

STORAGE NAME: h0137p1.edk

DATE: March 17, 1997

**HOUSE OF REPRESENTATIVES
COMMITTEE ON
EDUCATION K-12
BILL ANALYSIS & ECONOMIC IMPACT STATEMENT**

BILL #: PCS/HB 137

RELATING TO: EDUCATION

SPONSOR(S): Committee on Education K-12 and Representative Culp

STATUTE(S) AFFECTED: *Amends* ss. 24.121, 39.01, 228.053, 228.061, 228.121, 229.0535, 229.565, 229.58, 229.592, 229.594, 229.8055, 230.03, 230.105, 230.22, 230.23, 230.2301, 230.2303, 230.2305, 230.2316, 230.23161, 230.2317, 230.2318, 230.303, 230.33, 230.331, 230.35, 231.085, 231.095, 231.1725, 231.381, 232.01, 232.021, 232.0225, 232.03, 232.032, 232.06, 232.09, 232.17, 232.19, 232.245, 232.246, 232.2462, 232.2465, 232.2468, 232.271, 233.061, 233.0663, 233.068, 233.07, 234.021, 234.041, 234.302, 236.013, 236.081, 236.0811, 236.0812, 236.1228, 239.101, 239.229, 397.405, 402.22, 415.5015, 450.121, 493.6102, and 561.025, F.S.
Repeals ss. 230.23135, 230.23185, 230.59, 230.643, 230.655, 230.71, 232.023, 232.034, 232.04, 232.045, 232.10, 232.13, 232.165, 232.2452, 232.2461, 232.257, 232.258, 232.276, 232.3015, 232.303, 232.304, 233.011, 233.0165, 233.06411, 233.0645, 233.065, 233.0661, 233.0662, 233.067, 233.0671, 233.0672, 234.0515, 234.061, 234.091, and 236.0842, F.S.
Creates s. 233.0612, F.S.

COMPANION BILL(S): SB 1376 (c)

ORIGINATING COMMITTEE(S)/COMMITTEE(S) OF REFERENCE:

- (1) EDUCATION K-12
- (2) EDUCATION FISCAL
- (3)
- (4)
- (5)

I. SUMMARY:

The bill is designed to deregulate many of the prescriptive aspects of the Florida School Laws and allow schools to have more flexibility to explore innovative ways to meet high standards while retaining accountability. To accomplish this objective, numerous provisions that are obsolete or excessively prescriptive are deleted.

The bill clarifies local authority with respect to school districts and school boards, the Florida First Start Program, the prekindergarten early intervention program, the Dropout Prevention Program, emotionally disturbed students, school resource officers, statewide crime watch programs, school superintendents, school holidays, school health, student attendance, student academic standards, the School Safety Trust Fund, student testing and instruction, and student transportation.

II. SUBSTANTIVE ANALYSIS:

A. PRESENT SITUATION:

Since the mid-1980's, Florida has been widely perceived as a state with a strong centralized education system. Although a home rule provision gives local constitutional officers authority in matters not covered by state law, there are few subjects not covered in the Florida School Code. Legislation giving authority to local school boards is saturated with prescriptive language specifying how to exercise that authority.

In 1991, the Florida Legislature enacted comprehensive school improvement and accountability legislation. This act was predicated on the notion that local schools and school districts need flexibility to make sound education decisions and tailor programs to meet the unique needs of their students. A strong accountability system is now in place; however, the act's intended flexibility has yet to be fully realized.

For specific present situations, see Section-by-Section Analysis.

B. EFFECT OF PROPOSED CHANGES:

The bill revises and repeals sections of chapter 230, F.S., relating to the district school system; Chapter 232, relating to compulsory attendance and child welfare; chapter 233, F.S., relating to courses of study and instructional aids; and chapter 234, F.S., relating to the transportation of school children; and other miscellaneous sections to conform and correct cross references.

The bill focuses on repealing outdated and overly prescriptive sections of school law. In some cases entire sections are recommended for repeal while other sections are deregulated by repealing only prescriptive procedural language. Many sections addressing voluntary programs and services are recommended for repeal because school districts already have the authority to offer the program if needed.

The bill clarifies local authority with respect to school districts and school boards, the Florida First Start Program, the prekindergarten early intervention program, the Dropout Prevention Program, emotionally disturbed students, school resource officers, statewide crime watch programs, school superintendents, school holidays, school health, student attendance, student academic standards, the School Safety Trust Fund, student testing and instruction, and student transportation.

For specific effects of proposed changes, see Section-by-Section Analysis.

C. APPLICATION OF PRINCIPLES:

1. Less Government:

a. Does the bill create, increase or reduce, either directly or indirectly:

(1) any authority to make rules or adjudicate disputes?

