

By Senator Taddeo

40-00735A-20

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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.; 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.

24  
25 Be It Enacted by the Legislature of the State of Florida:

26  
27       Section 1. Paragraph (c) of subsection (4) of section  
28       1002.20, Florida Statutes, is amended to read:  
29       1002.20 K-12 student and parent rights.—Parents of public

40-00735A-20

20201058\_\_

30 school students must receive accurate and timely information  
31 regarding their child's academic progress and must be informed  
32 of ways they can help their child to succeed in school. K-12  
33 students and their parents are afforded numerous statutory  
34 rights including, but not limited to, the following:

35 (4) DISCIPLINE.—

36 (c) *Corporal punishment.*—

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

50 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

40-00735A-20

20201058\_\_

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 of  
71 students; district school board and principal duties.—Subject to  
72 law and to the rules of the district school board, each teacher  
73 or other member of the staff of any school shall have such  
74 authority for the control and discipline of students as may be  
75 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

40-00735A-20

20201058\_\_

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.