

# 1006.07 - District school board duties relating to student discipline and school safety

Effective July 1, 2023 (Last updated 2023)

As part of the Marjory Stoneman Douglas High School Public Safety Act this law was amended to include additional responsibilities regarding student safety requirements. Specifically states that charters are not exempt from statutes regarding student safety.

[http://www.leg.state.fl.us/Statutes/index.cfm?App\\_mode=Display\\_Statute&Search\\_String=&URL=1000-1099/1003/Sections/1003.03.html](http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&Search_String=&URL=1000-1099/1003/Sections/1003.03.html)

## 1006.07 District school board duties relating to student discipline and school safety.—

The district school board shall provide for the proper accounting for all students, for the attendance and control of students at school, and for proper attention to health, safety, and other matters relating to the welfare of students, including:

### (1) CONTROL OF STUDENTS.—

(a) Adopt rules for the control, discipline, in-school suspension, suspension, and expulsion of students and decide all cases recommended for expulsion. Suspension hearings are exempted from the provisions of chapter 120. Expulsion hearings shall be governed by ss. 120.569 and 120.57(2) and are exempt from s. 286.011. However, the student's parent must be given notice of the provisions of s. 286.011 and may elect to have the hearing held in compliance with that section. The district school board may prohibit the use of corporal punishment, if the district school board adopts or has adopted a written program of alternative control or discipline.

(b) Require each student at the time of initial registration for school in the school district to note previous school expulsions, arrests resulting in a charge, juvenile justice actions, and any corresponding referral to mental health services by the school district, and have the authority as the district school board of a receiving school district to honor the final order of expulsion or dismissal of a student by any in-state or out-of-state public district school board or private school, or lab school, for an act which would have been grounds for expulsion according to the receiving district school board's code of student conduct, in accordance with the following procedures:

1. A final order of expulsion shall be recorded in the records of the receiving school district.
2. The expelled student applying for admission to the receiving school district shall be advised of the final order of expulsion.
3. The district school superintendent of the receiving school district may recommend to the district school board that the final order of expulsion be waived and the student be admitted to the school district, or that the final order of expulsion be honored and the student not be admitted to the school

district. If the student is admitted by the district school board, with or without the recommendation of the district school superintendent, the student may be placed in an appropriate educational program and referred to mental health services identified by the school district pursuant to s. 1012.584(4), when appropriate, at the direction of the district school board.

## **(2) CODE OF STUDENT CONDUCT.—**

Adopt a code of student conduct for elementary schools and a code of student conduct for middle and high schools and distribute the appropriate code to all teachers, school personnel, students, and parents, at the beginning of every school year. Each code shall be organized and written in language that is understandable to students and parents and shall be discussed at the beginning of every school year in student classes, school advisory council meetings, and parent and teacher association or organization meetings. Each code shall be based on the rules governing student conduct and discipline adopted by the district school board and shall be made available in the student handbook or similar publication. Each code shall include, but is not limited to:

(a) Consistent policies and specific grounds for disciplinary action, including in-school suspension, out-of-school suspension, expulsion, and any disciplinary action that may be imposed for the possession or use of alcohol on school property or while attending a school function or for the illegal use, sale, or possession of controlled substances as defined in chapter 893.

(b) Procedures to be followed for acts requiring discipline, including corporal punishment.

(c) An explanation of the responsibilities and rights of students with regard to attendance, respect for persons and property, knowledge and observation of rules of conduct, the right to learn, free speech and student publications, assembly, privacy, and participation in school programs and activities.

(d)

1. An explanation of the responsibilities of each student with regard to appropriate dress, respect for self and others, and the role that appropriate dress and respect for self and others has on an orderly learning environment. Each district school board shall adopt a dress code policy that prohibits a student, while on the grounds of a public school during the regular school day, from wearing clothing that exposes underwear or body parts in an indecent or vulgar manner or that disrupts the orderly learning environment.

