

CHAPTER 5.00 – STUDENTS

ZERO TOLERANCE FOR CRIMES AND VICTIMIZATION

5.13

1. Policy. It is essential that schools be safe and orderly to provide environments that foster learning and high academic achievement. This rule implements the State Board of Education's Zero Tolerance Policy as outlined in Florida Statutes and State Board of Education Rules.
2. Definitions. As used in this policy:
 - a. "Acts that pose a serious threat to school safety" shall mean and include the commission of any crime or act that results in physical or emotional harm to the victim, or a serious disruption of the school environment.
 - b. "Petty acts of misconduct" shall mean and include any act that does not pose a serious threat to school safety, including but not limited to those acts listed as Level I and Level II offenses in the Student Code of Conduct adopted as provided in School Board Rule 5.10.
3. Reporting. The following procedures and guidelines shall be followed for reporting crimes:
 - a. All delinquent acts and crimes that occur whenever and wherever students are under the jurisdiction of the School Board shall be reported to law enforcement. Because law enforcement is responsible for determining in the first instance whether a particular act (i) might constitute criminal misconduct, (ii) might constitute a misdemeanor or a felony, and (iii) might warrant arrest or other intervention, District staff shall resolve any uncertainty in favor of reporting the act of law enforcement.
 - b. Law enforcement is encouraged to consider alternatives to arrest or other intervention when, based on the particular circumstances of a student's misconduct, (i) the act may be characterized as a petty act of misconduct and (ii) the use of such alternatives will not pose a threat to school safety.
 - c. The school principal shall be responsible for ensuring that all school personnel are properly informed of their responsibilities regarding crime reporting, and that delinquent acts and crimes are properly reported in accordance with these guidelines.
 - d. The school principal shall ensure that standardized forms prescribed by rule of the State Board of Education are used to report data concerning school safety and discipline to the Department of Education.

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4. Discipline - Weapons and Threat Offenses. Students found to have committed one of the following offenses on School Board property, school sponsored transportation or during a school sponsored activity shall be expelled, with or without continuing educational services at an alternative school, for a period of not less than one full year and be referred to the criminal justice or juvenile justice system:
- a. Bringing a firearm or weapon as defined in Chapter 790, Florida Statutes, 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 in Sections 790.162 and 790.163, Florida Statutes, respectively, involving school or school personnel's property, school transportation or a school-sponsored activity.

The Superintendent may assign the student to a disciplinary program for the purpose of continuing educational services during the period of expulsion. The Superintendent may also consider the 1-year expulsion requirement on a case-by-case basis and request the 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.

5. Discipline - Assault or Battery on Certain Officials or Employees. Upon being charged with a violation of Section 784.081(1)(2) or (3), Florida Statutes, the student shall be removed from the classroom immediately and placed in an alternative school setting pending disposition.
6. Discipline - Other Felonies. Students who are found to have committed the following offenses on school property, school sponsored transportation, or during a school sponsored activity shall receive the most severe sanctions provided for under the Student Code of Conduct:
- a. Homicide (murder and manslaughter);
 - b. Sexual battery;
 - c. Armed robbery;
 - d. Aggravated battery;
 - e. Kidnapping or abduction;

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- f. Arson;
 - g. Possession, use or sale of any explosive device.
7. Students with Disabilities. If a student committing any of the offenses in this policy is a student who has a disability, the School District shall comply with the applicable State Board of Education Rules and other applicable regulations and requirements.
8. Protecting Against Further Victimization. When a student has been the victim of a violent crime perpetrated by another student who attends the same school, the principal shall be responsible for taking all steps necessary to protect the victim from any further victimization, including but not limited to:
- a. Making full and effective use of Florida Statutes by providing for the suspension of a student charged with a felony or with a delinquent act that would be a felony committed by an adult;
 - b. Making full and effective use of Florida Statutes by providing that certain violent offenders shall not attend the school attended by the victim or sibling of the victim or ride on a school bus on which the victim or sibling of the victim is riding; and
 - c. If the offender is unable to attend any other school in the District and is prohibited from attending school in another district, taking every reasonable precaution to keep the offender separated from the victim while on school grounds, at any school function, or on school-sponsored transportation, including but not limited to in-school suspension of the offender, and scheduling classes, lunch, and other school activities of the victim and the offender so as not to coincide and to prevent contact between the victim and the offender.
9. Disciplinary Criteria. Any disciplinary action taken against a student who violates this policy shall be based on the particular circumstances of the student's misconduct, subject to the procedures set forth in School Board rules and the Code of Conduct.
10. Review. Student disciplinary action shall be subject to review in accordance with Florida Statutes and as provided in the Student Code of Conduct.

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STATUTORY AUTHORITY:

1001.41; 1001.42, F.S.

LAWS IMPLEMENTED:

**120.57(1); 784.081; 790.162; 790.163;
1001.42; 1001.43; 1001.54;
1003.31; 1006.07; 1006.08; 1006.09;
1006.13; 1012.28, F.S.**

STATE BOARD OF EDUCATION RULES:

6A-6.0331, F.A.C.

HISTORY:

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