

**By** the Committees on Education Pre-K - 12 Appropriations;  
Judiciary; Criminal Justice; and Education Pre-K - 12; and  
Senators Wise and Sobel

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1                   A bill to be entitled  
2           An act relating to zero-tolerance policies; amending  
3           s. 1002.20, F.S.; conforming cross-references;  
4           requiring that a district school board having a policy  
5           authorizing corporal punishment as a form of  
6           discipline review its policy on corporal punishment at  
7           specified intervals; requiring that such review be  
8           conducted at a district school board meeting held  
9           pursuant to state law; requiring that the district  
10          school board take public testimony at such meeting;  
11          providing for the expiration of a district school  
12          board's policy authorizing corporal punishment under  
13          certain circumstances; amending s. 1006.09, F.S.;  
14          conforming cross-references; amending s. 1006.13,  
15          F.S.; providing legislative intent and findings;  
16          revising the requirements for zero-tolerance policies;  
17          deleting provisions relating to agreements with the  
18          county sheriff's office and local police departments;  
19          requiring that such agreements specify guidelines for  
20          addressing acts that pose a serious threat to school  
21          safety; providing that zero-tolerance policies do not  
22          require the reporting of petty acts of misconduct and  
23          misdemeanors to a law enforcement agency; requiring  
24          each district school board to adopt a cooperative  
25          agreement with the Department of Juvenile Justice  
26          which establishes certain guidelines; requiring that  
27          any disciplinary or prosecutorial action taken against  
28          a student who violates a zero-tolerance policy be  
29          based on the particular circumstances surrounding the

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30 student's misconduct; encouraging school districts to  
31 use alternatives to expulsion or referral to law  
32 enforcement agencies unless using such alternatives  
33 will pose a threat to school safety; prohibiting a  
34 student from exposing below-waist underwear in a  
35 specified manner while on the grounds of a public  
36 school; providing penalties; providing an effective  
37 date.

38  
39 Be It Enacted by the Legislature of the State of Florida:

40  
41 Section 1. Paragraph (c) of subsection (4) and subsection  
42 (5) of section 1002.20, Florida Statutes, are amended to read:

43 1002.20 K-12 student and parent rights.—Parents of public  
44 school students must receive accurate and timely information  
45 regarding their child's academic progress and must be informed  
46 of ways they can help their child to succeed in school. K-12  
47 students and their parents are afforded numerous statutory  
48 rights including, but not limited to, the following:

49 (4) DISCIPLINE.—

50 (c) *Corporal punishment*.—

51 1. In accordance with the provisions of s. 1003.32,  
52 corporal punishment of a public school student may only be  
53 administered by a teacher or school principal within guidelines  
54 of the school principal and according to district school board  
55 policy. Another adult must be present and must be informed in  
56 the student's presence of the reason for the punishment. Upon  
57 request, the teacher or school principal must provide the parent  
58 with a written explanation of the reason for the punishment and

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59 the name of the other adult who was present.

60 2. A district school board having a policy authorizing the  
61 use of corporal punishment as a form of discipline shall review  
62 its policy on corporal punishment once every 3 years during a  
63 district school board meeting held pursuant to s. 1001.372. The  
64 district school board shall take public testimony at the board  
65 meeting. If such board meeting is not held in accordance with  
66 this subparagraph, the portion of the district school board's  
67 policy authorizing corporal punishment expires.

68 (5) SAFETY.—In accordance with the provisions of s.  
69 1006.13(6) ~~s. 1006.13(5)~~, students who have been victims of  
70 certain felony offenses by other students, as well as the  
71 siblings of the student victims, have the right to be kept  
72 separated from the student offender both at school and during  
73 school transportation.

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

76 1006.09 Duties of school principal relating to student  
77 discipline and school safety.—

78 (4) When a student has been the victim of a violent crime  
79 perpetrated by another student who attends the same school, the  
80 school principal shall make full and effective use of the  
81 provisions of subsection (2) and s. 1006.13(6) ~~s. 1006.13(5)~~. A  
82 school principal who fails to comply with this subsection shall  
83 be ineligible for any portion of the performance pay policy  
84 incentive or the differentiated pay under s. 1012.22. However,  
85 if any party responsible for notification fails to properly  
86 notify the school, the school principal shall be eligible for  
87 the incentive or differentiated pay.

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88 Section 3. Section 1006.13, Florida Statutes, is amended to  
89 read:

90 1006.13 Policy of zero tolerance for crime and  
91 victimization.—

92 (1) It is the intent of the Legislature to promote a safe  
93 and supportive learning environment in schools, to protect  
94 students and staff from conduct that poses a serious threat to  
95 school safety, and to encourage schools to use alternatives to  
96 expulsion or referral to law enforcement agencies by addressing  
97 disruptive behavior through restitution, civil citation, teen  
98 court, neighborhood restorative justice, or similar programs.  
99 The Legislature finds that zero-tolerance policies are not  
100 intended to be rigorously applied to petty acts of misconduct  
101 and misdemeanors, including, but not limited to, minor fights or  
102 disturbances. The Legislature finds that zero-tolerance policies  
103 must apply equally to all students regardless of their economic  
104 status, race, or disability.

