

By Representative Culp

1                                   A bill to be entitled  
2           An act relating to the district school system;  
3           amending ss. 230.01, 230.02, 230.03, 230.10,  
4           230.17, 230.23, 230.2301, 230.2303, 230.2305,  
5           230.2316, 230.23161, 230.2317, 230.24, 230.303,  
6           230.32, and 230.33, F.S.; emphasizing that the  
7           school district is responsible for operating  
8           and administering the public schools; deleting  
9           redundant provisions; merging provisions  
10          relating to alternative procedures for electing  
11          members of the school board; amending  
12          provisions relating to the location of school  
13          board meetings and due public notice thereof;  
14          amending the powers and duties of school  
15          boards; increasing local control over  
16          decisionmaking; deleting specified state  
17          authorizations and mandates; deleting obsolete  
18          provisions; amending provisions relating to the  
19          Florida First Start Program and to the  
20          prekindergarten early intervention program, to  
21          provide the districts with increased  
22          flexibility in operating those programs;  
23          amending the "Dropout Prevention Act"; revising  
24          student eligibility and program criteria  
25          relating to dropout prevention; merging  
26          provisions relating to alternative procedures  
27          for choosing a district school superintendent;  
28          amending procedures for requiring continuing  
29          professional development of superintendents and  
30          other school district administrative personnel;  
31          eliminating the authority of the Florida

1 Council on Educational Management to provide  
2 performance compensation to superintendents who  
3 participate in professional development;  
4 revising the general powers of superintendents,  
5 in part, by specifying the power to provide  
6 leadership; revising certain duties and  
7 responsibilities of superintendents; amending  
8 ss. 24.121, 39.446, 228.053, 228.121, 228.2001,  
9 229.0535, 229.565, 229.58, 229.592, 229.594,  
10 231.085, 231.095, 231.1725, 231.381, 232.19,  
11 232.271, 233.0674, 235.014, 236.013, 236.081,  
12 236.25, 237.211, 239.101, 239.229, and 402.22,  
13 F.S.; correcting cross references and  
14 conforming language; repealing s. 230.105,  
15 F.S., relating to electing school board members  
16 from single-member residence areas; repealing  
17 s. 230.23135, F.S., relating to the Florida  
18 Council on Student Services; repealing s.  
19 230.2318, F.S., relating to the school resource  
20 officer program; repealing s. 230.241, F.S.,  
21 relating to procedures for making the office of  
22 superintendent of schools an appointive office;  
23 repealing s. 230.59, F.S., relating to  
24 educational communications systems; repealing  
25 s. 230.655, F.S., relating to education  
26 programs in correctional facilities; providing  
27 an effective date.

28  
29 Be It Enacted by the Legislature of the State of Florida:  
30  
31

1           Section 1. Section 230.01, Florida Statutes, is  
2 amended to read:

3           230.01 District unit.--Each county shall constitute a  
4 school district and shall be known as the school district of  
5 .... County, Florida. Each district shall constitute a unit  
6 for the control, organization, and administration of schools.  
7 The responsibility for the education of all the students  
8 attending public schools in the district and for the actual  
9 operation and administration of all schools needed within the  
10 districts in conformity with regulations and minimum standards  
11 prescribed by the state, and also the responsibility for the  
12 provision of any desirable and practicable opportunities  
13 authorized by law beyond those required by the state, are  
14 delegated by law to the school officials of the respective  
15 districts.

16           Section 2. Section 230.02, Florida Statutes, is  
17 amended to read:

18           230.02 Scope of district system.--A district school  
19 system shall include all public schools, classes, and courses  
20 of instruction and all services and activities directly  
21 related to education in that district ~~which are under the~~  
22 ~~direction of the district school officials.~~ A district school  
23 system may also include alternative site schools for  
24 disruptive or violent youth. Such schools for disruptive or  
25 violent youth may be funded by each district or provided  
26 through cooperative programs administered by a consortium of  
27 school districts, private providers, state and local law  
28 enforcement agencies, and the Department of Juvenile Justice.

29           Section 3. Subsection (4) of section 230.03, Florida  
30 Statutes, is amended to read:

31

1           230.03 Management, control, operation, administration,  
2 and supervision.--The district school system shall be managed,  
3 controlled, operated, administered, and supervised as follows:

4           (4) PRINCIPAL OR HEAD OF SCHOOL.--Responsibility for  
5 the administration of any school or schools at a given school  
6 center, for the supervision of instruction therein, and for  
7 providing leadership in the development or revision and  
8 implementation of a school improvement plan required pursuant  
9 to s. 230.23(15)~~(18)~~shall be delegated to the principal or  
10 head of the school or schools as hereinafter set forth and in  
11 accordance with rules established by the school board.

12           Section 4. Section 230.10, Florida Statutes, is  
13 amended to read:

14           230.10 Election of board ~~by districtwide vote~~.--The  
15 election of members of the school board shall be as provided  
16 in subsection (1) or subsection (2).

17           (1) School board members must be elected by vote of  
18 the qualified electors of the entire district. Each candidate  
19 for school board member shall, at the time she or he  
20 qualifies, be a resident of the school board member residence  
21 area from which the candidate seeks election. Each candidate  
22 who qualifies to have her or his name placed on the ballot of  
23 the general election shall be listed according to the school  
24 board member residence area in which she or he resides. Each  
25 qualified elector of the district shall be entitled to vote  
26 for one candidate from each school board member residence  
27 area. The candidate from each school board member residence  
28 area who receives the highest number of votes in the general  
29 election shall be elected to the school board.

30           (2)(a) Alternatively, for the purpose of providing  
31 single-member representation, district school board members

1 shall be nominated and elected to office in accordance with s.  
2 230.061 and this subsection, or as otherwise provided by law,  
3 if a proposition calling for single-member representation  
4 within the residence areas of the district is submitted to and  
5 approved by a majority of the qualified electors voting on the  
6 proposition in the manner provided in paragraph (b).

7 1. If the school board is composed of five members,  
8 the proposition must provide that the five members must reside  
9 one in each of five residence areas, the areas together  
10 covering the entire district and as nearly equal in population  
11 as is practicable, pursuant to s. 230.061, each of whom is to  
12 be nominated and elected only by the qualified electors who  
13 reside in the same residence area as the member.

14 2. If the school board is composed of seven members,  
15 at the option of the school board, the proposition must  
16 provide that:

17 a. Five of the seven members must reside one in each  
18 of five residence areas, the areas together covering the  
19 entire district and as nearly equal in population as is  
20 practicable, pursuant to s. 230.061, each of whom is to be  
21 nominated and elected only by the qualified electors who  
22 reside in the same residence area as the member, and two of  
23 the seven members must be nominated and elected at large; or

24 b. All seven members must reside one in each of seven  
25 residence areas, the areas together covering the entire  
26 district and as nearly equal in population as is practicable,  
27 pursuant to s. 230.061, each of whom is to be nominated and  
28 elected only by the qualified electors who reside in the same  
29 residence area as the member.

30 3. All members shall be elected for 4-year terms, but  
31 the terms must be staggered so that, alternately, one more or

1 one less than half of the members elected from residence areas  
2 and, if applicable, one of the members elected at large from  
3 the entire district are elected every 2 years. Any member may  
4 be elected to an initial term of less than 4 years if  
5 necessary to achieve or maintain a system of staggered terms.

6 (b) A proposition calling for single-member  
7 representation within the residence areas of the district must  
8 be submitted to the electors of the district at any primary,  
9 general, or otherwise-called special election, by either of  
10 the following procedures:

11 1. The district school board may adopt a formal  
12 resolution directing an election to be held to place the  
13 proposition on the ballot.

14 2. The electors of the school district may petition to  
15 have the proposition placed on the ballot by presenting to the  
16 school board petitions signed by not less than 10 percent of  
17 the duly qualified electors residing within the school  
18 district. The supervisor of elections shall determine the  
19 number of signatures required on the basis of the number of  
20 registered electors in the district as of the date the  
21 petitioning electors register as a political committee as  
22 provided in paragraph (c).

23 (c) The electors petitioning to have the proposition  
24 placed on the ballot shall register as a political committee  
25 pursuant to s. 106.03, and a specific person shall be  
26 designated therein as chair of the committee to act for the  
27 committee.

28 (d)1. Each petition form circulated for single-member  
29 representation within the residence areas of a district where  
30 the school board is composed of five members must include the  
31 wording: "As a registered elector of the school district of

1 .... County, Florida, I am petitioning for a referendum  
2 election to determine whether the five school board members of  
3 said district shall be elected from single-member residence  
4 areas by electors residing in each of those areas only."

5 2. Each petition form circulated for single-member  
6 representation within the residence areas of a district where  
7 the school board is composed of seven members, none of whom  
8 are to be elected at large, must include the wording: "As a  
9 registered elector of the school district of .... County,  
10 Florida, I am petitioning for a referendum election to  
11 determine whether the seven members of said district shall be  
12 elected from single-member residence areas by electors  
13 residing in each of those areas only."

14 3. Each petition form circulated for single-member  
15 representation within the residence areas of a district where  
16 the school board is composed of seven members, two of whom are  
17 to be elected at large, must include the wording: "As a  
18 registered elector of the school district of .... County,  
19 Florida, I am petitioning for a referendum election to  
20 determine whether five of the seven school board members of  
21 said district shall be elected from single-member residence  
22 areas by electors residing in each of those areas only, with  
23 the two remaining members being elected at large."

24  
25 The petition must also include space for the signature and  
26 address of the elector. Each signature obtained must be dated  
27 when made and is valid for a period of 4 years following that  
28 date.

29 (e) Upon the filing of the petitions with the district  
30 school board by the chair of the committee, the school board  
31 shall submit the petitions to the supervisor of elections for

1 verification of the signatures. Within a period of not more  
2 than 30 days, the supervisor of elections shall determine  
3 whether the petitions contain the required number of valid  
4 signatures. The supervisor of elections shall be paid by the  
5 committee seeking verification the sum of 10 cents for each  
6 name checked.

7 (f) If it is determined that the petitions have the  
8 required signatures, the supervisor of elections shall certify  
9 the petitions to the district school board, which shall adopt  
10 a resolution requesting that an election date be set to  
11 conform to the earliest primary, general, or otherwise-called  
12 special election that occurs not less than 30 days after  
13 certification of the petitions. If it is determined that the  
14 petitions do not contain the required signatures, the  
15 supervisor of elections shall so notify the district school  
16 board, which shall file the petitions without taking further  
17 action, and the matter shall be at an end. No additional names  
18 may be added to the petitions, and the petitions may not be  
19 used in any other proceeding.

20 (g) No special election may be called for the sole  
21 purpose of presenting the proposition to the vote of the  
22 people.

23 (h)1. In a district in which the school board is  
24 composed of five members, the wording of the proposition on  
25 the ballot must be as follows:

26  
27 Shall the five school board members of .... County,  
28 Florida, be elected to office from single-member residence  
29 areas by electors residing in each of those areas only?

30 .... Yes

31 .... No



1  
2           2. In a district in which the school board is composed  
3 of seven members, none of whom is to be elected at large, the  
4 wording of the proposition on the ballot must be as follows:

5  
6           Shall the seven school board members of .... County,  
7 Florida, be elected to office from single-member residence  
8 areas by electors residing in each of those areas only?

9           .... Yes

10          .... No

11  
12           3. In a district in which the school board is composed  
13 of seven members, two of whom are to be elected at large, the  
14 wording of the proposition on the ballot must be as follows:

15  
16           Shall five of the seven school board members of ....  
17 County, Florida, be elected to office from single-member  
18 residence areas by electors residing in each of those areas  
19 only, with the two remaining school board members being  
20 elected by all electors within the entire district at large?

21          .... Yes

22          .... No

23  
24           (i) Any district adopting any of the propositions set  
25 forth in this subsection may thereafter return to the  
26 procedures otherwise provided by law by following the same  
27 procedure outlined in paragraph (b).

28           (j) A school board member who was elected prior to or  
29 at the election that approves any revision as permitted in  
30 this subsection is not affected in his or her term of office.  
31 The resolution adopted by the school board under subparagraph

1 (b)1. or paragraph (f) which presents the proposed revision to  
2 the electorate for approval must specify an orderly method and  
3 procedure for implementing the revision contemplated in the  
4 resolution.

5 Section 5. Section 230.105, Florida Statutes, as  
6 amended by chapter 95-147, Laws of Florida, is hereby  
7 repealed.

8 Section 6. Section 230.17, Florida Statutes, is  
9 amended to read:

10 230.17 Place of meetings.--

11 (1) Except as provided in subsection (2), all regular  
12 and special meetings of the school board shall be held in ~~the~~  
13 ~~office of the superintendent or in a meeting room convenient~~  
14 ~~to that office and regularly designated~~ by policy of ~~as~~ the  
15 district school board meeting room.

16 (2) Upon the giving of due public notice, regular or  
17 special meetings of the board may be held at any appropriate  
18 public place in the county.

19 (3) As used in ~~For purpose of~~ this section, the term  
20 "due public notice" means ~~shall consist of~~ publication in a  
21 newspaper of general circulation in the county or in each  
22 county where there is no newspaper of general circulation in  
23 the county an announcement over at least one radio station  
24 whose signal is generally received in the county, a reasonable  
25 number of times daily during the 48 hours immediately  
26 preceding the date of the ~~such~~ meeting, or the ~~by~~ posting of a  
27 notice at the courthouse door if no newspaper is published in  
28 the county, at least 2 days prior to the meeting.

29 Section 7. Section 230.23, Florida Statutes, 1996  
30 Supplement, is amended to read:

31

1           230.23 Powers and duties of school board.--The school  
2 board, acting as a board, shall exercise all powers and  
3 perform all duties listed below:

4           (1) REQUIRE MINUTES AND RECORDS TO BE KEPT.--Require  
5 the superintendent, as secretary, to keep such minutes and  
6 records as are necessary to set forth clearly all actions and  
7 proceedings of the school board.

8           (a) Minutes, recording.--The ~~typed~~ minutes of each  
9 meeting must ~~shall~~ be reviewed, corrected if necessary, and  
10 approved at the next regular meeting; however provided, ~~that~~  
11 this action may be taken at an intervening special meeting if  
12 the board desires. The minutes must ~~shall~~ be approved signed  
13 by the chair and superintendent ~~after approval~~ and must ~~shall~~  
14 be kept as a public record in a permanent place, ~~bound book~~ in  
15 the superintendent's office.

16           (b) Minutes, contents.--The minutes must ~~shall~~ show  
17 the vote of each member present on all matters on which the  
18 board takes action. It is ~~shall be~~ the duty of each member to  
19 <U>assure ~~see to it~~ that both the matter and his or her vote  
20 thereon are properly recorded in the minutes. Unless  
21 otherwise shown by the minutes, it is ~~shall be~~ presumed that  
22 the vote of each member present supported any action taken by  
23 the board in either the exercise of, violation of, or neglect  
24 of the powers and duties imposed upon the board by law or  
25 legal regulation, whether such action is recorded in the  
26 minutes or is otherwise established. It is ~~shall~~ also ~~be~~  
27 presumed that the policies, appointments, programs, and  
28 expenditures not recorded in the minutes but made and actually  
29 in effect in the district school system were made and put into  
30 effect at the direction of the school board, unless it can be  
31

1 shown that they were done without the actual or constructive  
2 knowledge of the members of the board.

3 (2) CONTROL PROPERTY.--Subject to regulations of the  
4 state board, retain possession of all property to which title  
5 is now held by the school board and to obtain possession of  
6 and accept and hold under proper title as a body corporate by  
7 the name of "The School Board of . . . County, Florida," all  
8 property that is ~~which may~~ at any time ~~be~~ acquired by the  
9 school board for educational purposes in the district; manage  
10 and dispose of such property to the best interests of  
11 education; contract, sue, receive, purchase, acquire by the  
12 institution of condemnation proceedings if necessary, lease,  
13 sell, hold, transmit, and convey the title to real and  
14 personal property, all contracts to be based on resolutions  
15 previously adopted and spread upon the minutes of the school  
16 board; receive, hold in trust, and administer for the purpose  
17 designated, money, real and personal property, or other things  
18 of value granted, conveyed, devised, or bequeathed for the  
19 benefit of the schools of the district or of any one of them.

20 ~~(3) ADOPT SCHOOL PROGRAM.--Authorize the assembling of~~  
21 ~~all data and the making of school surveys essential to the~~  
22 ~~development of a school program for the entire district and to~~  
23 ~~adopt such a program as the basis for operating the schools,~~  
24 ~~one phase of the program to be a 5-year program and another~~  
25 ~~phase to constitute the annual program.~~

26 (3)~~(4)~~ ESTABLISHMENT, ORGANIZATION, AND OPERATION OF  
27 SCHOOLS.--Adopt and provide for the execution of plans for the  
28 establishment, organization, and operation of the schools of  
29 the district, as follows:

30 (a) Schools and attendance areas.--After considering  
31 recommendations of the superintendent, to authorize schools to

1 be located and maintained in those communities in the district  
2 where they are needed to accommodate, as far as is practicable  
3 and without unnecessary expense, all the youths who should be  
4 entitled to the facilities of such schools and to approve the  
5 area from which children are to attend each such school.

6 (b) Elimination of school centers and consolidation of  
7 schools.--Provide for the elimination of school centers within  
8 the district and for the consolidation of schools whenever the  
9 needs of pupils can better and more economically be served at  
10 other school centers than those which they have been  
11 attending.

12 (c) Adequate educational facilities for all children  
13 without tuition.--See that adequate educational facilities are  
14 provided through the uniform system of schools for all  
15 children of school age in the district, in accordance with  
16 chapter 235. These facilities are to be provided with due  
17 regard to the needs of the children on the one hand and to  
18 economy on the other.

19 (d) Cooperate with boards of adjoining districts in  
20 maintaining schools.--Approve plans for cooperating with  
21 school boards of adjoining districts in this state or in  
22 adjoining states for establishing school attendance areas  
23 composed of territory lying within the districts and for the  
24 joint maintenance of district-line schools or other schools  
25 which are to serve those attendance areas. The conditions of  
26 such cooperation shall be as follows:

27 1. Establishment.--The establishment of a school to  
28 serve attendance areas lying in more than one district and the  
29 plans for maintaining the school and providing educational  
30 services to pupils shall be effected by annual resolutions  
31 spread upon the minutes of each school board concerned, which

1 resolutions shall set out the territorial limits of the areas  
2 from which children are to attend the school and the plan to  
3 be followed in maintaining and operating the school.

4           2. Control.--Control of the school or schools involved  
5 shall be vested in the school board of the district in which  
6 the school or schools are located unless otherwise agreed by  
7 the school boards.

8           3. Settlement of disagreements.--If ~~In the event~~ an  
9 agreement cannot be reached relating to such attendance areas  
10 or to the school or schools therein, the matter may be  
11 referred jointly by the cooperating school boards or by either  
12 school board to the Department of Education for decision under  
13 regulations of the state board, and its decision shall be  
14 binding on both school boards.

15           (e) Classification and standardization of  
16 schools.--Adopt plans and regulations for determining those  
17 school centers at which work is to be restricted to the  
18 elementary grades, school centers at which work is to be  
19 offered only in the high school grades, and school centers at  
20 which work is to be offered in any or all grades, and in  
21 accordance with such plans and regulations to determine the  
22 grade or grades in which work is to be offered at each school  
23 center; approve standards and regulations for classifying and  
24 standardizing the various schools of the district on such  
25 basis as to furnish incentive for the improvement of all  
26 schools.

27           (f) Opening and closing of schools; fixing uniform  
28 date.--Fix, insofar as possible, a uniform date each year for  
29 the opening of all schools under its control, on which date,  
30 unless otherwise authorized by the school board, all schools  
31 shall open, in order that the keeping of records, the making

1 of reports, the payment of salaries, and the supervision of  
2 instruction may be facilitated; and fix the closing date for  
3 all schools in the district, these dates to be so determined  
4 as to assure, as far as practicable, uniform terms for all  
5 schools in the district; adopt rules for the closing of  
6 schools during an emergency and to provide for the payment of  
7 salaries to the members of the instructional staff on such  
8 occasions. However, notwithstanding any of the foregoing, any  
9 school board may in its discretion operate any or all of the  
10 district schools on an extended term basis, provided the  
11 ~~board notifies the Commissioner of Education of its plans for~~  
12 ~~an extended school year on or before January 1 preceding the~~  
13 ~~extended school term. However, notwithstanding any of the~~  
14 ~~foregoing, any school board may, in its discretion, operate~~  
15 ~~any of the district schools on a quarterly basis; provided~~  
16 ~~that:~~

17 1. ~~All educational requirements required by law are~~  
18 ~~complied with.~~

19 2. ~~Any school board so instituting a 12-month school~~  
20 ~~program shall have full authority in the assignment of pupils~~  
21 ~~to equalize the number of pupils attending the schools during~~  
22 ~~any student attendance period, in order to utilize school~~  
23 ~~facilities to the maximum extent on a year-round basis, and~~  
24 ~~shall also have full authority to enter into contracts with~~  
25 ~~principals, teachers, and other school personnel for~~  
26 ~~employment on a 12-month basis at the same rate of monthly~~  
27 ~~compensation.~~

28 3. ~~Such school board, when classroom facilities and~~  
29 ~~teacher availability permit, may allow the parents or guardian~~  
30 ~~of any child the choice of such child attending all or any~~  
31 ~~particular three out of the four quarters during the year or,~~

1 ~~if a quinmester plan is operational, all or any four out of~~  
2 ~~five quinmesters.~~

3 ~~4. Any school board planning a 12-month school program~~  
4 ~~shall notify the Department of Education of such plans on or~~  
5 ~~before January 1 preceding the school year in which the plan~~  
6 ~~is to become operative.~~

7 ~~(g) Observance of school holidays and vacation~~  
8 ~~periods.--Approve and designate the school holidays to be~~  
9 ~~observed during the year, except for emergencies, and approve~~  
10 ~~and designate the school vacation periods.~~

11 ~~(g)(h)~~ Vocational classes and schools.--Provide for  
12 the establishment and maintenance of vocational schools,  
13 departments, or classes, giving instruction in vocational  
14 ~~career~~ education as defined by regulations of the state board,  
15 and use any moneys raised by public taxation in the same  
16 manner as moneys for other school purposes are used for the  
17 maintenance and support of public schools or classes.

18 ~~(h)(i)~~ School boards authorized to establish public  
19 evening schools.--The school boards in the state may establish  
20 and maintain, in the respective districts, public evening  
21 schools, elementary or high, as a branch of the public school  
22 system of the district; and such evening schools, when so  
23 maintained, shall be available to all residents of the state,  
24 native or foreign-born, who, for any satisfactory cause, have  
25 been unable to attend any day public school of the district;  
26 and all evening schools so maintained shall be under the  
27 direction and control of the school board and the  
28 superintendent and shall be subject to the same laws, rules,  
29 and regulations prescribed for the conduct of day schools in  
30 the district in which such evening schools are maintained; and  
31



1 the expense thereof shall be paid out of the district school  
2 fund.

3 (i)~~(j)~~ Cooperate with other agencies in joint  
4 projects.--Adopt plans for cooperating with school boards of  
5 other districts in this state or in adjoining states or with  
6 other governmental agencies or with nonprofit corporations as  
7 provided in this act for such joint projects or activities as  
8 may be authorized by regulations of the state board. The  
9 conditions of such cooperation shall be as follows:

10 1. Establishment.--The project or activity shall be  
11 initiated by resolutions spread upon the minutes of each  
12 school board concerned.

13 2. Control.--The control and ownership of any physical  
14 property and the control and administration of any project or  
15 activity engaged in under the provisions of this section shall  
16 be vested in the school board of the district of location  
17 unless otherwise agreed by the school boards or unless the  
18 project or activity is undertaken as authorized in  
19 subparagraph 3.

20 3. Other agencies.--The school board may, by rule,  
21 engage in a contractual relationship with other school  
22 districts, with governmental agencies, with other agencies  
23 that provide services to youth involved in the juvenile  
24 justice system pursuant to chapter 39, or with nonprofit  
25 corporations which have been formed and incorporated for the  
26 purpose of providing a cooperative educational service to the  
27 districts.

28 4. Settlement of disagreements.--In the event an  
29 agreement cannot be reached relating to any phase of the  
30 project or activity, the matter may be referred jointly by the  
31 cooperating school boards, or by any individual school board

1 of the cooperating districts, to the Department of Education  
2 for decision under regulations of the state board, and its  
3 decision shall be binding on all school boards of the  
4 cooperating districts.

