



184228

LEGISLATIVE ACTION

Senate

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House

Floor: WD/2R

04/23/2014 11:12 AM

Senator Bullard moved the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Section 1006.07, Florida Statutes, is amended 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, for the creation
of a safe and effective learning environment, and for the proper



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

14 (1) INTERVENTIONS FOR AND DISCIPLINE CONTROL OF STUDENTS.—

15 (a) Adopt rules for interventions and for ~~the control,~~
16 ~~discipline, in-school suspension, suspension,~~ and exclusionary
17 discipline ~~expulsion~~ of students and decide all cases
18 recommended for expulsion. As used in this section, the term
19 “exclusionary discipline” means a practice that removes a
20 student from instruction time in the student’s regular
21 classrooms, including in-school suspension, out-of-school
22 suspension, transfer to an alternative school, and expulsion.
23 Suspension hearings are exempted from ~~the provisions of~~ chapter
24 120. Expulsion hearings shall be governed by ss. 120.569 and
25 120.57(2) and are exempt from s. 286.011. However, the student’s
26 parent must be given notice of ~~the provisions of~~ s. 286.011 and
27 may elect to have the hearing held in compliance with that
28 section. The district school board may prohibit the use of
29 corporal punishment, if the district school board adopts or has
30 adopted a written program of alternative control or discipline.
31 In order to fulfill the paramount duty of this state to make
32 adequate provisions for the education of all children residing
33 within its borders in accordance with s. 1, Art. IX of the State
34 Constitution, the district school board shall make every effort
35 to reduce exclusionary discipline for minor misbehavior.

36 (b) Require each student at the time of initial
37 registration for school in the school district to note previous
38 school expulsions, arrests resulting in a charge, and juvenile
39 justice actions the student has had, and have the authority as
40 the district school board of a receiving school district to



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41 honor the final order of expulsion or dismissal of a student by
42 any in-state or out-of-state public district school board or
43 private school, or lab school, for an act which would have been
44 grounds for expulsion according to the receiving district school
45 board's code of student conduct, in accordance with the
46 following procedures:

47 1. A final order of expulsion shall be recorded in the
48 records of the receiving school district.

49 2. The expelled student applying for admission to the
50 receiving school district shall be advised of the final order of
51 expulsion.

52 3. The district school superintendent of the receiving
53 school district may recommend to the district school board that
54 the final order of expulsion be waived and the student be
55 admitted to the school district, or that the final order of
56 expulsion be honored and the student not be admitted to the
57 school district. If the student is admitted by the district
58 school board, with or without the recommendation of the district
59 school superintendent, the student may be placed in an
60 appropriate educational program at the direction of the district
61 school board.

62 (2) CODE OF STUDENT CONDUCT.—Adopt a code of student
63 conduct for elementary schools and a code of student conduct for
64 middle and high schools and distribute the appropriate code to
65 all teachers, school personnel, students, and parents, at the
66 beginning of every school year. Each code must include
67 appropriate interventions and shall be organized and written in
68 language that is understandable to students and parents and
69 shall be discussed at the beginning of every school year in



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70 student classes, school advisory council meetings, and parent
71 and teacher association or organization meetings. Each code
72 shall be based on the rules governing student conduct and
73 discipline adopted by the district school board and shall be
74 made available in the student handbook or similar publication.
75 Each code shall include, but is not limited to:

76 (a) Consistent policies and specific grounds for
77 disciplinary action, including exclusionary discipline ~~in-school~~
78 ~~suspension, out-of-school suspension, expulsion,~~ and any
79 disciplinary action that may be imposed for the possession or
80 use of alcohol on school property or while attending a school
81 function or for the illegal use, sale, or possession of
82 controlled substances as defined in chapter 893.

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

85 (c) A discipline chart or matrix that indicates that a
86 student is not subject to exclusionary discipline for unexcused
87 tardiness, lateness, absence, or truancy; for violation of the
88 school dress code or rules regarding school uniforms; or for
89 behavior infractions that do not endanger the physical safety of
90 other students or staff members, including, but not limited to,
91 insubordination, defiance, disobedience, disrespect, or minor
92 classroom disruptions. The discipline chart or matrix must also:

93 1. Provide guidance on appropriate interventions and
94 consequences to be applied to behaviors or behavior categories
95 as provided in subparagraph 2. The school district may define
96 specific interventions and provide a list of interventions that
97 must be used and documented before exclusionary discipline is
98 considered unless a behavior poses a serious threat to school



