



# Florida Statutes/Rules for Student Discipline

Florida law specifies discipline for some offenses such as on-campus felonies, dress code violations, firearms and certain threats or false reports.

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# Florida Statutes/Rules on Student Discipline

- [S. 1003.01\(5\) and \(6\), F.S.](#), defines suspension, expulsion
- [S. 1003.31\(3\), F.S.](#), allows districts to expel a student found guilty of a felony (*see also* [Rule 6A-1.0956, F.A.C.](#))
- [S. 1006.07\(2\), F.S.](#), requires a Student Code of Conduct
- [S. 1006.08 \(1\), F.S.](#), requires superintendents to support principals, teachers and bus drivers to remove disruptive students and place in alternative educational setting
- [S. 1006.09 \(1\)\(a\), F.S.](#), requires principals to support teachers and bus drivers to remove disruptive students and place in alternative educational setting
- [S. 1006.13\(3\), F.S.](#), requires expulsion for a student who brings a firearm to school or makes certain threats/false reports
- [Rule 6A-6.03312, F.A.C.](#), outlines discipline procedures for students with disabilities

## Florida Statutes/Rules on Student Discipline

- S. 1006.07 (2)(d)2., F.S., District school board duties relating to student discipline and school safety
- Students violating dress policy are subject to the following disciplinary actions:
  - a. 1<sup>st</sup> offense – verbal warning and principal calls student’s parent/guardian
  - b. 2<sup>nd</sup> offense – student is ineligible to participate in extracurricular activity up to 5 days and principal meets with student’s parent/guardian
  - c. 3<sup>rd</sup> or subsequent offense – student shall receive an in-school suspension not to exceed 3 days, no extracurricular activity not to exceed 30 days, and principal shall call and send letter to student’s parent/guardian notifying of the discipline

# Florida Statutes/Rules on Student Discipline

S. 1006.13, F.S., Policy of zero tolerance for crime and victimization

(3) Zero-tolerance policies require expulsion, with or without continuing educational services, 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.

**No change to this subsection (3) in SB 7026**

## Zero Tolerance Preamble in s. 1006.13, F.S., enacted 2009

### **1006.13 Policy of zero tolerance for crime and victimization.—**

(1) It is the intent of the Legislature to promote a safe and supportive learning environment in schools, to protect students and staff from conduct that poses a serious threat to school safety, and to encourage schools to use alternatives to expulsion or referral to law enforcement agencies by addressing disruptive behavior through restitution, civil citation, teen court, neighborhood restorative justice, or similar programs. The Legislature finds that zero-tolerance policies are not intended to be rigorously applied to petty acts of misconduct and misdemeanors, including, but not limited to, minor fights or disturbances. The Legislature finds that zero-tolerance policies must apply equally to all students regardless of their economic status, race, or disability.

## Zero Tolerance Preamble changed in SB 7026

### **1006.13 Policy of zero tolerance for crime and victimization.—**

(1) **District school boards shall** promote a safe and supportive learning environment in schools by protecting students and staff from conduct that poses a serious threat to school safety. **A threat assessment team may** use alternatives to expulsion or referral to law enforcement agencies to address disruptive behavior through restitution, civil citation, teen court, neighborhood restorative justice, or similar programs. Zero-tolerance policies may not be rigorously applied to petty acts of misconduct and misdemeanors, including, but not limited to, minor fights or disturbances. Zero-tolerance policies must apply equally to all students regardless of their economic status, race, or disability.

## Other changes to Zero Tolerance statute in SB 7026

(2) Each district school board shall adopt a policy of zero tolerance that:

(f) Requires the threat assessment team to consult with law enforcement when a student exhibits a pattern of behavior, based upon previous acts or the severity of an act, that would pose a threat to school safety.

## Other changes to Zero Tolerance statute in SB 7026

(4)(c) Zero-tolerance policies do not require the reporting of petty acts of misconduct and misdemeanors to a law enforcement agency, including, but not limited to, disorderly conduct, simple assault or battery, affray, theft of less than \$300, trespassing, and vandalism of less than \$1,000. **However, if a student commits more than one misdemeanor, the threat assessment team must consult with law enforcement to determine if the act should be reported to law enforcement.**



## Other changes to Zero Tolerance statute in SB 7026

(8) **A threat assessment team may** (changed from “School districts are encouraged to”) use alternatives to expulsion or referral to law enforcement agencies unless the use of such alternatives will pose a threat to school safety.