5 ~~(k) Planning time for teachers.--The board may adopt~~  
6 ~~plans and regulations which will make provisions for teachers~~  
7 ~~to have time for lunch and some planning time when they will~~  
8 ~~not be directly responsible for the children; provided that~~  
9 ~~some adult supervision will be furnished for the students~~  
10 ~~during such periods.~~

11 ~~(l) Comprehensive program of staff~~  
12 ~~development.--Develop a comprehensive program of staff~~  
13 ~~development. Such program shall include all services provided~~  
14 ~~under the direction of the board and shall make adequate~~  
15 ~~provision for the proper funding of such program. Such~~  
16 ~~program shall make adequate provision for personnel exchange~~  
17 ~~programs to encourage staff in technical and vocational~~  
18 ~~programs to periodically update their skills through~~  
19 ~~employment experience in government and industry. The salary~~  
20 ~~and benefits of district and state personnel participating in~~  
21 ~~an exchange program shall be continued during the period of~~  
22 ~~time they participate in the exchange program. Such personnel~~  
23 ~~shall have no break in creditable or continuous state service~~  
24 ~~or employment during the period of time in which they~~  
25 ~~participate in an exchange program. The salary and benefits~~  
26 ~~of all persons participating in such exchange programs who are~~  
27 ~~not employed by the district shall be paid by the originating~~  
28 ~~employers of those participants. The duties and~~  
29 ~~responsibilities of a person participating in an exchange~~  
30 ~~program shall be the same as those of the person he or she~~  
31 ~~replaces.~~

1           (j)~~(m)~~ Exceptional students.--Provide for an  
2 appropriate program of special instruction, facilities, and  
3 services for exceptional students as prescribed by the state  
4 board as acceptable, including provisions that:  
5           1. The school board provide the necessary professional  
6 services for diagnosis and evaluation of exceptional students.  
7           2. The school board provide the special instruction,  
8 classes, and services, either within the district school  
9 system, in cooperation with other district school systems, or  
10 through contractual arrangements with approved nonpublic  
11 schools or community facilities which meet standards  
12 established by the state board.  
13           3. The school board annually provide information  
14 describing the Florida School for the Deaf and the Blind and  
15 all other programs and methods of instruction available to the  
16 parent or guardian of a sensory-impaired student.  
17           4. The school board, once every 3 years, submit to the  
18 department its proposed procedures for the provision of  
19 special instruction and services for exceptional students.  
20           5. No student be given special instruction or services  
21 as an exceptional student until after he or she has been  
22 properly evaluated, classified, and placed in the manner  
23 prescribed by rules of the state board. The parent or guardian  
24 of an exceptional student evaluated and placed or denied  
25 placement in a program of special education shall be notified  
26 of each such evaluation and placement or denial. Such notice  
27 shall contain a statement informing the parent or guardian  
28 that he or she is entitled to a due process hearing on the  
29 identification, evaluation, and placement, or lack thereof.  
30 Such hearings shall be exempt from the provisions of ss.  
31 120.569, 120.57, and 286.011, and any records created as a

1 result of such hearings shall be confidential and exempt from  
2 the provisions of s. 119.07(1), to the extent that the state  
3 board adopts rules establishing other procedures. The hearing  
4 shall be conducted by an administrative law judge from the  
5 Division of Administrative Hearings of the Department of  
6 Management Services. The decision of the administrative law  
7 judge shall be final, except that any party aggrieved by the  
8 finding and decision rendered by the administrative law judge  
9 shall have the right to bring a civil action in the circuit  
10 court. In such an action, the court shall receive the records  
11 of the administrative hearing and shall hear additional  
12 evidence at the request of either party. In the alternative,  
13 any party aggrieved by the finding and decision rendered by  
14 the administrative law judge shall have the right to request  
15 an impartial review of the administrative law judge's order by  
16 the district court of appeal as provided by s. 120.68.  
17 Notwithstanding any law to the contrary, during the pendency  
18 of any proceeding conducted pursuant to this section, unless  
19 the district school board and the parents or guardian  
20 otherwise agree, the child shall remain in his or her  
21 then-current educational assignment or, if applying for  
22 initial admission to a public school, shall be assigned, with  
23 the consent of the parents or guardian, in the public school  
24 program until all such proceedings have been completed.

25           6. In providing for the education of exceptional  
26 students, the superintendent, principals, and teachers shall  
27 utilize the regular school facilities and adapt them to the  
28 needs of exceptional students to the maximum extent  
29 appropriate. Segregation of exceptional students shall occur  
30 only if the nature or severity of the exceptionality is such  
31 that education in regular classes with the use of

1 supplementary aids and services cannot be achieved  
2 satisfactorily.

3 7. The principal of the school in which the student is  
4 taught shall keep a written record of the case history of each  
5 exceptional student showing the reason for the student's  
6 withdrawal from the regular class in the public school and his  
7 or her enrollment in or withdrawal from a special class for  
8 exceptional students. This record shall be available for  
9 inspection by school officials at any time.

10 8. The district school board shall establish the  
11 amount to be paid by the district school board for each  
12 individual exceptional student contract with a nonpublic  
13 school.

14 (k)~~(n)~~ Alternative education programs for students in  
15 residential care facilities.--Provide educational programs  
16 according to rules of the state board to students who reside  
17 in residential care facilities operated by the Department of  
18 Health and Rehabilitative Services, to include:

19 1. An appropriate program of instruction and special  
20 education services by the district school board of the county  
21 in which the residential care facility is located. The  
22 district school board shall make provision for each student to  
23 participate in basic, vocational, and exceptional student  
24 programs as appropriate. Each program shall be conducted  
25 according to applicable statutes providing for the operation  
26 of public schools and rules of the state board. Special  
27 programs for exceptional students shall be governed by the  
28 school board under the provisions of paragraph (j)~~(m)~~.

29 2. Cooperative planning by the district school board  
30 and the Department of Health and Rehabilitative Services for  
31 the facilities to house these programs.

1           a. All facilities and furnishings within Department of  
2 Health and Rehabilitative Services residential care facilities  
3 used for education programs for school-age students during the  
4 1978-1979 fiscal year shall be made available to the district  
5 school board for housing programs of instruction and special  
6 education services. The district school board shall not be  
7 charged any rent, maintenance, utilities, or overhead on such  
8 facilities. Maintenance, repairs, and remodeling of existing  
9 facilities shall be provided by the Department of Health and  
10 Rehabilitative Services.

11           b. If additional facilities are required, the district  
12 school board and the Department of Health and Rehabilitative  
13 Services shall agree on the appropriate site based on the  
14 instructional needs of the students. When the most  
15 appropriate site for instruction is on district school board  
16 property, a special capital outlay request shall be made by  
17 the commissioner in accordance with s. 235.41. When the most  
18 appropriate site is on state property, state capital outlay  
19 funds shall be requested by the Department of Health and  
20 Rehabilitative Services as provided by s. 216.043 and shall be  
21 submitted as specified by s. 216.023. Any instructional  
22 facility to be built on state property shall have educational  
23 specifications jointly developed by the school district and  
24 the Department of Health and Rehabilitative Services and  
25 approved by the Department of Education. The size of space  
26 and occupant design capacity criteria as provided by state  
27 board rules shall be used for remodeling or new construction  
28 whether facilities are provided on state property or district  
29 school board property.

30  
31

1           c. The planning of such additional facilities shall  
2 incorporate current Department of Health and Rehabilitative  
3 Services deinstitutionalization plans.

4           3. Full and complete authority of each such school  
5 board in the matter of the assignment and placement of such  
6 students in educational programs. The parent or guardian of  
7 exceptional students shall have the due process rights  
8 provided for in subparagraph (j)5~~(m)4~~.

9           4. A written agreement between the district school  
10 board and the Department of Health and Rehabilitative Services  
11 outlining the respective duties and responsibilities of each  
12 party.

13  
14 Notwithstanding the provisions herein, the educational  
15 programs at the Arthur Dozier School for Boys, the Marianna  
16 Sunland Center in Jackson County, and the Florida School for  
17 Boys at Okeechobee in Okeechobee County shall be operated by  
18 the Department of Education, either directly or through grants  
19 or contractual agreements with other public or duly accredited  
20 educational agencies approved by the Department of Education.

21           (l)~~(o)~~ Early childhood and basic skills  
22 development.--Provide for an individualized diagnostic  
23 approach to instruction in the primary grades, kindergarten,  
24 and grades one through three which shall permit every child to  
25 achieve that level of mastery of the basic skills, including,  
26 but not limited to, reading, writing, language arts,  
27 arithmetic, measurement, and problem solving, which the  
28 child's physical, mental, and emotional capacities permit.

29           ~~(p) Teacher aides.--Appoint teacher aides to assist~~  
30 ~~members of the instructional staff in the primary grades,~~

31

1 ~~kindergarten, and grades one through three, to the extent~~  
2 ~~feasible as determined by the school board.~~

3 (m)~~(g)~~ Full school utilization program monitoring and  
4 evaluation.--Monitor and evaluate full school utilization  
5 programs. Each district receiving state funding for a full  
6 school utilization program shall submit an annual report to  
7 the Department of Education by July 1 following implementation  
8 of the program, documenting the extent to which the program  
9 meets outcome objectives.

10 (4)~~(5)~~ PERSONNEL.--Designate positions to be filled,  
11 prescribe qualifications for those positions, and provide for  
12 the appointment, compensation, promotion, suspension, and  
13 dismissal of employees as follows, subject to the requirements  
14 of chapter 231:

15 (a) Positions, qualifications, and appointments.--Act  
16 upon written recommendations submitted by the superintendent  
17 for positions to be filled and for minimum qualifications for  
18 personnel for the various positions and act upon written  
19 nominations of persons to fill such positions. The school  
20 board may reject for good cause any employee nominated. If  
21 the third nomination by the superintendent for any position is  
22 rejected for good cause, if the superintendent fails to submit  
23 a nomination for initial employment within a reasonable time  
24 as prescribed by the school board, or if the superintendent  
25 fails to submit a nomination for reemployment within the time  
26 prescribed by law, the school board may proceed on its own  
27 motion to fill such position.

28 (b) Action on nominations.--Act not later than 3 weeks  
29 after the end of the regular legislative session on the  
30 nominations by the superintendent of supervisors, principals,  
31 and members of the instructional staff.



1           (c) Compensation and salary schedules.--Adopt a salary  
2 schedule or salary schedules to be used as a basis for paying  
3 all school employees, such schedules to be arranged, insofar  
4 as practicable, so as to furnish incentive for improvement in  
5 training and for continued and efficient service and fix and  
6 authorize the compensation of school employees on the basis of  
7 such schedules. A district school board, in determining the  
8 salary schedule for instructional personnel, shall consider  
9 the prior teaching experience of a person who has been  
10 designated a certified ~~state~~ teacher ~~of the year~~ by any state  
11 in the United States.

12           (d) Contracts and terms of service.--Provide written  
13 contracts for all regular members of the instructional staff.  
14 All contracts with members of the instructional staff shall be  
15 in accordance with the salary schedule adopted by the school  
16 board, shall be in writing for definite amounts and for  
17 definite terms of service, and shall specify the number of  
18 monthly payments to be made. All such contracts shall be  
19 executed in duplicate, and a true signed copy shall be  
20 retained by the board in the office of the superintendent.  
21 The school board is prohibited from paying any salary to any  
22 member of the instructional staff, except when this provision  
23 has been observed.

24           (e) Transfer and promotion.--Act on recommendations of  
25 the superintendent regarding transfer and promotion of any  
26 employee.

27           (f) Suspension and dismissal and return to annual  
28 contract status.--Suspend, dismiss, or return to annual  
29 contract members of the instructional staff and other school  
30 employees; however, no administrative assistant, supervisor,  
31 principal, teacher, or other member of the instructional staff

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1 may be discharged, removed, or returned to annual contract  
2 except as provided in chapter 231.

3 ~~(g) Awards and incentives.--Provide for recognition of~~  
4 ~~district employees, students, school volunteers, or advisory~~  
5 ~~committee members who have contributed outstanding and~~  
6 ~~meritorious service in their fields or service areas. After~~  
7 ~~considering recommendations of the superintendent, the board~~  
8 ~~shall adopt rules establishing and regulating the meritorious~~  
9 ~~service awards necessary for the efficient operation of the~~  
10 ~~program. Monetary awards shall be limited to persons who~~  
11 ~~propose procedures or ideas which are adopted by the board and~~  
12 ~~which will result in eliminating or reducing school board~~  
13 ~~expenditures or improving district or school center~~  
14 ~~operations. Nonmonetary awards shall include, but need not be~~  
15 ~~limited to, certificates, plaques, medals, ribbons, and~~  
16 ~~photographs. The school board is authorized to expend funds~~  
17 ~~for such recognition and awards. No award granted under the~~  
18 ~~provisions of this paragraph shall exceed \$2,000 or 10 percent~~  
19 ~~of the first year's gross savings, whichever is greater.~~

20 ~~(h) Recruitment of instructional personnel.--Establish~~  
21 ~~policies for the effective recruitment of quality~~  
22 ~~instructional personnel. Such policies may provide for~~  
23 ~~appropriate expenses related thereto and may include, but are~~  
24 ~~not limited to, moving expenses for teachers in areas of~~  
25 ~~critical need as determined by action of the school board.~~

26 (5)~~(6)~~ CHILD WELFARE.--Provide for the proper  
27 accounting for all children of school age, for the attendance  
28 and control of pupils at school, and for proper attention to  
29 health, safety, and other matters relating to the welfare of  
30 children in the following fields, as prescribed in chapter  
31 232.

1           (a) Admission, classification, promotion, and  
2 graduation of pupils.--Adopt rules and regulations for  
3 admitting, classifying, promoting, and graduating pupils to or  
4 from the various schools of the district. Such rules shall  
5 provide for the verification of a student's prior attendance  
6 and grade level, within or without this state, at the time of  
7 admission to a school in this state. Such verification is  
8 required prior to a student's progression to the next grade  
9 level. In the absence of any verification, the child shall be  
10 administered the standard test used in the district to  
11 determine at what grade level the child is functioning; and  
12 the child shall be placed in the appropriate program as  
13 indicated by the test results. In addition, each school board  
14 shall adopt policies relating to the assessment and reporting  
15 of students' classroom performance. These policies shall  
16 clearly assign initial and primary authority for such  
17 assessment and reporting to the classroom teacher. The  
18 review, modification, or appeal of a classroom teacher's  
19 assessment and reporting of a student's classroom performance  
20 can be effected only through established policies of the  
21 school board.

22           (b) Enforcement of attendance laws.--Provide for the  
23 enforcement of all laws and regulations relating to the  
24 attendance of pupils at school and for employing such  
25 assistants to the superintendent as may be needed to enforce  
26 these laws effectively. Each school district shall establish  
27 policies and procedures designed to assist students in  
28 improving their attendance and attaining a high school  
29 diploma.

30           (c) Control of pupils.--

31

1           1. Adopt rules and regulations for the control,  
2 discipline, in-school suspension, suspension, and expulsion of  
3 pupils and decide all cases recommended for expulsion. Such  
4 rules shall clearly specify disciplinary action that shall be  
5 imposed if a student possesses alcoholic beverages or  
6 ~~electronic telephone pagers~~ or is involved in the illegal use,  
7 sale, or possession of controlled substances, as defined in  
8 chapter 893, on school property or while attending a school  
9 function. School boards are encouraged to include in these  
10 provisions alternatives to expulsion and suspension such as  
11 in-school suspension, assignment to second chance schools, and  
12 guidelines on identification and referral of students to  
13 alcohol and substance abuse treatment agencies. To the extent  
14 that funding is available, it is the intent of the Legislature  
15 that all persons of compulsory school age who have not  
16 received a high school diploma be placed in an appropriate  
17 program which may include, but not be limited to, traditional  
18 schools, second chance schools jointly provided by the  
19 district school board and the Department of Juvenile Justice,  
20 disciplinary schools, and other alternatives to expulsion  
21 programs. Suspension hearings are exempted from the provisions  
22 of chapter 120. Expulsion hearings shall be governed by ss.  
23 120.569 and 120.57(2) and are exempt from s. 286.011. However,  
24 the pupil's parent or legal guardian must be given notice of  
25 the provisions of s. 286.011 and may elect to have the hearing  
26 held in compliance with that section. The school board shall  
27 have the authority to prohibit the use of corporal punishment,  
28 provided that the school board adopts or has adopted a written  
29 program of alternative control or discipline, which may  
30 include, but is not limited to, timeout rooms, in-school  
31 suspension, student peer review, parental involvement, and

1 other forms of positive reinforcement, such as classes on  
2 appropriate classroom behavior.

3         2. Have the authority as the school board of a  
4 receiving school district to honor the final order of  
5 expulsion or dismissal of a student by any in-state or  
6 out-of-state public school board or private school, or  
7 developmental research school, for an act which would have  
8 been grounds for expulsion according to the receiving school  
9 district's code of student conduct, in accordance with the  
10 following procedures:

11             a. A final order of expulsion shall be recorded in the  
12 records of the receiving school district.

13             b. The expelled student applying for admission to the  
14 receiving school district shall be advised of the final order  
15 of expulsion.

16             c. The superintendent of schools of the receiving  
17 school district may recommend to the school board that the  
18 final order of expulsion be waived and the student be admitted  
19 to the school district, or that the final order of expulsion  
20 be honored and the student not be admitted to the school  
21 district. If the student is admitted by the school board, with  
22 or without the recommendation of the superintendent, the  
23 student may be placed in an appropriate educational program at  
24 the direction of the school board.

25             (d) Code of student conduct.--Adopt a code of student  
26 conduct for elementary schools and a code of student conduct  
27 for secondary schools and distribute the appropriate code to  
28 all teachers, school personnel, students, and parents or  
29 guardians, at the beginning of every school year. A district  
30 may compile the code of student conduct for elementary schools  
31 and the code of student conduct for secondary schools in one

1 publication and distribute the combined codes to all teachers,  
2 school personnel, students, and parents or guardians at the  
3 beginning of every school year. Each code of student conduct  
4 shall be developed by the school board; elementary or  
5 secondary school teachers and other school personnel,  
6 including school administrators; students; and parents or  
7 guardians. The code of student conduct for elementary schools  
8 shall parallel the code for secondary schools. Each code shall  
9 be organized and written in language which is understandable  
10 to students and parents and shall be discussed at the  
11 beginning of every school year in student classes, school  
12 advisory councils, and parent and teacher associations. Each  
13 code shall be based on the rules governing student conduct and  
14 discipline adopted by the school board and be made available  
15 in the student handbook or similar publication. Each code  
16 shall include, but not be limited to:

17         1. Consistent policies and specific grounds for  
18 disciplinary action, including in-school suspension,  
19 out-of-school suspension, expulsion, any disciplinary action  
20 that may be imposed for the possession or use of alcohol on  
21 school property or while attending a school function or for  
22 the illegal use, sale, or possession of controlled substances  
23 as defined in chapter 893.

24         2. Procedures to be followed for acts requiring  
25 discipline, including corporal punishment.

26         3. An explanation of the responsibilities and rights  
27 of students with regard to attendance, respect for persons and  
28 property, knowledge and observation of rules of conduct, the  
29 right to learn, free speech and student publications,  
30 assembly, privacy, and participation in school programs and  
31 activities.

1           4. Notice that illegal use, possession, or sale of  
2 controlled substances, as defined in chapter 893, ~~or~~  
3 ~~possession of electronic telephone pagers,~~ by any student  
4 while such student is upon school property or in attendance at  
5 a school function is grounds for in-school suspension,  
6 out-of-school suspension, expulsion, or imposition of other  
7 disciplinary action by the school and may also result in  
8 criminal penalties being imposed.

9           5. Notice that the possession of a firearm, a knife, a  
10 weapon, or an item which can be used as a weapon by any  
11 student while the student is on school property or in  
12 attendance at a school function is grounds for disciplinary  
13 action and may also result in criminal prosecution.

14           6. Notice that violence against any school district  
15 personnel by a student is grounds for in-school suspension,  
16 out-of-school suspension, expulsion, or imposition of other  
17 disciplinary action by the school and may also result in  
18 criminal penalties being imposed.

19           7. Notice that violation of school board  
20 transportation policies, including disruptive behavior on a  
21 school bus or at a school bus stop, by a student is grounds  
22 for suspension of the student's privilege of riding on a  
23 school bus and may be grounds for in-school suspension,  
24 out-of-school suspension, expulsion, or imposition of other  
25 disciplinary action by the school and may also result in  
26 criminal penalties being imposed.

27           8. Notice that violation of the school board's sexual  
28 harassment policy by a student is grounds for in-school  
29 suspension, out-of-school suspension, expulsion, or imposition  
30 of other disciplinary action by the school and may also result  
31 in criminal penalties being imposed.

1           9. Policies to be followed for the assignment of  
2 violent or disruptive students to an alternative educational  
3 program.

4           10. Notice that any student who is determined to have  
5 brought a firearm, as defined in 18 U.S.C. s. 921, to school,  
6 any school function, or on any school-sponsored transportation  
7 will be expelled, with or without continuing educational  
8 services, from the student's regular school for a period of  
9 not less than 1 full year and referred for criminal  
10 prosecution. School boards may assign the student to a  
11 disciplinary program or second chance school for the purpose  
12 of continuing educational services during the period of  
13 expulsion. Superintendents may consider the 1-year expulsion  
14 requirement on a case-by-case basis and request the school  
15 board to modify the requirement if determined to be in the  
16 best interest of the student and the school system.

17           (e) Student crime watch program.--By resolution of the  
18 school board, implement a student crime watch program to  
19 promote responsibility among students and to assist in the  
20 control of criminal behavior within the schools.

21           (6)(7) COURSES OF STUDY AND OTHER INSTRUCTIONAL  
22 AIDS.--Provide adequate instructional aids for all children as  
23 follows and in accordance with the requirements of chapter  
24 233.

25           (a) Courses of study; adoption.--Adopt courses of  
26 study for use in the schools of the district; provided, that  
27 such courses shall comprise materials needed to supplement  
28 minimum courses of study prescribed by the state board for all  
29 schools.

30           (b) Textbooks.--Provide for proper requisitioning,  
31 distribution, accounting, storage, care, and use of all



1 textbooks and other books furnished by the state and furnish  
2 such other textbooks and library books as may be needed. The  
3 school board is responsible for assuring that instructional  
4 materials used in the district are consistent with the  
5 district goals and objectives and the curriculum frameworks  
6 approved by the State Board of Education, as well as with the  
7 state and district performance standards provided for in ss.  
8 229.565 and 232.2454.

9 (c) Other instructional aids.--Provide such other  
10 teaching accessories and aids as are needed to carry out the  
11 program.

12 (d) School library media services; establishment and  
13 maintenance.--Establish and maintain school library media  
14 centers, or school library media centers open to the public,  
15 and, in addition thereto, such traveling or circulating  
16 libraries as may be needed for the proper operation of the  
17 district school system. Establish and maintain a program of  
18 school library media services for all public school students  
19 which shall be designed to ensure effective use of available  
20 resources and to avoid unnecessary duplication and shall  
21 include, but not be limited to, basic skills development,  
22 instructional design, media collection development, media  
23 program management, media production, staff development, and  
24 consultation and information services.

25 (7)~~(8)~~ TRANSPORTATION OF PUPILS.--After considering  
26 recommendations of the superintendent, make provision for the  
27 transportation of pupils to the public schools or school  
28 activities they are required or expected to attend; authorize  
29 transportation routes arranged efficiently and economically;  
30 provide the necessary transportation facilities, and, when  
31 authorized under regulations of the state board and if more

1 economical to do so, provide limited subsistence in lieu  
2 thereof; and adopt the necessary rules and regulations to  
3 ensure safety, economy, and efficiency in the operation of all  
4 buses, as prescribed in chapter 234.

5 (8)~~(9)~~ SCHOOL PLANT.--Approve plans for locating,  
6 planning, constructing, sanitating, insuring, maintaining,  
7 protecting, and condemning school property as prescribed in  
8 chapter 235 and as follows:

9 (a) School building program.--Approve and adopt a  
10 districtwide school building program, indicating the centers  
11 at which school work is to be offered on the various levels;  
12 the type, size, and location of schools to be established; and  
13 the steps to be taken to carry out the program. This program  
14 shall be a part of the 5-year program for the district and,  
15 insofar as practicable, shall be based on the recommendations  
16 of a survey made or approved under the direction of the  
17 Department of Education.

18 (b) Sites, buildings, and equipment.--

19 1. Select and purchase school sites, playgrounds, and  
20 recreational areas located at centers at which schools are to  
21 be constructed, of adequate size to meet the needs of pupils  
22 to be accommodated;

23 2. Approve the proposed purchase of any site,  
24 playground, or recreational area for which district funds are  
25 to be used;

26 3. Expand existing sites;

27 4. Rent buildings when necessary;

28 5. Enter into leases or lease-purchase arrangements,  
29 in accordance with the requirements and conditions provided in  
30 s. 235.056(2), with private individuals or corporations for  
31 the rental of necessary grounds and educational facilities for

1 school purposes or of educational facilities to be erected for  
2 school purposes. Current or other funds authorized by law may  
3 be used to make payments under a lease-purchase agreement.  
4 Notwithstanding any other statutes, if the rental is to be  
5 paid from funds received from ad valorem taxation and the  
6 agreement is for a period greater than 12 months, an approving  
7 referendum must be held. The provisions of such contracts,  
8 including building plans, shall be subject to approval by the  
9 Department of Education, and no such contract shall be entered  
10 into without such approval. As used in this section,  
11 "educational facilities" means the buildings and equipment  
12 which are built, installed, or established to serve  
13 educational purposes and which may lawfully be used. The  
14 State Board of Education is authorized to promulgate such  
15 rules as it deems necessary to implement the provisions  
16 hereof;

17 6. Provide for the proper supervision of construction;

18 7. Make or contract for additions, alterations, and  
19 repairs on buildings and other school properties;

20 8. Ensure that all plans and specifications for  
21 buildings provide adequately for the safety and well-being of  
22 pupils, as well as for economy of construction by having such  
23 plans and specifications submitted to the Department of  
24 Education for approval; and

25 9. Provide furniture, books, apparatus, and other  
26 equipment necessary for the proper conduct of the work of the  
27 schools.

28 (c) Maintenance and upkeep of school plant.--Provide  
29 adequately for the proper maintenance and upkeep of school  
30 plants, so that children may attend school without sanitary or  
31 physical hazards, and provide for the necessary heat, lights,

1 water, power, and other supplies and utilities necessary for  
2 the operation of the schools.

3 (d) Insurance of school property.--Carry insurance on  
4 every school building in all school plants including contents,  
5 boilers, and machinery, except buildings of three classrooms  
6 or less which are of frame construction and located in a tenth  
7 class public protection zone as defined by the Florida  
8 Inspection and Rating Bureau, and on all school buses and  
9 other property under the control of the school board or title  
10 to which is vested in the school board, except as exceptions  
11 may be authorized under regulations of the state board.

12 (e) Condemnation of buildings.--Condemn and prohibit  
13 the use for public school purposes of any building which can  
14 be shown for sanitary or other reasons to be no longer  
15 suitable for such use and, when any building is condemned by  
16 any state or other government agency as authorized in chapter  
17 235, see that it is no longer used for school purposes.

