). Parents of students suspended from the school bus have the obligation to provide transportation to and from school. If bus transportation is a related service on a student's Individualized Education Plan (IEP), a bus suspension must be counted towards the ten (10) days of suspension. Outdoor suspension criterion are located in the CSC.
- B. A teacher shall not suspend a student from school or class, nor shall a bus driver suspend a student from riding a school bus.
- C. The Superintendent may suspend a student from any or all co-curricular or extra-curricular activities for violations of the CSC. The length of suspension shall be determined according to the CSC. Additionally, a manifestation determination meeting may be required for students with disabilities, depending on the number of days of suspension given (Policy 2460).

- D. Prompt notice of a suspension shall be given by telephone to the student's parent if possible. Formal written notification to the student's parent shall be initiated within twenty-four (24) hours of the time the student is informed of the suspension.
- E. Except in the event of emergencies or disruptive conditions which require immediate suspension or in the case of a serious breach of conduct that is defined as willful disobedience, open defiance of authority of a member of the school staff, violence against persons or property, or any other act which substantially disrupts the orderly conduct of the school, all out-of-school suspensions shall not begin prior to the beginning of the next school day following the infraction unless the parents have been notified.
- F. Prior to the suspension, the student shall be given an informal and impartial hearing before the Principal and shall be informed of the charge(s) against him/her which may result in suspension. If the student denies the charge(s), s/he shall be given an explanation of the evidence, an opportunity to present his/her version of the case, and notification of the action taken by the Principal. In cases of extremely disruptive or dangerous behavior, persons or groups involved may be immediately suspended and ejected from the school campus without a prior hearing. In such instances, each student shall be afforded an informal hearing before the Principal prior to the expiration of suspension. Students are not entitled to full procedural rights that the law guarantees to students who are recommended for expulsion or are defendants in criminal cases. At suspension hearings, students are not:
1. entitled to the presence of an attorney;
 2. allowed to confront or cross-examine witnesses;
 3. allowed to record mechanically, or have a court reporter record the proceedings unless the Principal has elected to record or report the hearing verbatim.
- If the parent(s) feel that the child has not been afforded a fair hearing at the school, they may request a review by the Region Superintendent. The appeal may consist of a review of the previous hearing, with a ruling on the facts and the validity of the suspension, or the hearing may be reconvened by the Region Superintendent or designee for additional testimony that may be deemed necessary in making a final decision.
- G. The Principal shall determine, in consultation with teachers, when appropriate, whether the student should be given the opportunity to make up school work and course requirements missed while absent due to out-of-school suspension. If this privilege is given, the student shall have a reasonable amount of time, up to five (5) school days comparable to the days of suspension, following the suspension to complete the school work missed and shall do so on his/her own initiative. Failure to make up all written assignments missed during the approved time frame of suspension will result in the student being given the academic grade of "F" for those written assignments. Under no circumstances are teachers required to make special provisions to comply with this procedure. Upon completion of the make-up work, the student should submit the work to the teacher. The teacher must grade and record the make-up work as it is received. For students in exceptional education classes, refer to the Exceptional Student Education Policies and Procedures (SP&P) Policy 2460.
- H. The Superintendent may grant to a Principal the authority to waive mandatory suspension policies.

Expulsion/Administrative Assignment

- A. A Principal may recommend expulsion of a student to the Superintendent. The Principal shall provide the Superintendent an adequate history of the student's actions and alternative measures taken relevant to the recommendation. When the Superintendent makes a recommendation for expulsion to the Board, written notice shall be given to the student and his/her parent of the recommendation and charges and advising the student and parent of their right to due process. Offenses requiring the recommendation for expulsion are located in the CSC.
- B. Upon receipt of a recommendation for expulsion from the Principal, the Superintendent may make an administrative assignment in lieu of expulsion or a Work Back in Lieu of Expulsion program.
- C. For students in exceptional student education, refer to Exceptional Student Education Policies and Procedures (SP&P), Policy 2460.
- D. All students who are recommended for expulsion shall undergo screening to determine if they qualify for exceptional education programs.
- E. A student who has been suspended or expelled by another district temporarily may be assigned to an alternative school for the same length of time as imposed by the other district.
- F. The informal hearing at the school level shall be conducted by the Principal. If available, the student shall be given an opportunity to be heard at this hearing. At the conclusion of the hearing, the Principal will reaffirm the suspension and

recommendation for expulsion, or, based upon consideration of the facts and circumstances explained at the hearing, will advise the parent of the school's intention to withdraw the request for expulsion and take some alternative action.

