

1 A bill to be entitled
2 An act relating to student discipline and school safety;
3 amending s. 1002.20, F.S.; requiring that a district
4 school board review its policy allowing corporal
5 punishment once every 3 years during a district school
6 board meeting; requiring that the district school board
7 take public testimony during such meeting; providing for
8 the expiration of the district school board's corporal
9 punishment policy if meeting requirements are not met;
10 conforming a cross-reference; amending s. 1006.09, F.S.;;
11 conforming a cross-reference; amending s. 1006.13, F.S.;;
12 providing legislative intent relating to the district
13 school board policies of zero tolerance for crime and
14 victimization; revising the content of district school
15 board policies of zero tolerance; revising criteria for
16 reporting acts to law enforcement; requiring disciplinary
17 or prosecutorial action taken against a student who
18 violates a zero tolerance policy to be based on the
19 particular circumstances of the student's misconduct;
20 encouraging school districts to use alternatives to
21 expulsion or referral to law enforcement under certain
22 circumstances; providing an effective date.

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

25
26 Section 1. Paragraph (c) of subsection (4) and subsection
27 (5) of section 1002.20, Florida Statutes, are amended to read:
28 1002.20 K-12 student and parent rights.--Parents of public

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29 school students must receive accurate and timely information
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 (4) DISCIPLINE.--

35 (c) Corporal punishment.--In accordance with ~~the~~
36 ~~provisions of s. 1003.32~~, corporal punishment of a public school
37 student may only be administered by a teacher or school
38 principal within guidelines of the school principal and
39 according to district school board policy. Another adult must be
40 present and must be informed in the student's presence of the
41 reason for the punishment. Upon request, the teacher or school
42 principal must provide the parent with a written explanation of
43 the reason for the punishment and the name of the other adult
44 who was present. A district school board that has a policy
45 allowing the use of corporal punishment as a form of discipline
46 shall review its policy on corporal punishment once every 3
47 years during a district school board meeting held pursuant to s.
48 1001.372. The district school board must take public testimony
49 at the board meeting. If such board meeting is not held in
50 accordance with this paragraph, the portion of the district
51 school board's policy which allows corporal punishment shall
52 expire.

53 (5) SAFETY.--In accordance with the provisions of s.
54 1006.13 (6) ~~(5)~~, students who have been victims of certain felony
55 offenses by other students, as well as the siblings of the
56 student victims, have the right to be kept separated from the

57 student offender both at school and during school
 58 transportation.

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

61 1006.09 Duties of school principal relating to student
 62 discipline and school safety.--

63 (4) When a student has been the victim of a violent crime
 64 perpetrated by another student who attends the same school, the
 65 school principal shall make full and effective use of the
 66 provisions of subsection (2) and s. 1006.13~~(6)-(5)~~. A school
 67 principal who fails to comply with this subsection shall be
 68 ineligible for any portion of the performance pay policy
 69 incentive or the differentiated pay under s. 1012.22. However,
 70 if any party responsible for notification fails to properly
 71 notify the school, the school principal shall be eligible for
 72 the incentive or differentiated pay.

73 Section 3. Section 1006.13, Florida Statutes, is amended
 74 to read:

75 1006.13 Policy of zero tolerance for crime and
 76 victimization.--

77 (1) It is the intent of the Legislature to promote a safe
 78 and supportive learning environment in schools, to protect
 79 students, staff, and volunteers from conduct that poses a
 80 serious threat to school safety, and to encourage schools to use
 81 alternatives to expulsion or referral to law enforcement in
 82 addressing disruptive behavior, including restitution, civil
 83 citation, teen court, neighborhood restorative justice, or
 84 similar programs. Zero tolerance policies are not intended to

85 rigorously apply to petty acts of misconduct and misdemeanors
 86 such as minor fights or disturbances. Zero tolerance policies
 87 should apply equally regardless of economic status, race, or
 88 disability.

89 (2)(1) Each district school board shall adopt a policy of
 90 zero tolerance that for:

91 (a) Defines criteria for reporting to a law enforcement
 92 agency an act that occurs ~~Crime and substance abuse, including~~
 93 ~~the reporting of delinquent acts and crimes occurring~~ whenever
 94 and wherever students are under the jurisdiction of the district
 95 school board.

96 (b) Defines acts that pose a serious threat to school
 97 safety.

98 (c) Defines petty acts of misconduct.

99 (d)(b) Minimizes the victimization of students, staff, and
 100 volunteers, including taking all steps necessary to protect the
 101 victim of any violent crime from any further victimization.

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

105 (3)(2) The zero tolerance policy shall require students
 106 found to have committed one of the following offenses to be
 107 expelled, with or without continuing educational services, from
 108 the student's regular school for a period of not less than 1
 109 full year, and to be referred to the criminal justice or
 110 juvenile justice system.

111 (a) Bringing a firearm or weapon, as defined in chapter
 112 790, to school, to any school function, or onto any school-
 113 sponsored transportation or possessing a firearm at school.

114 (b) Making a threat or false report, as defined by ss.
 115 790.162 and 790.163, respectively, involving school or school
 116 personnel's property, school transportation, or a school-
 117 sponsored activity.

118
 119 District school boards may assign the student to a disciplinary
 120 program for the purpose of continuing educational services
 121 during the period of expulsion. District school superintendents
 122 may consider the 1-year expulsion requirement on a case-by-case
 123 basis and request the district school board to modify the
 124 requirement by assigning the student to a disciplinary program
 125 or second chance school if the request for modification is in
 126 writing and it is determined to be in the best interest of the
 127 student and the school system. If a student committing any of
 128 the offenses in this subsection is a student with a disability,
 129 the district school board shall comply with applicable State
 130 Board of Education rules.