105 (2)~~(1)~~ Each district school board shall adopt a policy of  
106 zero tolerance that ~~for~~:

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

110 (b) Defines acts that pose a serious threat to school  
111 safety.

112 (c) Defines petty acts of misconduct. ~~Crime and substance~~  
113 ~~abuse, including the reporting of delinquent acts and crimes~~  
114 ~~occurring whenever and wherever students are under the~~  
115 ~~jurisdiction of the district school board.~~

116 (d) ~~(b)~~ Minimizes the victimization of students, staff, or

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117 volunteers, including taking all steps necessary to protect the  
118 victim of any violent crime from any further victimization.

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

122 (3)-(2) Zero-tolerance policies must ~~The zero tolerance~~  
123 ~~policy shall~~ require students found to have committed one of the  
124 following offenses to be expelled, with or without continuing  
125 educational services, from the student's regular school for a  
126 period of not less than 1 full year, and to be referred to the  
127 criminal justice or juvenile justice system.

128 (a) Bringing a firearm or weapon, as defined in chapter  
129 790, to school, to any school function, or onto any school-  
130 sponsored transportation or possessing a firearm at school.

131 (b) Making a threat or false report, as defined by ss.  
132 790.162 and 790.163, respectively, involving school or school  
133 personnel's property, school transportation, or a school-  
134 sponsored activity.

135  
136 District school boards may assign the student to a disciplinary  
137 program for the purpose of continuing educational services  
138 during the period of expulsion. District school superintendents  
139 may consider the 1-year expulsion requirement on a case-by-case  
140 basis and request the district school board to modify the  
141 requirement by assigning the student to a disciplinary program  
142 or second chance school if the request for modification is in  
143 writing and it is determined to be in the best interest of the  
144 student and the school system. If a student committing any of  
145 the offenses in this subsection is a student who has ~~with~~ a

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146 disability, the district school board shall comply with  
147 applicable State Board of Education rules.

148 (4) (a) (3) Each district school board shall enter into  
149 agreements with the county sheriff's office and local police  
150 department specifying guidelines for ensuring that acts that  
151 pose a serious threat to school safety felonies and violent  
152 misdemeanors, whether committed by a student or adult, and  
153 delinquent acts that would be felonies or violent misdemeanors  
154 if committed by an adult, are reported to a law enforcement  
155 agency. ~~Each district school board shall adopt a cooperative~~  
156 ~~agreement, pursuant to s. 1003.52(13) with the Department of~~  
157 ~~Juvenile Justice, that specifies guidelines for ensuring that~~  
158 ~~all no contact orders entered by the court are reported and~~  
159 ~~enforced and that all steps necessary are taken to protect the~~  
160 ~~victim of any such crime. Such~~

161 (b) The agreements must ~~shall~~ include the role of school  
162 resource officers, if applicable, in handling reported  
163 incidents, ~~special~~ circumstances in which school officials may  
164 handle incidents without filing a report with a ~~to~~ law  
165 enforcement agency, and a procedure for ensuring that school  
166 personnel properly report appropriate delinquent acts and  
167 crimes.

168 (c) Zero-tolerance policies do not require the reporting of  
169 petty acts of misconduct and misdemeanors to a law enforcement  
170 agency, including, but not limited to, disorderly conduct,  
171 disrupting a school function, simple assault or battery, affray,  
172 theft of less than \$300, trespassing, and vandalism of less than  
173 \$1,000.

174 (d) The school principal shall ensure ~~be responsible for~~

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175 ~~ensuring~~ that all school personnel are properly informed as to  
176 their responsibilities regarding crime reporting, that  
177 appropriate delinquent acts and crimes are properly reported,  
178 and that actions taken in cases with special circumstances are  
179 properly taken and documented.

180 (5)~~(4)~~ Notwithstanding any other provision of law, each  
181 district school board shall adopt rules providing that any  
182 student found to have committed any offense in a violation of s.  
183 784.081(1), (2), or (3) shall be expelled or placed in an  
184 alternative school setting or other program, as appropriate.  
185 Upon being charged with the offense, the student shall be  
186 removed from the classroom immediately and placed in an  
187 alternative school setting pending disposition.

