

By Senator Taddeo

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1 A bill to be entitled
2 An act relating to corporal punishment in public
3 schools; amending s. 1002.20, F.S.; prohibiting public
4 school employees from using corporal punishment on a
5 public school student; defining the term "corporal
6 punishment"; amending s. 1003.32, F.S.; removing
7 corporal punishment as an option for teachers and
8 other instructional personnel to use to manage student
9 behavior; amending ss. 414.1251, 1001.11, 1002.01,
10 1002.3105, 1002.385, 1002.42, 1002.43, 1003.01,
11 1003.03, 1003.21, 1003.26, 1003.52, 1006.07,
12 1012.2315, and 1012.28, F.S.; conforming cross-
13 references and conforming provisions to changes made
14 by the act; providing an effective date.

15
16 Be It Enacted by the Legislature of the State of Florida:

17
18 Section 1. Paragraph (b) of subsection (2) and paragraph
19 (c) of subsection (4) of section 1002.20, Florida Statutes, are
20 amended to read:

21 1002.20 K-12 student and parent rights.—Parents of public
22 school students must receive accurate and timely information
23 regarding their child's academic progress and must be informed
24 of ways they can help their child to succeed in school. K-12
25 students and their parents are afforded numerous statutory
26 rights including, but not limited to, the following:

27 (2) ATTENDANCE.—

28 (b) *Regular school attendance.*—Parents of students who have
29 attained the age of 6 years by February 1 of any school year but

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30 who have not attained the age of 16 years must comply with the
31 compulsory school attendance laws. Parents have the option to
32 comply with the school attendance laws by attendance of the
33 student in a public school; a parochial, religious, or
34 denominational school; a private school; a home education
35 program; or a private tutoring program, in accordance with s.
36 1003.01(12) ~~the provisions of s. 1003.01(13).~~

37 (4) DISCIPLINE.—

38 (c) *Corporal punishment*.—

39 ~~1. A public school employee may not use~~ In accordance with
40 ~~the provisions of s. 1003.32,~~ corporal punishment on ~~of~~ a public
41 school student. As used in this paragraph, the term "corporal
42 punishment" means the use of physical force or physical contact
43 to discipline a student or to enforce school rules. However, the
44 term does not include the use of reasonable force by a public
45 school employee acting in self-defense or in the protection of
46 other students from disruptive students ~~may only be administered~~
47 ~~by a teacher or school principal within guidelines of the school~~
48 ~~principal and according to district school board policy. Another~~
49 ~~adult must be present and must be informed in the student's~~
50 ~~presence of the reason for the punishment. Upon request, the~~
51 ~~teacher or school principal must provide the parent with a~~
52 ~~written explanation of the reason for the punishment and the~~
53 ~~name of the other adult who was present.~~

54 ~~2. A district school board having a policy authorizing the~~
55 ~~use of corporal punishment as a form of discipline shall review~~
56 ~~its policy on corporal punishment once every 3 years during a~~
57 ~~district school board meeting held pursuant to s. 1001.372. The~~
58 ~~district school board shall take public testimony at the board~~

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59 ~~meeting. If such board meeting is not held in accordance with~~
60 ~~this subparagraph, the portion of the district school board's~~
61 ~~policy authorizing corporal punishment expires.~~

62 Section 2. Paragraph (k) of subsection (1) of section
63 1003.32, Florida Statutes, is amended to read:

64 1003.32 Authority of teacher; responsibility for control of
65 students; district school board and principal duties.—Subject to
66 law and to the rules of the district school board, each teacher
67 or other member of the staff of any school shall have such
68 authority for the control and discipline of students as may be
69 assigned to him or her by the principal or the principal's
70 designated representative and shall keep good order in the
71 classroom and in other places in which he or she is assigned to
72 be in charge of students.