- G. The parent shall be informed that, prior to any Board action being taken on the expulsion or administrative assignment, they will be given the opportunity to request a hearing before an impartial hearing officer. Prior to a formal hearing, the parent will be offered an appeal conference with a representative from School Operations/Alternative Education.
- H. Students with disabilities who are expelled are entitled to a Due Process Hearing with the Florida Division of Administrative Hearings. However, during the course of litigation, the student's placement is at the alternative school. Students with disabilities must continue to receive FAPE while assigned to an alternative school. Refer to the Exceptional Student Education Policies and Procedures (SP&P) Policy 2460.

All disciplinary decisions and appeals related to sexual harassment shall be handled in accordance with Policy 5517, Policy 5517.02 and Policy 5517.03.

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

Effective 7/1/11
Revised 10/21/20

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Legal	F.S. 120.569
	F.S. 120.57
	F.S. 1002.20
	F.S. 1003.02
	F.S. 1003.32
	F.S. 1006.07
	F.S. 1006.08
	F.S. 1006.09
	F.A.C. 6A-6.03312
	F.A.C. 6A-19.008
	F.A.C. Chapter 28-106
	18 U.S.C. Section 921
	34 C.F.R. Part 106

EXHIBIT I



Book	Policy Manual
Section	5000 Students
Title	STUDENT CONDUCT AND DISCIPLINE
Code	po5500
Status	Active
Adopted	May 11, 2011
Last Revised	October 21, 2020

5500 - **STUDENT CONDUCT AND DISCIPLINE**

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

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

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

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

Effective 7/1/11
 Revised 1/16/13
 Revised 6/18/14
 Revised 4/15/15
 Revised 10/21/20

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Legal

F.S. 39.201, 39.201(2)(a), 39.301(16), 39.401, 39.401(1)(a), 119.07(1)(3)(h), 120
F.S. 322.091, 394.463, 394.495, 561.01(4), 741.24, 775.082, 775.083, 775.084
F.S. 775.21, 790.001(13), 790.115, 790.161, 790.162, 790.163, 794.011, 794.024
F.S. 794.03, 806.13(2), 810.097, 827.03, 827.04, 827.071, 831.31, 836.10, 893
F.S. 893.02, 893.03, 893.13, 901.15(3), 921.0022, 943.0435, 985.04(7), 985.101
F.S. 985.481, 985.557, 1000.04, 1001.31, 1001.42, 1001.42(6), 1001.43
F.S. 1001.43(1)(6), 1002.20, 1003.01, 1003.02(1)(c)(2), 1003.04, 1003.31
F.S. 1003.32(e)(2)(3)(4)(5)(6)(a)(b), 1003.53, 1006.04, 1006.07, 1006.08, 1006.09
F.S. 1000.05
F.S. 1006.10, 1006.12, 1006.13, 1006.135, 1006.147
F.A.C. 6A-1.0017
F.A.C. 6A-19.008
34 C.F.R. Part 106

EXHIBIT J

From: [REDACTED],
To: [REDACTED]
Subject: Re: Nicholas Ortiz
Date: Wed, Dec 8, 2021 11:04 am
Attachments:

Thank you for your response. Have you investigated the written threats to jump him? We have kept him home due to that. Please let me know when it's safe for him to return.

Thanks

Sent from my iPhone

On Dec 7, 2021, at 4:36 PM, Brenda Cruz <[REDACTED]> wrote:

Dear Mr. Ortiz:

I have your emails from 3:34 pm and 2:00 pm today. They are not accurate and do not describe the facts or the reality of either your son's behavior or of the School's conduct. I am not going to take the time to address every inaccurate statement in your emails.

You can rest assured that the School will fulfill its responsibility to its students and to your son and investigate all allegations of misconduct. If reports of misconduct are corroborated, then they will be dealt with in accordance with the School's disciplinary code and handbook. Reports of physical threats and other illegal conduct will be referred to the School Resource Officer and appropriate police authority for investigation.

