

By Senator Powell

30-00892-17

20171064\_\_

1                   A bill to be entitled  
2       An act relating to student discipline; creating s.  
3       1006.01, F.S.; providing definitions; amending s.  
4       1006.07, F.S.; revising the duties of the district  
5       school boards relating to student discipline and  
6       school safety; requiring school districts to adopt  
7       standards for intervention, rather than a code of  
8       student conduct, which standards include specified  
9       requirements; requiring a school district to  
10      meaningfully involve parents, students, teachers, and  
11      the community in creating and applying certain  
12      policies; requiring a school district to fund and  
13      support the implementation of school-based restorative  
14      justice practices; requiring a school district to hire  
15      staff members to improve the school climate and  
16      safety; requiring a school district to annually survey  
17      parents, students, and teachers regarding school  
18      safety and discipline issues; amending s. 1006.12,  
19      F.S.; revising the qualifications of a school resource  
20      officer and a school safety officer; authorizing a  
21      school resource officer and a school safety officer to  
22      arrest a student only for certain violations of law;  
23      requiring a school resource officer and a school  
24      safety officer to immediately notify the principal or  
25      the principal's designee if the officer arrests a  
26      student in a school-related incident; prohibiting an  
27      officer from arresting or referring a student to the  
28      criminal justice system or juvenile justice system for  
29      petty acts of misconduct; providing an exception;

30-00892-17

20171064\_\_

30 requiring written documentation of an arrest or  
31 referral to the criminal justice system or juvenile  
32 justice system; requiring each law enforcement agency  
33 that serves a school district to enter into a  
34 cooperative agreement with the district school board,  
35 ensure the training of school resource officers and  
36 school safety officers as specified, and develop  
37 minimum qualifications for the selection of such  
38 officers; amending s. 1006.13, F.S.; requiring each  
39 district school board to adopt a policy on referrals  
40 to the criminal justice system or the juvenile justice  
41 system, rather than a policy of zero-tolerance for  
42 crime and victimization; revising and providing  
43 requirements for a policy on referrals to the criminal  
44 justice system or the juvenile justice system;  
45 providing that a school's authority and discretion to  
46 use other disciplinary consequences and interventions  
47 is not limited by specified provisions; conforming  
48 terminology; requiring each district school board, in  
49 collaboration with students, educators, parents, and  
50 stakeholders, to enter into cooperative agreements  
51 with a county sheriff's office and a local police  
52 department for specified purposes; revising the  
53 requirements for these agreements; requiring each  
54 school district to annually review the cost,  
55 effectiveness, and necessity of its school safety  
56 programs and to submit findings to the Department of  
57 Education; requiring a school district to arrange and  
58 pay for transportation for a student in certain

30-00892-17

20171064\_\_

59 circumstances; requiring, rather than encouraging, a  
60 school district to use alternatives to expulsion or  
61 referral to a law enforcement agency unless the use of  
62 such alternatives poses a threat to school safety;  
63 requiring each school district to submit to the  
64 department its policies and agreements by a specified  
65 date each year; requiring the department to develop by  
66 a specified date a model policy for referrals to the  
67 criminal justice system or the juvenile justice  
68 system; requiring the Commissioner of Education to  
69 report by a specified date each year to the Governor  
70 and the Legislature on the implementation of policies  
71 on referrals to law enforcement agencies; amending ss.  
72 1002.20, 1002.23, 1002.33, 1003.02, 1003.32, 1003.53,  
73 1003.57, 1006.09, 1006.10, 1006.147, 1006.15,  
74 1006.195, 1007.271, and 1012.98, F.S.; conforming  
75 cross-references and provisions to changes made by the  
76 act; providing an effective date.

77

78 Be It Enacted by the Legislature of the State of Florida:

79

80 Section 1. Section 1006.01, Florida Statutes, is created to  
81 read:

82 1006.01 Definitions.—As used in part I of this chapter, the  
83 term:

84 (1) "Exclusionary consequence" means a consequence of a  
85 student's serious breach of the standards for intervention, as  
86 provided in s. 1006.07(2), which results in the student being  
87 barred from attending school.

30-00892-17

20171064\_\_

88           (2) "Exclusionary discipline" means a disciplinary,  
89 punitive practice that removes a student from instruction time  
90 in his or her regular classrooms and may include in-school  
91 suspension during class time, out-of-school suspension, transfer  
92 to an alternative school, or expulsion. Absences due to  
93 exclusionary discipline are considered excused absences.

94           (3) "Restorative circle" means a common space where at  
95 least one individual guides a discussion in which each  
96 participant has an equal opportunity to speak and in which  
97 participants take turns speaking about a topic and using a  
98 talking piece, a physical object that is used to assist  
99 communication between participants.

100           (4) "Restorative group conferencing" means an intervention  
101 in which a facilitator leads the individuals who were involved  
102 in an incident, whether they were harmed or caused the harm, as  
103 well as their families or other supporters, in a face-to-face  
104 process designed to address the harm, resolve any conflict, and  
105 prevent recurrence of the harm based on the ideas of restorative  
106 justice practices and mutual accountability.

107           (5) "Restorative justice" means an intervening approach to  
108 justice which addresses root causes of harm that is a result of  
109 unjust behavior; emphasizes repair of the harm; and gives equal  
110 attention to accountability, growth, community safety, the  
111 harmed student's needs, and the student offender's needs.

112           Section 2. Section 1006.07, Florida Statutes, is amended to  
113 read:

114           1006.07 District school board duties relating to student  
115 discipline and school safety.—The district school board shall  
116 provide for the proper accounting for all students;7 for the

30-00892-17

20171064\_\_

117 attendance ~~and control~~ of students at school; for the creation  
118 of a safe and effective learning environment, regardless of the  
119 student's race, ethnicity, religion, disability, sexual  
120 orientation, or gender identity;~~7~~ and for the proper attention  
121 to health, safety, and other matters relating to the welfare of  
122 students, including the use of:

123 (1) INTERVENTIONS FOR AND DISCIPLINE CONTROL OF STUDENTS.-  
124 Each school district shall:

125 (a) Adopt rules for the ~~control~~, discipline, in-school  
126 suspension, suspension, and expulsion of students and decide all  
127 cases recommended for expulsion. Suspension hearings are exempt  
128 ~~exempted~~ from ~~the provisions of~~ chapter 120. Expulsion hearings  
129 are shall be governed by ss. 120.569 and 120.57(2) and ~~are~~  
130 exempt from s. 286.011. However, the student's parent must be  
131 given notice of the provisions of s. 286.011 and may elect to  
132 have the hearing held in compliance with that section. The  
133 district school board may prohibit the use of corporal  
134 punishment~~7~~, if the district school board adopts or has adopted a  
135 written program of alternative ~~control or~~ discipline. In order  
136 to fulfill the paramount duty of this state to make adequate  
137 provisions for the education of all children residing within its  
138 borders in accordance with s. 1, Art. IX of the State  
139 Constitution, the district school board shall make every effort  
140 to reduce exclusionary discipline for minor misbehavior.

141 (b) Require each student at the time of initial  
142 registration for school in the school district to note previous  
143 school expulsions, arrests resulting in a charge, and juvenile  
144 justice actions the student has had, and have the authority as  
145 the district school board of a receiving school district to

30-00892-17

20171064\_\_

146 honor the final order of expulsion or dismissal of a student by  
147 any in-state or out-of-state public district school board or  
148 private school, or lab school, for an act that ~~which~~ would have  
149 been grounds for expulsion according to the receiving district  
150 school board's standards for intervention ~~code of student~~  
151 ~~conduct~~, in accordance with the following procedures:

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

154 2. The expelled student applying for admission to the  
155 receiving school district shall be advised of the final order of  
156 expulsion.

157 3. The district school superintendent of the receiving  
158 school district may recommend to the district school board that  
159 the final order of expulsion be waived and the student be  
160 admitted to the school district, or that the final order of  
161 expulsion be honored and the student not be admitted to the  
162 school district. If the student is admitted by the district  
163 school board, with or without the recommendation of the district  
164 school superintendent, the student may be placed in an  
165 appropriate educational program at the direction of the district  
166 school board.

167 (2) STANDARDS FOR INTERVENTION ~~CODE OF STUDENT CONDUCT~~.—  
168 Each school district shall adopt clear standards for  
169 intervention, formerly known as a code of student conduct, which  
170 create a safe, supportive, and positive school climate and  
171 address misbehavior with interventions and consequences aimed at  
172 understanding and addressing the causes of misbehavior,  
173 resolving conflicts, meeting students' needs, keeping students  
174 in school, and teaching them to respond in age-appropriate ways

30-00892-17

20171064\_\_

175 ~~a code of student conduct for elementary schools and a code of~~  
176 ~~student conduct for middle and high schools and distribute the~~  
177 ~~appropriate code to all teachers, school personnel, students,~~  
178 ~~and parents, at the beginning of every school year. The process~~  
179 ~~for adopting standards for intervention must include meaningful~~  
180 ~~involvement among parents, students, teachers, and the~~  
181 ~~community. The standards for intervention must be organized and~~  
182 ~~written in language that is understandable to students and~~  
183 ~~parents and translated into all languages represented by the~~  
184 ~~students and their parents; discussed at the beginning of every~~  
185 ~~school year in student classes, school advisory council~~  
186 ~~meetings, and parent and teacher association or organization~~  
187 ~~meetings; made available at the beginning of every school year~~  
188 ~~in the student handbook or similar publication distributed to~~  
189 ~~all teachers, school personnel, students, and parents; and~~  
190 ~~posted on the school district's website. The standards for~~  
191 ~~intervention must Each code shall be organized and written in~~  
192 ~~language that is understandable to students and parents and~~  
193 ~~shall be discussed at the beginning of every school year in~~  
194 ~~student classes, school advisory council meetings, and parent~~  
195 ~~and teacher association or organization meetings. Each code~~  
196 ~~shall be based on the rules governing student conduct and~~  
197 ~~discipline adopted by the district school board and shall be~~  
198 ~~made available in the student handbook or similar publication.~~  
199 ~~Each code shall include, but need is not be limited to, the~~  
200 ~~following:~~

201 (a) Consistent policies and specific grounds for  
202 disciplinary action, including in-school suspension, out-of-  
203 school suspension, expulsion, intervention, support, and any

30-00892-17

20171064\_\_

204 disciplinary action that may be imposed for the possession or  
205 use of alcohol on school property or while attending a school  
206 function or for the illegal use, sale, or possession of  
207 controlled substances as defined in chapter 893.

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

210 (c) A discipline chart or matrix indicating that a student  
211 is not subject to exclusionary discipline for unexcused  
212 tardiness, lateness, absence, or truancy; for violation of the  
213 school dress code or rules regarding school uniforms; or for  
214 behavior infractions that do not endanger the physical safety of  
215 other students or staff members, including, but not limited to,  
216 insubordination, defiance, disobedience, disrespect, or minor  
217 classroom disruptions. The discipline chart or matrix must also:

218 1. Provide guidance on appropriate interventions and  
219 consequences to be applied to behaviors or behavior categories  
220 as provided in subparagraph 2. The school district may define  
221 specific interventions and provide a list of interventions that  
222 must be used and documented before exclusionary discipline is  
223 considered unless a behavior poses a serious threat to school  
224 safety. The interventions may include, but need not be limited  
225 to:

226 a. Having a private conversation with the student about his  
227 or her behavior and underlying issues that may have precipitated  
228 the behavior.

229 b. Providing an opportunity for the student's anger, fear,  
230 or anxiety to subside.

231 c. Providing restorative justice practices using a  
232 schoolwide approach of informal and formal techniques to foster



30-00892-17

20171064\_\_

233 a sense of school community and to manage conflict by repairing  
234 harm and restoring positive relationships.

235 d. Providing reflective activities, such as requiring the  
236 student to write an essay about his or her behavior.

237 e. Participating in skill building and conflict resolution  
238 activities, such as social-emotional cognitive skill building,  
239 restorative circles, and restorative group conferencing.

240 f. Revoking student privileges.

241 g. Referring a student to a school counselor or social  
242 worker.

243 h. Speaking to a student's parent.

244 i. Referring a student to intervention outside the school  
245 setting.

246 j. Ordering in-school detention or in-school suspension  
247 during lunch, after school, or on the weekends.