2. Any student who violates the dress policy described in subparagraph 1. is subject to the following disciplinary actions:

a. For a first offense, a student shall be given a verbal warning and the school principal shall call the student's parent or guardian.

b. For a second offense, the student is ineligible to participate in any extracurricular activity for a period of time not to exceed 5 days and the school principal shall meet with the student's parent or guardian.

c. For a third or subsequent offense, a student shall receive an in-school suspension pursuant to s. 1003.01(13) for a period not to exceed 3 days, the student is ineligible to participate in any extracurricular activity for a period not to exceed 30 days, and the school principal shall call the student's parent or guardian and send the parent or guardian a written letter regarding the student's in-school suspension and ineligibility to participate in extracurricular activities.

(e) Notice that illegal use, possession, or sale of controlled substances, as defined in chapter 893, by any student while the student is upon school property or in attendance at a school function is grounds for disciplinary action by the school and may also result in criminal penalties being imposed.

(f) Notice that use of a wireless communications device includes the possibility of the imposition of disciplinary action by the school or criminal penalties if the device is used in a criminal act. A student may possess a wireless communications device while the student is on school property or in attendance at a school function; however, a student may not use a wireless communications device during instructional time, except when expressly directed by a teacher solely for educational purposes. A teacher shall designate an area for wireless communications devices during instructional time. Each district school board shall adopt rules governing the use of a wireless communications device by a student while the student is on school property or in attendance at a school function.

(g) Notice that the possession of a firearm or weapon as defined in chapter 790 by any student while the student is on school property or in attendance at a school function is grounds for disciplinary action and may also result in criminal prosecution. Simulating a firearm or weapon while playing or wearing clothing or accessories that depict a firearm or weapon or express an opinion regarding a right guaranteed by the Second Amendment to the United States Constitution is not grounds for disciplinary action or referral to the criminal justice or juvenile justice system under this section or s. 1006.13. Simulating a firearm or weapon while playing includes, but is not limited to:

1. Brandishing a partially consumed pastry or other food item to simulate a firearm or weapon.
2. Possessing a toy firearm or weapon that is 2 inches or less in overall length.
3. Possessing a toy firearm or weapon made of plastic snap-together building blocks.
4. Using a finger or hand to simulate a firearm or weapon.
5. Vocalizing an imaginary firearm or weapon.
6. Drawing a picture, or possessing an image, of a firearm or weapon.
7. Using a pencil, pen, or other writing or drawing utensil to simulate a firearm or weapon.

However, a student may be subject to disciplinary action if simulating a firearm or weapon while playing substantially disrupts student learning, causes bodily harm to another person, or places another person in reasonable fear of bodily harm. The severity of consequences imposed upon a student, including referral to the criminal justice or juvenile justice system, must be proportionate to the severity of the infraction and consistent with district school board policies for similar infractions. If a student is disciplined for such conduct, the school principal or his or her designee must call the student's parent. Disciplinary action resulting from a student's clothing or accessories shall be determined pursuant to paragraph (d) unless the wearing of the clothing or accessory causes a substantial disruption to student learning, in which case the infraction may be addressed in a manner that is consistent with district school board policies for similar infractions. This paragraph does not prohibit a public school from adopting a school uniform policy.

(h) Notice that violence against any district school board personnel by a student is grounds for in-school suspension, out-of-school suspension, expulsion, or imposition of other disciplinary action by the school and may also result in criminal penalties being imposed.

(i) Notice that violation of district school board transportation policies, including disruptive behavior on a school bus or at a school bus stop, by a student is grounds for suspension of the student's privilege of riding on a school bus and may be grounds for disciplinary action by the school and may also result in criminal penalties being imposed.

(j) Notice that violation of the district school board's sexual harassment policy by a student is grounds for in-school suspension, out-of-school suspension, expulsion, or imposition of other disciplinary action by the school and may also result in criminal penalties being imposed.

(k) Policies to be followed for the assignment of violent or disruptive students to an alternative educational program or referral of such students to mental health services identified by the school district pursuant to s. 1012.584(4).

