

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.)

Prepared By: The Professional Staff of the Committee on Education

BILL: SB 148

INTRODUCER: Senator Garcia

SUBJECT: Students Remaining on School Grounds During School Hours

DATE: February 20, 2017

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Hand	Graf	ED	Pre-meeting
2.	_____	_____	CA	_____
3.	_____	_____	RC	_____

I. Summary:

SB 148 establishes the “Mayra Capote Act” to authorize district school boards to adopt policies for allowing students to leave school grounds during school hours, with some exceptions. Specifically, the bill:

- Provides that the act may be cited as the “Mayra Capote Act;”
- Clarifies that district school board procedures for granting permission for students to leave school grounds during school hours includes the school lunch period; and
- Provides that in a district that has more than 100,000 students in prekindergarten through grade 12, a school may not permit a student to leave school grounds for the lunch period unless the student’s parent has, in writing, consented for his or her child to leave school grounds during the lunch period for the school year.

The bill takes effect July1, 2017.

II. Present Situation:

District School Boards Powers and Duties

District school boards are authorized to operate, control, and supervise all free public schools with the school district.¹ More specifically, “[t]he responsibility for actual operation and administration of all schools needed within the districts in conformity with rules and minimum standards prescribed by the state, and also the responsibility for the provision of any desirable

¹ Art. IX, s. 4(b), Fla. Const. *See also, School Board of Palm Beach County v. Florida Charter Education Foundation*, 2017 Fla. App. Lexis 494, (4th DCA, January 18, 2017). (“The Florida Constitution therefore creates a hierarchy under which a school board has local control, but the State Board [of Education] supervises the system as a whole. This broader supervisory authority may at times infringe on a school board’s local powers, but such infringement is expressly contemplated – and in fact encouraged by the very nature of supervision – by the Florida Constitution.”).

and practicable opportunities authorized by law beyond those required by the state, are delegated by law to the school officials of the respective districts.”²

District school boards are also responsible for student welfare, including the attendance and control of students at school, and for proper attention to health, safety, and other matters relating to the welfare of the students.³

Open and Closed Campuses

District school boards have the discretion to determine whether school campuses are to be open or closed.⁴ Specifically, Florida law states that district school boards may “[p]rovide procedures for student dismissal precautions and for granting permission for students to leave school grounds during school hours, including releasing a student from school upon request by a parent or for public appearances of school groups.”⁵

The most recent data for Florida shows that 43 school districts reported a closed-campus policy as district policy, and 13 districts reported a closed-campus policy as a school option.⁶ Nationally, 72% of high schools maintain a closed campus.⁷

Mayra Capote

On September 8, 1999, Mayra Capote, Willie Moreira and Brian Barreto were killed in a traffic accident during lunch.⁸

² Section 1001.30, F.S. *See also*, s. 1001.32(2), F.S., which provides that district school boards “may exercise any power except as expressly prohibited by the State Constitution or general law.”

³ Section 1001.42(8)(a), F.S.

⁴ Department of Education, *Agency Legislative Bill Analysis for SB 148* (2017), at 2; Section 1001.43(1)(c), F.S. School lunch policies are generally labelled “open campus” (e.g., students may go off campus) or “closed campus” (e.g., students are not allowed to leave campus). Public Health Advocacy Institute, *Off the Map: Extracurricular School Food, Open Campus Lunch*, (2009) available at http://www.phaionline.org/wp-content/uploads/2009/04/otm_open_campus_lunch.pdf. A school with a “modified” policy that only allows certain students who meet specified requirements to go off campus is considered to have an open campus policy. *Id.* The terms “open campus” and “closed campus” are not defined in Florida statute or rule; although, the term “closed-campus” has been used by the Department of Education in the context of violence prevention. *See*, page 4, Department of Education, *Florida Safe and Drug-Free Schools Program, State Report for 2009-2010* (2009) available at <http://www.fldoe.org/core/fileparse.php/7771/urlt/0084819-staterrep0910.pdf>.

⁵ Section 1001.43(1)(c), F.S.

⁶ Department of Education, *Florida Safe and Drug-Free Schools Program, State Report for 2009-2010* (2009) available at <http://www.fldoe.org/core/fileparse.php/7771/urlt/0084819-staterrep0910.pdf>, at 9.

⁷ Center for Disease Control and Prevention, *School Health Policies and Practices Study, Results from the School Health Policies and Practices Study 2014* (2015), available at https://www.cdc.gov/healthyyouth/data/shpps/pdf/shpps-508-final_101315.pdf.

⁸ SunSentinel, *Lunch Off Campus Loses Favor* (Oct. 24, 1999), http://articles.sun-sentinel.com/1999-10-24/news/9910230312_1_high-school-students-school-board-lunch (last visited January 25, 2017). Mayra Capote was 14 years old. CBS Miami, *Extended Street Designation Honors Teen Killed in 1999* (Oct. 28, 2011), <http://miami.cbslocal.com/2011/10/28/extended-street-designation-honors-teen-killed-in-1999/> (last visited Jan. 25, 2017).

III. Effect of Proposed Changes:

SB 148 establishes the “Mayra Capote Act” to authorize district school boards to adopt policies for allowing students to leave school grounds during school hours, with some exceptions.

Specifically, the bill:

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- Provides that in a district that has more than 100,000 students in prekindergarten through grade 12, a school may not permit a student to leave school grounds for the lunch period unless the student’s parent has, in writing, consented for his or her child to leave school grounds during the lunch period for the school year.

For the 2016-2017 school year, 8 school districts have over 100,000 students in prekindergarten through grade 12. The table below shows the student population and open versus closed campus policy for such school districts:⁹

District	Student Population	District Policy
Miami-Dade	357,249	Closed
Broward	271,852	Closed
Hillsborough	214,386	Closed
Orange	200,674	Closed
Palm Beach	192,271	No formal policy
Duval	129,479	Modified Open
Pinellas	102,905	Closed
Polk	102,295	Closed

The bill takes effect July1, 2017.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

⁹ Department of Education, *Florida’s PK-20 Education Information Portal, Students, Enrollment, Build Your Own Table*, <https://edstats.fldoe.org/SASPortal/main.do> (last visited Jan. 25, 2017). The closest school districts under 100,000 students are Lee (92,686), Brevard (73,444), and Pasco (72,493). *Id.* E-mail, Department of Education (Jan. 27, 2017). Duval authorizes principals to determine whether lunches are open or closed; however, only 6 high schools allow students to leave during lunch and they all require parental permission and for the students to meet specified criteria (e.g., honor roll and no referrals). Department of Education, *Agency Legislative Analysis for SB 148* (2017), at 2.

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. Statutes Affected:

This bill substantially amends section 1001.43 of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

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

None.

B. Amendments:

None.