A bill to be entitled
An act relating to zero-tolerance policies; amending
ss. 1002.20 and 1006.09, F.S.; conforming cross-
references; amending s. 1006.13, F.S.; providing
legislative intent and findings; revising the
requirements for zero-tolerance policies; deleting
provisions relating to agreements with the county
sheriff’s office and local police departments;
requiring that such agreements specify guidelines for
addressing acts that pose a serious threat to school
safety; prohibiting zero-tolerance policies from
requiring the reporting of petty acts of misconduct
and misdemeanors to a law enforcement agency;
requiring that any disciplinary or prosecutorial
action taken against a student who violates a zero-
tolerance policy be based on the individual student
and the particular circumstances surrounding the
student's misconduct; encouraging school districts to
use alternatives to expulsion or referral to law
enforcement agencies unless using such alternatives
will pose a threat to school safety; providing an
effective date.

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

Section 1. Subsection (5) of section 1002.20, Florida
Statutes, is amended to read:

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

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

Section 2. Subsection (4) of section 1006.09, Florida Statutes, is amended to read:

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

(4) When a student has been the victim of a violent crime perpetrated by another student who attends the same school, the school principal shall make full and effective use of the provisions of subsection (2) and s. 1006.13(6). A school principal who fails to comply with this subsection shall be ineligible for any portion of the performance pay policy incentive or the differentiated pay under s. 1012.22. However, if any party responsible for notification fails to properly notify the school, the school principal shall be eligible for the incentive or differentiated pay.

Section 3. Section 1006.13, Florida Statutes, is amended to read:

1006.13 Policy of zero tolerance for crime and victimization.—

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

(2) Each district school board shall adopt a policy of zero tolerance that for:
   (a) Defines criteria for reporting any act that occurs
       whenever or wherever students are within the jurisdiction of the
district school board.
   (b) Defines acts that pose a serious threat to school
       safety.
   (c) Defines petty acts of misconduct. Crime and substance
       abuse, including the reporting of delinquent acts and crimes
       occurring whenever and wherever students are under the
       jurisdiction of the district school board.
   (d) Minimizes the victimization of students or staff,
       including taking all steps necessary to protect the victim of
       any violent crime from any further victimization.
   (e) Establishes a procedure that ensures each student the
       opportunity to appeal disciplinary action.

(3) Zero-tolerance policies must The zero-tolerance
policy shall require students found to have committed one of the following offenses to be expelled, with or without continuing educational services, from the student's regular school for a period of not less than 1 full year, and to be referred to the criminal justice or juvenile justice system.

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

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

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

(4)(a) (3) Each district school board shall enter into agreements with the county sheriff's office and local police department specifying guidelines for ensuring that acts that pose a serious threat to school safety felonies and violent
misdemeanors, whether committed by a student or adult, and
delinquent acts that would be felonies or violent misdemeanors
if committed by an adult, are reported to a law enforcement
agency. Each district school board shall adopt a cooperative
agreement, pursuant to s. 1003.52(13) with the Department of
Juvenile Justice, that specifies guidelines for ensuring that
all no contact orders entered by the court are reported and
enforced and that all steps necessary are taken to protect the
victim of any such crime. Such
(b) The agreements must shall include the role of school
resource officers, if applicable, in handling reported
incidents, special circumstances in which school officials may
handle incidents without filing a report with a law
enforcement agency, and a procedure for ensuring that school
personnel properly report appropriate delinquent acts and
crimes.
(c) Zero-tolerance policies may not require the reporting
of petty acts of misconduct and misdemeanors to a law
enforcement agency, including, but not limited to, disorderly
conduct, disrupting a school function, simple assault or
battery, affray, theft of less than $300, trespassing, and
vandalism of less than $1,000.
(d) The school principal shall ensure be responsible for
ensuring that all school personnel are properly informed as to
their responsibilities regarding crime reporting, that
appropriate delinquent acts and crimes are properly reported,
and that actions taken in cases with special circumstances are
properly taken and documented.
(5)(4) Notwithstanding any other provision of law, each
district school board shall adopt rules providing that any student found to have committed any offense in s. 784.081(1), (2), or (3) shall be expelled or placed in an alternative school setting or other program, as appropriate. Upon being charged with the offense, the student shall be removed from the classroom immediately and placed in an alternative school setting pending disposition.

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

1. Chapter 782, relating to homicide;
2. Chapter 784, relating to assault, battery, and culpable negligence;
3. Chapter 787, relating to kidnapping, false imprisonment, luring or enticing a child, and custody offenses;
4. Chapter 794, relating to sexual battery;
5. Chapter 800, relating to lewdness and indecent exposure;
6. Chapter 827, relating to abuse of children;
7. Section 812.13, relating to robbery;
8. Section 812.131, relating to robbery by sudden snatching;
9. Section 812.133, relating to carjacking; or
10. Section 812.135, relating to home-invasion robbery,

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

(b) Each district school board shall adopt a cooperative
agreement with the Department of Juvenile Justice which
establishes guidelines for ensuring that any no contact order
entered by a court is reported and enforced and that all of the
necessary steps are taken to protect the victim of the offense.
Any offender described in paragraph (a), who is not exempted as
provided in paragraph (a), may shall not attend any school
attended by the victim or a sibling of the victim of the offense
or ride on a school bus on which the victim or a sibling of the
victim is riding. The offender shall be permitted by the
district school board to attend another school within the
district in which the offender resides, only if provided the
other school is not attended by the victim or sibling of the
victim of the offense; or the offender may be permitted by
another district school board to attend a school in that
district if the offender is unable to attend any school in the
district in which the offender resides.

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

(d) The offender, or the parents of the offender if the
the offender is a juvenile, shall __arrange__ be responsible for
arranging and __pay__ paying for transportation associated with or
required by the offender's attending another school or that
would be required as a consequence of the prohibition against
riding on a school bus on which the victim or a sibling of the
victim is riding. However, the offender or the parents of the
offender __may__ shall not be charged for existing modes of
transportation that can be used by the offender at no additional
cost to the district school board.

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

(8) School districts are encouraged to use alternatives to
expulsion or referral to law enforcement agencies unless the use
of such alternatives will pose a threat to school safety.

Section 4. This act shall take effect July 1, 2009.