(l) Notice that any student who is determined to have brought a firearm or weapon, as defined in chapter 790, to school, to any school function, or onto any school-sponsored transportation, or to have possessed a firearm at school, will be expelled, with or without continuing educational services, from the student's regular school for a period of not less than 1 full year and referred to mental health services identified by the school district pursuant to s. 1012.584(4) and the criminal justice or juvenile justice system. District school boards may assign the student to a disciplinary program or second chance school for the purpose of continuing educational services during the period of expulsion. District school superintendents may consider the 1-year expulsion requirement on a case-by-case basis and request the district 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.

(m) Notice that any student who is determined to have made 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 will be expelled, with or without continuing educational services, from the student's regular school for a period of not less than 1 full year and referred for criminal prosecution and mental health services identified by the school district pursuant to s. 1012.584(4) for evaluation or treatment, when appropriate. District school boards may assign the student to a disciplinary program or second chance school for the purpose of continuing educational services during the period of expulsion. District school superintendents may consider the 1-year expulsion requirement on a case-by-case basis and request the district school board to modify the requirement by assigning the student to a disciplinary program or second chance school if it is determined to be in the best interest of the student and the school system.

(n) Criteria for recommending to law enforcement that a student who commits a criminal offense be allowed to participate in a civil citation or similar prearrest diversion program as an alternative to expulsion or arrest. All civil citation or similar prearrest diversion programs must comply with s. 985.12.

(o) Criteria for assigning a student who commits a petty act of misconduct, as defined by the district school board pursuant to s. 1006.13(2)(c), to a school-based intervention program. If a student's assignment is based on a noncriminal offense, the student's participation in a school-based intervention program may not be entered into the Juvenile Justice Information System Prevention Web.

### **(3) STUDENT CRIME WATCH PROGRAM.—**

By resolution of the district school board, implement a student crime watch program to promote responsibility among students and improve school safety. The student crime watch program shall allow students and the community to anonymously relay information concerning unsafe and potentially harmful, dangerous, violent, or criminal activities, or the threat of these activities, to appropriate public safety agencies and school officials.

### **(4) EMERGENCY DRILLS; EMERGENCY PROCEDURES.—**

(a) Formulate and prescribe policies and procedures, in consultation with the appropriate public safety agencies, for emergency drills and for actual emergencies, including, but not limited to, fires, natural disasters, active assailant and hostage situations, and bomb threats, for all students and faculty at all public schools of the district composed of grades K-12, pursuant to State Board of Education rules. Drills for active assailant and hostage situations must be conducted in accordance with developmentally appropriate and age-appropriate procedures, as specified in State Board of Education rules. Law enforcement officers responsible for responding to the school in the event of an active assailant emergency, as determined necessary by the sheriff in coordination with the district's school safety specialist, must be physically present on campus and directly involved in the execution of active assailant emergency drills. School districts must notify law enforcement officers at least 24 hours before conducting

an active assailant emergency drill at which such law enforcement officers are expected to attend. District school board policies must include commonly used alarm system responses for specific types of emergencies and verification by each school that drills have been provided as required by law, State Board of Education rules, and fire protection codes and may provide accommodations for drills conducted by exceptional student education centers. District school boards shall establish emergency response and emergency preparedness policies and procedures that include, but are not limited to, identifying the individuals responsible for contacting the primary emergency response agency and the emergency response agency responsible for notifying the school district for each type of emergency. The State Board of Education shall refer to recommendations provided in reports published pursuant to s. 943.687 for guidance and, by August 1, 2023, consult with state and local constituencies to adopt rules applicable to the requirements of this subsection which, at a minimum, define the terms “emergency drill,” “active threat,” and “after-action report” and establish minimum emergency drill policies and procedures related to the timing, frequency, participation, training, notification, accommodations, and responses to threat situations by incident type, school level, school type, and student and school characteristics. The rules must require all types of emergency drills to be conducted no less frequently than on an annual school year basis.