## School Environmental Safety Incident Reporting (SESIR)

Data collected on 26 incidents of crime and violence that occur on school campus, school transportation or school-sponsored events, 365 days per year/24 hours per day.

## **SESIR incidents that must be reported to law enforcement**

- Battery
- Homicide
- Kidnapping
- Sexual Battery
- Weapons Possession

## SESIR incidents that are expected to include consultation law enforcement

- Alcohol
- Arson
- Breaking & Entering/Burglary
- Disruption on Campus
- Drug Sale/Distribution
- Drug Use/Possessions
- Hazing
- Physical Attack
- Robbery
- Larceny/Theft
- Sexual Assault
- Sexual Offenses (Other)
- Threat/Intimidation
- Trespassing
- Vandalism
- Other Major

## **SESIR incidents that may not need to include consultation with law enforcement**

- Bullying
- Fighting
- Harassment
- Sexual Harassment
- Tobacco



## **Student Discipline Subject to District Discretion**

The district's Code of Student Conduct generally covers rights and responsibilities, disciplinary actions and procedures, prohibitions and notices.

## Student Discipline Subject to District Discretion

S. 1003.31 (3), F.S., Students subject to control of school

(3) Nothing shall prohibit a district school board from having the right to expel, or to take disciplinary action against, a student who is found to have committed an offense on school property at any time if:

- (a) The student is found to have committed a delinquent act which would be a felony if committed by an adult;
- (b) The student has had adjudication withheld for a delinquent act which, if committed by an adult, would be a felony; or
- (c) The student has been found guilty of a felony.

## Student Discipline Subject to District Discretion

- Rule 6A-1.0956, F.A.C. – Suspension on the Basis of Felony Charges
  - When a student is charged with an off campus felony, shown to have an adverse impact on the educational program, discipline, or welfare in the school in which the student is enrolled, the principal shall conduct an administrative hearing to determine whether or not the student should be suspended (based on the court’s determination of guilt, innocence or the dismissal of the charge).
  - The principal must issue a decision in writing within 5 school days.



# Student Discipline Subject to District Discretion

S. 1006.07, F.S., District school board duties relating to student discipline and school safety

- School boards must adopt rules for the control and discipline of students
- School boards are to adopt a Code of Student Conduct to include:
  - Consistent policies and specific grounds for disciplinary action
  - Disciplinary procedures
  - Student rights and responsibilities
  - Specific prohibitions on drugs, firearms and violence against school officials



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# Student Discipline Overview

Florida law provides definitions for in-school suspension (ISS), out of school suspension (OSS) and expulsion.

## ISS vs. OSS

- **In-school suspension:** the temporary removal of a student from the student's regular school program and placement in an alternative program, such as that provided in s. [1003.53](#), under the supervision of district school board personnel, for a period not to exceed 10 school days.
- **Out of school suspension:** the temporary removal of a student from all classes of instruction on public school grounds and all other school-sponsored activities, except as authorized by the principal or the principal's designee, for a period not to exceed 10 school days and remanding of the student to the custody of the student's parent with specific homework assignments for the student to complete.

## Expulsion Process

- **Expulsion:** the removal of the right and obligation of a student to attend a public school under conditions set by the district school board, and for a period of time not to exceed the remainder of the term or school year and 1 additional year of attendance. Expulsions may be imposed with or without continuing educational services and shall be reported accordingly.

## Expulsion Process

- Superintendent must be immediately notified of a student's off-campus felony arrest (s. [985.101](#))
- The principal may recommend to the superintendent the expulsion of a student who has committed a serious breach of conduct (s. [1006.09\(1\)\(c\)](#))
- Such a recommendation requires a detailed report by the principal on alternative measures taken prior to the recommendation of expulsion (s. [1006.09\(1\)\(c\)](#))

