

By the Committee on Education/K-12 and Representative Culp

1                                   A bill to be entitled  
2           An act relating to education; amending s.  
3           230.03, F.S., relating to management of the  
4           district school system; providing authority for  
5           rules, procedures, and policies; correcting a  
6           cross reference; repealing s. 230.105(9), F.S.,  
7           relating to ballot proposition wording for  
8           single-member representation for district  
9           school boards; amending s. 230.22, F.S.;  
10          revising provisions relating to general powers  
11          of school boards; amending s. 230.23, F.S.;  
12          revising provisions relating to powers and  
13          duties of school boards; amending s. 230.2301,  
14          F.S.; revising provisions relating to parent  
15          meetings with school district personnel;  
16          repealing s. 230.23135, F.S., relating to the  
17          Florida Council on Student Services; amending  
18          s. 230.2316, F.S.; revising provisions relating  
19          to dropout prevention; deleting definitions,  
20          certain program criteria, and provisions  
21          requiring program plans and staff development;  
22          amending s. 230.23161, F.S.; correcting a cross  
23          reference; amending s. 230.2317, F.S.; revising  
24          provisions relating to multiagency services for  
25          students with severe emotional disturbance;  
26          amending s. 230.2318, F.S.; authorizing school  
27          resource officer programs; deleting program  
28          purposes and plan requirements; amending s.  
29          230.303, F.S.; deleting obsolete language;  
30          amending s. 230.33, F.S.; revising provisions  
31          relating to duties and responsibilities of

1           superintendents; amending s. 230.331, F.S.,  
2           relating to reproduction and destruction of  
3           district school records; amending s. 230.35,  
4           F.S., relating to schools under the control of  
5           the school board and superintendent; repealing  
6           ss. 230.59, 230.655, and 230.71, F.S., relating  
7           to educational communications systems,  
8           education programs in correctional facilities,  
9           and intergenerational school volunteer  
10          programs; amending s. 232.01, F.S., and  
11          repealing ss. 232.04 and 232.045, F.S.;  
12          combining provisions relating to school  
13          attendance requirements; amending s. 232.021,  
14          F.S.; conforming provisions; amending s.  
15          232.0225, F.S.; revising provisions relating to  
16          absence for religious instruction or holidays;  
17          repealing s. 232.023, F.S., relating to  
18          falsification of attendance records; amending  
19          s. 232.03, F.S.; correcting cross references;  
20          repealing s. 232.032(2) and 232.034, F.S.,  
21          relating to an investigation of tuberculosis  
22          incidence and a medical exemption for  
23          transporting students; amending s. 232.06,  
24          F.S.; revising provisions relating to school  
25          attendance certificates of exemption; amending  
26          s. 232.09, F.S.; correcting a cross reference;  
27          repealing ss. 232.10, 232.13, and 232.165,  
28          F.S., relating to explanation of student  
29          absence, reports of exceptional children, and  
30          nonissuance or suspension of driver's license  
31          based on student enrollment; amending s.

1           232.17, F.S.; revising provisions relating to  
2           enforcement of school attendance; deleting  
3           reference to attendance assistants; amending s.  
4           232.19, F.S.; conforming provisions; repealing  
5           ss. 232.245(2) and (3) and 232.2452, F.S.,  
6           relating to requirements for school district  
7           programs for pupil progression and report  
8           cards; repealing s. 232.2461, F.S., relating to  
9           model curriculum standards; amending s.  
10          232.2462, F.S.; deleting attendance  
11          requirements for receipt of high school credit;  
12          amending s. 232.2468, F.S., and repealing  
13          subsections (2) and (3), relating to  
14          graduation, habitual truancy, and dropout  
15          rates; repealing ss. 232.257 and 232.258, F.S.,  
16          relating to the School Safety Program and  
17          school and community resource grants; amending  
18          s. 232.271, F.S.; conforming provisions;  
19          repealing ss. 232.276, 232.3015, 232.303, and  
20          232.304, F.S., relating to parenting workshops,  
21          outreach programs, interagency student  
22          services, and multiagency coordinating  
23          councils; repealing s. 233.011, F.S., relating  
24          to accountability in curriculum, instructional  
25          materials, and testing; amending s. 233.061,  
26          F.S.; revising provisions relating to required  
27          instruction; creating s. 233.0612, F.S.;  
28          providing authorized instruction; repealing ss.  
29          233.0615, 233.06411, 233.0645, 233.065,  
30          233.0661, 233.0662, 233.0663(2), (3), (4), (5),  
31          (6), and (7), 233.067, 233.0671, 233.0672, and

