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1 A bill to be entitled  
2 An act relating to school zero-tolerance policies;  
3 amending s. 1006.13, F.S.; revising legislative  
4 intent; requiring school zero-tolerance policies to  
5 only report acts that pose a serious threat to school  
6 safety to law enforcement and to otherwise handle acts  
7 within their own discipline systems; providing  
8 requirements for referrals of juveniles to the  
9 criminal or juvenile justice system for petty acts of  
10 misconduct or misdemeanors; requiring school districts  
11 to assign expelled students to a disciplinary program  
12 during the period of expulsion; revising requirements  
13 for agreements between school districts and law  
14 enforcement agencies; requiring that certain polices  
15 be provided to the Department of Education annually;  
16 providing for a model policy; making distribution of  
17 certain funds contingent on compliance with specified  
18 procedures; requiring an annual report by the  
19 Commissioner of Education; requiring approval of  
20 certain policies in order to receive certain funds;  
21 authorizing funds to be used for specified activities;  
22 requiring a report concerning the use of funds;  
23 providing an effective date.

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

26  
27 Section 1. Subsections (1), (2), and (3), paragraphs (b)  
28 and (c) of subsection (4), and subsection (8) of section

29 | 1006.13, Florida Statutes, are amended, and subsections (9),  
 30 | (10), and (11) are added to that section, to read:

31 |       1006.13 Policy of zero tolerance for crime and  
 32 | victimization.—

33 |       (1) It is the intent of the Legislature to promote a safe  
 34 | and supportive learning environment in schools, to protect  
 35 | students and staff from conduct that poses a serious threat to  
 36 | school safety, and to encourage schools to use alternatives to  
 37 | expulsion or referral to law enforcement agencies by addressing  
 38 | disruptive behavior through restitution, civil citation, teen  
 39 | court, neighborhood restorative justice, school offense  
 40 | protocols, or similar programs. The Legislature finds that zero-  
 41 | tolerance policies are not intended to be rigorously applied to  
 42 | petty acts of misconduct and misdemeanors, ~~including, but not~~  
 43 | ~~limited to, minor fights or disturbances~~. The Legislature finds  
 44 | that zero-tolerance policies must apply equally to all students  
 45 | regardless of their economic status, race, or disability.

46 |       (2) (a) Each district school board shall adopt a policy of  
 47 | zero tolerance that:

48 |       1.(a) Defines criteria for reporting to a law enforcement  
 49 | agency any act that occurs whenever or wherever students are  
 50 | within the jurisdiction of the district school board that poses  
 51 | a serious threat to school safety. Acts that do not pose a  
 52 | serious threat to school safety shall be handled within the  
 53 | school's discipline system.

54 |       2.(b) Defines acts that pose a serious threat to school  
 55 | safety.

56 |       3.(e) Defines petty acts of misconduct.

57 | 4.-(d) Specifies that students not be arrested or otherwise  
58 | referred to the juvenile or criminal justice system for petty  
59 | acts of misconduct or misdemeanors unless it is determined that  
60 | the failure to use arrest or justice-system referral would  
61 | endanger the physical safety of other students or staff within  
62 | the school. Such a determination shall be documented in a  
63 | written report that includes a description of the behavior at  
64 | issue and an explanation of why the actions taken were  
65 | necessary.

66 | 5.-(d) Minimizes the victimization of students, staff, or  
67 | volunteers, including taking all steps necessary to protect the  
68 | victim of any violent crime from any further victimization.

69 | 6.-(e) Establishes a procedure that provides each student  
70 | with the opportunity for a review of the disciplinary action  
71 | imposed pursuant to s. 1006.07.

72 | (b) This section does not limit a school's authority and  
73 | discretion under law to use other disciplinary consequences as  
74 | appropriate to address school-based incidents.

75 | (3) Zero-tolerance policies must require students found to  
76 | have committed one of the following offenses to be expelled,  
77 | with or without continuing educational services, from the  
78 | student's regular school for a period of not less than 1 full  
79 | year, and to be referred to the criminal justice or juvenile  
80 | justice system:-

81 | (a) Bringing a firearm or weapon, as defined in chapter  
82 | 790, to school, to any school function, or onto any school-  
83 | sponsored transportation or possessing a firearm at school.

84 | (b) Making a threat or false report, as defined by ss.

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85 790.162 and 790.163, respectively, involving school or school  
86 personnel's property, school transportation, or a school-  
87 sponsored activity.