131 (4) (a) (3) Each district school board shall enter into
 132 agreements with the county sheriff's office and local police
 133 department specifying guidelines for ensuring that acts that
 134 pose a serious threat to school safety ~~felonies and violent~~
 135 ~~misdemeanors~~, whether committed by a student or adult, and
 136 ~~delinquent acts that would be felonies or violent misdemeanors~~
 137 ~~if committed by an adult~~, are reported to law enforcement. ~~Each~~
 138 ~~district school board shall adopt a cooperative agreement,~~

139 ~~pursuant to s. 1003.52(13) with the Department of Juvenile~~
 140 ~~Justice, that specifies guidelines for ensuring that all no~~
 141 ~~contact orders entered by the court are reported and enforced~~
 142 ~~and that all steps necessary are taken to protect the victim of~~
 143 ~~any such crime. Such~~

144 (b) The agreements shall include the role of school
 145 resource officers, if applicable, in handling reported
 146 incidents, ~~special~~ circumstances in which school officials may
 147 handle incidents without filing a report to law enforcement, and
 148 a procedure for ensuring that school personnel properly report
 149 appropriate delinquent acts and crimes.

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

155 (d) The school principal shall be responsible for ensuring
 156 that all school personnel are properly informed as to their
 157 responsibilities regarding crime reporting, that appropriate
 158 delinquent acts and crimes are properly reported, and that
 159 actions taken in cases with special circumstances are properly
 160 taken and documented.

161 ~~(5)-(4)~~ Notwithstanding any other provision of law, each
 162 district school board shall adopt rules providing that any
 163 student found to have committed a violation of s. 784.081(1),
 164 (2), or (3) shall be expelled or placed in an alternative school
 165 setting or other program, as appropriate. Upon being charged
 166 with the offense, the student shall be removed from the

167 classroom immediately and placed in an alternative school
168 setting pending disposition.

169 (6)~~(5)~~(a) Notwithstanding any provision of law prohibiting
170 the disclosure of the identity of a minor, whenever any student
171 who is attending public school is adjudicated guilty of or
172 delinquent for, or is found to have committed, regardless of
173 whether adjudication is withheld, or pleads guilty or nolo
174 contendere to, a felony violation of:

- 175 1. Chapter 782, relating to homicide;
 - 176 2. Chapter 784, relating to assault, battery, and culpable
177 negligence;
 - 178 3. Chapter 787, relating to kidnapping, false
179 imprisonment, luring or enticing a child, and custody offenses;
 - 180 4. Chapter 794, relating to sexual battery;
 - 181 5. Chapter 800, relating to lewdness and indecent
182 exposure;
 - 183 6. Chapter 827, relating to abuse of children;
 - 184 7. Section 812.13, relating to robbery;
 - 185 8. Section 812.131, relating to robbery by sudden
186 snatching;
 - 187 9. Section 812.133, relating to carjacking; or
 - 188 10. Section 812.135, relating to home-invasion robbery,
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- 190 and, before or at the time of such adjudication, withholding of
191 adjudication, or plea, the offender was attending a school
192 attended by the victim or a sibling of the victim of the
193 offense, the Department of Juvenile Justice shall notify the
194 appropriate district school board of the adjudication or plea,

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195 the requirements of this paragraph, and whether the offender is
196 prohibited from attending that school or riding on a school bus
197 whenever the victim or a sibling of the victim is attending the
198 same school or riding on the same school bus, except as provided
199 pursuant to a written disposition order under s. 985.455(2).
200 Upon receipt of such notice, the district school board shall
201 take appropriate action to effectuate the provisions of
202 paragraph (b).

203 (b) Each district school board shall adopt a cooperative
204 agreement with the Department of Juvenile Justice that specifies
205 guidelines for ensuring that all no contact orders entered by
206 the court are reported and enforced and that all necessary steps
207 are taken to protect the victim of the offense. Any offender
208 described in paragraph (a), who is not exempted as provided in
209 paragraph (a), shall not attend any school attended by the
210 victim or a sibling of the victim of the offense or ride on a
211 school bus on which the victim or a sibling of the victim is
212 riding. The offender shall be permitted by the district school
213 board to attend another school within the district in which the
214 offender resides, provided the other school is not attended by
215 the victim or sibling of the victim of the offense; or the
216 offender may be permitted by another district school board to
217 attend a school in that district if the offender is unable to
218 attend any school in the district in which the offender resides.

219 (c) If the offender is unable to attend any other school
220 in the district in which the offender resides and is prohibited
221 from attending school in another school district, the district
222 school board in the school district in which the offender

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223 resides shall take every reasonable precaution to keep the
224 offender separated from the victim while on school grounds or on
225 school transportation. The steps to be taken by a district
226 school board to keep the offender separated from the victim
227 shall include, but are not limited to, in-school suspension of
228 the offender and the scheduling of classes, lunch, or other
229 school activities of the victim and the offender so as not to
230 coincide.

231 (d) The offender, or the parents of the offender if the
232 offender is a juvenile, shall be responsible for arranging and
233 paying for transportation associated with or required by the
234 offender's attending another school or that would be required as
235 a consequence of the prohibition against riding on a school bus
236 on which the victim or a sibling of the victim is riding.
237 However, the offender or the parents of the offender shall not
238 be charged for existing modes of transportation that can be used
239 by the offender at no additional cost to the district school
240 board.

241 (7) Any disciplinary or prosecutorial action taken against
242 a student who violates a zero tolerance policy must be based on
243 the particular circumstances of the student's misconduct.

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

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