1 233.068(3) and (4), F.S., relating to a  
2 character development and law education  
3 program, a free enterprise and consumer  
4 education program, voting instruction,  
5 patriotic programs, certain requirements of the  
6 drug abuse and resistance education program,  
7 comprehensive health education and substance  
8 abuse prevention, courses of study in the care  
9 of nursing home patients, instruction in  
10 acquired immune deficiency syndrome, and  
11 planning and implementation of a career  
12 development and applied technology program;  
13 amending s. 233.07, F.S.; deleting obsolete  
14 language; renumbering s. 234.041, F.S.,  
15 relating to school buses; repealing s.  
16 234.0515, F.S., relating to transportation of  
17 students by private transportation companies;  
18 repealing ss. 234.061 and 234.091, F.S.,  
19 relating to designation of routes and school  
20 bus driver qualifications, to conform; amending  
21 and renumbering s. 234.302, F.S., relating to  
22 school crossing guards; amending ss. 24.121,  
23 39.01, 228.053, 228.061, 229.0535, 229.565,  
24 229.58, 229.592, 229.594, 229.8055, 231.085,  
25 231.095, 231.1725, 236.013, 236.081, 236.0811,  
26 236.0812, 236.1228, 239.101, 239.229, 397.405,  
27 402.22, 415.5015, 450.121, 493.6102, and  
28 561.025, F.S.; correcting cross references,  
29 conforming language, and deleting obsolete  
30 language; amending s. 236.24, F.S.; clarifying  
31 language relating to school board securities

1 transactions; repealing s. 236.0842, F.S.,  
2 relating to approval for dropout prevention  
3 programs, to conform; providing an effective  
4 date.

5  
6 Be It Enacted by the Legislature of the State of Florida:

7  
8 Section 1. Subsections (2) and (4) of section 230.03,  
9 Florida Statutes, are amended to read:

10 230.03 Management, control, operation, administration,  
11 and supervision.--The district school system shall be managed,  
12 controlled, operated, administered, and supervised as follows:

13 (2) SCHOOL BOARD.--In accordance with the provisions  
14 of s. 4(b) of Art. IX of the State Constitution, district  
15 school boards shall operate, control, and supervise all free  
16 public schools in their respective districts and may exercise  
17 any power except as expressly prohibited by the State  
18 Constitution or general law. This shall constitute specific  
19 authority for rules, procedures, and policies pursuant to this  
20 subsection.

21 (4) PRINCIPAL OR HEAD OF SCHOOL.--Responsibility for  
22 the administration of any school or schools at a given school  
23 center, for the supervision of instruction therein, and for  
24 providing leadership in the development or revision and  
25 implementation of a school improvement plan required pursuant  
26 to s. 230.23(16)~~(18)~~ shall be delegated to the principal or  
27 head of the school or schools as hereinafter set forth and in  
28 accordance with rules established by the school board.

29 Section 2. Subsection (9) of section 230.105, Florida  
30 Statutes, is hereby repealed.

31

1           Section 3. Section 230.22, Florida Statutes, is  
2 amended to read:

3           230.22 General powers of school board.--The school  
4 board, after considering recommendations submitted by the  
5 superintendent, shall exercise the following general powers:

6           (1) ~~DETERMINE POLICIES AND PROGRAMS.~~ The school board  
7 ~~shall~~ Determine ~~and adopt such~~ policies and programs ~~as are~~  
8 deemed necessary by it for the efficient operation and general  
9 improvement of the district school system.

