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LEGISLATIVE ACTION

Senate	.	House
Comm: FC	.	
03/25/2014	.	
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The Committee on Education (Bullard) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Subsection (2) of section 1006.07, Florida
Statutes, is amended, and subsection (7) is added to that
section, to read:

1006.07 District school board duties relating to student
discipline and school safety.—The district school board shall
provide for the proper accounting for all students, for the
attendance and control of students at school, and for proper



12 attention to health, safety, and other matters relating to the
13 welfare of students, including:

14 (2) CODE OF STUDENT CONDUCT.—Adopt a code of student
15 conduct for elementary schools and a code of student conduct for
16 middle and high schools and distribute the appropriate code to
17 all teachers, school personnel, students, and parents, at the
18 beginning of every school year. Each code shall be organized and
19 written in language that is understandable to students and
20 parents and shall be discussed at the beginning of every school
21 year in student classes, school advisory council meetings, and
22 parent and teacher association or organization meetings. Each
23 code shall be based on the rules governing student conduct and
24 discipline adopted by the district school board and shall be
25 made available in the student handbook or similar publication.
26 Each code shall be revised to reduce and, if possible, end the
27 use of exclusionary discipline for minor misbehavior. As used in
28 this subsection, the term "exclusionary discipline" means a
29 punitive disciplinary practice that removes a student from
30 instruction time in the student's regular school, including
31 suspension, transfer to an alternate school, and expulsion.
32 Absences due to exclusionary discipline shall be considered
33 excused absences. Each code shall include, but is not limited
34 to:

35 (a) Consistent policies and specific grounds for
36 disciplinary action, including in-school suspension, out-of-
37 school suspension, expulsion, and any disciplinary action that
38 may be imposed for the possession or use of alcohol on school
39 property or while attending a school function or for the illegal
40 use, sale, or possession of controlled substances as defined in



41 chapter 893.

42 (b) Procedures to be followed for acts requiring
43 discipline, including corporal punishment.

44 (c) An explanation of the responsibilities and rights of
45 students with regard to attendance, respect for persons and
46 property, knowledge and observation of rules of conduct, the
47 right to learn, free speech and student publications, assembly,
48 privacy, and participation in school programs and activities.

49 (d)1. An explanation of the responsibilities of each
50 student with regard to appropriate dress, respect for self and
51 others, and the role that appropriate dress and respect for self
52 and others has on an orderly learning environment. Each district
53 school board shall adopt a dress code policy that prohibits a
54 student, while on the grounds of a public school during the
55 regular school day, from wearing clothing that exposes underwear
56 or body parts in an indecent or vulgar manner or that disrupts
57 the orderly learning environment.

58 2. Any student who violates the dress policy described in
59 subparagraph 1. is subject to the following disciplinary
60 actions:

61 a. For a first offense, a student shall be given a verbal
62 warning and the school principal shall call the student's parent
63 or guardian.

64 b. For a second offense, the student is ineligible to
65 participate in any extracurricular activity for a period of time
66 not to exceed 5 days and the school principal shall meet with
67 the student's parent or guardian.

68 c. For a third or subsequent offense, a student shall
69 receive an in-school suspension pursuant to s. 1003.01(5) for a



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70 period not to exceed 3 days, the student is ineligible to
71 participate in any extracurricular activity for a period not to
72 exceed 30 days, and the school principal shall call the
73 student's parent or guardian and send the parent or guardian a
74 written letter regarding the student's in-school suspension and
75 ineligibility to participate in extracurricular activities.

76 (e) Notice that illegal use, possession, or sale of
77 controlled substances, as defined in chapter 893, by any student
78 while the student is upon school property or in attendance at a
79 school function is grounds for disciplinary action by the school
80 and may also result in criminal penalties being imposed.

81 (f) Notice that use of a wireless communications device
82 includes the possibility of the imposition of disciplinary
83 action by the school or criminal penalties if the device is used
84 in a criminal act. A student may possess a wireless
85 communications device while the student is on school property or
86 in attendance at a school function. Each district school board
87 shall adopt rules governing the use of a wireless communications
88 device by a student while the student is on school property or
89 in attendance at a school function.

90 (g) Notice that the possession of a firearm or weapon as
91 defined in chapter 790 by any student while the student is on
92 school property or in attendance at a school function is grounds
93 for disciplinary action and may also result in criminal
94 prosecution.

