

By Senator Ring

32-02399A-08

20081112\_\_

1 A bill to be entitled

2 An act relating to the supervision of public school  
3 students; amending s. 1003.31, F.S.; clarifying  
4 provisions concerning the supervision of students who  
5 are en route to or from school; providing that a  
6 district school board does not assume supervisory duties  
7 by adopting a code of student conduct for the protection  
8 of students en route to or from school; amending s.  
9 1006.07, F.S.; requiring that the code of student  
10 conduct adopted by district school boards include  
11 provisions concerning the discipline and safety of  
12 students en route to or from school; amending s.  
13 1006.11, F.S.; providing that district school boards and  
14 members thereof are immune from civil or criminal  
15 liability for certain disciplinary actions associated  
16 with implementation of rules for the protection of  
17 students en route to or from school; providing an  
18 effective date.

19  
20 Be It Enacted by the Legislature of the State of Florida:

21  
22 Section 1. Subsections (1) and (2) of section 1003.31,  
23 Florida Statutes, are amended to read:

24 1003.31 Students subject to control of school.--

25 (1) Subject to law and rules of the State Board of  
26 Education and of the district school board, each student enrolled  
27 in a school shall:

28 (a) During the time she or he is being transported to or  
29 from school at public expense;

32-02399A-08

20081112\_\_

30 (b) During the time she or he is attending school;

31 (c) During the time she or he is on the school premises  
32 participating with authorization in a school-sponsored activity;  
33 and

34 (d) During a reasonable time before and after the student  
35 is on the premises for attendance at school or for authorized  
36 participation in a school-sponsored activity, and only when on  
37 the premises,

38  
39 be under the control and direction of the principal or teacher in  
40 charge of the school, and under the immediate control and  
41 direction of the teacher or other member of the instructional  
42 staff or of the bus driver to whom such responsibility may be  
43 assigned by the principal. However, the State Board of Education  
44 or the district school board may, by rules, subject each student  
45 to the control and direction of the principal or teacher in  
46 charge of the school during the time the student ~~she or he~~ is  
47 otherwise en route to or from school or is presumed by law to be  
48 attending school. Each district school board, each district  
49 school superintendent, and each school principal shall fully  
50 support the authority of teachers, according to s. 1003.32, and  
51 school bus drivers to remove disobedient, disrespectful, violent,  
52 abusive, uncontrollable, or disruptive students from the  
53 classroom and the school bus and, when appropriate and available,  
54 place such students in an alternative educational setting.

55 (2) There is a rebuttable presumption that, as used in  
56 subsection (1), the term "reasonable time" means 30 minutes  
57 before or after the activity is scheduled or actually begins or  
58 ends, whichever period is longer. A school or district school

32-02399A-08

20081112\_\_

59 | board may, by policy or other formal action, assume a longer  
60 | period of supervision. Casual or incidental contact between  
61 | school district personnel and students on school property does  
62 | ~~shall not create result in~~ a legal duty to supervise outside ~~of~~  
63 | the ~~reasonable~~ times set forth in subsection (1) if this section,  
64 | ~~provided that~~ parents are ~~shall be~~ advised in writing twice per  
65 | year or by posted signs of the school's formal supervisory  
66 | responsibility and that parents should not rely on additional  
67 | supervision. The duty of supervision does ~~shall~~ not extend to  
68 | anyone other than students attending school and students  
69 | authorized to participate in school-sponsored activities. The  
70 | adoption of a code of student conduct, as described in s.  
71 | 1006.07(2)(m), for the protection of students en route to or from  
72 | school does not constitute the assumption of a legal duty to  
73 | supervise students outside the times set forth in subsection (1)  
74 | unless the code of conduct specifically adopts such a duty.

75 | Section 2. Paragraph (m) is added to subsection (2) of  
76 | section 1006.07, Florida Statutes, to read:

77 | 1006.07 District school board duties relating to student  
78 | discipline and school safety.--The district school board shall  
79 | provide for the proper accounting for all students, for the  
80 | attendance and control of students at school, and for proper  
81 | attention to health, safety, and other matters relating to the  
82 | welfare of students, including:

83 | (2) CODE OF STUDENT CONDUCT.--Adopt a code of student  
84 | conduct for elementary schools and a code of student conduct for  
85 | middle and high schools and distribute the appropriate code to  
86 | all teachers, school personnel, students, and parents, at the  
87 | beginning of every school year. Each code shall be organized and

32-02399A-08

20081112\_\_

88 | written in language that is understandable to students and  
89 | parents and shall be discussed at the beginning of every school  
90 | year in student classes, school advisory council meetings, and  
91 | parent and teacher association or organization meetings. Each  
92 | code shall be based on the rules governing student conduct and  
93 | discipline adopted by the district school board and shall be made  
94 | available in the student handbook or similar publication. Each  
95 | code shall include, but is not limited to:

96 |       (m) Notice that a student's violation of a district school  
97 | board policy for the protection of the health, safety, or welfare  
98 | of another student who is traveling on foot or by a nonmotorized  
99 | vehicle such as a bicycle or scooter en route to or from school  
100 | or a school bus stop is grounds for in-school suspension, out-of-  
101 | school suspension, expulsion, or imposition of other disciplinary  
102 | action against the violator and may also result in criminal  
103 | penalties being imposed if the actions associated with the  
104 | violation constitute a crime.

105 |       Section 3. Section 1006.11, Florida Statutes, is amended to  
106 | read:

107 |       1006.11 Standards for use of reasonable force; liability  
108 | for disciplinary activities.--

109 |       (1) The State Board of Education shall adopt standards for  
110 | the use of reasonable force by district school board personnel to  
111 | maintain a safe and orderly learning environment. Such standards  
112 | shall be distributed to each school in the state and shall  
113 | provide guidance to district school board personnel in receiving  
114 | the limitations on liability specified in subsection (2).

115 |       (2) Except in the case of excessive force or cruel and  
116 | unusual punishment, a teacher or other member of the

32-02399A-08

20081112\_\_

117 | instructional staff, a principal or the principal's designated  
118 | representative, or a school bus driver is ~~shall~~ not ~~be~~ civilly or  
119 | criminally liable for any action carried out in conformity with  
120 | the State Board of Education and district school board rules  
121 | regarding the control, discipline, suspension, and expulsion of  
122 | students, including, but not limited to, any exercise of  
123 | authority under s. 1003.32 or s. 1006.09.

124 | (3) A district school board or its members are not civilly  
125 | or criminally liable for any action regarding the control,  
126 | discipline, suspension, and expulsion of students which is  
127 | carried out in conformity with a code of student conduct that the  
128 | board has adopted by rule and that, as described in s.  
129 | 1006.07(2)(m), is for the protection of students en route to or  
130 | from school.

131 | Section 4. This act shall take effect July 1, 2008.