

By Senator Miller

21-1524-02

See HB

1 A bill to be entitled
2 An act relating to public school discipline;
3 amending s. 230.23, F.S., relating to powers
4 and duties of school boards; requiring the code
5 of student conduct to include notice of the
6 policy of zero tolerance; amending s. 230.235,
7 F.S., relating to school district policy of
8 zero tolerance for crime and victimization;
9 authorizing modification of certain
10 disciplinary actions on a case-by-case basis;
11 conforming a cross-reference; providing an
12 effective date.

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

16 Section 1. Paragraph (d) of subsection (6) of section
17 230.23, Florida Statutes, is amended to read:

18 230.23 Powers and duties of school board.--The school
19 board, acting as a board, shall exercise all powers and
20 perform all duties listed below:

21 (6) CHILD WELFARE.--Provide for the proper accounting
22 for all children of school age, for the attendance and control
23 of pupils at school, and for proper attention to health,
24 safety, and other matters relating to the welfare of children
25 in the following fields, as prescribed in chapter 232.

26 (d) Code of student conduct.--Adopt a code of student
27 conduct for elementary schools and a code of student conduct
28 for secondary schools and distribute the appropriate code to
29 all teachers, school personnel, students, and parents or
30 guardians, at the beginning of every school year. Each code
31 shall be organized and written in language that is

1 understandable to students and parents and shall be discussed
2 at the beginning of every school year in student classes,
3 school advisory council meetings, and parent and teacher
4 association meetings. Each code shall be based on the rules
5 governing student conduct and discipline adopted by the
6 district school board and shall be made available in the
7 student handbook or similar publication. Each code shall
8 include, but not be limited to:

9 1. Consistent policies and specific grounds for
10 disciplinary action, including in-school suspension,
11 out-of-school suspension, expulsion, and any disciplinary
12 action that may be imposed for the possession or use of
13 alcohol on school property or while attending a school
14 function or for the illegal use, sale, or possession of
15 controlled substances as defined in chapter 893.

16 2. Procedures to be followed for acts requiring
17 discipline, including corporal punishment.

18 3. An explanation of the responsibilities and rights
19 of students with regard to attendance, respect for persons and
20 property, knowledge and observation of rules of conduct, the
21 right to learn, free speech and student publications,
22 assembly, privacy, and participation in school programs and
23 activities.

24 4. Notice that illegal use, possession, or sale of
25 controlled substances, as defined in chapter 893, or
26 possession of electronic telephone pagers, by any student
27 while such student is upon school property or in attendance at
28 a school function is grounds for disciplinary action by the
29 school and may also result in criminal penalties being
30 imposed.

31

1 5. Notice that the possession of a firearm, a knife,
2 or a weapon by any student while the student is on school
3 property or in attendance at a school function is grounds for
4 disciplinary action and may also result in criminal
5 prosecution.

6 6. Notice that violence against any school district
7 personnel by a student is grounds for in-school suspension,
8 out-of-school suspension, expulsion, or imposition of other
9 disciplinary action by the school and may also result in
10 criminal penalties being imposed.

11 7. Notice that violation of district school board
12 transportation policies, including disruptive behavior on a
13 school bus or at a school bus stop, by a student is grounds
14 for suspension of the student's privilege of riding on a
15 school bus and may be grounds for disciplinary action by the
16 school and may also result in criminal penalties being
17 imposed.

18 8. Notice that violation of the district school
19 board's sexual harassment policy by a student is grounds for
20 in-school suspension, out-of-school suspension, expulsion, or
21 imposition of other disciplinary action by the school and may
22 also result in criminal penalties being imposed.

23 9. Policies to be followed for the assignment of
24 violent or disruptive students to an alternative educational
25 program.