18 (9)~~(10)~~ FINANCE.--Take steps to assure children  
19 adequate educational facilities through the financial  
20 procedure authorized in chapters 236 and 237 and as prescribed  
21 below:

22 (a) Provide for all schools to operate at least 180  
23 days.--Provide for the operation of all public schools, both  
24 elementary and secondary, as free schools for a term of at  
25 least 180 days or the equivalent on an hourly basis as  
26 specified by regulations of the State Board of Education;  
27 determine district school funds necessary in addition to state  
28 funds to operate all schools for such minimum term; arrange  
29 for the levying of district school taxes necessary to provide  
30 the amount needed from district sources.

31

1           (b) Annual budget.--Cause to be prepared, adopt, and  
2 have submitted to the Department of Education as required by  
3 law and by regulations of the state board, the annual school  
4 budget, such budget to be so prepared and executed as to  
5 promote the improvement of the district school system.

6           (c) Tax levies.--Adopt and spread on its minutes a  
7 resolution fixing the district school tax levy, provided for  
8 under s. 9, Art. VII of the State Constitution, necessary to  
9 carry on the school program adopted for the district for the  
10 next ensuing fiscal year as required by law, and fixing the  
11 district bond interest and sinking fund tax levy necessary for  
12 districts against which bonds are outstanding; adopt and  
13 spread on its minutes a resolution suggesting the tax levy  
14 provided for in s. 9, Art. VII of the State Constitution,  
15 found necessary to carry on the school program adopted for the  
16 district for the next ensuing fiscal year.

17           (d) School funds.--Require that an accurate account is  
18 kept of all funds which should be transmitted to the school  
19 board for school purposes at various periods during the year  
20 from all sources and, if any funds are not transmitted  
21 promptly, take the necessary steps to have such funds made  
22 available.

23           (e) Borrow money.--Borrow money, as prescribed in ss.  
24 237.141-237.171, when necessary in anticipation of funds  
25 reasonably to be expected during the year as shown by the  
26 budget.

27           (f) Financial records and accounts.--Provide for  
28 keeping of accurate records of all financial transactions,  
29 including records of school and student activity funds, and  
30 school lunch programs, and have these records kept under the  
31 various classifications commonly used in school financial

1 accounting; authorize and compensate such trained assistants  
2 to the superintendent as may be needed to maintain adequate  
3 records.

4 (g) Approval and payment of accounts.--Implement a  
5 system of accounting and budgetary control to ensure that  
6 payments do not exceed amounts budgeted, as required by law;  
7 make available all records for proper audit by state  
8 officials; and have prepared required periodic statements  
9 showing receipts, balances, and expenditures to date and  
10 require a copy of each such statement to be filed with the  
11 Department of Education as provided by rules of the state  
12 board.

13 (h) Bonds of employees.--Fix and prescribe the bonds,  
14 and pay the premium on all such bonds, of all school employees  
15 who are responsible for school funds in order to provide  
16 reasonable safeguards for all such funds or property.

17 (i) Contracts for materials, supplies, and  
18 services.--Contract for materials, supplies, and services  
19 needed for the district school system. No contract for  
20 supplying these needs shall be made with any member of the  
21 school board, with the superintendent, or with any business  
22 organization in which any school board member or the  
23 superintendent has any financial interest whatsoever.

24 (j) Purchasing regulations to be secured from  
25 Department of Management Services.--Secure purchasing  
26 regulations and amendments and changes thereto from the  
27 Division of Purchasing of the Department of Management  
28 Services and prior to any purchase have reported to it by its  
29 staff, and give consideration to the lowest price available to  
30 it under such regulations, provided a regulation applicable to  
31 the item or items being purchased has been adopted by the

1 Division of Purchasing. The Division of Purchasing should meet  
2 with educational administrators to expand the inventory of  
3 standard items for common usage in all schools and higher  
4 education institutions.

5 (k) Investment policies.--

6 1. Adopt policies pertaining to the investment of  
7 school funds not needed for immediate expenditures, after  
8 considering the recommendations of the superintendent. The  
9 adopted policies shall make provisions for investing or  
10 placing on deposit all such funds in order to earn the maximum  
11 possible yield under the circumstances from such investments  
12 or deposits. The method of determining the maximum yield on  
13 investments or deposits shall include, but not necessarily be  
14 limited to, bids from qualified depositories, yields from  
15 certificates of deposit, yields from time deposits, yields  
16 from securities guaranteed by the Government of the United  
17 States, or other forms of investments authorized by law.

18 2. Part of the funds available for investment may be  
19 set aside to invest in time deposits or savings accounts in  
20 banks or savings and loan associations on the federal list of  
21 minority financial institutions designated as authorized  
22 depositories. The investment of such funds must be  
23 competitively bid among such minority financial institutions  
24 located within the school district boundaries and must be in  
25 compliance with s. 236.24 and chapter 280. The amount of  
26 funds designated for such investment shall be determined by  
27 the school board and may be based on the percentage of  
28 minorities within the population of the school district.

29 (l) Protection against loss.--Provide for adequate  
30 protection against any loss or damage to school property or  
31 loss resulting from any liability for which the board or its

1 officers, agents, or employees may be responsible under law.  
2 In fulfilling this responsibility, the board is authorized and  
3 empowered to purchase insurance, to be self-insured, to enter  
4 into risk management programs managed by district school  
5 boards, school-related associations, or insurance companies,  
6 or to have any combination thereof in any area to the extent  
7 the board is either authorized or required by law to contract  
8 for insurance. Any risk management program entered into  
9 pursuant to this subsection shall provide for strict  
10 accountability of all funds to the member school boards and an  
11 annual audit by an independent certified public accountant of  
12 all receipts and disbursements.

13 (10)~~(11)~~ RECORDS AND REPORTS.--Provide for the keeping  
14 of all necessary records and the making of all needed or  
15 required reports, as follows:

16 (a) Forms, blanks, and reports.--Require all employees  
17 to keep accurately all records and to make promptly in the  
18 proper form all reports required by law or by regulations of  
19 the state board.

20 (b) Reports to the department.--Require that the  
21 superintendent prepare all reports to the Department of  
22 Education that are ~~may be~~ required by law or by rules  
23 ~~regulations~~ of the state board and see that all such reports  
24 are promptly transmitted to the department. If any such  
25 report is not transmitted at the time and in the manner  
26 prescribed by law or by rules of the state board, the salary  
27 of the superintendent must be withheld until the report has  
28 been properly submitted. Unless otherwise provided by rule of  
29 the state board, the annual report on attendance and personnel  
30 is due on or before July 1, and the annual school budget and  
31 the report on finance are due on the date prescribed by the



1 ~~state board.~~ withhold the further payment of salary to the  
2 superintendent or employee when notified by the department  
3 that he or she has failed to file any report within the time  
4 or in the manner prescribed; and continue to withhold the  
5 salary until the school board is notified by the department  
6 that such report has been received and accepted; provided,  
7 ~~that~~ When any report has not been received by the date due and  
8 after due notice has been given to the school board of that  
9 fact, the department, if it deems necessary, may require the  
10 report to be prepared by a member of its staff, and the school  
11 board shall pay all expenses connected therewith. Any member  
12 of the school board who is willfully responsible for the  
13 violation of this provision is subject to suspension and  
14 removal.

15 (c) Reports to parents.--At regular intervals reports  
16 shall be made by principals or teachers in public schools to  
17 parents or those having parental authority over the children  
18 enrolled and in attendance upon their schools, apprising them  
19 of the progress being made by the pupils in their studies and  
20 giving other needful information.

21 (11)~~(12)~~ COOPERATION WITH OTHER DISTRICT SCHOOL  
22 BOARDS.--May establish and participate in educational  
23 consortia which are designed to provide joint programs and  
24 services to cooperating school districts, consistent with the  
25 provisions of s. 4(b), Art. IX of the State Constitution. The  
26 State Board of Education shall adopt rules providing for the  
27 establishment, funding, administration, and operation of such  
28 consortia.

29 (12)~~(13)~~ COOPERATION WITH THE DEPARTMENT ~~OTHER~~  
30 AGENCIES.--

31

1           ~~(a) Cooperate with federal, state, county, and~~  
2 ~~municipal agencies in all matters relating to education and~~  
3 ~~child welfare. District superintendents and school boards may~~  
4 ~~initiate policy meetings with such agencies to promote joint~~  
5 ~~planning and provide effective programs in matters relating to~~  
6 ~~discipline, truancy, and dropouts.~~

7           ~~(b) Cooperate with public and private community~~  
8 ~~agencies and with the local service district of the Department~~  
9 ~~of Health and Rehabilitative Services to achieve the first~~  
10 ~~state education goal, readiness to start school.~~

11           ~~(c) Cooperate with the Department of Education in~~  
12 ~~identifying each child in the school district who is a~~  
13 ~~migratory child as defined in Pub. L. No. 95-561 and cooperate~~  
14 ~~with the department in providing such other information as the~~  
15 ~~department considers ~~deems~~ necessary.~~

16           (13)~~(14)~~ ENFORCEMENT OF LAW AND RULES AND  
17 REGULATIONS.--Require that all laws and rules and regulations  
18 of the state board or of the school board are properly  
19 enforced.

20           ~~(15) COOPERATE WITH SUPERINTENDENT.--Cooperate with~~  
21 ~~the superintendent at all times to the end that the district~~  
22 ~~school system may constantly be improved.~~

23           (14)~~(16)~~ SCHOOL LUNCH PROGRAM.--Assume such  
24 responsibilities and exercise such powers and perform such  
25 duties as may be assigned to it by law or as may be required  
26 by regulations of the state board or as in the opinion of the  
27 school board are necessary to assure school lunch services,  
28 consistent with needs of pupils; effective and efficient  
29 operation of the program; and the proper articulation of the  
30 school lunch program with other phases of education in the  
31 district.

1           ~~(17) PUBLIC INFORMATION PROGRAM.--Adopt procedures~~  
2 ~~whereby the general public can be adequately informed of the~~  
3 ~~educational programs, needs, and objectives of public~~  
4 ~~education within the district.~~

5           (15)~~(18)~~ IMPLEMENT SCHOOL IMPROVEMENT AND  
6 ACCOUNTABILITY.--Maintain a system of school improvement and  
7 education accountability as provided by statute and State  
8 Board of Education rule. This system of school improvement and  
9 education accountability shall be consistent with, and  
10 implemented through, the district's continuing system of  
11 planning and budgeting required by this section and ss.  
12 229.555 and 237.041. This system of school improvement and  
13 education accountability shall include, but not be limited to,  
14 the following:

15           (a) School improvement plans.--Annually approve and  
16 require implementation of a new, amended, or continuation  
17 school improvement plan for each school in the district. Such  
18 plan shall be designed to achieve the state education goals  
19 and student performance standards pursuant to ss. 229.591(3)  
20 and 229.592, shall be based on a needs assessment, and shall  
21 include school progress, goals, indicators of student  
22 progress, strategies, and evaluation procedures, including  
23 adequate measures of individual student performance. ~~Each~~  
24 ~~school shall develop its initial individual school improvement~~  
25 ~~plan to be submitted for approval during the 1992-1993 school~~  
26 ~~year and shall implement the initial plan as approved~~  
27 ~~beginning with the 1993-1994 school year.~~

28           (b) Approval process.--Develop a process for approval  
29 of a school improvement plan presented by an individual school  
30 and its advisory council. In the event a board does not  
31 approve a school improvement plan after exhausting this

1 process, the Florida Commission on Education Reform and  
2 Accountability shall be notified of the need for assistance.

3 (c) Assistance and intervention.--Develop a 3-year  
4 plan of increasing individualized assistance and intervention  
5 for each school that does not meet or make adequate progress,  
6 based upon the recommendations of the commission, as defined  
7 pursuant to statute and State Board of Education rule, toward  
8 meeting the goals and standards of its approved school  
9 improvement plan.

10 (d) After 3 years.--Notify the Florida Commission on  
11 Education Reform and Accountability and the State Board of  
12 Education in the event any school does not make adequate  
13 progress toward meeting the goals and standards of a school  
14 improvement plan by the end of 3 consecutive years of district  
15 assistance and intervention and proceed according to  
16 guidelines developed pursuant to statute and State Board of  
17 Education rule.

18 (e) Public disclosure.--Provide information regarding  
19 performance of students and educational programs as required  
20 pursuant to s. 229.555, and, beginning with the 1994-1995  
21 school year, implement a new system of school reports as  
22 required by statute and State Board of Education rule.

23 (f) School improvement funds.--Provide funds to  
24 schools for developing and implementing school improvement  
25 plans. Such funds shall include those funds appropriated for  
26 the purpose of school improvement pursuant to s. 24.121(5)(c).

27 (g) Feedback report.--Develop a "feedback report" on  
28 the progress of implementing and maintaining a system of  
29 school improvement and education accountability established in  
30 s. 229.592(2). The report shall be submitted to the Florida  
31 Commission on Education Reform and Accountability by July 17,

1 ~~1992, and annually thereafter.~~ The report shall include, but  
2 not be limited to, information pertaining to the accuracy of  
3 data collection and analysis, the ability of the Department of  
4 Education to assist school boards in emphasizing reporting on  
5 individual school improvement and progress while minimizing  
6 comparisons between schools, the effectiveness of training and  
7 technical assistance provided by the Department of Education,  
8 and the effectiveness of the waiver process established in s.  
9 229.592(6); and recommendation for improvement.

10 Section 8. Section 230.2301, Florida Statutes, is  
11 amended to read:

12 230.2301 Parents may be accompanied.--At any meeting  
13 ~~regarding the assignment of staff to an exceptional student or~~  
14 ~~at a~~ conference regarding the discipline of a student, the  
15 student's parent or guardian may be accompanied by another  
16 adult of his or her choice to assist the parent or guardian in  
17 communicating with school district personnel.

18 Section 9. Section 230.2303, Florida Statutes, is  
19 amended to read:

20 230.2303 Florida First Start Program.--

21 ~~(1) LEGISLATIVE INTENT; PURPOSE.--The Legislature~~  
22 ~~recognizes that the years of a child's life between birth and~~  
23 ~~the third birthday are critical for fostering intellectual~~  
24 ~~ability, language competence, physical development, and social~~  
25 ~~skills. The Florida First Start Program is intended as a~~  
26 ~~home-school partnership designed to give children with~~  
27 ~~disabilities and children at risk of future school failure the~~  
28 ~~best possible start in life and to support parents in their~~  
29 ~~role as the children's first teachers. The purpose of the~~  
30 ~~program is to assist parents to achieve their own goals for~~  
31 ~~education and self-sufficiency and to teach parents how to~~

1 ~~foster their child's development in the crucial early years of~~  
2 ~~life. The program must assist school districts in providing~~  
3 ~~early, high-quality parent education and support services that~~  
4 ~~enable the parents to enhance their children's intellectual,~~  
5 ~~language, physical, and social development, thus maximizing~~  
6 ~~the children's overall progress during the first 3 years of~~  
7 ~~life, laying the foundation for future school success, and~~  
8 ~~minimizing the development of disabilities and developmental~~  
9 ~~problems which interfere with learning.~~

10 (1)~~(2)~~ PROGRAM.--There is hereby created the Florida  
11 First Start Program for children from birth to 3 years of age  
12 and their parents. The program must be administered,  
13 implemented, and conducted by school districts pursuant to a  
14 plan developed and approved as provided in this section.

15 (2)~~(3)~~ PLAN.--Each school board may submit to the  
16 Commissioner of Education a plan for conducting a Florida  
17 First Start Program. Each plan and subsequent amended plan  
18 shall be developed in cooperation with the district  
19 interagency coordinating council on early childhood services  
20 established pursuant to s. 230.2305 and the Interagency  
21 Prekindergarten Council for Children with Disabilities, and  
22 shall be approved by the commissioner. A district school  
23 board's plan must be designed to serve children from birth to  
24 3 years of age who are disabled or at risk of future school  
25 failure and to serve their parents. For the purposes of this  
26 section, the term "children with disabilities or at risk of  
27 future school failure" includes any child who has one or more  
28 of the characteristics described in s. 411.202(9).

29 (3)~~(4)~~ PLAN APPROVAL.--To be considered for approval,  
30 each plan, or amendment to a plan, must be based on current  
31 research findings regarding the growth and development of

1 infants and young children and must include the following  
2 program components:

3 (a) The establishment of parent resource centers  
4 ~~located in neighborhood schools. Parent resource centers may~~  
5 ~~be established in cooperation with and jointly funded through~~  
6 ~~the community education program established pursuant to s.~~  
7 ~~239.401.~~

8 (b) ~~Visits, at least once a month, by~~ trained parent  
9 educators from the parent resource center, who shall inform  
10 the parents about stages of child development and suggest  
11 methods for parents to encourage children's intellectual,  
12 language, physical, and social development. Parent educators  
13 may ~~shall~~ also offer guidance on home safety, nutrition,  
14 effective discipline, constructive play activities, and other  
15 topics.

16 (c) ~~Monthly Group meetings for parents with similarly~~  
17 ~~aged children held at the parent resource centers.~~

18 (d) Periodic formal educational and medical screening  
19 for the children.

20 (e) A procedure to help parents identify their goals  
21 for education and self-sufficiency and to monitor their  
22 progress toward achievement of their goals. The program must  
23 provide a referral network to help parents who need special  
24 assistance, for themselves or their children, that is beyond  
25 the scope of this program.

26 (f) Assurances that each ~~school~~ parent resource center  
27 shall be staffed by a coordinator trained in parent education  
28 ~~and holding a bachelor's degree from an accredited institution~~  
29 ~~with a major in early childhood education, child development,~~  
30 ~~child psychology, home economics, social work, or nursing.~~

31

1 (g) A method for training parent educators and for  
2 recruiting parent educators from among the families in the  
3 area served by the program ~~school's attendance zone~~. Training  
4 for parent educators shall include, but not be limited to,  
5 child growth and development, health, safety, nutrition,  
6 identifying and reporting child abuse and neglect,  
7 developmentally appropriate activities for young children, and  
8 avoidance of income-based, race-based, and gender-based  
9 stereotyping.

10 (h) An inservice staff development component,  
11 including arrangements for staff access to child development  
12 associate certificate training or its equivalent, coordination  
13 with local teacher education centers ~~established under s.~~  
14 ~~231.603~~, and integration with district master inservice plans  
15 required under s. 236.0811.

16 (i) Coordination with district prekindergarten early  
17 intervention programs and other programs serving preschool  
18 children and their families.

19 (5) EVALUATION.--Each participating school district  
20 shall conduct an evaluation of the effectiveness of the  
21 program. This evaluation must include assessment of the  
22 children's behavior, growth and development, and achievement;  
23 the parents' success in meeting their own goals for education  
24 and self-sufficiency; and the parents' continued involvement  
25 with the education of their children. The results of this  
26 evaluation must be maintained by the school district and made  
27 available to the public upon request.

28 (6) MONITORING AND TECHNICAL ASSISTANCE.--The  
29 commissioner shall monitor each ~~district~~ program according to  
30 the department's schedule for program monitoring and  
31 compliance determination ~~at least annually~~ to determine



1 compliance with the district plan and the provisions of this  
2 section. ~~The department shall develop manuals and guidelines~~  
3 ~~for the development of district plans and shall provide~~  
4 ~~technical assistance to ensure that each district program~~  
5 ~~maintains high standards of quality and effectiveness. The~~  
6 ~~department shall identify exemplary programs in the state to~~  
7 ~~serve as model Florida First Start Programs and shall~~  
8 ~~disseminate information on these programs to all districts.~~

9 (7) ANNUAL REPORT.--Each district school board that  
10 implements a program under this section shall, ~~with the~~  
11 ~~assistance of the district interagency coordinating council on~~  
12 ~~early childhood services,~~ submit an annual report of its  
13 program to the commissioner. The report must describe the  
14 overall program operations, activities of the district  
15 interagency coordinating council, expenditures, the number of  
16 children served, staff training and qualifications, and  
17 evaluation findings.

18 (8) COORDINATION.--

19 (a) The Florida First Start Program shall be included  
20 under the jurisdiction of the State Coordinating Council for  
21 Early Childhood Services established pursuant to s. 411.222.  
22 The council shall make recommendations for effective  
23 implementation of the program and shall advise the Department  
24 of Education on needed legislation, rules, and technical  
25 assistance to ensure the continued implementation of an  
26 effective program.

27 (b) Each participating school district shall develop,  
28 implement, and evaluate its program in cooperation with the  
29 district interagency coordinating council established under s.  
30 230.2305.

31

1           (9) FUNDING.--Funding for the Florida First Start  
2 Program must be determined annually in the General  
3 Appropriations Act.

4           Section 10. Section 230.2305, Florida Statutes, 1996  
5 Supplement, is amended to read:

6           230.2305 Prekindergarten early intervention program.--

7           ~~(1) LEGISLATIVE INTENT; PURPOSE.--The Legislature~~  
8 ~~recognizes that high-quality prekindergarten education~~  
9 ~~programs increase children's chances of achieving future~~  
10 ~~educational success and becoming productive members of~~  
11 ~~society. It is the intent of the Legislature that such~~  
12 ~~programs be developmental, serve as preventive measures for~~  
13 ~~children at risk of future school failure, enhance the~~  
14 ~~educational readiness of all children, and support family~~  
15 ~~education and the involvement of parents in their child's~~  
16 ~~educational progress. Each prekindergarten early intervention~~  
17 ~~program shall provide the elements necessary to prepare~~  
18 ~~children for school, including health screening and referral~~  
19 ~~and a developmentally appropriate educational program and~~  
20 ~~opportunities for parental involvement in the program. It is~~  
21 ~~the legislative intent that the prekindergarten early~~  
22 ~~intervention program not exist as an isolated program, but~~  
23 ~~build upon existing services and work in cooperation with~~  
24 ~~other programs for young children. It is intended that~~  
25 ~~procedures such as, but not limited to, contracting,~~  
26 ~~collocation, mainstreaming, and cooperative funding be used to~~  
27 ~~coordinate the program with Head Start, public and private~~  
28 ~~providers of child care, preschool programs for children with~~  
29 ~~disabilities, programs for migrant children, Chapter I,~~  
30 ~~subsidized child care, adult literacy programs, and other~~  
31 ~~services. It is further the intent of the Legislature that the~~

1 ~~Commissioner of Education seek the advice of the Secretary of~~  
2 ~~Health and Rehabilitative Services in the development and~~  
3 ~~implementation of the prekindergarten early intervention~~  
4 ~~program and the coordination of services to young children.~~  
5 ~~The purpose of the prekindergarten early intervention program~~  
6 ~~is to assist local communities in implementing programs that~~  
7 ~~will enable all the families and children in the school~~  
8 ~~district to be prepared for the children's success in school.~~

9       (1)(2) PROGRAM ELIGIBILITY.--There is hereby created  
10 the prekindergarten early intervention program for children  
11 who are 3 and 4 years of age. A prekindergarten early  
12 intervention program shall be administered by a district  
13 school board and shall receive state funds pursuant to  
14 subsection(10)(9). Prekindergarten early intervention  
15 programs shall be implemented and conducted by school  
16 districts pursuant to a plan developed and approved as  
17 provided in this section. School district participation in  
18 the prekindergarten early intervention program shall be at the  
19 discretion of each school district.

20       (2) ELIGIBILITY.--

21       (a) At least 75 percent of the children projected to  
22 be served by the district program shall be economically  
23 disadvantaged 4-year-old children of working parents,  
24 including migrant children or children whose parents  
25 participate in the WAGES Program. Other children projected to  
26 be served by the district program may include any of the  
27 following up to a maximum of 25 percent of the total number of  
28 children served:

29           1. Three-year-old and four-year-old children who are  
30 referred to the school system who may not be economically  
31 disadvantaged but who are abused, prenatally exposed to

1 alcohol or harmful drugs, or from foster homes, or who are  
2 marginal in terms of Exceptional Student Education placement.  
3         2. Three-year-old children and four-year-old children  
4 who may not be economically disadvantaged but who are eligible  
5 students with disabilities and served in a specific part-time  
6 or combination of part-time exceptional student education  
7 programs with required special services, aids, or equipment  
8 and who are reported for funding part-time in the Florida  
9 Education Finance Program as exceptional students. These  
10 students may be funded from prekindergarten early intervention  
11 program funds the portion of the time not funded by the  
12 Florida Education Finance Program for the actual instructional  
13 time or one full-time equivalent student membership, whichever  
14 is the lesser. These part-time students with disabilities  
15 shall be counted toward the 25-percent student limit based on  
16 full-time equivalent student membership funded part-time by  
17 prekindergarten early intervention program funds. Also,  
18 3-year-old or 4-year-old eligible students with disabilities  
19 who are reported for funding in the Florida Education Finance  
20 Program in a full-time or an authorized combination of  
21 full-time and part-time exceptional student programs as  
22 provided in s. 236.081(1)(c) may be mainstreamed in the  
23 prekindergarten early intervention program if such programming  
24 is reflected in the student's individual educational plan; if  
25 required special services, aids, or equipment are provided;  
26 and if there is no operational cost to prekindergarten early  
27 intervention program funds. These full-time exceptional  
28 students shall not count against the 75-percent or 25-percent  
29 student limit as stated in this paragraph.  
30         3. Economically disadvantaged 3-year-old children.  
31

1           4. Economically disadvantaged children, children with  
2 disabilities, and children at risk of future school failure,  
3 from birth to age four, who are served at home through home  
4 visitor programs and intensive parent education programs such  
5 as the Florida First Start Program.

6           5. Children who meet federal and state requirements  
7 for eligibility for the migrant preschool program but who do  
8 not meet the criteria of "economically disadvantaged" as  
9 defined in paragraph (b), who shall not pay a fee.

