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1                   A bill to be entitled  
2           An act relating to student discipline in the public  
3           schools; amending s. 1002.20, F.S., relating to student  
4           and parent rights; prohibiting the use of corporal  
5           punishment as a form of discipline; amending s. 1003.01,  
6           F.S.; deleting the definition of corporal punishment for  
7           purposes of the chapter; amending s. 1003.32, F.S.;  
8           deleting authority of teachers to administer corporal  
9           punishment; amending s. 1006.07, F.S.; revising district  
10          school board duties and the code of student conduct  
11          relating to the control and discipline of students;  
12          amending s. 1012.28, F.S.; deleting authority of  
13          principals to administer corporal punishment; amending ss.  
14          414.1251, 1002.01, 1002.42, 1002.43, 1003.26, and 1003.52,  
15          F.S.; conforming cross references; providing an effective  
16          date.

17  
18   Be It Enacted by the Legislature of the State of Florida:

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20           Section 1. Paragraph (b) of subsection (2) and paragraph  
21          (c) of subsection (4) of section 1002.20, Florida Statutes, are  
22          amended to read:

23           1002.20 K-12 student and parent rights.--Parents of public  
24          school students must receive accurate and timely information  
25          regarding their child's academic progress and must be informed  
26          of ways they can help their child to succeed in school. K-12  
27          students and their parents are afforded numerous statutory  
28          rights including, but not limited to, the following:

29 (2) ATTENDANCE.--

30 (b) Regular school attendance.--Parents of students who  
 31 have attained the age of 6 years by February 1 of any school  
 32 year but who have not attained the age of 16 years must comply  
 33 with the compulsory school attendance laws. Parents have the  
 34 option to comply with the school attendance laws by attendance  
 35 of the student in a public school; a parochial, religious, or  
 36 denominational school; a private school; a home education  
 37 program; or a private tutoring program, in accordance with the  
 38 provisions of s. 1003.01(12)(13).

39 (4) DISCIPLINE.--

40 (c) Corporal punishment.--~~In accordance with the~~  
 41 ~~provisions of s. 1003.32, corporal punishment of~~ A public school  
 42 student may not be disciplined by the use of corporal punishment  
 43 ~~only be administered by a teacher or school principal within~~  
 44 ~~guidelines of the school principal and according to district~~  
 45 ~~school board policy. Another adult must be present and must be~~  
 46 ~~informed in the student's presence of the reason for the~~  
 47 ~~punishment. Upon request, the teacher or school principal must~~  
 48 ~~provide the parent with a written explanation of the reason for~~  
 49 ~~the punishment and the name of the other adult who was present.~~

50 Section 2. Subsections (8) through (15) of section  
 51 1003.01, Florida Statutes, are renumbered as subsection (7)  
 52 through (14), respectively, and subsection (7) of said section  
 53 is amended to read:

54 1003.01 Definitions.--As used in this chapter, the term:  
 55 (7) ~~"Corporal punishment" means the moderate use of~~  
 56 ~~physical force or physical contact by a teacher or principal as~~

57 ~~may be necessary to maintain discipline or to enforce school~~  
58 ~~rule. However, the term "corporal punishment" does not include~~  
59 ~~the use of such reasonable force by a teacher or principal as~~  
60 ~~may be necessary for self-protection or to protect other~~  
61 ~~students from disruptive students.~~

62 Section 3. Subsection (1) of section 1003.32, Florida  
63 Statutes, is amended to read:

64 1003.32 Authority of teacher; responsibility for control  
65 of students; district school board and principal  
66 duties.--Subject to law and to the rules of the district school  
67 board, each teacher or other member of the staff of any school  
68 shall have such authority for the control and discipline of  
69 students as may be assigned to him or her by the principal or  
70 the principal's designated representative and shall keep good  
71 order in the classroom and in other places in which he or she is  
72 assigned to be in charge of students.

73 (1) In accordance with this section and within the  
74 framework of the district school board's code of student  
75 conduct, teachers and other instructional personnel shall have  
76 the authority to undertake any of the following actions in  
77 managing student behavior and ensuring the safety of all  
78 students in their classes and school and their opportunity to  
79 learn in an orderly and disciplined classroom:

80 (a) Establish classroom rules of conduct.

81 (b) Establish and implement consequences, designed to  
82 change behavior, for infractions of classroom rules.