88

89 District school boards shall ~~may~~ assign the student to a  
90 disciplinary program for the purpose of continuing educational  
91 services during the period of expulsion. District school  
92 superintendents may consider the 1-year expulsion requirement on  
93 a case-by-case basis and request the district school board to  
94 modify the requirement by assigning the student to a  
95 disciplinary program or second chance school if the request for  
96 modification is in writing and it is determined to be in the  
97 best interest of the student and the school system. If a student  
98 committing any of the offenses in this subsection is a student  
99 who has a disability, the district school board shall comply  
100 with applicable State Board of Education rules.

101 (4)

102 (b) The agreements must include the role of school  
103 resource officers, if applicable, in handling reported incidents  
104 that pose a serious threat to school safety and ~~and~~ circumstances  
105 in which school officials may handle incidents without filing a  
106 report with a law enforcement agency, ~~and a procedure for~~  
107 ~~ensuring that school personnel properly report appropriate~~  
108 ~~delinquent acts and crimes.~~

109 (c) Zero-tolerance policies do not require the reporting  
110 of petty acts of misconduct and misdemeanors to a law  
111 enforcement agency, including, but not limited to, disorderly  
112 conduct, disrupting a school function, simple assault or

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113 battery, affray, theft of less than \$300, trespassing, ~~and~~  
114 vandalism of less than \$1,000, and other misdemeanors.

115 (8) School districts are encouraged to use alternatives to  
116 expulsion or referral to law enforcement agencies unless the use  
117 of such alternatives will pose a threat to school safety. By  
118 August 1 of each year, school districts shall provide any and  
119 all policies related to this subsection to the department  
120 annually to ensure compliance.

121 (9) To assist school districts in developing policies that  
122 ensure that students are not arrested or otherwise referred to  
123 the juvenile or criminal justice system for petty acts of  
124 misconduct or misdemeanors, the department shall develop a model  
125 policy that shall be provided to school districts no later than  
126 October 1, 2013.

127 (10) Distribution of safe schools funds provided to a  
128 school district in fiscal year 2013-2014 and thereafter shall be  
129 contingent upon and payable to the school district upon the  
130 school district's compliance with all reporting procedures  
131 contained in this section.

132 (11) On or before January 1 of each year, the Commissioner  
133 of Education shall report to the Governor, the President of the  
134 Senate, and the Speaker of the House of Representatives on the  
135 implementation of this section. The report shall include data  
136 regarding arrests of students in school and at any event under  
137 the jurisdiction of the district school board.

138 Section 2. Distribution of safe schools funds to a school  
139 district provided in the 2013-2014 General Appropriations Act is  
140 contingent upon and payable to the school district upon the

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141 Department of Education's approval of the school district's  
142 policies that ensure that students are not arrested or otherwise  
143 referred to the juvenile or criminal justice system for petty  
144 acts of misconduct or misdemeanors. The department's approval of  
145 such policies shall be granted upon certification by the  
146 department that the school district's policy has been submitted  
147 to the department and is in substantial conformity with the  
148 department's model policy as mandated in s. 1006.13(9), Florida  
149 Statutes, as created by this act.

150       Section 3. Funds in the 2013-2014 General Appropriations  
151 Act for safe schools activities may be used for after-school  
152 programs for middle school students; other improvements to  
153 enhance the learning environment, including implementation of  
154 conflict resolution strategies; alternative school programs for  
155 adjudicated youth; suicide prevention programs; bullying  
156 prevention and intervention; and school resource officers. Each  
157 school district shall determine, based on a review of its  
158 existing programs and priorities, how much of its total  
159 allocation to use for each authorized safe school activity. If a  
160 district elects to use funds from the safe school allocation for  
161 school resource officers, it must also take affirmative steps to  
162 ensure that fewer students are referred to the juvenile or  
163 criminal justice system from schools within the district for  
164 misdemeanor offenses and other behaviors that do not pose a  
165 serious threat to school safety. The Department of Education  
166 shall monitor compliance with reporting procedures contained in  
167 s. 1006.13, Florida Statutes. Each school district shall report  
168 to the Department of Education the amount of funds expended for

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169 | each of the activities listed in this section. If a district  
170 | does not comply with these procedures, the district's funds from  
171 | the safe school allocation shall be withheld.

172 | Section 4. This act shall take effect July 1, 2013.