10           6. After the groups listed in subparagraphs 1., 2.,  
11 3., and 4. have been served, 3-year-old and 4-year-old  
12 children who are not economically disadvantaged and for whom a  
13 fee is paid for the children's participation.

14           (b) An "economically disadvantaged" child shall be  
15 defined as a child eligible to participate in the free lunch  
16 program. Notwithstanding any change in a family's economic  
17 status or in the federal eligibility requirements for free  
18 lunch, a child who meets the eligibility requirements upon  
19 initial registration for the program shall be considered  
20 eligible until the child reaches kindergarten age. In order  
21 to assist the school district in establishing the priority in  
22 which children shall be served, and to increase the efficiency  
23 in the provision of child care services in each district, the  
24 district shall enter into a written collaborative agreement  
25 with other publicly funded early education and child care  
26 programs within the district. Such agreement shall be  
27 facilitated by the interagency coordinating council and shall  
28 set forth, among other provisions, the measures to be  
29 undertaken to ensure the programs' achievement and compliance  
30 with the performance standards established in subsection (3)  
31 and for maximizing the public resources available to each

1 program. In addition, the central agency for state-subsidized  
2 child care or the local service district of the Department of  
3 Health and Rehabilitative Services shall provide the school  
4 district with an updated list of 3-year-old and 4-year-old  
5 children residing in the school district who are on the  
6 waiting list for state-subsidized child care.

7 (3) STANDARDS.--

8 (a) Publicly supported preschool programs, including  
9 prekindergarten early intervention, subsidized child care,  
10 teen parent programs, Head Start, migrant programs, and  
11 Chapter I programs shall employ a simplified point of entry to  
12 the child care services system in every community. These  
13 programs shall share the waiting lists for unserved children  
14 in the community so that a count of eligible children is  
15 maintained without duplications.

16 (b) The Department of Education and the Department of  
17 Health and Rehabilitative Services, in consultation with the  
18 Legislature, shall develop a minimum set of performance  
19 standards for publicly funded early education and child care  
20 programs and a method for measuring the progress of local  
21 school districts and central agencies in meeting a desired set  
22 of outcomes based on these performance measures. The defined  
23 outcomes must be consistent with the state's first education  
24 goal, readiness to start school, and must also consider  
25 efficiency measures such as the employment of a simplified  
26 point of entry to the child care services system, coordinated  
27 staff development programs, and other efforts within the state  
28 to increase the opportunity for welfare recipients to become  
29 self-sufficient. Performance standards shall be developed for  
30 all levels of administration of the programs, including  
31 individual programs and providers, and must incorporate

1 appropriate expectations for the type of program and the  
2 setting in which care is provided.

3 (4) PLANS.--Each district school board that chooses to  
4 participate in the prekindergarten early intervention program  
5 shall, in consultation with the interagency coordinating  
6 council, submit to the Commissioner of Education a plan for  
7 implementing and conducting a prekindergarten early  
8 intervention program for approval. A district school board  
9 shall submit a plan or amended plan for planning and  
10 evaluating prekindergarten programs, implementing new  
11 services, enhancing existing early childhood, prekindergarten,  
12 or child care programs provided by public or nonpublic  
13 entities, or contracting for the provision of services or  
14 facilities. The plans shall include an explanation of the  
15 role of the prekindergarten early intervention program in the  
16 school district's effort to meet the first state education  
17 goal, readiness to start school, and the plan must include the  
18 utilization of public and private programs already in  
19 existence in the district, business-education partnerships,  
20 and preschool programs operated by vocational-technical  
21 schools, community colleges, and universities. A plan shall  
22 identify the locations where services will be provided and may  
23 include public school property or other sites that meet state  
24 and local licensing requirements for child care facilities or  
25 State Board of Education rules, except that sites shall be  
26 located to the maximum extent practicable so as to provide  
27 easy access by parents, especially working parents of  
28 economically disadvantaged children. When a district uses  
29 nonschool facilities or nonschool facility staff for the  
30 provision of services, a contract is required; when a district  
31

1 uses nonschool facilities and provides district instructional  
2 staff, a cooperative agreement is required.

3 (5) PLAN APPROVAL.--To be considered for approval,  
4 each plan, or amendment to a plan, must be prepared according  
5 to instructions issued by the Commissioner of Education and  
6 must include, ~~without limitation:~~

7 (a) A description of the program curriculum and  
8 assurances that the program curriculum will be developmentally  
9 appropriate according to current nationally recognized  
10 recommendations for high-quality prekindergarten programs.

11 (b) The estimated number of children who will  
12 participate in the program based upon a needs assessment that  
13 considers existing services and unmet needs.

14 (c) The projected percentage of children who will  
15 participate in the program and who are economically  
16 disadvantaged.

17 (d) The criteria used by the district to establish a  
18 sliding fee scale for participants who are not economically  
19 disadvantaged, and a description of the sliding scale.

20 (e) A description of the program's administrative and  
21 supervisory structure.

22 (f) The ratio of direct instructional staff to  
23 children. The ratio must be 1 adult to 10 children, or a lower  
24 ratio. Upon written request from a school district, the  
25 commissioner may grant permission for a ratio of up to 1 adult  
26 to 15 children for individual schools or centers for which a  
27 1-to-10 ratio would not be feasible.

28 (g) Information on the training and qualifications of  
29 program staff, including an assurance that all staff will have  
30 met the ~~following~~ minimum requirements set by the district  
31 school board.+



1           1. ~~The minimum level of training is to be the~~  
2 ~~completion of a 30-clock-hour training course planned jointly~~  
3 ~~by the Department of Education and the Department of Health~~  
4 ~~and Rehabilitative Services to include the following areas:~~  
5 ~~state and local rules that govern child care, health, safety,~~  
6 ~~and nutrition; identification and report of child abuse and~~  
7 ~~neglect; child growth and development; use of developmentally~~  
8 ~~appropriate early childhood curricula; and avoidance of~~  
9 ~~income-based, race-based, and gender-based stereotyping.~~

10           2. ~~When individual classrooms are staffed by certified~~  
11 ~~teachers, those teachers must be certified for the appropriate~~  
12 ~~grade levels under s. 231.17 and State Board of Education~~  
13 ~~rules. Teachers who are not certified for the appropriate~~  
14 ~~grade levels must obtain proper certification within 2 years.~~  
15 ~~However, the commissioner may make an exception on an~~  
16 ~~individual basis when the requirements are not met because of~~  
17 ~~serious illness, injury, or other extraordinary, extenuating~~  
18 ~~circumstance.~~

19           3. ~~When individual classrooms are staffed by~~  
20 ~~noncertified teachers, there must be a program director or~~  
21 ~~lead teacher who is eligible for certification or certified~~  
22 ~~for the appropriate grade levels pursuant to s. 231.17 and~~  
23 ~~State Board of Education rules in regularly scheduled direct~~  
24 ~~contact with each classroom. Notwithstanding s. 231.15, such~~  
25 ~~classrooms must be staffed by at least one person who has, at~~  
26 ~~a minimum, a child development associate credential (CDA) or~~  
27 ~~an amount of training determined by the commissioner to be~~  
28 ~~equivalent to or to exceed the minimum, such as an associate~~  
29 ~~in science degree in the area of early childhood education.~~

30           4. ~~Beginning October 1, 1994, principals and other~~  
31 ~~school district administrative and supervisory personnel with~~

1 ~~direct responsibility for the program must demonstrate~~  
2 ~~knowledge of prekindergarten education programs that increase~~  
3 ~~children's chances of achieving future educational success and~~  
4 ~~becoming productive members of society in a manner established~~  
5 ~~by the State Board of Education by rule.~~

6  
7 To be eligible for state funding, all program plans must  
8 include a requirement that all personnel who are not certified  
9 under s. 231.17 must comply with screening requirements under  
10 ss. 231.02 and 231.1713.

11 (h) A description of proposed staff development  
12 activities, including arrangements for staff access to  
13 training in child growth and development and developmentally  
14 appropriate early childhood curriculum and integration with  
15 district master inservice plans required under s. 236.0811.

16 (i) A description of the number and location of all  
17 program sites and how each site is considered easily  
18 accessible to the population to be served and to coordinated  
19 services.

20 (j) A description of the arrangements for transporting  
21 children to and from the program sites and their homes, if  
22 appropriate.

23 (k) A requirement that student participation be  
24 contingent upon parental involvement, and a description of the  
25 parental involvement activities integral to the program, which  
26 must include program site-based parental activities designed  
27 to fully involve parents in the program and which may include  
28 parenting education, home visitor activities, family support  
29 services coordination, and other activities.

30 (l) A description of the interagency coordinating  
31 council and efforts made to coordinate and maximize use of

1 existing funds and community facilities, equipment, medical,  
2 educational, and social services, including coordination with  
3 adult literacy and vocational programs.

4 (m) Identification of the days and hours when services  
5 are to be provided, including a school day and school year  
6 equal to or exceeding the requirements for kindergarten under  
7 ss. 228.041 and 236.013 and strategies to provide care before  
8 school, after school, and 12 months a year, when needed. The  
9 strategies specified by this paragraph must be developed by  
10 the school district in cooperation with the central agency for  
11 state-subsidized child care or the local service district of  
12 the Department of Health and Rehabilitative Services and must  
13 be approved by the district interagency coordinating council  
14 established under subsection (11). Programs may be provided  
15 on Saturdays and through other innovative scheduling  
16 arrangements.

17 (n) A description of the developmental and health  
18 screening and referral services to be provided each child in  
19 the program and assurances that needed developmental and  
20 health services will be provided through interagency  
21 coordination to the extent possible.

22 (o) A written description of the role of the program  
23 in the school district's effort to meet the first state  
24 education goal, readiness to start school, including a  
25 description of the plan to involve nonpublic schools, public  
26 and private providers of day care and early education, and  
27 other community agencies that provide services to young  
28 children. This may include private child care programs,  
29 subsidized child care programs, and Head Start programs. The  
30 written description of the plan to involve the groups listed  
31 above must be submitted annually.

1           (p) A description of how the program will be  
2 coordinated with the district program for grades K through 3  
3 and with district preschool programs for children with  
4 disabilities and migrant children, the teen parent program,  
5 and Chapter I programs.

6           (q) A tentative budget.

7           (r) Strategies to allow for parental option regarding  
8 a child's participation at a school-based site or among  
9 contracted sites, when such an option is appropriate and  
10 within the school district. The school district may consider  
11 availability of sites, transportation, staffing ratios, costs,  
12 and other factors in determining the assignment and setting  
13 district guidelines. Parents may request and be assigned a  
14 site other than one first assigned by the district, provided  
15 the parents pay the cost of transporting the child to the site  
16 of the parents' choice.

17           (s) Strategies for school district coordination with  
18 the central agency for state-subsidized child care or the  
19 local service district of the Department of Health and  
20 ~~Rehabilitative Services to verify family participation in the~~  
21 ~~WAGES Program, thus ensuring accurate reporting and full~~  
22 ~~utilization of federal funds available through the Family~~  
23 ~~Support Act, and for the agency's or service district's~~  
24 sharing of the waiting list for state-subsidized child care  
25 under paragraph (3)(a).

26           (6) PLAN APPROVAL.--The Commissioner of Education has  
27 the final authority to approve or disapprove plans and amended  
28 plans.

29           (7) EVALUATION.--Each school district shall conduct an  
30 evaluation of the effectiveness of the prekindergarten early  
31

1 intervention program. This evaluation shall include measures  
2 of ~~the following:~~

3 ~~(a) The children's achievement as measured by~~  
4 ~~assessments upon entry into the program and upon completion of~~  
5 ~~the program. and~~

6 ~~(b) The children's readiness for kindergarten as~~  
7 ~~measured by the instrument the district uses to assess the~~  
8 ~~school readiness of all children entering kindergarten. The~~  
9 ~~results of this evaluation must be maintained by the school~~  
10 ~~district and made available to the public upon request.~~

11 (8) MONITORING AND TECHNICAL ASSISTANCE.--Pursuant to  
12 s. 229.565(5), the Commissioner of Education shall monitor  
13 each district prekindergarten early intervention program  
14 according to the department's schedule for program monitoring  
15 and compliance determination at least annually to determine  
16 compliance with the district plan and the provisions of this  
17 section. If a program is not brought into compliance within 3  
18 months after the commissioner's evaluation citing specific  
19 deficiencies, the commissioner must withhold such funds as  
20 have been allocated to the school board for its  
21 prekindergarten early intervention program and which have not  
22 yet been released. ~~The department shall develop manuals and~~  
23 ~~guidelines for the development of district plans and shall~~  
24 ~~provide ongoing technical assistance to ensure that each~~  
25 ~~district program maintains high standards of quality and~~  
26 ~~effectiveness.~~

27 (9) ANNUAL REPORT.--Each prekindergarten early  
28 intervention program under this section shall, ~~through the~~  
29 ~~district interagency coordinating council on early childhood~~  
30 ~~services,~~ submit an annual report of its program to the  
31 Commissioner of Education. The report must describe the

1 overall program operations; activities of the district  
2 interagency coordinating council on early childhood services;  
3 expenditures; the number of students served; ratio of staff to  
4 children; staff qualifications; evaluation findings, including  
5 identification of program components that were most  
6 successful; and other information required by the Commissioner  
7 of Education or the state advisory council.

8 (10) FUNDING.--

9 (a) This section shall be implemented only to the  
10 extent that funding is available. State funds appropriated  
11 for the prekindergarten early intervention program may only be  
12 used pursuant to the plan developed in consultation with the  
13 interagency coordinating council on early childhood services  
14 and may not be used for the construction of new facilities,  
15 the transportation of students, or the purchase of buses, but  
16 may be used for educational field trips which enhance the  
17 curriculum.

18 1. At least 70 percent of the total funds allocated to  
19 each school district under this section must be used for  
20 implementing and conducting a prekindergarten early  
21 intervention program or contracting with other public or  
22 nonpublic entities for programs to serve eligible children.  
23 The maximum amount to be spent per child for this purpose is  
24 to be designated annually in the General Appropriations Act.

25 2. No more than 30 percent of the funds allocated to  
26 each school district pursuant to this section may be used to  
27 ~~enhance existing public and nonpublic programs for eligible~~  
28 ~~children,~~ to provide before-school and after-school care for  
29 children served under this section, to remodel or renovate  
30 existing facilities under chapter 235, to lease or  
31 lease-purchase facilities in accordance with subsection (4) of

1 ~~this section~~, to purchase classroom equipment to allow the  
2 implementation of the prekindergarten early intervention  
3 program, and to provide training for program teachers and  
4 administrative personnel employed by the school district and  
5 by agencies with which the school district contracts for the  
6 provision of prekindergarten services.

7           3. Funds may also be used pursuant to subparagraphs 1.  
8 and 2. to provide the prekindergarten early intervention  
9 program for more than 180 school days.

10           (b) A minimum grant for each district is to be  
11 determined annually in the General Appropriations Act. The  
12 funds remaining after allocating the minimum grants must be  
13 prorated based on an allocation factor for each district and  
14 must be added to each district's minimum grant. The allocation  
15 factor is to be calculated as follows:

16  
17 District percentage                      District percentage  
18 of state 3-year-old x 1/4    +of state total free x 3/4  
19 and 4-year-old                              lunches served  
20 children

21  
22 The calculation of each district's allocation factor is to be  
23 based upon the official estimate of the total number of  
24 3-year-old and 4-year-old children by school district and the  
25 official record of the Department of Education for K-12  
26 student total free lunches served by school district for the  
27 prior fiscal year.

28           (11) DISTRICT INTERAGENCY COORDINATING COUNCILS.--

29           (a) To be eligible for a prekindergarten early  
30 intervention program, each school district must develop,  
31 implement, and evaluate its prekindergarten program in

1 cooperation with a district interagency coordinating council  
2 on early childhood services.

3 (b) Each district coordinating council must consist of  
4 at least 12 members to be appointed by the district school  
5 board, the county commission for the county in which  
6 participating schools are located, and the Department of  
7 Health and Rehabilitative Services' district administrator and  
8 must include at least the following:

9 1. One member who is a parent of a child enrolled in,  
10 or intending to enroll in, the public school prekindergarten  
11 program, appointed by the school board.

12 2. One member who is a director or designated director  
13 of a prekindergarten program in the district, appointed by the  
14 school board.

15 3. One member who is a member of a district school  
16 board, appointed by the school board.

17 4. One member who is a representative of an agency  
18 serving children with disabilities, appointed by the  
19 Department of Health and Rehabilitative Services' district  
20 administrator.

21 5. Four members who are representatives of  
22 organizations providing prekindergarten educational services,  
23 ~~one of whom is a representative of a Head Start Program,~~  
24 ~~appointed by the Department of Health and Rehabilitative~~  
25 ~~Services' district administrator; one of whom is a~~  
26 ~~representative of a Title XX subsidized child day care~~  
27 ~~program, if such programs exist within the county, appointed~~  
28 ~~by the Department of Health and Rehabilitative Services'~~  
29 ~~district administrator; and two of whom are private providers~~  
30 ~~of preschool care and education to 3-year-old and 4-year-old~~  
31 ~~children, one appointed by the county commission and one~~



1 ~~appointed by the Department of Health and Rehabilitative~~  
2 ~~Services' district administrator. If there is no Head Start~~  
3 ~~Program or Title XX program operating within the county, these~~  
4 ~~two members must represent community interests in~~  
5 ~~prekindergarten education.~~

6           6. Two members who are representatives of agencies  
7 responsible for providing social, medical, dental, adult  
8 literacy, or transportation services, one of whom represents  
9 the county public health unit, both appointed by the county  
10 commission.

11           7. One member to represent a local child advocacy  
12 organization, appointed by the Department of Health and  
13 Rehabilitative Services' district administrator.

14           8. One member to represent the district K-3 program,  
15 appointed by the school board.

16           (c) Each district interagency coordinating council  
17 shall:

18           1. Assist district school boards in developing a plan  
19 or an amended plan to implement a prekindergarten early  
20 intervention program. The plan and all amendments must be  
21 signed by the council chair, the chair of the district school  
22 board, and the district school superintendent before being  
23 submitted to the Commissioner of Education for approval.

24           2. Coordinate the delivery of educational, social,  
25 medical, child care, and other services.

26           Section 11. Section 230.23135, Florida Statutes, as  
27 amended by chapters 94-232 and 95-147, Laws of Florida, is  
28 hereby repealed.

29           Section 12. Section 230.2316, Florida Statutes, 1996  
30 Supplement, is amended to read:

31           230.2316 Dropout prevention.--

1           (1) SHORT TITLE.--This act may be cited as the  
2 "Dropout Prevention Act."

3           (2) INTENT.--The Legislature recognizes that a growing  
4 proportion of young people are not making successful  
5 transitions to productive adult lives. The Legislature further  
6 recognizes that traditional education programs which do not  
7 meet certain students' educational needs and interests may  
8 cause these students to become unmotivated, fail, be truant,  
9 be disruptive, or drop out of school. The Legislature finds  
10 that a child who does not complete his or her education is  
11 greatly limited in obtaining gainful employment, achieving his  
12 or her full potential, and becoming a productive member of  
13 society. Therefore, it is the intent of the Legislature to  
14 authorize and encourage district school boards throughout the  
15 state to establish comprehensive dropout prevention programs.  
16 These programs shall be designed to meet the needs of students  
17 who are not effectively served by conventional education  
18 programs in the public school system. It is further the intent  
19 of the Legislature that cooperative agreements be developed  
20 among school districts, other governmental and private  
21 agencies, and community resources in order to implement  
22 innovative exemplary programs aimed at reducing the number of  
23 students who do not complete their education and increasing  
24 the number of students who have a positive experience in  
25 school and obtain a high school diploma.

26           ~~(3) DEFINITIONS.--As used in this section, the term:~~  
27           ~~(a) "Educational alternatives programs" means~~  
28 educational programs which are designed to offer variations of  
29 traditional instructional programs and strategies for the  
30 purpose of increasing the likelihood that grade 4 through  
31 grade 12 students who are unmotivated, or deemed habitually

1 ~~truant as defined in s. 228.041(28), or unsuccessful in~~  
2 ~~traditional programs, remain in school and enroll in a program~~  
3 ~~of study that leads to a high school diploma or its~~  
4 ~~equivalent.~~

5 ~~(b) "Substance abuse programs" means agency-based or~~  
6 ~~school-based educational programs which are designed to meet~~  
7 ~~the needs of students with drug or alcohol-related problems.~~

8 ~~(c) "Disciplinary programs" means programs designed to~~  
9 ~~provide a safe learning environment for the general school~~  
10 ~~population, increase the safety of the school and the~~  
11 ~~community, and provide positive intervention for students who~~  
12 ~~are disruptive in the traditional school environment.~~

13 ~~(d) "Youth services programs" means educational~~  
14 ~~programs, including conflict resolution training, provided by~~  
15 ~~the school district to students participating in Department of~~  
16 ~~Health and Rehabilitative Services or other state or community~~  
17 ~~youth residential or day services programs.~~

18 ~~(e) "Second chance schools" means school district~~  
19 ~~programs provided through cooperative agreements between the~~  
20 ~~Department of Juvenile Justice, private providers, state or~~  
21 ~~local law enforcement agencies, or other state agencies for~~  
22 ~~students deemed habitual truants as defined in s. 228.041(28),~~  
23 ~~or for students who have been disruptive or violent or who~~  
24 ~~have committed serious offenses. As partnership programs,~~  
25 ~~second chance schools are eligible for waivers from the~~  
26 ~~Commissioner of Education to chapters 230-235 and 239 and~~  
27 ~~State Board of Education rules that prevent the provision of~~  
28 ~~appropriate educational services to violent, severely~~  
29 ~~disruptive, and delinquent students in small nontraditional~~  
30 ~~settings and in court-adjudicated settings.~~

31

1           ~~(3)~~(4) STUDENT ELIGIBILITY AND PROGRAM CRITERIA.--~~All~~  
2 ~~programs funded pursuant to the provisions of this section~~  
3 ~~shall be positive and shall reflect strong parental and~~  
4 ~~community involvement. In addition, specific programs shall~~  
5 ~~meet the following criteria:~~

6           ~~(a) Educational alternatives programs.--~~

7           ~~(a)1.~~ Dropout prevention programs differ ~~The program~~  
8 ~~differs~~ from traditional education programs and schools in  
9 scheduling, administrative structure, philosophy, curriculum,  
10 or setting and employ ~~employs~~ alternative teaching  
11 methodologies, curricula, learning activities, or diagnostic  
12 and assessment procedures in order to meet the needs,  
13 interests, abilities, and talents of eligible students. The  
14 educational program must provide curricula and related  
15 services that support the program goals and lead to the  
16 completion of a high school diploma. Student participation in  
17 such programs shall be voluntary; however, districts may  
18 assign students to a program for disruptive students. ~~The~~  
19 ~~minimum period of time during which the student participates~~  
20 ~~in the program shall be equivalent to two instructional~~  
21 ~~periods per day unless the program utilizes a student support~~  
22 ~~and assistance component rather than regularly scheduled~~  
23 ~~courses.~~

24           ~~(b)2.~~ Eligible dropout prevention students shall be  
25 reported for dropout prevention full-time equivalent student  
26 membership in the Florida Education Finance Program if they  
27 are in standard dropout prevention classes or in ~~A student~~  
28 support and assistance components that ~~component may be used~~  
29 ~~to provide academic assistance and coordination of support~~  
30 ~~services to students enrolled full time in a regular classroom~~  
31 ~~who are eligible for educational alternative programs.~~ The

1 student support and assistance ~~This~~ component must ~~shall~~  
2 include auxiliary services provided to students or teachers,  
3 or both. Students participating in this model ~~shall~~ generate  
4 funding only for the time that they receive extra services or  
5 auxiliary help.

6 ~~(c)3.~~ In order to participate in a dropout prevention  
7 program, a student must have ~~The student has~~ been identified  
8 as being a potential dropout based upon one of the following  
9 criteria:

10 ~~1.a.~~ The student has shown a lack of motivation in  
11 school through grades that ~~which~~ are not commensurate with  
12 documented ability levels or through high absenteeism or  
13 habitual truancy as defined in s. 228.041(28);

14 ~~2.b.~~ The student has not been successful in school as  
15 determined by retentions, failing grades, or low achievement  
16 test scores and has needs and interests that cannot be met  
17 through traditional programs;

18 ~~3.c.~~ The student has been identified as a potential  
19 school dropout by student services personnel using district  
20 criteria. District criteria that are used as a basis for  
21 student referral ~~must to an educational alternatives program~~  
22 ~~shall~~ identify specific student performance indicators that  
23 the ~~educational alternative~~ program seeks to address;

24 ~~d.~~ ~~The student has performed successfully in the~~  
25 ~~educational alternatives program and wishes to remain enrolled~~  
26 ~~in such program.~~

27 ~~4.~~ ~~The remedial compensatory program must be~~  
28 ~~coordinated in a manner which permits the exclusion of~~  
29 ~~instructional staff members employed through the use of funds~~  
30 ~~in this program from the comparability requirements of the~~  
31 ~~Federal Compensatory Education Program.~~

1           ~~(b) Substance abuse programs.--~~  
2           1. ~~The program shall provide basic educational~~  
3 ~~instruction for students participating in non-school-based~~  
4 ~~residential or day substance abuse treatment programs. Such~~  
5 ~~educational programs shall provide curricula and related~~  
6 ~~services which support the program goals and lead to~~  
7 ~~completion of a high school diploma or its equivalent; or~~  
8           4.2. The student, or a member of the student's  
9 immediate family, has ~~The program shall provide school-based~~  
10 ~~programs which serve students who have documented drug-related~~  
11 ~~or alcohol-related problems, or students whose immediate~~  
12 ~~family members have documented drug-related or alcohol-related~~  
13 ~~problems that adversely affect the student's performance in~~  
14 ~~school, in which case the program must and shall include~~  
15 ~~instruction designed to prevent substance abuse;:-~~  
16           ~~(c) Disciplinary programs.--~~  
17           5.1. The student has a history of disruptive behavior  
18 in school or has committed an offense that warrants  
19 out-of-school suspension or expulsion from school according to  
20 the district code of student conduct. For the purposes of this  
21 program, the term "disruptive behavior" means is behavior  
22 that:  
23           a. Interferes with the student's own learning or the  
24 educational process of others and requires attention and  
25 assistance beyond that which the traditional program can  
26 provide or that results in frequent conflicts of a disruptive  
27 nature while the student is under the jurisdiction of the  
28 school either in or out of the classroom; or  
29           b. Severely threatens the general welfare of students  
30 or others with whom the student comes into contact; or:-  
31

1           6. The student is assigned to a program provided under  
2 chapter 39 which is sponsored by a state agency or  
3 community-based agency or is operated or contracted for by the  
4 Department of Children and Family Services.