73 (1) In accordance with this section and within the
74 framework of the district school board's code of student
75 conduct, teachers and other instructional personnel shall have
76 the authority to undertake any of the following actions in
77 managing student behavior and ensuring the safety of all
78 students in their classes and school and their opportunity to
79 learn in an orderly and disciplined classroom:

80 ~~(k) Use corporal punishment according to school board~~
81 ~~policy and at least the following procedures, if a teacher feels~~
82 ~~that corporal punishment is necessary:~~

83 ~~1. The use of corporal punishment shall be approved in~~
84 ~~principle by the principal before it is used, but approval is~~
85 ~~not necessary for each specific instance in which it is used.~~
86 ~~The principal shall prepare guidelines for administering such~~
87 ~~punishment which identify the types of punishable offenses, the~~

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88 ~~conditions under which the punishment shall be administered, and~~
89 ~~the specific personnel on the school staff authorized to~~
90 ~~administer the punishment.~~

91 ~~2. A teacher or principal may administer corporal~~
92 ~~punishment only in the presence of another adult who is informed~~
93 ~~beforehand, and in the student's presence, of the reason for the~~
94 ~~punishment.~~

95 ~~3. A teacher or principal who has administered punishment~~
96 ~~shall, upon request, provide the student's parent with a written~~
97 ~~explanation of the reason for the punishment and the name of the~~
98 ~~other adult who was present.~~

99 Section 3. Subsection (1) of section 414.1251, Florida
100 Statutes, is amended to read:

101 414.1251 Learnfare program.—

102 (1) The department shall reduce the temporary cash
103 assistance for a participant's eligible dependent child or for
104 an eligible teenage participant who has not been exempted from
105 education participation requirements, if the eligible dependent
106 child or eligible teenage participant has been identified either
107 as a habitual truant, pursuant to s. 1003.01(7) ~~s. 1003.01(8)~~,
108 or as a dropout, pursuant to s. 1003.01(8) ~~s. 1003.01(9)~~. For a
109 student who has been identified as a habitual truant, the
110 temporary cash assistance must be reinstated after a subsequent
111 grading period in which the child's attendance has substantially
112 improved. For a student who has been identified as a dropout,
113 the temporary cash assistance must be reinstated after the
114 student enrolls in a public school, receives a high school
115 diploma or its equivalency, enrolls in preparation for the high
116 school equivalency examination, or enrolls in other educational

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117 activities approved by the district school board. Good cause
118 exemptions from the rule of unexcused absences include the
119 following:

120 (a) The student is expelled from school and alternative
121 schooling is not available.

122 (b) No licensed day care is available for a child of teen
123 parents subject to Learnfare.

124 (c) Prohibitive transportation problems exist (e.g., to and
125 from day care).

126

127 Within 10 days after sanction notification, the participant
128 parent of a dependent child or the teenage participant may file
129 an internal fair hearings process review procedure appeal, and a
130 ~~no~~ sanction may not ~~shall~~ be imposed until the appeal is
131 resolved.

132 Section 4. Subsection (7) of section 1001.11, Florida
133 Statutes, is amended to read:

134 1001.11 Commissioner of Education; other duties.—

135 (7) The commissioner shall make prominently available on
136 the department's website the following: links to the Internet-
137 based clearinghouse for professional development regarding
138 physical education; the school wellness and physical education
139 policies and other resources required under s. 1003.453; and
140 other Internet sites that provide professional development for
141 elementary teachers of physical education as defined in s.
142 1003.01 ~~s. 1003.01(16)~~. These links must provide elementary
143 teachers with information concerning current physical education
144 and nutrition philosophy and best practices that result in
145 student participation in physical activities that promote

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146 lifelong physical and mental well-being.

147 Section 5. Section 1002.01, Florida Statutes, is amended to
148 read:

149 1002.01 Definitions.—

150 (1) A "home education program" means the sequentially
151 progressive instruction of a student directed by his or her
152 parent in order to satisfy the attendance requirements of ss.
153 1002.41, 1003.01(12) ~~1003.01(13)~~, and 1003.21(1).

154 (2) A "private school" is a nonpublic school defined as an
155 individual, association, copartnership, or corporation, or
156 department, division, or section of such organizations, that
157 designates itself as an educational center that includes
158 kindergarten or a higher grade or as an elementary, secondary,
159 business, technical, or trade school below college level or any
160 organization that provides instructional services that meet the
161 intent of s. 1003.01(12) ~~s. 1003.01(13)~~ or that gives
162 preemployment or supplementary training in technology or in
163 fields of trade or industry or that offers academic, literary,
164 or career training below college level, or any combination of
165 the above, including an institution that performs the functions
166 of the above schools through correspondence or extension, except
167 those licensed under ~~the provisions of~~ chapter 1005. A private
168 school may be a parochial, religious, denominational, for-
169 profit, or nonprofit school. This definition does not include
170 home education programs conducted in accordance with s. 1002.41.