Yes, the bill reduces, deletes, and deregulates numerous prescriptive aspects of the Florida School Code.

- (2) any new responsibilities, obligations or work for other governmental or private organizations or individuals?

Yes, the bill reduces numerous requirements relating to the role, responsibilities, and organization of school boards and school districts; compulsory attendance; instruction; child welfare; courses of study and instructional aids and materials; and transportation of school children.

- (3) any entitlement to a government service or benefit?

Yes, the bill reduces entitlement to state funds for the transportation of students when hazardous conditions occur, and instead allows school districts to set the criteria and requires the school boards to fund the transportation.

- b. If an agency or program is eliminated or reduced:

- (1) what responsibilities, costs and powers are passed on to another program, agency, level of government, or private entity?

Numerous prescriptive requirements are deleted from statutory law. The schools, school boards, and school districts will have increased flexibility to address these areas individually.

- (2) what is the cost of such responsibility at the new level/agency?

Indeterminate.

- (3) how is the new agency accountable to the people governed?

While the bill reduces state regulation of the school systems, each school system remains accountable to the students and parents served by the system, as well as to the State Board of Education, the Commissioner of Education, and the Department of Education.

2. Lower Taxes:

- a. Does the bill increase anyone's taxes?

No.

- b. Does the bill require or authorize an increase in any fees?

No.

- c. Does the bill reduce total taxes, both rates and revenues?

No.

- d. Does the bill reduce total fees, both rates and revenues?

No.

- e. Does the bill authorize any fee or tax increase by any local government?

No.

3. Personal Responsibility:

- a. Does the bill reduce or eliminate an entitlement to government services or subsidy?

No.

- b. Do the beneficiaries of the legislation directly pay any portion of the cost of implementation and operation?

No.

4. Individual Freedom:

- a. Does the bill increase the allowable options of individuals or private organizations/associations to conduct their own affairs?

Yes, the bill increases the options and flexibility of school system officials and administrators to conduct school system affairs without excessively prescriptive state intervention.

- b. Does the bill prohibit, or create new government interference with, any presently lawful activity?

No.

5. Family Empowerment:

- a. If the bill purports to provide services to families or children:

- (1) Who evaluates the family's needs?

Not applicable.

- (2) Who makes the decisions?

Not applicable.

- (3) Are private alternatives permitted?

Not applicable.

- (4) Are families required to participate in a program?

Not applicable.

(5) Are families penalized for not participating in a program?

Not applicable.

b. Does the bill directly affect the legal rights and obligations between family members?

No.

c. If the bill creates or changes a program providing services to families or children, in which of the following does the bill vest control of the program, either through direct participation or appointment authority:

(1) parents and guardians?

Not applicable.

(2) service providers?

Not applicable.

(3) government employees/agencies?

Not applicable.

ACADEMIC EXCELLENCE COUNCIL'S ADDITIONAL CONSIDERATIONS:

1. Does it improve instruction?

Yes, the bill could be viewed as improving instruction by deleting excessively prescriptive instructional requirements.

2. Does it allow teachers to teach?

Yes, the bill could be viewed as allowing teachers to teach by eliminating many of the instructional mandates at the state level.

3. Does it improve student character?

Yes, the bill clarifies required instruction in the basic subject areas, and clarifies authorized instruction in character education, the objective study of the Bible and religion, traffic education, patriotism, drug abuse resistance education, comprehensive health education, care of nursing home patients, AIDS, voting instruction, and before-school and after-school programs.

4. Does it prepare our students to be a part of the 21st century workforce?

Yes, see 3., above.

5. Does it empower parents to make decisions?

Yes, by deleting many prescriptive requirements, the bill could be viewed as empowering parents to make decisions. For example, the bill removes limitations on the type of meetings with school district personnel for which parents or guardians may be accompanied by another adult.

6. Does it create educational options?

Yes, by deleting many prescriptive requirements, the bill could be viewed as giving the schools and school districts enhanced flexibility to create educational options.

7. Does it create an environment where students can learn?

Yes, by deleting many prescriptive requirements, the bill could be viewed as giving the schools and school districts enhanced flexibility for innovation to provide a better learning environment.

C. SECTION-BY-SECTION ANALYSIS:

Chapter 230, F.S., addresses the role, responsibility, and organization of local school boards and school districts.

Section 1: Amends s. 230.03, F.S.

Section 230.03, F.S., prescribes the management, control, operation, administration, and supervision of the district school system.

The bill corrects a cross reference relating to school improvement plans.

Section 2: Amends s. 230.105, F.S.

Subsection 230.105(9), F.S., provides specific wording for single-member representation for district school boards.

