

1 A bill to be entitled
 2 An act relating to student discipline and school safety;
 3 amending s. 1006.13, F.S.; providing legislative intent
 4 relating to the district school board policies of zero
 5 tolerance for crime and victimization; revising the
 6 content of district school board policies of zero
 7 tolerance; revising criteria for reporting acts to law
 8 enforcement; requiring disciplinary or prosecutorial
 9 action taken against a student who violates a zero-
 10 tolerance policy to be based on the individual student and
 11 particular circumstances; encouraging school districts to
 12 use alternatives to expulsion or referral to law
 13 enforcement under certain circumstances; amending ss.
 14 1002.20 and 1006.09, F.S.; conforming cross-references;
 15 providing an effective date.

16
 17 Be It Enacted by the Legislature of the State of Florida:

18
 19 Section 1. Section 1006.13, Florida Statutes, is amended
 20 to read:

21 1006.13 Policy of zero tolerance for crime and
 22 victimization.--

23 (1) It is the intent of the Legislature to promote a safe
 24 and supportive learning environment in schools, to protect
 25 students and staff from conduct that poses a serious threat to
 26 school safety, and to encourage schools to use alternatives to
 27 expulsion or referral to law enforcement in addressing
 28 disruptive behavior, including restitution, civil citation, teen

29 court, neighborhood restorative justice, or similar programs.
30 Zero tolerance policies are not intended to rigorously apply to
31 petty acts of misconduct and misdemeanors such as minor fights
32 or disturbances. Zero tolerance policies should apply equally
33 regardless of economic status, race, or disability.

34 (2)-(1) Each district school board shall adopt a policy of
35 zero tolerance that for:

36 (a) Defines criteria for reporting acts to law enforcement
37 ~~Crime and substance abuse, including the reporting of delinquent~~
38 ~~acts and crimes~~ occurring whenever and wherever students are
39 under the jurisdiction of the district school board.

40 (b) Defines acts that pose a serious threat to school
41 safety.

42 (c) Defines petty acts of misconduct.

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

46 (e) Establishes a procedure that ensures each student has
47 the opportunity to appeal disciplinary action.

48 (3)-(2) The zero tolerance policy shall require students
49 found to have committed one of the following offenses to be
50 expelled, with or without continuing educational services, from
51 the student's regular school for a period of not less than 1
52 full year, and to be referred to the criminal justice or
53 juvenile justice system.

54 (a) Bringing a firearm or weapon, as defined in chapter
55 790, to school, to any school function, or onto any school-
56 sponsored transportation or possessing a firearm at school.

57 (b) Making a threat or false report, as defined by ss.
 58 790.162 and 790.163, respectively, involving school or school
 59 personnel's property, school transportation, or a school-
 60 sponsored activity.

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

74 (4) (a) (3) Each district school board shall enter into
 75 agreements with the county sheriff's office and local police
 76 department specifying guidelines for ensuring that acts that
 77 pose a serious threat to school safety ~~felonies and violent~~
 78 ~~misdemeanors~~, whether committed by a student or adult, and
 79 ~~delinquent acts that would be felonies or violent misdemeanors~~
 80 ~~if committed by an adult~~, are reported to law enforcement. Each
 81 district school board shall adopt a cooperative agreement,
 82 pursuant to s. 1003.52(13) with the Department of Juvenile
 83 Justice, that specifies guidelines for ensuring that all no
 84 contact orders entered by the court are reported and enforced

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85 ~~and that all steps necessary are taken to protect the victim of~~
86 ~~any such crime. Such~~

87 (b) The agreements shall include the role of school
88 resource officers, if applicable, in handling reported
89 incidents, ~~special~~ circumstances in which school officials may
90 handle incidents without filing a report to law enforcement, and
91 a procedure for ensuring that school personnel properly report
92 appropriate delinquent acts and crimes.

93 (c) Zero tolerance does not require reporting to law
94 enforcement petty acts of misconduct and misdemeanors,
95 including, but not limited to, disorderly conduct, disrupting a
96 school function, simple assault or battery, affray, theft of
97 less than \$300, trespassing, and vandalism of less than \$1,000.

98 (d) The school principal shall be responsible for ensuring
99 that all school personnel are properly informed as to their
100 responsibilities regarding crime reporting, that appropriate
101 delinquent acts and crimes are properly reported, and that
102 actions taken in cases with special circumstances are properly
103 taken and documented.

104 (5)~~(4)~~ Notwithstanding any other provision of law, each
105 district school board shall adopt rules providing that any
106 student found to have committed a violation of s. 784.081(1),
107 (2), or (3) shall be expelled or placed in an alternative school
108 setting or other program, as appropriate. Upon being charged
109 with the offense, the student shall be removed from the
110 classroom immediately and placed in an alternative school
111 setting pending disposition.

