

By the Committee on Education Pre-K - 12; and Senator Wise

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1 A bill to be entitled
2 An act relating to zero-tolerance policies; amending
3 ss. 1002.20 and 1006.09, F.S.; conforming cross-
4 references; amending s. 1006.13, F.S.; providing
5 legislative intent and findings; revising the
6 requirements for zero-tolerance policies; deleting
7 provisions relating to agreements with the county
8 sheriff's office and local police departments;
9 requiring that such agreements specify guidelines for
10 addressing acts that pose a serious threat to school
11 safety; prohibiting zero-tolerance policies from
12 requiring the reporting of petty acts of misconduct
13 and misdemeanors to a law enforcement agency;
14 requiring that any disciplinary or prosecutorial
15 action taken against a student who violates a zero-
16 tolerance policy be based on the individual student
17 and the particular circumstances surrounding the
18 student's misconduct; encouraging school districts to
19 use alternatives to expulsion or referral to law
20 enforcement agencies unless using such alternatives
21 will pose a threat to school safety; providing an
22 effective date.

23
24 Be It Enacted by the Legislature of the State of Florida:

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26 Section 1. Subsection (5) of section 1002.20, Florida
27 Statutes, is amended to read:

28 1002.20 K-12 student and parent rights.—Parents of public
29 school students must receive accurate and timely information

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30 regarding their child's academic progress and must be informed
31 of ways they can help their child to succeed in school. K-12
32 students and their parents are afforded numerous statutory
33 rights including, but not limited to, the following:

34 (5) SAFETY.—In accordance with the provisions of s.
35 1006.13(6) ~~s. 1006.13(5)~~, students who have been victims of
36 certain felony offenses by other students, as well as the
37 siblings of the student victims, have the right to be kept
38 separated from the student offender both at school and during
39 school transportation.

40 Section 2. Subsection (4) of section 1006.09, Florida
41 Statutes, is amended to read:

42 1006.09 Duties of school principal relating to student
43 discipline and school safety.—

44 (4) When a student has been the victim of a violent crime
45 perpetrated by another student who attends the same school, the
46 school principal shall make full and effective use of the
47 provisions of subsection (2) and s. 1006.13(6) ~~s. 1006.13(5)~~. A
48 school principal who fails to comply with this subsection shall
49 be ineligible for any portion of the performance pay policy
50 incentive or the differentiated pay under s. 1012.22. However,
51 if any party responsible for notification fails to properly
52 notify the school, the school principal shall be eligible for
53 the incentive or differentiated pay.

54 Section 3. Section 1006.13, Florida Statutes, is amended to
55 read:

56 1006.13 Policy of zero tolerance for crime and
57 victimization.—

58 (1) It is the intent of the Legislature to promote a safe

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59 and supportive learning environment in schools, to protect
60 students and staff from conduct that poses a serious threat to
61 school safety, and to encourage schools to use alternatives to
62 expulsion or referral to law enforcement agencies by addressing
63 disruptive behavior through restitution, civil citation, teen
64 court, neighborhood restorative justice, or similar programs.
65 The Legislature finds that zero-tolerance policies are not
66 intended to be rigorously applied to petty acts of misconduct
67 and misdemeanors, including, but not limited to, minor fights or
68 disturbances. The Legislature finds that zero-tolerance policies
69 must apply equally to all students regardless of their economic
70 status, race, or disability.

71 (2)(1) Each district school board shall adopt a policy of
72 zero tolerance that for:

73 (a) Defines criteria for reporting to a law enforcement
74 agency any act that occurs whenever or wherever students are
75 within the jurisdiction of the district school board.

76 (b) Defines acts that pose a serious threat to school
77 safety.

78 (c) Defines petty acts of misconduct. ~~Crime and substance~~
79 ~~abuse, including the reporting of delinquent acts and crimes~~
80 ~~occurring whenever and wherever students are under the~~
81 ~~jurisdiction of the district school board.~~

82 (d) ~~(b)~~ Minimizes the victimization of students or staff,
83 including taking all steps necessary to protect the victim of
84 any violent crime from any further victimization.