248 2. Outline specific behaviors or behavior categories. Each  
249 behavior or behavior category must include clear maximum  
250 consequences to prevent inappropriate exclusionary consequences  
251 for minor misbehavior and petty acts of misconduct and set clear  
252 requirements that must be satisfied before the school imposes  
253 exclusionary discipline. The chart or matrix must show that  
254 exclusionary discipline is a last resort to be used only in  
255 cases of serious misconduct when in-school interventions and  
256 consequences that do not lead to exclusionary consequences are  
257 insufficient. The following behaviors, which must be accompanied  
258 by appropriate intervention services, such as substance abuse  
259 counseling, anger management counseling, or restorative justice  
260 practices, may result in exclusionary discipline and in  
261 notification of a law enforcement agency if the behavior is a

30-00892-17

20171064\_\_

- 262 felony or a serious threat to school safety:
- 263 a. Illegal sale of a controlled substance, as defined in
- 264 chapter 893, by a student on school property or in attendance at
- 265 a school function.
- 266 b. Violation of the district school board's sexual
- 267 harassment policy.
- 268 c. Possession, display, transmission, use, or sale of a
- 269 firearm or weapon, as defined in s. 790.001 or 18 U.S.C. s. 921,
- 270 or an object that is used as, or is intended to function as, a
- 271 weapon, while on school property or in attendance at a school
- 272 function.
- 273 d. Making a threat or intimidation using any pointed or
- 274 sharp object or the use of any substance or object as a weapon
- 275 with the threat or intent to inflict bodily harm.
- 276 e. Making a threat or a false report, as provided in ss.
- 277 790.162 and 790.163, respectively.
- 278 f. Homicide.
- 279 g. Sexual battery.
- 280 h. Armed robbery.
- 281 i. Aggravated battery.
- 282 j. Battery or aggravated battery on a teacher, other school
- 283 personnel, or district school board personnel.
- 284 k. Kidnapping.
- 285 l. Arson.
- 286 (d) A glossary of clearly defined terms and behaviors.
- 287 (e) An explanation of the responsibilities, dignity, and
- 288 rights of and respect for students, including, but not limited
- 289 to, a student's right not to be discriminated against based on
- 290 race, ethnicity, religion, disability, sexual orientation, or

30-00892-17

20171064\_\_

291 gender identity; a student's right to participate in student  
292 publications, school programs, and school activities; and a  
293 student's right to exercise free speech, to assemble, and to  
294 maintain privacy.

295 (f) An explanation of the school's dress code or rules  
296 regarding school uniforms and notice that students have the  
297 right to dress in accordance with their stated gender within the  
298 constraints of the school's dress code.

299 (g) Notice that violation of transportation policies of a  
300 district school board by a student, including disruptive  
301 behavior on a school bus or at a school bus stop, is grounds for  
302 disciplinary action by the school.

303 (h) Notice that a student who is determined to have brought  
304 a firearm or weapon, as defined in s. 790.001 or 18 U.S.C. s.  
305 921, to school, to a school function, or onto school-sponsored  
306 transportation, or to have possessed a firearm or weapon at  
307 school, will be expelled from the student's regular school for  
308 at least 1 full year and referred to the criminal justice system  
309 or juvenile justice system. A district school superintendent may  
310 consider the requirement of 1-year expulsion on a case-by-case  
311 basis and may request the district school board to modify the  
312 requirement by assigning the student to a disciplinary program  
313 or second chance school if:

- 314 1. The request for modification is in writing; and  
315 2. The modification is determined to be in the best  
316 interest of the student and the school district.

317 (i) Notice that a student who is determined to have made a  
318 threat or false report, as provided in ss. 790.162 and 790.163,  
319 respectively, involving the school's or school personnel's

30-00892-17

20171064\_\_

320 property, school transportation, or a school-sponsored activity  
321 may be expelled from the student's regular school for at least 1  
322 full year, with continuing educational services, and referred to  
323 the criminal justice system or juvenile justice system. A  
324 district school superintendent may consider the requirement of a  
325 1-year expulsion on a case-by-case basis and may request the  
326 district school board to modify the requirement by assigning the  
327 student to a disciplinary program or second chance school if:

- 328 1. The request for modification is in writing; and  
329 2. The modification is determined to be in the best  
330 interest of the student and the school district.

331 (j) A clear and complete explanation of due process rights  
332 afforded to a student, including a student with a disability,  
333 and the types of exclusionary discipline to which a student may  
334 be subjected.

335 ~~(c) An explanation of the responsibilities and rights of~~  
336 ~~students with regard to attendance, respect for persons and~~  
337 ~~property, knowledge and observation of rules of conduct, the~~  
338 ~~right to learn, free speech and student publications, assembly,~~  
339 ~~privacy, and participation in school programs and activities.~~

340 ~~(d)1. An explanation of the responsibilities of each~~  
341 ~~student with regard to appropriate dress, respect for self and~~  
342 ~~others, and the role that appropriate dress and respect for self~~  
343 ~~and others has on an orderly learning environment. Each district~~  
344 ~~school board shall adopt a dress code policy that prohibits a~~  
345 ~~student, while on the grounds of a public school during the~~  
346 ~~regular school day, from wearing clothing that exposes underwear~~  
347 ~~or body parts in an indecent or vulgar manner or that disrupts~~  
348 ~~the orderly learning environment.~~

30-00892-17

20171064\_\_

349 ~~2. Any student who violates the dress policy described in~~  
350 ~~subparagraph 1. is subject to the following disciplinary~~  
351 ~~actions:~~

352 ~~a. For a first offense, a student shall be given a verbal~~  
353 ~~warning and the school principal shall call the student's parent~~  
354 ~~or guardian.~~

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

359 ~~e. For a third or subsequent offense, a student shall~~  
360 ~~receive an in-school suspension pursuant to s. 1003.01(5) for a~~  
361 ~~period not to exceed 3 days, the student is ineligible to~~  
362 ~~participate in any extracurricular activity for a period not to~~  
363 ~~exceed 30 days, and the school principal shall call the~~  
364 ~~student's parent or guardian and send the parent or guardian a~~  
365 ~~written letter regarding the student's in-school suspension and~~  
366 ~~ineligibility to participate in extracurricular activities.~~

367 ~~(c) Notice that illegal use, possession, or sale of~~  
368 ~~controlled substances, as defined in chapter 893, by any student~~  
369 ~~while the student is upon school property or in attendance at a~~  
370 ~~school function is grounds for disciplinary action by the school~~  
371 ~~and may also result in criminal penalties being imposed.~~

372 ~~(f) Notice that use of a wireless communications device~~  
373 ~~includes the possibility of the imposition of disciplinary~~  
374 ~~action by the school or criminal penalties if the device is used~~  
375 ~~in a criminal act. A student may possess a wireless~~  
376 ~~communications device while the student is on school property or~~  
377 ~~in attendance at a school function. Each district school board~~

30-00892-17

20171064\_\_

378 shall ~~adopt rules governing the use of a wireless communications~~  
379 ~~device by a student while the student is on school property or~~  
380 ~~in attendance at a school function.~~

381 ~~(g) Notice that the possession of a firearm or weapon as~~  
382 ~~defined in chapter 790 by any student while the student is on~~  
383 ~~school property or in attendance at a school function is grounds~~  
384 ~~for disciplinary action and may also result in criminal~~  
385 ~~prosecution. Simulating a firearm or weapon while playing or~~  
386 ~~wearing clothing or accessories that depict a firearm or weapon~~  
387 ~~or express an opinion regarding a right guaranteed by the Second~~  
388 ~~Amendment to the United States Constitution is not grounds for~~  
389 ~~disciplinary action or referral to the criminal justice or~~  
390 ~~juvenile justice system under this section or s. 1006.13.~~  
391 ~~Simulating a firearm or weapon while playing includes, but is~~  
392 ~~not limited to:~~

393 ~~1. Brandishing a partially consumed pastry or other food~~  
394 ~~item to simulate a firearm or weapon.~~

395 ~~2. Possessing a toy firearm or weapon that is 2 inches or~~  
396 ~~less in overall length.~~

397 ~~3. Possessing a toy firearm or weapon made of plastic snap-~~  
398 ~~together building blocks.~~

399 ~~4. Using a finger or hand to simulate a firearm or weapon.~~

400 ~~5. Vocalizing an imaginary firearm or weapon.~~

401 ~~6. Drawing a picture, or possessing an image, of a firearm~~  
402 ~~or weapon.~~

403 ~~7. Using a pencil, pen, or other writing or drawing utensil~~  
404 ~~to simulate a firearm or weapon.~~

405  
406 ~~However, a student may be subject to disciplinary action if~~

30-00892-17

20171064\_\_

407 ~~simulating a firearm or weapon while playing substantially~~  
408 ~~disrupts student learning, causes bodily harm to another person,~~  
409 ~~or places another person in reasonable fear of bodily harm. The~~  
410 ~~severity of consequences imposed upon a student, including~~  
411 ~~referral to the criminal justice or juvenile justice system,~~  
412 ~~must be proportionate to the severity of the infraction and~~  
413 ~~consistent with district school board policies for similar~~  
414 ~~infractions. If a student is disciplined for such conduct, the~~  
415 ~~school principal or his or her designee must call the student's~~  
416 ~~parent. Disciplinary action resulting from a student's clothing~~  
417 ~~or accessories shall be determined pursuant to paragraph (d)~~  
418 ~~unless the wearing of the clothing or accessory causes a~~  
419 ~~substantial disruption to student learning, in which case the~~  
420 ~~infraction may be addressed in a manner that is consistent with~~  
421 ~~district school board policies for similar infractions. This~~  
422 ~~paragraph does not prohibit a public school from adopting a~~  
423 ~~school uniform policy.~~

424 ~~(h) Notice that violence against any district school board~~  
425 ~~personnel by a student is grounds for in-school suspension, out-~~  
426 ~~of-school suspension, expulsion, or imposition of other~~  
427 ~~disciplinary action by the school and may also result in~~  
428 ~~criminal penalties being imposed.~~

429 ~~(i) Notice that violation of district school board~~  
430 ~~transportation policies, including disruptive behavior on a~~  
431 ~~school bus or at a school bus stop, by a student is grounds for~~  
432 ~~suspension of the student's privilege of riding on a school bus~~  
433 ~~and may be grounds for disciplinary action by the school and may~~  
434 ~~also result in criminal penalties being imposed.~~

435 ~~(j) Notice that violation of the district school board's~~

30-00892-17

20171064\_\_

436 ~~sexual harassment policy by a student is grounds for in-school~~  
437 ~~suspension, out-of-school suspension, expulsion, or imposition~~  
438 ~~of other disciplinary action by the school and may also result~~  
439 ~~in criminal penalties being imposed.~~

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

442 ~~(l) Notice that any student who is determined to have~~  
443 ~~brought a firearm or weapon, as defined in chapter 790, to~~  
444 ~~school, to any school function, or onto any school sponsored~~  
445 ~~transportation, or to have possessed a firearm at school, will~~  
446 ~~be expelled, with or without continuing educational services,~~  
447 ~~from the student's regular school for a period of not less than~~  
448 ~~1 full year and referred to the criminal justice or juvenile~~  
449 ~~justice system. District school boards may assign the student to~~  
450 ~~a disciplinary program or second chance school for the purpose~~  
451 ~~of continuing educational services during the period of~~  
452 ~~expulsion. District school superintendents may consider the 1-~~  
453 ~~year expulsion requirement on a case-by-case basis and request~~  
454 ~~the district school board to modify the requirement by assigning~~  
455 ~~the student to a disciplinary program or second chance school if~~  
456 ~~the request for modification is in writing and it is determined~~  
457 ~~to be in the best interest of the student and the school system.~~

458 ~~(m) Notice that any student who is determined to have made~~  
459 ~~a threat or false report, as defined by ss. 790.162 and 790.163,~~  
460 ~~respectively, involving school or school personnel's property,~~  
461 ~~school transportation, or a school sponsored activity will be~~  
462 ~~expelled, with or without continuing educational services, from~~  
463 ~~the student's regular school for a period of not less than 1~~  
464 ~~full year and referred for criminal prosecution. District school~~



30-00892-17

20171064\_\_

465 ~~boards may assign the student to a disciplinary program or~~  
 466 ~~second chance school for the purpose of continuing educational~~  
 467 ~~services during the period of expulsion. District school~~  
 468 ~~superintendents may consider the 1-year expulsion requirement on~~  
 469 ~~a case-by-case basis and request the district school board to~~  
 470 ~~modify the requirement by assigning the student to a~~  
 471 ~~disciplinary program or second chance school if it is determined~~  
 472 ~~to be in the best interest of the student and the school system.~~

473 (3) COMMUNITY INVOLVEMENT IN POLICY CREATION ~~STUDENT CRIME~~  
 474 ~~WATCH PROGRAM.~~ Each school district shall ensure the meaningful  
 475 involvement of parents, students, teachers, and the community in  
 476 creating and applying policies regarding student discipline and  
 477 school safety ~~By resolution of the district school board,~~  
 478 ~~implement a student crime watch program to promote~~  
 479 ~~responsibility among students and to assist in the control of~~  
 480 ~~criminal behavior within the schools.~~

481 (4) EMERGENCY DRILLS AND; EMERGENCY PROCEDURES. Each school  
 482 district shall:

483 (a) Formulate and prescribe policies and procedures for  
 484 emergency drills and for actual emergencies, including, but not  
 485 limited to, fires, natural disasters, and bomb threats, for all  
 486 the public schools of the district which comprise grades K-12.  
 487 District school board policies must ~~shall~~ include commonly used  
 488 alarm system responses for specific types of emergencies and  
 489 verification by each school that drills have been provided as  
 490 required by law and fire protection codes. The emergency  
 491 response agency that is responsible for notifying the school  
 492 district for each type of emergency must be listed in the  
 493 district's emergency response policy.