95 (h) Notice that violence against any district school board
96 personnel by a student is grounds for in-school suspension, out-
97 of-school suspension, expulsion, or imposition of other
98 disciplinary action by the school and may also result in



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99 criminal penalties being imposed.

100 (i) Notice that violation of district school board
101 transportation policies, including disruptive behavior on a
102 school bus or at a school bus stop, by a student is grounds for
103 suspension of the student's privilege of riding on a school bus
104 and may be grounds for disciplinary action by the school and may
105 also result in criminal penalties being imposed.

106 (j) Notice that violation of the district school board's
107 sexual harassment policy by a student is grounds for in-school
108 suspension, out-of-school suspension, expulsion, or imposition
109 of other disciplinary action by the school and may also result
110 in criminal penalties being imposed.

111 (k) Policies to be followed for the assignment of violent
112 or disruptive students to an alternative educational program.

113 (l) Notice that any student who is determined to have
114 brought a firearm or weapon, as defined in chapter 790, to
115 school, to any school function, or onto any school-sponsored
116 transportation, or to have possessed a firearm at school, will
117 be expelled, with or without continuing educational services,
118 from the student's regular school for a period of not less than
119 1 full year and referred to the criminal justice or juvenile
120 justice system. District school boards may assign the student to
121 a disciplinary program or second chance school for the purpose
122 of continuing educational services during the period of
123 expulsion. District school superintendents may consider the 1-
124 year expulsion requirement on a case-by-case basis and request
125 the district school board to modify the requirement by assigning
126 the student to a disciplinary program or second chance school if
127 the request for modification is in writing and it is determined



128 to be in the best interest of the student and the school system.

129 (m) Notice that any student who is determined to have made
130 a threat or false report, as defined by ss. 790.162 and 790.163,
131 respectively, involving school or school personnel's property,
132 school transportation, or a school-sponsored activity will be
133 expelled, with or without continuing educational services, from
134 the student's regular school for a period of not less than 1
135 full year and referred for criminal prosecution. District school
136 boards may assign the student to a disciplinary program or
137 second chance school for the purpose of continuing educational
138 services during the period of expulsion. District school
139 superintendents may consider the 1-year expulsion requirement on
140 a case-by-case basis and request the district school board to
141 modify the requirement by assigning the student to a
142 disciplinary program or second chance school if it is determined
143 to be in the best interest of the student and the school system.

144 (7) COMMUNITY INVOLVEMENT IN POLICY CREATION.—Each school
145 district shall ensure meaningful involvement with parents,
146 students, teachers, and the community in creating and applying
147 policies regarding student discipline and school safety.

148 Section 2. Section 1006.13, Florida Statutes, is amended to
149 read:

150 1006.13 Policy on serious threats to school safety ~~of zero~~
151 ~~tolerance for crime and victimization.~~—

152 (1) It is the intent of the Legislature to promote a safe
153 and supportive learning environment in schools, to protect
154 students and staff from conduct that poses a serious threat to
155 school safety, and to require ~~encourage~~ schools to use
156 alternatives to expulsion or referral to law enforcement



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157 agencies for petty acts of misconduct by addressing disruptive
158 behavior through restitution, civil citation, teen court,
159 neighborhood restorative justice, or similar programs. The
160 Legislature finds that referrals to law enforcement agencies
161 ~~zero-tolerance policies~~ are not intended to be made for
162 ~~rigorously applied to~~ petty acts of misconduct and misdemeanors,
163 including, but not limited to, minor fights or disturbances. The
164 Legislature finds that ~~zero-tolerance~~ policies on serious
165 threats to school safety must apply equally to all students
166 regardless of their economic status, race, or disability.

167 (2) Each district school board shall adopt a policy on
168 serious threats to school safety which ~~of zero tolerance that~~:

169 (a) Defines criteria for reporting to a law enforcement
170 agency any act that occurs whenever or wherever students are
171 within the jurisdiction of the district school board and that
172 poses a serious threat to school safety. An act that does not
173 pose a serious threat to school safety must be handled by a
174 school's discipline system.

175 (b) Defines and enumerates acts that pose a serious threat
176 to school safety.

177 (c) Defines and enumerates petty acts of misconduct,
178 including, but not limited to, behavior that could amount to the
179 misdemeanor criminal charges of disorderly conduct, disturbing a
180 school function, trespassing, loitering, simple assault or
181 battery, affray, theft of less than \$300, vandalism of less than
182 \$1,000, criminal mischief, and other behavior that does not pose
183 a serious threat to school safety.

