

## 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 students 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 includes any act that does not pose a serious threat to school safety and does not require consultation with law enforcement, 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 to others or the school environment, 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 shall also ensure compliance with the requirements of School Board Rule 5.14 and Florida Department of Education Rule 6A-1.0017 for School Environmental Safety Incident Reporting (SESIR).

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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 from the student's regular school, with or without continuing educational services at an alternative school, for a period of not less than one full year and shall 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.

Before the expiration of an expulsion period, the Superintendent shall determine, based upon the determination of the threat management team, whether the expulsion period should be extended and, if the expulsion period is extended, what educational services will be provided. Recommendation to extend the expulsion period must be provided to the student and his or her parents in accordance with Florida Statute 1006.08(1).

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, a 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. Required Response - Other Felonies. The District shall comply with requirements of this paragraph when a student is adjudicated guilty of or

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delinquent for, or is found to have committed any of the felony offenses listed below, regardless of where the offense was committed and regardless of whether the student pleads guilty or nolo contendere, or if adjudication is withheld:

- 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;
  - 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.
10. Protecting Against Further Victimization. The 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.
- a. Any offender described in paragraph 9, who is not exempted as provided in Section 1006.13(6)(a), Florida Statutes, may 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 to attend another school within the District only if 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 school district school attend a school in that district if the offender is unable to attend any school in the St. Johns County School District.
  - b. If the offender is unable to attend any other school in the District and is prohibited from attending a school in another school district, the

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District where 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 the District to keep the offender separated from the victim must 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.

- c. The offender, or the parents or guardian of the offender if the offender is a juvenile, shall arrange and pay 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 or guardian of the offender may not be charged for existing modes of transportation that can be used by the offender at no additional cost to the District.
  - d. If, 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, and the Department of Juvenile Justice will notify the District of the adjudication or plea, 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 Section 985.455(2), Florida Statutes. Upon receipt of such notice, the District shall take the precautionary measures referred to above.
- 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,

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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.

**STATE BOARD OF EDUCATION RULES:** 6A-1.0017, 6A-1.0018, F.A.C.

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