30-00892-17

20171064\_\_

494 (b) Establish model emergency management and emergency  
495 preparedness procedures, including emergency notification  
496 procedures pursuant to paragraph (a), for the following life-  
497 threatening emergencies:

498 1. Weapon-use and hostage situations.

499 2. Hazardous materials or toxic chemical spills.

500 3. Weather emergencies, including hurricanes, tornadoes,  
501 and severe storms.

502 4. Exposure as a result of a manmade emergency.

503 (5) EDUCATIONAL SERVICES IN DETENTION FACILITIES.—Each  
504 school district shall offer educational services to minors who  
505 have not graduated from high school and eligible students with  
506 disabilities under the age of 22 who have not graduated with a  
507 standard diploma or its equivalent who are detained in a county  
508 or municipal detention facility as defined in s. 951.23. These  
509 educational services must ~~shall~~ be based upon the estimated  
510 length of time the student will be in the facility and the  
511 student's current level of functioning. A county sheriff or  
512 chief correctional officer, or his or her designee, shall notify  
513 the district school superintendent, superintendents or his or  
514 her designee, when ~~their designees shall be notified by the~~  
515 ~~county sheriff or chief correctional officer, or his or her~~  
516 ~~designee, upon the assignment of~~ a student under the age of 21  
517 is assigned to the facility. A ~~cooperative agreement with the~~  
518 district school board and applicable law enforcement units shall  
519 develop a cooperative agreement ~~be developed~~ to address the  
520 notification requirement and the provision of educational  
521 services to such ~~these~~ students.

522 (6) SAFETY AND SECURITY BEST PRACTICES.—Each school

30-00892-17

20171064\_\_

523 district shall use the Safety and Security Best Practices  
524 developed by the Office of Program Policy Analysis and  
525 Government Accountability to conduct a self-assessment of the  
526 school districts' current safety and security practices. Based  
527 on these self-assessment findings, the district school  
528 superintendent shall provide recommendations to the district  
529 school board which identify strategies and activities that the  
530 district school board should implement in order to improve  
531 school safety and security. ~~Annually~~ Each district school board  
532 must annually receive the self-assessment results at a publicly  
533 noticed district school board meeting to provide the public an  
534 opportunity to hear the district school board members discuss  
535 and take action on the report findings. Each district school  
536 superintendent shall report the self-assessment results and  
537 school board action to the commissioner within 30 days after the  
538 district school board meeting.

539 (7) RESTORATIVE JUSTICE PRACTICES.—Each school district  
540 shall provide funding for, train school staff members on, and  
541 support the implementation of school-based restorative justice  
542 practices. Schools shall use these practices to foster a sense  
543 of school community and to resolve conflict by encouraging the  
544 reporting of harm and by restoring positive relationships. There  
545 are various ways to use these practices in the schools and in  
546 the juvenile justice system where students and educators work  
547 together to set academic goals, develop core values for the  
548 classroom, and resolve conflicts. Many types of restorative  
549 justice practices, such as restorative circles, may be used to  
550 promote a positive learning environment and to confront issues  
551 as they arise. Some common restorative circles that schools use

30-00892-17

20171064\_\_

552 for discipline may include, but need not be limited to:

553 (a) Discipline circles that address the harm that occurred,  
 554 repair the harm, and develop solutions to prevent recurrence of  
 555 the harm among the parties involved.

556 (b) Proactive behavior management circles that use role-  
 557 play to develop positive behavioral models for students.

558 (8) SUPPORT STAFF.—Each school district shall provide  
 559 funding to hire staff members to improve school climate and  
 560 safety, such as social workers, counselors, and restorative  
 561 justice coordinators, at the nationally recommended ratio of 250  
 562 students to 1 counselor in order to reduce dependency on school  
 563 safety officers, school resource officers, and other school  
 564 resources.

565 (9) SURVEYS.—Each school district shall annually survey  
 566 parents, students, and teachers regarding school safety and  
 567 disciplinary issues.

568 Section 3. Section 1006.12, Florida Statutes, is amended to  
 569 read:

570 1006.12 School resource officers and school safety  
 571 officers.—

572 (1) A district school board ~~boards~~ may establish a school  
 573 resource officer program ~~programs~~, through a cooperative  
 574 agreement with a law enforcement agency ~~agencies~~ or in  
 575 accordance with subsection (2).

576 (a) Each school resource officer ~~must~~ ~~officers shall~~ be a  
 577 certified law enforcement officer ~~officers~~, as defined in s.  
 578 943.10(1), and have been ~~who are~~ employed for at least 2 years  
 579 by a law enforcement agency ~~as defined in s. 943.10(4)~~. The  
 580 powers and duties of a law enforcement officer ~~shall~~ continue

30-00892-17

20171064\_\_

581 throughout the employee's tenure as a school resource officer.

582 (b) A school resource officer ~~officers~~ shall abide by  
583 district school board policies and ~~shall~~ consult with and  
584 coordinate activities through the school principal, but is ~~shall~~  
585 ~~be~~ responsible to the law enforcement agency in all matters  
586 relating to employment, subject to agreements between the a  
587 district school board and the a law enforcement agency. A school  
588 resource officer's activities that ~~conducted by the school~~  
589 ~~resource officer which~~ are part of the regular instructional  
590 program of the school are ~~shall be~~ under the direction of the  
591 school principal.

592 (c) A school resource officer may arrest a student only for  
593 a violation of law which constitutes a serious threat to school  
594 safety and only after consultation with the school principal or  
595 the principal's designee, documented attempts at intervention or  
596 in-school consequences, and pursuant to the standards for  
597 intervention and the cooperative agreement as described in ss.  
598 1006.07 and 1006.13, respectively. If a school resource officer  
599 arrests a student in a school-related incident, the officer  
600 shall immediately notify the principal or the principal's  
601 designee. A school resource officer may not arrest or otherwise  
602 refer a student to the criminal justice system or the juvenile  
603 justice system for a petty act of misconduct unless it is  
604 determined that the failure to do so would endanger the physical  
605 safety of other students or staff at the school. Such  
606 determination must be documented in a written report to the  
607 principal or the principal's designee which includes a  
608 description of the behavior at issue and an explanation of why  
609 an arrest or referral was necessary.

30-00892-17

20171064\_\_

610 (2) (a) Each school safety officer must ~~officers shall~~ be a  
611 law enforcement officer ~~officers~~, as defined in s. 943.10(1),  
612 certified under ~~the provisions of~~ chapter 943 and have been  
613 employed for at least 2 years by ~~either~~ a law enforcement agency  
614 or ~~by~~ the district school board. If the officer is employed by  
615 the district school board, the district school board is the  
616 employing agency for purposes of chapter 943, and must comply  
617 with ~~the provisions of~~ that chapter.

618 (b) A district school board may commission one or more  
619 school safety officers for the protection and safety of school  
620 personnel, property, and students within the school district.  
621 The district school superintendent may recommend and the  
622 district school board may appoint one or more school safety  
623 officers.

624 (c) A school safety officer may ~~has and shall exercise the~~  
625 ~~power to~~ make arrests for violations of law on district school  
626 board property and ~~to~~ arrest persons, whether on or off such  
627 property, who violate any law on such property under the same  
628 conditions that deputy sheriffs are authorized to make arrests.  
629 A school safety officer may arrest a student only for a  
630 violation of law which constitutes a serious threat to school  
631 safety and only after consultation with the school principal or  
632 the principal's designee, documented attempts at intervention or  
633 in-school consequences, and pursuant to the standards for  
634 intervention and the cooperative agreement as described in ss.  
635 1006.07 and 1006.13, respectively. If a school safety officer  
636 arrests a student in a school-related incident, the officer  
637 shall immediately notify the principal or the principal's  
638 designee. A school safety officer may not arrest or otherwise

30-00892-17

20171064\_\_

639 refer a student to the criminal justice system or the juvenile  
640 justice system for a petty act of misconduct unless it is  
641 determined that the failure to do so would endanger the physical  
642 safety of other students or staff at the school. Such  
643 determination must be documented in a written report to the  
644 principal or the principal's designee which includes a  
645 description of the behavior at issue and an explanation of why  
646 an arrest or referral was necessary ~~A school safety officer has~~  
647 ~~the authority to carry weapons when performing his or her~~  
648 ~~official duties.~~

649 (d) A district school board may enter into mutual aid  
650 agreements with one or more law enforcement agencies as provided  
651 in chapter 23. A school safety officer's salary may be paid  
652 jointly by the district school board and the law enforcement  
653 agency, as mutually agreed to.

654 (3) Each law enforcement agency serving a school district  
655 shall do the following:

656 (a) Enter into a cooperative agreement with the district  
657 school board pursuant to s. 1006.13.

658 (b) Ensure that each school resource officer and school  
659 safety officer is trained to use appropriate and positive  
660 interactions with students in different stages of mental,  
661 emotional, and physical development, and to implement the range  
662 of interventions and school-based consequences that should be  
663 used to avoid an arrest. Training must include, but is not  
664 limited to, the following:

- 665 1. Child and adolescent development and psychology;
- 666 2. Teaching students to respond in age-appropriate ways;
- 667 3. Cultural differences and unconscious bias;

30-00892-17

20171064\_\_

668 4. Restorative justice practices;

669 5. Rights of students with disabilities and appropriate  
670 responses to their behaviors;

671 6. Practices that improve the school climate; and

672 7. The creation of safe environments for lesbian, gay,  
673 bisexual, and transgender students.

674 (c) Establish the following minimum qualifications for the  
675 selection of school resource officers and school safety  
676 officers:

677 1. Proficiency in verbal, written, and interpersonal skills  
678 that include public speaking;

679 2. Knowledge and experience in matters involving cultural  
680 diversity and sensitivity;

681 3. Training in best practices for working with students as  
682 specified in paragraph (b);

683 4. Commitment to serving as a positive role model for  
684 students;

685 5. Passion for and desire to interact positively with  
686 students; and

687 6. An employment record with no history of excessive force  
688 or racial bias.

689 Section 4. Section 1006.13, Florida Statutes, is amended to  
690 read:

691 1006.13 Policy on referrals to the criminal justice system  
692 or the juvenile justice system of zero tolerance for crime and  
693 victimization.—

694 (1) It is the intent of the Legislature to promote a safe  
695 and supportive learning environment in schools, to protect  
696 students and staff from conduct that poses a serious threat to



30-00892-17

20171064\_\_

697 school safety, and to encourage schools to use alternatives to  
698 expulsion or referral to law enforcement agencies by addressing  
699 disruptive behavior through restitution, civil citation, teen  
700 court, neighborhood restorative justice, or similar programs.  
701 The Legislature finds that referrals to the criminal justice  
702 system or the juvenile justice system ~~zero-tolerance policies~~  
703 are not intended to be rigorously applied to petty acts of  
704 misconduct and misdemeanors, including, but not limited to,  
705 minor fights or disturbances. The Legislature finds that ~~zero-~~  
706 ~~tolerance policies~~ on referrals to the criminal justice system  
707 or the juvenile justice system must apply equally to all  
708 students regardless of their economic status, race, or  
709 disability.

