

By Representative Sorensen

1 A bill to be entitled
2 An act relating to school discipline data;
3 amending s. 229.57, F.S.; removing school
4 discipline data from data used to determine a
5 school's performance grade category; removing
6 obsolete language; creating s. 230.23003, F.S.;
7 providing requirements relating to safety
8 incident data collection and reporting;
9 defining terms; providing an effective date.

10

11 Be It Enacted by the Legislature of the State of Florida:

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13 Section 1. Paragraph (a) of subsection (8) of section
14 229.57, Florida Statutes, is amended to read:

15 229.57 Student assessment program.--

16 (8) DESIGNATION OF SCHOOL PERFORMANCE GRADE
17 CATEGORIES.--School performance grade category designations
18 itemized in subsection (7) shall be based on the following:

19 (a) Timeframes.--

20 1. School performance grade category designations
21 shall be based on one school year of performance.

22 2. In the school years 1998-1999 and 1999-2000 school
23 year, a school's performance grade category designation shall
24 be determined by the student achievement levels on the FCAT,
25 and on other appropriate performance data, including, but not
26 limited to, attendance, dropout rate, ~~school discipline data~~,
27 and student readiness for college, in accordance with state
28 board rule.

29 3. Beginning with the 2000-2001 school year, a
30 school's performance grade category designation shall be based
31 on a combination of student achievement scores as measured by

1 the FCAT, on the degree of measured learning gains of the
2 students, and on other appropriate performance data,
3 including, but not limited to, attendance, dropout rate,
4 ~~school discipline data~~, and student readiness for college, in
5 accordance with state board rule.

6 4. Beginning with the 2001-2002 school year and
7 thereafter, a school's performance grade category designation
8 shall be based on student learning gains as measured by annual
9 FCAT assessments in grades 3 through 10, and on other
10 appropriate performance data, including, but not limited to,
11 attendance, dropout rate, ~~school discipline data~~, cohort
12 graduation rate, and student readiness for college, in
13 accordance with state board rule.

14
15 ~~For the purpose of implementing ss. 229.0535 and 229.0537, if~~
16 ~~any of the four schools that were identified as critically low~~
17 ~~performing, based on both 1996-1997 and 1997-1998 school~~
18 ~~performance data and state board adopted criteria, receives a~~
19 ~~performance grade category designation of "F," based on~~
20 ~~1998-1999 school performance data, that school shall be~~
21 ~~considered as having failed to make adequate progress for 2~~
22 ~~years in a 4-year period. All other schools that receive a~~
23 ~~performance grade category designation of "F," based on~~
24 ~~1998-1999 school performance data, shall be considered as~~
25 ~~having failed to make adequate progress for 1 year.~~

26 Section 2. Section 230.23003, Florida Statutes, is
27 created to read:

28 230.23003 Safety incident reporting.--

29 (1) Each district school board shall require all
30 kindergarten through grade 12 principals within its
31 jurisdiction to document all public school grounds, public

1 school student, and public school staff related incidents of
2 crime, delinquency, disorder, and disruption. Documentable
3 incidents shall include:

4 (a) Incidents requiring student referrals for
5 disciplinary action;

6 (b) Noncriminal incidents instigated by nonstudent,
7 nonstaff persons on school property; and

8 (c) Reportable incidents as defined pursuant to s.
9 230.235.

10 (2) Subject to mutual agreement between school
11 districts and their local sheriff's offices and local police,
12 arrests made of public school students or staff which occur
13 off of school property shall be reported to the principal of
14 the school in which the student is enrolled or the staff
15 person employed, by the law enforcement agency making the
16 arrest. These incidents shall also be documented by the
17 principal of that school.

18 (3) Each school in every district shall be required to
19 report all documented incidents to the appropriate school
20 district personnel responsible for collecting and
21 disseminating school safety data.

