

By the Committees on Criminal Justice; and 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           s. 1002.20, F.S.; conforming cross-references;  
4           requiring that a district school board having a policy  
5           authorizing corporal punishment as a form of  
6           discipline review its policy on corporal punishment at  
7           specified intervals; requiring that such review be  
8           conducted at a district school board meeting held  
9           pursuant to state law; requiring that the district  
10          school board take public testimony at such meeting;  
11          providing for the expiration of a district school  
12          board's policy authorizing corporal punishment under  
13          certain circumstances; amending s. 1006.09, F.S.;  
14          conforming cross-references; amending s. 1006.13,  
15          F.S.; providing legislative intent and findings;  
16          revising the requirements for zero-tolerance policies;  
17          deleting provisions relating to agreements with the  
18          county sheriff's office and local police departments;  
19          requiring that such agreements specify guidelines for  
20          addressing acts that pose a serious threat to school  
21          safety; prohibiting zero-tolerance policies from  
22          requiring the reporting of petty acts of misconduct  
23          and misdemeanors to a law enforcement agency;  
24          requiring each district school board to adopt a  
25          cooperative agreement with the Department of Juvenile  
26          Justice which establishes certain guidelines;  
27          requiring that any disciplinary or prosecutorial  
28          action taken against a student who violates a zero-  
29          tolerance policy be based on the particular

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30 circumstances surrounding the student's misconduct;  
31 encouraging school districts to use alternatives to  
32 expulsion or referral to law enforcement agencies  
33 unless using such alternatives will pose a threat to  
34 school safety; providing an effective date.

35  
36 Be It Enacted by the Legislature of the State of Florida:

37  
38 Section 1. Paragraph (c) of subsection (4) and subsection  
39 (5) of section 1002.20, Florida Statutes, are amended to read:

40 1002.20 K-12 student and parent rights.—Parents of public  
41 school students must receive accurate and timely information  
42 regarding their child's academic progress and must be informed  
43 of ways they can help their child to succeed in school. K-12  
44 students and their parents are afforded numerous statutory  
45 rights including, but not limited to, the following:

46 (4) DISCIPLINE.—

47 (c) *Corporal punishment*.—

48 1. In accordance with the provisions of s. 1003.32,  
49 corporal punishment of a public school student may only be  
50 administered by a teacher or school principal within guidelines  
51 of the school principal and according to district school board  
52 policy. Another adult must be present and must be informed in  
53 the student's presence of the reason for the punishment. Upon  
54 request, the teacher or school principal must provide the parent  
55 with a written explanation of the reason for the punishment and  
56 the name of the other adult who was present.

57 2. A district school board having a policy authorizing the  
58 use of corporal punishment as a form of discipline shall review

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59 its policy on corporal punishment once every 3 years during a  
60 district school board meeting held pursuant to s. 1001.372. The  
61 district school board shall take public testimony at the board  
62 meeting. If such board meeting is not held in accordance with  
63 this subparagraph, the portion of the district school board's  
64 policy authorizing corporal punishment expires.

65 (5) SAFETY.—In accordance with the provisions of s.  
66 1006.13(6) ~~s. 1006.13(5)~~, students who have been victims of  
67 certain felony offenses by other students, as well as the  
68 siblings of the student victims, have the right to be kept  
69 separated from the student offender both at school and during  
70 school transportation.

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

73 1006.09 Duties of school principal relating to student  
74 discipline and school safety.—

75 (4) When a student has been the victim of a violent crime  
76 perpetrated by another student who attends the same school, the  
77 school principal shall make full and effective use of the  
78 provisions of subsection (2) and s. 1006.13(6) ~~s. 1006.13(5)~~. A  
79 school principal who fails to comply with this subsection shall  
80 be ineligible for any portion of the performance pay policy  
81 incentive or the differentiated pay under s. 1012.22. However,  
82 if any party responsible for notification fails to properly  
83 notify the school, the school principal shall be eligible for  
84 the incentive or differentiated pay.

