

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 for crime and
3 victimization in schools; amending s. 1006.13, F.S.;
4 revising legislative intent to encourage schools to
5 address disruptive behavior through school offense
6 protocols; requiring that each district school board
7 adopt a policy for reporting to a law enforcement
8 agency acts that pose a serious threat to school
9 safety; requiring that acts that do not pose a serious
10 threat to school safety be handled within the school's
11 disciplinary system; requiring that a child accused of
12 a misdemeanor offense not be arrested and formally
13 processed in the juvenile justice system; requiring
14 that minor incidents be diverted from the juvenile
15 justice system or handled within the school system's
16 disciplinary system; requiring each district school
17 board to implement a training program for school
18 administrators and teachers regarding the negative
19 consequences and future effects of an arrest of a
20 juvenile and of the existing in-school alternatives to
21 discipline a student for committing petty acts of
22 misconduct without involving a law enforcement agency;
23 requiring that each district school board enter into
24 an agreement with the county sheriff's office and
25 local police department which includes a role for
26 school resource officers, if applicable, to handle
27 reported incidents that pose a serious threat to
28 school safety; requiring the agreements to prescribe
29 the circumstances and offenses that school officials

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30 must handle without filing a report with a law
31 enforcement agency; requiring the school principal to
32 certify, in writing, when an arrest of a student under
33 the jurisdiction of the school board is for an
34 incident that is a serious threat to school safety;
35 requiring that, by a specified date and annually
36 thereafter, each school district provide its policies
37 related to zero tolerance for crime and victimization
38 to the Department of Education; providing an effective
39 date.

40
41 Be It Enacted by the Legislature of the State of Florida:

42
43 Section 1. Section 1006.13, Florida Statutes, is amended to
44 read:

45 1006.13 Policy of zero tolerance for crime and
46 victimization.—

47 (1) It is the intent of the Legislature to promote a safe
48 and supportive learning environment in schools, to protect
49 students and staff from conduct that poses a serious threat to
50 school safety, and to encourage schools to use alternatives to
51 expulsion, or referral to law enforcement agencies by addressing
52 disruptive behavior through restitution, civil citation, teen
53 court, neighborhood restorative justice, school offense
54 protocols, or similar programs. The Legislature finds that zero-
55 tolerance policies are not intended to be rigorously applied to
56 petty acts of misconduct ~~and misdemeanors~~, including, but not
57 limited to, minor fights or disturbances. The Legislature finds
58 that zero-tolerance policies must apply equally to all students

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59 regardless of their economic status, race, or disability.

60 (2) Each district school board shall adopt a policy of zero
61 tolerance that:

62 (a) Defines criteria for reporting to a law enforcement
63 agency any act that occurs whenever or wherever students are
64 within the jurisdiction of the district school board that poses
65 a serious threat to school safety. Acts that do not pose a
66 serious threat to school safety shall be handled within the
67 school's disciplinary system.

68 (b) Defines acts that pose a serious threat to school
69 safety.

70 (c) Defines petty acts of misconduct.

71 (d) Provides that school officials may not request a law
72 enforcement agency to respond to petty acts of misconduct. Such
73 incidents shall be handled within the school system's discipline
74 system.

75 (e) Provides, within existing inservice training modules, a
76 comprehensive training program for school administrators and
77 teachers regarding the potential negative consequences and
78 future effects of an arrest of a juvenile and of the existing
79 in-school alternatives to discipline a student for committing
80 petty acts of misconduct without involving a law enforcement
81 agency.

82 (f) Provides that school disciplinary systems may document
83 and include corrective training, interventions, or teaching of
84 alternative behaviors specific to the offense when the student
85 is required to miss scheduled classroom instruction time due to
86 the offense and its disciplinary action.

87 (g) ~~(d)~~ Minimizes the victimization of students, staff, or

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

90 (h)~~(e)~~ Establishes a procedure that provides each student
91 with the opportunity for a review of the disciplinary action
92 imposed pursuant to s. 1006.07.

93 (3) Zero-tolerance policies must require students found to
94 have committed one of the following offenses to be expelled,
95 with or without continuing educational services, from the
96 student's regular school for a period of not less than 1 full
97 year, and to be referred to the criminal justice or juvenile
98 justice system.

99 (a) Bringing a firearm or weapon, as defined in chapter
100 790, to school, to any school function, or onto any school-
101 sponsored transportation or possessing a firearm at school.

102 (b) Making a threat or false report, as defined by ss.
103 790.162 and 790.163, respectively, involving school or school
104 personnel's property, school transportation, or a school-
105 sponsored activity.

106
107 District school boards may assign the student to a disciplinary
108 program for the purpose of continuing educational services
109 during the period of expulsion. District school superintendents
110 may consider the 1-year expulsion requirement on a case-by-case
111 basis and request the district school board to modify the
112 requirement by assigning the student to a disciplinary program
113 or second chance school if the request for modification is in
114 writing and it is determined to be in the best interest of the
115 student and the school system. If a student committing any of
116 the offenses in this subsection is a student who has a

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

119 (4) (a) Each district school board shall enter into
120 agreements with the county sheriff's office and local police
121 department specifying guidelines for ensuring that acts that
122 pose a serious threat to school safety, whether committed by a
123 student or adult, are reported to a law enforcement agency.

124 (b) The agreements must prescribe: ~~include~~

125 1. The role of school resource officers, if applicable, in
126 handling reported incidents that pose a serious threat to school
127 safety; and,

128 2. The circumstances and offenses that in which school
129 officials shall may handle incidents without filing a report
130 with a law enforcement agency, and a procedure for ensuring that
131 school personnel properly report appropriate delinquent acts and
132 crimes.

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

139 (d) The school principal shall ensure that all school
140 personnel are properly informed of ~~as to~~ their responsibilities
141 regarding crime reporting, that appropriate delinquent acts and
142 crimes are properly reported, and that actions taken in cases
143 with special circumstances are properly managed ~~taken~~ and
144 documented. In addition, the school principal shall certify to
145 the superintendent, in writing, of the arrest of a student who

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146 is under the jurisdiction of the district school board for an
147 act that poses a serious threat to school safety.

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

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

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

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

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

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204 is unable to attend any school in the district in which the
205 offender resides.

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

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

229 (8) School districts are encouraged to use alternatives to
230 expulsion or referral to law enforcement agencies unless the use
231 of such alternatives will pose a threat to school safety. By
232 September 1, 2013, and annually thereafter, each school district

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233 shall provide its policy related to zero tolerance to the
234 department to ensure compliance.

235 Section 2. This act shall take effect July 1, 2012.