83 (c) Have disobedient, disrespectful, violent, abusive,  
84 uncontrollable, or disruptive students removed from the  
85 classroom for behavior management intervention.

86 (d) Have violent, abusive, uncontrollable, or disruptive  
87 students directed for information or assistance from appropriate  
88 school or district school board personnel.

89 (e) Assist in enforcing school rules on school property,  
90 during school-sponsored transportation, and during school-  
91 sponsored activities.

92 (f) Request and receive information as to the disposition  
93 of any referrals to the administration for violation of  
94 classroom or school rules.

95 (g) Request and receive immediate assistance in classroom  
96 management if a student becomes uncontrollable or in case of  
97 emergency.

98 (h) Request and receive training and other assistance to  
99 improve skills in classroom management, violence prevention,  
100 conflict resolution, and related areas.

101 (i) Press charges if there is a reason to believe that a  
102 crime has been committed on school property, during school-  
103 sponsored transportation, or during school-sponsored activities.

104 (j) Use reasonable force, according to standards adopted  
105 by the State Board of Education, to protect himself or herself  
106 or others from injury.

107 ~~(k) Use corporal punishment according to school board~~  
108 ~~policy and at least the following procedures, if a teacher feels~~  
109 ~~that corporal punishment is necessary.~~

110           ~~1. The use of corporal punishment shall be approved in~~  
 111 ~~principle by the principal before it is used, but approval is~~  
 112 ~~not necessary for each specific instance in which it is used.~~  
 113 ~~The principal shall prepare guidelines for administering such~~  
 114 ~~punishment which identify the types of punishable offenses, the~~  
 115 ~~conditions under which the punishment shall be administered, and~~  
 116 ~~the specific personnel on the school staff authorized to~~  
 117 ~~administer the punishment.~~

118           ~~2. A teacher or principal may administer corporal~~  
 119 ~~punishment only in the presence of another adult who is informed~~  
 120 ~~beforehand, and in the student's presence, of the reason for the~~  
 121 ~~punishment.~~

122           ~~3. A teacher or principal who has administered punishment~~  
 123 ~~shall, upon request, provide the student's parent with a written~~  
 124 ~~explanation of the reason for the punishment and the name of the~~  
 125 ~~other adult who was present.~~

126           Section 4. Paragraph (a) of subsection (1) and paragraph  
 127 (b) of subsection (2) of section 1006.07, Florida Statutes, are  
 128 amended to read:

129           1006.07 District school board duties relating to student  
 130 discipline and school safety.--The district school board shall  
 131 provide for the proper accounting for all students, for the  
 132 attendance and control of students at school, and for proper  
 133 attention to health, safety, and other matters relating to the  
 134 welfare of students, including:

135           (1) CONTROL OF STUDENTS.--

136           (a) Adopt rules for the control, discipline, in-school  
 137 suspension, suspension, and expulsion of students and decide all

138 cases recommended for expulsion. Suspension hearings are  
 139 exempted from the provisions of chapter 120. Expulsion hearings  
 140 shall be governed by ss. 120.569 and 120.57(2) and are exempt  
 141 from s. 286.011. However, the student's parent must be given  
 142 notice of the provisions of s. 286.011 and may elect to have the  
 143 hearing held in compliance with that section. The district  
 144 school board shall adopt ~~may prohibit the use of corporal~~  
 145 ~~punishment, if the district school board adopts or has adopted~~ a  
 146 written program of alternative control or discipline that may  
 147 include parent conference, revocation of student privileges,  
 148 work detail, community service, Saturday school, and in-school  
 149 restriction.

150 (2) CODE OF STUDENT CONDUCT.--Adopt a code of student  
 151 conduct for elementary schools and a code of student conduct for  
 152 middle and high schools and distribute the appropriate code to  
 153 all teachers, school personnel, students, and parents, at the  
 154 beginning of every school year. Each code shall be organized and  
 155 written in language that is understandable to students and  
 156 parents and shall be discussed at the beginning of every school  
 157 year in student classes, school advisory council meetings, and  
 158 parent and teacher association or organization meetings. Each  
 159 code shall be based on the rules governing student conduct and  
 160 discipline adopted by the district school board and shall be  
 161 made available in the student handbook or similar publication.  
 162 Each code shall include, but is not limited to:

163 (b) Procedures to be followed for acts requiring  
 164 discipline, excluding the use of ~~including~~ corporal punishment.