22 (4) For the purposes of this section, the following
23 public school grounds, public school student, and public
24 school staff related incidents of crime, delinquency,
25 disorder, and disruption shall be documented and are defined
26 as follows:

27 (a) "Alcohol violation" means the violation of laws or
28 ordinances prohibiting the manufacture, sale, purchase,
29 transportation, possession, or use of intoxicating alcoholic
30 beverages. This includes use or possession of alcoholic
31 beverages or substances represented as alcohol at school,

1 school-sponsored events, or on school transportation. An
2 incident should be reported only if a student is caught in the
3 act of using an intoxicating alcoholic beverage, is tested by
4 an officer during or after arrest and is found to have used
5 such an alcoholic beverage, or is discovered in the course of
6 investigating the incident to have used such an alcoholic
7 beverage. Suspicion of the use of alcohol will not be
8 reported. Nothing in this act shall be interpreted as
9 authorizing schools to test for alcohol use.

10 (b) "Arson" means to willfully and unlawfully, by fire
11 or explosion, damage or cause to be damaged: any dwelling, or
12 its contents, whether occupied or not; any structure, or
13 contents thereof, where persons are normally present; or any
14 other structure that the person knew, or had reasonable
15 grounds to believe, was occupied by a human being.

16 (c) "Battery" means an actual and intentional touching
17 or striking of another person against his or her will or
18 intentionally causing bodily harm to an individual, including
19 when one individual physically attacks another individual with
20 a weapon that causes serious bodily harm to the victim. This
21 category also includes the actual placement of a bomb or one
22 sent through the mail, regardless of whether or not the bomb
23 blows up.

24 (d) "Breaking and entering" or "burglary" means the
25 unlawful entry into a building or other structure with the
26 intent to commit a crime. This applies to school buildings or
27 activities related to a school function.

28 (e) "Disorderly conduct" means any act or behavior
29 which substantially disrupts the orderly conduct of a school
30 function, disrupts the orderly learning environment, or poses
31 a threat to the health, safety, or welfare of students, staff,

1 or others. If the action results in a more serious incident,
2 the incident shall be reported in the more serious incident
3 category.

4 (f) "Drug violation" means the unlawful use,
5 cultivation, manufacture, distribution, sale, purchase,
6 possession, transportation, or importation of any controlled
7 drug or narcotic substance, or equipment and devices used for
8 preparing or taking drugs or narcotics, at school-sponsored
9 events or on school transportation. The use or possession of
10 substances represented as drugs or over-the-counter
11 medications, if abused by the student, shall be included in
12 this category; however, this category does include the use or
13 possession of tobacco or alcohol. An incident should be
14 reported only if a student is caught in the act of using, is
15 tested by an officer during or after arrest and is found to
16 have used such drugs, or is discovered in the course of
17 investigating the incident to have used. Suspicion of use of
18 drugs will not be reported.

19 (g) "Fighting" means mutual participation in a fight
20 involving physical violence, when there is not one main
21 offender and there is no major injury. Fighting does not
22 include verbal confrontation, tussles, or other minor
23 confrontations.

24 (h) "Homicide" means murder, the unlawful killing of a
25 human being; manslaughter, the killing of a human being by the
26 act of procurement; or culpable negligence of another, without
27 lawful justification.

28 (i) "Kidnapping" means forcibly, secretly, or by
29 threat confining, abducting, or imprisoning another person
30 against his or her will and without lawful authority, with
31 intent to: hold for ransom or reward or as a shield or

1 hostage; commit or facilitate commission of any felony;
2 inflict bodily harm upon or to terrorize the victim or another
3 person; or interfere with the performance of any governmental
4 or political function.

5 (j) "Motor vehicle theft" means theft or attempted
6 theft of a motor vehicle.

7 (k) "Robbery" means the taking or attempting to take
8 anything of value that is owned by another person or
9 organization under confrontational circumstances, by force or
10 threat of force or violence, or by putting the victim in fear;
11 the key difference between robbery and larceny being that a
12 threat or battery is involved in a robbery.