112 (6)~~(5)~~(a) Notwithstanding any provision of law prohibiting
 113 the disclosure of the identity of a minor, whenever any student
 114 who is attending public school is adjudicated guilty of or
 115 delinquent for, or is found to have committed, regardless of
 116 whether adjudication is withheld, or pleads guilty or nolo
 117 contendere to, a felony violation of:

- 118 1. Chapter 782, relating to homicide;
- 119 2. Chapter 784, relating to assault, battery, and culpable
 120 negligence;
- 121 3. Chapter 787, relating to kidnapping, false
 122 imprisonment, luring or enticing a child, and custody offenses;
- 123 4. Chapter 794, relating to sexual battery;
- 124 5. Chapter 800, relating to lewdness and indecent
 125 exposure;
- 126 6. Chapter 827, relating to abuse of children;
- 127 7. Section 812.13, relating to robbery;
- 128 8. Section 812.131, relating to robbery by sudden
 129 snatching;
- 130 9. Section 812.133, relating to carjacking; or
- 131 10. Section 812.135, relating to home-invasion robbery,

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 133 and, before or at the time of such adjudication, withholding of
 134 adjudication, or plea, the offender was attending a school
 135 attended by the victim or a sibling of the victim of the
 136 offense, the Department of Juvenile Justice shall notify the
 137 appropriate district school board of the adjudication or plea,
 138 the requirements of this paragraph, and whether the offender is
 139 prohibited from attending that school or riding on a school bus

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140 whenever the victim or a sibling of the victim is attending the
141 same school or riding on the same school bus, except as provided
142 pursuant to a written disposition order under s. 985.455(2).
143 Upon receipt of such notice, the district school board shall
144 take appropriate action to effectuate the provisions of
145 paragraph (b).

146 (b) Each district school board shall adopt a cooperative
147 agreement with the Department of Juvenile Justice that specifies
148 guidelines for ensuring that all no contact orders entered by
149 the court are reported and enforced and that all necessary steps
150 are taken to protect the victim of the offense. Any offender
151 described in paragraph (a), who is not exempted as provided in
152 paragraph (a), shall not attend any school attended by the
153 victim or a sibling of the victim of the offense or ride on a
154 school bus on which the victim or a sibling of the victim is
155 riding. The offender shall be permitted by the district school
156 board to attend another school within the district in which the
157 offender resides, provided the other school is not attended by
158 the victim or sibling of the victim of the offense; or the
159 offender may be permitted by another district school board to
160 attend a school in that district if the offender is unable to
161 attend any school in the district in which the offender resides.

162 (c) If the offender is unable to attend any other school
163 in the district in which the offender resides and is prohibited
164 from attending school in another school district, the district
165 school board in the school district in which the offender
166 resides shall take every reasonable precaution to keep the
167 offender separated from the victim while on school grounds or on

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168 school transportation. The steps to be taken by a district
169 school board to keep the offender separated from the victim
170 shall include, but are not limited to, in-school suspension of
171 the offender and the scheduling of classes, lunch, or other
172 school activities of the victim and the offender so as not to
173 coincide.

174 (d) The offender, or the parents of the offender if the
175 offender is a juvenile, shall be responsible for arranging and
176 paying for transportation associated with or required by the
177 offender's attending another school or that would be required as
178 a consequence of the prohibition against riding on a school bus
179 on which the victim or a sibling of the victim is riding.
180 However, the offender or the parents of the offender shall not
181 be charged for existing modes of transportation that can be used
182 by the offender at no additional cost to the district school
183 board.

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

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

191 Section 2. Subsection (5) of section 1002.20, Florida
192 Statutes, is amended to read:

193 1002.20 K-12 student and parent rights.--Parents of public
194 school students must receive accurate and timely information
195 regarding their child's academic progress and must be informed

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196 of ways they can help their child to succeed in school. K-12
197 students and their parents are afforded numerous statutory
198 rights including, but not limited to, the following:

199 (5) SAFETY.--In accordance with the provisions of s.
200 1006.13(6)~~(5)~~, students who have been victims of certain felony
201 offenses by other students, as well as the siblings of the
202 student victims, have the right to be kept separated from the
203 student offender both at school and during school
204 transportation.

205 Section 3. Subsection (4) of section 1006.09, Florida
206 Statutes, is amended to read:

207 1006.09 Duties of school principal relating to student
208 discipline and school safety.--

209 (4) When a student has been the victim of a violent crime
210 perpetrated by another student who attends the same school, the
211 school principal shall make full and effective use of the
212 provisions of subsection (2) and s. 1006.13(6)~~(5)~~. A school
213 principal who fails to comply with this subsection shall be
214 ineligible for any portion of the performance pay policy
215 incentive or the differentiated pay under s. 1012.22. However,
216 if any party responsible for notification fails to properly
217 notify the school, the school principal shall be eligible for
218 the incentive or differentiated pay.

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