5           ~~2. The program includes but is not necessarily limited~~  
6 ~~to in-school suspension, alternatives to expulsion, counseling~~  
7 ~~centers, and crisis intervention centers. The program may be~~  
8 ~~planned and operated in collaboration with local law~~  
9 ~~enforcement or other community agencies.~~

10           ~~3. In-school suspension programs shall provide~~  
11 ~~instruction and counseling leading to improved student~~  
12 ~~behavior and the development of more effective interpersonal~~  
13 ~~skills. Such programs shall be positive alternatives to~~  
14 ~~out-of-school suspension programs and shall emphasize, but not~~  
15 ~~be limited to, the following: enhancement of student~~  
16 ~~self-esteem; improved attendance; prevention of behavior that~~  
17 ~~might cause a student to enter a juvenile delinquency program;~~  
18 ~~reduction in the number of discipline referrals; reduction in~~  
19 ~~the number of student dropouts; and reduction in the number of~~  
20 ~~out-of-school suspensions. After providing assistance, school~~  
21 ~~boards shall disapprove school-based, in-school suspension~~  
22 ~~programs that continually fail to directly reduce the school's~~  
23 ~~expulsion or out-of-school suspension rate. The principal of~~  
24 ~~each school shall prepare an annual report which delineates~~  
25 ~~the number of students suspended in in-school and~~  
26 ~~out-of-school suspension, the proportionate populations~~  
27 ~~represented by such students, and the bases for such~~  
28 ~~suspensions. The report shall include an analysis of such data~~  
29 ~~and recommendations for increasing student success through the~~  
30 ~~program. The report shall be distributed to all members of the~~

31

1 ~~school advisory council for consideration in the annual school~~  
2 ~~improvement plan.~~

3 ~~4. A student who has been placed in detention or a~~  
4 ~~court-adjudicated commitment program shall be evaluated by~~  
5 ~~school district personnel upon completion of such program~~  
6 ~~prior to placement of the student in an educational program.~~  
7 ~~Such student shall not be automatically assigned to a~~  
8 ~~disciplinary program upon reentering the school system.~~

9 ~~5. Prior to assigning a student to a disciplinary~~  
10 ~~program of more than 10 days' duration, the district shall~~  
11 ~~attempt a variety of education and student services to~~  
12 ~~identify the causes of the disruptive behavior, to modify the~~  
13 ~~behavior, or to provide more appropriate educational services~~  
14 ~~to the student; however, a student who has committed an~~  
15 ~~offense that warrants expulsion according to the district code~~  
16 ~~of student conduct may be assigned to a disciplinary program~~  
17 ~~without attempting a variety of services.~~

18 ~~6. In-school suspension programs shall be funded at~~  
19 ~~the dropout prevention program weight pursuant to s.~~  
20 ~~236.081(1)(c) if the school district program provides the~~  
21 ~~following in addition to the academic component:~~

22 ~~a. Individual and group counseling as a daily~~  
23 ~~activity.~~

24 ~~b. A parent conference while a student is in the~~  
25 ~~in-school suspension program for all suspensions of 4 days or~~  
26 ~~longer or whenever a student incurs a second or subsequent~~  
27 ~~suspension in the same school year.~~

28 ~~c. Reports regarding the specific misconduct for each~~  
29 ~~student placed in in-school suspension.~~

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1 ~~If such criteria are not met, in-school suspension programs~~  
2 ~~shall be funded at the basic program weight for the grade~~  
3 ~~level at which the program is provided pursuant to s. 236.081.~~

4 ~~(d) Educational services in Department of Health and~~  
5 ~~Rehabilitative Services programs.--~~

6 ~~1. The student is assigned to a rehabilitation program~~  
7 ~~provided pursuant to chapter 39 which is sponsored by a state~~  
8 ~~or community-based agency or is operated or contracted for by~~  
9 ~~the Department of Health and Rehabilitative Services.~~

10 ~~2. Programs shall provide intensive counseling,~~  
11 ~~behavior modification, and therapy in order to meet the~~  
12 ~~student's individual needs. Programs may be residential or~~  
13 ~~nonresidential.~~

14 ~~3. Any student served in a Department of Health and~~  
15 ~~Rehabilitative Services program shall be provided the~~  
16 ~~equivalent of instruction provided for the definition of a~~  
17 ~~"school day" pursuant to s. 228.041. However, the educational~~  
18 ~~services may be provided at times of the day most appropriate~~  
19 ~~for the program.~~

20 ~~4. A program is provided which shall consist of~~  
21 ~~appropriate basic academic, vocational, or exceptional~~  
22 ~~curricula and related services which support the~~  
23 ~~rehabilitation program goals and which may lead to completion~~  
24 ~~of the requirements for receipt of a high school diploma or~~  
25 ~~its equivalent, provided that the educational component of~~  
26 ~~youth services programs of less than 40 days' duration which~~  
27 ~~take place in a park or wilderness setting may be limited to~~  
28 ~~tutorial activities and vocational employability skills.~~

29 ~~5. Participation in the program by students of~~  
30 ~~compulsory school attendance age as provided for in s. 232.01~~  
31 ~~shall be mandatory.~~

1           ~~6. Districts are encouraged to implement programs that~~  
2 ~~assist students in the transition between dismissal from~~  
3 ~~Department of Health and Rehabilitative Services programs and~~  
4 ~~school reentry.~~

5           ~~7. A school district may contract with a private~~  
6 ~~nonprofit entity or a state or local government agency for the~~  
7 ~~provision of educational programs to clients of the Department~~  
8 ~~of Health and Rehabilitative Services and may generate state~~  
9 ~~funding through the Florida Education Finance Program for such~~  
10 ~~students.~~

11           ~~(d)(e) Second chance schools.~~As used in this  
12 paragraph, the term "second chance schools" means school  
13 district programs provided through cooperative agreements  
14 between the Department of Juvenile Justice, private providers,  
15 state or local law enforcement agencies, or other state  
16 agencies for students who have been disruptive or violent or  
17 who have committed serious offenses. As partnership programs,  
18 second chance schools are eligible for waivers by the  
19 Commissioner of Education of provisions in chapters 230-235  
20 and in rules of the State Board of Education which prevent the  
21 provision of appropriate educational services to violent,  
22 severely disruptive, and delinquent students in small,  
23 nontraditional settings and in court-adjudicated settings.

24           1. A student enrolled in a sixth, seventh, eighth,  
25 ninth, or tenth grade class may be assigned to a second chance  
26 school if the student meets the following criteria:

27           a. The student is a habitual truant as defined in s.  
28 228.041(28).

29           b. The student's excessive absences have detrimentally  
30 affected the student's academic progress and the student may  
31

1 have unique needs that a traditional school setting may not  
2 meet.

3 c. The student's high incidences of truancy have been  
4 directly linked to a lack of motivation.

5 d. The student has been identified as at risk of  
6 dropping out of school.

7 2. A student who is habitually truant may be assigned  
8 to a second chance school only if the case staffing committee,  
9 established pursuant to s. 39.426, determines that such  
10 placement could be beneficial to the student and the criteria  
11 included in subparagraph 1. are met.

12 3. A student shall be assigned to a second chance  
13 school if the school district in which the student resides has  
14 a second chance school and if the student meets one of the  
15 following criteria:

16 a. The student habitually exhibits disruptive behavior  
17 in violation of the code of student conduct adopted by the  
18 school board.

19 b. The student interferes with the student's own  
20 learning or the educational process of others and requires  
21 attention and assistance beyond that which the traditional  
22 program can provide, or, while the student is under the  
23 jurisdiction of the school either in or out of the classroom,  
24 frequent conflicts of a disruptive nature occur.

25 c. The student has committed a serious offense which  
26 warrants suspension or expulsion from school according to the  
27 district code of student conduct. For the purposes of this  
28 program, "serious offense" is behavior which:

29 (I) Threatens the general welfare of students or  
30 others with whom the student comes into contact;

31 (II) Includes violence;

1 (III) Includes possession of weapons or drugs; or  
2 (IV) Is harassment or verbal abuse of school personnel  
3 or other students.

4 4. Prior to assignment of students to second chance  
5 schools, school boards are encouraged to use alternative  
6 programs, such as in-school suspension, which provide  
7 instruction and counseling leading to improved student  
8 behavior, a reduction in the incidence of truancy, and the  
9 development of more effective interpersonal skills.

10 5. Students assigned to second chance schools must be  
11 evaluated by the school's local child study team before  
12 placement in a second chance school. The study team shall  
13 ensure that students are not eligible for placement in a  
14 program for emotionally disturbed children.

15 6. Students who exhibit academic and social progress  
16 and who wish to return to a traditional school shall be  
17 evaluated by school district personnel prior to reentering a  
18 traditional school.

19 7. Second chance schools shall be funded at the  
20 dropout prevention program weight pursuant to s. 236.081 and  
21 may receive school safety funds or other funds as appropriate.

22 (4)~~(5)~~ PROGRAM PLANNING AND IMPLEMENTATION.--

23 ~~(a) Each district may establish one or more~~  
24 ~~alternative programs for dropout prevention at the elementary,~~  
25 ~~middle, junior high school, or high school level. Programs~~  
26 ~~designed to eliminate habitual truancy shall emphasize~~  
27 ~~academic performance and may provide specific instruction in~~  
28 ~~the areas of vocational education, preemployment training, and~~  
29 ~~behavioral management. Such programs shall utilize~~  
30 ~~instructional teaching methods appropriate to the specific~~  
31 ~~needs of the student.~~

1           ~~(b) Any school district desiring to receive state~~  
2 ~~funding for a dropout prevention program pursuant to the~~  
3 ~~provisions of s. 236.081(1)(c) shall develop a comprehensive~~  
4 ~~dropout prevention program plan which describes all of the~~  
5 ~~programs and services which the district will make available~~  
6 ~~to students pursuant to subsection (4).~~

7           ~~(c) For each program to be provided by the district~~  
8 ~~pursuant to subsection (4), the following information shall be~~  
9 ~~provided in the program plan:~~

10           ~~1. Student eligibility criteria.~~  
11           ~~2. Student admission procedures.~~  
12           ~~3. Operating procedures.~~  
13           ~~4. Program goals and outcome objectives. Measurable~~  
14 ~~outcome objectives shall provide a framework for the~~  
15 ~~evaluation of each dropout prevention program, which shall~~  
16 ~~specify, at a minimum, the outcome to be produced, the time~~  
17 ~~period during which the outcome will be produced, and to what~~  
18 ~~degree the outcome will be produced.~~

19           ~~5. Qualifications of program personnel.~~  
20           ~~6. A schedule for staff development activities.~~  
21           ~~7. Evaluation procedures which describe how outcome~~  
22 ~~objectives will be achieved and measured.~~

23           ~~(d) Beginning with the 1994-1995 school year, district~~  
24 ~~plans or amended plans may be submitted to the Department of~~  
25 ~~Education dropout prevention regional offices for technical~~  
26 ~~assistance and review prior to approval by the local school~~  
27 ~~board.~~

28           ~~(e) The Department of Education shall provide~~  
29 ~~technical assistance upon request of the school or school~~  
30 ~~district.~~

31

1           (a)(f) Each school that establishes or continues a  
2 dropout prevention program at that school site shall reflect  
3 that program in the school improvement plan as required under  
4 s. 230.23(15)(18).

5           (b)(g) Districts may modify courses listed in the  
6 State Course Code Directory for the purpose of providing  
7 dropout prevention programs pursuant to the provisions of this  
8 section. Such modifications must be approved by the  
9 commissioner and may include lengthening or shortening of the  
10 time allocated for in-class study, alternate methods of  
11 assessment of student performance, the integration of  
12 curriculum frameworks or student performance standards to  
13 produce interdisciplinary units of instruction, and activities  
14 conducted within the student support and assistance component  
15 of education alternatives.

16           (5)(6) EVALUATION.--~~The Department of Education shall~~  
17 ~~establish a set of minimum objective criteria for each program~~  
18 ~~type under this section. In establishing the criteria, the~~  
19 ~~department shall solicit school district input. Each school~~  
20 ~~district receiving state funding for dropout prevention~~  
21 ~~programs through the Florida Education Finance Program as~~  
22 ~~provided for in subsection (5) shall submit information~~  
23 ~~through an annual report to the Department of Education's~~  
24 ~~database Education documenting the extent to which each of the~~  
25 ~~district's dropout prevention programs has been successful. in~~  
26 ~~meeting the outcome objectives established by the district for~~  
27 ~~the program. At a minimum, school districts shall develop~~  
28 ~~outcome objectives for each objective criteria established by~~  
29 ~~the Department of Education. Such outcome objectives shall be~~  
30 ~~included in the annual report required under this subsection.~~  
31 ~~The department shall develop specific review measures,~~

1 ~~pursuant to s. 229.555, to ensure that district program~~  
2 ~~outcome objectives are measurable and include the number and~~  
3 ~~proportion of students in dropout prevention programs who~~  
4 ~~later drop out of high school, thereby assuring that these~~  
5 ~~objectives will provide an accurate basis for evaluating the~~  
6 ~~effectiveness of dropout prevention programs. This information~~  
7 ~~shall be reported to parents pursuant to s. 230.23(18).The~~  
8 ~~department shall compile this information into an annual~~  
9 ~~report which shall be submitted to the presiding officers of~~  
10 ~~the Legislature by February 15.~~

11 ~~(7) STAFF DEVELOPMENT.--~~

12 ~~(a) Each school district shall establish procedures~~  
13 ~~for ensuring that teachers assigned to dropout prevention~~  
14 ~~programs possess the affective, pedagogical, and~~  
15 ~~content-related skills necessary to meet the needs of at-risk~~  
16 ~~students. Each school board shall also ensure that adequate~~  
17 ~~staff development activities are available for dropout~~  
18 ~~prevention staff and that dropout prevention staff participate~~  
19 ~~in these activities.~~

20 ~~(b) The district school boards and the department may~~  
21 ~~establish a summer inservice training program for teachers and~~  
22 ~~administrators which may be provided by district school boards~~  
23 ~~or individual schools and which shall include, but not be~~  
24 ~~limited to, instruction focusing on treating students with~~  
25 ~~respect and enhancing student self-esteem, developing positive~~  
26 ~~in-school intervention methods for misbehaving students,~~  
27 ~~establishing strategies to involve students in classroom and~~  
28 ~~school management and in reducing student misconduct,~~  
29 ~~conducting student and parent conferences, and creating~~  
30 ~~"student friendly" environments at schools. Instructional~~  
31 ~~personnel may use successful participation in a summer~~

1 ~~inservice training program established pursuant to this~~  
2 ~~paragraph for certification extension or for adding a new~~  
3 ~~certification area if the district has an approved add-on~~  
4 ~~certification program, pursuant to State Board of Education~~  
5 ~~rules.~~

6 (6)~~(8)~~ RECORDS.--Each district providing a program for  
7 dropout prevention pursuant to the provisions of this section  
8 shall maintain for each participating student for whom funding  
9 is generated through the Florida Education Finance Program  
10 records documenting the student's eligibility, the length of  
11 participation, the type of program to which the student was  
12 assigned, and an evaluation of the student's academic and  
13 behavioral performance while in the program. The parents or  
14 guardians of a student assigned to such a dropout prevention  
15 program shall be notified in writing and entitled to an  
16 administrative review of any action by school personnel  
17 relating to such placement pursuant to the provisions of  
18 chapter 120. ~~However, for educational alternatives of choice,~~  
19 ~~which are voluntary and for which a student's parent or~~  
20 ~~guardian has requested participation, such notification of~~  
21 ~~administrative review shall not be required.~~

22 (7)~~(9)~~ COORDINATION WITH OTHER AGENCIES.--School  
23 district dropout prevention programs shall be coordinated with  
24 social service, law enforcement, prosecutorial, and juvenile  
25 justice agencies in the school district. School districts  
26 shall inventory community services and programs relevant to  
27 implementation of their comprehensive dropout prevention  
28 program plans. Notwithstanding the provisions of s. 228.093,  
29 these agencies are authorized to exchange information  
30 contained in student records and juvenile justice records.  
31 Such information is confidential and exempt from the



1 provisions of s. 119.07(1). School districts and other  
2 agencies receiving such information shall use the information  
3 only for official purposes connected with the certification of  
4 students for admission to and for the administration of the  
5 dropout prevention program, and shall maintain the  
6 confidentiality of such information unless otherwise provided  
7 by law or rule.

8 (8)~~(10)~~ RULES.--The Department of Education shall have  
9 the authority to adopt any rules necessary to implement the  
10 provisions of this section; such rules shall require the  
11 minimum amount of paperwork and reporting necessary to comply  
12 with this act. ~~By January 1, 1995, current rules regarding~~  
13 ~~this section shall be revised.~~

14 Section 13. Subsection (15) of section 230.23161,  
15 Florida Statutes, 1996 Supplement, is amended to read:

16 230.23161 Educational services in Department of  
17 Juvenile Justice programs.--

18 (15) Department of Juvenile Justice detention and  
19 commitment programs may be designated as second chance schools  
20 pursuant to s. 230.2316~~(3)~~~~(e)~~. Admission to such programs  
21 shall be governed by part II of chapter 39.

22 Section 14. Subsection (3) of section 230.2317,  
23 Florida Statutes, is amended to read:

24 230.2317 Educational multiagency services for severely  
25 emotionally disturbed students.--

26 (3) The Department of Education is authorized to award  
27 grants to district school boards to develop in a rural  
28 district and in an urban district a pilot multiagency network  
29 component for severely emotionally disturbed students. The  
30 pilot grants shall allow for further statewide planning and  
31 development of a complete multiagency network for severely

1 emotionally disturbed students in the state. The educational  
2 services shall be provided in a manner consistent with the  
3 requirements of ss. 230.23~~(3)(j)(4)(m)~~ and 402.22.

4 Section 15. Section 230.2318, Florida Statutes, as  
5 amended by chapters 94-232 and 96-225, Laws of Florida, and  
6 section 230.241, Florida Statutes, are hereby repealed.

7 Section 16. Section 230.24, Florida Statutes, is  
8 amended to read:

9 230.24 Superintendent; election or appointment and  
10 term of office.--

11 (1) The superintendent shall be elected for a term of  
12 4 years or until the election or appointment and qualification  
13 of his or her successor, unless the superintendent is  
14 appointed as provided in subsection (2).

15 (2)(a) Pursuant to the provisions of s. 5, Art. IX of  
16 the State Constitution, the superintendent shall be appointed  
17 by the school board in a school district wherein the  
18 proposition is affirmed by a majority of the qualified  
19 electors voting in the same election making the office of  
20 superintendent appointive.

21 (b) To submit the proposition to the electors, the  
22 school board by formal resolution shall request an election,  
23 which shall be at a general election or a statewide primary or  
24 special election. The board of county commissioners, upon a  
25 timely request from the school board, shall cause to be placed  
26 on the ballot at such an election the proposition to make the  
27 office of superintendent appointive.

28 (c) Any district adopting the appointive method for  
29 its superintendent may after 4 years return to its former  
30 status and reject the provisions of this subsection by  
31

1 following the same procedure outlined in paragraph (b) for  
2 adopting the provisions thereof.

3 Section 17. Section 230.303, Florida Statutes, is  
4 amended to read:

5 230.303 Superintendent of schools.--

6 (1) Each superintendent of schools shall receive as  
7 salary the amount indicated, based on the population of his or  
8 her county; however, a district school board, by majority  
9 vote, may approve a salary in excess of the amount specified  
10 herein. In addition, a compensation shall be made for  
11 population increments over the minimum for each population  
12 group, which shall be determined by multiplying the population  
13 in excess of the minimum for the group times the group rate.  
14 Laws which increase the base salary herein provided shall  
15 contain provisions on no other subject.

17	Pop. Group	County Pop. Range	Base Salary	Group Rate
18		Minimum Maximum		
19	I	-0- 49,999	\$21,250	\$0.07875
20	II	50,000 99,999	24,400	0.06300
21	III	100,000 199,999	27,550	0.02625
22	IV	200,000 399,999	30,175	0.01575
23	V	400,000 999,999	33,325	0.00525
24	VI	1,000,000	36,475	0.00400

25  
26 ~~(2) On October 1, 1973, no elected superintendent~~  
27 ~~shall be caused to suffer a decrease in gross salary as a~~  
28 ~~result of the implementation of subsection (1).~~

29 (2)~~(3)~~ Notwithstanding provisions of chapter 145 or  
30 this chapter to the contrary, the annual salaries of elected  
31 superintendents of schools for 1993 and each year thereafter

1 shall be established at the same amounts as those  
2 superintendents were paid for fiscal year 1991-1992, adjusted  
3 by each annual increase provided for in chapter 145. Any  
4 salary previously paid to elected superintendents which was  
5 consistent with chapter 145 and this section is hereby  
6 ratified and validated.

7 (3)~~(4)~~ This section does not apply to a superintendent  
8 of schools appointed pursuant to the terms of s. 230.321.

9 (4)~~(5)~~(a) There shall be an additional \$2,000 per year  
10 special qualification salary for each superintendent of  
11 schools who has met the certification requirements established  
12 by the Department of Education. Any superintendent of schools  
13 who is certified during a calendar year shall receive in that  
14 year a pro rata share of the special qualification salary  
15 based on the remaining period of the year.

16 (b) In order to qualify for the special qualification  
17 salary provided by paragraph (a), the superintendent must  
18 complete the requirements established by the Department of  
19 Education within 6 years after first taking office, ~~except~~  
20 ~~that those superintendents holding office on July 1, 1980,~~  
21 ~~shall have until July 1, 1986, to complete such requirements.~~

22 (c) After a superintendent meets the requirements of  
23 paragraph (a), in order to remain certified the superintendent  
24 shall thereafter be required to complete each year a course of  
25 continuing education as prescribed by the Department of  
26 Education.

27 (5)~~(6)~~ The Department of Education, in cooperation  
28 with the Florida Association of School Superintendents, shall  
29 develop a state plan for the continuing professional  
30 development of superintendents and other school district  
31 administrative personnel. Upon completion, the plan must be

1 submitted to the President of the Senate and the Speaker of  
2 the House of Representatives for their review and  
3 consideration for implementation. The department may contract  
4 with the association and/or other organizations to manage a  
5 professional development program for school personnel.

6 ~~(a) The Florida Council on Educational Management~~  
7 ~~shall provide a leadership development and performance~~  
8 ~~compensation program for superintendents of schools,~~  
9 ~~comparable to chief executive officer development programs for~~  
10 ~~corporate executive officers, to include:~~

11 ~~1. A content-knowledge-and-skills phase consisting of:~~  
12 ~~creative leadership models and theory, demonstration of~~  
13 ~~effective practice, simulation exercises and personal skills~~  
14 ~~practice, and assessment with feedback, taught in a~~  
15 ~~professional training setting under the direction of~~  
16 ~~experienced, successful trainers.~~

17 ~~2. A competency-acquisition phase consisting of~~  
18 ~~on-the-job application of knowledge and skills for a period of~~  
19 ~~not less than 6 months following the successful completion of~~  
20 ~~the content-knowledge-and-skills phase. The~~  
21 ~~competency-acquisition phase shall be supported by adequate~~  
22 ~~professional technical assistance provided by experienced~~  
23 ~~trainers approved by the Florida Council on Educational~~  
24 ~~Management. Competency acquisition shall be demonstrated~~  
25 ~~through assessment and feedback.~~

26 ~~(b) Upon the successful completion of both phases and~~  
27 ~~demonstrated successful performance, as determined by the~~  
28 ~~Florida Council on Educational Management, a superintendent of~~  
29 ~~schools shall be issued a Chief Executive Officer Leadership~~  
30 ~~Development Certificate and shall be given an annual~~

31

1 ~~performance salary incentive of not less than \$3,000 or more~~  
2 ~~than \$7,500 based upon his or her performance evaluation.~~

3 ~~(c) A superintendent's eligibility to continue~~  
4 ~~receiving the annual performance salary incentive is~~  
5 ~~contingent upon his or her continued performance assessment~~  
6 ~~and followup training prescribed by the Florida Council on~~  
7 ~~Educational Management.~~

8 Section 18. Section 230.32, Florida Statutes, is  
9 amended to read:

10 230.32 General powers of superintendents.--The  
11 superintendent shall have the authority, and when necessary  
12 for the more efficient and adequate operation of the district  
13 school system, the superintendent shall exercise the following  
14 powers:

15 (1) GENERAL OVERSIGHT.--Provide leadership and  
16 exercise general oversight over the district school system in  
17 order to determine problems and needs, and recommend  
18 improvements.

