

By Senator Hill

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1                   A bill to be entitled  
2           An act relating to school board policies for addressing  
3           crime and victimization; amending s. 1006.13, F.S.;  
4           requiring that a district school board adopt a policy of  
5           zero tolerance in addressing certain crimes and cases of  
6           victimization; providing that a student found to have  
7           committed a specified offense may be expelled, suspended,  
8           or referred to the criminal justice or juvenile justice  
9           system; allowing a student found not guilty to return to  
10          his or her home school; authorizing a school board to  
11          assign a student to a disciplinary program during the  
12          period of suspension or expulsion; requiring that a  
13          district school superintendent consider expulsions or  
14          suspensions on a case-by-case basis; deleting a  
15          requirement that a request to modify a student's  
16          disciplinary program be in writing; requiring district  
17          school boards, county sheriff's offices, and local police  
18          to enter into agreements specifying guidelines for  
19          reporting crimes that involve conduct that poses a serious  
20          threat to school safety; charging school principals with  
21          responsibility for ensuring that all school personnel are  
22          aware of their responsibilities regarding crimes and  
23          conduct that poses a serious threat to school safety;  
24          providing that students found guilty of certain violations  
25          may be expelled, suspended, or placed in an alternative  
26          school setting or other program providing appropriate  
27          educational services; requiring district school boards to  
28          ensure that an offender continues to receive appropriate  
29          educational services; providing an effective date.

1-03034-08

20081346\_\_

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

Section 1. Section 1006.13, Florida Statutes, is amended to read:

1006.13 Policy of zero tolerance for addressing crime and victimization.--

(1) Each district school board shall adopt a policy of zero tolerance to address ~~for~~:

(a) Crime and substance abuse, including the reporting of delinquent acts and crimes occurring whenever and wherever students are under the jurisdiction of the district school board.

(b) Victimization of students, including taking appropriate ~~all~~ steps ~~necessary~~ to protect the victim of a ~~any~~ violent crime from ~~any~~ further victimization.

(2) The zero tolerance policy may ~~shall~~ require that students found to have committed one of the following offenses ~~to~~ be expelled or suspended, with ~~or without~~ continuing educational services, from the student's regular school or ~~for a period of not less than 1 full year, and to~~ be referred to the criminal justice or juvenile justice system. However, if a referred student is not prosecuted or is found not guilty, the student may be returned to the student's regular school.

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

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

1-03034-08

20081346\_\_

59 sponsored activity.

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61 District school boards may assign the student to a disciplinary  
62 program for the purpose of continuing educational services during  
63 the period of expulsion or suspension. District school  
64 superintendents shall ~~may~~ consider the ~~1-year~~ expulsion or  
65 suspension ~~requirement~~ on a case-by-case basis and request the  
66 district school board to modify the requirement by assigning the  
67 student to a disciplinary program or second chance school if ~~the~~  
68 ~~request for modification is in writing and~~ it is determined to be  
69 in the best interest of the student and the school system. If a  
70 student committing any of the offenses in this subsection is a  
71 student with a disability, the district school board shall comply  
72 with applicable State Board of Education rules.

73 (3) Each district school board shall enter into agreements  
74 with the county sheriff's office and local police department  
75 specifying guidelines for ensuring that felonies and violent  
76 misdemeanors, whether committed by a student or adult, and  
77 delinquent acts that would be felonies or violent misdemeanors if  
78 committed by an adult, are reported to law enforcement if it  
79 involves conduct that poses a serious threat to school safety.  
80 Each district school board shall adopt a cooperative agreement,  
81 pursuant to s. 1003.52(13) with the Department of Juvenile  
82 Justice, that specifies guidelines for ensuring that all no  
83 contact orders entered by the court are reported and enforced and  
84 that all steps necessary are taken to protect the victim of any  
85 such crime. Such agreements shall include the role of school  
86 resource officers, if applicable, in handling reported incidents,  
87 special circumstances in which school officials may handle

1-03034-08

20081346\_\_

88 incidents without filing a report to law enforcement, and a  
89 procedure for ensuring that school personnel properly report  
90 appropriate delinquent acts and crimes. The school principal  
91 shall be responsible for ensuring that all school personnel are  
92 properly informed as to their responsibilities regarding crime  
93 reporting, that appropriate delinquent acts and crimes that  
94 involve conduct that poses a serious threat to school safety are  
95 properly reported, and that actions taken in cases with special  
96 circumstances are properly taken and documented.