184 (d) Minimizes the victimization of students, staff, or
185 volunteers, including taking all steps necessary to protect the



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186 victim of any violent crime from any further victimization.

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

190 (f) Clearly defines the role of law enforcement agencies in
191 personnel matters and delineates clear roles in which school
192 principals and their designees, under the constraints of
193 district policies, are the primary decisionmakers on school
194 disciplinary consequences.

195 (3) The policy on serious threats to school safety ~~zero-~~
196 ~~tolerance policies~~ must require a student who is ~~students~~ found
197 to have committed one of the following offenses to be expelled,
198 with or without continuing educational services, from the
199 student's regular school for a period of not less than 1 full
200 year, and to be referred to the criminal justice or juvenile
201 justice system.

202 (a) Bringing a firearm or weapon, as defined in chapter
203 790, to school, to any school function, or onto any school-
204 sponsored transportation or possessing a firearm at school.

205 (b) Making a threat or false report, as defined by ss.
206 790.162 and 790.163, respectively, involving school or school
207 personnel's property, school transportation, or a school-
208 sponsored activity.

209
210 A district school board ~~boards~~ may assign the student to a
211 disciplinary program for the purpose of continuing educational
212 services during the period of expulsion. A district school
213 superintendent ~~superintendents~~ may consider the 1-year expulsion
214 requirement on a case-by-case basis and request the district



215 school board to modify the requirement by assigning the student
216 to a disciplinary program or second chance school if the request
217 for modification is in writing and it is determined to be in the
218 best interest of the student and the school system. If a student
219 committing any of the offenses in this subsection is a student
220 who has a disability, the district school board shall comply
221 with applicable State Board of Education rules.

222 (4) (a) Each district school board, in collaboration with
223 students, educators, parents, and stakeholders, shall enter into
224 agreements with the county sheriff's office and local police
225 department specifying guidelines for ensuring that acts that
226 pose a serious threat to school safety, whether committed by a
227 student or adult, are reported to a law enforcement agency.

228 (b) The agreements must include the role of school resource
229 officers, if applicable, in handling reported incidents that
230 pose a serious threat to school safety and ~~7~~ circumstances in
231 which school officials may handle incidents without filing a
232 report with a law enforcement agency, ~~and a procedure for~~
233 ~~ensuring that school personnel properly report appropriate~~
234 ~~delinquent acts and crimes.~~

235 (c) The agreements ~~Zero-tolerance policies~~ do not require
236 the reporting of petty acts of misconduct and misdemeanors to a
237 law enforcement agency, including, but not limited to,
238 disorderly conduct, disturbing ~~disrupting~~ a school function,
239 trespassing, loitering, simple assault or battery, affray, theft
240 of less than \$300, trespassing, ~~and~~ vandalism of less than
241 \$1,000, and other misdemeanors that do not pose a serious threat
242 to school safety.

243 (d) The school principal shall ensure that all school



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244 personnel are properly informed of ~~as to~~ their responsibilities
245 regarding crime reporting, that appropriate delinquent acts and
246 crimes are properly reported, and that actions taken in cases
247 with special circumstances are properly taken and documented.

248 (5) Notwithstanding any other provision of law, each
249 district school board shall adopt rules providing that any
250 student found to have committed any offense in s. 784.081(1),
251 (2), or (3) shall be expelled or placed in an alternative school
252 setting or other program, as appropriate. Upon being charged
253 with the offense, the student shall be removed from the
254 classroom immediately and placed in an alternative school
255 setting pending disposition.

256 (6) (a) Notwithstanding any provision of law prohibiting the
257 disclosure of the identity of a minor, whenever any student who
258 is attending a public school is adjudicated guilty of or
259 delinquent for, or is found to have committed, regardless of
260 whether adjudication is withheld, or pleads guilty or nolo
261 contendere to, a felony violation of:

- 262 1. Chapter 782, relating to homicide;
- 263 2. Chapter 784, relating to assault, battery, and culpable
264 negligence;
- 265 3. Chapter 787, relating to kidnapping, false imprisonment,
266 luring or enticing a child, and custody offenses;
- 267 4. Chapter 794, relating to sexual battery;
- 268 5. Chapter 800, relating to lewdness and indecent exposure;
- 269 6. Chapter 827, relating to abuse of children;
- 270 7. Section 812.13, relating to robbery;
- 271 8. Section 812.131, relating to robbery by sudden
272 snatching;