188 (6)~~(5)~~(a) Notwithstanding any provision of law prohibiting  
189 the disclosure of the identity of a minor, whenever any student  
190 who is attending a public school is adjudicated guilty of or  
191 delinquent for, or is found to have committed, regardless of  
192 whether adjudication is withheld, or pleads guilty or nolo  
193 contendere to, a felony violation of:

- 194 1. Chapter 782, relating to homicide;
- 195 2. Chapter 784, relating to assault, battery, and culpable  
196 negligence;
- 197 3. Chapter 787, relating to kidnapping, false imprisonment,  
198 luring or enticing a child, and custody offenses;
- 199 4. Chapter 794, relating to sexual battery;
- 200 5. Chapter 800, relating to lewdness and indecent exposure;
- 201 6. Chapter 827, relating to abuse of children;
- 202 7. Section 812.13, relating to robbery;
- 203 8. Section 812.131, relating to robbery by sudden

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204 snatching;

205 9. Section 812.133, relating to carjacking; or

206 10. Section 812.135, relating to home-invasion robbery,

207

208 and, before or at the time of such adjudication, withholding of

209 adjudication, or plea, the offender was attending a school

210 attended by the victim or a sibling of the victim of the

211 offense, the Department of Juvenile Justice shall notify the

212 appropriate district school board of the adjudication or plea,

213 the requirements in ~~of~~ this paragraph, and whether the offender

214 is prohibited from attending that school or riding on a school

215 bus whenever the victim or a sibling of the victim is attending

216 the same school or riding on the same school bus, except as

217 provided pursuant to a written disposition order under s.

218 985.455(2). Upon receipt of such notice, the district school

219 board shall take appropriate action to effectuate the provisions

220 in ~~of~~ paragraph (b).

221 (b) Each district school board shall adopt a cooperative

222 agreement with the Department of Juvenile Justice which

223 establishes guidelines for ensuring that any no contact order

224 entered by a court is reported and enforced and that all of the

225 necessary steps are taken to protect the victim of the offense.

226 Any offender described in paragraph (a), who is not exempted as

227 provided in paragraph (a), may ~~shall~~ not attend any school

228 attended by the victim or a sibling of the victim of the offense

229 or ride on a school bus on which the victim or a sibling of the

230 victim is riding. The offender shall be permitted by the

231 district school board to attend another school within the

232 district in which the offender resides, only if ~~provided~~ the



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233 other school is not attended by the victim or sibling of the  
234 victim of the offense; or the offender may be permitted by  
235 another district school board to attend a school in that  
236 district if the offender is unable to attend any school in the  
237 district in which the offender resides.

238 (c) If the offender is unable to attend any other school in  
239 the district in which the offender resides and is prohibited  
240 from attending a school in another school district, the district  
241 school board in the school district in which the offender  
242 resides shall take every reasonable precaution to keep the  
243 offender separated from the victim while on school grounds or on  
244 school transportation. The steps to be taken by a district  
245 school board to keep the offender separated from the victim must  
246 ~~shall~~ include, but are not limited to, in-school suspension of  
247 the offender and the scheduling of classes, lunch, or other  
248 school activities of the victim and the offender so as not to  
249 coincide.

250 (d) The offender, or the parents of the offender if the  
251 offender is a juvenile, shall arrange ~~be responsible for~~  
252 ~~arranging~~ and pay ~~paying~~ for transportation associated with or  
253 required by the offender's attending another school or that  
254 would be required as a consequence of the prohibition against  
255 riding on a school bus on which the victim or a sibling of the  
256 victim is riding. However, the offender or the parents of the  
257 offender may ~~shall~~ not be charged for existing modes of  
258 transportation that can be used by the offender at no additional  
259 cost to the district school board.

260 (7) Any disciplinary or prosecutorial action taken against  
261 a student who violates a zero-tolerance policy must be based on

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262 the particular circumstances of the student's misconduct.

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

266 Section 4. Exposure of undergarments.-

267 (1) A student may not wear and expose below-waist underwear  
268 while on the grounds of a public school in a manner that exposes  
269 or exhibits one's covered or uncovered sexual organs in a vulgar  
270 and indecent manner.

271 (2) For a first offense, a student who violates this  
272 section shall be given a verbal warning, and the school  
273 principal shall call the student's parents. For a second  
274 offense, a student shall receive an in-school suspension  
275 pursuant to s. 1003.01(5)(b), Florida Statutes, for a period not  
276 to exceed 3 days, and the school principal shall call the  
277 student's parents and send them a written letter regarding the  
278 student's suspension. For a third offense, the student shall be  
279 suspended from school pursuant to s. 1003.01(5)(a), Florida  
280 Statutes, for period not to exceed 5 days, and the school  
281 principal shall meet with the student's parents. For a fourth or  
282 subsequent violation, the student shall be suspended from school  
283 pursuant to s. 1003.01(5)(a), Florida Statutes, for 10 days.

284 Section 5. This act shall take effect July 1, 2009.