710 (2) Each district school board shall adopt a policy on  
711 referrals to the criminal justice system or the juvenile justice  
712 system which ~~of zero tolerance that~~:

713 (a) Clearly limits the role of law enforcement intervention  
714 to serious threats to school safety and delineates clear roles  
715 in which school principals or their designees, under the  
716 constraints of the standards for intervention as described in s.  
717 1006.07 and other district policies, are the final  
718 decisionmakers on disciplinary consequences, including referrals  
719 to law enforcement agencies.

720 (b) Defines criteria for reporting to a law enforcement  
721 agency any act that occurs whenever or wherever students are  
722 within the jurisdiction of the district school board and that  
723 poses a serious threat to school safety. An act that does not  
724 pose a serious threat to school safety must be handled within  
725 the school's disciplinary system.

30-00892-17

20171064\_\_

726 (c)~~(b)~~ Defines acts that pose a serious threat to school  
727 safety, including, but not limited to, those acts or behaviors  
728 specified in s. 1006.07(2)(c)2.

729 (d)~~(e)~~ Defines petty acts of misconduct, including, but not  
730 limited to, behavior that could amount to the misdemeanor  
731 criminal charge of disorderly conduct, disturbing a school  
732 function, loitering, simple assault or battery, affray, theft of  
733 less than \$300, trespassing, vandalism of less than \$1,000,  
734 criminal mischief, and other behavior that does not pose a  
735 serious threat to school safety.

736 (e) Specifies that students may not be arrested or  
737 otherwise referred to the criminal justice system or the  
738 juvenile justice system for petty acts of misconduct unless it  
739 is determined that the failure to do so would endanger the  
740 physical safety of other students or staff at the school. Such  
741 determination must be documented in a written report that  
742 includes a description of the behavior at issue and an  
743 explanation of why an arrest or referral was necessary.

744 (f)~~(d)~~ Minimizes the victimization of students, staff, or  
745 volunteers, including taking all steps necessary to protect the  
746 victim of any violent crime from any further victimization.

747 (g)~~(e)~~ Establishes a procedure that provides each student  
748 with the opportunity for a review of the disciplinary action  
749 imposed pursuant to s. 1006.07.

750 (h) Establishes data-sharing protocols so that each school  
751 district receives, at least twice a year, a report on the number  
752 of school-based arrests of students. All data must be  
753 disaggregated by race, ethnicity, gender, school, offense, and  
754 the name of the law enforcement officer involved, and match the

30-00892-17

20171064\_\_

755 school district's records on grade, disability, and status as a  
756 limited English proficient student.

757 (3) This section does not limit a school's authority and  
758 discretion under law to use other disciplinary consequences and  
759 interventions as appropriate to address school-based incidents.

760 (4)~~(3)~~ The policy on referrals to the criminal justice  
761 system or the juvenile justice system ~~Zero-tolerance policies~~  
762 must require a student who is ~~students~~ found to have committed  
763 one of the following offenses to be expelled, with or without  
764 continuing educational services, from the student's regular  
765 school for a period of not less than 1 full year, and to be  
766 referred to the criminal justice system or juvenile justice  
767 system:-

768 (a) Bringing a firearm or weapon, as defined in s. 790.001  
769 or 18 U.S.C. s. 921 ~~chapter 790~~, to school, to any school  
770 function, or onto any school-sponsored transportation or  
771 possessing a firearm at school.

772 (b) Making a threat or false report, as provided in ~~defined~~  
773 ~~by~~ ss. 790.162 and 790.163, respectively, involving school or  
774 school personnel's property, school transportation, or a school-  
775 sponsored activity.

776  
777 A district school board ~~boards~~ may assign the student to a  
778 disciplinary program for the purpose of continuing educational  
779 services during the period of expulsion. A district school  
780 superintendent ~~superintendents~~ may consider the 1-year expulsion  
781 requirement on a case-by-case basis and request the district  
782 school board to modify the requirement by assigning the student  
783 to a disciplinary program or second chance school if the request

30-00892-17

20171064\_\_

784 for modification is in writing and it is determined to be in the  
785 best interest of the student and the school system. If a student  
786 committing any of the offenses in this subsection is a student  
787 who has a disability, the district school board shall comply  
788 with applicable State Board of Education rules.

789 (5)-(4)-(a) Each district school board, in collaboration with  
790 students, educators, parents, and stakeholders, shall enter into  
791 cooperative agreements with the county sheriff's office and  
792 local police department specifying guidelines for ensuring that  
793 acts that pose a serious threat to school safety, whether  
794 committed by a student or adult, are reported to a law  
795 enforcement agency. Such agreements must:

796 (a)-(b) ~~The agreements must~~ Include the role of school  
797 safety officers and school resource officers, ~~if applicable,~~ in  
798 handling reported incidents that pose a serious threat to school  
799 safety and, circumstances in which school officials may handle  
800 incidents without filing a report with a law enforcement agency,  
801 ~~and a procedure for ensuring that school personnel properly~~  
802 ~~report appropriate delinquent acts and crimes.~~

803 (b)-(e) Clarify that ~~zero-tolerance policies do not require~~  
804 ~~the reporting of~~ petty acts of misconduct and misdemeanors may  
805 not be reported to a law enforcement agency, including, but not  
806 limited to, disorderly conduct, disturbing ~~disrupting~~ a school  
807 function, loitering, simple assault or battery, affray, theft of  
808 less than \$300, trespassing, ~~and~~ vandalism of less than \$1,000,  
809 criminal mischief, and other misdemeanors that do not pose a  
810 serious threat to school safety.

811 (c)-(d) Clarify the role of the school principal in ensuring  
812 ~~shall ensure~~ that all school personnel are properly informed of

30-00892-17

20171064\_\_

813 ~~as to~~ their responsibilities regarding crime reporting, that  
814 appropriate delinquent acts and crimes are properly reported,  
815 and that actions taken in cases with special circumstances are  
816 properly taken and documented.

817 (d) Specify training for each school resource officer and  
818 school safety officer on school grounds to foster appropriate  
819 and positive interactions with students in different stages of  
820 mental, emotional, and physical development, and to implement  
821 the range of interventions and school-based consequences that  
822 should be used to avoid an arrest. Training must include, but is  
823 not limited to, the following:

- 824 1. Child and adolescent development and psychology;
- 825 2. Teaching students to respond in age-appropriate ways;
- 826 3. Cultural differences and unconscious bias;
- 827 4. Restorative justice practices;
- 828 5. Rights of students with disabilities and appropriate  
829 responses to their behaviors;
- 830 6. Practices that improve the school climate; and
- 831 7. The creation of safe environments for lesbian, gay,  
832 bisexual, and transgender students.

833 (e) Include clear guidelines for selecting school resource  
834 officers and school safety officers, who must meet the following  
835 minimum qualifications:

- 836 1. Proficiency in verbal, written, and interpersonal skills  
837 that include public speaking;
- 838 2. Knowledge and experience in matters involving cultural  
839 diversity and sensitivity;
- 840 3. Training in best practices for working with students as  
841 specified in paragraph (d);

30-00892-17

20171064\_\_

842 4. Commitment to serving as a positive role model for  
843 students;

844 5. Passion for and desire to interact positively with  
845 students; and

846 6. An employment record with no history of excessive force  
847 or racial bias.

848 (f) Require a school district to annually review the cost  
849 and effectiveness of its school safety programs, including the  
850 use of school safety officers, school resource officers, and  
851 other security measures, to report its findings to the  
852 Department of Education by August 1 of each school year, and to  
853 use these findings to reevaluate and improve school safety  
854 programs.

855 (6)(5) Notwithstanding any other provision of law, each  
856 district school board shall adopt rules providing that a any  
857 student found to have committed an any offense in s. 784.081(1),  
858 (2), or (3) shall be expelled or placed in an alternative school  
859 setting or other program, as appropriate. Upon being charged  
860 with the offense, and pending disposition, the student shall be  
861 removed from the classroom immediately and placed in an  
862 alternative school setting pending disposition.

863 (7) (a) (6) (a) Notwithstanding any provision of law  
864 prohibiting the disclosure of the identity of a minor, if a  
865 whenever any student who is attending a public school is  
866 adjudicated guilty of or delinquent for, or is found to have  
867 committed, regardless of whether adjudication is withheld, or  
868 pleads guilty or nolo contendere to, a felony violation of:

- 869 1. Chapter 782, relating to homicide;  
870 2. Chapter 784, relating to assault, battery, and culpable

30-00892-17

20171064\_\_

871 negligence;

872 3. Chapter 787, relating to kidnapping, false imprisonment,  
873 luring or enticing a child, and custody offenses;

874 4. Chapter 794, relating to sexual battery;

875 5. Chapter 800, relating to lewdness and indecent exposure;

876 6. Chapter 827, relating to abuse of children;

877 7. Section 812.13, relating to robbery;

878 8. Section 812.131, relating to robbery by sudden

879 snatching;

880 9. Section 812.133, relating to carjacking; or

881 10. Section 812.135, relating to home-invasion robbery,

882

883 and, before or at the time of such adjudication, withholding of  
884 adjudication, or plea, the student ~~offender~~ was attending a  
885 school attended by the victim or a sibling of the victim of the  
886 offense, the Department of Juvenile Justice shall notify the  
887 appropriate district school board of the adjudication or plea,  
888 the requirements of ~~in~~ this paragraph, and whether the student  
889 ~~offender~~ is prohibited from attending that school or riding on a  
890 school bus if ~~whenever~~ the victim or a sibling of the victim is  
891 attending the same school or riding on the same school bus,  
892 except as provided pursuant to a written disposition order under  
893 s. 985.455(2). Upon receipt of such notice, the district school  
894 board shall take appropriate action to effectuate the provisions  
895 in paragraph (b).

896 (b) Each district school board shall adopt a cooperative  
897 agreement with the Department of Juvenile Justice which  
898 establishes guidelines for ensuring that a ~~any~~ no contact order  
899 entered by a court is reported and enforced and that all of the

30-00892-17

20171064\_\_

900 necessary steps are taken to protect the victim ~~of the offense~~.  
901 Any student offender described in paragraph (a), ~~who is not~~  
902 exempt ~~exempted~~ as provided in paragraph (a), ~~may not attend the~~  
903 ~~any~~ school attended by the victim or a sibling of the victim ~~of~~  
904 ~~the offense~~ or ride on a school bus on which the victim or a  
905 sibling of the victim is riding. The district school board shall  
906 allow the student offender shall be permitted by the district  
907 ~~school board~~ to attend another school within the district in  
908 which the student offender resides, ~~only if the other school is~~  
909 not attended by the victim or sibling of the victim. Another  
910 district school board may allow ~~of the offense; or the student~~  
911 ~~offender may be permitted by another district school board to~~  
912 attend a school in that district if the student offender is  
913 unable to attend any school in the district in which the student  
914 ~~offender~~ resides.

915 (c) If the student offender is unable to attend any other  
916 school in the district in which the student offender resides and  
917 is prohibited from attending a school in another school  
918 district, the district school board in the school district in  
919 which the student offender resides shall take every reasonable  
920 precaution to keep the student offender separated from the  
921 victim while on school grounds or on school transportation. The  
922 steps ~~to be~~ taken by a district school board to keep the student  
923 ~~offender~~ separated from the victim must include, but are not  
924 limited to, in-school suspension of the student offender and the  
925 scheduling of classes, lunch, or other school activities of the  
926 victim and the student offender so as not to coincide.

927 (d) The student offender, or the parents of the student  
928 ~~offender~~ if the student offender is a juvenile, shall arrange



30-00892-17

20171064\_\_

929 and pay for transportation associated with or required by the  
930 student's ~~offender's~~ attending another school or that would be  
931 required as a consequence of the prohibition against riding on a  
932 school bus on which the victim or a sibling of the victim is  
933 riding. If the student is experiencing homelessness as described  
934 in s. 1003.01(12) or belongs to a family whose income does not  
935 exceed 150 percent of the federal poverty level, the school  
936 district shall arrange and pay for the transportation. However,  
937 The student ~~offender~~ or the parents of the student ~~offender~~ may  
938 not be charged for existing modes of transportation which that  
939 can be used by the student ~~offender~~ at no additional cost to the  
940 district school board.