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99 safety. The interventions may include, but are not limited to:
100 a. Having a private conversation with the student about his
101 or her behavior and underlying issues that may have precipitated
102 the behavior.
103 b. Providing an opportunity for the student's anger, fear,
104 or anxiety to subside.
105 c. Providing reflective activities, such as requiring the
106 student to write an essay about his or her behavior.
107 d. Participating in skill building and conflict resolution
108 activities, such as social-emotional cognitive skill building,
109 restorative circles, and restorative group conferencing.
110 e. Revoking student privileges.
111 f. Referring a student to a school counselor or social
112 worker.
113 g. Speaking to a student's parent.
114 h. Referring a student to intervention outside the school
115 setting.
116 i. Ordering in-school detention or in-school suspension
117 during lunch, after school, or on the weekend.
118 2. Outline specific behaviors or behavior categories. Each
119 behavior or behavior category must include clear maximum
120 consequences to prevent inappropriate exclusionary consequences
121 for minor misbehavior and set clear requirements that must be
122 satisfied before imposing exclusionary discipline. The chart or
123 matrix must show that exclusionary discipline is a last resort
124 to be used only in cases of serious misconduct if in-school
125 interventions and consequences that do not lead to exclusionary
126 consequences are insufficient.
127 (d) A glossary of clearly defined terms and behaviors.



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128 ~~(e)~~ (e) An explanation of the responsibilities, dignity, and
129 rights of and respect for students, including, but not limited
130 to, a student's right not to be discriminated against based on
131 race, ethnicity, religion, disability, sexual orientation, or
132 gender identity; a student's right to participate in with regard
133 to attendance, respect for persons and property, knowledge and
134 observation of rules of conduct, the right to learn, free speech
135 and student publications, assembly, privacy, and participation
136 in school programs, and school activities; and a student's right
137 to exercise free speech, to assemble, and to maintain privacy.

138 (f) An explanation of the school's dress code or rules
139 regarding school uniforms.

140 ~~(d)1. An explanation of the responsibilities of each~~
141 ~~student with regard to appropriate dress, respect for self and~~
142 ~~others, and the role that appropriate dress and respect for self~~
143 ~~and others has on an orderly learning environment. Each district~~
144 ~~school board shall adopt a dress code policy that prohibits a~~
145 ~~student, while on the grounds of a public school during the~~
146 ~~regular school day, from wearing clothing that exposes underwear~~
147 ~~or body parts in an indecent or vulgar manner or that disrupts~~
148 ~~the orderly learning environment.~~

149 ~~2. Any student who violates the dress policy described in~~
150 ~~subparagraph 1. is subject to the following disciplinary~~
151 ~~actions:~~

152 ~~a. For a first offense, a student shall be given a verbal~~
153 ~~warning and the school principal shall call the student's parent~~
154 ~~or guardian.~~

155 ~~b. For a second offense, the student is ineligible to~~
156 ~~participate in any extracurricular activity for a period of time~~



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157 ~~not to exceed 5 days and the school principal shall meet with~~
158 ~~the student's parent or guardian.~~

159 ~~e. For a third or subsequent offense, a student shall~~
160 ~~receive an in-school suspension pursuant to s. 1003.01(5) for a~~
161 ~~period not to exceed 3 days, the student is ineligible to~~
162 ~~participate in any extracurricular activity for a period not to~~
163 ~~exceed 30 days, and the school principal shall call the~~
164 ~~student's parent or guardian and send the parent or guardian a~~
165 ~~written letter regarding the student's in-school suspension and~~
166 ~~ineligibility to participate in extracurricular activities.~~

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

172 ~~(g) (f)~~ Notice that use of a wireless communications device
173 includes the possibility of the imposition of disciplinary
174 action by the school or criminal penalties if the device is used
175 in a criminal act. A student may possess a wireless
176 communications device while the student is on school property or
177 in attendance at a school function. Each district school board
178 shall adopt rules governing the use of a wireless communications
179 device by a student while the student is on school property or
180 in attendance at a school function.

181 ~~(g) Notice that the possession of a firearm or weapon as~~
182 ~~defined in chapter 790 by any student while the student is on~~
183 ~~school property or in attendance at a school function is grounds~~
184 ~~for disciplinary action and may also result in criminal~~
185 ~~prosecution.~~



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186 (h) Notice that violence against any district school board
187 personnel by a student is grounds for exclusionary discipline
188 ~~in-school suspension, out-of-school suspension, expulsion, or~~
189 imposition of other disciplinary action by the school and may
190 also result in criminal penalties being imposed.