(b) Provide timely notification to parents of threats pursuant to policies adopted under subsection (7) and the following unlawful acts or significant emergencies that occur on school grounds, during school transportation, or during school-sponsored activities:

1. Weapons possession or use when there is intended harm toward another person, hostage, and active assailant situations. The active assailant situation training for each school must engage the participation of the district school safety specialist, threat management team members, faculty, staff, and students and must be conducted by the law enforcement agency or agencies that are designated as first responders to the school's campus.
2. Murder, homicide, or manslaughter.
3. Sex offenses, including rape, sexual assault, or sexual misconduct with a student by school personnel.
4. Natural emergencies, including hurricanes, tornadoes, and severe storms.
5. Exposure as a result of a manmade emergency.

(c) Beginning with the 2021-2022 school year, each public school, including charter schools, shall implement a mobile panic alert system capable of connecting diverse emergency services technologies to ensure real-time coordination between multiple first responder agencies. Such system, known as “Alyssa’s Alert,” must integrate with local public safety answering point infrastructure to transmit 911 calls and mobile activations.

(d) In addition to the requirements of paragraph (c), a public school district may implement additional strategies or systems to ensure real-time coordination between multiple first responder agencies in a school security emergency.

(e) For the 2020-2021 fiscal year and subject to the appropriation of funds in the General Appropriations Act for this purpose, the department shall issue a competitive solicitation to contract for a mobile panic alert system that may be used by each school district. The department shall consult with the Marjory Stoneman Douglas High School Public Safety Commission, the Department of Law Enforcement, and the Division of Emergency Management in the development of the competitive solicitation for the mobile panic alert system.

(f) Establish a schedule to test the functionality and coverage capacity of all emergency communication systems and determine if adequate signal strength is available in all areas of the school's campus.

## **(5) EDUCATIONAL SERVICES IN DETENTION FACILITIES.—**

Offer educational services to minors who have not graduated from high school and eligible students with disabilities under the age of 22 who have not graduated with a standard diploma or its equivalent who are detained in a county or municipal detention facility as defined in s. 951.23. These educational services shall be based upon the estimated length of time the student will be in the facility and the student's current level of functioning. District school superintendents or their designees shall be notified by the county sheriff or chief correctional officer, or his or her designee, upon the assignment of a student under the age of 21 to the facility. A cooperative agreement with the district school board and applicable law enforcement units shall be developed to address the notification requirement and the provision of educational services to these students.

#### **(6) SAFETY AND SECURITY BEST PRACTICES.—**

Each district school superintendent shall establish policies and procedures for the prevention of violence on school grounds, including the assessment of and intervention with individuals whose behavior poses a threat to the safety of the school community.

(a) School safety specialist.—Each district school superintendent shall designate a school safety specialist for the district. The school safety specialist must be a school administrator employed by the school district or a law enforcement officer employed by the sheriff's office located in the school district. Any school safety specialist designated from the sheriff's office must first be authorized and approved by the sheriff employing the law enforcement officer. Any school safety specialist designated from the sheriff's office remains the employee of the office for purposes of compensation, insurance, workers' compensation, and other benefits authorized by law for a law enforcement officer employed by the sheriff's office. The sheriff and the school superintendent may determine by agreement the reimbursement for such costs, or may share the costs, associated with employment of the law enforcement officer as a school safety specialist. The school safety specialist must earn a certificate of completion of the school safety specialist training provided by the Office of Safe Schools within 1 year after appointment and is responsible for the supervision and oversight for all school safety and security personnel, policies, and procedures in the school district. The school safety specialist shall:

1. Review school district policies and procedures for compliance with state law and rules, including the district's timely and accurate submission of school environmental safety incident reports to the department pursuant to s. 1001.212(8).
2. Provide the necessary training and resources to students and school district staff in matters relating to youth mental health awareness and assistance; emergency procedures, including active shooter training; and school safety and security.
3. Serve as the school district liaison with local public safety agencies and national, state, and community agencies and organizations in matters of school safety and security.
4. In collaboration with the appropriate public safety agencies, as that term is defined in s. 365.171, by October 1 of each year, conduct a school security risk assessment at each public school using the Florida Safe Schools Assessment Tool developed by the Office of Safe Schools pursuant to s. 1006.1493. Based on the assessment findings, the district's school safety specialist shall provide recommendations to the district school superintendent and the district school board which identify strategies and activities that the district school board should implement in order to address the findings and improve school safety and security. Each district school board must receive such findings and the school safety specialist's recommendations at a publicly noticed district school board meeting to provide the public an opportunity to hear the district school board members discuss and take action on the findings and recommendations. Each school safety specialist shall report such findings and school board action to the Office of Safe Schools within 30 days after the district school board meeting.