The bill repeals subsection (9) relating to ballot proposition wording for single-member representation for district school boards. Removing this prescriptive requirement provides more local control as to wording on district ballots.

Section 3: Amends s. 230.22, F.S.

Section 230.22, F.S., provides the general powers of the school board.

The bill strikes or revises repetitive and unnecessary language relating to the general powers of the school board. These are technical changes and do not affect the general powers of the school board.

Section 4: Amends s. 230.23, F.S.

Section 230.23, F.S., prescribes the specific powers and duties of a school board.

The bill gives school boards more authority by deleting prescriptive *procedural* language relating to the powers and duties of the school board, specifically, the minutes of school board meetings; control of property; school program; establishment, organization, and operation of schools; personnel; child welfare; courses of study; school building program; financial records and accounts; and school improvement plans. The bill also strikes prescriptive language relating to recruitment of instructional personnel and awards and incentives; and cooperation with other agencies and with the superintendent. The bill conforms language in paragraph (4)(a) to allow for open enrollment plans required by the 1996 Legislature.

Section 5: Amends s. 230.2301, F.S.

Section 230.2301, F.S., prescribes specific meetings when a student's parent or guardian may be accompanied by another adult.

The bill removes limits on the type of meetings with school district personnel for which parents or guardians may be accompanied by another adult.

Section 6: Amends s. 230.2303, F.S.

Section 230.2303, F.S., establishes the Florida First Start Program, and provides the process by which a school board may administer the program.

The bill deletes provisions relating to evaluation, monitoring, and coordination of the Florida First Start Program.

Section 7: Amends s. 230.2305, F.S.

Section 230.2305, F.S., establishes the prekindergarten early intervention program, and provides for the eligibility, standards, and plans for the program.

The bill includes in the eligibility section of the prekindergarten early intervention program the requirement that each public school district make reasonable efforts to accommodate the needs of children for extended-day and extended-year services without compromising the quality of the 6-hour, 180-program. The bill deletes provisions relating to program plans and plan approval, monitoring and technical assistance, and the annual report, and removes prescriptive procedural language relating to program evaluation and district interagency coordinating councils.

Section 8: Repeals s. 230.23135, F.S.

Section 230.23135, F.S., establishes the Florida Council on Student Services, for the purpose of systematically examining ways to improve the planning, coordinating, and delivering of student services at the school district levels.

The bill repeals the Florida Council on Student Services to provide more local control.

Section 9: Amends s. 230.2316, F.S.

Section 230.2316, F.S., establishes the dropout prevention act, providing student eligibility and program requirements, program planning and implementation, evaluation, and coordination with other agencies.

The bill deletes the definition of program categories and certain program criteria, and provisions for requiring program plans and staff development. The bill deletes prescriptive procedural language dealing with program implementation, reporting, and evaluation. It adds a definition for "second chance schools," district authority to assign students to a program for disruptive students, and a provision that the educational program support program goals and lead to a high school diploma. The bill removes the requirement that the commissioner approve course modifications.

Section 10: Amends s. 230.23161, F.S.

Section 230.23161, F.S., establishes educational services in Department of Juvenile Justice programs.

The bill corrects a cross reference allowing Department of Juvenile Justice detention and commitment programs to be designated as second chance schools.

Section 11: Amends s. 230.2317(2), (3), (4), (5), and (6), F.S.

Section 230.2317, F.S., relates to educational multiagency services for severely emotionally disturbed students. Subsection (2), requires the Commissioner of

Education and the Secretary of the Department of Health and Rehabilitative Services (HRS) to appoint members to the Advisory Board for the Multiagency Service Network for Severely Emotionally Disturbed Students. The duties, responsibilities, and terms of the Advisory Board are also established. Subsection (3) authorizes the Department of Education (DOE) to award grants to district school boards to develop in a rural district and in an urban district a pilot multi agency network component for severely emotionally disturbed students. Subsection (4), authorizes HRS to use community mental health service funds for the pilot multiagency network components for severely emotionally disturbed students. Subsection (5), addresses funding for the network components for severely emotionally disturbed students. Subsection (6), addresses a written agreement between school boards and HRS relating to the multiagency network.

The bill repeals subsections (2), (3), (4), (5), and (6), relating to educational multiagency services for severely emotionally disturbed students.

Section 12: Amends s. 230.2318, F.S.

Section 230.2318, F.S., establishes a school resource officer program, and specifically defines its purpose, outlines program plans and approval by the Commissioner, and provides the officer's duties and responsibilities.

The bill authorizes school boards to establish school resource officer programs through cooperative agreements with law enforcement agencies while deleting specific provisions relating to program purposes, plans and plan approval, criteria, and restrictions.

Section 13: Repeals s. 230.23185, F.S.

