

By the Committee on Education Pre-K - 12; and Senator Wise

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1                   A bill to be entitled  
2           An act relating to zero-tolerance policies; amending  
3           ss. 1002.20 and 1006.09, F.S.; conforming cross-  
4           references; amending s. 1006.13, F.S.; providing  
5           legislative intent and findings; revising the  
6           requirements for zero-tolerance policies; deleting  
7           provisions relating to agreements with the county  
8           sheriff's office and local police departments;  
9           requiring that such agreements specify guidelines for  
10          addressing acts that pose a serious threat to school  
11          safety; prohibiting zero-tolerance policies from  
12          requiring the reporting of petty acts of misconduct  
13          and misdemeanors to a law enforcement agency;  
14          requiring that any disciplinary or prosecutorial  
15          action taken against a student who violates a zero-  
16          tolerance policy be based on the individual student  
17          and the particular circumstances surrounding the  
18          student's misconduct; encouraging school districts to  
19          use alternatives to expulsion or referral to law  
20          enforcement agencies unless using such alternatives  
21          will pose a threat to school safety; providing an  
22          effective date.

23  
24 Be It Enacted by the Legislature of the State of Florida:

25  
26           Section 1. Subsection (5) of section 1002.20, Florida  
27           Statutes, is amended to read:

28           1002.20 K-12 student and parent rights.—Parents of public  
29           school students must receive accurate and timely information

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30 regarding their child's academic progress and must be informed  
31 of ways they can help their child to succeed in school. K-12  
32 students and their parents are afforded numerous statutory  
33 rights including, but not limited to, the following:

34 (5) SAFETY.—In accordance with the provisions of s.  
35 1006.13(6) ~~s. 1006.13(5)~~, students who have been victims of  
36 certain felony offenses by other students, as well as the  
37 siblings of the student victims, have the right to be kept  
38 separated from the student offender both at school and during  
39 school transportation.

40 Section 2. Subsection (4) of section 1006.09, Florida  
41 Statutes, is amended to read:

42 1006.09 Duties of school principal relating to student  
43 discipline and school safety.—

44 (4) When a student has been the victim of a violent crime  
45 perpetrated by another student who attends the same school, the  
46 school principal shall make full and effective use of the  
47 provisions of subsection (2) and s. 1006.13(6) ~~s. 1006.13(5)~~. A  
48 school principal who fails to comply with this subsection shall  
49 be ineligible for any portion of the performance pay policy  
50 incentive or the differentiated pay under s. 1012.22. However,  
51 if any party responsible for notification fails to properly  
52 notify the school, the school principal shall be eligible for  
53 the incentive or differentiated pay.

54 Section 3. Section 1006.13, Florida Statutes, is amended to  
55 read:

56 1006.13 Policy of zero tolerance for crime and  
57 victimization.—

58 (1) It is the intent of the Legislature to promote a safe

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59 and supportive learning environment in schools, to protect  
60 students and staff from conduct that poses a serious threat to  
61 school safety, and to encourage schools to use alternatives to  
62 expulsion or referral to law enforcement agencies by addressing  
63 disruptive behavior through restitution, civil citation, teen  
64 court, neighborhood restorative justice, or similar programs.  
65 The Legislature finds that zero-tolerance policies are not  
66 intended to be rigorously applied to petty acts of misconduct  
67 and misdemeanors, including, but not limited to, minor fights or  
68 disturbances. The Legislature finds that zero-tolerance policies  
69 must apply equally to all students regardless of their economic  
70 status, race, or disability.

71 (2)(1) Each district school board shall adopt a policy of  
72 zero tolerance that for:

73 (a) Defines criteria for reporting to a law enforcement  
74 agency any act that occurs whenever or wherever students are  
75 within the jurisdiction of the district school board.

76 (b) Defines acts that pose a serious threat to school  
77 safety.

78 (c) Defines petty acts of misconduct. Crime and substance  
79 abuse, including the reporting of delinquent acts and crimes  
80 occurring whenever and wherever students are under the  
81 jurisdiction of the district school board.