(b) Mental health coordinator.—Each district school board shall identify a mental health coordinator for the district. The mental health coordinator shall serve as the district's primary point of contact regarding the district's coordination, communication, and implementation of student mental health policies, procedures,

responsibilities, and reporting, including:

1. Coordinating with the Office of Safe Schools, established pursuant to s. 1001.212.
2. Maintaining records and reports regarding student mental health as it relates to the mental health assistance program under s. 1006.041 and school safety.
3. Facilitating the implementation of school district policies relating to the respective duties and responsibilities of the school district, the superintendent, and district school principals.
4. Coordinating with the school safety specialist on the staffing and training of threat management teams and facilitating referrals to mental health services, as appropriate, for students and their families.
5. Coordinating with the school safety specialist on the training and resources for students and school district staff relating to youth mental health awareness and assistance.
6. Reviewing annually the school district's policies and procedures related to student mental health for compliance with state law and alignment with current best practices and making recommendations, as needed, for amending such policies and procedures to the superintendent and the district school board.

(c) School campus tours.—Each school safety specialist shall coordinate with the appropriate public safety agencies, as defined in s. 365.171, that are designated as first responders to a school's campus to conduct a tour of such campus once every 3 years and provide recommendations related to school safety. The recommendations by the public safety agencies must be considered as part of the recommendations by the school safety specialist pursuant to paragraph (a).

(d) Active assailant response plans.—Each district school board and charter school governing board must adopt an active assailant response plan. By October 1 of each year, each district school superintendent and charter school principal shall certify that all school personnel have received annual training on the procedures contained in the active assailant response plan for the applicable school district or charter school.

(e) Family reunification plan.—Each district school board and charter school governing board shall adopt, in coordination with local law enforcement agencies and local governments, a family reunification plan to reunite students and employees with their families in the event that a school is closed or unexpectedly evacuated due to a natural or manmade disaster. This reunification plan must be reviewed annually and updated, as applicable.

## **(7) THREAT MANAGEMENT TEAMS.—**

Each district school board and charter school governing board shall establish a threat management team at each school whose duties include the coordination of resources and assessment and intervention with students whose behavior may pose a threat to the safety of the school, school staff, or students.

(a) Upon the availability of a statewide behavioral threat management operational process developed pursuant to s. 1001.212(12), all threat management teams shall use the operational process.

(b) A threat management team shall include persons with expertise in counseling, instruction, school administration, and law enforcement. All members of the threat management team must be involved in the threat assessment and threat management process and final decisionmaking. At least one member of the threat management team must have personal familiarity with the individual who is the subject of the threat assessment. If no member of the threat management team has such familiarity, 1a member of the instructional personnel or administrative personnel, as those terms are defined in s. 1012.01(2) and (3), who is personally familiar with the individual who is the subject of the threat assessment must consult with

the threat management team for the purpose of assessing the threat. The instructional or administrative personnel who provides such consultation shall not participate in the decisionmaking process.

(c) The threat management team shall identify members of the school community to whom threatening behavior should be reported and provide guidance to students, faculty, and staff regarding recognition of threatening or aberrant behavior that may represent a threat to the community, school, or self.

(d) Upon the availability of the Florida-specific behavioral threat assessment instrument developed pursuant to s. 1001.212(12), all threat management teams shall use that instrument when evaluating the behavior of students who may pose a threat to the school, school staff, or students and to coordinate intervention and services for such students.