85 (e) Establishes a procedure that provides each student with
86 the opportunity for a review of the disciplinary action imposed
87 pursuant to s. 1006.07.

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88 (3)~~(2)~~ Zero-tolerance policies must ~~The zero tolerance~~
89 ~~policy shall~~ require students found to have committed one of the
90 following offenses to be expelled, with or without continuing
91 educational services, from the student's regular school for a
92 period of not less than 1 full year, and to be referred to the
93 criminal justice or juvenile justice system.

94 (a) Bringing a firearm or weapon, as defined in chapter
95 790, to school, to any school function, or onto any school-
96 sponsored transportation or possessing a firearm at school.

97 (b) Making a threat or false report, as defined by ss.
98 790.162 and 790.163, respectively, involving school or school
99 personnel's property, school transportation, or a school-
100 sponsored activity.

101
102 District school boards may assign the student to a disciplinary
103 program for the purpose of continuing educational services
104 during the period of expulsion. District school superintendents
105 may consider the 1-year expulsion requirement on a case-by-case
106 basis and request the district school board to modify the
107 requirement by assigning the student to a disciplinary program
108 or second chance school if the request for modification is in
109 writing and it is determined to be in the best interest of the
110 student and the school system. If a student committing any of
111 the offenses in this subsection is a student who has ~~with~~ a
112 disability, the district school board shall comply with
113 applicable State Board of Education rules.

114 (4) (a)~~(3)~~ Each district school board shall enter into
115 agreements with the county sheriff's office and local police
116 department specifying guidelines for ensuring that acts that

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117 pose a serious threat to school safety felonies and violent
118 ~~misdemeanors~~, whether committed by a student or adult, and
119 ~~delinquent acts that would be felonies or violent misdemeanors~~
120 ~~if committed by an adult~~, are reported to a law enforcement
121 agency. Each district school board shall adopt a cooperative
122 ~~agreement, pursuant to s. 1003.52(13) with the Department of~~
123 ~~Juvenile Justice, that specifies guidelines for ensuring that~~
124 ~~all no contact orders entered by the court are reported and~~
125 ~~enforced and that all steps necessary are taken to protect the~~
126 ~~victim of any such crime. Such~~

127 (b) The agreements must shall include the role of school
128 resource officers, if applicable, in handling reported
129 incidents, ~~special~~ circumstances in which school officials may
130 handle incidents without filing a report with a ~~to~~ law
131 enforcement agency, and a procedure for ensuring that school
132 personnel properly report appropriate delinquent acts and
133 crimes.

134 (c) Zero-tolerance policies may not require the reporting
135 of petty acts of misconduct and misdemeanors to a law
136 enforcement agency, including, but not limited to, disorderly
137 conduct, disrupting a school function, simple assault or
138 battery, affray, theft of less than \$300, trespassing, and
139 vandalism of less than \$1,000.

140 (d) The school principal shall ensure ~~be responsible for~~
141 ~~ensuring~~ that all school personnel are properly informed as to
142 their responsibilities regarding crime reporting, that
143 appropriate delinquent acts and crimes are properly reported,
144 and that actions taken in cases with special circumstances are
145 properly taken and documented.

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146 (5)~~(4)~~ Notwithstanding any other provision of law, each
147 district school board shall adopt rules providing that any
148 student found to have committed any offense in a violation of s.
149 784.081(1), (2), or (3) shall be expelled or placed in an
150 alternative school setting or other program, as appropriate.
151 Upon being charged with the offense, the student shall be
152 removed from the classroom immediately and placed in an
153 alternative school setting pending disposition.