10           (2) ~~ADOPT RULES AND REGULATIONS.~~ The school board  
11 ~~shall~~ Adopt such rules and regulations to supplement those  
12 prescribed by the state board as in its opinion will  
13 contribute to the more orderly and efficient operation of the  
14 district school system.

15           (3) ~~PRESCRIBE MINIMUM STANDARDS.~~ Prescribe and ~~The~~  
16 ~~school board shall~~ adopt ~~such minimum~~ standards as are  
17 considered desirable by it for improving the district school  
18 system.

19           (4) ~~CONTRACT, SUE, AND BE SUED.~~ Contract, sue, and be  
20 sued. The school board shall constitute the contracting agent  
21 for the district school system. ~~It may, when acting as a~~  
22 ~~body, make contracts, also sue and be sued in the name of the~~  
23 ~~school board; provided, that in any suit, a change in~~  
24 ~~personnel of the school board shall not abate the suit, which~~  
25 ~~shall proceed as if such change had not taken place.~~

26           (5) ~~PERFORM DUTIES AND EXERCISE RESPONSIBILITY.~~ The  
27 ~~school board may~~ Perform ~~those~~ duties and exercise those  
28 responsibilities which are assigned to it by law or by rules  
29 regulations of the state board and, in addition thereto, those  
30 which it may find to be necessary for the improvement of the  
31 district school system in carrying out the purposes and

1 objectives of the school code. ~~The Legislature recognizes the~~  
2 ~~necessity for well informed school board members and the~~  
3 ~~benefits to education that may be obtained through board~~  
4 ~~member participation in professional development and training~~  
5 ~~seminars and related activities at the district, state, and~~  
6 ~~national levels.~~

7 (6) ~~ASSIGNMENT OF STUDENTS TO SCHOOLS.~~ Assign The  
8 school board shall provide for the proper assignment of  
9 students to schools and other educational programs  
10 administered by the school district or by another agency or  
11 private provider through contract with the school board,  
12 taking into consideration control of students at school,  
13 student safety, placement of students in an appropriate  
14 educational program, and maintenance of an educational  
15 environment conducive to learning.

16 Section 4. Section 230.23, Florida Statutes, 1996  
17 Supplement, is amended to read:

18 230.23 Powers and duties of school board.--The school  
19 board, acting as a board, shall exercise all powers and  
20 perform all duties listed below:

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

25 (a) Minutes, recording.--The ~~typed~~ minutes of each  
26 meeting shall be reviewed, corrected if necessary, and  
27 approved at the next regular meeting; provided, that this  
28 action may be taken at an intervening special meeting if the  
29 board desires. The minutes shall be ~~signed by the chair and~~  
30 ~~superintendent after approval and shall be kept as a public~~  
31

1 record in a permanent location, ~~bound book in the~~  
2 ~~superintendent's office.~~

3 (b) Minutes, contents.--The minutes shall show the  
4 vote of each member present on all matters on which the board  
5 takes action. It shall be the duty of each member to see to  
6 it that both the matter and his or her vote thereon are  
7 properly recorded in the minutes. Unless otherwise shown by  
8 the minutes, it shall be presumed that the vote of each member  
9 present supported any action taken by the board in either the  
10 exercise of, violation of, or neglect of the powers and duties  
11 imposed upon the board by law or legal regulation, whether  
12 such action is recorded in the minutes or is otherwise  
13 established. It shall also be presumed that the policies,  
14 appointments, programs, and expenditures not recorded in the  
15 minutes but made and actually in effect in the district school  
16 system were made and put into effect at the direction of the  
17 school board, unless it can be shown that they were done  
18 without the actual or constructive knowledge of the members of  
19 the board.

