

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~~  
 22   ~~student who is formally charged with a felony, or with a~~  
 23   ~~delinquent act which would be a felony if committed by an adult,~~  
 24   ~~by a proper prosecuting attorney for an incident which allegedly~~  
 25   ~~occurred on property other than public school property, if that~~  
 26   ~~incident is shown, in an administrative hearing with notice~~  
 27   ~~provided to the parents of the student by the principal of the~~  
 28   ~~school pursuant to rules adopted by the State Board of Education~~

29 ~~and to rules developed pursuant to s. 1001.54, to have an~~  
30 ~~adverse impact on the educational program, discipline, or~~  
31 ~~welfare in the school in which the student is enrolled. Any~~  
32 ~~student who is suspended as the result of such proceedings may~~  
33 ~~be suspended from all classes of instruction on public school~~  
34 ~~grounds during regular classroom hours for a period of time,~~  
35 ~~which may exceed 10 days, as determined by the district school~~  
36 ~~superintendent. The suspension shall not affect the delivery of~~  
37 ~~educational services to the student, and the student shall be~~  
38 ~~immediately enrolled in a daytime alternative education program,~~  
39 ~~or an evening alternative education program, where appropriate.~~  
40 If a the court determines that a the student committed a did  
41 commit the felony or delinquent act that which would have been a  
42 felony if committed by an adult and the incident occurred on  
43 property other than public school property, the district school  
44 board may expel the student if the incident is shown, in an  
45 administrative hearing pursuant to chapter 120, to have an  
46 adverse impact on the educational program, discipline, or  
47 welfare in the school in which the student is enrolled. The,  
48 ~~provided that~~ expulsion under this subsection shall not affect  
49 the delivery of educational services to the student in any  
50 residential, nonresidential, alternative, daytime, or evening  
51 program outside of the regular school setting. Any student who  
52 is subject to discipline or expulsion for unlawful possession or  
53 use of any substance controlled under chapter 893 may be  
54 entitled to a waiver of the 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  
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  
77 rules established under s. 1001.54, to have an adverse impact on  
78 the 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

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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  
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.