

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

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Prepared By: The Professional Staff of the Education Pre-K - 12 Committee

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BILL: SB 2602

INTRODUCER: Senator Storms

SUBJECT: Grade K-12 Schools/Locker Rooms

DATE: March 18, 2010

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Carrouth</u>	<u>Matthews</u>	<u>ED</u>	<b>Favorable</b>
2.	_____	_____	<u>CJ</u>	_____
3.	_____	_____	<u>EA</u>	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

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**I. Summary:**

The bill requires that all K-12 school locker room facilities be directly supervised by an adult when in use and locked at all times when not in use by students or authorized individuals. The requirement applies to public and private schools.

The bill also provides for financial penalties if a school is found to be in noncompliance after a third violation. Funds collected for such violations would be distributed to the local education foundation or the Consortium of Florida Education Foundations for funding of anti-bullying measures.

This bill creates an undesignated section of the Florida Statutes.

**II. Present Situation:**

Each public school principal must develop policies for delegating responsibility of the control and direction of students to teachers and instructional staff, or school bus drivers for the transport of students.<sup>1</sup> The development of these policies is based on recommendations of the district superintendent<sup>2</sup> for the control of students and proper attention to safety and other matters to promote the welfare of students.<sup>3</sup>

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<sup>1</sup> s. 1006.09(1)(a), F.S.

<sup>2</sup> s. 1006.07(6), F.S. Recommendations are based in part on a district self-assessment of security practices using the Safety and Security Best Practices developed by the Office of Program Policy and Government Accountability. See [http://www.fldoe.org/safeschools/safe\\_passage/safe\\_passage.asp](http://www.fldoe.org/safeschools/safe_passage/safe_passage.asp).

<sup>3</sup> s. 1006.08(1), F.S.

As the result of 2009 legislation<sup>4</sup> and continuing efforts by the staff of the Office of Safe Schools, the Department of Education has established a statewide anti-bullying campaign and bullying prevention project to provide support to districts and schools in promoting safe school environments.<sup>5</sup>

Certain school districts have school board policies which provide that each school must have a comprehensive safety plan which includes measures for securing school grounds when students are present and for ensuring that facilities are securely locked when adult supervision is not available.<sup>6</sup> In spite of these efforts, egregious safety infractions continue to occur on Florida's public school campuses, including an alleged incident that occurred in a locker room in Walker Middle School in Tampa, Florida, in which four students were charged with sexually assaulting another student.<sup>7</sup>

### III. Effect of Proposed Changes:

The bill would specifically require that K-12 locker room facilities be directly supervised by an adult when in use and locked at all times when not in use by students or authorized individuals. This provision appears to support best practices aligned to safe schools research which identifies what are commonly referred to as "hot spots" or predictable locations within schools that may typically be unmonitored by adults such as bathrooms, stairwells and playgrounds.<sup>8</sup>

The bill provides for financial penalties if a school is found to be in non-compliance after a third violation. Funds collected for such violations would be distributed to the local education foundation or the Consortium of Florida Education Foundations for funding of anti-bullying measures. Local education foundations are not defined. Accordingly, the Department of Education may have to select between competing foundations for the funds. The Consortium of Florida Education Foundations is a public school consortium designed to enhance public education at the local level.<sup>9</sup> It may not be appropriate to require private schools to fund a public school education foundation for the school's failure to meet the requirements of the bill.

It is also unclear as to the identity of the person who would find a violation of the bill's provisions. Additionally, it may be unlikely for a noncompliant school to self-report, given the potential for fines.

While the risk of being fined for non-compliance may lead to more diligent adherence to district-adopted security measures in school locker rooms, the safe schools research emphasizes school-wide anti-bullying initiatives as the one of the most effective means of violence prevention.<sup>10</sup>

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<sup>4</sup> Chapter 2008-123, L.O.F., created the "Jeffrey Johnston Stand Up for All Students Act", which requires each school district to adopt an anti-bullying policy. The act was codified in s. 1006.147, F.S.

<sup>5</sup> <http://www.unf.edu/dept/fie/sdfs/bullydisplay.pdf>.

<sup>6</sup> See e.g., email correspondence, Deputy Superintendent Timothy Huth, Volusia County Schools, March 19, 2010, on file with the committee.

<sup>7</sup> <http://www2.tbo.com/content/2009/may/08/082355/na-students-arrested-in-rape-of-boy/>

<sup>8</sup> *Exploring the Role of Environment in School Violence*, Rapp-Paglicci, et al., Journal of Evidence-Based Social Work, Volume 1, Issue 2 and 3, January 2005.

<sup>9</sup> See <http://www.cfef.net/>.

<sup>10</sup> The U.S. Department of Health and Human Services Resource Kit, available at: [www.stopbullyingnow.hrsa.gov](http://www.stopbullyingnow.hrsa.gov).

Florida is currently in the first year of statewide implementation of school-based anti-bullying programs, and awareness and training opportunities for students and staff are ongoing.

**IV. Constitutional Issues:**

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

**V. Fiscal Impact Statement:**

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Additional Information:**

A. Committee Substitute – Statement of Substantial Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

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B. Amendments:

None.

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This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

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