82 (d) ~~(b)~~ Minimizes the victimization of students or staff,  
83 including taking all steps necessary to protect the victim of  
84 any violent crime from any further victimization.

85 (e) Establishes a procedure that provides each student with  
86 the opportunity for a review of the disciplinary action imposed  
87 pursuant to s. 1006.07.

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88           (3)~~(2)~~ Zero-tolerance policies must ~~The zero tolerance~~  
89 ~~policy shall~~ require students found to have committed one of the  
90 following offenses to be expelled, with or without continuing  
91 educational services, from the student's regular school for a  
92 period of not less than 1 full year, and to be referred to the  
93 criminal justice or juvenile justice system.

94           (a) Bringing a firearm or weapon, as defined in chapter  
95 790, to school, to any school function, or onto any school-  
96 sponsored transportation or possessing a firearm at school.

97           (b) Making a threat or false report, as defined by ss.  
98 790.162 and 790.163, respectively, involving school or school  
99 personnel's property, school transportation, or a school-  
100 sponsored activity.

101  
102 District school boards may assign the student to a disciplinary  
103 program for the purpose of continuing educational services  
104 during the period of expulsion. District school superintendents  
105 may consider the 1-year expulsion requirement on a case-by-case  
106 basis and request the district school board to modify the  
107 requirement by assigning the student to a disciplinary program  
108 or second chance school if the request for modification is in  
109 writing and it is determined to be in the best interest of the  
110 student and the school system. If a student committing any of  
111 the offenses in this subsection is a student who has ~~with~~ a  
112 disability, the district school board shall comply with  
113 applicable State Board of Education rules.

114           (4) (a)~~(3)~~ Each district school board shall enter into  
115 agreements with the county sheriff's office and local police  
116 department specifying guidelines for ensuring that acts that

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117 pose a serious threat to school safety felonies and violent  
118 ~~misdemeanors~~, whether committed by a student or adult, and  
119 ~~delinquent acts that would be felonies or violent misdemeanors~~  
120 ~~if committed by an adult~~, are reported to a law enforcement  
121 agency. Each district school board shall adopt a cooperative  
122 ~~agreement, pursuant to s. 1003.52(13) with the Department of~~  
123 ~~Juvenile Justice, that specifies guidelines for ensuring that~~  
124 ~~all no contact orders entered by the court are reported and~~  
125 ~~enforced and that all steps necessary are taken to protect the~~  
126 ~~victim of any such crime. Such~~

127 (b) The agreements must shall include the role of school  
128 resource officers, if applicable, in handling reported  
129 incidents, ~~special~~ circumstances in which school officials may  
130 handle incidents without filing a report with a ~~to~~ law  
131 enforcement agency, and a procedure for ensuring that school  
132 personnel properly report appropriate delinquent acts and  
133 crimes.

134 (c) Zero-tolerance policies may not require the reporting  
135 of petty acts of misconduct and misdemeanors to a law  
136 enforcement agency, including, but not limited to, disorderly  
137 conduct, disrupting a school function, simple assault or  
138 battery, affray, theft of less than \$300, trespassing, and  
139 vandalism of less than \$1,000.

140 (d) The school principal shall ensure ~~be responsible for~~  
141 ~~ensuring~~ that all school personnel are properly informed as to  
142 their responsibilities regarding crime reporting, that  
143 appropriate delinquent acts and crimes are properly reported,  
144 and that actions taken in cases with special circumstances are  
145 properly taken and documented.

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146        (5)~~(4)~~ Notwithstanding any other provision of law, each  
147 district school board shall adopt rules providing that any  
148 student found to have committed any offense in a violation of s.  
149 784.081(1), (2), or (3) shall be expelled or placed in an  
150 alternative school setting or other program, as appropriate.  
151 Upon being charged with the offense, the student shall be  
152 removed from the classroom immediately and placed in an  
153 alternative school setting pending disposition.