20 (2) CONTROL PROPERTY.--Subject to rules regulations of  
21 the state board, control ~~retain possession of all property to~~  
22 ~~which title is now held by the school board and to obtain~~  
23 ~~possession of and accept and hold under proper title as a body~~  
24 ~~corporate by the name of "The School Board of .... County,~~  
25 ~~Florida," all property which may at any time be acquired by~~  
26 ~~the school board for educational purposes in the district;~~  
27 ~~manage and dispose of such property to the best interests of~~  
28 ~~education; contract, sue, receive, purchase, acquire by the~~  
29 ~~institution of condemnation proceedings if necessary, lease,~~  
30 ~~sell, hold, transmit, and convey the title to real and~~  
31 ~~personal property, all contracts to be based on resolutions~~



1 ~~previously adopted and spread upon the minutes of the school~~  
2 ~~board; receive, hold in trust, and administer for the purpose~~  
3 ~~designated, money, real and personal property, or other things~~  
4 ~~of value granted, conveyed, devised, or bequeathed for the~~  
5 ~~benefit of the schools of the district or of any one of them.~~

6 (3) ADOPT SCHOOL PROGRAM.--Adopt a school program for  
7 the entire school district ~~Authorize the assembling of all~~  
8 ~~data and the making of school surveys essential to the~~  
9 ~~development of a school program for the entire district and to~~  
10 ~~adopt such a program as the basis for operating the schools,~~  
11 ~~one phase of the program to be a 5-year program and another~~  
12 ~~phase to constitute the annual program.~~

13 (4) ESTABLISHMENT, ORGANIZATION, AND OPERATION OF  
14 SCHOOLS.--Adopt and provide for the execution of plans for the  
15 establishment, organization, and operation of the schools of  
16 the district, including, but not limited to, the following as  
17 follows:

18 (a) Schools and enrollment plans attendance  
19 areas.--Establish schools and adopt enrollment plans that may  
20 include school attendance areas and open enrollment provisions  
21 ~~<O>After considering recommendations of the superintendent, to~~  
22 ~~authorize schools to be located and maintained in those~~  
23 ~~communities in the district where they are needed to~~  
24 ~~accommodate, as far as practicable and without unnecessary~~  
25 ~~expense, all the youths who should be entitled to the~~  
26 ~~facilities of such schools and to approve the area from which~~  
27 ~~children are to attend each such school.~~

28 (b) Elimination of school centers and consolidation of  
29 schools.--Provide for the elimination of school centers within  
30 the district and for the consolidation of schools whenever the  
31 needs of pupils can better and more economically be served at

1 ~~other school centers than those which they have been~~  
2 ~~attending.~~

3 (c) Adequate educational facilities for all children  
4 without tuition.--Provide ~~See that~~ adequate educational  
5 facilities ~~are provided through the uniform system of schools~~  
6 for all children without payment of tuition of school age in  
7 ~~the district, these facilities to be provided with due regard~~  
8 ~~to the needs of the children on the one hand and to economy on~~  
9 ~~the other.~~

10 (d) Cooperate with boards of adjoining districts in  
11 maintaining schools.--Approve plans for cooperating with  
12 school boards of adjoining districts in this state or in  
13 adjoining states for establishing school attendance areas  
14 composed of territory lying within the districts and for the  
15 joint maintenance of district-line schools or other schools  
16 which are to serve those attendance areas. The conditions of  
17 such cooperation shall be as follows:

18 1. Establishment.--The establishment of a school to  
19 serve attendance areas lying in more than one district and the  
20 plans for maintaining the school and providing educational  
21 services to pupils shall be effected by annual resolutions  
22 spread upon the minutes of each school board concerned, which  
23 resolutions shall set out the territorial limits of the areas  
24 from which children are to attend the school and the plan to  
25 be followed in maintaining and operating the school.

26 2. Control.--Control of the school or schools involved  
27 shall be vested in the school board of the district in which  
28 the school or schools are located unless otherwise agreed by  
29 the school boards.

