

**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 1120

INTRODUCER: Senator Taddeo

SUBJECT: Corporal Punishment in Public Schools

DATE: March 25, 2019

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

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Olenick	Sikes	ED	<b>Pre-meeting</b>
2.			JU	
3.			RC	

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**I. Summary:**

SB 1120 removes corporal punishment on a student and the related procedures from the disciplinary options provided to a teacher, school principal, and the school board and conforms cross references as a result of this change.

The bill has no impact on state revenues or expenditures.

The bill takes effect July 1, 2019.

**II. Present Situation:**

**K-12 Student and Parent Rights**

Parents of public school students must receive accurate and timely information regarding their child's academic progress and must be informed of ways they can help their child to succeed in school. K-12 students and their parents are afforded numerous statutory rights.<sup>1</sup>

***Discipline***

A student may be suspended only as provided by rule of the district school board. A good faith effort must be made to immediately inform the parent by telephone of the student's suspension and reason. Each suspension and the reason must be reported in writing within 24 hours to the parent by mail. A good faith effort must be made to use parental assistance before suspension unless the situation requires immediate assistance.<sup>2</sup>

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

<sup>2</sup> *Id.* at (4).

Additionally, a student may be expelled by the district school board which requires a written notice of recommendation of expulsion, including the charges against the student and a statement of the right of the student to due process.<sup>3</sup>

Florida law also provides for corporal punishment. In accordance with the provisions in law granting teachers the authority and responsibility to control their students,<sup>4</sup> a public school student may be administered corporal punishment by a teacher or school principal within the guidelines of the school principal and according to district school board policy. Another adult must be present and must be informed in the student's presence of the reason for the punishment. Upon request, the teacher or school principal must provide the parent with a written explanation of the reason for the punishment and the name of the other adult who was present.<sup>5</sup>

A district school board having a policy authorizing the use of corporal punishment as a form of discipline shall review its policy on corporal punishment once every 3 years during a district school board meeting. The district school board shall take public testimony at the board meeting. If such board meeting is not held in accordance with this requirement, the portion of the district school board's policy authorizing corporal punishment expires.<sup>6</sup>

According to the Department of Education, there was a total of 1,352 reported instances of corporal punishment, from 17 school districts, during the 2017-2018 school year.<sup>7</sup>

### **Authority of Teachers and Responsibility for Control of Students**

Subject to law and to the rules of the district school board, each teacher or other member of the school staff have authority for the control and discipline of students as may be assigned by the principal or the principal's designee and must keep order in the classroom and in other places in which he or she is assigned to be in charge of students.<sup>8</sup>

In accordance with this authority and within the framework of the district school board's code of student conduct, teachers and other instructional personnel have the authority to undertake any of the following actions in managing student behavior and ensuring the safety of all students in their classes and school and their opportunity to learn in an orderly and disciplined classroom, including:<sup>9</sup>

- Establishing classroom rules of conduct.
- Establishing consequences, designed to change behavior, for infractions of classroom rules.
- Having disobedient, disrespectful, violent, abusive, uncontrollable, or disruptive students:
  - Removed from the classroom for behavior management intervention.
  - Directed for information or assistance from appropriate school or district school board personnel.

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<sup>3</sup> *Id.*

<sup>4</sup> Section 1003.32, F.S.

<sup>5</sup> Section 1002.20(4)(c), F.S.

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

<sup>7</sup> Email, Florida Department of Education. (March 22, 2019).

<sup>8</sup> Section 1003.32, F.S.

<sup>9</sup> *Id.* at (1)(a)-(k).

- Assisting in enforcing school rules on school property, during school-sponsored transportation, and during school-sponsored activities, and pressing charges if there is a reason to believe that a crime has been committed on school property, during school-sponsored transportation, or during school-sponsored activities.
- Requesting and receiving:
  - Information as to the disposition of any referrals to the administration for violation of classroom or school rules.
  - Immediate assistance in classroom management if a student becomes uncontrollable or in case of emergency.
  - Training and other assistance to improve skills in classroom management, violence prevention, conflict resolution, and related areas.
- Using reasonable force, according to standards adopted by the State Board of Education, to protect himself or herself or others from injury.
- Using corporal punishment according to school board policy and required procedures, if a teacher feels that corporal punishment is necessary.

### **Duties of School Principals**

Each school principal is required to perform such duties as may be assigned by the district school superintendent, pursuant to the rule of the district school board. Such rules shall include, but are not limited to rules relating to:<sup>10</sup>

- Administrative responsibility,
- Instructional leadership in implementing the Sunshine State Standards and the overall educational program of the school to which the school principal is assigned,
- Submission of personnel recommendations to the district school superintendent,
- Administrative responsibility for records and reports,
- Administration of corporal punishment, and
- Student suspension.

### **III. Effect of Proposed Changes:**

SB 1120 removes corporal punishment and the corresponding procedures from the disciplinary options provided to a teacher, school principal and school board and conforms cross references as a result of this change.

More specifically the bill:

- Specifies that a public school employee may not use corporal punishment on a public school student and removes the:
  - Administration of corporal punishment from the duties of a principal.
  - Requirement for a school board to meet once every 3 years to review their policy on corporal punishment.
- Conforms cross references found in s. 1003.01, F.S., due to the removal of the definition of corporal punishment and renumbering of the statute's sections.

In effect, the bill removes corporal punishment as a disciplinary option from public schools.

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<sup>10</sup> Section 1012.28, F.S.

The bill takes effect July 1, 2019.

**IV. Constitutional Issues:**

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

**V. Fiscal Impact Statement:**

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The bill has no impact on state revenues or expenditures.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends 1002.20, 1003.32, 1003.01, 1006.07, and 1012.28 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.

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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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