941 (8) ~~(7)~~ Any disciplinary or prosecutorial action taken  
942 against a student who violates the a zero-tolerance policy on  
943 referrals to the criminal justice system or the juvenile justice  
944 system must be based on the particular circumstances of the  
945 student's misconduct.

946 (9) ~~(8)~~ A school district shall ~~districts are encouraged to~~  
947 use alternatives to expulsion or referral to a law enforcement  
948 agency agencies unless the use of such alternatives will pose a  
949 threat to school safety. By August 1 of each year, a school  
950 district shall provide to the department all policies and  
951 agreements adopted or implemented pursuant to this section.

952 (10) To assist a school district in developing policies  
953 that ensure students are not arrested or otherwise referred to  
954 the criminal justice system or the juvenile justice system for  
955 petty acts of misconduct, the department shall, by March 1,  
956 2018, in collaboration with students, educators, parents, and  
957 stakeholders, develop and provide to each school district a

30-00892-17

20171064\_\_

958 model policy.

959 (11) On or before January 1 of each year, the Commissioner  
960 of Education shall report to the Governor, the President of the  
961 Senate, and the Speaker of the House of Representatives on the  
962 implementation of this section. The report must include data  
963 regarding school-based arrests and referrals of students to law  
964 enforcement agencies.

965 Section 5. Subsection (5) of section 1002.20, Florida  
966 Statutes, is amended to read:

967 1002.20 K-12 student and parent rights.—Parents of public  
968 school students must receive accurate and timely information  
969 regarding their child's academic progress and must be informed  
970 of ways they can help their child to succeed in school. K-12  
971 students and their parents are afforded numerous statutory  
972 rights including, but not limited to, the following:

973 (5) SAFETY.—In accordance with the provisions of s.  
974 1006.13(7) ~~s. 1006.13(6)~~, students who have been victims of  
975 certain felony offenses by other students, as well as the  
976 siblings of the student victims, have the right to be kept  
977 separated from the student offender both at school and during  
978 school transportation.

979 Section 6. Subsection (5) of section 1002.23, Florida  
980 Statutes, is amended to read:

981 1002.23 Family and School Partnership for Student  
982 Achievement Act.—

983 (5) Each school district shall develop and disseminate a  
984 parent guide to successful student achievement, consistent with  
985 the guidelines of the Department of Education, which addresses  
986 what parents need to know about their child's educational

30-00892-17

20171064\_\_

987 progress and how parents can help their child to succeed in  
988 school. The guide must:

989 (a) Be understandable to students and parents;

990 (b) Be distributed to all parents, students, and school  
991 personnel at the beginning of each school year;

992 (c) Be discussed at the beginning of each school year in  
993 meetings of students, parents, and teachers;

994 (d) Include information concerning services, opportunities,  
995 choices, academic standards, and student assessment; and

996 (e) Provide information on the importance of student health  
997 and available immunizations and vaccinations, including, but not  
998 limited to:

999 1. A recommended immunization schedule in accordance with  
1000 United States Centers for Disease Control and Prevention  
1001 recommendations.

1002 2. Detailed information regarding the causes, symptoms, and  
1003 transmission of meningococcal disease and the availability,  
1004 effectiveness, known contraindications, and appropriate age for  
1005 the administration of any required or recommended vaccine  
1006 against meningococcal disease, in accordance with the  
1007 recommendations of the Advisory Committee on Immunization  
1008 Practices of the United States Centers for Disease Control and  
1009 Prevention.

1010  
1011 The parent guide described in this subsection may be included as  
1012 a part of the standards for intervention under s. 1006.07 ~~code~~  
1013 ~~of student conduct that is required in s. 1006.07(2)~~.

1014 Section 7. Paragraph (a) of subsection (7) of section  
1015 1002.33, Florida Statutes, is amended to read:

30-00892-17

20171064\_\_

1016 1002.33 Charter schools.—

1017 (7) CHARTER.—The major issues involving the operation of a  
1018 charter school shall be considered in advance and written into  
1019 the charter. The charter shall be signed by the governing board  
1020 of the charter school and the sponsor, following a public  
1021 hearing to ensure community input.

1022 (a) The charter shall address and criteria for approval of  
1023 the charter shall be based on:

1024 1. The school's mission, the students to be served, and the  
1025 ages and grades to be included.

1026 2. The focus of the curriculum, the instructional methods  
1027 to be used, any distinctive instructional techniques to be  
1028 employed, and identification and acquisition of appropriate  
1029 technologies needed to improve educational and administrative  
1030 performance which include a means for promoting safe, ethical,  
1031 and appropriate uses of technology which comply with legal and  
1032 professional standards.

1033 a. The charter shall ensure that reading is a primary focus  
1034 of the curriculum and that resources are provided to identify  
1035 and provide specialized instruction for students who are reading  
1036 below grade level. The curriculum and instructional strategies  
1037 for reading must be consistent with the Next Generation Sunshine  
1038 State Standards and grounded in scientifically based reading  
1039 research.

1040 b. In order to provide students with access to diverse  
1041 instructional delivery models, to facilitate the integration of  
1042 technology within traditional classroom instruction, and to  
1043 provide students with the skills they need to compete in the  
1044 21st century economy, the Legislature encourages instructional

30-00892-17

20171064\_\_

1045 methods for blended learning courses consisting of both  
1046 traditional classroom and online instructional techniques.  
1047 Charter schools may implement blended learning courses which  
1048 combine traditional classroom instruction and virtual  
1049 instruction. Students in a blended learning course must be full-  
1050 time students of the charter school and receive the online  
1051 instruction in a classroom setting at the charter school.  
1052 Instructional personnel certified pursuant to s. 1012.55 who  
1053 provide virtual instruction for blended learning courses may be  
1054 employees of the charter school or may be under contract to  
1055 provide instructional services to charter school students. At a  
1056 minimum, such instructional personnel must hold an active state  
1057 or school district adjunct certification under s. 1012.57 for  
1058 the subject area of the blended learning course. The funding and  
1059 performance accountability requirements for blended learning  
1060 courses are the same as those for traditional courses.

1061 3. The current incoming baseline standard of student  
1062 academic achievement, the outcomes to be achieved, and the  
1063 method of measurement that will be used. The criteria listed in  
1064 this subparagraph shall include a detailed description of:

1065 a. How the baseline student academic achievement levels and  
1066 prior rates of academic progress will be established.

1067 b. How these baseline rates will be compared to rates of  
1068 academic progress achieved by these same students while  
1069 attending the charter school.

1070 c. To the extent possible, how these rates of progress will  
1071 be evaluated and compared with rates of progress of other  
1072 closely comparable student populations.

1073

30-00892-17

20171064\_\_

1074 The district school board is required to provide academic  
1075 student performance data to charter schools for each of their  
1076 students coming from the district school system, as well as  
1077 rates of academic progress of comparable student populations in  
1078 the district school system.

1079 4. The methods used to identify the educational strengths  
1080 and needs of students and how well educational goals and  
1081 performance standards are met by students attending the charter  
1082 school. The methods shall provide a means for the charter school  
1083 to ensure accountability to its constituents by analyzing  
1084 student performance data and by evaluating the effectiveness and  
1085 efficiency of its major educational programs. Students in  
1086 charter schools shall, at a minimum, participate in the  
1087 statewide assessment program created under s. 1008.22.

1088 5. In secondary charter schools, a method for determining  
1089 that a student has satisfied the requirements for graduation in  
1090 s. 1002.3105(5), s. 1003.4281, or s. 1003.4282.

1091 6. A method for resolving conflicts between the governing  
1092 board of the charter school and the sponsor.

1093 7. The admissions procedures and dismissal procedures,  
1094 including the school's standards for intervention ~~code of~~  
1095 ~~student conduct~~. Admission or dismissal must not be based on a  
1096 student's academic performance.

1097 8. The ways by which the school will achieve a  
1098 racial/ethnic balance reflective of the community it serves or  
1099 within the racial/ethnic range of other public schools in the  
1100 same school district.

1101 9. The financial and administrative management of the  
1102 school, including a reasonable demonstration of the professional

30-00892-17

20171064\_\_

1103 experience or competence of those individuals or organizations  
1104 applying to operate the charter school or those hired or  
1105 retained to perform such professional services and the  
1106 description of clearly delineated responsibilities and the  
1107 policies and practices needed to effectively manage the charter  
1108 school. A description of internal audit procedures and  
1109 establishment of controls to ensure that financial resources are  
1110 properly managed must be included. Both public sector and  
1111 private sector professional experience shall be equally valid in  
1112 such a consideration.

1113 10. The asset and liability projections required in the  
1114 application which are incorporated into the charter and shall be  
1115 compared with information provided in the annual report of the  
1116 charter school.

1117 11. A description of procedures that identify various risks  
1118 and provide for a comprehensive approach to reduce the impact of  
1119 losses; plans to ensure the safety and security of students and  
1120 staff; plans to identify, minimize, and protect others from  
1121 violent or disruptive student behavior; and the manner in which  
1122 the school will be insured, including whether or not the school  
1123 will be required to have liability insurance, and, if so, the  
1124 terms and conditions thereof and the amounts of coverage.

1125 12. The term of the charter which shall provide for  
1126 cancellation of the charter if insufficient progress has been  
1127 made in attaining the student achievement objectives of the  
1128 charter and if it is not likely that such objectives can be  
1129 achieved before expiration of the charter. The initial term of a  
1130 charter shall be for 4 or 5 years. In order to facilitate access  
1131 to long-term financial resources for charter school

30-00892-17

20171064\_\_

1132 construction, charter schools that are operated by a  
1133 municipality or other public entity as provided by law are  
1134 eligible for up to a 15-year charter, subject to approval by the  
1135 district school board. A charter lab school is eligible for a  
1136 charter for a term of up to 15 years. In addition, to facilitate  
1137 access to long-term financial resources for charter school  
1138 construction, charter schools that are operated by a private,  
1139 not-for-profit, s. 501(c) (3) status corporation are eligible for  
1140 up to a 15-year charter, subject to approval by the district  
1141 school board. Such long-term charters remain subject to annual  
1142 review and may be terminated during the term of the charter, but  
1143 only according to the provisions set forth in subsection (8).

1144 13. The facilities to be used and their location. The  
1145 sponsor may not require a charter school to have a certificate  
1146 of occupancy or a temporary certificate of occupancy for such a  
1147 facility earlier than 15 calendar days before the first day of  
1148 school.

1149 14. The qualifications to be required of the teachers and  
1150 the potential strategies used to recruit, hire, train, and  
1151 retain qualified staff to achieve best value.

1152 15. The governance structure of the school, including the  
1153 status of the charter school as a public or private employer as  
1154 required in paragraph (12) (i).

1155 16. A timetable for implementing the charter which  
1156 addresses the implementation of each element thereof and the  
1157 date by which the charter shall be awarded in order to meet this  
1158 timetable.

1159 17. In the case of an existing public school that is being  
1160 converted to charter status, alternative arrangements for



30-00892-17

20171064\_\_

1161 current students who choose not to attend the charter school and  
1162 for current teachers who choose not to teach in the charter  
1163 school after conversion in accordance with the existing  
1164 collective bargaining agreement or district school board rule in  
1165 the absence of a collective bargaining agreement. However,  
1166 alternative arrangements may ~~shall~~ not be required for current  
1167 teachers who choose not to teach in a charter lab school, except  
1168 as authorized by the employment policies of the state university  
1169 which grants the charter to the lab school.

1170 18. Full disclosure of the identity of all relatives  
1171 employed by the charter school who are related to the charter  
1172 school owner, president, chairperson of the governing board of  
1173 directors, superintendent, governing board member, principal,  
1174 assistant principal, or any other person employed by the charter  
1175 school who has equivalent decisionmaking authority. For the  
1176 purpose of this subparagraph, the term "relative" means father,  
1177 mother, son, daughter, brother, sister, uncle, aunt, first  
1178 cousin, nephew, niece, husband, wife, father-in-law, mother-in-  
1179 law, son-in-law, daughter-in-law, brother-in-law, sister-in-law,  
1180 stepfather, stepmother, stepson, stepdaughter, stepbrother,  
1181 stepsister, half brother, or half sister.