30 3. Settlement of disagreements.--In the event an  
31 agreement cannot be reached relating to such attendance areas

1 or to the school or schools therein, the matter may be  
2 referred jointly by the cooperating school boards or by either  
3 school board to the Department of Education for decision under  
4 regulations of the state board, and its decision shall be  
5 binding on both school boards.

6 (e) Classification and standardization of  
7 schools.--Provide for the classification and standardization  
8 of schools ~~Adopt plans and regulations for determining those~~  
9 ~~school centers at which work is to be restricted to the~~  
10 ~~elementary grades, school centers at which work is to be~~  
11 ~~offered only in the high school grades, and school centers at~~  
12 ~~which work is to be offered in any or all grades, and in~~  
13 ~~accordance with such plans and regulations to determine the~~  
14 ~~grade or grades in which work is to be offered at each school~~  
15 ~~center; approve standards and regulations for classifying and~~  
16 ~~standardizing the various schools of the district on such~~  
17 ~~basis as to furnish incentive for the improvement of all~~  
18 ~~schools.~~

19 (f) Opening and closing of schools; fixing uniform  
20 date.--Adopt policies ~~Fix, insofar as possible, a uniform date~~  
21 ~~each year for the opening and closing of all schools and fix~~  
22 uniform dates. ~~under its control, on which date, unless~~  
23 ~~otherwise authorized by the school board, all schools shall~~  
24 ~~open, in order that the keeping of records, the making of~~  
25 ~~reports, the payment of salaries, and the supervision of~~  
26 ~~instruction may be facilitated; and fix the closing date for~~  
27 ~~all schools in the district, these dates to be so determined~~  
28 ~~as to assure, as far as practicable, uniform terms for all~~  
29 ~~schools in the district; adopt rules for the closing of~~  
30 ~~schools during an emergency and to provide for the payment of~~  
31 ~~salaries to the members of the instructional staff on such~~

1 ~~occasions. However, notwithstanding any of the foregoing, any~~  
2 ~~school board may in its discretion operate any or all of the~~  
3 ~~district schools on an extended term basis, provided the board~~  
4 ~~notifies the Commissioner of Education of its plans for an~~  
5 ~~extended school year on or before January 1 preceding the~~  
6 ~~extended school term. However, notwithstanding any of the~~  
7 ~~foregoing, any school board may, in its discretion, operate~~  
8 ~~any of the district schools on a quarterly basis; provided~~  
9 ~~that:~~  
10       ~~1. All educational requirements required by law are~~  
11 ~~complied with.~~  
12       ~~2. Any school board so instituting a 12-month school~~  
13 ~~program shall have full authority in the assignment of pupils~~  
14 ~~to equalize the number of pupils attending the schools during~~  
15 ~~any student attendance period, in order to utilize school~~  
16 ~~facilities to the maximum extent on a year-round basis, and~~  
17 ~~shall also have full authority to enter into contracts with~~  
18 ~~principals, teachers, and other school personnel for~~  
19 ~~employment on a 12-month basis at the same rate of monthly~~  
20 ~~compensation.~~  
21       ~~3. Such school board, when classroom facilities and~~  
22 ~~teacher availability permit, may allow the parents or guardian~~  
23 ~~of any child the choice of such child attending all or any~~  
24 ~~particular three out of the four quarters during the year or,~~  
25 ~~if a quinmester plan is operational, all or any four out of~~  
26 ~~five quinesters.~~  
27       ~~4. Any school board planning a 12-month school program~~  
28 ~~shall notify the Department of Education of such plans on or~~  
29 ~~before January 1 preceding the school year in which the plan~~  
30 ~~is to become operative.~~  
31

1           (g) Observance of school holidays and vacation  
2 periods.--~~Approve and~~ Designate the observance of school  
3 ~~holidays to be observed during the year, except for~~  
4 ~~emergencies, and approve and designate the school~~ vacation  
5 periods.

