

## CHAPTER 5.00 – STUDENTS

### ZERO TOLERANCE FOR SCHOOL RELATED CRIMES

5.32\*

- I. It is essential that schools be safe and orderly to provide environments that foster learning and high academic achievement. The District shall strive to protect students, staff, visitors and volunteers from harm and to protect victims of crime from further victimization. This policy applies to conduct on school district property, school or district provided transportation and at any school or district sponsored activity. This policy implements the zero-tolerance policy as outlined in Florida Statutes.
- II. In a disciplinary action, there is a rebuttable presumption that the actions of a student who intervened for the defense of others or in the student's own self-defense, was using only the amount of force necessary, to stop a violent act against a student, staff, or volunteer that was necessary to restore or maintain the safety of others.
- III. Acts that pose a threat to school safety are those acts that endanger the life or safety of a student, staff member or other person on campus or at a school or District sponsored activity. In accordance with Florida Statute 1006.09(2) students formally charged with the following offenses on school property, on school-sponsored transportation, during a school- sponsored activity, or off campus in a manner that has an adverse impact on the educational program, discipline, or welfare of that student's school shall, be first suspended, then upon finding by the Court that the act was committed, be brought before the Board for expulsion:
  - A. Homicide (murder, manslaughter);
  - B. Sexual battery;
  - C. Armed robbery;
  - D. Aggravated battery;
  - E. Assault, battery or aggravated battery on a teacher, other school personnel or an official;
  - F. Kidnapping or abduction;
  - G. Arson;
  - H. Making a threat or false report as defined in 790.162, F.S., 790.163, 836.10 F.S., or 837.05 F.S. F.S. involving property of the school or school personnel, school transportation or a school sponsored activity;
  - I. Possession, use, or sale of any firearm, weapon or other prohibited articles,
  - J. Possession, use or sale of any explosive device;

## CHAPTER 5.00 – STUDENTS

- K. Possession, use, or sale of controlled substances; or
- L. Any student who either verbally, in writing, by drawing, or by electronic transmission, conveys, symbolizes, and/or depicts an act of violence on a student or staff member will be considered for a ten (10) day off campus suspension and may result in a recommendation for expulsion.

The expulsion limit is a mandatory minimum one (1) full year (365 days).

In accordance with FS 1006.09 (2) students formally charged with other offenses not itemized above may also be suspended and then upon a finding by the Court that the child committed the act brought before the Board for expulsion.

- IV. Prior to taking such action against any student, the School Board shall ensure that appropriate due process procedures are followed. If a student committing one of the offenses outlined in subsection II of this rule is identified as disabled and is participating in a program for exceptional students, then school personnel shall follow procedures in State Board of Education rules. This provision shall not be construed to remove a School Board's discretion in cases where mitigating circumstances may affect decisions on disciplinary action.
- V. The School Board 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 membership in a protected classification recognized by state or federal law, including to real or perceived race, religion, color, sex, sexual orientation, gender, ethnicity, ancestry, national origin, political beliefs, marital status, age, social and family background, linguistic preference, or disability.
- VI. Acts that are considered petty misconduct may disrupt the educational process but do not endanger the life or safety of an individual. Such acts include but are not limited to:
  - A. Cellular telephone violation;
  - B. Defiance of authority;
  - C. Disruption, minor;
  - D. Dress code violation;
  - E. Eating or drinking on the bus;
  - F. Forgery;
  - G. Horseplay;
  - H. Leaving campus without permission;
  - I. Lying or misrepresentation;

## CHAPTER 5.00 – STUDENTS

- J. Profanity;
  - K. Vehicle parking violation.
- VII. The District shall establish agreements with the county sheriff's office and local police department(s) that provide for reporting conduct that threatens school safety and obtaining assistance from the appropriate law enforcement agency.
- VIII. Local law enforcement authorities shall be notified immediately when one of the offenses listed in subsection II. is committed on school property, on school-sponsored transportation, during a school-sponsored activity, or off campus in a manner that has an adverse impact on the education program, discipline, or welfare of the school. Additionally, a threat assessment team shall consult with law enforcement whenever 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. 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 rights 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 and shall take steps to protect the victim of a violent crime from experiencing further victimization.
- IX. The school principal shall monitor the administration of discipline of students to ensure that discipline is administered equitably without regard membership in a protected classification recognized by state or federal law, including to real or perceived race, religion, color, sex, sexual orientation, gender ethnicity, ancestry, national origin, political beliefs, marital status, age, social and family background, linguistic preference, or disability. Annually, the principal shall review school discipline data with the school advisory council in developing school improvement plans to maintain a safe, orderly, and healthy school environment that protects the civil rights of all students.
- X. A student or his/her parent may request a review by the Superintendent of any disciplinary action taken by the District. Such request must be submitted in writing to the Superintendent within ten (10) days of the imposition of disciplinary action.
- XI. A student may be assigned to a disciplinary program or second chance school for the purpose of continuing educational services during the period of expulsion.

### 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, 1006.14, 1006.135, F.S.

### STATE BOARD OF EDUCATION RULES:

6A-6.0331

### HISTORY:

ADOPTED: 08/21/01  
SARASOTA 5.32\*

**CHAPTER 5.00 – STUDENTS**

**REVISION DATE(S): 09/01/09, 05/17/11, 05/07/19, 08/06/19, 10/03/23, 12/24**  
**FORMERLY: 7.309, 7.310, 7.316**

**NOTES:**

**Refer to: District Disciplinary Procedures Manual**