

CHAPTER 5.00 – STUDENTS

Zero Tolerance for Crimes and Victimization

5.13

1. Policy. The School Board shall promote a safe and supportive learning environment in schools by protecting students and staff from conduct that poses a threat to student or school safety. This rule implements the policy of zero tolerance for crime and victimization set forth in Florida Statute 1006.13. Zero-tolerance policies apply equally to all students regardless of their economic status, race, or disability.
2. Definitions. As used in this policy:
 - a. “Acts that pose a threat to school safety” means and include the commission of any crime or act that results in physical or emotional harm to the victim, disruption of the school environment, or poses a threat to student or school safety.
 - b. “Petty acts of misconduct” means 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 to Law Enforcement. Delinquent acts and crimes shall be reported to law enforcement if, in the judgment of District staff, the act or the perpetrator might pose a threat to school or student safety.
4. Isolated Petty Acts of Misconduct. This policy does not require the reporting of petty acts of misconduct to law enforcement. In the interest of school and student safety, however, any uncertainty or doubt shall be resolved in favor of reporting.
5. Multiple Acts. If a student commits more than one petty act of misconduct or exhibits a pattern of behavior that poses a threat, the Threat Assessment Team must consult with law enforcement to determine if the student should be reported to law enforcement, referred for mental health services, or both.
6. Principals’ Responsibility. School principals shall be responsible for ensuring that all school personnel are properly informed of their responsibilities regarding incident reporting, and that acts that pose a threat to student or school safety are properly reported to the principal or principal’s designee and that the disposition of the incident is properly documented. School principals also 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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7. 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. The Superintendent also may refer such a student to mental health services where circumstances warrant.

8. 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. Any student found to have committed such an offense shall be expelled, placed in an alternative school or other program, as appropriate. Such a student may also be referred to mental health services, when warranted.
9. Discipline - Other Felonies. Students who are found to have committed the following felony 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. Chapter 782, relating to homicide;
 - b. Chapter 784, relating to assault, battery, and culpable negligence;
 - c. Chapter 787, relating to kidnapping, false imprisonment, luring or enticing a child, and custody offenses;

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- d. Chapter 794, relating to sexual battery;
- e. Chapter 800, relating to lewdness and indecent exposure;
- f. Chapter 827, relating to abuse of children;
- g. Section 812.13, relating to robbery;
- h. Section 812.131, relating to robbery by sudden snatching;
- i. Section 812.133, relating to carjacking;
- j. Section 812.315, relating to home-invasion robbery; or
- k. Possession, use or sale of any explosive device.

Regardless of where the offense was committed, when a student is adjudicated guilty or delinquent for, or is found to have committed (including pleas of guilty and no contendere, or if adjudication is withheld) a felony violation of one of the offenses listed in subsection (a) – (k), the District shall comply with the placement and other requirements of Florida Statute 1006.13(6)(b) – (d).

10. 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.

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11. 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.
12. 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.
13. Review. Student disciplinary action shall be subject to review in accordance with Florida Statutes and as provided in the Student Code of Conduct.
14. Alternatives. A Threat Assessment Team may use alternatives to expulsion or referral to law enforcement agencies to address behavior that poses a threat to school safety or disrupts the orderly school environment, including but not limited to alternative school, restitution, civil citation, teen court, neighborhood restorative justice, mental health services or similar programs.
15. Procedures and Guidelines. The Superintendent is authorized to adopt procedures and guidelines to implement this rule.

STATUTORY AUTHORITY:

1001.41, 1001.42, F.S.

LAWS IMPLEMENTED:

1006.13, F.S.

HISTORY:

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