## Expulsion Process, continued

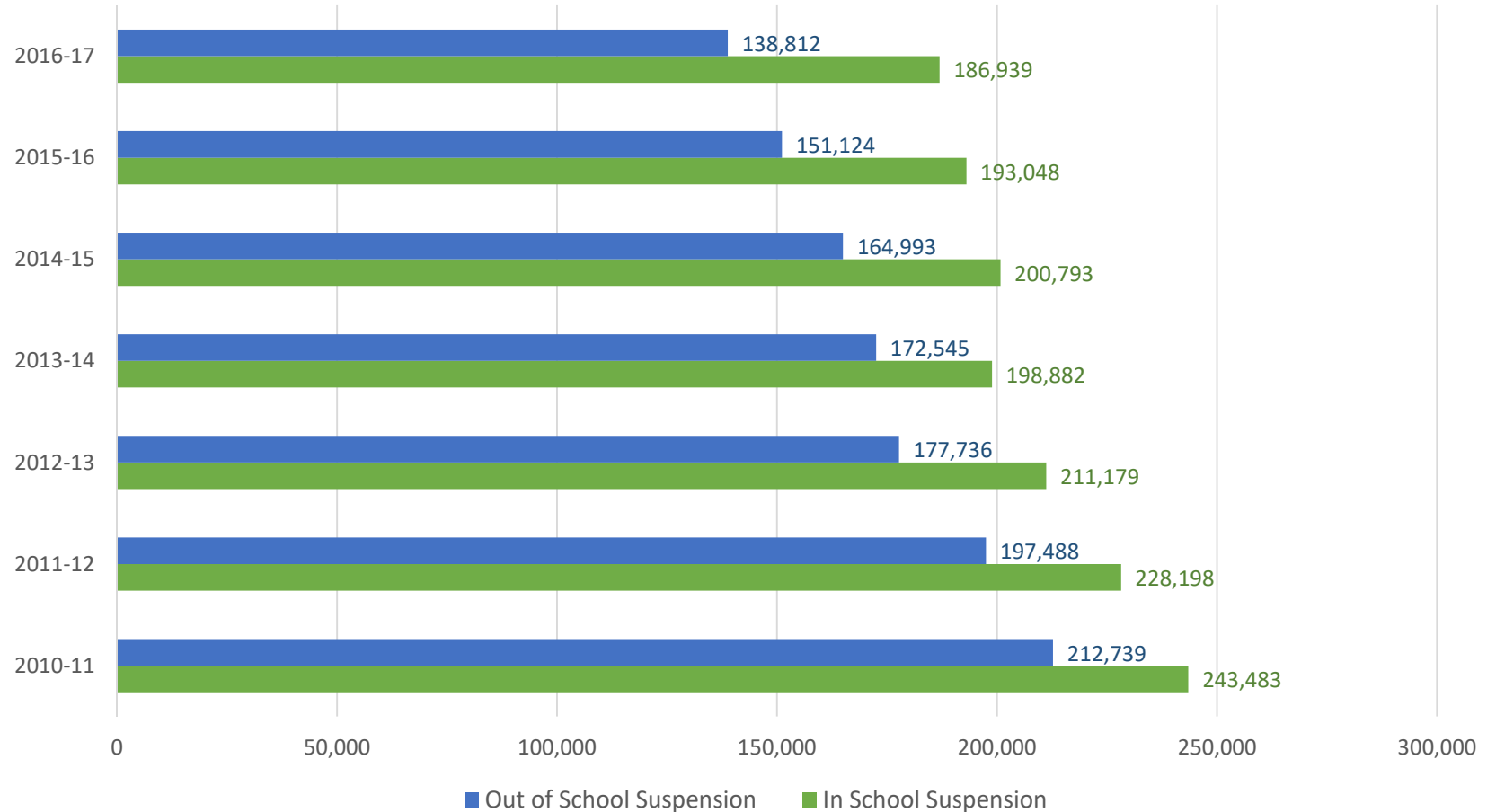
- The district school superintendent recommends a student for expulsion to the district school board (s. [1006.08\(1\)](#))
- When the recommendation for expulsion is pending, the superintendent may extend the suspension assigned by the principal beyond 10 school days (s. [1006.08\(1\)](#))
- Expulsion hearings shall be governed by ss. [120.569](#) and [120.57\(2\)](#) and are exempt from s. [286.011](#).



