

By Senator Wise

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1 A bill to be entitled

2 An act relating to public school student discipline;
3 amending s. 1006.09, F.S.; revising disciplinary actions
4 that may be taken against a student who is charged with a
5 felony, or a delinquent act that would be a felony if
6 committed by an adult, for an incident that allegedly
7 occurred on property other than public school property;
8 authorizing actions upon court determination of guilt;
9 providing actions when a student has been the victim of a
10 violent crime perpetrated by another student who attends
11 the same school; requiring specified administrative
12 hearings; providing an effective date.

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

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16 Section 1. Subsections (2) and (4) of section 1006.09,
17 Florida Statutes, are amended to read:

18 1006.09 Duties of school principal relating to student
19 discipline and school safety.--

20 ~~(2) Suspension proceedings, pursuant to rules of the State~~
21 ~~Board of Education, may be initiated against any enrolled student~~
22 ~~who is formally charged with a felony, or with a delinquent act~~
23 ~~which would be a felony if committed by an adult, by a proper~~
24 ~~prosecuting attorney for an incident which allegedly occurred on~~
25 ~~property other than public school property, if that incident is~~
26 ~~shown, in an administrative hearing with notice provided to the~~
27 ~~parents of the student by the principal of the school pursuant to~~
28 ~~rules adopted by the State Board of Education and to rules~~
29 ~~developed pursuant to s. 1001.54, to have an adverse impact on~~

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30 ~~the educational program, discipline, or welfare in the school in~~
31 ~~which the student is enrolled. Any student who is suspended as~~
32 ~~the result of such proceedings may be suspended from all classes~~
33 ~~of instruction on public school grounds during regular classroom~~
34 ~~hours for a period of time, which may exceed 10 days, as~~
35 ~~determined by the district school superintendent. The suspension~~
36 ~~shall not affect the delivery of educational services to the~~
37 ~~student, and the student shall be immediately enrolled in a~~
38 ~~daytime alternative education program, or an evening alternative~~
39 ~~education program, where appropriate. If a the court determines~~
40 ~~that a the student committed a ~~did commit~~ the felony or~~
41 ~~delinquent act that ~~which~~ would have been a felony if committed~~
42 ~~by an adult and the incident occurred on property other than~~
43 ~~public school property, the district school board may expel the~~
44 ~~student if the incident is shown, in an administrative hearing~~
45 ~~pursuant to chapter 120, to have an adverse impact on the~~
46 ~~educational program, discipline, or welfare in the school in~~
47 ~~which the student is enrolled. The, ~~provided that~~ expulsion under~~
48 ~~this subsection shall not affect the delivery of educational~~
49 ~~services to the student in any residential, nonresidential,~~
50 ~~alternative, daytime, or evening program outside of the regular~~
51 ~~school setting. Any student who is subject to discipline or~~
52 ~~expulsion for unlawful possession or use of any substance~~
53 ~~controlled under chapter 893 may be entitled to a waiver of the~~
54 ~~discipline or expulsion:~~

55 (a) If the student divulges information leading to the
56 arrest and conviction of the person who supplied the controlled
57 substance to him or her, or if the student voluntarily discloses
58 his or her unlawful possession of the controlled substance prior

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59 | to his or her arrest. Any information divulged which leads to
60 | arrest and conviction is not admissible in evidence in a
61 | subsequent criminal trial against the student divulging the
62 | information.

63 | (b) If the student commits himself or herself, or is
64 | referred by the court in lieu of sentence, to a state-licensed
65 | drug abuse program and successfully completes the program.

66 | (4) When a student has been the victim of a violent crime
67 | perpetrated by another student who attends the same school,
68 | suspension proceedings established in State Board of Education
69 | rule may be initiated against the enrolled student who is
70 | formally charged with a felony, or with a delinquent act that
71 | would be a felony if committed by an adult, by a proper
72 | prosecuting attorney for an incident that allegedly occurred on
73 | property other than public school property if that incident is
74 | shown in an administrative hearing pursuant to chapter 120, with
75 | notice provided to the parents of the student by the school
76 | principal according to rules adopted by the state board and rules
77 | established under s. 1001.54, to have an adverse impact on the
78 | educational program, discipline, or welfare in the school in
79 | which the student is enrolled. Any student who is suspended as a
80 | result of such proceedings may be suspended from all classes of
81 | instruction on public school grounds during regular classroom
82 | hours for a period of time, which may exceed 10 days, as
83 | determined by the district school superintendent. The suspension
84 | shall not affect the delivery of educational services to the
85 | student, and the student shall be immediately enrolled in a
86 | daytime alternative education program or an evening alternative
87 | education program, where appropriate. The school principal shall

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88 | make full and effective use of the provisions of this subsection
89 | ~~(2)~~ and s. 1006.13(5). A school principal who fails to comply
90 | with this subsection shall be ineligible for any portion of the
91 | performance pay policy incentive or the differentiated pay under
92 | s. 1012.22. However, if any party responsible for notification
93 | fails to properly notify the school, the school principal shall
94 | be eligible for the incentive or differentiated pay.

95 | Section 2. This act shall take effect July 1, 2008.