

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 603

Notification of School Personnel

SPONSOR(S): Soto

TIED BILLS:

IDEN./SIM. BILLS: SB 1058

	REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1)	PreK-12 Policy Committee		Beagle	Ahearn
2)	Education Policy Council			
3)				
4)				
5)				

SUMMARY ANALYSIS

Florida law requires the state attorney, upon formally charging a child with a felony or a delinquent act that would be a felony if committed by an adult, to notify the superintendent of the school district in which the child attends school that such charges have been filed. The superintendent must notify the appropriate school personnel, including the child's school principal, within 48 hours. In turn, the principal must immediately notify the child's classroom teachers.

House Bill 603 adds the school district director of transportation as a person who must be notified by the district school superintendent when a child is formally charged with a felony or delinquent act that would be a felony if committed by an adult. The bill requires the director of transportation to immediately notify the child's assigned bus driver. The bill adds paraprofessionals as persons that must be notified by a school principal.

The bill does not have a fiscal impact on state or local governments.

The sponsor has filed an amendment to conform the bill to the Senate version.

HOUSE PRINCIPLES

Members are encouraged to evaluate proposed legislation in light of the following guiding principles of the House of Representatives

- Balance the state budget.
- Create a legal and regulatory environment that fosters economic growth and job creation.
- Lower the tax burden on families and businesses.
- Reverse or restrain the growth of government.
- Promote public safety.
- Promote educational accountability, excellence, and choice.
- Foster respect for the family and for innocent human life.
- Protect Florida's natural beauty.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

Florida law requires the state attorney, upon formally charging a child with a felony or a delinquent act that would be a felony if committed by an adult, to notify the superintendent of the school district in which the child attends school that the charges have been filed. The superintendent must notify the appropriate school personnel, including the child's school principal, within 48 hours. In turn, the principal must immediately notify the child's classroom teachers.¹

The school principal is authorized to initiate suspension proceedings against the child if the incident from which the charges originate is determined to have an adverse impact on the educational program, discipline or welfare of the school. If the court determines that the child committed the offense, the district school board may expel the student.²

Effect of Proposed Changes

House Bill 603 adds the school district director of transportation as a person that must be notified by the district school superintendent when the state attorney formally charges a child with a felony or a delinquent act that would be a felony if committed by an adult. The director of transportation must immediately notify the child's assigned bus driver. Because current law requires the school principal to also make notifications in these situations, the effect of the bill is that two individuals, the director of transportation and the school principal, will be responsible for making required notifications.

The bill adds that the school principal must also notify the "child's immediate paraprofessionals."³ Current law already requires the principal to notify the child's classroom teachers, and

¹ Section 985.04(4)(b), F.S. A "felony" is "any criminal offense that is punishable under the laws of this state, or that would be punishable if committed in this state, by death or imprisonment in a state penitentiary [for a period exceeding one year]." Section 775.08(1), F.S. A "delinquent act" is "a violation of any law of this state, the United States, or any other state which is a misdemeanor or a felony or a violation of a county or municipal ordinance which would be punishable by incarceration if the violation were committed by an adult." Section 985.03(56), F.S.

² Section 1006.09(2), F.S.

³ Education paraprofessionals are classroom aides who work under the direct supervision of a classroom teacher. These individuals include regular classroom, exceptional education, career education, adult education, library, physical education, playground, and other school-level paraprofessionals. Section 1012.01(2)(e), F.S.

paraprofessionals are directly supervised by classroom teachers. Under the bill, no notice is required for other school staff members who may directly supervise the child.

B. SECTION DIRECTORY:

Section 1.: Amending s. 985.04, F.S.; requiring that specified school personnel be notified when a child is formally charged by a state attorney with a felony or delinquent act that would be a felony if committed by an adult.

Section 2.: Providing an effective date of July 1, 2010.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

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

2. Expenditures:

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

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

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

2. Expenditures:

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

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

The bill does not appear to have a direct economic impact on the private sector.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable. The bill does not appear to require a county or municipality to spend funds or take an action requiring expenditures; reduce the authority that counties and municipalities had as of February 1, 1989, to raise revenues in the aggregate; or reduce the percentage of a state tax shared in the aggregate with counties and municipalities as of February 1, 1989.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/COUNCIL OR COMMITTEE SUBSTITUTE CHANGES

N/A