165 Section 5. Subsection (5) of section 1012.28, Florida  
 166 Statutes, is amended to read:

167 1012.28 Public school personnel; duties of school  
 168 principals.--

169 (5) Each school principal shall perform such duties as may  
 170 be assigned by the district school superintendent, pursuant to  
 171 the rules of the district school board. Such rules shall  
 172 include, but are not limited to, rules relating to  
 173 administrative responsibility, instructional leadership in  
 174 implementing the Sunshine State Standards and the overall  
 175 educational program of the school to which the school principal  
 176 is assigned, submission of personnel recommendations to the  
 177 district school superintendent, administrative responsibility  
 178 for records and reports, ~~administration of corporal punishment,~~  
 179 and student suspension.

180 Section 6. Subsection (1) of section 414.1251, Florida  
 181 Statutes, is amended to read:

182 414.1251 Learnfare program.--

183 (1) The department shall reduce the temporary cash  
 184 assistance for a participant's eligible dependent child or for  
 185 an eligible teenage participant who has not been exempted from  
 186 education participation requirements, if the eligible dependent  
 187 child or eligible teenage participant has been identified either  
 188 as a habitual truant, pursuant to s. 1003.01(7)~~(8)~~, or as a  
 189 dropout, pursuant to s. 1003.01(8)~~(9)~~. For a student who has  
 190 been identified as a habitual truant, the temporary cash  
 191 assistance must be reinstated after a subsequent grading period  
 192 in which the child's attendance has substantially improved. For

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193 a student who has been identified as a dropout, the temporary  
194 cash assistance must be reinstated after the student enrolls in  
195 a public school, receives a high school diploma or its  
196 equivalency, enrolls in preparation for the General Educational  
197 Development Tests, or enrolls in other educational activities  
198 approved by the district school board. Good cause exemptions  
199 from the rule of unexcused absences include the following:

200 (a) The student is expelled from school and alternative  
201 schooling is not available.

202 (b) No licensed day care is available for a child of teen  
203 parents subject to Learnfare.

204 (c) Prohibitive transportation problems exist (e.g., to  
205 and from day care).

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207 Within 10 days after sanction notification, the participant  
208 parent of a dependent child or the teenage participant may file  
209 an internal fair hearings process review procedure appeal, and  
210 no sanction shall be imposed until the appeal is resolved.

211 Section 7. Subsection (2) of section 1002.01, Florida  
212 Statutes, is amended to read:

213 1002.01 Definitions.--

214 (2) A "private school" is a nonpublic school defined as an  
215 individual, association, copartnership, or corporation, or  
216 department, division, or section of such organizations, that  
217 designates itself as an educational center that includes  
218 kindergarten or a higher grade or as an elementary, secondary,  
219 business, technical, or trade school below college level or any  
220 organization that provides instructional services that meet the



221 intent of s. 1003.01(12)(~~13~~) or that gives preemployment or  
 222 supplementary training in technology or in fields of trade or  
 223 industry or that offers academic, literary, or career training  
 224 below college level, or any combination of the above, including  
 225 an institution that performs the functions of the above schools  
 226 through correspondence or extension, except those licensed under  
 227 the provisions of chapter 1005. A private school may be a  
 228 parochial, religious, denominational, for-profit, or nonprofit  
 229 school. This definition does not include home education programs  
 230 conducted in accordance with s. 1002.41.

231 Section 8. Subsection (7) of section 1002.42, Florida  
 232 Statutes, is amended to read:

233 1002.42 Private schools.--

234 (7) ATTENDANCE REQUIREMENTS.--Attendance of a student at a  
 235 private, parochial, religious, or denominational school  
 236 satisfies the attendance requirements of ss. 1003.01(12)(~~13~~) and  
 237 1003.21(1).

238 Section 9. Subsection (1) of section 1002.43, Florida  
 239 Statutes, is amended to read:

240 1002.43 Private tutoring programs.--

241 (1) Regular school attendance as defined in s.  
 242 1003.01(12)(~~13~~) may be achieved by attendance in a private  
 243 tutoring program if the person tutoring the student meets the  
 244 following requirements:

245 (a) Holds a valid Florida certificate to teach the  
 246 subjects or grades in which instruction is given.

247 (b) Keeps all records and makes all reports required by  
 248 the state and district school board and makes regular reports on

249 the attendance of students in accordance with the provisions of  
250 s. 1003.23(2).