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273 9. Section 812.133, relating to carjacking; or
274 10. Section 812.135, relating to home-invasion robbery,
275
276 and, before or at the time of such adjudication, withholding of
277 adjudication, or plea, the offender was attending a school
278 attended by the victim or a sibling of the victim of the
279 offense, the Department of Juvenile Justice shall notify the
280 appropriate district school board of the adjudication or plea,
281 the requirements in this paragraph, and whether the offender is
282 prohibited from attending that school or riding on a school bus
283 whenever the victim or a sibling of the victim is attending the
284 same school or riding on the same school bus, except as provided
285 pursuant to a written disposition order under s. 985.455(2).
286 Upon receipt of such notice, the district school board shall
287 take appropriate action to effectuate the provisions in
288 paragraph (b).
289 (b) Each district school board shall adopt a cooperative
290 agreement with the Department of Juvenile Justice which
291 establishes guidelines for ensuring that any no contact order
292 entered by a court is reported and enforced and that all of the
293 necessary steps are taken to protect the victim of the offense.
294 Any offender described in paragraph (a), who is not exempted as
295 provided in paragraph (a), may not attend any school attended by
296 the victim or a sibling of the victim of the offense or ride on
297 a school bus on which the victim or a sibling of the victim is
298 riding. The offender shall be permitted by the district school
299 board to attend another school within the district in which the
300 offender resides, only if the other school is not attended by
301 the victim or sibling of the victim of the offense; or the



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302 offender may be permitted by another district school board to
303 attend a school in that district if the offender is unable to
304 attend any school in the district in which the offender resides.

305 (c) If the offender is unable to attend any other school in
306 the district in which the offender resides and is prohibited
307 from attending a school in another school district, the district
308 school board in the school district in which the offender
309 resides shall take every reasonable precaution to keep the
310 offender separated from the victim while on school grounds or on
311 school transportation. The steps to be taken by a district
312 school board to keep the offender separated from the victim must
313 include, but are not limited to, in-school suspension of the
314 offender and the scheduling of classes, lunch, or other school
315 activities of the victim and the offender so as not to coincide.

316 (d) The offender, or the parents of the offender if the
317 offender is a juvenile, shall arrange and pay for transportation
318 associated with or required by the offender's attending another
319 school or that would be required as a consequence of the
320 prohibition against riding on a school bus on which the victim
321 or a sibling of the victim is riding. However, the offender or
322 the parents of the offender may not be charged for existing
323 modes of transportation that can be used by the offender at no
324 additional cost to the district school board.

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

328 (8) Except as provided in subsection (4), a school district
329 shall ~~districts are encouraged to~~ use alternatives to expulsion
330 or referral to a law enforcement agency ~~agencies~~ unless the use



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331 of such alternatives will pose a serious threat to school
332 safety.

333 (9) By March 1, 2015, the Department of Education shall
334 develop and provide a model policy, in collaboration with
335 students, educators, parents, and stakeholders, to assist a
336 school district in developing policies that avoid unnecessary
337 referrals to the criminal justice system or the juvenile justice
338 system for petty acts of misconduct.

339 Section 3. This act shall take effect upon becoming a law.
340

341 ===== T I T L E A M E N D M E N T =====

342 And the title is amended as follows:

343 Delete everything before the enacting clause
344 and insert:

345 A bill to be entitled
346 An act relating to school discipline and school
347 safety; amending s. 1006.07, F.S.; requiring the
348 revision of each code of student conduct to reduce
349 and, if possible, end the use of exclusionary
350 discipline for minor misbehavior; defining the term
351 "exclusionary discipline"; requiring absences due to
352 exclusionary discipline to be considered excused
353 absences; requiring each school district to ensure
354 meaningful involvement with parents, students,
355 teachers, and the community in creating and applying
356 policies regarding student discipline and school
357 safety; amending s. 1006.13, F.S.; revising
358 legislative intent; requiring each district school
359 board to adopt a policy on serious threats to school



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360 safety, rather than a zero-tolerance policy; providing
361 requirements for such policy; requiring each district
362 school board to collaborate with students, educators,
363 parents, and stakeholders in entering into agreements
364 with the county sheriff's office and local police
365 department; requiring a school district to use
366 alternatives to expulsion or referral to a law
367 enforcement agency under certain circumstances;
368 requiring the Department of Education, in
369 collaboration with students, parents, educators, and
370 stakeholders, to develop and provide a model policy by
371 a specified date; conforming provisions to changes
372 made by the act; providing an effective date.