

By Senator Bullard

39-00872A-13

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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:

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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),

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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 which 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. ~~(c)~~ Defines petty acts of misconduct.

57 4. Specifies that students not be arrested or otherwise
58 referred to the juvenile or criminal justice system for petty

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

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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 resource
103 officers, if applicable, in handling reported incidents that
104 pose a serious threat to school safety and,~~7~~ circumstances in
105 which school officials may handle incidents without filing a
106 report with a law enforcement agency,~~7~~ ~~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 of
110 petty acts of misconduct and misdemeanors to a law enforcement
111 agency, including, but not limited to, disorderly conduct,
112 disrupting a school function, simple assault or battery, affray,
113 theft of less than \$300, trespassing, ~~and~~ vandalism of less than
114 \$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

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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
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

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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
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.