85 Section 3. Section 1006.13, Florida Statutes, is amended to  
86 read:

87 1006.13 Policy of zero tolerance for crime and

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88 victimization.—

89 (1) It is the intent of the Legislature to promote a safe  
90 and supportive learning environment in schools, to protect  
91 students and staff from conduct that poses a serious threat to  
92 school safety, and to encourage schools to use alternatives to  
93 expulsion or referral to law enforcement agencies by addressing  
94 disruptive behavior through restitution, civil citation, teen  
95 court, neighborhood restorative justice, or similar programs.  
96 The Legislature finds that zero-tolerance policies are not  
97 intended to be rigorously applied to petty acts of misconduct  
98 and misdemeanors, including, but not limited to, minor fights or  
99 disturbances. The Legislature finds that zero-tolerance policies  
100 must apply equally to all students regardless of their economic  
101 status, race, or disability.

102 (2)~~(1)~~ Each district school board shall adopt a policy of  
103 zero tolerance that for:

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

107 (b) Defines acts that pose a serious threat to school  
108 safety.

109 (c) Defines petty acts of misconduct. ~~Crime and substance~~  
110 ~~abuse, including the reporting of delinquent acts and crimes~~  
111 ~~occurring whenever and wherever students are under the~~  
112 ~~jurisdiction of the district school board.~~

113 (d)~~(b)~~ Minimizes the victimization of students, staff, or  
114 volunteers, including taking all steps necessary to protect the  
115 victim of any violent crime from any further victimization.

116 (e) Establishes a procedure that provides each student with

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117 the opportunity for a review of the disciplinary action imposed  
118 pursuant to s. 1006.07.

119 (3)-(2) Zero-tolerance policies must ~~The zero tolerance~~  
120 ~~policy shall~~ require students found to have committed one of the  
121 following offenses to be expelled, with or without continuing  
122 educational services, from the student's regular school for a  
123 period of not less than 1 full year, and to be referred to the  
124 criminal justice or juvenile justice system.

125 (a) Bringing a firearm or weapon, as defined in chapter  
126 790, to school, to any school function, or onto any school-  
127 sponsored transportation or possessing a firearm at school.

128 (b) Making a threat or false report, as defined by ss.  
129 790.162 and 790.163, respectively, involving school or school  
130 personnel's property, school transportation, or a school-  
131 sponsored activity.

132  
133 District school boards may assign the student to a disciplinary  
134 program for the purpose of continuing educational services  
135 during the period of expulsion. District school superintendents  
136 may consider the 1-year expulsion requirement on a case-by-case  
137 basis and request the district school board to modify the  
138 requirement by assigning the student to a disciplinary program  
139 or second chance school if the request for modification is in  
140 writing and it is determined to be in the best interest of the  
141 student and the school system. If a student committing any of  
142 the offenses in this subsection is a student who has ~~with~~ a  
143 disability, the district school board shall comply with  
144 applicable State Board of Education rules.

145 (4) (a)-(3) Each district school board shall enter into

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146 agreements with the county sheriff's office and local police  
147 department specifying guidelines for ensuring that acts that  
148 pose a serious threat to school safety ~~felonies and violent~~  
149 ~~misdemeanors~~, whether committed by a student or adult, and  
150 ~~delinquent acts that would be felonies or violent misdemeanors~~  
151 ~~if committed by an adult~~, are reported to a law enforcement  
152 agency. Each ~~district school board shall adopt a cooperative~~  
153 ~~agreement, pursuant to s. 1003.52(13) with the Department of~~  
154 ~~Juvenile Justice, that specifies guidelines for ensuring that~~  
155 ~~all no contact orders entered by the court are reported and~~  
156 ~~enforced and that all steps necessary are taken to protect the~~  
157 ~~victim of any such crime. Such~~

158 (b) The agreements must ~~shall~~ include the role of school  
159 resource officers, if applicable, in handling reported  
160 incidents, ~~special~~ circumstances in which school officials may  
161 handle incidents without filing a report with a ~~to~~ law  
162 enforcement agency, and a procedure for ensuring that school  
163 personnel properly report appropriate delinquent acts and  
164 crimes.

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

171 (d) The school principal shall ensure ~~be responsible for~~  
172 ~~ensuring~~ that all school personnel are properly informed as to  
173 their responsibilities regarding crime reporting, that  
174 appropriate delinquent acts and crimes are properly reported,

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175 and that actions taken in cases with special circumstances are  
176 properly taken and documented.

177 (5)~~(4)~~ Notwithstanding any other provision of law, each  
178 district school board shall adopt rules providing that any  
179 student found to have committed any offense in a violation of s.  
180 784.081(1), (2), or (3) shall be expelled or placed in an  
181 alternative school setting or other program, as appropriate.  
182 Upon being charged with the offense, the student shall be  
183 removed from the classroom immediately and placed in an  
184 alternative school setting pending disposition.