The School has not failed to protect your child. The School has investigated and is investigating all reports of misconduct, including yours. When the School investigation corroborated your report of another student's misconduct, that student was dealt with in accordance with School's disciplinary code and handbook. And, when another School investigation corroborated your son's violation of School rules, then he was disciplined accordingly. The School has not singled out your son and has not retaliated against him. The School has only disciplined him for his demonstrable misconduct.

From: [REDACTED]
Sent: Tuesday, December 7, 2021 2:00 PM
To: Brenda Cruz [REDACTED]
Subject: Fwd: Nicholas Ortiz

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

See below. This is from this morning. "MYHANDS" is [REDACTED] He makes many hateful comments including degrading Nicholas for being white. The comments are concerning.

We don't want Nicholas' absence from school to impact him academically. Can you offer an alternative for him to complete his work until Christmas break from home? I anxiously await your response to these questions and my previous email.

Thanks,

Ralph Ortiz

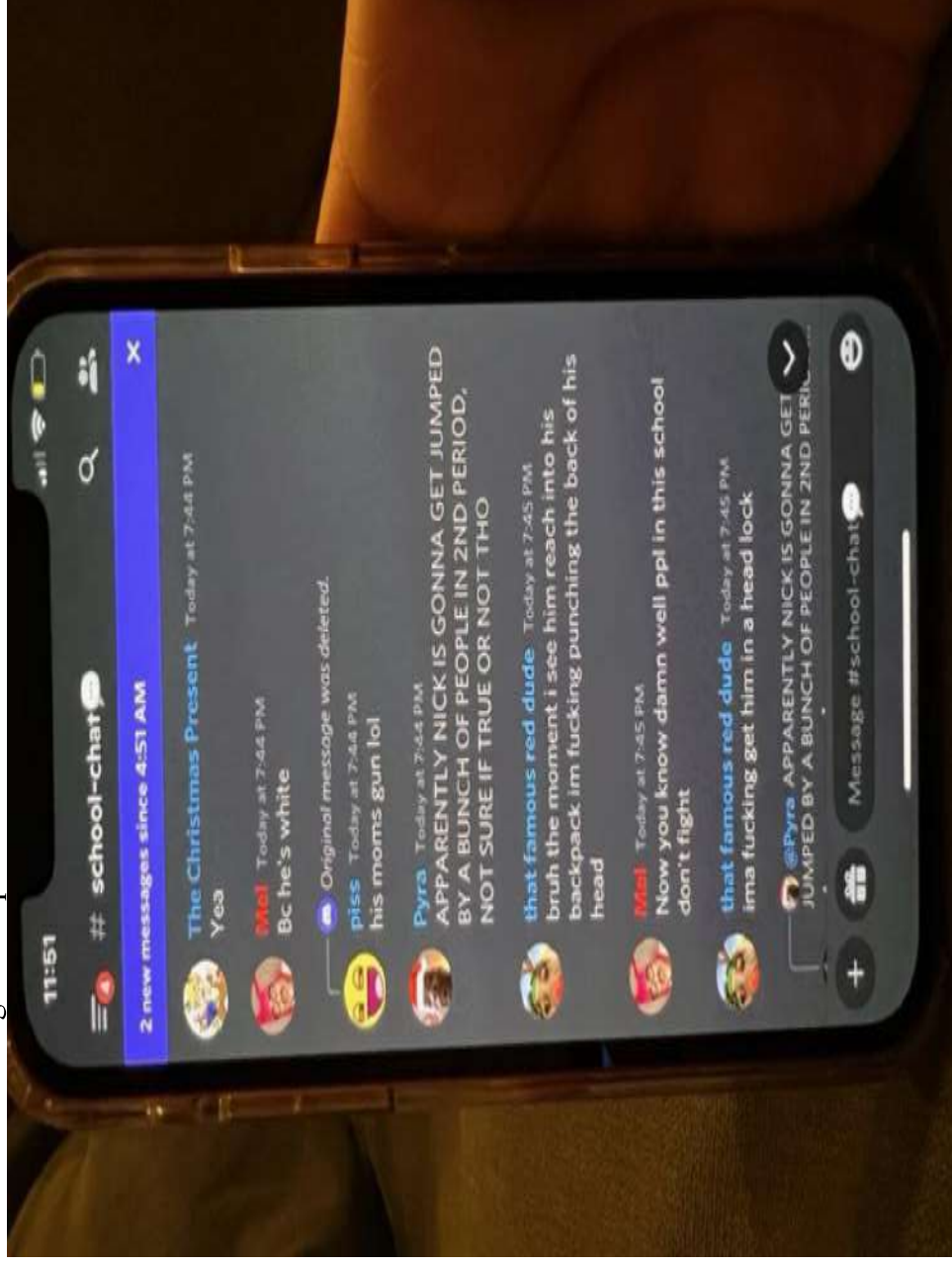
12/07/2021

Sent from my iPhone

Begin forwarded message:

From: rafaelortiz01 [REDACTED]
Date: December 7, 2021 at 3:34:21 AM EST
To: [REDACTED]
Subject: Nicholas Ortiz

I have been made aware that students have conspired to create a rumor that my son, Nicholas Ortiz is going to shoot the school. These rumors are false and amounts to slander and libel. It is important to realize that Nicholas has never said or written these things. These are rumors created by classmates who dislike him because he is religious. I have discovered a discord chat with various of your students plotting against Nicholas. They are plotting to create these rumors to get him kicked out of school. Attached are some pictures below of the chat. You will notice they are mocking him for his beliefs and threatening a gang style beat down of him during second period.