171 Section 6. Paragraph (d) of subsection (3) of section
172 1002.3105, Florida Statutes, is amended to read:

173 1002.3105 Academically Challenging Curriculum to Enhance
174 Learning (ACCEL) options.—

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175 (3) STUDENT ELIGIBILITY CONSIDERATIONS.—When establishing
176 student eligibility requirements, principals and school
177 districts must consider, at a minimum:

178 (d) Recommendations from one or more of the student's
179 teachers in core-curricula courses as defined in s. 1003.01 ~~s.~~
180 ~~1003.01(14)(a)–(e)~~.

181 Section 7. Paragraph (h) of subsection (5) and paragraph
182 (a) of subsection (11) of section 1002.385, Florida Statutes,
183 are amended to read:

184 1002.385 The Gardiner Scholarship.—

185 (5) AUTHORIZED USES OF PROGRAM FUNDS.—Program funds must be
186 used to meet the individual educational needs of an eligible
187 student and may be spent for the following purposes:

188 (h) Tuition and fees for part-time tutoring services
189 provided by a person who holds a valid Florida educator's
190 certificate pursuant to s. 1012.56; a person who holds an
191 adjunct teaching certificate pursuant to s. 1012.57; a person
192 who has a bachelor's degree or a graduate degree in the subject
193 area in which instruction is given; or a person who has
194 demonstrated a mastery of subject area knowledge pursuant to s.
195 1012.56(5). As used in this paragraph, the term "part-time
196 tutoring services" does not qualify as regular school attendance
197 as defined in s. 1003.01(12)(e) ~~s. 1003.01(13)(e)~~.

198
199 A provider of any services receiving payments pursuant to this
200 subsection may not share, refund, or rebate any moneys from the
201 Gardiner Scholarship with the parent or participating student in
202 any manner. A parent, student, or provider of any services may
203 not bill an insurance company, Medicaid, or any other agency for

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204 the same services that are paid for using Gardiner Scholarship
205 funds.

206 (11) PARENT AND STUDENT RESPONSIBILITIES FOR PROGRAM
207 PARTICIPATION.—A parent who applies for program participation
208 under this section is exercising his or her parental option to
209 determine the appropriate placement or the services that best
210 meet the needs of his or her child. The scholarship award for a
211 student is based on a matrix that assigns the student to support
212 Level III services. If a parent receives an IEP and a matrix of
213 services from the school district pursuant to subsection (7),
214 the amount of the payment shall be adjusted as needed, when the
215 school district completes the matrix.

216 (a) To satisfy or maintain program eligibility, including
217 eligibility to receive and spend program payments, the parent
218 must sign an agreement with the organization and annually submit
219 a notarized, sworn compliance statement to the organization to:

220 1. Affirm that the student is enrolled in a program that
221 meets regular school attendance requirements as provided in s.
222 1003.01(12)(b)-(d) ~~s. 1003.01(13)(b)-(d)~~.

223 2. Affirm that the program funds are used only for
224 authorized purposes serving the student's educational needs, as
225 described in subsection (5).

226 3. Affirm that the parent is responsible for the education
227 of his or her student by, as applicable:

228 a. Requiring the student to take an assessment in
229 accordance with paragraph (8)(b);

230 b. Providing an annual evaluation in accordance with s.
231 1002.41(1)(f); or

232 c. Requiring the child to take any preassessments and

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233 postassessments selected by the provider if the child is 4 years
234 of age and is enrolled in a program provided by an eligible
235 Voluntary Prekindergarten Education Program provider. A student
236 with disabilities for whom a preassessment and postassessment is
237 not appropriate is exempt from this requirement. A participating
238 provider shall report a student's scores to the parent.

239 4. Affirm that the student remains in good standing with
240 the provider or school if those options are selected by the
241 parent.

242

243 A parent who fails to comply with this subsection forfeits the
244 Gardiner Scholarship.

245 Section 8. Subsection (7) of section 1002.42, Florida
246 Statutes, is amended to read:

247 1002.42 Private schools.—

248 (7) ATTENDANCE REQUIREMENTS.—Attendance of a student at a
249 private, parochial, religious, or denominational school
250 satisfies the attendance requirements of ss. 1003.01(12) ~~ss.~~
251 ~~1003.01(13)~~ and 1003.21(1).