Section 230.23185, F.S., establishes the statewide crime watch program for the purpose of reducing student actions that are in violation of the code of student conduct.

The bill repeals the statewide crime watch program to provide local flexibility relating to violations of the code of student conduct.

Section 14: Amends s. 230.303, F.S.

Section 230.303, F.S., relates to the salary of a superintendent of schools.

The bill deletes obsolete dates relating to requirements for special qualification salary for superintendents.

Section 15: Amends s. 230.33, F.S.

Section 230.33, F.S., relates to the duties and responsibilities of a superintendent.

The bill gives the superintendent more authority by deleting prescriptive language relating to the duties and responsibilities of the superintendent in the following areas: custodian of school property; establishment, organization and operation of schools; personnel, specifically, positions, qualifications, nominations, compensation, contracts; child welfare; courses of study; and school plant.

Section 16: Amends s. 230.331(2), F.S.

Section 230.331, F.S., relates to the reproduction and destruction of district school records.

The bill deletes outdated language detailing how documents are to be reproduced and stored for fulfilling legal requirements.

Section 17: Amends s. 230.35, F.S.

Section 230.35, F.S., relates to a school under the control of a school board and superintendent.

The bill adds the exception "except as otherwise provided by law" to the requirement that all public schools are under the direction and control of the school board and superintendent.

Section 18: Repeals ss. 230.59, 230.643, 230.655, and 230.71, F.S.

Section 230.59, F.S., relates to educational communications systems, which include those wired or radio systems used to carry messages related to instruction, administration, or general information between buildings or campuses or the general public to implement the purposes of the school system. Section 230.643, F.S., requires each vocational-technical center to maintain an academic transcript for each student enrolled in the center. Section 230.655, F.S., states that the DOE must require that each vocational-technical center to withdraw all requests for course approval from the Veterans Administration for education programs offered in correctional facilities which are provided through state funding at no cost to the inmate. Section 230.71, F.S., establishes intergenerational school volunteer programs.

The bill repeals these sections.

Chapter 232, F.S., provides basic attendance and instructional requirements for prekindergarten through grade twelve.

Section 19: Amends s. 232.01, F.S.

Section 232.01, F.S., prescribes the regular school attendance required between ages of 6 and 16, and the exceptions.

The bill expands the section relating to school attendance requirements to include age requirements for entrance into public kindergarten and prekindergarten early intervention programs. This section inserts language repealed in section 24 of the bill from ss. 232.04 and 232.045, F.S.

Section 20: Amends s. 232.021, F.S.

Section 232.021, F.S., relates to required attendance records and reports. Currently, the enrollment register must be open for inspection by the superintendent or attendance assistant of the district in which the school is located.

The bill provides that the enrollment register be open for inspection by the designated school representative or the school superintendent.

Section 21: Amends s. 232.0225, F.S.

Section 232.0225, F.S., relates to absence for religious instruction or holidays. This section specifically prescribes conditions which must be met prior to district school board permission to participate in religious instruction.

The bill gives the school board authority to adopt policies regarding absence for religious instruction or holidays rather than prescribing procedures for this in statute.

Section 22: Repeals s. 232.023, F.S.

Section 232.023, F.S., provides the penalty for falsification of attendance records.

The bill deletes language relating to falsification of attendance records.

Section 23: Amends s. 232.03, F.S.

Section 232.03, relates to the evidence of a date of birth required before admitting a child to prekindergarten or kindergarten.

The bill corrects a cross reference to age requirements for prekindergarten early intervention and public kindergarten programs.

Section 24: Repeals ss. 232.032(2), 232.034, 232.04, and 232.045, F.S.

Section 232.032(2), requires HRS, in conjunction with DOE, the Florida Parent-Teacher Association, and the American Lung Association of Florida, to investigate the incidence of tuberculosis among school-age children in the state, and report the findings to the Legislature by December 15, 1994. Section 232.034, F.S., permits the school board to assign a pupil to the nearest available school due to medical necessity. Sections 232.04, and 232.045 F.S., establish the ages for admission to public kindergarten and prekindergarten early intervention and preschool programs.

The bill repeals language relating to investigation of tuberculosis, medical exemptions for transporting pupils, and age requirements for public kindergarten and prekindergarten early intervention programs. The language in ss. 232.04 and 232.045, F.S., prescribing ages for public kindergarten and prekindergarten, is moved to s. 232.03, F.S., in section 19 of the bill.

Section 25: Amends s. 232.06, F.S.

Section 232.06, F.S., specifically outlines conditions upon which children are exempt from school attendance.

The bill deletes conditions upon which children can obtain certificates of exemption from school attendance. These conditions will be specified in state board rule rather than statute.