97 (4) Notwithstanding any other provision of law, each  
98 district school board shall adopt rules providing that any  
99 student found to have committed a violation of s. 784.081(1),  
100 (2), or (3) may ~~shall~~ be expelled, suspended, or placed in an  
101 alternative school setting or other program with, ~~as~~ appropriate  
102 educational services. Upon being charged with the offense, the  
103 student shall be removed from the classroom immediately and  
104 placed in an alternative school setting pending disposition.

105 (5) (a) Notwithstanding any provision of law prohibiting the  
106 disclosure of the identity of a minor, whenever any student who  
107 is attending public school is adjudicated guilty of or delinquent  
108 for, or is found to have committed, regardless of whether  
109 adjudication is withheld, or pleads guilty or nolo contendere to,  
110 a felony violation of:

- 111 1. Chapter 782, relating to homicide;
- 112 2. Chapter 784, relating to assault, battery, and culpable  
113 negligence;
- 114 3. Chapter 787, relating to kidnapping, false imprisonment,  
115 luring or enticing a child, and custody offenses;
- 116 4. Chapter 794, relating to sexual battery;

1-03034-08

20081346\_\_

117           5. Chapter 800, relating to lewdness and indecent exposure;  
118           6. Chapter 827, relating to abuse of children;  
119           7. Section 812.13, relating to robbery;  
120           8. Section 812.131, relating to robbery by sudden  
121 snatching;  
122           9. Section 812.133, relating to carjacking; or  
123           10. Section 812.135, relating to home-invasion robbery,  
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125 and, before or at the time of such adjudication, withholding of  
126 adjudication, or plea, the offender was attending a school  
127 attended by the victim or a sibling of the victim of the offense,  
128 the Department of Juvenile Justice shall notify the appropriate  
129 district school board of the adjudication or plea, the  
130 requirements of this paragraph, and whether the offender is  
131 prohibited from attending that school or riding on a school bus  
132 whenever the victim or a sibling of the victim is attending the  
133 same school or riding on the same school bus, except as provided  
134 pursuant to a written disposition order under s. 985.455(2). Upon  
135 receipt of such notice, the district school board shall take  
136 appropriate action to effectuate the provisions of paragraph (b).  
137           (b) Any offender described in paragraph (a), who is not  
138 exempted as provided in paragraph (a), shall not attend any  
139 school attended by the victim or a sibling of the victim of the  
140 offense or ride on a school bus on which the victim or a sibling  
141 of the victim is riding. The offender shall be permitted by the  
142 district school board to attend another school within the  
143 district in which the offender resides, provided the other school  
144 is not attended by the victim or sibling of the victim of the  
145 offense; or the offender may be permitted by another district

1-03034-08

20081346\_\_

146 school board to attend a school in that district if the offender  
147 is unable to attend any school in the district in which the  
148 offender resides.

149 (c) If the offender is unable to attend any other school in  
150 the district in which the offender resides and is prohibited from  
151 attending school in another school district, the district school  
152 board in the school district in which the offender resides shall  
153 take every reasonable precaution to keep the offender separated  
154 from the victim while on school grounds or on school  
155 transportation. The steps to be taken by a district school board  
156 to keep the offender separated from the victim shall include, but  
157 are not limited to, in-school suspension of the offender and the  
158 scheduling of classes, lunch, or other school activities of the  
159 victim and the offender so as not to coincide.

160 (d) The offender, or the parents of the offender if the  
161 offender is a juvenile, shall be responsible for arranging and  
162 paying for transportation associated with or required by the  
163 offender's attending another school or that would be required as  
164 a consequence of the prohibition against riding on a school bus  
165 on which the victim or a sibling of the victim is riding.  
166 However, the offender or the parents of the offender shall not be  
167 charged for existing modes of transportation that can be used by  
168 the offender at no additional cost to the district school board.

169 (e) Notwithstanding paragraph (b), paragraph (c), or  
170 paragraph (d), the district school board must ensure that the  
171 offender continues to receive appropriate educational services.

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