

## **CHAPTER 5.00 - STUDENTS**

### **5.13 - Zero Tolerance for School Related Crimes**

#### **POLICY:**

- (1) It is essential that schools be safe and orderly to provide environments that foster learning and high academic achievement. Although education and prevention are the preferred means of achieving safe schools, there must be a clear statement of policy that violence in school will not be permitted.
- (2) Students found to have committed the following offenses on school property, school-sponsored transportation, or during a school-sponsored activity shall receive the most severe consequences provided for by School Board policy and/or the Code of Student Conduct:
  - (a) Homicide (murder, manslaughter);
  - (b) Sexual Battery;
  - (c) Armed Robbery;
  - (d) Aggravated Battery;
  - (e) Battery or Aggravated Battery on a Teacher or Other School Personnel;
  - (f) Kidnapping or Abduction;
  - (g) Arson;
  - (h) Possession, Use or Sale of Any Firearms; or
  - (i) Possession, Use or Sale of Any Explosive Device.
- (3) Prior to taking such action against any student, appropriate due process procedures shall be followed. If a student committing one of the offenses outlined in Subsection (2) of this rule is identified as disabled and participating in a program for exceptional students, then school personnel shall follow procedures in Rule 6A-6.0331, FAC. This provision shall not be construed to remove the School Board's or Superintendent's discretion in cases where mitigating circumstances may affect decisions on disciplinary action.
- (4) Appropriate school administrators may assign more severe consequences than normally authorized for violations of the Code of Student Conduct when the offender appears motivated by hostility toward the victim's real or perceived race, religion, color, sexual orientation, ethnicity, ancestry, national origin, political beliefs, marital status, age, social and family

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background, linguistic preference, or disability.

- (5) School officials shall ensure that local law enforcement authorities are notified as soon as possible when one of the offenses listed in Subsection (2) of this rule is committed on school property, on school-sponsored transportation, or during a school-sponsored activity. Additionally, if the offense involves a victim, school officials shall notify the victim and the victim's parents or legal guardian, if the victim is a minor, of the offense and of the victim's right to press charges against the offender. School personnel shall cooperate in any investigation or other proceedings leading to the victim's exercise of rights as provided by law.
- (6) Petty acts of misconduct and misdemeanors do not require reporting to law enforcement agencies. This includes but is 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.
- (7) The school principal shall monitor the administration of discipline of students to ensure that discipline is administered equitably without regard to real or perceived race, religion, color, sexual orientation, ethnicity, ancestry, national origin, political beliefs, marital status, age, social and family background, linguistic preference, or disability. Annually, the principal shall review school improvement plans to maintain a safe and healthy school environment that protects the civil rights of all students.
- (8) The authority of the teacher and other instructional personnel to discipline violent and disruptive students shall be consistent with the provisions of the Code of Ethics (Rule 6B-1.001, FAC) and the Principles of Professional Conduct of the Education Profession in Florida (Rule 6B-1.006, FAC) school district's Code of Student Conduct, and the schools' policies. Within these parameters, the teacher and other instructional personnel shall have the authority to undertake any of the following alternatives in managing student behavior and in ensuring the safety of all students in their classes and schools.
  - (a) Create and maintain positive learning environments in which students are actively engaged in learning, social interaction, and self-motivation;
  - (b) Establish classroom rules of conduct;
  - (c) Make reasonable efforts to protect the student from conditions harmful to learning, mental and physical health, and safety.
  - (d) Establish and implement consequences for infractions of classroom rules;
  - (e) Assist in enforcing the Code of Student Conduct and school rules on school property, on school-sponsored transportation, and during school-sponsored activities;