185 (6)~~(5)~~(a) Notwithstanding any provision of law prohibiting  
186 the disclosure of the identity of a minor, whenever any student  
187 who is attending a public school is adjudicated guilty of or  
188 delinquent for, or is found to have committed, regardless of  
189 whether adjudication is withheld, or pleads guilty or nolo  
190 contendere to, a felony violation of:

- 191 1. Chapter 782, relating to homicide;
- 192 2. Chapter 784, relating to assault, battery, and culpable  
193 negligence;
- 194 3. Chapter 787, relating to kidnapping, false imprisonment,  
195 luring or enticing a child, and custody offenses;
- 196 4. Chapter 794, relating to sexual battery;
- 197 5. Chapter 800, relating to lewdness and indecent exposure;
- 198 6. Chapter 827, relating to abuse of children;
- 199 7. Section 812.13, relating to robbery;
- 200 8. Section 812.131, relating to robbery by sudden  
201 snatching;
- 202 9. Section 812.133, relating to carjacking; or
- 203 10. Section 812.135, relating to home-invasion robbery,

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205 and, before or at the time of such adjudication, withholding of  
206 adjudication, or plea, the offender was attending a school  
207 attended by the victim or a sibling of the victim of the  
208 offense, the Department of Juvenile Justice shall notify the  
209 appropriate district school board of the adjudication or plea,  
210 the requirements in ~~of~~ this paragraph, and whether the offender  
211 is prohibited from attending that school or riding on a school  
212 bus whenever the victim or a sibling of the victim is attending  
213 the same school or riding on the same school bus, except as  
214 provided pursuant to a written disposition order under s.  
215 985.455(2). Upon receipt of such notice, the district school  
216 board shall take appropriate action to effectuate the provisions  
217 in ~~of~~ paragraph (b).

218 (b) Each district school board shall adopt a cooperative  
219 agreement with the Department of Juvenile Justice which  
220 establishes guidelines for ensuring that any no contact order  
221 entered by a court is reported and enforced and that all of the  
222 necessary steps are taken to protect the victim of the offense.  
223 Any offender described in paragraph (a), who is not exempted as  
224 provided in paragraph (a), may ~~shall~~ not attend any school  
225 attended by the victim or a sibling of the victim of the offense  
226 or ride on a school bus on which the victim or a sibling of the  
227 victim is riding. The offender shall be permitted by the  
228 district school board to attend another school within the  
229 district in which the offender resides, only if ~~provided~~ the  
230 other school is not attended by the victim or sibling of the  
231 victim of the offense; or the offender may be permitted by  
232 another district school board to attend a school in that



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233 district if the offender is unable to attend any school in the  
234 district in which the offender resides.

235 (c) If the offender is unable to attend any other school in  
236 the district in which the offender resides and is prohibited  
237 from attending a school in another school district, the district  
238 school board in the school district in which the offender  
239 resides shall take every reasonable precaution to keep the  
240 offender separated from the victim while on school grounds or on  
241 school transportation. The steps to be taken by a district  
242 school board to keep the offender separated from the victim must  
243 ~~shall~~ include, but are not limited to, in-school suspension of  
244 the offender and the scheduling of classes, lunch, or other  
245 school activities of the victim and the offender so as not to  
246 coincide.

247 (d) The offender, or the parents of the offender if the  
248 offender is a juvenile, shall arrange ~~be responsible for~~  
249 ~~arranging~~ and pay ~~paying~~ for transportation associated with or  
250 required by the offender's attending another school or that  
251 would be required as a consequence of the prohibition against  
252 riding on a school bus on which the victim or a sibling of the  
253 victim is riding. However, the offender or the parents of the  
254 offender may ~~shall~~ not be charged for existing modes of  
255 transportation that can be used by the offender at no additional  
256 cost to the district school board.

257 (7) Any disciplinary or prosecutorial action taken against  
258 a student who violates a zero-tolerance policy must be based on  
259 the particular circumstances of the student's misconduct.

260 (8) School districts are encouraged to use alternatives to  
261 expulsion or referral to law enforcement agencies unless the use

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262 of such alternatives will pose a threat to school safety.

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