

HB 781

2020

1 A bill to be entitled

2 An act relating to corporal punishment in public
3 schools; amending s. 1002.20, F.S.; providing that
4 only school principals, and not teachers, may
5 administer corporal punishment to public school
6 students; requiring school principals to notify
7 students' parents in writing and receive written
8 consent before administering corporal punishment;
9 requiring school principals who have administered
10 corporal punishment to provide parents with written
11 explanations of the punishment; amending s. 1003.01,
12 F.S.; revising the definition of the term "corporal
13 punishment"; conforming a provision to changes made by
14 the act; amending s. 1003.32, F.S.; authorizing
15 teachers and other instructional personnel to request
16 that principals administer corporal punishment;
17 removing corporal punishment as an option for teachers
18 to use to manage student behavior; prohibiting
19 principals from administering corporal punishment
20 unless the principal has taken specified actions;
21 prohibiting principals from administering corporal
22 punishment to students with disabilities; providing an
23 effective date.

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25 Be It Enacted by the Legislature of the State of Florida:

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Section 1. Paragraph (c) of subsection (4) of section 1002.20, Florida Statutes, is amended to read:

1002.20 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 including, but not limited to, the following:

(4) DISCIPLINE.—

(c) *Corporal punishment.*—

1. In accordance with ~~the provisions of~~ s. 1003.32, corporal punishment of a public school student may only be administered by a ~~teacher or~~ school principal within guidelines prepared by ~~of~~ the school principal and according to district school board policy. The school principal must notify the student's parent in writing, and the student's parent must provide written consent, before the principal administers the punishment. Another adult must be present and must be informed in the student's presence of the reason for the punishment. A ~~Upon request, the teacher or~~ school principal who has administered corporal punishment must provide the parent with a written explanation of the reason for the punishment and the name of the other adult who was present.

2. A district school board having a policy authorizing the

51 use of corporal punishment as a form of discipline shall review
52 its policy on corporal punishment once every 3 years during a
53 district school board meeting held pursuant to s. 1001.372. The
54 district school board shall take public testimony at the board
55 meeting. If such board meeting is not held in accordance with
56 this subparagraph, the portion of the district school board's
57 policy authorizing corporal punishment expires.

58 Section 2. Subsection (7) of section 1003.01, Florida
59 Statutes, is amended to read:

60 1003.01 Definitions.—As used in this chapter, the term:

61 (7) "Corporal punishment" means the moderate use of
62 physical force or physical contact by a ~~teacher or~~ principal as
63 may be necessary to maintain discipline or to enforce school
64 rule through the use of a paddle. However, the term "corporal
65 punishment" does not include the use of such reasonable force by
66 a ~~teacher or~~ principal as may be necessary for self-protection
67 or to protect other students from disruptive students.

68 Section 3. Paragraph (k) of subsection (1) of section
69 1003.32, Florida Statutes, is amended to read:

70 1003.32 Authority of teacher; responsibility for control
71 of students; district school board and principal duties.—Subject
72 to law and to the rules of the district school board, each
73 teacher or other member of the staff of any school shall have
74 such authority for the control and discipline of students as may
75 be assigned to him or her by the principal or the principal's

76 designated representative and shall keep good order in the
77 classroom and in other places in which he or she is assigned to
78 be in charge of students.

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

86 (k) Request the principal to administer ~~use~~ corporal
87 punishment according to school board policy and at least the
88 following procedures, if a teacher feels that corporal
89 punishment is necessary:

90 1. ~~The use of corporal punishment shall be approved in~~
91 ~~principle by the principal before it is used, but approval is~~
92 ~~not necessary for each specific instance in which it is used.~~
93 The principal shall prepare guidelines for administering such
94 punishment which identify the types of punishable offenses and,
95 the conditions under which the punishment may ~~shall~~ be
96 administered, ~~and the specific personnel on the school staff~~
97 ~~authorized to administer the punishment.~~

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

101 | punishment.

102 | 3. A principal may not administer corporal punishment to a
103 | student unless the principal has notified the student's parent
104 | in writing and received written consent from the student's
105 | parent before the principal administers the punishment. However,
106 | a principal may not administer corporal punishment to a student
107 | with any disability as that term is defined in s. 1002.51(2).

108 | 4. A ~~teacher or~~ principal who has administered corporal
109 | punishment shall, ~~upon request,~~ provide the student's parent
110 | with a written explanation of the reason for the punishment and
111 | the name of the other adult who was present.

112 | Section 4. This act shall take effect July 1, 2020.