19 (2) ADVISE, COUNSEL, AND RECOMMEND TO SCHOOL  
20 BOARD.--Advise and counsel with the school board on all  
21 educational matters and recommend to the school board ~~for~~  
22 ~~action such matters as should be acted upon.~~

23 ~~(3) RECOMMEND POLICIES.--Recommend to the school board~~  
24 ~~for adoption such policies pertaining to the district school~~  
25 ~~system as the superintendent considers ~~may consider~~ necessary~~  
26 ~~for its more efficient operation.~~

27 ~~(3)(4) RECOMMEND AND EXECUTE RULES AND~~  
28 ~~REGULATIONS.~~--Prepare and organize by subjects and submit to  
29 the school board for adoption such rules and regulations to  
30 supplement those adopted by the state board as, in the  
31 superintendent's opinion, will contribute to the efficient

1 operation of any aspect of education in the district. When  
2 rules and regulations have been adopted, the superintendent  
3 shall see that they are executed.

4 (4)~~(5)~~ RECOMMEND AND EXECUTE MINIMUM STANDARDS.--From  
5 time to time to prepare, organize by subjects, and submit to  
6 the school board for adoption such minimum standards relating  
7 to the operation of any phase of the district school system as  
8 are needed to supplement those adopted by the state board and  
9 as will contribute to the efficient operation of any aspect of  
10 education in the district; to see that minimum standards  
11 adopted by the school board are observed.

12 (5)~~(6)~~ PERFORM DUTIES AND EXERCISE  
13 RESPONSIBILITIES.--Perform such duties and exercise such  
14 responsibilities as are assigned to the superintendent by law  
15 and by regulations of the state board.

16 Section 19. Section 230.33, Florida Statutes, 1996  
17 Supplement, is amended to read:

18 230.33 Duties and responsibilities of  
19 superintendent.--The superintendent shall exercise all powers  
20 and perform all duties listed below and elsewhere in the law;  
21 provided, that in so doing he or she shall advise and counsel  
22 with the school board. The recommendations, nominations,  
23 proposals, and reports required by law and rule to be made to  
24 the school board by the superintendent shall be either  
25 recorded in the minutes or shall be made in writing, noted in  
26 the minutes, and filed in the public records of the board. It  
27 shall be presumed that, in the absence of the record required  
28 in this paragraph, the recommendations, nominations, and  
29 proposals required of the superintendent were not contrary to  
30 the action taken by the school board in such matters. The  
31 superintendent shall:

1           (1) ASSIST IN ORGANIZATION OF BOARD.--Preside at the  
2 organization meeting of the school board and transmit to the  
3 Department of Education, within 2 weeks following such  
4 meeting, a certified copy of the proceedings of organization,  
5 including the schedule of regular meetings, and the names and  
6 addresses of district school officials.

7           (2) REGULAR AND SPECIAL MEETINGS OF THE BOARD.--Unless  
8 excused by the school board, attend all regular meetings of  
9 the school board, call special meetings when emergencies  
10 arise, and advise, but not vote, on questions under  
11 consideration.

12           (3) RECORDS FOR THE BOARD.--Keep minutes of all  
13 official actions and proceedings of the school board and keep  
14 such other records, including records of property held or  
15 disposed of by the school board, as may be necessary to  
16 provide complete information regarding the district school  
17 system.

18           (4) SCHOOL PROPERTY.--Act for the school board as  
19 custodian of school property.

20           (a) Recommend purchase and plans for  
21 control.--Recommend to the school board plans for contracting,  
22 receiving, purchasing, acquiring by the institution of  
23 condemnation proceedings if necessary, leasing, selling,  
24 holding, transmitting, and conveying title to real and  
25 personal property.

26           (b) Property held in trust.--Recommend to the school  
27 board plans for holding in trust and administering property,  
28 real and personal, money, or other things of value, granted,  
29 conveyed, devised, or bequeathed for the benefit of the  
30 schools of the district or of any one of them.

31



1           ~~(5) SCHOOL PROGRAM; PREPARE 5-YEAR AND ANNUAL PLANS~~  
2 ~~FOR.--Supervise the assembling of data and sponsor studies and~~  
3 ~~surveys essential to the development of a planned school~~  
4 ~~program for the entire district and prepare and recommend such~~  
5 ~~a program to the school board as the basis for operating the~~  
6 ~~district school system.~~

7           (5)(6) ESTABLISHMENT, ORGANIZATION, AND OPERATION OF  
8 SCHOOLS, CLASSES, AND SERVICES.--Recommend the establishment,  
9 organization, and operation of such schools, classes, and  
10 services as are needed to provide adequate educational  
11 opportunities for all children in the district, including:

12           (a) Schools and attendance areas.--Recommend the  
13 location of schools needed to accommodate the pupils of the  
14 district and the area from which children should attend each  
15 school.

16           (b) Recommend adequate facilities for all  
17 children.--Recommend plans and procedures necessary to provide  
18 adequate educational facilities for all children of the  
19 district in accordance with chapter 235.

20           (c) Elimination of school centers and consolidation of  
21 schools.--Determine when the needs of pupils can better be  
22 served by eliminating school centers and by consolidating  
23 schools; recommend to the school board plans for the  
24 elimination of such school centers as should be eliminated and  
25 for the consolidation of such schools as should be  
26 consolidated.

27           (d) Cooperation with other districts in maintaining  
28 schools.--Recommend plans and procedures for cooperating with  
29 school boards of adjoining districts, in this state or in  
30 bordering states, in establishing school attendance areas  
31 composed of territory lying within the districts and for the

1 joint maintenance of district line or other schools which  
2 should serve such attendance areas, and carry out such plans  
3 and administer such schools for which his or her district is  
4 to be responsible under any agreement which is effected.

5 (e) Classification and standardization of  
6 schools.--Recommend plans and regulations for determining  
7 those school centers at which work should be restricted to the  
8 elementary grades, school centers at which work should be  
9 offered only in the high school grades, and school centers at  
10 which work should be offered in any or in all grades;  
11 recommend the grade or grades in which work should be offered  
12 at each school center; recommend bases for classifying and  
13 standardizing the various schools of the district in order to  
14 provide proper incentive for the improvement of all schools.

15 (f) Opening and closing dates of schools.--Recommend  
16 and arrange for a uniform date each year for the opening of  
17 all schools in the district, unless other dates shall be found  
18 necessary and desirable; recommend and arrange the closing  
19 dates for all schools in the district, these dates to be so  
20 determined as to assure, as far as practicable, uniform terms  
21 for all schools in the district. Recommend regulations for  
22 the closing of any or all schools during an emergency and when  
23 emergencies arise to close any or all schools in the district  
24 and immediately notify the school board of the action taken  
25 and the reason therefor.

26 ~~(g) School holidays and vacation periods.--Recommend~~  
27 ~~school holidays to be observed and the manner of such~~  
28 ~~observance by the schools and see that such holidays as are~~  
29 ~~approved by the school board are properly observed; also~~  
30 ~~recommend school vacation periods.~~

31

1           ~~(h) Vocational classes and schools.--Recommend plans~~  
2 ~~for the establishment and maintenance of vocational schools,~~  
3 ~~departments, or classes, giving instruction in career~~  
4 ~~education as defined in regulations of the state board, and~~  
5 ~~administer and supervise instruction in such schools,~~  
6 ~~departments, or classes as are established by the school~~  
7 ~~board.~~

8           ~~(i) Cooperation with other districts in special~~  
9 ~~projects or activities.--Recommend plans and procedures for~~  
10 ~~cooperating with other district school boards or with other~~  
11 ~~agencies, in this state or in bordering states, in special~~  
12 ~~projects or activities which can be more economically or~~  
13 ~~advantageously provided by such cooperation.~~

14           ~~(j) School lunches.--Recommend plans for the~~  
15 ~~establishment, maintenance, and operation of a school lunch~~  
16 ~~program consistent with state laws and regulations of the~~  
17 ~~state board, and to administer and supervise such services.~~

18           (g)~~(k)~~ Exceptional education.--Recommend plans for the  
19 provision of special education classes, instruction,  
20 facilities, equipment, and related services for exceptional  
21 children.

22           (6)~~(7)~~ PERSONNEL.--Be responsible, as required herein,  
23 for directing the work of the personnel, subject to the  
24 requirements of chapter 231, and in addition the  
25 superintendent shall have the following duties:

26           (a) Positions, qualifications, and  
27 nominations.--Recommend to the school board duties and  
28 responsibilities which need to be performed and positions  
29 which need to be filled to make possible the development of an  
30 adequate school program in the district; recommend minimum  
31 qualifications of personnel for these various positions; and

1 nominate in writing persons to fill such positions. All  
2 nominations for reappointment of supervisors and principals  
3 shall be submitted to the school board not later than 1 week  
4 after the end of the regular legislative session. All  
5 nominations for reappointment of members of the instructional  
6 staff shall be made after conferring with the principals and  
7 shall be submitted in writing to the school board not later  
8 than 1 week after the end of the regular legislative session.

9 (b) Compensation and salary schedules.--Prepare and  
10 recommend to the school board for adoption a salary schedule  
11 or salary schedules to be used as the basis for paying school  
12 employees, arranging such schedules, insofar as practicable,  
13 so as to furnish incentive for improvement in training and for  
14 continued and efficient service.

15 (c) Contracts and terms of service.--Recommend to the  
16 school board terms for contracting with employees and prepare  
17 such contracts as are approved. Contracts with the members of  
18 the instructional staff are to be prepared, recommended, and  
19 executed as hereinbefore prescribed. Authority is given to  
20 make appointments to approved positions and to approve  
21 compensation therefor at the rate provided in the currently  
22 established salary schedule, pending action by the local board  
23 at its next regular or special meeting.

24 (d) Transfer and promotions.--Recommend employees for  
25 transfer and transfer any employee during any emergency and  
26 report the transfer to the school board at its next regular  
27 meeting.

28 (e) Suspension and dismissal.--Suspend members of the  
29 instructional staff and other school employees during  
30 emergencies for a period extending to and including the day of  
31 the next regular or special meeting of the school board and

1 notify the school board immediately of such suspension. When  
2 authorized to do so, serve notice on the suspended member of  
3 the instructional staff of charges made against him or her and  
4 of the date of hearing. Recommend employees for dismissal  
5 under the terms prescribed herein.

6 (f) Direct work of employees and supervise  
7 instruction.--Direct or arrange for the proper direction and  
8 improvement, under regulations of the school board, of the  
9 work of all members of the instructional staff and other  
10 employees of the district school system and supervise or  
11 arrange under rules of the school board for the supervision of  
12 instruction in the district and take such steps as are  
13 necessary to bring about continuous improvement.

14 (7)~~(8)~~ CHILD WELFARE.--Recommend plans to the school  
15 board for the proper accounting for all children of school  
16 age, for the attendance and control of pupils at school, for  
17 the proper attention to health, safety, and other matters  
18 which will best promote the welfare of children in the  
19 following fields, as prescribed in chapter 232:

20 (a) Admission, classification, promotion, and  
21 graduation of pupils.--Recommend rules and regulations for  
22 admitting, classifying, promoting, and graduating pupils to or  
23 from the various schools of the district.

24 (b) Enforcement of attendance laws.--Recommend plans  
25 and procedures for the enforcement of all laws and regulations  
26 relating to the attendance of pupils at school and for the  
27 employment of such qualified assistants as may be needed by  
28 the superintendent to enforce effectively those laws.

29 (c) Control of pupils.--Propose rules and regulations  
30 for the control, discipline, in-school suspension, suspension,  
31 and expulsion of pupils and review and modify recommendations

1 for suspension and expulsion of pupils and transmit to the  
2 school board for action recommendations for expulsion of  
3 pupils. When the superintendent makes a recommendation for  
4 expulsion to the school board, he or she shall give written  
5 notice to the pupil and the pupil's parent or guardian of the  
6 recommendation, setting forth the charges against the pupil  
7 and advising the pupil and his or her parent or guardian of  
8 the pupil's right to due process as prescribed by ss. 120.569  
9 and 120.57(2). When school board action on a recommendation  
10 for the expulsion of a pupil is pending, the superintendent  
11 may extend the suspension assigned by the principal beyond 10  
12 school days if such suspension period expires before the next  
13 regular or special meeting of the school board.

14 (8)~~(9)~~ COURSES OF STUDY AND OTHER INSTRUCTIONAL  
15 AIDS.--Recommend such plans for improving, providing,  
16 distributing, accounting for, and caring for textbooks and  
17 other instructional aids as will result in general improvement  
18 of the district school system, as prescribed in chapter 233  
19 and including the following:

20 ~~(a) Courses of study.--Prepare and recommend for~~  
21 ~~adoption, after consultation with teachers and principals and~~  
22 ~~after considering any suggestions which may have been~~  
23 ~~submitted by patrons of the schools, courses of study for use~~  
24 ~~in the schools of the district needed to supplement those~~  
25 ~~prescribed by the state board.~~

26 (a)~~(b)~~ Textbooks.--Require that all textbooks and  
27 library books furnished by the state and needed in the  
28 district are properly requisitioned, distributed, accounted  
29 for, stored, cared for, and used; and recommend such  
30 additional textbooks or library books as may be needed.

31

1           (b)~~(c)~~ Other instructional aids.--Recommend plans for  
2 providing and facilitate the provision and proper use of such  
3 other teaching accessories and aids as are needed.

4           (c)~~(d)~~ School library media services; establishment  
5 and maintenance.--Recommend plans for establishing and  
6 maintaining school library media centers, or school library  
7 media centers open to the public, and, in addition thereto,  
8 such circulating or traveling libraries as are needed for the  
9 proper operation of the district school system. Recommend  
10 plans for the establishment and maintenance of a program of  
11 school library media services for all public school students.  
12 The school library media services program shall be designed to  
13 ensure effective use of available resources and to avoid  
14 unnecessary duplication and shall include, but not be limited  
15 to, basic skills development, instructional design, media  
16 collection development, media program management, media  
17 production, staff development, and consultation and  
18 information services.

19           (9)~~(10)~~ TRANSPORTATION OF PUPILS.--Ascertain which  
20 pupils should be transported to school or to school  
21 activities, determine the most effective arrangement of  
22 transportation routes to accommodate these pupils; recommend  
23 such routing to the school board; recommend plans and  
24 procedures for providing facilities for the economical and  
25 safe transportation of pupils; recommend such rules and  
26 regulations as may be necessary and see that all rules and  
27 regulations relating to the transportation of pupils approved  
28 by the school board, as well as regulations of the state  
29 board, are properly carried into effect, as prescribed in  
30 chapter 234.

31

1           ~~(10)~~(11) SCHOOL PLANT.--Recommend plans, and execute  
2 such plans as are approved, regarding all phases of the school  
3 plant program, as prescribed in chapter 235, including the  
4 following:

5           (a) School building program.--Recommend plans and  
6 procedures for having a survey made under the direction of the  
7 department, or by some agency approved by the department, as a  
8 basis for developing a districtwide school building program as  
9 a phase of the 5-year program for the district and recommend  
10 such program when sufficient evidence is available, specifying  
11 the centers at which school work should be offered on the  
12 various levels; the type, size, and location of schools to be  
13 established; and the steps to be taken to carry out the  
14 program.

15           (b) Sites, buildings, and equipment.--Recommend the  
16 purchasing of school sites, playgrounds, and recreational  
17 areas located at centers at which schools are to be  
18 constructed and of adequate size to meet the projected need of  
19 pupils to be accommodated; or of additions to existing sites  
20 when needed; recommend the rental of buildings when necessary;  
21 recommend the erection of buildings; recommend additions,  
22 alterations, and repairs to buildings and other school  
23 properties; ensure that all plans and specifications for  
24 buildings provide adequately for the safety of pupils as well  
25 as for economy of construction by submitting such plans and  
26 specifications to the Department of Education for approval;  
27 recommend the purchasing of furniture, books, apparatus, and  
28 other equipment necessary for the proper conduct of the work  
29 of the schools.

30           (c) Maintenance and upkeep of the school  
31 plant.--Propose plans for assuring proper maintenance and



1 upkeep of the school plant and for the provision of the  
2 utilities and supplies for the operation of the schools; and  
3 when the plans are approved by the school board, take such  
4 steps as are necessary to see that buildings are kept in  
5 proper sanitary and physical condition and that heat, lights,  
6 water, and power and other supplies and utilities are  
7 adequate.

8 (d) Insurance of school property.--Propose plans and  
9 procedures for insuring economically every plant and its  
10 contents, boilers and machinery as well as school buses and  
11 other property, under the control of the school board and see  
12 that the proper records are kept of such insurance.

13 (e) Condemnation of buildings.--Inspect periodically  
14 all school buildings and surroundings to determine whether  
15 there are any unsanitary conditions or whether there are  
16 physical hazards which are likely to jeopardize the health or  
17 life of the pupils or instructional staff; request competent  
18 assistance from the state or other authorized agency, if  
19 necessary, to determine whether buildings found to be  
20 defective should be condemned and to recommend to the school  
21 board condemnation of buildings which should be abandoned.

22 (11)~~(12)~~ FINANCE.--Recommend measures to the school  
23 board to assure adequate educational facilities throughout the  
24 district, in accordance with the financial procedure  
25 authorized in chapters 236 and 237 and as prescribed below:

26 (a) Plan for operating all schools for minimum  
27 term.--Determine and recommend district funds necessary in  
28 addition to state funds to provide for at least a 180-day  
29 school term or the equivalent on an hourly basis as specified  
30 by rules which shall be adopted by the State Board of  
31

1 Education and recommend plans for ensuring the operation of  
2 all schools for the term authorized by the school board.

3 (b) Annual budget.--Prepare the annual school budget  
4 to be submitted to the school board for adoption according to  
5 law and submit this budget, when adopted by the school board,  
6 to the Department of Education on or before the date required  
7 by rules of the state board.

8 (c) Tax levies.--Recommend to the school board, on the  
9 basis of the needs shown by the budget, the amount of district  
10 school tax levy necessary to provide the district school funds  
11 needed for the maintenance of the public schools; recommend to  
12 the school board the tax levy required on the basis of the  
13 needs shown in the budget for the district bond interest and  
14 sinking fund of each district; and recommend to the school  
15 board to be included on the ballot at each district millage  
16 election the school district tax levies necessary to carry on  
17 the school program.

18 (d) School funds.--Keep an accurate account of all  
19 funds which should be transmitted to the school board for  
20 school purposes at various periods during the year and see,  
21 insofar as possible, that these funds are transmitted  
22 promptly; report promptly to the school board any  
23 delinquencies or delays that occur in making available any  
24 funds that should be made available for school purposes.

25 (e) Borrowing money.--Recommend when necessary the  
26 borrowing of money as prescribed by law.

27 (f) Financial records and accounting.--Keep or have  
28 kept accurate records of all financial transactions.

29 (g) Payrolls and accounts.--Maintain accurate and  
30 current statements of accounts due to be paid by the school  
31 board; certify these statements as correct; liquidate board

1 obligations in accordance with the official budget and rules  
2 of the school board; and prepare periodic reports as required  
3 by rules of the state board, showing receipts, balances, and  
4 disbursements to date, and file copies of such periodic  
5 reports with the Department of Education.

6 (h) Bonds for employees.--Recommend the bonds of all  
7 school employees who should be bonded in order to provide  
8 reasonable safeguards for all school funds or property.

9 (i) Contracts.--After study of the feasibility of  
10 contractual services with industry, recommend to the school  
11 board the desirable terms, conditions, and specifications for  
12 contracts for supplies, materials, or services to be rendered  
13 and see that materials, supplies, or services are provided  
14 according to contract.

15 (j) Investment policies.--The superintendent shall,  
16 after careful examination, recommend policies to the school  
17 board which will provide for the investment or deposit of  
18 school funds not needed for immediate expenditures which shall  
19 earn the maximum possible yield under the circumstances on  
20 such investments or deposits. The superintendent shall cause  
21 to be invested at all times all school moneys not immediately  
22 needed for expenditures pursuant to the policies of the school  
23 board.

24 (k) Protection against loss.--Recommend programs and  
25 procedures to the school board necessary to protect the school  
26 system adequately against loss or damage to school property or  
27 against loss resulting from any liability for which the board  
28 or its officers, agents, or employees may be responsible under  
29 law.

30  
31

1           (1) Millage elections.--Recommend plans and procedures  
2 for holding and supervising all school district millage  
3 elections.

4           (m) Budgets and expenditures.--Prepare, after  
5 consulting with the principals of the various schools,  
6 tentative annual budgets for the expenditure of district funds  
7 for the benefit of public school pupils of the district.

8           (n) Bonds.--Recommend the amounts of bonds to be  
9 issued in the district and assist in the preparation of the  
10 necessary papers for an election to determine whether the  
11 proposed bond issue will be approved by the electors; if such  
12 bond issue be approved by the electors, recommend plans for  
13 the sale of bonds and for the proper expenditure of the funds  
14 derived therefrom.

15           (12)~~(13)~~ RECORDS AND REPORTS.--Recommend such records  
16 as should be kept in addition to those prescribed by rules of  
17 the state board or by the department; prepare forms for  
18 keeping such records as are approved by the school board; see  
19 that such records are properly kept; and make all reports that  
20 are needed or required, as follows:

21           (a) Forms, blanks, and reports.--Require that all  
22 employees keep accurately all records and make promptly in  
23 proper form all reports required by the school code or by  
24 rules of the state board; recommend the keeping of such  
25 additional records and the making of such additional reports  
26 as may be deemed necessary to provide data essential for the  
27 operation of the school system; and prepare such forms and  
28 blanks as may be required and see that these records and  
29 reports are properly prepared.

30           (b) Reports to the department.--Prepare, for the  
31 approval of the school board, all reports that may be required

1 by law or rules of the state board to be made to the  
2 department and transmit promptly all such reports, when  
3 approved, to the department, as required by law. ~~if any such~~  
4 ~~reports are not transmitted at the time and in the manner~~  
5 ~~prescribed by law or by state board rules, the salary of the~~  
6 ~~superintendent shall be withheld until such report has been~~  
7 ~~properly submitted.~~ Unless otherwise provided by regulations  
8 of the state board, the annual report on attendance and  
9 personnel shall be due on or before July 1, and the annual  
10 school budget and the report on finance shall be due on the  
11 date prescribed by the state board.

12 (c) Failure to make reports; penalty.--Any  
13 superintendent who knowingly signs and transmits to any state  
14 official a false or incorrect report shall forfeit his or her  
15 right to any salary for the period of 1 year from that date.

16 (13)~~(14)~~ COOPERATION WITH OTHER AGENCIES.--

17 ~~(a) Cooperation with governmental agencies in~~  
18 ~~enforcement of laws and rules.--Recommend plans for~~  
19 ~~cooperating with, and, on the basis of approved plans,~~  
20 ~~cooperate with federal, state, county, and municipal agencies~~  
21 ~~in the enforcement of laws and rules pertaining to all matters~~  
22 ~~relating to education and child welfare.~~

23 ~~(b) Cooperation with other local administrators to~~  
24 ~~achieve the first state education goal.--Cooperate with the~~  
25 ~~district administrator of the Department of Health and~~  
26 ~~Rehabilitative Services and with administrators of other local~~  
27 ~~public and private agencies to achieve the first state~~  
28 ~~education goal, readiness to start school.~~

29 ~~(c) Identifying and reporting names of migratory~~  
30 ~~children, other information.--Recommend plans for identifying~~  
31 and reporting to the Department of Education the name of each

1 child in the school district who qualifies according to the  
2 definition of a migratory child, based on Pub. L. No. 95-561,  
3 and for reporting such other information as ~~may be prescribed~~  
4 by the department prescribes.

5 (14)~~(15)~~ ENFORCEMENT OF LAWS AND RULES.--Require that  
6 all laws and rules of the state board, as well as  
7 supplementary rules of the school board, are properly observed  
8 and report to the school board any violation which the  
9 superintendent does not succeed in having corrected.

10 ~~(16) COOPERATE WITH SCHOOL BOARD.--Cooperate with the~~  
11 ~~school board in every manner practicable to the end that the~~  
12 ~~district school system may continuously be improved.~~

13 ~~(17) VISITATION OF SCHOOLS.--Visit the schools;~~  
14 ~~observe the management and instruction; give suggestions for~~  
15 ~~improvement; and advise with supervisors, principals,~~  
16 ~~teachers, patrons, and other citizens with the view of~~  
17 ~~promoting interest in education and improving the school~~  
18 ~~conditions of the district.~~

19 ~~(18) CONFERENCES, INSTITUTES, AND STUDY COURSES.--Call~~  
20 ~~and conduct institutes and conferences with employees of the~~  
21 ~~school board, school patrons, and other interested citizens;~~  
22 ~~organize and direct study and extension courses for employees,~~  
23 ~~advising them as to their professional studies; assist patrons~~  
24 ~~and people generally in acquiring knowledge of the aims,~~  
25 ~~services, and needs of the schools.~~

26 ~~(19) PROFESSIONAL AND GENERAL IMPROVEMENT.--Attend~~  
27 ~~such conferences for superintendents as may be called or~~  
28 ~~scheduled by the Department of Education and avail himself or~~  
29 ~~herself of means of professional and general improvement so~~  
30 ~~that he or she may function most efficiently.~~

31

1           ~~(20) RECOMMEND REVOKING CERTIFICATES.--Recommend in~~  
2 ~~writing to the Department of Education the revoking of any~~  
3 ~~certificate for good cause, including a full statement of the~~  
4 ~~reason for the superintendent's recommendation.~~

5           (15)~~(21)~~ MAKE RECORDS AVAILABLE TO SUCCESSOR.--Leave  
6 with the school board and make available to his or her  
7 successor upon retiring from office a complete inventory of  
8 school equipment and other property, together with all  
9 official records and such other records as may be needed in  
10 supervising instruction and in administering the district  
11 school system.

12           ~~(22) RECOMMEND PROCEDURES FOR INFORMING GENERAL~~  
13 ~~PUBLIC.--Recommend to the school board procedures whereby the~~  
14 ~~general public can be adequately informed of the educational~~  
15 ~~programs, needs, and objectives of public education within the~~  
16 ~~district.~~

17           (16)~~(23)~~ SCHOOL IMPROVEMENT AND  
18 ACCOUNTABILITY.--Recommend procedures for implementing and  
19 maintaining a system of school improvement and education  
20 accountability as provided by statute and State Board of  
21 Education rule.