Section 26: Amends s. 232.09, F.S.

Section 232.09, F.S., relates to parental responsibility for attendance of children.

The bill corrects a cross reference relating to duties of attendance assistants.

Section 27: Repeals ss. 232.10, 232.13, and 232.165, F.S.

Section 232.10, F.S., requires the parent of a child who is absent, without permission from the person in charge of the school, to report and explain the absence. Section 232.13, F.S., requires HRS to report to all superintendents the names and other pertinent information for all exceptional children in the district who require special educational services. Section 232.165, F.S., permits the Department of Highway Safety and Motor Vehicles to refuse to issue a driver's license or suspend a previously issued driver's license to persons under the age of 18 for nonenrollment or nonattendance in school.

Section 232.10, F.S., is repealed to allow the district school board code of student conduct determine rules to enforce attendance. Section 232.13, F.S., is repealed because districts currently identify exceptional children through early education

programs. Pursuant to section 4, of chapter 93-144, Laws of Florida, unless this provision was specifically reenacted by the Legislature, s. 232.165, F.S., will stand repealed effective July 1, 1996. The Legislature did not reenact the provision.

Section 28: Amends s. 232.17, F.S.

Section 232.17, F.S., establishes specific qualifications, compensation, and duties of an attendance assistant.

The bill allows a designated school representative, rather than specifying an attendance assistant, to investigate nonenrollment and unexcused absences and deletes language relating to the employment, qualifications, duties, and responsibilities of attendance assistants.

Section 29: Amends s. 232.19 (3),(5), F.S.

Section 232.19, F.S., relates to the court procedures and penalties for the enforcement of nonenrollment and nonattendance cases. Subsection (3) relates to habitual truancy cases, and subsection (5) relates to the individuals who may begin proceedings and prosecutions.

The bill provides conforming language, deleting references to attendance assistants and inserting designated school representatives regarding habitual truancy, and deleting reference to the alternative education program and inserting the dropout prevention program.

Section 30: Amends ss. 232.245(2) and (3), and 232.2452, F.S.

Section 232.245(2) and (3), F.S., require the district pupil progression plan to be based on local goals and objectives which are compatible with the state's plan for education. Each plan must reflect an effort to identify students at each grade level in grades 9-12 who have attained a cumulative GPA of 1.5 or below. Section 232.2452, F.S., establishes specific requirements for report cards pickup days.

The bill repeals prescriptive language relating to district responsibility for a comprehensive program for pupil progression and relating to report card pick up days.

Section 31: Amends s. 232.246(9) and (10), F.S.

Section 232.246, F.S., prescribes the general requirements for high school graduation.

The bill corrects cross-references in general requirements for high school graduation section.

Section 32: Repeals s. 232.2461, F.S.

Section 232.2461, F.S., requires the Commissioner of Education to coordinate the development of a model curriculum standard for the courses of study required for grades 9-12.

The bill repeals model curriculum standards because they have been replaced by the Sunshine State Standards.

Section 33: Amends s. 232.2462, F.S.

Section 232.2462, F.S., relates to attendance requirements for receipt of high school credit. Currently, a student may not be awarded a credit if he or she has not been in

for instruction for a minimum of 135 hours unless the student has demonstrated mastery of the student performance standards in the course of study as provided by district school board rule.

The bill removes attendance requirements for high school credit, to allow districts to use performance-based measures for awarding credit as opposed to seat-time.

Section 34: Amends s. 232.2465(1), F.S.

Section 232.2465, F.S., establishes the Florida Academic Scholars' Certificate Program, and eligibility requirements. Currently, a student must achieve an 1100 on the combined verbal and quantitative parts of the Scholastic Aptitude Test (SAT) of the College Entrance Examination or an equivalent score on the American College Testing Program.

The bill removes the specific required SAT score and permits the score to be designated in state board rule.

Section 35: Amends s. 232.2468, F.S.

Section 232.2468, F.S., defines "graduation rate," "habitual truancy rate," and "dropout rate," and requires the Commissioner to annually develop and distribute these rates to each district.

The bill repeals definitions of graduation rate, habitual truancy rates and dropout rates from s. 232.2468, F.S., and moves them to s. 228.041 (41), (42), and (43), F.S.

Section 36: Repeals ss. 232.257, and 232.258, F.S.

Section 232.257, F.S., establishes a School Safety Trust Fund, for the purpose of funding schools' safety programs designed to maintain a safe and orderly learning environment. Section 232.258, F.S., establishes school and community resource grants for after-school programs.

The bill repeals the School Safety Trust Fund because the safe schools money is appropriated directly to the districts, not through the trust fund. The bill repeals the prescriptive language relating to after-school programs

Section 37: Amends s. 232.271(3), F.S.

