

**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 Committee on Education

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BILL: SB 438

INTRODUCER: Senator Baxley

SUBJECT: Out-of-school Suspension

DATE: February 20, 2017      REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Androff	Graf	ED	<b>Pre-meeting</b>
2.			RC	

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**I. Summary:**

SB 438 revises parents’ rights and school districts’ duties regarding the suspension of public school students. Specifically, the bill:

- Grants parents the right to give public testimony at a district school board meeting during which the board reviews its out-of-school suspension rules;
- Requires a district school board to review, once every 3 years, its rules authorizing out-of-school suspension during a district school board meeting; and
- Specifies that a district school board’s rules authorizing out-of-school suspension expire if the board does not conduct its review of these rules in accordance with the law.

The bill takes effect July 1, 2017.

**II. Present Situation:**

Florida law provides for both parent and student rights and specifies district school board duties related to student discipline and school safety.

**Student and Parent Rights**

Parents of public school students are entitled to receive accurate and timely information regarding their child’s academic performance and ways to help their child succeed in school.<sup>1</sup> Additionally, Florida law affords students and parents other rights including, but not limited to, rights regarding the discipline of a public school student.<sup>2</sup>

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<sup>1</sup> Section 1002.20, F.S.

<sup>2</sup> *Id.*

A student may be suspended pursuant to a district school board's rules.<sup>3</sup> A good faith effort must be made to immediately inform the parent, by telephone, of the suspension and related reason.<sup>4</sup> Each suspension must be reported in writing within 24 hours to the parent by U.S. mail.<sup>5</sup> A good faith effort must be made to use parental assistance before suspension, unless the situation requires immediate suspension.<sup>6</sup> Additionally, a student with a disability may only be recommended for suspension or expulsion in accordance with State Board of Education rules.<sup>7</sup>

### **District School Board Duties**

A district school board is responsible for the proper accounting for all students, for the attendance and control of students at school, and for proper attention to the health, safety and welfare of students.<sup>8</sup> Specifically, a district school board must adopt rules for the control, discipline, in-school suspension, suspension, and expulsion of students and decide all cases recommended for expulsion.<sup>9</sup> Additionally, a district school board must adopt a code of student conduct for elementary, middle, and high schools and distribute the appropriate code to all teachers, school personnel, students and parents at the beginning of every school year.<sup>10</sup>

A district school board must hold at least one regular meeting each month and convene for special session when called by the district school superintendent or on request of a majority of the district school board members.<sup>11</sup> All district school board meetings are open to the public.<sup>12</sup>

Currently, the School Environmental Safety Incident Reporting (SESIR) System assists schools, districts, and the Florida Department of Education (DOE) staff assess the extent and nature of problems in school safety.<sup>13</sup> The SESIR system requires schools to report 26 types of serious safety incidents that occur on school grounds, on school transportation, and at off-campus, school-sponsored events.<sup>14</sup> SESIR data is reported statewide and by school district within the Florida Statewide Report on School Safety and Discipline and must include the disciplinary action taken for each reported incident (e.g., suspension, expulsion, corporal punishment).<sup>15</sup> DOE also collects annual data on the types and number of disciplinary action administered when students violate district school board rules.<sup>16</sup>

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<sup>3</sup> Section 1002.20(4)(a)(1), F.S.

<sup>4</sup> *Id.*

<sup>5</sup> *Id.*

<sup>6</sup> *Id.*

<sup>7</sup> Section 1002.20(4)(a)(2), F.S.; Rule 6A-6.03312, F.A.C.

<sup>8</sup> Section 1006.07, F.S.

<sup>9</sup> Section 1006.07(1)(a), F.S.

<sup>10</sup> Section 1006.07(2), F.S.

<sup>11</sup> Section 1001.372(1), F.S. A district school board must also convene for special session when called by the district school superintendent on request of the chair of the district school board.

<sup>12</sup> Section 286.011, F.S.

<sup>13</sup> Florida Department of Education, *School Environmental Safety Incident Reporting (SESIR)*, <http://www.fldoe.org/schools/safe-healthy-schools/safe-schools/sesir-discipline-data/> (last visited February 20, 2017).

<sup>14</sup> *Id.*

<sup>15</sup> *Id.*

<sup>16</sup> *Id.*

### III. Effect of Proposed Changes:

SB 438 revises parents' rights and school districts' duties regarding the suspension of public school students. Specifically, the bill:

- Grants parents the right to give public testimony at a district school board meeting during which the board reviews its out-of-school suspension rules;
- Requires a district school board to review, once every 3 years, its rules authorizing out-of-school suspension during a district school board meeting; and
- Specifies that a district school board's rules authorizing out-of-school suspension expire if the board does not conduct its review of these rules in accordance with the law.

#### Student and Parent Rights

The bill grants parents the right to give public testimony at a district school board meeting at which the district board reviews its out-of-school suspension rules. This may allow parents to gain insight into how the out-of-school suspension rules are administered and comment on the review and improvement of such rules.

#### District School Board Duties

The bill requires a district school board to review, once every three years, its rules authorizing out-of-school suspension as a form of discipline at a district school board meeting. Currently, there is no statutory requirement that a district school board review its out-of-suspension rules during a district school board meeting. The bill requires the board to accept public testimony at the district school board meeting reviewing these rules. The bill provides that if a district does not review its out-of-school suspension rules and accept public testimony at a district school board meeting reviewing such rules, the rules authorizing out-of-school suspension will expire.

The bill creates information collection requirements related to the review of a district school board's out-of-school rules. The information must include the disability status, race, gender, and rate of recidivism of each student in the district who has received out-of-school suspension since the district school board's last review. Schools currently collect information regarding disciplinary actions through the School Environmental Safety Incident Reporting (SESIR) System.<sup>17</sup> The SESIR system requires schools to collect data on 26 specified incidents of crime, violence and disruptive behaviors that occur on school grounds, on school transportation, and at off-campus, school sponsored events. Incidents are reported by the schools to the districts, which provide the data to the Florida Department of Education (DOE).<sup>18</sup> However, it does not appear that the SESIR system contains demographic data regarding the disability status, race, gender and rate of recidivism of each student in the district who has received out-of-school suspension.

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<sup>17</sup> Florida Department of Education, *School Environmental Safety Incident Reporting (SESIR)*, <http://www.fldoe.org/schools/safe-healthy-schools/safe-schools/sesir-discipline-data/> (last visited February 20, 2017).

<sup>18</sup> Florida Department of Education, *Statewide Report on School Safety & Discipline Data*, <http://www.fldoe.org/schools/safe-healthy-schools/safe-schools/sesir-discipline-data/discipline-incident-data/statewide-report-on-school-safety-disc.stml> (last visited February 20, 2017).

The bill may increase awareness of a district school board's rules authorizing out-of-school suspension as a form of disciplinary action. Public input and specified information that must be collected may help district school boards in reviewing and improving their rules authorizing out-of-school suspension.

The bill takes effect July 1, 2017.

**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. Statutes Affected:**

This bill substantially amends the following sections of the Florida Statutes: 1002.20 and 1006.07.

**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.

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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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