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# Statewide School Discipline and Arrest Data

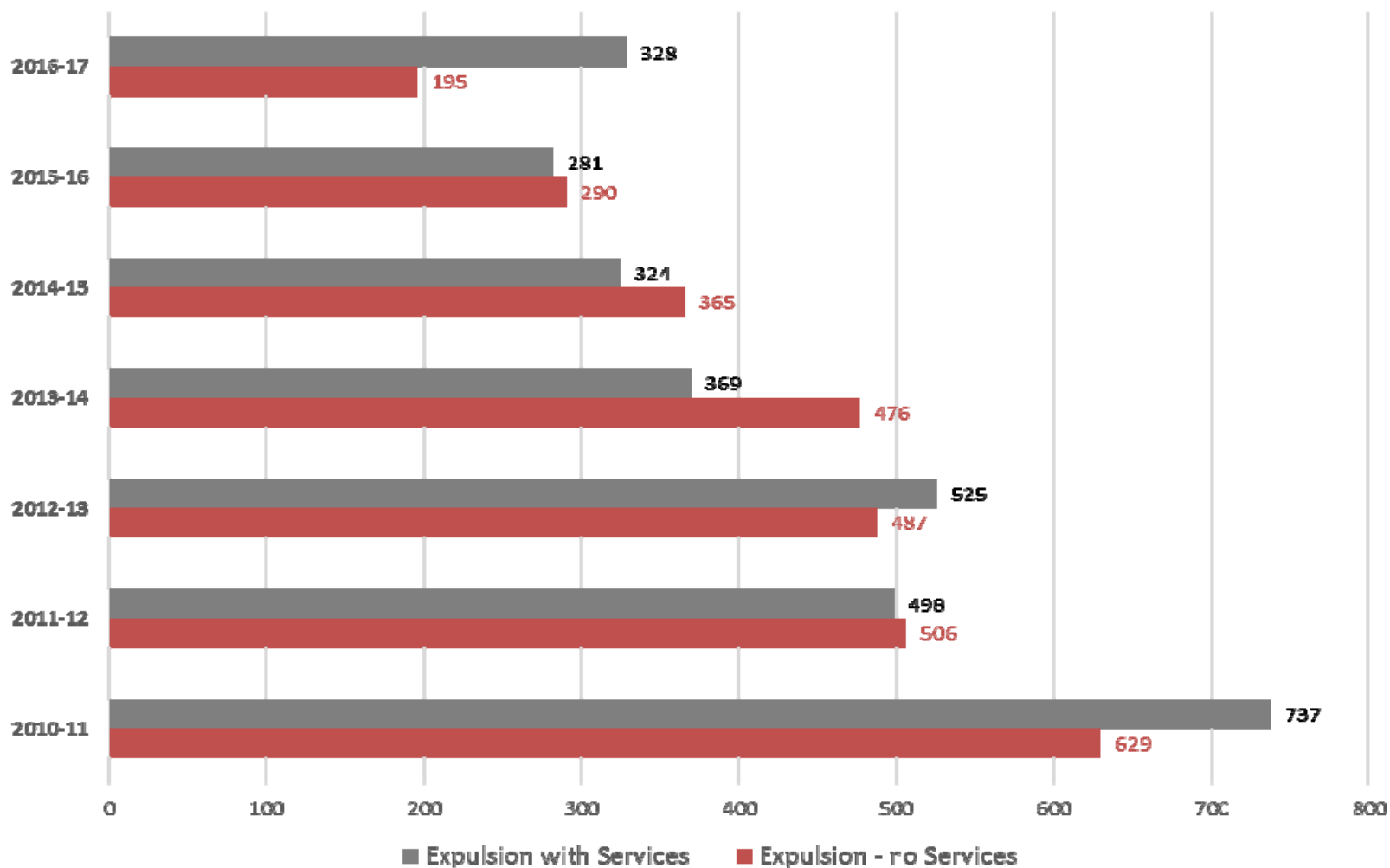
# Suspension Trends in Florida: 2010-2017