Section 232.271, F.S., relates to the removal of disruptive students from the classroom. Subsection (3) permits the principal to place the student in another appropriate classroom, in in-school suspension, or in an alternative education program once the student is removed from the classroom.

The bill conforms to prior legislative changes by substituting "dropout prevention program" for "educational alternatives program" as an alternative for a student removed from class.

Section 38: Repeals ss. 232.276, 232.3015, 232.303, and 232.304, F.S.

Section 232.276, F.S., provides the option of developing a parenting workshop to assist and counsel the parent or guardian of a student with disciplinary problems to each district school board. Section 232.3015, F.S., establishes an outreach program to secure family involvement. Section 232.303, F.S., establishes interagency student services. Section 232.304, F.S., establishes district multiagency coordinating councils to improve the coordination and delivery of services to public school students.

The bill repeals sections relating to parenting workshops, outreach programs to secure family involvement, interagency student services, and district multiagency coordinating councils. Districts may perform these services without statutory provisions.

Chapter 233, F.S., addresses courses of study and instructional aids for the public school system in Florida.

Section 39: Repeals s. 233.011, F.S.

Section 233.011, F.S., relates to the accountability in curriculum, educational instructional materials, and testing.

The bill repeals this outdated section relating to accountability in curriculum, educational instructional materials, and testing, due to a new school improvement and accountability system, the Sunshine State Standards and the FCAT.

Section 40: Amends s. 233.061, F.S.

Section 233.061, F.S., prescribes the required instruction to be taught in the public school system.

The bill amends s. 233.061, F.S., to clarify that school districts must offer instruction in basic subject areas addressed in the Sunshine State Standards, renumbers subsequent subsection, and to remove the requirement for instruction on the effects of alcohol and drugs.

Section 41: Creates s. 233.0612, F.S.

The bill creates s. 233.0612, F.S., to authorize instruction in character education, the objective study of the Bible and religion, traffic education, consumer education, patriotism, drug abuse resistance education, comprehensive health education, care of nursing home patients, AIDS, voting instruction, and before-school and after-school programs.

Section 42: Amends ss. 233.0615, 233.06411, 233.0645, 233.065, 233.0661, 233.0662, 233.0663(2),(3),(4),(5),(6), and (7), 233.067, 233.0671, 233.0672, and 233.0678 (3), and (4), F.S.

Section 233.0615, F.S., relates to character development and law education programs. Section 233.06411, F.S., establishes a free enterprise and consumer education program. Section 233.0645, F.S., permits districts to establish a program of student instruction in the use of voting machines. Section 233.065, F.S., relates to the rules and regulations of patriotic programs. Section 233.0661 and 233.0662, F.S., establish the Drug Abuse Resistance Education Act. Section 233.0663, F.S., establishes the Drug Abuse Resistance Education Program designed to prevent drug and alcohol use among school-age children. Section 233.067, F.S., relates to comprehensive health education and substance abuse prevention. Section 233.0671, F.S., relate to courses of study in care of nursing home patients. Section 233.0672, F.S., relates to health education and instruction in acquired immune deficiency syndrome. Section 233.068, F.S., relates to job-related vocational instruction.

The bill repeals sections *detailing how* to provide instruction in the authorized instructional areas designated in section 41 of this bill.

Section 43: Amends s. 233.07(2)(a), F.S.

Section 233.07, relates to state instructional materials committees.

The bill deletes obsolete dates.

Chapter 234, F.S., addresses the transportation of school children.

Section 44: Amends s. 234.021, F.S.

Section 234.021, F.S., provides the procedure by which a district school board is to identify a hazardous condition within 2 miles of the school. A request must be made to the district superintendent concerning a condition perceived to be hazardous to students in that district who live within the 2-mile limit and who walk to school. This condition must be inspected by a representative of the school district and a representative of the local governmental entity where the perceived hazardous condition exists. Upon determination, a report must be made to DOE. If the condition is determined hazardous, *state funds* will be allocated for the transportation of students subjected to these hazards until the hazard is corrected. The section specifically identifies criteria for determining hazardous walking conditions.

The bill allows school districts to set criteria for hazardous walking conditions and requires the school board to fund transportation of students when hazardous conditions occur. *See Fiscal Analysis.*

Section 45: Amends s. 234.041, F.S.

Section 234.041, F.S., relates to buses simulating school buses in color and insignia.

The bill renumbers the section to s. 316.72, F.S., within the chapter relating to state uniform traffic control.

Section 46: Repeals ss. 234.0515, 234.061, and 234.091, F.S.

Section 234.0515, F.S., relates to the transportation of public school students by private transportation companies. Section 234.061, F.S., relates to the designation of routes and nontransportation zones. Section 234.091, F.S., relates to the general qualifications of school bus drivers.