26 10. Notice of the policy of zero tolerance pursuant to
27 s. 230.235. Such notice shall specify that any student who is
28 determined to have brought a firearm or weapon, as defined in
29 chapter 790, to school, to any school function, or onto any
30 school-sponsored transportation will be expelled, with or
31 without continuing educational services, from the student's

1 regular school for a period of not less than 1 full year and
2 referred for criminal prosecution. District school boards may
3 assign the student to a disciplinary program or second chance
4 school for the purpose of continuing educational services
5 during the period of expulsion. Notice shall specify that
6 superintendents may consider the 1-year expulsion and referral
7 for criminal prosecution requirements ~~requirement~~ on a
8 case-by-case basis and request the district school board to
9 modify the requirements ~~requirement~~ ~~by assigning the student~~
10 ~~to a disciplinary program or second chance school~~ if to do so
11 ~~it~~ is determined to be in the best interest of the student and
12 the school system. A superintendent may request a district
13 school board to assign the student to a disciplinary program
14 or a second chance school.

15 11. Notice of the policy of zero tolerance pursuant to
16 s. 230.235. Such notice shall specify that any student who is
17 determined to have made a threat or false report, as defined
18 by ss. 790.162 and 790.163, respectively, involving school or
19 school personnel's property, school transportation, or a
20 school-sponsored activity will be expelled, with or without
21 continuing educational services, from the student's regular
22 school for a period of not less than 1 full year and referred
23 for criminal prosecution. District school boards may assign
24 the student to a disciplinary program or second chance school
25 for the purpose of continuing educational services during the
26 period of expulsion. Notice shall specify that superintendents
27 of schools may consider the 1-year expulsion and referral for
28 criminal prosecution requirements ~~requirement~~ on a
29 case-by-case basis and request the district school board to
30 modify the requirements ~~requirement~~ ~~by assigning the student~~
31 ~~to a disciplinary program or second chance school~~ if to do so

1 ~~it~~ is determined to be in the best interest of the student and
2 the school system. A superintendent may request a district
3 school board to assign the student to a disciplinary program
4 or a second chance school.

5 Section 2. Subsection (2) of section 230.235, Florida
6 Statutes, is amended to read:

7 230.235 Policy of zero tolerance for crime and
8 victimization.--

9 (2)(a) Except as provided in paragraph (b), the policy
10 shall require students found to have committed one of the
11 following offenses to be expelled, with or without continuing
12 educational services, from the student's regular school for a
13 period of not less than 1 full year, and to be referred for
14 criminal prosecution:

15 1.(a) Bringing a firearm or weapon, as defined in
16 chapter 790, to school, to any school function, or onto any
17 school-sponsored transportation.

18 2.(b) Making a threat or false report, as defined by
19 ss. 790.162 and 790.163, respectively, involving school or
20 school personnel's property, school transportation, or a
21 school-sponsored activity.

22
23 District school boards may assign the student to a
24 disciplinary program or second chance school for the purpose
25 of continuing educational services during the period of
26 expulsion.

27 (b) Notwithstanding the provisions of paragraph (a),
28 the policy shall authorize superintendents to ~~may~~ consider the
29 1-year expulsion and referral for criminal prosecution
30 requirements ~~requirement~~ on a case-by-case basis and request
31 the district school board to modify the requirements

1 ~~requirement by assigning the student to a disciplinary program~~
2 ~~or second chance school~~ if to do so it is determined to be in
3 the best interest of the student and the school system. A
4 superintendent may request a district school board to assign
5 the student to a disciplinary program or a second chance
6 school.

7
8 If a student committing any of the offenses in this subsection
9 is a student with a disability, the school district shall
10 comply with procedures pursuant to s. 232.25 ~~232.251~~ and any
11 applicable state board rule.

12 Section 3. This act shall take effect July 1, 2002.

13

14 *****

15 LEGISLATIVE SUMMARY

16

17 Revises provisions relating to school district policy of
18 zero tolerance for crime and victimization. Authorizes
19 the 1-year student expulsion and referral for criminal
20 prosecution requirements for commission of certain crimes
21 to be modified on a case-by-case basis. Requires each
22 school board's code of student conduct to include notice
23 of the policy of zero tolerance.

21

22

23

24

25

26

27

28

29

30

31