13 (l) "Larceny" or "theft" means the unlawful taking,
14 carrying, leading, or riding away of property of another
15 person without threat, violence, or bodily harm. Included are
16 pocket picking, purse or backpack snatching if left unattended
17 or no force used to take it from the owner, theft of
18 accessories, theft of bicycles, theft from a machine or device
19 which is operated or activated by the use of a coin or token,
20 and all other types of larcenies.

21 (m) "Sexual battery" means oral, anal, or vaginal
22 penetration by, or union with, the sexual organ of another, or
23 anal or vaginal penetration of another by any other object.

24 (n) "Sexual harassment" means:

25 1. To discriminate against a student in any course or
26 program of study in any educational institution in the
27 evaluation of academic achievement, or in providing benefits,
28 privileges, and placement services, on the basis of that
29 student's submission to, or rejection of, sexual advances or
30 requests for sexual favors by administrators, staff, teachers,
31 students, or other school board employees; or

1 2. To create or allow to exist an atmosphere of sexual
2 harassment, which is defined as deliberate, repeated, and
3 unsolicited physical actions, gestures, or verbal or written
4 comments of a sexual nature, when such conduct has the purpose
5 or effect of interfering with a student's academic performance
6 or creating an intimidating, hostile, or offensive learning
7 environment.

8 (o) "Sex offense" means sexual intercourse, sexual
9 conduct, or other unlawful behavior or conduct intended to
10 result in sexual gratification without force or threat of
11 force and where the victim is capable of giving consent,
12 including indecent exposure and obscenity.

13 (p) "Threat" or "intimidation" means to unlawfully
14 place another person in fear of bodily harm through verbal
15 threats, without displaying a weapon or subjecting the person
16 to actual physical attack.

17 (q) "Tobacco violation" means the possession, use,
18 distribution, or sale of tobacco products on school grounds,
19 at school-sponsored events, or on transportation to or from
20 school or school-sponsored events.

21 (r) "Trespassing" means to enter or remain on a public
22 school campus or school board facility without authorization
23 or invitation and with no lawful purpose for entry. Students
24 under suspension or expulsion and other unauthorized persons
25 who enter or remain on a campus or school board facility after
26 being directed to leave by the chief administrator of the
27 facility or his or her designee, campus or function, are
28 trespassing.

29 (s) "Vandalism" means the willful and/or malicious
30 destruction, damage, or defacement of public or private
31 property, real or personal, without the consent of the owner

1 or the person having custody or control of such property. This
2 category includes graffiti.

3 (t) "Weapons possession" means possession of the
4 following:

5 1. Firearms defined in section 921 of Title 18 of the
6 United States Code to be any weapon which will, is designed
7 to, or may readily be converted to, expel a projectile by the
8 action of an explosive.

9 2. Any combination of parts either designed for, or
10 intended for use in, converting any device into a destructive
11 device that expels a projectile, or any explosive, incendiary,
12 or poison gas and from which a destructive device may be
13 readily assembled; including the frame or receiver of any
14 weapon designed to be converted to expel a projectile and any
15 firearm muffler or silencer.

16 3. Any chemical compound or mixture that has the
17 property of yielding readily to combustion or oxidation upon
18 application of heat, flame, or shock including, but not
19 limited to, dynamite, nitroglycerin, trinitrotoluene, or
20 ammonium nitrate when combined with other ingredients to form
21 an explosive mixture, blasting caps, and detonators.

22 4. Possession, use of, or intent to use any instrument
23 or object to inflict harm on another person, or to intimidate
24 any person.

25 Section 3. This act shall take effect July 1, 2000.

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28 HOUSE SUMMARY

29
30 Removes school discipline data from data used to
31 determine a school's performance grade category. Removes
obsolete language. Provides requirements relating to
safety incident data collection and reporting. Defines
terms.