6           (h) Vocational classes and schools.--Provide for the  
7 establishment and maintenance of vocational schools,  
8 departments, or classes, giving instruction in career  
9 education as defined by regulations of the state board, and  
10 use any moneys raised by public taxation in the same manner as  
11 moneys for other school purposes are used for the maintenance  
12 and support of public schools or classes.

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

28           (j) Cooperate with other agencies in joint  
29 projects.--Cooperate with other agencies in joint projects.  
30 ~~Adopt plans for cooperating with school boards of other~~  
31 ~~districts in this state or in adjoining states or with other~~

1 ~~governmental agencies or with nonprofit corporations as~~  
2 ~~provided in this act for such joint projects or activities as~~  
3 ~~may be authorized by regulations of the state board. The~~  
4 ~~conditions of such cooperation shall be as follows:~~

5       1. ~~Establishment.--The project or activity shall be~~  
6 ~~initiated by resolutions spread upon the minutes of each~~  
7 ~~school board concerned.~~

8       2. ~~Control.--The control and ownership of any physical~~  
9 ~~property and the control and administration of any project or~~  
10 ~~activity engaged in under the provisions of this section shall~~  
11 ~~be vested in the school board of the district of location~~  
12 ~~unless otherwise agreed by the school boards or unless the~~  
13 ~~project or activity is undertaken as authorized in~~  
14 ~~subparagraph 3.~~

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

23       4. ~~Settlement of disagreements.--In the event an~~  
24 ~~agreement cannot be reached relating to any phase of the~~  
25 ~~project or activity, the matter may be referred jointly by the~~  
26 ~~cooperating school boards, or by any individual school board~~  
27 ~~of the cooperating districts, to the Department of Education~~  
28 ~~for decision under regulations of the state board, and its~~  
29 ~~decision shall be binding on all school boards of the~~  
30 ~~cooperating districts.~~

31

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

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

28           (m) Exceptional students.--Provide for an appropriate  
29 program of special instruction, facilities, and services for  
30 exceptional students as prescribed by the state board as  
31 acceptable, including provisions that:

- 1           1. The school board provide the necessary professional  
2 services for diagnosis and evaluation of exceptional students.
- 3           2. The school board provide the special instruction,  
4 classes, and services, either within the district school  
5 system, in cooperation with other district school systems, or  
6 through contractual arrangements with approved nonpublic  
7 schools or community facilities which meet standards  
8 established by the state board.
- 9           3. The school board annually provide information  
10 describing the Florida School for the Deaf and the Blind and  
11 all other programs and methods of instruction available to the  
12 parent or guardian of a sensory-impaired student.
- 13           4. The school board, once every 3 years, submit to the  
14 department its proposed procedures for the provision of  
15 special instruction and services for exceptional students.
- 16           5. No student be given special instruction or services  
17 as an exceptional student until after he or she has been  
18 properly evaluated, classified, and placed in the manner  
19 prescribed by rules of the state board. The parent or guardian  
20 of an exceptional student evaluated and placed or denied  
21 placement in a program of special education shall be notified  
22 of each such evaluation and placement or denial. Such notice  
23 shall contain a statement informing the parent or guardian  
24 that he or she is entitled to a due process hearing on the  
25 identification, evaluation, and placement, or lack thereof.  
26 Such hearings shall be exempt from the provisions of ss.  
27 120.569, 120.57, and 286.011, and any records created as a  
28 result of such hearings shall be confidential and exempt from  
29 the provisions of s. 119.07(1), to the extent that the state  
30 board adopts rules establishing other procedures. The hearing  
31 shall be conducted by an administrative law judge from the



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

21         6. In providing for the education of exceptional  
22 students, the superintendent, principals, and teachers shall  
23 utilize the regular school facilities and adapt them to the  
24 needs of exceptional students to the maximum extent  
25 appropriate. Segregation of exceptional students shall occur  
26 only if the nature or severity of the exceptionality is such  
27 that education in regular classes with the use of  
28 supplementary aids and services cannot be achieved  
29 satisfactorily.