Last time my son was bullied we sent the school an email and you retaliated against us by suspending him for 10 days. Today the police showed up to my house due to these false rumors. These rumors happened because you are emboldening the students who dislike Nicholas by dismissing our previous complaint and punishing the complainant instead. You have failed to protect my child from bullying and his right to practice religion. I no longer feel comfortable sending him back to school without you intervening. Please contact me (via email) and let me know what steps you plan on taking to assure my son's safety and guarantee his right to practice his religion safe from further harassment.

Thanks,

Ralph Ortiz

EXHIBIT K

SCHOOL NO. [REDACTED]

STUDENT CASE MANAGEMENT REFERRAL

☐ SCM # 586023

☐ SPAR #

SECTION I. TO BE COMPLETED BY REFERRING

STUDENT NAME Nicholas R. Ortiz

HOME ROOM Gym GRADE 09 PERIOD OF DAY 07 INCIDENT DATE 12/08/21 Mo. Day Yr.

STUDENT ID [REDACTED]

TIME 11:47 (Military)

REFERRED BY: Benavente REFERRED TO: _____

NARRATIVE: (CLEARLY STATE WHY THE STUDENT IS BEING REFERRED)

Information was shared with school administration,

where Nicholas is making violent statements towards others. Additionally, a student reported that Nicholas made threatful remarks about another student stating and gesturing "I'm going to shoot this kid". He later stated, "I'm just gonna shoot the whole school". Causing disruption to the learning environment.

- PARENT CONTACT: (Circle Yes or No)
- 1. For This Behavior YES NO
 - 2. For Other Misbehavior YES NO
 - 3. Contact Attempted YES NO
 - 4. Contact Made: 4A. Verbal YES NO 4B. Written YES NO

SECTION II. FOR ADMINISTRATOR/DISEGNEE USE ONLY

ENTER REASON FOR REFERRAL CODES BELOW: (ENTER NO MORE THAN 4 CODES)

10 36 PT [REDACTED]

OTHER INCIDENT INFO = LOCATION: 1

ENTER REFERRAL ACTION INFORMATION BELOW:

DATE Mo. Day Yr. TIME (Military)

12/08/21 11:47

EMPLOYEE NO. 9429914

INITIALS [REDACTED]

REFERRAL ACTION CODE R 7 C 4 H 1 L 1

CONTEXT: 1

COMPUTER RECORDED ☒

ENTER STUDENT SERVICE INFORMATION BELOW:

DATE Mo. Day Yr. TIME (Military)

12/08/21 11:47

EMPLOYEE NO. 9429914

INITIALS [REDACTED]

STUDENT SERVICE CODE [REDACTED]