154        (6)~~(5)~~(a) Notwithstanding any provision of law prohibiting  
155 the disclosure of the identity of a minor, whenever any student  
156 who is attending a public school is adjudicated guilty of or  
157 delinquent for, or is found to have committed, regardless of  
158 whether adjudication is withheld, or pleads guilty or nolo  
159 contendere to, a felony violation of:

- 160            1. Chapter 782, relating to homicide;
- 161            2. Chapter 784, relating to assault, battery, and culpable  
162 negligence;
- 163            3. Chapter 787, relating to kidnapping, false imprisonment,  
164 luring or enticing a child, and custody offenses;
- 165            4. Chapter 794, relating to sexual battery;
- 166            5. Chapter 800, relating to lewdness and indecent exposure;
- 167            6. Chapter 827, relating to abuse of children;
- 168            7. Section 812.13, relating to robbery;
- 169            8. Section 812.131, relating to robbery by sudden  
170 snatching;
- 171            9. Section 812.133, relating to carjacking; or
- 172            10. Section 812.135, relating to home-invasion robbery,  
173
- 174 and, before or at the time of such adjudication, withholding of

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175 adjudication, or plea, the offender was attending a school  
176 attended by the victim or a sibling of the victim of the  
177 offense, the Department of Juvenile Justice shall notify the  
178 appropriate district school board of the adjudication or plea,  
179 the requirements in ~~of~~ this paragraph, and whether the offender  
180 is prohibited from attending that school or riding on a school  
181 bus whenever the victim or a sibling of the victim is attending  
182 the same school or riding on the same school bus, except as  
183 provided pursuant to a written disposition order under s.  
184 985.455(2). Upon receipt of such notice, the district school  
185 board shall take appropriate action to effectuate the provisions  
186 in ~~of~~ paragraph (b).

187 (b) Each district school board shall adopt a cooperative  
188 agreement with the Department of Juvenile Justice which  
189 establishes guidelines for ensuring that any no contact order  
190 entered by a court is reported and enforced and that all of the  
191 necessary steps are taken to protect the victim of the offense.  
192 Any offender described in paragraph (a), who is not exempted as  
193 provided in paragraph (a), may ~~shall~~ not attend any school  
194 attended by the victim or a sibling of the victim of the offense  
195 or ride on a school bus on which the victim or a sibling of the  
196 victim is riding. The offender shall be permitted by the  
197 district school board to attend another school within the  
198 district in which the offender resides, only if ~~provided~~ the  
199 other school is not attended by the victim or sibling of the  
200 victim of the offense; or the offender may be permitted by  
201 another district school board to attend a school in that  
202 district if the offender is unable to attend any school in the  
203 district in which the offender resides.

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204 (c) If the offender is unable to attend any other school in  
205 the district in which the offender resides and is prohibited  
206 from attending a school in another school district, the district  
207 school board in the school district in which the offender  
208 resides shall take every reasonable precaution to keep the  
209 offender separated from the victim while on school grounds or on  
210 school transportation. The steps to be taken by a district  
211 school board to keep the offender separated from the victim must  
212 ~~shall~~ include, but are not limited to, in-school suspension of  
213 the offender and the scheduling of classes, lunch, or other  
214 school activities of the victim and the offender so as not to  
215 coincide.

216 (d) The offender, or the parents of the offender if the  
217 offender is a juvenile, shall arrange ~~be responsible for~~  
218 ~~arranging~~ and pay ~~paying~~ for transportation associated with or  
219 required by the offender's attending another school or that  
220 would be required as a consequence of the prohibition against  
221 riding on a school bus on which the victim or a sibling of the  
222 victim is riding. However, the offender or the parents of the  
223 offender may ~~shall~~ not be charged for existing modes of  
224 transportation that can be used by the offender at no additional  
225 cost to the district school board.

226 (7) Any disciplinary or prosecutorial action taken against  
227 a student who violates a zero-tolerance policy must be based on  
228 the individual student and the particular circumstances of the  
229 student's misconduct.

230 (8) School districts are encouraged to use alternatives to  
231 expulsion or referral to law enforcement agencies unless the use  
232 of such alternatives will pose a threat to school safety.



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Section 4. This act shall take effect July 1, 2009.