30         ~~7. The principal of the school in which the student is~~  
31 ~~taught shall keep a written record of the case history of each~~

1 ~~exceptional student showing the reason for the student's~~  
2 ~~withdrawal from the regular class in the public school and his~~  
3 ~~or her enrollment in or withdrawal from a special class for~~  
4 ~~exceptional students. This record shall be available for~~  
5 ~~inspection by school officials at any time.~~

6 ~~8. The district school board shall establish the~~  
7 ~~amount to be paid by the district school board for each~~  
8 ~~individual exceptional student contract with a nonpublic~~  
9 ~~school.~~

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

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

25 ~~2. Cooperative planning by the district school board~~  
26 ~~and the Department of Health and Rehabilitative Services for~~  
27 ~~the facilities to house these programs.~~

28 ~~a. All facilities and furnishings within Department of~~  
29 ~~Health and Rehabilitative Services residential care facilities~~  
30 ~~used for education programs for school-age students during the~~  
31 ~~1978-1979 fiscal year shall be made available to the district~~

1 ~~school board for housing programs of instruction and special~~  
2 ~~education services.~~

3       1. The district school board shall not be charged any  
4 rent, maintenance, utilities, or overhead on such facilities.  
5 Maintenance, repairs, and remodeling of existing facilities  
6 shall be provided by the Department of Health and  
7 Rehabilitative Services.

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

27       ~~c.~~ The planning of such additional facilities shall  
28 incorporate current Department of Health and Rehabilitative  
29 Services deinstitutionalization plans.

30       3. The school board shall have full and complete  
31 authority ~~of each such school board~~ in the matter of the

1 assignment and placement of such students in educational  
2 programs. The parent or guardian of exceptional students shall  
3 have the due process rights provided for in subparagraph  
4 (m)5~~4~~.

5           4. The school board shall have a written agreement  
6 ~~with between the district school board and~~ the Department of  
7 Health and Rehabilitative Services outlining the respective  
8 duties and responsibilities of each party.

9  
10 Notwithstanding the provisions herein, the educational  
11 programs at the Arthur Dozier School for Boys, the Marianna  
12 Sunland Center in Jackson County, and the Florida School for  
13 Boys at Okeechobee in Okeechobee County shall be operated by  
14 the Department of Education, either directly or through grants  
15 or contractual agreements with other public or duly accredited  
16 educational agencies approved by the Department of Education.

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

26           (p) ~~Teacher aides.--Appoint teacher aides to assist~~  
27 ~~members of the instructional staff in the primary grades,~~  
28 ~~kindergarten, and grades one through three, to the extent~~  
29 ~~feasible as determined by the school board.~~

30           (q) ~~Full school utilization program monitoring and~~  
31 ~~evaluation.--Monitor and evaluate full school utilization~~

1 ~~programs. Each district receiving state funding for a full~~  
2 ~~school utilization program shall submit an annual report to~~  
3 ~~the Department of Education by July 1 following implementation~~  
4 ~~of the program, documenting the extent to which the program~~  
5 ~~meets outcome objectives.~~

6 (5) PERSONNEL.--Designate positions to be filled,  
7 prescribe qualifications for those positions, and provide for  
8 the appointment, compensation, promotion, suspension, and  
9 dismissal of employees as follows, subject to the requirements  
10 of chapter 231:

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

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

29 (c) Compensation and salary schedules.--Adopt a salary  
30 schedule or salary schedules to be used as a basis for paying  
31 all school employees, ~~such schedules to be arranged, insofar~~

1 ~~as practicable, so as to furnish incentive for improvement in~~  
2 ~~training and for continued and efficient service and fix and~~  
3 ~~authorize the compensation of school employees on the basis of~~  
4 ~~such schedules. A district school board, in determining the~~  
5 ~~salary schedule for instructional personnel, shall consider~~  
6 ~~the prior teaching experience of a person who has been~~  
7 ~~designated state teacher of the year by any state in the~~  
8 ~~United States.~~

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

21 (e) Transfer and promotion.--Act on recommendations of  
22 the superintendent regarding transfer and promotion of any  
23 employee.