1182 19. Implementation of the activities authorized under s.  
1183 1002.331 by the charter school when it satisfies the eligibility  
1184 requirements for a high-performing charter school. A high-  
1185 performing charter school shall notify its sponsor in writing by  
1186 March 1 if it intends to increase enrollment or expand grade  
1187 levels the following school year. The written notice shall  
1188 specify the amount of the enrollment increase and the grade  
1189 levels that will be added, as applicable.

30-00892-17

20171064\_\_

1190 Section 8. Subsection (1) of section 1003.02, Florida  
1191 Statutes, is amended to read:

1192 1003.02 District school board operation and control of  
1193 public K-12 education within the school district.—As provided in  
1194 part II of chapter 1001, district school boards are  
1195 constitutionally and statutorily charged with the operation and  
1196 control of public K-12 education within their school district.  
1197 The district school boards must establish, organize, and operate  
1198 their public K-12 schools and educational programs, employees,  
1199 and facilities. Their responsibilities include staff  
1200 development, public K-12 school student education including  
1201 education for exceptional students and students in juvenile  
1202 justice programs, special programs, adult education programs,  
1203 and career education programs. Additionally, district school  
1204 boards must:

1205 (1) Provide for the proper accounting for all students of  
1206 school age, for the attendance and discipline control of  
1207 students at school, and for proper attention to health, safety,  
1208 and other matters relating to the welfare of students in the  
1209 following areas:

1210 (a) *Admission, classification, promotion, and graduation of*  
1211 *students.*—Adopt rules for admitting, classifying, promoting, and  
1212 graduating students to or from the various schools of the  
1213 district.

1214 (b) *Enforcement of attendance laws.*—Provide for the  
1215 enforcement of all laws and rules relating to the attendance of  
1216 students at school. District school boards are authorized to  
1217 establish policies that allow accumulated unexcused tardies,  
1218 regardless of when they occur during the school day, and early

30-00892-17

20171064\_\_

1219 departures from school to be recorded as unexcused absences.  
1220 District school boards are also authorized to establish policies  
1221 that require referral to a school's child study team for  
1222 students who have fewer absences than the number required by s.  
1223 1003.26(1)(b).

1224 (c) Discipline ~~Control~~ of students.—

1225 1. Adopt rules for the ~~control~~, attendance, discipline, in-  
1226 school suspension, suspension, and expulsion of students and  
1227 decide all cases recommended for expulsion.

1228 2. Maintain standards for intervention ~~a code of student~~  
1229 ~~conduct~~ as provided in chapter 1006.

1230 (d) *Courses of study and instructional materials.*—

1231 1. Provide adequate instructional materials for all  
1232 students as follows and in accordance with the requirements of  
1233 chapter 1006, in the core courses of mathematics, language arts,  
1234 social studies, science, reading, and literature, except for  
1235 instruction for which the school advisory council approves the  
1236 use of a program that does not include a textbook as a major  
1237 tool of instruction.

1238 2. Adopt courses of study for use in the schools of the  
1239 district.

1240 3. Provide for proper requisitioning, distribution,  
1241 accounting, storage, care, and use of all instructional  
1242 materials as may be needed, and ensure that instructional  
1243 materials used in the district are consistent with the district  
1244 goals and objectives and the course descriptions approved by the  
1245 State Board of Education, as well as with the state and school  
1246 district performance standards required by law and state board  
1247 rule.

30-00892-17

20171064\_\_

1248 (e) *Transportation.*—Make provision for the transportation  
1249 of students to the public schools or school activities they are  
1250 required or expected to attend, efficiently and economically, in  
1251 accordance with the requirements of chapter 1006, which function  
1252 may be accomplished, in whole or part, by means of an interlocal  
1253 agreement under s. 163.01.

1254 (f) *Facilities and school plant.*—

1255 1. Approve and adopt a districtwide school facilities  
1256 program, in accordance with the requirements of chapter 1013.

1257 2. Approve plans for locating, planning, constructing,  
1258 sanitating, insuring, maintaining, protecting, and condemning  
1259 school property as prescribed in chapter 1013.

1260 3. Approve and adopt a districtwide school building  
1261 program.

1262 4. Select and purchase school sites, playgrounds, and  
1263 recreational areas located at centers at which schools are to be  
1264 constructed, of adequate size to meet the needs of projected  
1265 students to be accommodated.

1266 5. Approve the proposed purchase of any site, playground,  
1267 or recreational area for which school district funds are to be  
1268 used.

1269 6. Expand existing sites.

1270 7. Rent buildings when necessary, which function may be  
1271 accomplished, in whole or part, by means of an interlocal  
1272 agreement under s. 163.01.

1273 8. Enter into leases or lease-purchase arrangements, in  
1274 accordance with the requirements and conditions provided in s.  
1275 1013.15(2).

1276 9. Provide for the proper supervision of construction.

30-00892-17

20171064\_\_

1277 10. Make or contract for additions, alterations, and  
1278 repairs on buildings and other school properties.

1279 11. Ensure that all plans and specifications for buildings  
1280 provide adequately for the safety and well-being of students, as  
1281 well as for economy of construction.

1282 12. Provide adequately for the proper maintenance and  
1283 upkeep of school plants, which function may be accomplished, in  
1284 whole or part, by means of an interlocal agreement under s.  
1285 163.01.

1286 13. Carry insurance on every school building in all school  
1287 plants including contents, boilers, and machinery, except  
1288 buildings of three classrooms or less which are of frame  
1289 construction and located in a tenth class public protection zone  
1290 as defined by the Florida Inspection and Rating Bureau, and on  
1291 all school buses and other property under the control of the  
1292 district school board or title to which is vested in the  
1293 district school board, except as exceptions may be authorized  
1294 under rules of the State Board of Education.

1295 14. Condemn and prohibit the use for public school purposes  
1296 of any building under the control of the district school board.

1297 (g) *School operation.*—

1298 1. Provide for the operation of all public schools as free  
1299 schools for a term of 180 days or the equivalent on an hourly  
1300 basis as specified by rules of the State Board of Education;  
1301 determine district school funds necessary in addition to state  
1302 funds to operate all schools for the minimum term; and arrange  
1303 for the levying of district school taxes necessary to provide  
1304 the amount needed from district sources.

1305 2. Prepare, adopt, and timely submit to the Department of

30-00892-17

20171064\_\_

1306 Education, as required by law and by rules of the State Board of  
1307 Education, the annual school budget, so as to promote the  
1308 improvement of the district school system.

1309 (h) *Records and reports.*—

1310 1. Keep all necessary records and make all needed and  
1311 required reports, as required by law or by rules of the State  
1312 Board of Education.

1313 2. At regular intervals require reports to be made by  
1314 principals or teachers in all public schools to the parents of  
1315 the students enrolled and in attendance at their schools,  
1316 apprising them of the academic and other progress being made by  
1317 the student and giving other useful information.

1318 (i) *Parental notification of acceleration options.*—At the  
1319 beginning of each school year, notify parents of students in or  
1320 entering high school of the opportunity and benefits of advanced  
1321 placement, International Baccalaureate, Advanced International  
1322 Certificate of Education, dual enrollment, and Florida Virtual  
1323 School courses and options for early graduation under s.  
1324 1003.4281.

1325 (j) *Return on investment.*—Notify the parent of a student  
1326 who earns an industry certification that articulates for  
1327 postsecondary credit of the estimated cost savings to the parent  
1328 before the student's high school graduation versus the cost of  
1329 acquiring such certification after high school graduation, which  
1330 would include the tuition and fees associated with available  
1331 postsecondary credits. Also, the student and the parent must be  
1332 informed of any additional industry certifications available to  
1333 the student.

1334 Section 9. Section 1003.32, Florida Statutes, is amended to

30-00892-17

20171064\_\_

1335 read:

1336 1003.32 Authority of teacher; responsibility for discipline  
1337 ~~control~~ of students; district school board and principal  
1338 duties.—Subject to law and to the rules of the district school  
1339 board, each teacher or other member of the staff of any school  
1340 shall have such authority for the ~~control and~~ discipline of  
1341 students as may be assigned to him or her by the principal or  
1342 the principal's designated representative and shall keep good  
1343 order in the classroom and in other places in which he or she is  
1344 assigned to be in charge of students.

1345 (1) In accordance with this section and within the  
1346 framework of the district school board's standards for  
1347 intervention ~~code of student conduct~~, teachers and other  
1348 instructional personnel shall have the authority to undertake  
1349 any of the following actions in managing student behavior and  
1350 ensuring the safety of all students in their classes and school  
1351 and their opportunity to learn in an orderly and disciplined  
1352 classroom:

1353 (a) Establish classroom rules of conduct.

1354 (b) Establish and implement consequences, designed to  
1355 change behavior, for infractions of classroom rules.

1356 (c) Have disobedient, disrespectful, violent, abusive,  
1357 uncontrollable, or disruptive students removed from the  
1358 classroom for behavior management intervention.

1359 (d) Have violent, abusive, uncontrollable, or disruptive  
1360 students directed for information or assistance from appropriate  
1361 school or district school board personnel.

1362 (e) Assist in enforcing school rules on school property,  
1363 during school-sponsored transportation, and during school-

30-00892-17

20171064\_\_

1364 sponsored activities.

1365 (f) Request and receive information as to the disposition  
1366 of any referrals to the administration for violation of  
1367 classroom or school rules.

1368 (g) Request and receive immediate assistance in classroom  
1369 management if a student becomes uncontrollable or in case of  
1370 emergency.

1371 (h) Request and receive training and other assistance to  
1372 improve skills in classroom management, violence prevention,  
1373 conflict resolution, and related areas.

1374 (i) Press charges if there is a reason to believe that a  
1375 crime has been committed on school property, during school-  
1376 sponsored transportation, or during school-sponsored activities.

1377 (j) Use reasonable force, according to standards adopted by  
1378 the State Board of Education, to protect himself or herself or  
1379 others from injury.

1380 (k) Use corporal punishment according to school board  
1381 policy and at least the following procedures, if a teacher feels  
1382 that corporal punishment is necessary:

1383 1. The use of corporal punishment shall be approved in  
1384 principle by the principal before it is used, but approval is  
1385 not necessary for each specific instance in which it is used.  
1386 The principal shall prepare guidelines for administering such  
1387 punishment which identify the types of punishable offenses, the  
1388 conditions under which the punishment shall be administered, and  
1389 the specific personnel on the school staff authorized to  
1390 administer the punishment.

1391 2. A teacher or principal may administer corporal  
1392 punishment only in the presence of another adult who is informed



30-00892-17

20171064\_\_

1393 beforehand, and in the student's presence, of the reason for the  
1394 punishment.

1395 3. A teacher or principal who has administered punishment  
1396 shall, upon request, provide the student's parent with a written  
1397 explanation of the reason for the punishment and the name of the  
1398 other adult who was present.

1399 (2) Teachers and other instructional personnel shall:

1400 (a) Set and enforce reasonable classroom rules that treat  
1401 all students equitably.

1402 (b) Seek professional development to improve classroom  
1403 management skills when data show that they are not effective in  
1404 handling minor classroom disruptions.

1405 (c) Maintain an orderly and disciplined classroom with a  
1406 positive and effective learning environment that maximizes  
1407 learning and minimizes disruption.

1408 (d) Work with parents and other school personnel to solve  
1409 discipline problems in their classrooms.

1410 (3) A teacher may send a student to the principal's office  
1411 to maintain effective discipline in the classroom and may  
1412 recommend an appropriate consequence consistent with the  
1413 standards for intervention ~~student code of conduct~~ under s.  
1414 1006.07. The principal shall respond by employing the teacher's  
1415 recommended consequence or a more serious disciplinary action if  
1416 the student's history of disruptive behavior warrants it. If the  
1417 principal determines that a lesser disciplinary action is  
1418 appropriate, the principal should consult with the teacher  
1419 before ~~prior to~~ taking disciplinary action.

1420 (4) A teacher may remove from class a student whose  
1421 behavior the teacher determines interferes with the teacher's

30-00892-17

20171064\_\_

1422 ability to communicate effectively with the students in the  
1423 class or with the ability of the student's classmates to learn.  
1424 Each district school board, each district school superintendent,  
1425 and each school principal shall support the authority of  
1426 teachers to remove disobedient, violent, abusive,  
1427 uncontrollable, or disruptive students from the classroom.

