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*** THE 2006 REGULAR SESSION ***
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TITLE 48. K-20 EDUCATION CODE (Chs. 1000-1013)
CHAPTER 1006. SUPPORT FOR LEARNING
PART I. PUBLIC K-12 EDUCATION SUPPORT FOR LEARNING AND STUDENT SERVICES
SUBPART C. STUDENT DISCIPLINE AND SCHOOL SAFETY

GO TO FLORIDA STATUTES ARCHIVE DIRECTORY

Fla. Stat. § 1006.13 (2006)

STATUS: CONSULT SLIP LAWS CITED BELOW FOR RECENT CHANGES TO THIS DOCUMENT LEXSEE
2006 Fl. ALS 120 — See section 129.

§ 1006.13. Policy of zero tolerance for crime and victimization

(1) Each district school board shall adopt a policy of zero tolerance for:

(a) 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.

(b) Victimization of students, including taking all steps necessary to protect the victim of any violent crime from any further victimization.

(2) 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 with a disability, the district **school** board shall comply with applicable State Board of Education rules.

(3) Each district **school** board shall enter into agreements with the county sheriff's office and local police department specifying guidelines for ensuring that 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 law enforcement. 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 agreements 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** to law enforcement, and a procedure for ensuring that **school** personnel properly **report**

appropriate delinquent acts and crimes. The **school** principal shall 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.

(4) Notwithstanding any other provision of law, each district **school** board shall adopt rules providing that any student found to have committed a violation of *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.

(5) (a) Notwithstanding any provision of law prohibiting the disclosure of the identity of a minor, whenever any student who is attending 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 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. 985.23(1)(d)*. Upon receipt of such notice, the district school board shall take appropriate action to effectuate the provisions of paragraph (b).

(b) Any offender described in paragraph (a), who is not exempted as provided in paragraph (a), 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, 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 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 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 offender is a juvenile, shall be responsible for arranging and 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 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.

HISTORY: s. 283, ch. 2002-387.