

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 1171 Student Discipline in the Public Schools
SPONSOR(S): Sobel and others
TIED BILLS: **IDEN./SIM. BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) PreK-12 Committee		Howlette	Mizereck
2) Juvenile Justice Committee			
3) Education Council			
4) _____			
5) _____			

SUMMARY ANALYSIS

Teachers are currently allowed to use corporal punishment as a method of discipline, in accordance with statutory requirements and district school board policies. HB 1171 prohibits the use of corporal punishment as a form of discipline and control of students in the public schools. It requires district school boards to adopt a written program of discipline that may include parent conferences, revocation of student privileges, work detail, community service, Saturday school, and in-school restriction.

This bill does not appear to have a fiscal impact on state or local governments.

The bill sets an effective date of effect July 1, 2005.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. HOUSE PRINCIPLES ANALYSIS:

Provide limited government – The bill removes the authority of district school boards to authorize and public school principals or teachers to use corporal punishment in public schools.

B. EFFECT OF PROPOSED CHANGES:

Corporal punishment is defined in s. 1003.32, F.S. as “the moderate use of physical force or physical contact by a teacher or principal as may be necessary to maintain discipline or to enforce school rule.” The definition does not include “reasonable force necessary for self preservation or to protect other students from disruptive students.”

Current law allows the use of corporal punishment by a teacher or school principal within guidelines established by law, by the school principal and by district school board policy. Section 1003.32, F.S. requires that an adult other than the adult administering the punishment must be present and must be given the reason for the corporal punishment in front of the student. The teacher or principal must provide the parent, upon request, a written explanation of the reason for the punishment and the name of the other adult who was present.

According to the Department of Education, the use of corporal punishment is declining; 46 school districts reported having used the punishment in 2001-02, compared to 53 districts in 1991-92. This bill will prohibit the use of corporal punishment and require district school boards to adopt a written program of discipline that may include parent conferences, revocation of student privileges, work detail, community service, Saturday school, and in-school restriction.

C. SECTION DIRECTORY:

Section 1. Amends s. 1002.20, F.S., to prohibit the use of corporal punishment as a form of discipline.

Section 2. Amends s. 1003.01, F.S., to delete the definition of corporal punishment.

Section 3. Amends s. 1003.32, F.S., to delete the authority of teachers to administer corporal punishment and the requirement that principals prepare guidelines for its use.

Section 4. Amends s. 1006.07, F.S., to require district school boards to adopt a written program of discipline, specifying what the program of discipline may include.

Section 5. Amends s. 1012.28, F.S., deleting the authority of principals to administer corporal punishment.

Sections 6 – 11. Amend s. 414.1251, F.S., s. 1002.01, F.S., s. 1002.42, F.S., s. 1002.43, F.S., s. 1003.26, F.S., and s. 1003.52, F.S., to correct cross references.

Section 12. Provides an effective date of July 1, 2005.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

This bill does not appear to have a fiscal impact on state government revenues.

2. Expenditures:

This bill does not appear to have a fiscal impact on state government expenditures.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

This bill does not appear to have a fiscal impact on local government revenues.

2. Expenditures:

This bill does not appear to have a fiscal impact on local government expenditures.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

This bill does not appear to have a fiscal impact on the private sector.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

The bill does not require a municipality or county to spend funds or to take any action requiring the expenditure of funds.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE & COMBINED BILL CHANGES