252 Section 9. Subsection (1) of section 1002.43, Florida
253 Statutes, is amended to read:

254 1002.43 Private tutoring programs.—

255 (1) Regular school attendance as defined in s. 1003.01 ~~s.~~
256 ~~1003.01(13)~~ may be achieved by attendance in a private tutoring
257 program if the person tutoring the student meets the following
258 requirements:

259 (a) Holds a valid Florida certificate to teach the subjects
260 or grades in which instruction is given.

261 (b) Keeps all records and makes all reports required by the

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262 state and district school board and makes regular reports on the
263 attendance of students in accordance with ~~the provisions of s.~~
264 1003.23(2).

265 (c) Requires students to be in actual attendance for the
266 minimum length of time prescribed by s. 1011.60(2).

267 Section 10. Subsections (7) and (14) of section 1003.01,
268 Florida Statutes, are amended to read:

269 1003.01 Definitions.—As used in this chapter, the term:

270 ~~(7) "Corporal punishment" means the moderate use of~~
271 ~~physical force or physical contact by a teacher or principal as~~
272 ~~may be necessary to maintain discipline or to enforce school~~
273 ~~rule. However, the term "corporal punishment" does not include~~
274 ~~the use of such reasonable force by a teacher or principal as~~
275 ~~may be necessary for self-protection or to protect other~~
276 ~~students from disruptive students.~~

277 (13) ~~(14)~~ "Core-curricula courses" means:

278 (a) Courses in language arts/reading, mathematics, social
279 studies, and science in prekindergarten through grade 3,
280 excluding extracurricular courses pursuant to subsection (14)
281 ~~(15)~~;

282 (b) Courses in grades 4 through 8 in subjects that are
283 measured by state assessment at any grade level and courses
284 required for middle school promotion, excluding extracurricular
285 courses pursuant to subsection (14) ~~(15)~~;

286 (c) Courses in grades 9 through 12 in subjects that are
287 measured by state assessment at any grade level and courses that
288 are specifically identified by name in statute as required for
289 high school graduation and that are not measured by state
290 assessment, excluding extracurricular courses pursuant to

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291 subsection (14) ~~(15)~~;

292 (d) Exceptional student education courses; and

293 (e) English for Speakers of Other Languages courses.

294

295 The term is limited in meaning and used for the sole purpose of
296 designating classes that are subject to the maximum class size
297 requirements established in s. 1, Art. IX of the State
298 Constitution. This term does not include courses offered under
299 ss. 1002.321(4)(e), 1002.33(7)(a)2.b., 1002.37, 1002.45, and
300 1003.499.

301 Section 11. Subsection (6) of section 1003.03, Florida
302 Statutes, is amended to read:

303 1003.03 Maximum class size.—

304 (6) COURSES FOR COMPLIANCE.—Consistent with s. 1003.01(13)
305 ~~s. 1003.01(14)~~, the Department of Education shall identify from
306 the Course Code Directory the core-curricula courses for the
307 purpose of satisfying the maximum class size requirement in this
308 section. The department may adopt rules to implement this
309 subsection, if necessary.

310 Section 12. Subsection (4) of section 1003.21, Florida
311 Statutes, is amended to read:

312 1003.21 School attendance.—

313 (4) Before admitting a child to kindergarten, the principal
314 shall require evidence that the child has attained the age at
315 which he or she should be admitted in accordance with the
316 provisions of subparagraph (1)(a)2. The district school
317 superintendent may require evidence of the age of any child who
318 is being enrolled in public school and who the district school
319 superintendent believes to be within the limits of compulsory

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320 attendance as provided for by law; however, the district school
321 superintendent may not require evidence from any child who meets
322 regular attendance requirements by attending a school or program
323 listed in s. 1003.01(12)(b)-(e) ~~s. 1003.01(13)(b)-(e)~~. If the
324 first prescribed evidence is not available, the next evidence
325 obtainable in the order set forth below shall be accepted:

326 (a) A duly attested transcript of the child's birth record
327 filed according to law with a public officer charged with the
328 duty of recording births;

329 (b) A duly attested transcript of a certificate of baptism
330 showing the date of birth and place of baptism of the child,
331 accompanied by an affidavit sworn to by the parent;