(e) Upon a preliminary determination that a student poses a threat of violence or physical harm to himself or herself or others, a threat management team shall immediately report its determination to the superintendent or his or her designee. The superintendent or his or her designee or the charter school administrator or his or her designee shall immediately attempt to notify the student's parent or legal guardian. Nothing in this subsection precludes school district or charter school governing board personnel from acting immediately to address an imminent threat.

(f) Upon a preliminary determination by the threat management team that a student poses a threat of violence to himself or herself or others or exhibits significantly disruptive behavior or need for assistance, authorized members of the threat management team may obtain criminal history record information pursuant to s. 985.04(1). A member of a threat management team may not disclose any criminal history record information obtained pursuant to this section or otherwise use any record of an individual beyond the purpose for which such disclosure was made to the threat management team.

(g) Notwithstanding any other provision of law, all state and local agencies and programs that provide services to students experiencing or at risk of an emotional disturbance or a mental illness, including the school districts, charter schools, school personnel, state and local law enforcement agencies, the Department of Juvenile Justice, the Department of Children and Families, the Department of Health, the Agency for Health Care Administration, the Agency for Persons with Disabilities, the Department of Education, the Statewide Guardian Ad Litem Office, and any service or support provider contracting with such agencies, may share with each other records or information that are confidential or exempt from disclosure under chapter 119 if the records or information are reasonably necessary to ensure access to appropriate services for the student or to ensure the safety of the student or others. All such state and local agencies and programs shall communicate, collaborate, and coordinate efforts to serve such students.

(h) If an immediate mental health or substance abuse crisis is suspected, school personnel shall follow steps established by the threat management team to engage behavioral health crisis resources. Behavioral health crisis resources, including, but not limited to, mobile crisis teams and school resource officers trained in crisis intervention, shall provide emergency intervention and assessment, make recommendations, and refer the student for appropriate services. Onsite school personnel shall report all such situations and actions taken to the threat management team, which shall contact the other agencies involved with the student and any known service providers to share information and coordinate any necessary followup actions. Upon the student's transfer to a different school, the threat management team shall verify that any intervention services provided to the student remain in place until the threat management team of the receiving school independently determines the need for intervention services.

(i) The threat management team shall prepare a threat assessment report required by the Florida-specific behavioral threat assessment instrument developed pursuant to s. 1001.212(12). A threat assessment report, all corresponding documentation, and any other information required by the Florida-specific behavioral threat assessment instrument in the threat management portal is an education record.

(j) Each threat management team shall report quantitative data on its activities to the Office of Safe Schools in accordance with guidance from the office.

#### **(8) SAFETY IN CONSTRUCTION PLANNING.—**

A district school board must allow the law enforcement agency or agencies designated as first responders to the district's and school's campuses to tour such campuses once every 3 years. Any changes related to school safety and emergency issues recommended by a law enforcement agency based on a campus tour must be documented by the district school board.

#### **(9) SCHOOL ENVIRONMENTAL SAFETY INCIDENT REPORTING.—**

Each district school board shall adopt policies to ensure the accurate and timely reporting of incidents related to school safety and discipline. The district school superintendent is responsible for school environmental safety incident reporting. A district school superintendent who fails to comply with this subsection is subject to the penalties specified in law, including, but not limited to, s. 1001.42(13)(b) or s. 1001.51(12)(b), as applicable. The State Board of Education shall adopt rules establishing the requirements for the school environmental safety incident report, including those incidents that must be reported to a law enforcement agency. Annually, the department shall publish on its website the most recently available school environmental safety incident data along with other school accountability and performance data in a uniform, statewide format that is easy to read and understand.

#### **(10) REPORTING OF INVOLUNTARY EXAMINATIONS.—**

Each district school board shall adopt a policy to require the district superintendent to annually report to the department the number of involuntary examinations, as defined in s. 394.455, which are initiated at a school, on school transportation, or at a school-sponsored activity. By July 1 of each year, the department shall share such data received from school districts during the previous year with the Department of Children and Families.

#### **(11) SUICIDE SCREENING INSTRUMENT.—**

Each district school board shall adopt policies to ensure that district schools and local mobile response teams use the same suicide screening instrument approved by the department pursuant to s. 1012.583.

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