22           (17)~~(24)~~ OTHER DUTIES AND RESPONSIBILITIES.--Perform  
23 such other duties as may be assigned to the superintendent by  
24 law or by rules of the state board.

25           Section 20. Sections 230.59 and 230.655, Florida  
26 Statutes, are hereby repealed.

27           Section 21. Paragraphs (c) and (d) of subsection (5)  
28 of section 24.121, Florida Statutes, 1996 Supplement, are  
29 amended to read:

30           24.121 Allocation of revenues and expenditure of funds  
31 for public education.--

1 (5)

2 (c) A portion of such net revenues, as determined  
3 annually by the Legislature, shall be distributed to each  
4 school district and shall be made available to each public  
5 school in the district for enhancing school performance  
6 through development and implementation of a school improvement  
7 plan pursuant to s. 230.23(15)~~(18)~~.

8 (d) Beginning July 1, 1993, no funds shall be released  
9 for any purpose from the Educational Enhancement Trust Fund to  
10 any school district in which one or more schools do not have  
11 an approved school improvement plan pursuant to s.  
12 230.23(15)~~(18)~~.

13 Section 22. Subsection (3) of section 39.446, Florida  
14 Statutes, 1996 Supplement, is amended to read:

15 39.446 Medical, psychiatric, and psychological  
16 examination and treatment of child; physical or mental  
17 examination of parent, guardian, or person requesting custody  
18 of child.--

19 (3) A judge may order that a child alleged to be or  
20 adjudicated a child in need of services be examined by a  
21 licensed health care professional. The judge may also order  
22 such child to be evaluated by a psychiatrist or a  
23 psychologist, by a district school board educational needs  
24 assessment team, or, if a developmental disability is  
25 suspected or alleged, by the developmental disability  
26 diagnostic and evaluation team of the Department of Health and  
27 Rehabilitative Services. The judge may order a family  
28 assessment if that assessment was not completed at an earlier  
29 time. If it is necessary to place a child in a residential  
30 facility for such evaluation, then the criteria and procedure  
31 established in s. 394.463(2) or chapter 393 shall be used,



1 whichever is applicable. The educational needs assessment  
2 provided by the district school board educational needs  
3 assessment team shall include, but not be limited to, reports  
4 of intelligence and achievement tests, screening for learning  
5 disabilities and other handicaps, and screening for the need  
6 for participation in a dropout prevention program ~~alternative~~  
7 ~~education~~ pursuant to s. 230.2316.

8 Section 23. Paragraph (a) of subsection (3),  
9 subsection (8), and paragraphs (a) and (b) of subsection (12)  
10 of section 228.053, Florida Statutes, are amended to read:

11 228.053 Developmental research schools.--

12 (3) MISSION.--The mission of a developmental research  
13 school shall be the provision of a vehicle for the conduct of  
14 research, demonstration, and evaluation regarding management,  
15 teaching, and learning. Programs to achieve the mission of a  
16 developmental research school shall embody the goals and  
17 standards of "Blueprint 2000" established pursuant to ss.  
18 229.591 and 229.592 and shall ensure an appropriate education  
19 for its students.

20 (a) Each developmental research school shall emphasize  
21 mathematics, science, computer science, and foreign languages.  
22 The primary goal of a developmental research school is to  
23 enhance instruction and research in such specialized subjects  
24 by using the resources available on a state university campus,  
25 while also providing an education in nonspecialized subjects.  
26 Each developmental research school shall provide sequential  
27 elementary and secondary instruction where appropriate. A  
28 developmental research school may not provide instruction at  
29 grade levels higher than grade 12 without authorization from  
30 the State Board of Education. Each developmental research  
31

1 school shall develop and implement a school improvement plan  
2 pursuant to s. 230.23(15)~~(18)~~.

3 (8) ADVISORY BOARDS.--"Blueprint 2000" provisions and  
4 intent specify that each public school in the state shall  
5 establish a school advisory council that is reflective of the  
6 population served by the school, pursuant to s. 229.58, and is  
7 responsible for the development and implementation of the  
8 school improvement plan pursuant to s. 230.23(15)~~(18)~~.  
9 Developmental research schools shall comply with the  
10 provisions of s. 229.58 in one of two ways:

11 (a) Two advisory bodies.--Each developmental research  
12 school may:

13 1. Establish an advisory body pursuant to the  
14 provisions and requirements of s. 229.58 to be responsible for  
15 the development and implementation of the school improvement  
16 plan, pursuant to s. 230.23(15)~~(18)~~.

17 2. Establish an advisory board to provide general  
18 oversight and guidance. The dean of the affiliated college of  
19 education shall be a standing member of the board, and the  
20 president of the university shall appoint three faculty  
21 members from the college of education, one layperson who  
22 resides in the county in which the school is located, and two  
23 parents or legal guardians of students who attend the  
24 developmental research school to serve on the advisory board.  
25 The term of each member shall be for 2 years, and any vacancy  
26 shall be filled with a person of the same classification as  
27 his or her predecessor for the balance of the unexpired term.  
28 The president shall stagger the terms of the initial  
29 appointees in a manner that results in the expiration of terms  
30 of no more than two members in any year. The president shall  
31 call the organizational meeting of the board. The board shall

1 annually elect a chair and a vice chair. There shall be no  
2 limitation on successive appointments to the board or  
3 successive terms that may be served by a chair or vice chair.  
4 The board shall adopt internal organizational procedures or  
5 bylaws necessary for efficient operation as provided in  
6 chapter 120. Board members shall not receive per diem or  
7 travel expenses for the performance of their duties. The  
8 board shall:

9       a. Meet at least quarterly.

10       b. Monitor the operations of the school and the  
11 distribution of moneys allocated for such operations.

12       c. Establish necessary policy, program, and  
13 administration modifications.

14       d. Evaluate biennially the performance of the director  
15 and principal and recommend corresponding action to the dean  
16 of the college of education.

17       e. Annually review evaluations of the school's  
18 operation and research findings.

19       (b) One advisory body.--Each developmental research  
20 school may establish an advisory body responsible for the  
21 development and implementation of the school improvement plan,  
22 pursuant to s. 230.23(15)~~(18)~~, in addition to general  
23 oversight and guidance responsibilities. The advisory body  
24 shall reflect the membership composition requirements  
25 established in s. 229.58, but may also include membership by  
26 the dean of the college of education and additional members  
27 appointed by the president of the university that represent  
28 faculty members from the college of education, the university,  
29 or other bodies deemed appropriate for the mission of the  
30 school.

31

1           (12) EXCEPTIONS TO LAW.--To encourage innovative  
2 practices and facilitate the mission of the developmental  
3 research schools, in addition to the exceptions to law  
4 specified in s. 229.592(6), the following exceptions shall be  
5 permitted for developmental research schools:

6           (a) The methods and requirements of the following  
7 statutes shall be held in abeyance: ss. 230.01; 230.02;  
8 230.03; 230.04; 230.05; 230.061; 230.08; 230.10; ~~230.105~~  
9 230.11; 230.12; 230.15; 230.16; 230.17; 230.173; 230.18;  
10 230.19; 230.201; 230.202; 230.21; 230.22; 230.2215; ~~230.2318~~  
11 230.232; 230.24; ~~230.241~~; 230.26; 230.28; 230.30; 230.303;  
12 230.31; 230.32; 230.321; 230.33; 230.35; 230.39; ~~230.59~~  
13 230.63; 230.64; 230.643; ~~230.655~~; 234.01; 234.021; 234.0515;  
14 234.061; 234.112; 234.302; 236.25; 236.261; 236.29; 236.31;  
15 236.32; 236.35; 236.36; 236.37; 236.38; 236.39; 236.40;  
16 236.41; 236.42; 236.43; 236.44; 236.45; 236.46; 236.47;  
17 236.48; 236.49; 236.50; 236.51; 236.52; 236.55; 236.56;  
18 237.051; 237.071; 237.091; 237.201; and 237.40. With the  
19 exception of subsection (15) ~~(18)~~ of s. 230.23, s. 230.23  
20 shall be held in abeyance. Reference to school boards in s.  
21 230.23 (15) ~~(18)~~ shall mean the president of the university or  
22 the president's designee.

23           (b) The following statutes or related rules may be  
24 waived for any developmental research school so requesting,  
25 provided the general statutory purpose of each section is met  
26 and the developmental research school has submitted a written  
27 request to the Joint Developmental Research School Planning,  
28 Articulation, and Evaluation Committee for approval pursuant  
29 to this subsection: ss. 229.555; 231.291; 232.2462; 232.36;  
30 233.34; 237.01; 237.02; 237.031; 237.041; 237.061; 237.081;  
31 237.111; 237.121; 237.131; 237.141; 237.151; 237.161; 237.162;

1 237.171; 237.181; 237.211; and 237.34. Notwithstanding  
2 reference to the responsibilities of the superintendent or  
3 school board in chapter 237, developmental research schools  
4 shall follow the policy intent of the chapter and shall, at  
5 least, adhere to the general state agency accounting  
6 procedures established in s. 11.46.

7           1. Two or more developmental research schools may  
8 jointly originate a request for waiver and submit the request  
9 to the committee if such waiver is approved by the school  
10 advisory council of each developmental research school  
11 desiring the waiver.

12           2. A developmental research school may submit a  
13 request to the committee for a waiver if such request is  
14 presented by a school advisory council established pursuant to  
15 s. 229.58, if such waiver is required to implement a school  
16 improvement plan required by s. 230.23(15)(~~18~~), and if such  
17 request is made using forms established pursuant to s.  
18 229.592(6). The Joint Developmental Research School Planning,  
19 Articulation, and Evaluation Committee shall monitor the  
20 waiver activities of all developmental research schools and  
21 shall report annually to the department and the Florida  
22 Commission on Education Reform and Accountability, in  
23 conjunction with the feedback report required pursuant to s.  
24 229.592(3), the number of waivers requested and submitted to  
25 the committee by developmental research schools, and the  
26 number of such waiver requests not approved. For each waiver  
27 request not approved, the committee shall report the statute  
28 or rule for which the waiver was requested, the rationale for  
29 the developmental research school request, and the reason the  
30 request was not approved.

31

1           Section 24. Subsection (3) of section 228.121, Florida  
2 Statutes, is amended to read:

3           228.121 Nonresident tuition fee; tuition fee  
4 exemptions.--

5           (3) No tuition shall be charged pupils who are  
6 homeless children as defined in s. 228.041(36); pupils whose  
7 parent, parents, or guardian are in the federal military  
8 service or are civilian employees, the cost of whose education  
9 is provided in part or in whole by federal subsidy to  
10 state-supported schools; or pupils whose parent, parents, or  
11 guardian are migratory agricultural workers. No tuition shall  
12 be charged pupils who reside in residential care facilities  
13 operated by the Department of Health and Rehabilitative  
14 Services and who receive their education under s.  
15 230.23(3)(k)~~(4)(n)~~.

16           Section 25. Paragraph (e) of subsection (6) of section  
17 228.2001, Florida Statutes, is amended to read:

18           228.2001 Discrimination against students and employees  
19 in state system of public education; prohibitions; equality of  
20 access; strategies to overcome underrepresentation;  
21 remedies.--

22           (6) The functions of the Office of Equal Educational  
23 Opportunity of the Department of Education shall include, but  
24 not be limited to:

25           (e) Requiring all boards to submit data and  
26 information necessary to determine compliance with this  
27 section. The Commissioner of Education shall prescribe the  
28 format and the date for submission of such data and any other  
29 educational equity data. If any district does not submit the  
30 required compliance data or other required educational equity  
31 data by the prescribed date, the commissioner shall notify the

1 district school board of this fact and, if the appropriate  
2 action is not taken to immediately submit the required report,  
3 the school board shall be directed to proceed pursuant to the  
4 provisions of s. 230.23(10)(~~11~~)(b). If any community college  
5 or university does not submit required data and information by  
6 the prescribed date, the same policy as prescribed for school  
7 districts shall be implemented.

8 Section 26. Subsection (4) of section 229.0535,  
9 Florida Statutes, 1996 Supplement, is amended to read:

10 229.0535 Authority to enforce school improvement.--It  
11 is the intent of the Legislature that all public schools be  
12 held accountable for ensuring that students perform at  
13 acceptable levels. A system of school improvement and  
14 accountability that assesses student performance by school,  
15 identifies schools not providing adequate progress, and  
16 institutes appropriate measures for enforcing improvement  
17 shall be the responsibility of the State Board of Education.

18 (4) The State Board of Education is authorized to  
19 require the Department of Education or Comptroller to withhold  
20 any transfer of state funds to the school district if, within  
21 the timeframe specified in state board action, the school  
22 district has failed to comply with said action ordered to  
23 improve low-performing schools. Withholding the transfer of  
24 funds shall occur only after all other recommended actions for  
25 school improvement have failed to improve the performance of  
26 the school. The State Board of Education may invoke the same  
27 penalty to any school board that fails to develop and  
28 implement a plan for assistance and intervention for  
29 low-performing schools as specified in s. 230.23(15)(~~18~~)(c).

30 Section 27. Paragraph (b) of subsection (3) of section  
31 229.565, Florida Statutes, is amended to read:

1           229.565 Educational evaluation procedures.--

2           (3) EDUCATION EVALUATION.--The Commissioner of  
3 Education, or the Auditor General as provided in paragraph  
4 (a), shall periodically examine and evaluate procedures,  
5 records, and programs in each district to determine compliance  
6 with law and rules established by the state board and in each  
7 correctional institution operated by the Department of  
8 Corrections to determine compliance with law and rules  
9 established by the Department of Corrections for the  
10 Correctional Education Program pursuant to s. 944.801. Such  
11 evaluations shall include, but not be limited to:

12           (b) The organization of all special programs to ensure  
13 compliance with law and the criteria established and approved  
14 by the state board pursuant to the provisions of this section  
15 and s. 230.23(3)(j)~~(4)(m)~~.

16           Section 28. Subsection (2) of section 229.58, Florida  
17 Statutes, is amended to read:

18           229.58 District and school advisory councils.--

19           (2) DUTIES.--Each advisory council shall perform such  
20 functions as are prescribed by regulations of the school  
21 board; however, no advisory council shall have any of the  
22 powers and duties now reserved by law to the school board.  
23 Each school advisory council shall assist in the preparation  
24 and evaluation of the school improvement plan required  
25 pursuant to s. 230.23(15)~~(18)~~ and shall provide such  
26 assistance as the principal may request in preparing the  
27 school's annual budget and plan as required by s. 229.555(1).

28           Section 29. Subsection (1), paragraphs (b) and (e) of  
29 subsection (3), paragraph (c) of subsection (4), and  
30 paragraphs (a) and (c) of subsection (6) of section 229.592,  
31 Florida Statutes, 1996 Supplement, are amended to read:



1           229.592 Implementation of state system of school  
2 improvement and education accountability.--

3           (1) DEVELOPMENT.--It is the intent of the Legislature  
4 that every public school in the state shall have a school  
5 improvement plan, as required by s. 230.23(15)~~(18)~~, fully  
6 implemented and operational by the beginning of the 1993-1994  
7 school year. Vocational standards considered pursuant to s.  
8 239.229 shall be incorporated into the school improvement plan  
9 for each area technical center operated by a school board by  
10 the 1994-1995 school year, and area technical centers shall  
11 prepare school report cards incorporating such standards,  
12 pursuant to s. 230.23(15)~~(18)~~, for the 1995-1996 school year.  
13 In order to accomplish this, the Florida Commission on  
14 Education Reform and Accountability and the school districts  
15 and schools shall carry out the duties assigned to them by ss.  
16 229.594 and 230.23(15)~~(18)~~, respectively. In addition, the  
17 following initial steps in program development shall be  
18 undertaken beginning June 1, 1991, and shall continue during  
19 the 1991-1992 school fiscal year:

20           (a) Each school shall conduct an initial needs  
21 assessment including separately each school-within-a-school,  
22 magnet school, self-contained educational alternative center,  
23 or satellite center, and the results of the assessments shall  
24 be accompanied by a needs response plan and submitted to the  
25 Florida Commission on Education Reform and Accountability by  
26 November 1, 1991. The commissioner must provide a format for  
27 the needs assessments to the school board by June 1, 1991, and  
28 the local school board shall coordinate each needs assessment.  
29 The assessments shall be based on data from the 1990-1991  
30 school year and shall address at least the following:

31

- 1           1. The status of the school in relation to the general  
2 goals for education contained in s. 229.591;
- 3           2. The academic status of students attending the  
4 school as reflected by test scores, dropout and same grade  
5 retention rates, the availability of upper level courses in  
6 mathematics and science, the percentage of the school's  
7 enrollment and the number of completers by race and gender in  
8 upper-level mathematics and science courses, and the number of  
9 students entering postsecondary institutions;
- 10          3. Student school participation characteristics  
11 including: attendance rates, the number of expulsions and  
12 suspensions, and the number of instances of corporal  
13 punishment;
- 14          4. The economic status of the student body and area  
15 served by the school;
- 16          5. The demographic characteristics of the student body  
17 and the faculty and staff of the school;
- 18          6. The financial status of the school as reflected by  
19 per-student expenditures for instruction and administration,  
20 and other appropriate measures; and
- 21          7. Such other needs assessment indicators as may be  
22 determined by the individual school.
- 23          (b) Each area technical center operated by a school  
24 board shall conduct a needs assessment as part of the school  
25 improvement process. The results of the assessments shall be  
26 accompanied by a needs response plan and be submitted to the  
27 Florida Commission on Education Reform and Accountability by  
28 November 1, 1992. The commissioner shall provide a format for  
29 the needs assessments to the school boards by August 1, 1992,  
30 and the local school board shall coordinate each needs  
31 assessment. The first such assessment shall be based on data

1 from the 1991-1992 school year and must address at least the  
2 following:

3 1. The vocational standards articulated in s. 239.229.

4 2. The financial status of the center as indicated by  
5 per-student expenditures for instruction and administration,  
6 and other appropriate measures.

7 3. Student completion and placement rates.

8 4. A forecast of occupations indicating future  
9 workplace needs required over the next 5 years within the  
10 service area, based upon labor market supply and demand data  
11 and local economic conditions.

12 5. Other such needs assessment indicators as may be  
13 determined by the center.

14 (c) The needs response plan for each school and the  
15 district shall generally describe proposed actions to reduce  
16 any needs identified by the needs assessment.

17 (d) The Commissioner of Education shall provide the  
18 school boards with the technical assistance necessary to  
19 conduct the school needs assessments.

20 (e) The Florida Commission on Education Reform and  
21 Accountability and the Department of Education shall review  
22 and analyze the needs assessment information received from the  
23 school boards and shall submit a summary report on the  
24 information to the Legislature by January 1, 1992, and shall  
25 provide, upon request, the needs assessment on any individual  
26 school. By November 1, 1991, the commission shall identify a  
27 core of performance standards addressing the state's most  
28 pressing educational problems for use in the analysis of the  
29 needs assessment information.

30 (3) COMMISSIONER.--The commissioner shall be  
31 responsible for implementing and maintaining a system of

1 intensive school improvement and stringent education  
2 accountability.

3 (b) The commissioner shall be held responsible for the  
4 implementation and maintenance of the system of school  
5 improvement and education accountability outlined in this  
6 subsection. There shall be an annual determination of whether  
7 adequate progress is being made toward implementing and  
8 maintaining a system of school improvement and education  
9 accountability based, in part, on feedback required pursuant  
10 to s. 230.23~~(15)~~~~(18)~~ and submitted to the Florida Commission  
11 on Education Reform and Accountability.

12 (e) As co-chair of the Florida Commission on Education  
13 Reform and Accountability, the commissioner shall appear  
14 before the appropriate committees of the Legislature annually  
15 in October to report and recommend changes in state policy  
16 necessary to foster school improvement and education  
17 accountability. The report shall reflect the recommendations  
18 of the Florida Commission on Education Reform and  
19 Accountability. Included in the report shall be a list of the  
20 schools for which school boards have developed assistance and  
21 intervention plans and an analysis of the various strategies  
22 used by the school boards. In the fall of 1992 and 1993, the  
23 commissioner shall report in writing to the public on the  
24 current status of the state's education system. School boards  
25 shall distribute this report to the parents of all pupils in  
26 the district. Beginning with the 1993-1994 school year and  
27 each school year thereafter, school reports shall be  
28 distributed pursuant to this paragraph and s.  
29 230.23~~(15)~~~~(18)~~(e) according to guidelines adopted by the State  
30 Board of Education.

31 (4) DEPARTMENT.--

1           (c) Pursuant to s. 24.121(5)(d), the department shall  
2 not release funds from the Educational Enhancement Trust Fund  
3 to any district in which a school does not have an approved  
4 school improvement plan, pursuant to s. 230.23(15)~~(18)~~, after  
5 1 full school year of planning and development. The  
6 department shall send a technical assistance team to each  
7 school without an approved plan to develop such school  
8 improvement plan. The department shall release the funds upon  
9 approval of the plan. Notice shall be given to the public of  
10 the department's intervention and shall identify each school  
11 without a plan.

12           (6) EXCEPTIONS TO LAW.--To facilitate innovative  
13 practices and to allow local selection of educational methods  
14 during the time period required for careful deliberation by  
15 the Legislature and the Florida Commission on Education Reform  
16 and Accountability, the following time-limited exceptions  
17 shall be permitted:

18           (a) In the annual general appropriations acts, the  
19 Legislature may authorize exceptions to any laws pertaining to  
20 fiscal policies, including ss. 236.013 and 236.081, provided  
21 the intent is to give school districts increased flexibility  
22 and local control of education funds. If the General  
23 Appropriations Act does not contain a specific line-item  
24 appropriation or a specific listing within a line-item  
25 appropriation which provides funding for the programs  
26 established pursuant to the following statutes, the statute  
27 shall be held in abeyance for that fiscal year, and any  
28 approved plan for implementing said statute shall be null and  
29 void for said fiscal year: ss. 228.0855; 230.2215; 230.2305;  
30 ~~230.2318~~+231.087; 231.613; 232.257; 233.0615; 233.0678;

31

1 234.021; 236.0873; 236.083; 236.092; 236.122; 236.1225;  
2 236.1228; and 239.401.

3 (c) The Legislature authorizes that the methods and  
4 requirements of the statutes listed in paragraph (a) for which  
5 a specific line-item appropriation or a specific listing  
6 within a line-item appropriation is contained and funded in  
7 the General Appropriations Act and the following statutes may  
8 be waived for any school board so requesting, provided the  
9 general statutory purpose of each section is met and the  
10 school board has submitted a written request to the  
11 commissioner for approval pursuant to this subsection: ss.  
12 228.041(13) and (16); 229.602(5); 230.23(3)(3), ~~(4)(f)~~ and (1)  
13 ~~(5)(6)~~, (6)(7)(a), (b), and (c), and (10)(c)~~(11)(c)~~, and  
14 ~~(17)~~; 231.095; 232.01; 232.04; 232.045; 232.245; 232.2462;  
15 232.2463; 233.011; 233.34; 236.013(3) relating to the 36-hour  
16 limit; and 239.121. Graduation requirements in s. 232.246 may  
17 be met by demonstrating performance of intended outcomes for  
18 any course in the Course Code Directory if a waiver from the  
19 requirements of s. 232.2462 has been approved based upon a  
20 need identified in a school improvement plan. In developing  
21 procedures for awarding credits based on performance outcomes,  
22 districts may request waivers from State Board of Education  
23 rules relating to curriculum frameworks and credits for  
24 courses and programs in the Course Code Directory. Credit  
25 awarded for a course or program beyond that allowed by the  
26 Course Code Directory shall count as credit for electives.  
27 Upon request by any school district, the commissioner shall  
28 evaluate and establish procedures for variations in academic  
29 credits awarded toward graduation by a high school offering  
30 six periods per day compared to those awarded by high schools  
31 operating on other schedules.

1           1. A school board may originate a request for waiver  
2 and submit the request to the commissioner if such waiver is  
3 required to implement districtwide improvements.

4           2. A school board may submit a request to the  
5 commissioner for a waiver if such request is presented to the  
6 school board by a school advisory council established pursuant  
7 to s. 229.58 and if such waiver is required to implement a  
8 school improvement plan required by s. 230.23(15)~~(18)~~. The  
9 school board shall report annually to the Florida Commission  
10 on Education Reform and Accountability, in conjunction with  
11 the feedback report required pursuant to subsection (3), the  
12 number of waivers requested by school advisory councils, the  
13 number of such waiver requests approved and submitted to the  
14 commissioner, and the number of such waiver requests not  
15 approved and not submitted to the commissioner. For each  
16 waiver request not approved, the school board shall report the  
17 statute or rule for which the waiver was requested, the  
18 rationale for the school advisory council request, and the  
19 reason the request was not approved.

20           3. When approved by the commissioner, a waiver  
21 requested pursuant to this paragraph shall be for a 5-year  
22 period.

23           Section 30. Paragraphs (a) and (b) of subsection (1)  
24 of section 229.594, Florida Statutes, are amended to read:

25           229.594 Powers and duties of the commission.--

26           (1) The commission shall review and recommend  
27 procedures for a new system of school improvement and  
28 education accountability and recommend the repeal or  
29 modification of statutes, fiscal policies, and rules that  
30 stand in the way of school improvement. Specifically, the  
31 commission shall:

1 (a) Serve as an advisory body to oversee the  
2 development, establishment, implementation, and maintenance of  
3 a program of school improvement and education accountability  
4 based upon the achievement of state education goals. This  
5 responsibility shall include the following:

6 1. Holding public hearings, as determined to be  
7 necessary, in various parts of the state. The purpose of  
8 these hearings shall be to receive public comment on the  
9 status of education and suggestions regarding the  
10 establishment and implementation of a system of school  
11 improvement and education accountability. When feasible,  
12 alternative methods such as teleconferencing shall be employed  
13 to increase public involvement.