332 (c) An insurance policy on the child's life that has been
333 in force for at least 2 years;

334 (d) A bona fide contemporary religious record of the
335 child's birth accompanied by an affidavit sworn to by the
336 parent;

337 (e) A passport or certificate of arrival in the United
338 States showing the age of the child;

339 (f) A transcript of record of age shown in the child's
340 school record of at least 4 years prior to application, stating
341 date of birth; or

342 (g) If none of these evidences can be produced, an
343 affidavit of age sworn to by the parent, accompanied by a
344 certificate of age signed by a public health officer or by a
345 public school physician, or, if these are not available in the
346 county, by a licensed practicing physician designated by the
347 district school board, which states that the health officer or
348 physician has examined the child and believes that the age as

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349 stated in the affidavit is substantially correct. Children and
350 youths who are experiencing homelessness and children who are
351 known to the department, as defined in s. 39.0016, shall be
352 given temporary exemption from this section for 30 school days.

353 Section 13. Paragraph (f) of subsection (1) of section
354 1003.26, Florida Statutes, is amended to read:

355 1003.26 Enforcement of school attendance.—The Legislature
356 finds that poor academic performance is associated with
357 nonattendance and that school districts must take an active role
358 in promoting and enforcing attendance as a means of improving
359 student performance. It is the policy of the state that each
360 district school superintendent be responsible for enforcing
361 school attendance of all students subject to the compulsory
362 school age in the school district and supporting enforcement of
363 school attendance by local law enforcement agencies. The
364 responsibility includes recommending policies and procedures to
365 the district school board that require public schools to respond
366 in a timely manner to every unexcused absence, and every absence
367 for which the reason is unknown, of students enrolled in the
368 schools. District school board policies shall require the parent
369 of a student to justify each absence of the student, and that
370 justification will be evaluated based on adopted district school
371 board policies that define excused and unexcused absences. The
372 policies must provide that public schools track excused and
373 unexcused absences and contact the home in the case of an
374 unexcused absence from school, or an absence from school for
375 which the reason is unknown, to prevent the development of
376 patterns of nonattendance. The Legislature finds that early
377 intervention in school attendance is the most effective way of

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378 producing good attendance habits that will lead to improved
379 student learning and achievement. Each public school shall
380 implement the following steps to promote and enforce regular
381 school attendance:

382 (1) CONTACT, REFER, AND ENFORCE.—

383 (f)1. If the parent of a child who has been identified as
384 exhibiting a pattern of nonattendance enrolls the child in a
385 home education program pursuant to chapter 1002, the district
386 school superintendent shall provide the parent a copy of s.
387 1002.41 and the accountability requirements of this paragraph.
388 The district school superintendent shall also refer the parent
389 to a home education review committee composed of the district
390 contact for home education programs and at least two home
391 educators selected by the parent from a district list of all
392 home educators who have conducted a home education program for
393 at least 3 years and who have indicated a willingness to serve
394 on the committee. The home education review committee shall
395 review the portfolio of the student, as defined by s. 1002.41,
396 every 30 days during the district's regular school terms until
397 the committee is satisfied that the home education program is in
398 compliance with s. 1002.41(1)(d). The first portfolio review
399 must occur within the first 30 calendar days of the
400 establishment of the program. The provisions of subparagraph 2.
401 do not apply once the committee determines the home education
402 program is in compliance with s. 1002.41(1)(d).

403 2. If the parent fails to provide a portfolio to the
404 committee, the committee must ~~shall~~ notify the district school
405 superintendent. The district school superintendent shall then
406 terminate the home education program and require the parent to

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407 enroll the child in an attendance option that meets the
 408 definition of "regular school attendance" under s.
 409 1003.01(12) (a), (b), (c), or (e) ~~s. 1003.01(13) (a), (b), (c), or~~
 410 ~~(e)~~, within 3 days. Upon termination of a home education program
 411 pursuant to this subparagraph, the parent is ~~shall~~ not ~~be~~
 412 eligible to reenroll the child in a home education program for
 413 180 calendar days. Failure of a parent to enroll the child in an
 414 attendance option as required by this subparagraph after
 415 termination of the home education program pursuant to this
 416 subparagraph shall constitute noncompliance with the compulsory
 417 attendance requirements of s. 1003.21 and may result in criminal
 418 prosecution under s. 1003.27(2). Nothing contained herein shall
 419 restrict the ability of the district school superintendent, or
 420 the ability of his or her designee, to review the portfolio
 421 pursuant to s. 1002.41(1) (e).