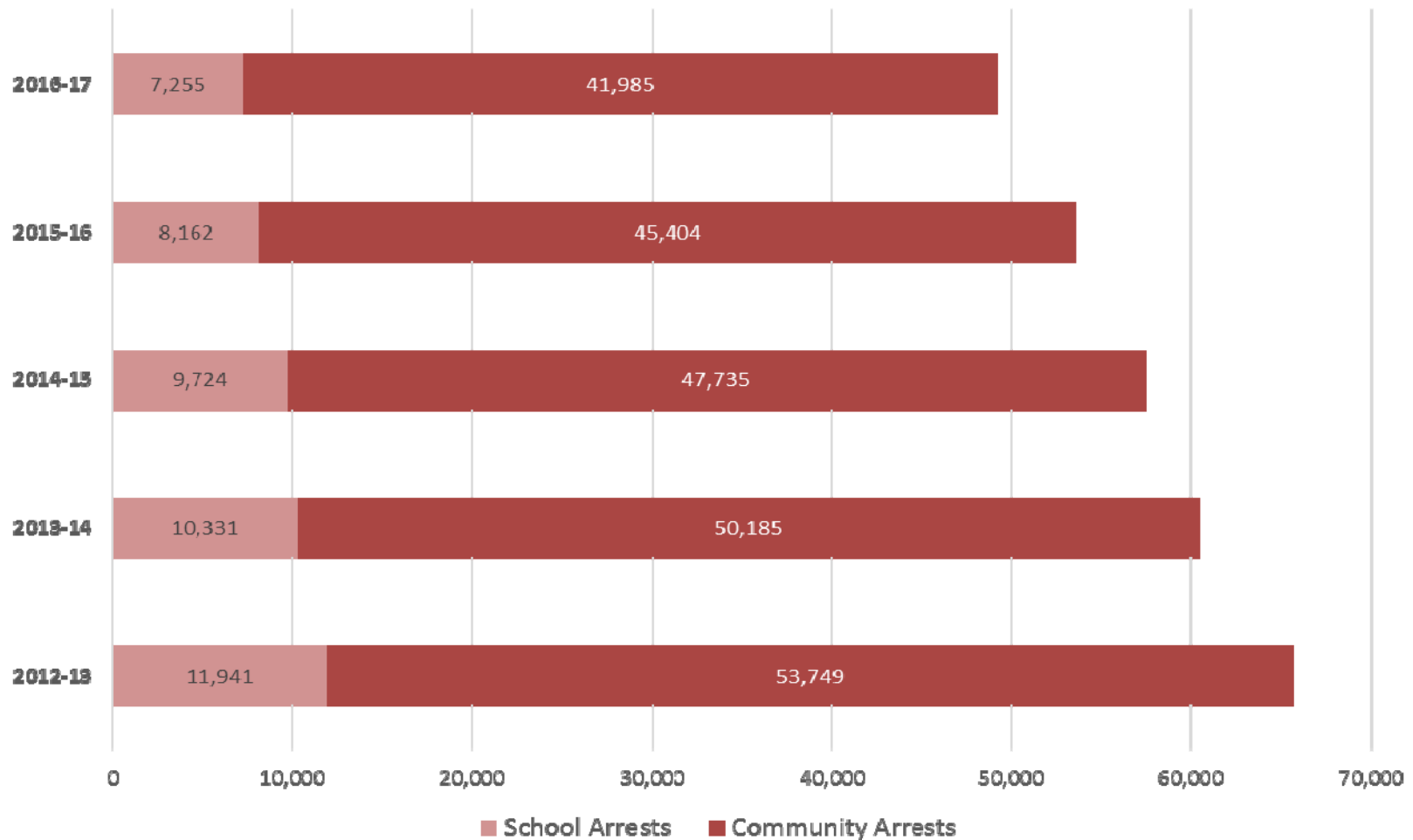
Source: <http://www.fldoe.org/accountability/data-sys/edu-info-accountability-services/pk-12-public-school-data-pubs-reports/students.stml>



# Expulsion Trends in Florida: 2010-2017



# Department of Juvenile Justice (DJJ) School & Community Arrest Data: 2012-2017



Source: <http://www.djj.state.fl.us/research/reports/reports-and-data/interactive-data-reports/delinquency-in-schools/school-delinquency-profile>

## How Some Districts Have Reduced OSS

- Additional social workers/school psychologists in high-need elementary schools
- Suspended students can opt for academic support and counseling
- District reviews serious disciplinary referrals
- Community system of care – referral for services
- Restorative practices
- Research-based interventions
- Following the guidance of NEA, AFT and Advancement Project
- OSS as a last resort
- Top-down prioritization of building relationships with students
- More Positive Behavioral Interventions and Supports (PBIS), more engaging lessons, less “down time”
- Behavior coaches

## Diversion in Schools

Programs and methods vary by district and may include:

- Teen/Youth Courts
- Mental Health Supports
- Civil Citations
- Restorative Justice Interventions
- Truancy Prevention/Intervention Programs
- Mentoring Programs
- Academic and Behavioral Supports
- Child Study Teams

<http://www.fldoe.org/schools/healthy-schools/definitions.stml>

## SESIR Codes & Definitions

The following SESIR definitions were developed to enable school districts to correctly code data used to report incidents that are against the law or represent serious breaches of the code of student conduct. This includes those incidents considered severe enough to require the involvement of a School Resource Officer (SRO) or incidents to be "Reported to Law Enforcement." The following definitions are not meant to match the Uniform Crime Report, nor are they intended to be an additional reporting system for law enforcement. When interpreting student behavior for SESIR reporting, consideration should be given to both developmental age-appropriate behavior and to those students with an Individual Educational Plan (IEP) or a 504 Plan.

