

Related Entries: (Not identified at this time)

### Zero Tolerance for School-Related Crimes

The School Board of Lee County is committed to providing safe environments at all District facilities that foster learning and high academic achievement. This policy implements the State Board of Education's zero tolerance policy as outlined in State Board Rules and Florida Statutes.

- (1) Commission of one or more of the following offenses on school property, school-sponsored transportation or during a school-sponsored activity is considered a serious threat to school safety and shall be reported to law enforcement:
  - (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 firearm
  - (i) Possession, use or sale of any explosive device
  - (j) Possession, use, or sale of controlled substances
  - (k) Making a threat or false report concerning use of any explosive material or device
  - (l) Written threats to kill, do bodily injury, conduct a mass shooting or an act of terrorism.
- (2) Students who are found to have committed one or more of the following shall be recommended for expulsion or alternatives to expulsion as determined by the particular circumstances of the misconduct:
  - (a) Bringing a firearm or weapon, as defined in Chapter 790, Florida Statute, to school, to any school function, or onto any school-sponsored transportation of possessing a firearm at school.

49  
50 Making a threat or false report, as defined by Sections 790.162 and 790.163, Florida  
51 Statutes, involving school or school personnel's property, school transportation or a  
52 school-sponsored activity.

53  
54 The Board may assign the student to a disciplinary program for the purpose of continuing  
55 educational services during the period of expulsion. The Superintendent may consider the  
56 1 year expulsion requirement on a case-by-case basis and request the district School Board  
57 to modify the requirement by assigning the student to a disciplinary program or second  
58 chance school if the request for modification is in writing and it is determined to be in the  
59 best interest of the student and the School district Board. If a student committing any of the  
60 offenses in this subsection is a student who has a disability, the School Board shall comply  
61 with applicable State Board of Education rules.

62  
63 (3) Student who are found have committed an assault or battery on officials identified in  
64 Florida Statue 784.081 (1), (2), or (3) shall be expelled or placed in an alternative  
65 school setting or other program, as appropriate. Upon being charged with the  
66 offense, the student shall be removed from the classroom immediately and placed in  
67 an alternative school setting pending disposition.

68  
69 (4) Petty acts of misconduct and misdemeanors do not require reports to a law  
70 enforcement agency, these include, but not limited to:

71  
72 (a) Disorderly conduct

73  
74 (b) Simple assault or battery

75  
76 (c) Affray

77  
78 (d) Theft of less than \$300

79  
80 (e) Trespassing

81  
82 (f) Vandalism of less than \$1,000

83  
84 (5) If a student commits more than one misdemeanor, the School Threat Assessment  
85 Team must consult with the school resource officer to determine if the act should be  
86 reported to law enforcement.

87  
88 (6) Prior to taking such action against any student, the School Board shall ensure that  
89 appropriate due process procedures are followed. If a student committing one of the  
90 offenses outlined in paragraph (1) of this rule is identified as disabled and participating  
91 in a program for exceptional students, then school personnel shall follow procedures  
92 in State Board of Education Rules. This provision shall not be construed to remove a  
93 School Board's discretion in cases where mitigating circumstances may affect  
94 decisions on disciplinary action.

95

- 96 (7) Local law enforcement authorities shall be notified immediately when one of the  
97 offenses listed above is committed on school property, on school-sponsored  
98 transportation, or during a school-sponsored activity. Additionally, if the offense  
99 involves a victim, school officials shall notify the victim and the victim's parent(s) or  
100 legal guardian if the victim is a minor, of the offense and of the victim's rights to press  
101 charges against the offender. School personnel shall cooperate in any investigation  
102 or other proceedings leading to the victim's exercise of rights as provided by law.  
103
- 104 (8) A Threat Assessment Team may use alternatives to expulsion or referral to law  
105 enforcement agencies to address disruptive behavior through restitution, civil citation,  
106 teen court, neighborhood restorative justice, or similar programs unless the use of  
107 such alternatives will pose a threat to school safety.  
108
- 109 (9) When a student commits a felony offense or a misdemeanor offense that is  
110 considered a serious threat to school safety the incident shall be reported to law  
111 enforcement.  
112
- 113 (10) The Threat Assessment Team will consult with law enforcement when a student  
114 exhibits a pattern of behavior, based upon previous acts or the severity of an act that  
115 would pose a threat to school safety. If a student commits more than one  
116 misdemeanor, the Threat Assessment Team must consult with law enforcement to  
117 determine if the act should be reported to law enforcement.  
118
- 119 (11) Other offenses determined by the school administration, especially those specified in  
120 the Code of Conduct for Students and repeated offenses after which diversionary  
121 measures were attempted may result in reporting to law enforcement.  
122
- 123 (12) The School Board may assign more severe consequences than normally authorized  
124 for violations of the Student Code of Conduct when the offender appears motivated  
125 by hostility toward the victim's real or perceived race, religion, color, sexual  
126 orientation, ethnicity, ancestry, national origin, political beliefs, marital status, age,  
127 social and family background, linguistic preference, disability or other discriminatory  
128 reasons.  
129
- 130 (13) Offenses other than those listed in paragraphs (1) and (4) above are considered petty  
131 acts of misconduct and are not required to be reported to law enforcement officials  
132 per §1006.13(4)(c), F.S.  
133
- 134 (14) The school principal shall monitor the administration of discipline of students to  
135 ensure that discipline is administered equitably without regard to real or perceived  
136 race, religion, color, sexual orientation, ethnicity, ancestry, national origin, political  
137 beliefs, marital status, age, social and family background, linguistic preference, or  
138 disability. Annually, the principal shall review school discipline data with the School  
139 Advisory Council in developing School Improvement Plans to maintain a safe and  
140 healthy school environment that protects the civil rights of all students.  
141

142 (15) When a student is convicted or pleads no contest to certain violent crimes, the  
143 offender must be separated from the victim and siblings of the victim, upon  
144 notification from the Department of Juvenile Justice.

145

146

147 **STATUTORY AUTHORITY:** 120.57(1), 1001.41, 1001.42, 1001.43, 1003.31, 1006.07,  
148 1006.08, 1006.09, 1006.13, 1006.147, F.S. and SBER 6A-  
149 6.03311, 6A-1.0404

150

151 Adopted: 10/19/10

152 Revised: 7/15/19

153 Affirmed: 9/10/19