14 2. Observing the development and implementation of  
15 school improvement plans pursuant to s. 230.23(15)~~(18)~~.  
16 Particular attention shall be paid to ensuring the involvement  
17 of teachers, parents, and community in the development and  
18 implementation of individually prepared school improvement  
19 plans.

20 3. Involving the business community in the provision  
21 of needed training for school advisory councils, teachers,  
22 principals, district administrators, and school board members.

23 4. Annually recommending changes in statutes, rules,  
24 and policies needed to implement and maintain a system of  
25 school improvement and education accountability in the state.

26 (b) Review and, with assistance from the Department of  
27 Education, analyze results of school needs assessments  
28 submitted by district school boards and, by January 1, 1992,  
29 submit a report of its findings to the Legislature. The  
30 report shall include recommendations for changes in the school  
31 improvement and accountability required by s. 230.23(15)~~(18)~~



1 which are considered necessary as a result of the school needs  
2 assessments. The report shall also include a recommendation  
3 regarding the minimum number of credits, subjects, and courses  
4 that should be required by the state for regular and  
5 alternative high school diplomas; the number of hours of  
6 instruction required to receive a credit; the length of a high  
7 school day; and the number of periods per day for high  
8 schools.

9 Section 31. Section 231.085, Florida Statutes, is  
10 amended to read:

11 231.085 Duties of principals.--A district school board  
12 shall employ, through written contract, public school  
13 principals who shall supervise the operation and management of  
14 the schools and property as the board determines necessary.  
15 Each principal shall perform such duties as may be assigned by  
16 the superintendent pursuant to the rules of the school board.  
17 Such rules shall include, but not be limited to, rules  
18 relating to administrative responsibility, instructional  
19 leadership of the educational program of the school to which  
20 the principal is assigned, submission of personnel  
21 recommendations to the superintendent, administrative  
22 responsibility for records and reports, administration of  
23 corporal punishment, and student suspension. Each principal  
24 shall provide leadership in the development or revision and  
25 implementation of a school improvement plan pursuant to s.  
26 230.23(15)~~(18)~~.

27 Section 32. Section 231.095, Florida Statutes, is  
28 amended to read:

29 231.095 Teachers assigned teaching duties outside  
30 field in which certified.--When a teacher in a district school  
31 system is assigned teaching duties in a class dealing with

1 subject matter that is outside the field in which the teacher  
2 is certified, the parents or guardians of all students in the  
3 class shall be notified in writing of such assignment. Such  
4 notification shall be provided in each school's annual report  
5 required pursuant to s. 230.23(15)~~(18)~~.

6 Section 33. Paragraph (d) of subsection (1) of section  
7 231.1725, Florida Statutes, is amended to read:

8 231.1725 Employment of substitute teachers, teachers  
9 of adult education, nondegreed teachers of career education,  
10 and noncertificated teachers in critical teacher shortage  
11 areas.--

12 (1) Notwithstanding the provisions of ss. 231.02,  
13 231.15, 231.17, and 231.172 or any other provision of law or  
14 rule to the contrary, each school board shall establish the  
15 minimal qualifications for:

16 (d) Part-time and full-time noncertificated teachers  
17 in critical teacher shortage areas. The qualifications shall  
18 require the filing of fingerprints in the same manner as  
19 required by s. 231.02 and shall be based on academic training  
20 in the essential generic and specialization competencies of  
21 the instructional assignment. The school board shall be  
22 responsible for determining critical teacher shortage areas  
23 within the school district. Each school board shall annually  
24 report the number, qualifications, and areas of assignment of  
25 all noncertificated teachers employed pursuant to this  
26 paragraph during each school year. The report shall be  
27 publicly disclosed pursuant to s. 230.23(15)~~(18)~~.

28 Section 34. Section 231.381, Florida Statutes, is  
29 amended to read:

30 231.381 Transfer of sick leave and annual leave.--In  
31 implementing the provisions of ss. 230.23(3)(k)~~(4)(n)~~and

1 402.22(1)(d), educational personnel in Department of Health  
2 and Rehabilitative Services residential care facilities who  
3 are employed by a district school board may request, and the  
4 district school board shall accept, a lump-sum transfer of  
5 accumulated sick leave for such personnel to the maximum  
6 allowed by policies of the district school board,  
7 notwithstanding the provisions of s. 110.122. Educational  
8 personnel in Department of Health and Rehabilitative Services  
9 residential care facilities who are employed by a district  
10 school board under the provisions of s. 402.22(1)(d) may  
11 request, and the district school board shall accept, a  
12 lump-sum transfer of accumulated annual leave for each person  
13 employed by the district school board in a position in the  
14 district eligible to accrue vacation leave under policies of  
15 the district school board.

16 Section 35. Paragraph (b) of subsection (3) of section  
17 232.19, Florida Statutes, 1996 Supplement, is amended to read:

18 232.19 Court procedure and penalties.--The court  
19 procedure and penalties for the enforcement of the provisions  
20 of this chapter, relating to compulsory school attendance,  
21 shall be as follows:

22 (3) HABITUAL TRUANCY CASES.--The school social worker,  
23 the attendance assistant, or the school superintendent's  
24 designee if there is no school social worker or attendance  
25 assistant shall refer a student who is habitually truant and  
26 the student's family to the children-in-need-of-services and  
27 families-in-need-of-services provider or the case staffing  
28 committee, established pursuant to s. 39.426, as determined by  
29 the cooperative agreement required in this section. The case  
30 staffing committee may request the Department of Juvenile  
31 Justice or its designee to file a child-in-need-of-services

1 petition based upon the report and efforts of the school  
2 district or other community agency or may seek to resolve the  
3 truancy behavior through the school or community-based  
4 organizations or agencies. Prior to and subsequent to the  
5 filing of a child-in-need-of-services petition due to habitual  
6 truancy, the appropriate governmental agencies must allow a  
7 reasonable time to complete actions required by this  
8 subsection to remedy the conditions leading to the truant  
9 behavior. The following criteria must be met and documented in  
10 writing prior to the filing of a petition:

11 (b) In addition to the actions described in s. 232.17,  
12 the school administration must have completed the following  
13 activities to determine the cause, and to attempt the  
14 remediation, of the child's truant behavior:

15 1. After a minimum of 3 and prior to 15 unexcused  
16 absences within 90 days, one or more meetings must have been  
17 held, either in person or by phone, between a school  
18 attendance assistant or school social worker, the child's  
19 parent or guardian, and the child, if necessary, to report and  
20 to attempt to solve the truancy problem. However, if the  
21 school attendance assistant or school social worker has  
22 documented the refusal of the parent or guardian to  
23 participate in the meetings, this requirement has been met.

24 2. Educational counseling must have been provided to  
25 determine whether curriculum changes would help solve the  
26 truancy problem, and, if any changes were indicated, such  
27 changes must have been instituted but proved unsuccessful in  
28 remedying the truant behavior. Such curriculum changes may  
29 include enrollment of the child in a dropout prevention ~~an~~  
30 ~~alternative education~~ program that meets the specific  
31 educational and behavioral needs of the child, including a

1 second chance school, as provided for in s. 230.2316, designed  
2 to resolve truant behavior.

3           3. Educational evaluation, which may include  
4 psychological evaluation, must have been provided to assist in  
5 determining the specific condition, if any, that is  
6 contributing to the child's nonattendance. The evaluation  
7 must have been supplemented by specific efforts by the school  
8 to remedy any diagnosed condition.

9  
10 If a child within the compulsory school attendance age is  
11 responsive to the interventions described in this paragraph  
12 and has completed the necessary requirements to pass the  
13 current grade as indicated in the district pupil progression  
14 plan, the child shall be passed.

15           Section 36. Subsection (3) of section 232.271, Florida  
16 Statutes, 1996 Supplement, is amended to read:

17           232.271 Removal by teacher.--

18           (3) If a teacher removes a student from class under  
19 subsection (2), the principal may place the student in another  
20 appropriate classroom, in in-school suspension, or in a  
21 dropout prevention ~~an alternative education~~ program as  
22 provided by s. 230.2316; or the principal may recommend the  
23 student for out-of-school suspension or expulsion, as  
24 appropriate. The student may be prohibited from attending or  
25 participating in school-sponsored or school-related  
26 activities. The principal may not return the student to that  
27 teacher's class without the teacher's consent unless the  
28 committee established under s. 232.272 determines that such  
29 placement is the best or only available alternative. The  
30 teacher and the placement review committee must render

31

1 decisions within 5 days of the removal of the student from the  
2 classroom.

3 Section 37. Subsection (4) of section 233.0674,  
4 Florida Statutes, is amended to read:

5 233.0674 Biological experiments on living subjects.--

6 (4) PENALTY.--In the event that any instructional  
7 employee of a public high school or area technical center  
8 knowingly or intentionally fails or refuses to comply with any  
9 of the provisions of this section, the school board, acting as  
10 a board, may suspend, dismiss, return to annual contract, or  
11 otherwise discipline such employee as provided in s.

12 230.23(4)~~(5)~~(f) in accordance with procedures established in  
13 chapter 231. In the event that any instructional employee of  
14 any nonpublic school knowingly or intentionally fails or  
15 refuses to comply with the provisions of this section, the  
16 governing authority of such school may suspend, dismiss, or  
17 otherwise discipline such employee in accordance with its  
18 standard personnel procedures.

19 Section 38. Subsection (4) of section 235.014, Florida  
20 Statutes, is amended to read:

21 235.014 Functions of the department.--The functions of  
22 the department shall include, but not be limited to, the  
23 following; it shall:

24 (4) Require each board, including the Board of  
25 Regents, all agencies of the state, and other appropriate  
26 agencies to submit complete and accurate financial data as to  
27 the amounts of funds from all sources that are available for  
28 construction and capital improvements. The commissioner shall  
29 prescribe the format and the date for the submission of this  
30 data and any other educational facilities data. If any  
31 district does not submit the required educational facilities

1 fiscal data by the prescribed date, the commissioner shall  
2 notify the district school board of this fact and, if  
3 appropriate action is not taken to immediately submit the  
4 required report, the district school board shall be directed  
5 to proceed pursuant to the provisions of s. 230.23~~(10)~~(11)(b).  
6 If any community college or university does not submit the  
7 required educational facilities fiscal data by the prescribed  
8 date, the same policy prescribed above for school districts  
9 shall be implemented.

10 Section 39. Paragraph (c) of subsection (2) of section  
11 236.013, Florida Statutes, is amended to read:

12 236.013 Definitions.--Notwithstanding the provisions  
13 of s. 228.041, the following terms are defined as follows for  
14 the purposes of this act:

15 (2) A "full-time equivalent student" in each program  
16 of the district is defined in terms of full-time students and  
17 part-time students as follows:

18 (c)1. A "full-time equivalent student" is:

19 a. A full-time student in any one of the programs  
20 listed in s. 236.081(1)(c); or

21 b. A combination of full-time or part-time students in  
22 any one of the programs listed in s. 236.081(1)(c) which is  
23 the equivalent of one full-time student based on the following  
24 calculations:

25 (I) A full-time student, except a postsecondary or  
26 adult student or a senior high school student enrolled in  
27 adult education when such courses are required for high school  
28 graduation, in a combination of programs listed in s.  
29 236.081(1)(c) shall be a fraction of a full-time equivalent  
30 membership in each special program equal to the number of net  
31 hours per school year for which he or she is a member, divided

1 by the appropriate number of hours set forth in subparagraph  
2 (a)1. or subparagraph (a)2.; the difference between that  
3 fraction or sum of fractions and the maximum value as set  
4 forth in subsection (5) for each full-time student is presumed  
5 to be the balance of the student's time not spent in such  
6 special education programs and shall be recorded as time in  
7 the appropriate basic program.

8 (II) A student in the basic half-day kindergarten  
9 program of not less than 450 net hours shall earn one-half of  
10 a full-time equivalent membership.

11 (III) A half-day kindergarten student in a combination  
12 of programs listed in s. 236.081(1)(c) is a fraction of a  
13 full-time equivalent membership in each special program equal  
14 to the number of net hours or major portion thereof per school  
15 year for which he or she is a member divided by the number of  
16 hours set forth in sub-sub-subparagraph (II); the difference  
17 between that fraction and the number of hours set forth in  
18 sub-sub-subparagraph (II) for each full-time student in  
19 membership in a half-day kindergarten program is presumed to  
20 be the balance of the student's time not spent in such special  
21 education programs and shall be recorded as time in the  
22 appropriate basic program.

23 (IV) A part-time student, except a postsecondary or  
24 adult student, is a fraction of a full-time equivalent  
25 membership in each basic and special program equal to the  
26 number of net hours or major fraction thereof per school year  
27 for which he or she is a member, divided by the appropriate  
28 number of hours set forth in subparagraph (a)1. or  
29 subparagraph (a)2.

30 (V) A postsecondary or adult student or a senior high  
31 school student enrolled in adult education when such courses



1 are required for high school graduation is a portion of a  
2 full-time equivalent membership in each special program equal  
3 to the net hours or major fraction thereof per fiscal year for  
4 which he or she is a member, divided by the appropriate number  
5 of hours set forth in subparagraph (a)1. or subparagraph (a)2.

6 (VI) A full-time student who is part of a program  
7 authorized by subparagraph (a)3. in a combination of programs  
8 listed in s. 236.081(1)(c) is a fraction of a full-time  
9 equivalent membership in each regular or special program equal  
10 to the number of net hours per school year for which he or she  
11 is a member, divided by the appropriate number of hours set  
12 forth in subparagraph (a)1. or subparagraph (a)2.

13 (VII) A prekindergarten handicapped student shall meet  
14 the requirements specified for kindergarten students.

15 2. A student in membership in a program scheduled for  
16 more or less than 180 school days is a fraction of a full-time  
17 equivalent membership equal to the number of instructional  
18 hours in membership divided by the appropriate number of hours  
19 set forth in subparagraph (a)1.; however, for the purposes of  
20 this subparagraph, membership in programs scheduled for more  
21 than 180 days is limited to:

- 22 a. Special programs for exceptional students;  
23 b. Special vocational-technical programs;  
24 c. Special adult general education programs;  
25 d. Dropout prevention programs ~~provided for those~~  
26 ~~students who were in membership in substance abuse or youth~~  
27 ~~services programs~~ as defined in s. 230.2316 or teenage parent  
28 programs as defined in s. 230.23166 for students ~~and are~~ in  
29 need of such additional instruction;  
30 e. ~~Students at risk programs provided for those~~  
31 ~~students who were in membership in an educational alternative~~

1 ~~or disciplinary program in dropout prevention programs as~~  
2 ~~defined in s. 230.2316 or~~ Programs in English for speakers of  
3 other languages as defined in s. 233.058 for students who were  
4 in membership for all of the last 15 days of the 180-day term  
5 or a total of 30 days within the 180-day term and are in need  
6 of such additional instruction;

7 f. Other basic programs offered for promotion or  
8 credit instruction as defined by rules of the state board; and

9 g. Programs which modify the school year to  
10 accommodate the needs of children who have moved with their  
11 parents for the purpose of engaging in the farm labor or fish  
12 industries, provided such programs are approved by the  
13 commissioner.

14  
15 The department shall determine and implement an equitable  
16 method of equivalent funding for experimental schools and for  
17 schools operating under emergency conditions, which schools  
18 have been approved by the department under the provisions of  
19 s. 228.041(13) to operate for less than the minimum school  
20 day.

21 Section 40. Paragraphs (d) and (f) of subsection (1)  
22 of section 236.081, Florida Statutes, 1996 Supplement, are  
23 amended to read:

24 236.081 Funds for operation of schools.--If the annual  
25 allocation from the Florida Education Finance Program to each  
26 district for operation of schools is not determined in the  
27 annual appropriations act or the substantive bill implementing  
28 the annual appropriations act, it shall be determined as  
29 follows:

30 (1) COMPUTATION OF THE BASIC AMOUNT TO BE INCLUDED FOR  
31 OPERATION.--The following procedure shall be followed in

1 determining the annual allocation to each district for  
2 operation:

3 (d) Annual allocation calculation.--

4 1. The Department of Education is authorized and  
5 directed to review all district programs and enrollment  
6 projections and calculate a maximum total weighted full-time  
7 equivalent student enrollment for each district.

8 2. Maximum enrollments calculated by the department  
9 shall be derived from enrollment estimates used by the  
10 Legislature to calculate the FEFP. If two or more districts  
11 enter into an agreement under the provisions of s.  
12 230.23(3)~~(4)~~(d), after the final enrollment estimate is agreed  
13 upon, the amount of FTE specified in the agreement, not to  
14 exceed the estimate for the specific program as identified in  
15 paragraph (c), may be transferred from the participating  
16 districts to the district providing the program.

17 3. As part of its calculation of each district's  
18 maximum total weighted full-time equivalent student  
19 enrollment, the department shall establish separate enrollment  
20 ceilings for each of three program groups. Group 1 shall be  
21 composed of grades K-3, grades 4-8, and grades 9-12. Group 2  
22 shall be composed of students-at-risk programs, all basic  
23 programs other than the programs in group 1, all exceptional  
24 child programs, and all vocational programs in grades 7-12.  
25 Group 3 shall be composed of all adult education programs.

26 a. The weighted enrollment ceiling for group 2 and  
27 group 3 programs shall be calculated by multiplying the final  
28 enrollment conference estimate for each program by the  
29 appropriate program weight. The weighted enrollment ceiling  
30 for program groups 2 and 3 shall be the sum of the weighted  
31 enrollment ceilings for each program in the program group,

1 plus the increase in weighted full-time equivalent student  
2 membership from the prior year for clients of the Department  
3 of Health and Rehabilitative Services.

4       b. If, for any calculation of the FEFP, the weighted  
5 enrollment for either program group 2 or group 3, derived by  
6 multiplying actual enrollments by appropriate program weights,  
7 exceeds the enrollment ceiling for that group, the following  
8 procedure shall be followed to reduce the weighted enrollment  
9 for that group to equal the enrollment ceiling:

10           (I) The weighted enrollment ceiling for each program  
11 in the program group shall be subtracted from the weighted  
12 enrollment for that program derived from actual enrollments.

13           (II) If the difference calculated under  
14 sub-sub-subparagraph (I) is greater than zero for any program,  
15 a reduction proportion shall be computed for the program by  
16 dividing the absolute value of the difference by the total  
17 amount by which the weighted enrollment for the program group  
18 exceeds the weighted enrollment ceiling for the program group.

19           (III) The reduction proportion calculated under  
20 sub-sub-subparagraph (II) shall be multiplied by the total  
21 amount of the program group's enrollment over the ceiling as  
22 calculated under sub-sub-subparagraph (I).

23           (IV) The prorated reduction amount calculated under  
24 sub-sub-subparagraph (III) shall be subtracted from the  
25 program's weighted enrollment. For any calculation of the  
26 FEFP, the enrollment ceiling for group 1 shall be calculated  
27 by multiplying the actual enrollment for each program in the  
28 program group by its appropriate program weight.

29       c. For program groups 2 and 3, the weighted enrollment  
30 ceiling shall be a number not less than the sum obtained by:

31

1 (I) Multiplying the sum of reported FTE for all  
2 programs in the program group that have a cost factor of 1.0  
3 or more by 1.0, and

4 (II) By adding this number to the sum obtained by  
5 multiplying the projected FTE for all programs with a cost  
6 factor less than 1.0 by the actual cost factor.

7 (f) Exceptional mainstream allocation.--A student  
8 properly classified as an exceptional student pursuant to s.  
9 230.23(3)(j)~~(4)(m)~~ and eligible for a special program for  
10 exceptional students identified in subparagraph (c)2.,  
11 excluding gifted part-time, may, as a condition of such  
12 student's individualized educational plan, be assigned to a  
13 basic or vocational mainstream program on a part-time basis.  
14 Physically impaired students may be assigned to a basic or  
15 vocational mainstream program on a part-time or full-time  
16 basis. The basic program cost factor or aggregated vocational  
17 program cost factor for such mainstreamed students shall be  
18 doubled for the purpose of generating weighted full-time  
19 equivalent membership for time served in the program, provided  
20 such students are furnished with required special services,  
21 aids, or equipment in accordance with their individualized  
22 educational plan. The Department of Education may promulgate  
23 rules needed to implement this paragraph.

24 Section 41. Paragraph (e) of subsection (2) of section  
25 236.25, Florida Statutes, is amended to read:

26 236.25 District school tax.--

27 (2) In addition to the maximum millage levy as  
28 provided in subsection (1), each school board may levy not  
29 more than 2 mills against the taxable value for school  
30 purposes to fund:

31

1           (e) Payments for educational facilities and sites due  
2 under a lease-purchase agreement entered into by a school  
3 board pursuant to s. 230.23(8)~~(9)~~(b)5. or s. 235.056(2), not  
4 exceeding, in the aggregate, an amount equal to one-half of  
5 the proceeds from the millage levied by a school board  
6 pursuant to this subsection.

7  
8 Violations of these expenditure provisions shall result in an  
9 equal dollar reduction in the Florida Education Finance  
10 Program (FEFP) funds for the violating district in the fiscal  
11 year following the audit citation.

12           Section 42. Paragraph (b) of subsection (6) of section  
13 237.211, Florida Statutes, is amended to read:

14           237.211 School depositories; payments into and  
15 withdrawals from depositories.--

16           (6) EXEMPTION FOR SELF-INSURANCE PROGRAMS AND  
17 THIRD-PARTY ADMINISTERED EMPLOYEES' FRINGE BENEFIT PROGRAMS.--

18           (b) The school board is authorized to contract with an  
19 insurance company or professional administrator who holds a  
20 valid certificate of authority issued by the Department of  
21 Insurance to provide any or all services that a third-party  
22 administrator is authorized by law to perform. Pursuant to  
23 such contract, the school board may advance or remit money to  
24 the administrator to be deposited in a designated special  
25 checking account for paying claims against the school board  
26 under its self-insurance programs, and remitting premiums to  
27 the providers of insured benefits on behalf of the school  
28 board and the participants in such programs, and otherwise  
29 fulfilling the obligations imposed upon the administrator by  
30 law and the contractual agreements between the school board  
31 and the administrator. The special checking account shall be

1 maintained in a designated district school depository. The  
2 school board may replenish such account as often as necessary  
3 upon the presentation by the service organization of  
4 documentation for claims or premiums due paid equal to the  
5 amount of the requested reimbursement. Such replenishment  
6 shall be made by a warrant signed by the chair of the board  
7 and countersigned by the superintendent. Such replenishment  
8 may be made by electronic, telephonic, or other medium, and  
9 each transfer shall be confirmed in writing and signed by the  
10 superintendent or his or her designee. The provisions of  
11 strict accountability of all funds and an annual audit by an  
12 independent certified public accountant as provided in s.  
13 230.23(9)~~(10)~~(1) shall apply to this subsection.

14 Section 43. Subsection (7) of section 239.101, Florida  
15 Statutes, is amended to read:

16 239.101 Legislative intent.--

17 (7) The Legislature finds that career education is a  
18 crucial component of the educational programs conducted within  
19 school districts and community colleges. Accordingly, career  
20 education must be represented in accountability processes  
21 undertaken for educational institutions. It is the intent of  
22 the Legislature that the vocational standards articulated in  
23 s. 239.229(2) be considered in the development of  
24 accountability measures for public schools pursuant to ss.  
25 229.591, 229.592, 229.593, 229.594, and 230.23(15)~~(18)~~and for  
26 community colleges pursuant to s. 240.324.

27 Section 44. Subsections (1) and (3) of section  
28 239.229, Florida Statutes, are amended to read:

29 239.229 Vocational standards.--

30 (1) The purpose of career education is to enable  
31 students who complete vocational programs to attain and

1 sustain employment and realize economic self-sufficiency. The  
2 purpose of this section is to identify issues related to  
3 career education for which school boards and community college  
4 boards of trustees are accountable. It is the intent of the  
5 Legislature that the standards articulated in subsection (2)  
6 be considered in the development of accountability standards  
7 for public schools pursuant to ss. 229.591, 229.592, 229.593,  
8 229.594, and 230.23(15)~~(18)~~and for community colleges  
9 pursuant to s. 240.324.

10 (3) Each area technical center operated by a school  
11 board shall establish a center advisory council pursuant to s.  
12 229.58. The center advisory council shall assist in the  
13 preparation and evaluation of center improvement plans  
14 required pursuant to s. 230.23(15)~~(18)~~and may provide  
15 assistance, upon the request of the center director, in the  
16 preparation of the center's annual budget and plan as required  
17 by s. 229.555(1).

18 Section 45. Subsection (8) of section 402.22, Florida  
19 Statutes, 1996 Supplement, is amended to read:

20 402.22 Education program for students who reside in  
21 residential care facilities operated by the Department of  
22 Health and Rehabilitative Services.--

23 (8) Notwithstanding the provisions of s.  
24 230.23(3)(k)~~(4)(n)~~, the educational programs at Arthur Dozier  
25 School for Boys and the Marianna Sunland Center in Jackson  
26 County and the Florida School for Boys in Okeechobee shall be  
27 operated by the Department of Education, either directly or  
28 through grants or contractual agreements with other public  
29 educational agencies. The annual state allocation to any such  
30 agency shall be computed pursuant to s. 236.081(1), (2), and  
31 (5) and allocated in the amount that would have been provided



1 the local school district in which the residential facility is  
2 located.

3 Section 46. This act shall take effect July 1, 1997.

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HOUSE SUMMARY

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8 Revises provisions relating to the district school  
9 system. Provides for greater emphasis on local control.  
10 Merges and amends current statutes relating to  
11 alternative methods for electing school board members and  
12 selecting a superintendent of schools. Repeals sections  
13 relating to the Florida Council on Student Services, the  
14 school resource officer program, educational  
15 communications systems, and education programs in  
16 correctional facilities. (See bill for details.)

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