### Key

\* Violent Incidents that must be reported in the data element "**Injury-Related**"

# Violent Incidents if they Result in Bodily Harm that must be reported in the data element "**Injury-Related**"

### Incidents that must be reported to SESIR and are expected to include consultation with Law Enforcement

- **Alcohol (ALC)** - Level IV  
(possession, use, or sale) Possession, sale, purchase, or use of alcoholic beverages. Use means the person is caught in the act of using, admits to use or is discovered to have used in the course of an investigation.
- **# Arson (ARS)** - Level I  
(intentionally setting a fire on school property) To damage or cause to be damaged, by fire or explosion, any dwelling, structure, or conveyance, whether occupied or not, or its contents.
- **\* Battery (BAT)** - Level I  
(physical attack/harm) The physical use of force or violence by an individual against another. The attack must be serious enough to warrant consulting law enforcement and result in more serious bodily injury. (To distinguish from Fighting, report an incident as Battery only when the force or violence is carried out against a person who is not fighting back.)
- **# Breaking and Entering/Burglary (BRK)** - Level II  
(illegal entry into a facility) Unlawful entry with force, or unauthorized presence in a building or other structure or conveyance with evidence of the intent to damage or remove property or harm a person(s).
- **# Disruption on Campus-Major (DOC)** - Level III  
(major disruption of all or a significant portion of campus activities, school-sponsored events, and school bus transportation) Disruptive behavior that poses a serious threat to the learning environment, health, safety, or welfare of others. Example: Bomb threat, inciting a riot, initiating a false fire alarm. (Do not use this code for students defying authority, disobeying or showing disrespect to others, using inappropriate language or gestures, or classroom disruption.)

- **Drug Sale/Distribution Excluding Alcohol (DRD) - Level II**  
(illegal sale or distribution of drugs) The manufacture, cultivation, sale, or distribution of any drug, narcotic, controlled substance or substance represented to be a drug, narcotic, or controlled substance.
- **Drug Use/Possession Excluding Alcohol (DRU) - Level III**  
(illegal drug possession or use) The use or possession of any drug, narcotic, controlled substance, or any substance when used for chemical intoxication. Use means the person is caught in the act of using, admits to use or is discovered to have used in the course of an investigation.
- **# Hazing (HAZ) - Level III**  
Any action or situation that endangers the mental or physical health or safety of a student at a school with any of grades 6 through 12 for purposes of initiation or admission into or affiliation with any school-sanctioned organization. "Hazing" includes, but is not limited to: (a) pressuring, coercing, or forcing a student to participate in illegal or dangerous behavior, or (b) any brutality of a physical nature, such as whipping, beating, branding, or exposure to the elements.
- **\* Homicide (HOM) - Level I**  
(murder, manslaughter) The unjustified killing of one human being by another.
- **\* Kidnapping (KID) - Level I**  
(abduction of an individual) Forcibly, or by threat, confining, abducting, or imprisoning another person against his/her will and without lawful authority.
- **# Physical Attack (PHA) - Level II**  
Physical attack refers to an actual and intentional striking of another person against his/her will, or the intentional causing of bodily harm to an individual.
- **# Robbery (ROB) - Level II**  
(using force to take something from another) The taking or attempted taking of anything of value that is owned by another person or organization, under the confrontational circumstances of force, or threat of force or violence, and/or by putting the victim in fear.
- **Larceny/Theft (STL) - Level III**  
(taking of property from a person, building, or a vehicle) The unauthorized taking, carrying, riding away with, or concealing the property of another person, including motor vehicles, without threat, violence, or bodily harm. (The item(s) value must be \$300 or more to report in SESIR.)
- **Sexual Assault (SXA) - Level II**  
An incident that includes a threat of: rape, fondling, indecent liberties, child molestation, or sodomy. Both male and female students can be victims of sexual assault. The threat must include all of the following elements: 1) intent; 2) fear; and 3) capability.
- **\* Sexual Battery (SXB) - Level I**  
(attempted or actual) Forced or attempted oral, anal, or vaginal penetration by using a sexual organ or

an object simulating a sexual organ, or the anal or vaginal penetration of another by any body part or object.