251 (c) Requires students to be in actual attendance for the  
252 minimum length of time prescribed by s. 1011.60(2).

253 Section 10. Paragraph (f) of subsection (1) of section  
254 1003.26, Florida Statutes, is amended to read:

255 1003.26 Enforcement of school attendance.--The Legislature  
256 finds that poor academic performance is associated with  
257 nonattendance and that schools must take an active role in  
258 enforcing attendance as a means of improving the performance of  
259 many students. It is the policy of the state that each district  
260 school superintendent be responsible for enforcing school  
261 attendance of all students subject to the compulsory school age  
262 in the school district. The responsibility includes recommending  
263 to the district school board policies and procedures to ensure  
264 that schools respond in a timely manner to every unexcused  
265 absence, or absence for which the reason is unknown, of students  
266 enrolled in the schools. District school board policies must  
267 require each parent of a student to justify each absence of the  
268 student, and that justification will be evaluated based on  
269 adopted district school board policies that define excused and  
270 unexcused absences. The policies must provide that schools track  
271 excused and unexcused absences and contact the home in the case  
272 of an unexcused absence from school, or an absence from school  
273 for which the reason is unknown, to prevent the development of  
274 patterns of nonattendance. The Legislature finds that early  
275 intervention in school attendance matters is the most effective  
276 way of producing good attendance habits that will lead to

277 improved student learning and achievement. Each public school  
 278 shall implement the following steps to enforce regular school  
 279 attendance:

280 (1) CONTACT, REFER, AND ENFORCE.--

281 (f)1. If the parent of a child who has been identified as  
 282 exhibiting a pattern of nonattendance enrolls the child in a  
 283 home education program pursuant to chapter 1002, the district  
 284 school superintendent shall provide the parent a copy of s.  
 285 1002.41 and the accountability requirements of this paragraph.  
 286 The district school superintendent shall also refer the parent  
 287 to a home education review committee composed of the district  
 288 contact for home education programs and at least two home  
 289 educators selected by the parent from a district list of all  
 290 home educators who have conducted a home education program for  
 291 at least 3 years and who have indicated a willingness to serve  
 292 on the committee. The home education review committee shall  
 293 review the portfolio of the student, as defined by s. 1002.41,  
 294 every 30 days during the district's regular school terms until  
 295 the committee is satisfied that the home education program is in  
 296 compliance with s. 1002.41(1)(b). The first portfolio review  
 297 must occur within the first 30 calendar days of the  
 298 establishment of the program. The provisions of subparagraph 2.  
 299 do not apply once the committee determines the home education  
 300 program is in compliance with s. 1002.41(1)(b).

301 2. If the parent fails to provide a portfolio to the  
 302 committee, the committee shall notify the district school  
 303 superintendent. The district school superintendent shall then  
 304 terminate the home education program and require the parent to

305 enroll the child in an attendance option that meets the  
 306 definition of "regular school attendance" under s.  
 307 1003.01(12)~~(13)~~(a), (b), (c), or (e), within 3 days. Upon  
 308 termination of a home education program pursuant to this  
 309 subparagraph, the parent shall not be eligible to reenroll the  
 310 child in a home education program for 180 calendar days. Failure  
 311 of a parent to enroll the child in an attendance option as  
 312 required by this subparagraph after termination of the home  
 313 education program pursuant to this subparagraph shall constitute  
 314 noncompliance with the compulsory attendance requirements of s.  
 315 1003.21 and may result in criminal prosecution under s.  
 316 1003.27(2). Nothing contained herein shall restrict the ability  
 317 of the district school superintendent, or the ability of his or  
 318 her designee, to review the portfolio pursuant to s.  
 319 1002.41(1)(b).

320 Section 11. Subsection (4) of section 1003.52, Florida  
 321 Statutes, is amended to read:

322 1003.52 Educational services in Department of Juvenile  
 323 Justice programs.--

324 (4) Educational services shall be provided at times of the  
 325 day most appropriate for the juvenile justice program. School  
 326 programming in juvenile justice detention, commitment, and  
 327 rehabilitation programs shall be made available by the local  
 328 school district during the juvenile justice school year, as  
 329 defined in s. 1003.01(10)~~(11)~~. In addition, students in juvenile  
 330 justice education programs shall have access to Florida Virtual  
 331 School courses. The Department of Education and the school  
 332 districts shall adopt policies necessary to ensure such access.

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Section 12. This act shall take effect July 1, 2005.