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- (f) Assist in educating students on their rights and responsibilities as contained in the Code of Student Conduct and school rules;
  - (g) As an early intervention, hold parent conferences to solicit support for positive behavior management;
  - (h) Utilize existing referral and assessment procedures to determine the violent and disruptive student's need for additional services and special programs;
  - (i) If the violent and disruptive student has been identified as having disabilities and is currently enrolled in an Exceptional Student Education (ESE) program, the teacher and other instructional personnel apply the provisions of Rule 6A-6.0331, FAC;
  - (j) Collaborate with school resource officers, student assistance personnel, and other student services personnel in identifying services for violent and disruptive students;
  - (k) Have violent and disruptive students temporarily removed from the classroom or area of supervision for behavior management intervention;
  - (l) Inform a student's parent or guardian within twenty-four (24) hours after the student is referred for violent or disruptive behavior;
  - (m) When necessary, use reasonable force to protect themselves, students, and other adults from violent or disruptive behavior; and
  - (n) Press charges as authorized in Florida Statutes, if a crime has been committed against the teacher or other instructional personnel on school property, on school-sponsored transportation, or during school-sponsored activities.
- (9) Teachers and other instructional personnel have responsibilities for the safety of students and others as described in Rules 6B-1.001 and 6B-1.006, FAC.
- (10) The following is available upon request by school personnel:
- (a) Information as to the disposition of their referrals to the administration for violation of classroom or school rules;
  - (b) Assistance in behavior management if student(s) becomes uncontrollable or in case of emergency; and
  - (c) Training and other assistance to improve skills in behavior management, violence prevention, conflict resolution, and related areas.

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- (11) Upon receipt of notification from law enforcement, the Department of Juvenile Justice, the Office of the State Attorney, or the court system that a public school student has had certain types of contact with the juvenile justice system, the Superintendent or designee, within twenty-four (24) hours of such notice, shall provide such information to student services personnel, school resource officers, the school student assistance coordinator (if applicable), and the student's immediate teachers. Immediate teachers are those in whose courses or classrooms the student in question is currently enrolled. The above notification is required if the public school student has:
- (a) Been taken into custody for a delinquent act, a violation of law which would be a felony if committed by an adult or a crime of violence;
  - (b) Been charged with a felony or a delinquent act that would be a felony if committed by an adult;
  - (c) Been adjudicated delinquent for an offense that would be a felony if committed by an adult;
  - (d) Had adjudication withheld for a delinquent act that would be a felony if committed by an adult; or
  - (e) Been found guilty of a felony.
- (12) The principal or director of an off-site program in which the student may be assigned shall assure that the information on that student does not become a part of the student's permanent record and is not shared with school personnel who do not have a need to know. In sharing the information, all school personnel shall adhere to confidentiality provisions continued in applicable state and federal laws and regulations.
- (13) The principal or other authorized school official may use a student's juvenile justice information, in conjunction with other relevant information, to review a student's current educational placement and need for services, and to protect the safety of other students and school personnel. Such placement decisions shall be made in accordance with School Board policies and state laws and regulations governing the placement alternative.
- (14) Following appropriate due process procedures, a student charged with a felony or delinquent act that would be a felony if committed by an adult whether it occurred on or off the school property, may be assigned to an alternative program or receive alternative educational services. Such assignment may be made upon the determination that the student is eligible according to federal or state program criteria, and:
- (a) The nature of the offense is such that the student poses a threat to the safety of other students or personnel at school;

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- (b) The student's safety is at risk by remaining in school with other students; or
  - (c) An alternative education placement will better meet the educational, emotional, and social needs of the students.
- (15) If a principal has reason to believe that a student may have a criminal record, the principal is authorized to request and receive information on the criminal history of a public school student from a local law enforcement agency.

**STATUTORY AUTHORITY:**

1001.41, 1001.42, F.S.

**LAWS IMPLEMENTED:**

120.57, 775.08, 784.081, 790.162,  
790.163, 985.04, 1001.42, 1001.43,  
1001.54, 1003.31, 1006.07, 1006.08,  
1006.09, 1006.13, 1006.14, F.S.

**STATE BOARD OF EDUCATION RULES:**

6A-6.0331

**HISTORY:**

Adopted: 06/17/97  
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