1428 (5) If a teacher removes a student from class under  
1429 subsection (4), the principal may place the student in another  
1430 appropriate classroom, in in-school suspension, or in a dropout  
1431 prevention and academic intervention program as provided by s.  
1432 1003.53; or the principal may recommend the student for out-of-  
1433 school suspension or expulsion, as appropriate. The student may  
1434 be prohibited from attending or participating in school-  
1435 sponsored or school-related activities. The principal may not  
1436 return the student to that teacher's class without the teacher's  
1437 consent unless the committee established under subsection (6)  
1438 determines that such placement is the best or only available  
1439 alternative. The teacher and the placement review committee must  
1440 render decisions within 5 days of the removal of the student  
1441 from the classroom.

1442 (6) (a) Each school shall establish a placement review  
1443 committee to determine placement of a student when a teacher  
1444 withholds consent to the return of a student to the teacher's  
1445 class. A school principal must notify each teacher in that  
1446 school about the availability, the procedures, and the criteria  
1447 for the placement review committee as outlined in this section.

1448 (b) The principal must report on a quarterly basis to the  
1449 district school superintendent and district school board each  
1450 incidence of a teacher's withholding consent for a removed

30-00892-17

20171064\_\_

1451 student to return to the teacher's class and the disposition of  
1452 the incident, and the superintendent must annually report these  
1453 data to the department.

1454 (c) The Commissioner of Education shall annually review  
1455 each school district's compliance with this section, and success  
1456 in achieving orderly classrooms, and shall use all appropriate  
1457 enforcement actions up to and including the withholding of  
1458 disbursements from the Educational Enhancement Trust Fund until  
1459 full compliance is verified.

1460 (d) Placement review committee membership must include at  
1461 least the following:

1462 1. Two teachers, one selected by the school's faculty and  
1463 one selected by the teacher who has removed the student.

1464 2. One member from the school's staff who is selected by  
1465 the principal.

1466

1467 The teacher who withheld consent to readmitting the student may  
1468 not serve on the committee. The teacher and the placement review  
1469 committee must render decisions within 5 days after the removal  
1470 of the student from the classroom. If the placement review  
1471 committee's decision is contrary to the decision of the teacher  
1472 to withhold consent to the return of the removed student to the  
1473 teacher's class, the teacher may appeal the committee's decision  
1474 to the district school superintendent.

1475 (7) Any teacher who removes 25 percent of his or her total  
1476 class enrollment shall be required to complete professional  
1477 development to improve classroom management skills.

1478 (8) Each teacher or other member of the staff of any school  
1479 who knows or has reason to suspect that any person has

30-00892-17

20171064\_\_

1480 committed, or has made a credible threat to commit, a crime of  
1481 violence on school property shall report such knowledge or  
1482 suspicion in accordance with the provisions of s. 1006.13. Each  
1483 district school superintendent and each school principal shall  
1484 fully support good faith reporting in accordance with the  
1485 provisions of this subsection and s. 1006.13. Any person who  
1486 makes a report required by this subsection in good faith shall  
1487 be immune from civil or criminal liability for making the  
1488 report.

1489 (9) When knowledgeable of the likely risk of physical  
1490 violence in the schools, the district school board shall take  
1491 reasonable steps to ensure that teachers, other school staff,  
1492 and students are not at undue risk of violence or harm.

1493 Section 10. Paragraphs (c) and (d) of subsection (1) of  
1494 section 1003.53, Florida Statutes, are amended to read:

1495 1003.53 Dropout prevention and academic intervention.—

1496 (1)

1497 (c) A student shall be identified as being eligible to  
1498 receive services funded through the dropout prevention and  
1499 academic intervention program based upon one of the following  
1500 criteria:

1501 1. The student is academically unsuccessful as evidenced by  
1502 low test scores, retention, failing grades, low grade point  
1503 average, falling behind in earning credits, or not meeting the  
1504 state or district proficiency levels in reading, mathematics, or  
1505 writing.

1506 2. The student has a pattern of excessive absenteeism or  
1507 has been identified as a habitual truant.

1508 3. The student has a history of disruptive behavior in

30-00892-17

20171064\_\_

1509 school or has committed an offense that warrants out-of-school  
1510 suspension or expulsion from school according to the district  
1511 school board's standards for intervention ~~code of student~~  
1512 ~~conduct~~. For the purposes of this program, "disruptive behavior"  
1513 is behavior that:

1514 a. Interferes with the student's own learning or the  
1515 educational process of others and requires attention and  
1516 assistance beyond that which the traditional program can provide  
1517 or results in frequent conflicts of a disruptive nature while  
1518 the student is under the jurisdiction of the school either in or  
1519 out of the classroom; or

1520 b. Severely threatens the general welfare of students or  
1521 others with whom the student comes into contact.

1522 4. The student is identified by a school's early warning  
1523 system pursuant to s. 1001.42(18)(b).

1524 (d)1. "Second chance schools" means district school board  
1525 programs provided through cooperative agreements between the  
1526 Department of Juvenile Justice, private providers, state or  
1527 local law enforcement agencies, or other state agencies for  
1528 students who have been disruptive or violent or who have  
1529 committed serious offenses. As partnership programs, second  
1530 chance schools are eligible for waivers by the Commissioner of  
1531 Education from State Board of Education rules that prevent the  
1532 provision of appropriate educational services to violent,  
1533 severely disruptive, or delinquent students in small  
1534 nontraditional settings or in court-adjudicated settings.

1535 2. District school boards seeking to enter into a  
1536 partnership with a private entity or public entity to operate a  
1537 second chance school for disruptive students may apply to the

30-00892-17

20171064\_\_

1538 Department of Education for startup grants. These grants must be  
1539 available for 1 year and must be used to offset the startup  
1540 costs for implementing such programs off public school campuses.  
1541 General operating funds must be generated through the  
1542 appropriate programs of the Florida Education Finance Program.  
1543 Grants approved under this program shall be for the full  
1544 operation of the school by a private nonprofit or for-profit  
1545 provider or the public entity. This program must operate under  
1546 rules adopted by the State Board of Education and be implemented  
1547 to the extent funded by the Legislature.

1548 3. A student enrolled in a sixth, seventh, eighth, ninth,  
1549 or tenth grade class may be assigned to a second chance school  
1550 if the student meets the following criteria:

1551 a. The student is a habitual truant as defined in s.  
1552 1003.01.

1553 b. The student's excessive absences have detrimentally  
1554 affected the student's academic progress and the student may  
1555 have unique needs that a traditional school setting may not  
1556 meet.

1557 c. The student's high incidences of truancy have been  
1558 directly linked to a lack of motivation.

1559 d. The student has been identified as at risk of dropping  
1560 out of school.

1561 4. A student who is habitually truant may be assigned to a  
1562 second chance school only if the case staffing committee,  
1563 established pursuant to s. 984.12, determines that such  
1564 placement could be beneficial to the student and the criteria  
1565 included in subparagraph 3. are met.

1566 5. A student may be assigned to a second chance school if

30-00892-17

20171064\_\_

1567 the district school board in which the student resides has a  
1568 second chance school and if the student meets one of the  
1569 following criteria:

1570 a. The student habitually exhibits disruptive behavior in  
1571 violation of the standards for intervention ~~code of student~~  
1572 ~~conduct~~ adopted by the district school board.

1573 b. The student interferes with the student's own learning  
1574 or the educational process of others and requires attention and  
1575 assistance beyond that which the traditional program can  
1576 provide, or, while the student is under the jurisdiction of the  
1577 school either in or out of the classroom, frequent conflicts of  
1578 a disruptive nature occur.

1579 c. The student has committed a serious offense which  
1580 warrants suspension or expulsion from school according to the  
1581 district school board's standards for intervention ~~code of~~  
1582 ~~student conduct~~. For the purposes of this program, "serious  
1583 offense" is behavior which:

1584 (I) Threatens the general welfare of students or others  
1585 with whom the student comes into contact;

1586 (II) Includes violence;

1587 (III) Includes possession of weapons or drugs; or

1588 (IV) Is harassment or verbal abuse of school personnel or  
1589 other students.

1590 6. Prior to assignment of students to second chance  
1591 schools, district school boards are encouraged to use  
1592 alternative programs, such as in-school suspension, which  
1593 provide instruction and counseling leading to improved student  
1594 behavior, a reduction in the incidence of truancy, and the  
1595 development of more effective interpersonal skills.

30-00892-17

20171064\_\_

1596           7. Students assigned to second chance schools must be  
1597 evaluated by the district school board's child study team before  
1598 placement in a second chance school. The study team shall ensure  
1599 that students are not eligible for placement in a program for  
1600 emotionally disturbed children.

1601           8. Students who exhibit academic and social progress and  
1602 who wish to return to a traditional school shall complete a  
1603 character development and law education program and demonstrate  
1604 preparedness to reenter the regular school setting prior to  
1605 reentering a traditional school.

1606           Section 11. Paragraph (h) of subsection (1) of section  
1607 1003.57, Florida Statutes, is amended to read:

1608           1003.57 Exceptional students instruction.—

1609           (1)

1610           (h) School personnel may consider any unique circumstances  
1611 on a case-by-case basis when determining whether a change in  
1612 placement is appropriate for a student who has a disability and  
1613 violates a district school board's standards for intervention  
1614 ~~code of student conduct~~. School personnel may remove and place  
1615 such student in an interim alternative educational setting for  
1616 not more than 45 school days, without regard to whether the  
1617 behavior is determined to be a manifestation of the student's  
1618 disability, if the student:

1619           1. Carries a weapon to or possesses a weapon at school, on  
1620 school premises, or at a school function under the jurisdiction  
1621 of the school district;

1622           2. Knowingly possesses or uses illegal drugs, or sells or  
1623 solicits the sale of a controlled substance, while at school, on  
1624 school premises, or at a school function under the jurisdiction



30-00892-17

20171064\_\_

1625 of the school district; or

1626 3. Has inflicted serious bodily injury upon another person  
1627 while at school, on school premises, or at a school function  
1628 under the jurisdiction of the school district.

1629 Section 12. Paragraph (c) of subsection (1) and subsection  
1630 (4) of section 1006.09, Florida Statutes, are amended to read:

1631 1006.09 Duties of school principal relating to student  
1632 discipline and school safety.—

1633 (1)

1634 (c) The principal or the principal's designee may recommend  
1635 to the district school superintendent the expulsion of any  
1636 student who has committed a serious breach of conduct,  
1637 including, but not limited to, willful disobedience, open  
1638 defiance of authority of a member of his or her staff, violence  
1639 against persons or property, or any other act which  
1640 substantially disrupts the orderly conduct of the school. A  
1641 recommendation of expulsion or assignment to a second chance  
1642 school may also be made for any student found to have  
1643 intentionally made false accusations that jeopardize the  
1644 professional reputation, employment, or professional  
1645 certification of a teacher or other member of the school staff,  
1646 according to the district school board's standards for  
1647 intervention ~~board code of student conduct~~. Any recommendation  
1648 of expulsion must ~~shall~~ include a detailed report by the  
1649 principal or the principal's designated representative on the  
1650 alternative measures taken prior to the recommendation of  
1651 expulsion.

1652 (4) When a student has been the victim of a violent crime  
1653 perpetrated by another student who attends the same school, the

30-00892-17

20171064\_\_

1654 school principal shall make full and effective use of the  
1655 provisions of subsection (2) and s. 1006.13(7) ~~s. 1006.13(6)~~. A  
1656 school principal who fails to comply with this subsection is  
1657 ~~shall be~~ ineligible for any portion of the performance pay or  
1658 the differentiated pay under s. 1012.22. However, if any party  
1659 responsible for notification fails to properly notify the  
1660 school, the school principal is ~~shall be~~ eligible for the  
1661 performance pay or differentiated pay.

1662 Section 13. Subsection (2) of section 1006.10, Florida  
1663 Statutes, is amended to read:

1664 1006.10 Authority of school bus drivers and district school  
1665 boards relating to student discipline and student safety on  
1666 school buses.—

1667 (2) The district school board shall require a system of  
1668 progressive discipline of transported students for actions that  
1669 ~~which~~ are prohibited by the standards for intervention code of  
1670 ~~student conduct~~. Disciplinary actions, including suspension of  
1671 students from riding on district school board owned or  
1672 contracted school buses, shall be subject to district school  
1673 board policies and procedures and may be imposed by the  
1674 principal or the principal's designee. The principal or the  
1675 principal's designee may delegate any disciplinary authority to  
1676 school bus drivers except for suspension of students from riding  
1677 the bus.