154 (6)~~(5)~~(a) Notwithstanding any provision of law prohibiting
155 the disclosure of the identity of a minor, whenever any student
156 who is attending a public school is adjudicated guilty of or
157 delinquent for, or is found to have committed, regardless of
158 whether adjudication is withheld, or pleads guilty or nolo
159 contendere to, a felony violation of:

- 160 1. Chapter 782, relating to homicide;
- 161 2. Chapter 784, relating to assault, battery, and culpable
162 negligence;
- 163 3. Chapter 787, relating to kidnapping, false imprisonment,
164 luring or enticing a child, and custody offenses;
- 165 4. Chapter 794, relating to sexual battery;
- 166 5. Chapter 800, relating to lewdness and indecent exposure;
- 167 6. Chapter 827, relating to abuse of children;
- 168 7. Section 812.13, relating to robbery;
- 169 8. Section 812.131, relating to robbery by sudden
170 snatching;
- 171 9. Section 812.133, relating to carjacking; or
- 172 10. Section 812.135, relating to home-invasion robbery,
173
- 174 and, before or at the time of such adjudication, withholding of

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175 adjudication, or plea, the offender was attending a school
176 attended by the victim or a sibling of the victim of the
177 offense, the Department of Juvenile Justice shall notify the
178 appropriate district school board of the adjudication or plea,
179 the requirements in ~~of~~ this paragraph, and whether the offender
180 is prohibited from attending that school or riding on a school
181 bus whenever the victim or a sibling of the victim is attending
182 the same school or riding on the same school bus, except as
183 provided pursuant to a written disposition order under s.
184 985.455(2). Upon receipt of such notice, the district school
185 board shall take appropriate action to effectuate the provisions
186 in ~~of~~ paragraph (b).

187 (b) Each district school board shall adopt a cooperative
188 agreement with the Department of Juvenile Justice which
189 establishes guidelines for ensuring that any no contact order
190 entered by a court is reported and enforced and that all of the
191 necessary steps are taken to protect the victim of the offense.
192 Any offender described in paragraph (a), who is not exempted as
193 provided in paragraph (a), may ~~shall~~ not attend any school
194 attended by the victim or a sibling of the victim of the offense
195 or ride on a school bus on which the victim or a sibling of the
196 victim is riding. The offender shall be permitted by the
197 district school board to attend another school within the
198 district in which the offender resides, only if ~~provided~~ the
199 other school is not attended by the victim or sibling of the
200 victim of the offense; or the offender may be permitted by
201 another district school board to attend a school in that
202 district if the offender is unable to attend any school in the
203 district in which the offender resides.

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204 (c) If the offender is unable to attend any other school in
205 the district in which the offender resides and is prohibited
206 from attending a school in another school district, the district
207 school board in the school district in which the offender
208 resides shall take every reasonable precaution to keep the
209 offender separated from the victim while on school grounds or on
210 school transportation. The steps to be taken by a district
211 school board to keep the offender separated from the victim must
212 ~~shall~~ include, but are not limited to, in-school suspension of
213 the offender and the scheduling of classes, lunch, or other
214 school activities of the victim and the offender so as not to
215 coincide.

216 (d) The offender, or the parents of the offender if the
217 offender is a juvenile, shall arrange ~~be responsible for~~
218 ~~arranging~~ and pay ~~paying~~ for transportation associated with or
219 required by the offender's attending another school or that
220 would be required as a consequence of the prohibition against
221 riding on a school bus on which the victim or a sibling of the
222 victim is riding. However, the offender or the parents of the
223 offender may ~~shall~~ not be charged for existing modes of
224 transportation that can be used by the offender at no additional
225 cost to the district school board.

226 (7) Any disciplinary or prosecutorial action taken against
227 a student who violates a zero-tolerance policy must be based on
228 the individual student and the particular circumstances of the
229 student's misconduct.

230 (8) School districts are encouraged to use alternatives to
231 expulsion or referral to law enforcement agencies unless the use
232 of such alternatives will pose a threat to school safety.

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Section 4. This act shall take effect July 1, 2009.