- **Sexual Offenses (Other) (SXO) - Level III**  
(lewdness, indecent exposure) Other sexual contact, including intercourse, without force or threat of force. Subjecting an individual to lewd sexual gestures, sexual activity, or exposing private body parts in a lewd manner. (Law enforcement must be notified to investigate.)
- **Threat/Intimidation (TRE) - Level III**  
(instilling fear in others) A threat to cause physical harm to another person with or without the use of a weapon that includes all of the following elements: 1) intent - an intention that the threat is heard or seen by the person who is the object of the threat; 2) fear - a reasonable fear or apprehension by the person who is the object of the threat that the threat could be carried out; and 3) capability - the ability of the offender to actually carry out the threat directly or by a weapon or other instrument that can easily be obtained.
- **Trespassing (TRS) - Level II**  
(illegal entry onto campus) To enter or remain on school grounds/campus, school transportation, or at a school-sponsored event/off campus, without authorization or invitation and with no lawful purpose for entry.
- **Vandalism (VAN) - Level III**  
(destruction, damage, or defacement of school or personal property) The intentional destruction, damage, or defacement of public or private/personal property without consent of the owner or the person having custody or control of it. (Damage must be \$1000 or more to report in SESIR.)
- **Weapons Possession (WPO) - Level II**  
(possession of firearms and other instruments which can cause harm) Possession of any instrument or object, as defined by [Section 790.001, Florida Statutes](#), or district code of conduct that can inflict serious harm on another person or that can place a person in reasonable fear of serious harm. (Possession of a common pocketknife is exempted from state zero tolerance expulsion requirement [1006.07\(2\) F.S.](#); however, law enforcement should be notified of any weapon or knife, including pocketknives, for investigation.)
- **# Other Major (OMC) - Level III**  
(major incidents that do not fit within the other definitions) Any serious, harmful incident resulting in the need for law enforcement intervention not previously classified. Examples: Student producing or knowingly using counterfeit money, participating in gambling activities, possessing child pornography, or possessing drug paraphernalia.

#### **Incidents that must be reported to SESIR, but may not need to include consultation with Law Enforcement**

- **# Bullying (BUL) - Level IV**  
(intimidating behaviors) Systematically and chronically inflicting physical hurt or psychological distress

on one or more students or employees that is severe or pervasive enough to create an intimidating, hostile, or offensive environment; or unreasonably interfere with the individual's school performance or participation.

- **# Fighting (FIT)** - Level III  
(mutual combat, mutual altercation) When two or more persons mutually participate in use of force or physical violence that requires either 1) physical restraint or 2) results in injury requiring first aid or medical attention. (Do not report to SESIR lower level fights such as pushing, shoving, or altercations that stop upon verbal command. Use local codes.)
- **# Harassment (HAR)** - Level IV  
(insulting behaviors) Any threatening, insulting, or dehumanizing gesture, use of data or computer software, or written, verbal, or physical conduct that 1) places a student or school employee in reasonable fear of harm to his or her person or damage to his or her property, 2) has the effect of substantially interfering with a student's educational performance, opportunities, or benefits, or 3) has the effect of substantially disrupting the orderly operation of a school including any course of conduct directed at a specific person that causes substantial emotional distress in such a person and serves no legitimate purpose.
- **# Sexual Harassment (SXH)** - Level III  
(undesired sexual behavior) Unwanted verbal or physical behavior with sexual connotations by an adult or student that is severe or pervasive enough to create an intimidating, hostile or offensive educational environment, cause discomfort or humiliation or unreasonably interfere with the individual's school performance or participation ([6A-19.008\(1\) SBE Rule](#)) (Word). An incident when one person demands a sexual favor from another under the threat of physical harm or adverse consequence.
- **Tobacco (TBC)** - Level IV  
(cigarettes or other forms of tobacco) The possession, use, distribution, or sale of tobacco *or nicotine* products on school grounds, at school-sponsored events, or on school transportation by any person under the age of 18.

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