1678 Section 14. Paragraph (n) of subsection (4) of section  
1679 1006.147, Florida Statutes, is amended to read:

1680 1006.147 Bullying and harassment prohibited.—

1681 (4) Each school district shall adopt and review at least  
1682 every 3 years a policy prohibiting bullying and harassment of a

30-00892-17

20171064\_\_

1683 student or employee of a public K-12 educational institution.  
 1684 Each school district's policy shall be in substantial conformity  
 1685 with the Department of Education's model policy. The school  
 1686 district bullying and harassment policy shall afford all  
 1687 students the same protection regardless of their status under  
 1688 the law. The school district may establish separate  
 1689 discrimination policies that include categories of students. The  
 1690 school district shall involve students, parents, teachers,  
 1691 administrators, school staff, school volunteers, community  
 1692 representatives, and local law enforcement agencies in the  
 1693 process of adopting and reviewing the policy. The school  
 1694 district policy must be implemented by each school principal in  
 1695 a manner that is ongoing throughout the school year and  
 1696 integrated with the school's curriculum, bullying prevention and  
 1697 intervention program, discipline policies, and other violence  
 1698 prevention efforts. The school district policy must contain, at  
 1699 a minimum, the following components:

1700 (n) A procedure for publicizing the policy, which must  
 1701 include its publication in the standards for intervention code  
 1702 ~~of student conduct required~~ under s. 1006.07 ~~s. 1006.07(2)~~ and  
 1703 in all employee handbooks.

1704 Section 15. Paragraph (a) of subsection (3) of section  
 1705 1006.15, Florida Statutes, is amended to read:

1706 1006.15 Student standards for participation in  
 1707 interscholastic and intrascholastic extracurricular student  
 1708 activities; regulation.-

1709 (3) (a) As used in this section and s. 1006.20, the term  
 1710 "eligible to participate" includes, but is not limited to, a  
 1711 student participating in tryouts, off-season conditioning,

30-00892-17

20171064\_\_

1712 summer workouts, preseason conditioning, in-season practice, or  
1713 contests. The term does not mean that a student must be placed  
1714 on any specific team for interscholastic or intrascholastic  
1715 extracurricular activities. To be eligible to participate in  
1716 interscholastic extracurricular student activities, a student  
1717 must:

1718 1. Maintain a grade point average of 2.0 or above on a 4.0  
1719 scale, or its equivalent, in the previous semester or a  
1720 cumulative grade point average of 2.0 or above on a 4.0 scale,  
1721 or its equivalent, in the courses required by s. 1002.3105(5) or  
1722 s. 1003.4282.

1723 2. Execute and fulfill the requirements of an academic  
1724 performance contract between the student, the district school  
1725 board, the appropriate governing association, and the student's  
1726 parents, if the student's cumulative grade point average falls  
1727 below 2.0, or its equivalent, on a 4.0 scale in the courses  
1728 required by s. 1002.3105(5) or s. 1003.4282. At a minimum, the  
1729 contract must require that the student attend summer school, or  
1730 its graded equivalent, between grades 9 and 10 or grades 10 and  
1731 11, as necessary.

1732 3. Have a cumulative grade point average of 2.0 or above on  
1733 a 4.0 scale, or its equivalent, in the courses required by s.  
1734 1002.3105(5) or s. 1003.4282 during his or her junior or senior  
1735 year.

1736 4. Maintain satisfactory conduct, including adherence to  
1737 the school's appropriate dress code and other standards for  
1738 intervention under s. 1006.07 ~~codes of student conduct policies~~  
1739 ~~described in s. 1006.07(2)~~. If a student is convicted of, or is  
1740 found to have committed, a felony or a delinquent act that would

30-00892-17

20171064\_\_

1741 have been a felony if committed by an adult, regardless of  
1742 whether adjudication is withheld, the student's participation in  
1743 interscholastic extracurricular activities is contingent upon  
1744 established and published district school board policy.

1745 Section 16. Paragraphs (a) and (b) of subsection (1) of  
1746 section 1006.195, Florida Statutes, are amended to read:

1747 1006.195 District school board, charter school authority  
1748 and responsibility to establish student eligibility regarding  
1749 participation in interscholastic and intrascholastic  
1750 extracurricular activities.—Notwithstanding any provision to the  
1751 contrary in ss. 1006.15, 1006.18, and 1006.20, regarding student  
1752 eligibility to participate in interscholastic and  
1753 intrascholastic extracurricular activities:

1754 (1) (a) A district school board must establish, through its  
1755 standards for intervention ~~code of student conduct~~, student  
1756 eligibility standards and related student disciplinary actions  
1757 regarding student participation in interscholastic and  
1758 intrascholastic extracurricular activities. The standards for  
1759 intervention ~~code of student conduct~~ must provide that:

1760 1. A student not currently suspended from interscholastic  
1761 or intrascholastic extracurricular activities, or suspended or  
1762 expelled from school, pursuant to a district school board's  
1763 suspension or expulsion powers provided in law, including ss.  
1764 1006.07, 1006.08, and 1006.09, is eligible to participate in  
1765 interscholastic and intrascholastic extracurricular activities.

1766 2. A student may not participate in a sport if the student  
1767 participated in that same sport at another school during that  
1768 school year, unless the student meets the criteria in s.  
1769 1006.15 (3) (h) .

30-00892-17

20171064\_\_

1770 3. A student's eligibility to participate in any  
1771 interscholastic or intrascholastic extracurricular activity may  
1772 not be affected by any alleged recruiting violation until final  
1773 disposition of the allegation pursuant to s. 1006.20(2)(b).

1774 (b) Students who participate in interscholastic and  
1775 intrascholastic extracurricular activities for, but are not  
1776 enrolled in, a public school pursuant to s. 1006.15(3)(c)-(e)  
1777 and (8), are subject to the district school board's standards  
1778 for intervention ~~code of student conduct~~ for the limited purpose  
1779 of establishing and maintaining the student's eligibility to  
1780 participate at the school.

1781 Section 17. Paragraph (b) of subsection (5) of section  
1782 1007.271, Florida Statutes, is amended to read:

1783 1007.271 Dual enrollment programs.—

1784 (5)

1785 (b) Each president, or designee, of a postsecondary  
1786 institution offering a college credit dual enrollment course  
1787 must:

1788 1. Provide a copy of the institution's current faculty or  
1789 adjunct faculty handbook to all faculty members teaching a dual  
1790 enrollment course.

1791 2. Provide to all faculty members teaching a dual  
1792 enrollment course a copy of the institution's current student  
1793 handbook, which may include, but is not limited to, information  
1794 on registration policies, the standards for intervention ~~student~~  
1795 ~~code of conduct~~, grading policies, and critical dates.

1796 3. Designate an individual or individuals to observe all  
1797 faculty members teaching a dual enrollment course, regardless of  
1798 the location of instruction.

30-00892-17

20171064\_\_

1799           4. Use the same criteria to evaluate faculty members  
1800 teaching a dual enrollment course as the criteria used to  
1801 evaluate all other faculty members.

1802           5. Provide course plans and objectives to all faculty  
1803 members teaching a dual enrollment course.

1804           Section 18. Paragraph (b) of subsection (4) of section  
1805 1012.98, Florida Statutes, is amended to read:

1806           1012.98 School Community Professional Development Act.—

1807           (4) The Department of Education, school districts, schools,  
1808 Florida College System institutions, and state universities  
1809 share the responsibilities described in this section. These  
1810 responsibilities include the following:

1811           (b) Each school district shall develop a professional  
1812 development system as specified in subsection (3). The system  
1813 shall be developed in consultation with teachers, teacher-  
1814 educators of Florida College System institutions and state  
1815 universities, business and community representatives, and local  
1816 education foundations, consortia, and professional  
1817 organizations. The professional development system must:

1818           1. Be approved by the department. All substantial revisions  
1819 to the system shall be submitted to the department for review  
1820 for continued approval.

1821           2. Be based on analyses of student achievement data and  
1822 instructional strategies and methods that support rigorous,  
1823 relevant, and challenging curricula for all students. Schools  
1824 and districts, in developing and refining the professional  
1825 development system, shall also review and monitor school  
1826 discipline data; school environment surveys; assessments of  
1827 parental satisfaction; performance appraisal data of teachers,

30-00892-17

20171064\_\_

1828 managers, and administrative personnel; and other performance  
1829 indicators to identify school and student needs that can be met  
1830 by improved professional performance.

1831 3. Provide inservice activities coupled with followup  
1832 support appropriate to accomplish district-level and school-  
1833 level improvement goals and standards. The inservice activities  
1834 for instructional personnel shall focus on analysis of student  
1835 achievement data, ongoing formal and informal assessments of  
1836 student achievement, identification and use of enhanced and  
1837 differentiated instructional strategies that emphasize rigor,  
1838 relevance, and reading in the content areas, enhancement of  
1839 subject content expertise, integrated use of classroom  
1840 technology that enhances teaching and learning, classroom  
1841 management, parent involvement, and school safety.

1842 4. Include a master plan for inservice activities, pursuant  
1843 to rules of the State Board of Education, for all district  
1844 employees from all fund sources. The master plan shall be  
1845 updated annually by September 1, must be based on input from  
1846 teachers and district and school instructional leaders, and must  
1847 use the latest available student achievement data and research  
1848 to enhance rigor and relevance in the classroom. Each district  
1849 inservice plan must be aligned to and support the school-based  
1850 inservice plans and school improvement plans pursuant to s.  
1851 1001.42(18). Each district inservice plan must provide a  
1852 description of the training that middle grades instructional  
1853 personnel and school administrators receive on the district's  
1854 standards for intervention ~~code of student conduct~~ adopted  
1855 pursuant to s. 1006.07; integrated digital instruction and  
1856 competency-based instruction and CAPE Digital Tool certificates



30-00892-17

20171064\_\_

1857 and CAPE industry certifications; classroom management; student  
1858 behavior and interaction; extended learning opportunities for  
1859 students; and instructional leadership. District plans must be  
1860 approved by the district school board annually in order to  
1861 ensure compliance with subsection (1) and to allow for  
1862 dissemination of research-based best practices to other  
1863 districts. District school boards must submit verification of  
1864 their approval to the Commissioner of Education no later than  
1865 October 1, annually. Each school principal may establish and  
1866 maintain an individual professional development plan for each  
1867 instructional employee assigned to the school as a seamless  
1868 component to the school improvement plans developed pursuant to  
1869 s. 1001.42(18). An individual professional development plan must  
1870 be related to specific performance data for the students to whom  
1871 the teacher is assigned, define the inservice objectives and  
1872 specific measurable improvements expected in student performance  
1873 as a result of the inservice activity, and include an evaluation  
1874 component that determines the effectiveness of the professional  
1875 development plan.

1876 5. Include inservice activities for school administrative  
1877 personnel that address updated skills necessary for  
1878 instructional leadership and effective school management  
1879 pursuant to s. 1012.986.

1880 6. Provide for systematic consultation with regional and  
1881 state personnel designated to provide technical assistance and  
1882 evaluation of local professional development programs.

1883 7. Provide for delivery of professional development by  
1884 distance learning and other technology-based delivery systems to  
1885 reach more educators at lower costs.

30-00892-17

20171064\_\_

1886           8. Provide for the continuous evaluation of the quality and  
1887 effectiveness of professional development programs in order to  
1888 eliminate ineffective programs and strategies and to expand  
1889 effective ones. Evaluations must consider the impact of such  
1890 activities on the performance of participating educators and  
1891 their students' achievement and behavior.

1892           9. For middle grades, emphasize:

1893           a. Interdisciplinary planning, collaboration, and  
1894 instruction.

1895           b. Alignment of curriculum and instructional materials to  
1896 the state academic standards adopted pursuant to s. 1003.41.

1897           c. Use of small learning communities; problem-solving,  
1898 inquiry-driven research and analytical approaches for students;  
1899 strategies and tools based on student needs; competency-based  
1900 instruction; integrated digital instruction; and project-based  
1901 instruction.

1902  
1903 Each school that includes any of grades 6, 7, or 8 must include  
1904 in its school improvement plan, required under s. 1001.42(18), a  
1905 description of the specific strategies used by the school to  
1906 implement each item listed in this subparagraph.

1907           Section 19. This act shall take effect July 1, 2017.