191 (i) Notice that violation of ~~district school board~~
192 transportation policies of a district school board, including
193 disruptive behavior on a school bus or at a school bus stop, ~~by~~
194 ~~a student~~ is grounds for ~~suspension of the student's privilege~~
195 ~~of riding on a school bus and may be grounds for disciplinary~~
196 action by the school ~~and may also result in criminal penalties~~
197 ~~being imposed.~~

198 (j) Notice that a student who is determined to have brought
199 a weapon or firearm, as defined in s. 790.001 or 18 U.S.C. s.
200 921, to school, to a school function, or onto school-sponsored
201 transportation, or to have possessed a weapon or firearm at
202 school, will be expelled from the student's regular school for
203 at least 1 full year and referred to the criminal justice system
204 or juvenile justice system.

205 1. A district school superintendent may consider the
206 requirement of 1-year expulsion on a case-by-case basis and may
207 request the district school board to modify the requirement by
208 assigning the student to a disciplinary program or second chance
209 school if:

210 a. The request for modification is in writing; and

211 b. The modification is determined to be in the best
212 interest of the student and the school district.

213 2.a. Simulating a firearm or weapon while playing or
214 wearing clothing or accessories that depict a firearm or weapon



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215 or expressing an opinion regarding a right guaranteed by the
216 Second Amendment to the United States Constitution is not
217 grounds for disciplinary action or referral to the criminal
218 justice or juvenile justice system under this section or s.
219 1006.13. Simulating a firearm or weapon while playing includes,
220 but is not limited to:

221 (I) Brandishing a partially consumed pastry or other food
222 item to simulate a firearm or weapon.

223 (II) Possessing a toy firearm or weapon that is 2 inches or
224 less in overall length.

225 (III) Possessing a toy firearm or weapon made of plastic
226 snap-together building blocks.

227 (IV) Using a finger or hand to simulate a firearm or
228 weapon.

229 (V) Vocalizing sounds of an imaginary firearm or weapon.

230 (VI) Drawing a picture or possessing an image of a firearm
231 or weapon.

232 (VII) Using a pencil, pen, or other writing or drawing
233 utensil to simulate a firearm or weapon.

234 b. A student may be subject to disciplinary action if
235 simulating a firearm or weapon while playing substantially
236 disrupts student learning, causes bodily harm to another person,
237 or places another person in reasonable fear of bodily harm. The
238 severity of consequences imposed upon a student, including
239 referral to the criminal justice or juvenile justice system,
240 must be proportionate to the severity of the infraction and
241 consistent with district school board policies for similar
242 infractions. If a student is disciplined for such conduct, the
243 school principal or his or her designee must call the student's



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244 parent. Disciplinary action resulting from a student's clothing
245 or accessories shall be determined pursuant to paragraph (f)
246 unless the wearing of the clothing or accessory causes a
247 substantial disruption to student learning, in which case the
248 infraction may be addressed in a manner that is consistent with
249 district school board policies for similar infractions. This
250 paragraph does not prohibit a public school from adopting a
251 school uniform policy.

252 (k) ~~(j)~~ Notice that violation of the district school board's
253 sexual harassment policy by a student is grounds for
254 exclusionary discipline ~~in-school suspension, out-of-school~~
255 ~~suspension, expulsion,~~ or imposition of other disciplinary
256 action by the school and may also result in criminal penalties
257 being imposed.

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

260 ~~(l) Notice that any student who is determined to have~~
261 ~~brought a firearm or weapon, as defined in chapter 790, to~~
262 ~~school, to any school function, or onto any school-sponsored~~
263 ~~transportation, or to have possessed a firearm at school, will~~
264 ~~be expelled, with or without continuing educational services,~~
265 ~~from the student's regular school for a period of not less than~~
266 ~~1 full year and referred to the criminal justice or juvenile~~
267 ~~justice system. District school boards may assign the student to~~
268 ~~a disciplinary program or second chance school for the purpose~~
269 ~~of continuing educational services during the period of~~
270 ~~expulsion. District school superintendents may consider the 1-~~
271 ~~year expulsion requirement on a case-by-case basis and request~~
272 ~~the district school board to modify the requirement by assigning~~



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273 ~~the student to a disciplinary program or second chance school if~~
274 ~~the request for modification is in writing and it is determined~~
275 ~~to be in the best interest of the student and the school system.~~