COMMENTS: 10 day outdoor suspension begins 12/9/21 -- 01/05/22

Return 01-10/06/21

Agency/Case Number (If Applicable) 2000671

AFTER DATA ENTRY, FILE IN STUDENT'S CUMULATIVE FOLDER

FM-2981 Rev. (05-10)



FOR CHARTER SCHOOL USE ONLY
MIAMI-DADE COUNTY PUBLIC SCHOOLS

NOTICE OF SUSPENSION

Miami-Dade County, Florida December 8, 20 21

TO Rafael Ortiz STUDENT Ortiz Nicholas Rafael
 (Last) (First) (Middle)
 (Number and Street) (City) (Zip Code) SCHOOL Mater Academy Bay High Grade 09

Student I.D. No. Ethnicity Hispanic Sex Male

SCM No. (This action must be reflected in the SCMS) SPAR#

The regulations at 34 CFR 300.530(h) provide parents of students with disabilities with certain rights. Parents must be notified of these rights when school personnel remove a student with disabilities who violates the Code of Student Conduct from his or her current educational setting for more than 10 school days. More than 10 school days means 10 school days in a row or a series of removals of more than 10 school days. Parents must be notified of the removal decision and be provided with a copy of their procedural safeguards on the same day of the removal decision.

This is to inform you that the above named student has been suspended from school for a period of 10 days and may not return until January 6, 2022

This action is being taken as a result of making threatful comments about others and the school as a whole.

This suspension is based upon the facts which have thus far been presented to me. We have informally discussed the misconduct with your child who has been presented with the evidence. Also, your child has been given an opportunity to present his/her side of the story.

This suspension may be shortened, if and when we can be assured that the student is willing to conform to the regulations of the school. If you desire to attend a conference on this matter, please call this office so that one may be arranged as soon as possible. At the conference you and your child will be given the opportunity to present witnesses and to present any facts or reasons, orally or in writing, which in your opinion relate to this suspension. Please be advised that your failure to respond to this letter and to avail yourself of the opportunity to be heard in the manner provided will signify your desire not to have a conference and your agreement with the action taken.

During the duration of the suspension, your child should be in your custody and should not return to the school campus during that time. An unauthorized appearance could result in a charge of trespassing.

Upon completion of the suspension, it is the responsibility of your child to obtain make-up work from all teachers.

Our telephone number is

Student not in attendance.
 Signature of Suspended Student

 Signature of Principal or Designee

A copy of this notice shall be filed in the student's Cumulative Record Folder.

INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44

Authority For Civil Cover Sheet

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

I. (a) Plaintiffs-Defendants. Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.

(b) County of Residence. For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)

(c) Attorneys. Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".

II. Jurisdiction. The basis of jurisdiction is set forth under Rule 8(a), F.R.C.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.

United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here.

United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.

Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked. Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; federal question actions take precedence over diversity cases.)

III. Residence (citizenship) of Principal Parties. This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.

IV. Nature of Suit. Nature of Suit. Place an "X" in the appropriate box. If there are multiple nature of suit codes associated with the case, pick the nature of suit code that is most applicable. Click here for: [Nature of Suit Code Descriptions](#).

V. Origin. Place an "X" in one of the seven boxes.

Original Proceedings. (1) Cases which originate in the United States district courts.

Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441. When the petition for removal is granted, check this box.

Refiled (3) Attach copy of Order for Dismissal of Previous case. Also complete VI.

Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.

Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.

Multidistrict Litigation. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407. When this box is checked, do not check (5) above.

Appeal to District Judge from Magistrate Judgment. (7) Check this box for an appeal from a magistrate judge's decision.

Remanded from Appellate Court. (8) Check this box if remanded from Appellate Court.

VI. Related/Refiled Cases. This section of the JS 44 is used to reference related pending cases or re-filed cases. Insert the docket numbers and the corresponding judges name for such cases.

VII. Cause of Action. Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553

Brief Description: Unauthorized reception of cable service

VIII. Requested in Complaint. Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.

Demand. In this space enter the dollar amount (in thousands of dollars) being demanded or indicate other demand such as a preliminary injunction.

Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.

Date and Attorney Signature. Date and sign the civil cover sheet.