The bill repeals language relating to transportation of public school students by private transportation companies, designation of routes and nontransportation zones, and qualifications of bus drivers. The language is not necessary in state statute because the districts currently have the authority to accomplish these tasks.

Section 47: Amends s. 234.302, F.S.

Section 234.302, F.S., requires each local governmental entity who administers a school crossing guard program to provide a training program for school crossing guards according to uniform guidelines for the training of school crossing guards adopted by the Department of Transportation.

The bill renumbers the section to s. 316.75, F.S., within the chapter relating to state uniform traffic control.

Miscellaneous Chapters - Conforming Language and Cross References

Section 48: Amends s. 24.121(5)(c)(d), F.S.

Section 24.121, F.S., relates to the allocation of revenues and expenditure of funds for public education.

The bill corrects a cross reference to enhancing school performance through development and implementation of school improvement plans.

Section 49: Amends s. 39.01(73)(b), F.S.

Section 39.01(73), F.S., defines a habitual truant.

The bill changes "attendance assistant" to "designated school representative" to conform to the act.

Section 50: Amends s. 228.053(3)(a)(8)(12), F.S.

Section 228.053, F.S., relates to developmental research schools.

The bill corrects cross references.

Section 51: Amends s. 228.061(1)(2)(3), F.S.

Section 228.061, F.S., relates to other public schools, preschool programs, prekindergarten early intervention programs, school-age child care programs, and special schools and courses.

The bill corrects a cross references relating to age requirements for prekindergarten early intervention and public kindergarten programs.

Section 52: Amends s. 228.121(3), F.S.

Section 228.121, F.S., relates to nonresident tuition fee and tuition fee exemptions.

The bill corrects a cross reference relating to pupils who receive education in residential care facilities.

Section 53: Amends s. 229.0535(4), F.S.

Section 229.0535, F.S., relates to the authority to enforce school improvement.

The bill corrects a cross reference to school improvement plans.

Section 54: Amends s. 229.565(3)(b)(d)(5), F.S.

Section 229.565, F.S., relates to educational evaluation procedures.

The bill corrects cross reference relating to the organization of special programs and deletes procedures relating to the Florida Primary Education Program (obsolete) and district plan for prekindergarten early intervention program.

Section 55: Amends s. 229.58(2), F.S.

Section 229.58, F.S., relates to district and school advisory councils.

The bill corrects a cross reference to school improvement plan.

Section 56: Amends s. 229.592, F.S.

Section 229.592, F.S., relates to the implementation of a state system of school improvement and education accountability.

The bill corrects cross references to school improvement plans, deletes a reference to feedback reports to conform section 4 of the act, and corrects cross references to age requirements for public kindergarten and prekindergarten early intervention programs.

Section 57: Amends s. 229.594(1), F.S.

Section 229.594, F.S., relates to the powers and duties of the Florida Commission on Education Reform and Accountability.

The bill corrects a cross reference to school improvement plans.

Section 58: Amends s. 229.8055, F.S.

Section 229.8055, F.S., relates to environmental education.

The bill deletes obsolete language relating to curriculum frameworks and performance standards recommended in s. 233.011, F.S. Section 233.011, F.S., was recommended for repeal because of the new school improvement and accountability system, consisting of the Sunshine State Standards and FCAT.

Section 59: Amends s. 231.085, F.S.

Section 231.085, F.S., relates to the duties of school principals.

The bill corrects a cross reference to school improvement plans.

Section 60: Amends s. 231.095, F.S.

Section 231.095, relates to teachers assigned teaching duties outside field in which certified.

The bill deletes requirement to provide notification of parents in the annual report of teachers' out-of-field assignment in the annual report. The provision for an annual report is repealed in section 4 of the act.

Section 61: Amends s. 231.1725(1)(d), F.S.

Section 231.1725, F.S., relates to employment of substitute teachers, teachers of adult education, nondegreed teachers of career education, and noncertificated teachers in critical teacher shortage areas.

The bill deletes the requirement to publicly disclose noncertified teachers in school annual reports designated in school improvement and accountability systems. The annual report provision is repealed in section 4 of the act.

Section 62: Amends s. 231.381, F.S.

Section 231.381, F.S., relates to the transfer of sick leave and annual leave.

The bill corrects a cross reference to educational programs for students in residential care facilities.

Section 63: Amends s. 236.013(2)(c), F.S.

Section 236.013, F.S., relates to definitions regarding the finance and taxation of schools.

The bill deletes reference to dropout prevention program categories repealed in section 9 of the act.

Section 64: Amends s. 236.081(1)(f)(o), F.S.

