

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 853 Student Discipline and School Safety
SPONSOR(S): Domino
TIED BILLS: **IDEN./SIM. BILLS:** CS/SB 184

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) <u>Pre-K through 12 (Sub)</u>	<u>5 Y, 0 N</u>	<u>Ashworth</u>	<u>Bohannon</u>
2) <u>Education K-20</u>	<u>26 Y, 0 N</u>	<u>Ashworth</u>	<u>Bohannon</u>
3) _____	_____	_____	_____
4) _____	_____	_____	_____
5) _____	_____	_____	_____

SUMMARY ANALYSIS

The bill will allow a student to possess or use a wireless communications device while that student is on school grounds or in attendance at a school function.

Notice must be given to all teachers, school personnel, students, and parents at the beginning of each school year that using a wireless communications device to commit a criminal act may result in the imposition of disciplinary action or criminal penalties.

District school boards must adopt rules governing the student's use of a wireless communications device while he or she is on school property or in attendance at a school function.

The bill appears not to have any fiscal impact on state or local government.

The bill has an effective date of July 1, 2004.

This document does not reflect the intent or official position of the bill sponsor or House of Representatives.

STORAGE NAME: h0853b.edk.doc
DATE: March 24, 2004

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. DOES THE BILL:

- | | | | |
|--------------------------------------|---|-----------------------------|---|
| 1. Reduce government? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 2. Lower taxes? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 3. Expand individual freedom? | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> | N/A <input type="checkbox"/> |
| 4. Increase personal responsibility? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 5. Empower families? | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> | N/A <input type="checkbox"/> |

For any principle that received a “no” above, please explain:

B. EFFECT OF PROPOSED CHANGES:

Current Law

Under s. 1006.07(2)(d), F.S., school districts must adopt and annually distribute a code of student conduct for elementary, middle, and high schools. The code must be based on the district’s rules governing student conduct and discipline. The contents must include specific notice requirements, including notice that the illegal use, possession, or sale of controlled substances, as defined in chapter 893, F.S., or the possession of electronic telephone pagers is grounds for disciplinary action and may result in criminal penalties.

The sanctions are applicable to a student while he or she is on school property or attending a school function. The notice requirements and sanctions in s. 1006.07, F.S., relating to the possession of electronic telephone pagers, were enacted in section 18 of chapter 89-303, L.O.F. The regulation of the possession or use of cellular telephones or other electronic devices is solely within the discretion of the district school board.¹

Other States

The Education Commission of the States recently reviewed state policies restricting student possession of pagers and cellular phones on school property.² The review noted that these restrictions were enacted in response to state concerns that students were carrying these devices to participate in gang activity or drug sales and that the devices served as distractions to the classroom setting. Some states have revised these restricted policies, in part due to the use of cell phones to contact family members during the 1999 mass shootings on the campus of Columbine High School and during the terrorist attacks on September 11, 2001. According to the review, the following states repealed provisions of law restricting the possession of cell phones or pagers: California, Illinois, Indiana, Kentucky, Maryland, Nevada, Oklahoma, South Carolina, and Virginia. The review also noted the following:

- States currently restricting the possession of pagers or cellular phones include Alabama, Arkansas, Connecticut, Florida, Georgia, Illinois, Louisiana, Maryland, Michigan, New Jersey, Pennsylvania, Rhode Island, and Wisconsin.
- States providing policymaking to local authorities for the use or possession of these devices include Connecticut, Illinois, Kentucky, Nevada, Ohio, Oklahoma, South Carolina, Tennessee, Texas, Virginia, and Washington.

¹ *Student Use of Cellular Telephones on School Property*, Chancellow Jim Warford, Florida Department of Education, September 16, 2003.

² “Pagers and Cellular Phones on School Property,” *State Notes*, Education Commission of the States, May 2003, http://www.ecs.org/ecsmain.asp?page=/html/publications/home_publications.asp?am=5.

While prohibiting pocket pagers or similar electronic communication devices, Alabama law allows an exception for a student's health or other extraordinary needs, upon approval by the Board of Education. Arkansas law allows a similar exemption for students to possess a paging device, beeper, or similar electronic device for health. Arkansas law also provides an exemption for use of these devices after normal school hours for extracurricular activities.

HB 853

The bill will allow a student to possess a wireless communications device while he or she is on school property or in attendance at a school function.

Notice must be given to all teachers, school personnel, students, and parents at the beginning of each school year that using a wireless communications device to commit a criminal act may result in the imposition of school disciplinary action or criminal penalties.

District school boards must adopt rules governing the student's use of a wireless communications device while he or she is on school property or in attendance at a school function.

C. SECTION DIRECTORY:

Section 1. Amends s. 1006.07, F.S., amending requirements relating to codes of student conduct; deleting the notice requirement of possible disciplinary action for possession of an electronic telephone pager while a student is on school property or attending a school function; allows a student to possess a wireless communication device while the student is on school property or in attendance at a school function; requires notices of possible disciplinary action or criminal penalties if a wireless communications device is used in a criminal act; requires rules by district school boards governing the use of a wireless device while the student is on school property or in attendance at a school function.

Section 2. Provides an effective date of July 1, 2004.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues: None.
2. Expenditures: None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues: None.
2. Expenditures: None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR: None.

D. FISCAL COMMENTS:

School districts may incur some costs in adopting rules and revising the code of student conduct to reflect the changes under this bill, as well as for enforcing the bill's requirements. However, it is a "best practice" for a district school board and school administrators to annually review and revise discipline policies.³

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision: The bill does not require a city or county to spend funds or to take any action requiring the expenditure of funds.

2. Other: None.

B. RULE-MAKING AUTHORITY: The bill requires school districts to adopt rules to govern the use of wireless communications devices by students while they are on school grounds or in attendance at a school function.

C. DRAFTING ISSUES OR OTHER COMMENTS: None.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES

³ School Safety & Security Best Practices with their associated indicators, developed by the Office of Program Policy Analysis and Government Accountability, See http://www.firn.edu/doe/besss/safe_passage/2003pdf/2002_best_practices_and_indicators.pdf