422 Section 14. Subsection (4) of section 1003.52, Florida
 423 Statutes, is amended to read:

424 1003.52 Educational services in Department of Juvenile
 425 Justice programs.—

426 (4) Educational services shall be provided at times of the
 427 day most appropriate for the juvenile justice program. School
 428 programming in juvenile justice detention, prevention, day
 429 treatment, and residential programs shall be made available by
 430 the local school district during the juvenile justice school
 431 year, as provided in s. 1003.01(10) ~~s. 1003.01(11)~~. In addition,
 432 students in juvenile justice education programs shall have
 433 access to courses offered pursuant to ss. 1002.37, 1002.45, and
 434 1003.498. The Department of Education and the school districts
 435 shall adopt policies necessary to provide such access.

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436 Section 15. Paragraph (a) of subsection (1) and paragraph
437 (b) of subsection (2) of section 1006.07, Florida Statutes, are
438 amended to read:

439 1006.07 District school board duties relating to student
440 discipline and school safety.—The district school board shall
441 provide for the proper accounting for all students, for the
442 attendance and control of students at school, and for proper
443 attention to health, safety, and other matters relating to the
444 welfare of students, including:

445 (1) CONTROL OF STUDENTS.—

446 (a) Adopt rules for the control, discipline, in-school
447 suspension, suspension, and expulsion of students and decide all
448 cases recommended for expulsion. Suspension hearings are exempt
449 ~~exempted~~ from the provisions of chapter 120. Expulsion hearings
450 shall be governed by ss. 120.569 and 120.57(2) and are exempt
451 from s. 286.011. However, the student's parent must be given
452 notice of the provisions of s. 286.011 and may elect to have the
453 hearing held in compliance with that section. ~~The district~~
454 ~~school board may prohibit the use of corporal punishment, if the~~
455 ~~district school board adopts or has adopted a written program of~~
456 ~~alternative control or discipline.~~

457 (2) CODE OF STUDENT CONDUCT.—Adopt a code of student
458 conduct for elementary schools and a code of student conduct for
459 middle and high schools and distribute the appropriate code to
460 all teachers, school personnel, students, and parents, at the
461 beginning of every school year. Each code shall be organized and
462 written in language that is understandable to students and
463 parents and shall be discussed at the beginning of every school
464 year in student classes, school advisory council meetings, and

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465 parent and teacher association or organization meetings. Each
466 code shall be based on the rules governing student conduct and
467 discipline adopted by the district school board and shall be
468 made available in the student handbook or similar publication.
469 Each code shall include, but is not limited to:

470 (b) Procedures to be followed for acts requiring
471 discipline, ~~including corporal punishment.~~

472 Section 16. Paragraph (c) of subsection (6) of section
473 1012.2315, Florida Statutes, is amended to read:

474 1012.2315 Assignment of teachers.—

475 (6) ASSIGNMENT OF TEACHERS BASED UPON PERFORMANCE
476 EVALUATIONS.—

477 (c) For a student enrolling in an extracurricular course as
478 defined in s. 1003.01 ~~s. 1003.01(15)~~, a parent may choose to
479 have the student taught by a teacher who received a performance
480 evaluation of "needs improvement" or "unsatisfactory" in the
481 preceding school year if the student and the student's parent
482 receive an explanation of the impact of teacher effectiveness on
483 student learning and the principal receives written consent from
484 the parent.

485 Section 17. Subsection (5) of section 1012.28, Florida
486 Statutes, is amended to read:

487 1012.28 Public school personnel; duties of school
488 principals.—

489 (5) Each school principal shall perform such duties as may
490 be assigned by the district school superintendent, pursuant to
491 the rules of the district school board. Such rules shall
492 include, but are not limited to, rules relating to
493 administrative responsibility, instructional leadership in

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494 implementing the Sunshine State Standards and the overall
495 educational program of the school to which the school principal
496 is assigned, submission of personnel recommendations to the
497 district school superintendent, administrative responsibility
498 for records and reports, ~~administration of corporal punishment,~~
499 and student suspension.

500 Section 18. This act shall take effect July 1, 2019.