Section 236.081, F.S., relates to the funds for the operation of schools.

The bill corrects a cross reference to classification of exceptional students and deletes reference to obsolete curriculum frameworks.

Section 65: Amends s. 236.0811(2)(a)3., F.S.

Section 236.0811, F.S., relates to inservice educational training.

The bill deletes requirement that the department withhold funding of any master inservice plan which does not provide training in substance abuse prevention contained in s. 233.067(4)(c), F.S. Section 233.067, F.S., is repealed in section 42 of the act.

Section 66: Amends s. 236.0812(4), F.S.

Section 236.0812, F.S., relates to Medicaid certified school funding maximization.

The bill corrects a cross reference to school improvement plans.

Section 67: Repeals s. 236.0842, F.S.

Section 236.0842, F.S., prohibits districts from receiving state funding under the FEFP for any dropout prevention program which has not been approved by the Commissioner.

The bill repeals the section.

Section 68: Amends s. 236.1228(4)(b), F.S.

Section 236.1228, F.S., establishes accountability program grants to reward high schools for meeting specified statewide indicators for improving productivity.

The bill deletes obsolete dates and corrects cross references.

Section 69: Amends s. 239.101(7), F.S.

Section 239.101, F.S., relates to the legislative intent of the chapter on technology, career, and continuing education.

The bill corrects a cross reference to powers and duties of school board in implementing a system of school improvement and accountability.

Section 70: Amends s. 239.229(1)(3), F.S.

Section 239.229, F.S., relates to vocational standards.

The bill corrects cross reference to powers and duties of school boards in implementing a system of school improvement and accountability.

Section 71: Amends s. 397.405(3), F.S.

Section 397.405, F.S., relates to exemptions from licensure for substance abuse services.

The bill corrects a cross reference relating to providers.

Section 72: Amends s. 402.22(2)(8), F.S.

Section 402.22, F.S., relates to education programs for students who reside in residential care facilities operated by HRS.

The bill allows the school board to establish educational programs under the residential care of HRS for children under age 3 (previously the age was 5), and corrects a cross reference to alternative programs in residential care facilities.

Section 73: Amends s. 415.5015(5)(a), F.S.

Section 415.5015, F.S., relates to child abuse prevention training in the district school system.

The bill deletes references to curriculum frameworks, which are repealed in section 39 of the act.

Section 74: Amends s. 450.121, F.S.

Section 450.121, F.S., relates to the enforcement of child labor law.

The bill replaces "attendance assistants" with "designated school representatives" to conform to the act.

Section 75: Amends s. 493.6102(12), F.S.

Section 493.6102, F.S., relates to private investigative, private security, and repossession services.

The bill corrects a cross reference to school crossing guards to conform to the act.

Section 76: Amends s. 561.025(2), F.S.

Section 561.025, F.S., creates the Alcoholic Beverage and Tobacco Trust Fund.

The bill deletes reference to comprehensive health statute, s. 233.067, F.S., repealed in section 42 of the act.

III. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE AGENCIES/STATE FUNDS:

1. Non-recurring Effects:

Indeterminate.

2. Recurring Effects:

Indeterminate.

3. Long Run Effects Other Than Normal Growth:

Indeterminate.

4. Total Revenues and Expenditures:

Indeterminate.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS AS A WHOLE:

1. Non-recurring Effects:

Indeterminate.

2. Recurring Effects:

Section 44 of the act substantially rewords s. 234.021, F.S., relating to hazardous walking conditions. The new language permits school districts to establish their own criteria for walking conditions. The provision also shifts the fiscal responsibility for transporting children who live within 2 miles of a public school. This will have an indeterminate fiscal impact on the local school districts.

3. Long Run Effects Other Than Normal Growth:

Indeterminate.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

1. Direct Private Sector Costs:

Indeterminate.

2. Direct Private Sector Benefits:

Indeterminate.

3. Effects on Competition, Private Enterprise and Employment Markets:

Indeterminate.

D. FISCAL COMMENTS:

IV. CONSEQUENCES OF ARTICLE VII, SECTION 18 OF THE FLORIDA CONSTITUTION:

A. APPLICABILITY OF THE MANDATES PROVISION:

This bill does not require counties or municipalities to expend funds or to take an action requiring the expenditure of funds.

B. REDUCTION OF REVENUE RAISING AUTHORITY:

This bill does not reduce the authority that municipalities or counties have to raise revenues in the aggregate.

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C. REDUCTION OF STATE TAX SHARED WITH COUNTIES AND MUNICIPALITIES:

This bill does not reduce the percentage of a state tax shared with counties or municipalities.

V. COMMENTS:

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

VII. SIGNATURES:

COMMITTEE ON EDUCATION K-12:
Prepared by:

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