276 (l) ~~(m)~~ Notice that any student who is determined to have
277 made a threat or false report, as provided in defined by ss.
278 790.162 and 790.163, respectively, involving the school's school
279 or school personnel's property, school transportation, or a
280 school-sponsored activity may will be expelled, with or without
281 continuing educational services, from the student's regular
282 school for at least a period of not less than 1 full year and
283 referred to the for criminal justice system or juvenile justice
284 system prosecution. The code of student conduct must also
285 provide notice that a district school superintendent boards may
286 assign the student to a disciplinary program or second chance
287 school for the purpose of continuing educational services during
288 the period of expulsion. District school superintendents may
289 consider the requirement of a 1-year expulsion requirement on a
290 case-by-case basis and may request the district school board to
291 modify the requirement by assigning the student to a
292 disciplinary program or second chance school if the request for
293 modification is in writing and the modification it is determined
294 to be in the best interest of the student and the school system.

295 (m) A clear and complete explanation of due process rights
296 afforded to a student, including a student with a disability,
297 and the types of exclusionary discipline to which a student may
298 be subjected.

299 (3) STUDENT CRIME WATCH PROGRAM.—By resolution of the
300 district school board, implement a student crime watch program
301 to promote responsibility among students and to assist in the



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302 control of criminal behavior within the schools.

303 (4) EMERGENCY DRILLS; EMERGENCY PROCEDURES.—

304 (a) Formulate and prescribe policies and procedures for
305 emergency drills and for actual emergencies, including, but not
306 limited to, fires, natural disasters, and bomb threats, for all
307 the public schools of the district which comprise grades K-12.
308 District school board policies shall include commonly used alarm
309 system responses for specific types of emergencies and
310 verification by each school that drills have been provided as
311 required by law and fire protection codes. The emergency
312 response agency that is responsible for notifying the school
313 district for each type of emergency must be listed in the
314 district's emergency response policy.

315 (b) Establish model emergency management and emergency
316 preparedness procedures, including emergency notification
317 procedures pursuant to paragraph (a), for the following life-
318 threatening emergencies:

- 319 1. Weapon-use and hostage situations.
320 2. Hazardous materials or toxic chemical spills.
321 3. Weather emergencies, including hurricanes, tornadoes,
322 and severe storms.
323 4. Exposure as a result of a manmade emergency.

324 (5) EDUCATIONAL SERVICES IN DETENTION FACILITIES.—Offer
325 educational services to minors who have not graduated from high
326 school and eligible students with disabilities under the age of
327 22 who have not graduated with a standard diploma or its
328 equivalent who are detained in a county or municipal detention
329 facility as defined in s. 951.23. These educational services
330 shall be based upon the estimated length of time the student



331 will be in the facility and the student's current level of
332 functioning. District school superintendents or their designees
333 shall be notified by the county sheriff or chief correctional
334 officer, or his or her designee, upon the assignment of a
335 student under the age of 21 to the facility. A cooperative
336 agreement with the district school board and applicable law
337 enforcement units shall be developed to address the notification
338 requirement and the provision of educational services to these
339 students.

340 (6) SAFETY AND SECURITY BEST PRACTICES.—Use the Safety and
341 Security Best Practices developed by the Office of Program
342 Policy Analysis and Government Accountability to conduct a self-
343 assessment of the school districts' current safety and security
344 practices. Based on these self-assessment findings, the district
345 school superintendent shall provide recommendations to the
346 district school board which identify strategies and activities
347 that the district school board should implement in order to
348 improve school safety and security. Annually each district
349 school board must receive the self-assessment results at a
350 publicly noticed district school board meeting to provide the
351 public an opportunity to hear the district school board members
352 discuss and take action on the report findings. Each district
353 school superintendent shall report the self-assessment results
354 and school board action to the commissioner within 30 days after
355 the district school board meeting.

356 Section 2. This act shall take effect July 1, 2014.

357
358 ===== T I T L E A M E N D M E N T =====

359 And the title is amended as follows:



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360 Delete everything before the enacting clause
361 and insert:

362 A bill to be entitled
363 An act relating to student discipline and school
364 safety; amending s. 1006.07, F.S.; revising district
365 school board duties relating to student discipline and
366 school safety; requiring district school boards to
367 adopt rules for interventions and exclusionary
368 discipline; defining the term "exclusionary
369 discipline"; encouraging district school boards to
370 reduce exclusionary discipline for minor misbehavior;
371 revising the contents of the student code of conduct;
372 providing an effective date.