24 (f) Suspension and dismissal and return to annual  
25 contract status.--Suspend, dismiss, or return to annual  
26 contract members of the instructional staff and other school  
27 employees; however, no administrative assistant, supervisor,  
28 principal, teacher, or other member of the instructional staff  
29 may be discharged, removed, or returned to annual contract  
30 except as provided in chapter 231.

31

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

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

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

29           (a) Admission, classification, promotion, and  
30 graduation of pupils.--Adopt rules and regulations for  
31 admitting, classifying, promoting, and graduating pupils to or

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

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

27 (c) Control of pupils.--

28 1. Adopt rules and regulations for the control,  
29 discipline, in-school suspension, suspension, and expulsion of  
30 pupils and decide all cases recommended for expulsion. ~~Such~~  
31 ~~rules shall clearly specify disciplinary action that shall be~~



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

1 expulsion or dismissal of a student by any in-state or  
2 out-of-state public school board or private school, or  
3 developmental research school, for an act which would have  
4 been grounds for expulsion according to the receiving school  
5 district's code of student conduct, in accordance with the  
6 following procedures:

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

9         b. The expelled student applying for admission to the  
10 receiving school district shall be advised of the final order  
11 of expulsion.

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

21         (d) Code of student conduct.--Adopt a code of student  
22 conduct for elementary schools and a code of student conduct  
23 for secondary schools and distribute the appropriate code to  
24 all teachers, school personnel, students, and parents or  
25 guardians, at the beginning of every school year. ~~A district  
26 may compile the code of student conduct for elementary schools  
27 and the code of student conduct for secondary schools in one  
28 publication and distribute the combined codes to all teachers,  
29 school personnel, students, and parents or guardians at the  
30 beginning of every school year. Each code of student conduct  
31 shall be developed by the school board; elementary or~~

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

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

20       2. Procedures to be followed for acts requiring  
21 discipline, including corporal punishment.

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

28       4. Notice that illegal use, possession, or sale of  
29 controlled substances, as defined in chapter 893, or  
30 possession of electronic telephone pagers, by any student  
31 while such student is upon school property or in attendance at

1 a school function is grounds for ~~in-school suspension,~~  
2 ~~out-of-school suspension, expulsion, or imposition of other~~  
3 disciplinary action by the school and may also result in  
4 criminal penalties being imposed.

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

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

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

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

28         9. Policies to be followed for the assignment of  
29 violent or disruptive students to an alternative educational  
30 program.

31

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

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

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

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

27           (b) Textbooks.--Provide for proper requisitioning,  
28 distribution, accounting, storage, care, and use of all  
29 textbooks and other books furnished by the state and furnish  
30 such other textbooks and library books as may be needed. The  
31 school board is responsible for assuring that instructional

1 materials used in the district are consistent with the  
2 district goals and objectives and the curriculum frameworks  
3 approved by the State Board of Education, as well as with the  
4 state and district performance standards provided for in ss.  
5 229.565 and 232.2454.

6 (c) Other instructional aids.--Provide such other  
7 teaching accessories and aids as are needed to carry out the  
8 program.

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

22 (8) TRANSPORTATION OF PUPILS.--After considering  
23 recommendations of the superintendent, make provision for the  
24 transportation of pupils to the public schools or school  
25 activities they are required or expected to attend; authorize  
26 transportation routes arranged efficiently and economically;  
27 provide the necessary transportation facilities, and, when  
28 authorized under regulations of the state board and if more  
29 economical to do so, provide limited subsistence in lieu  
30 thereof; and adopt the necessary rules and regulations to  
31

1 ensure safety, economy, and efficiency in the operation of all  
2 buses, as prescribed in chapter 234.

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

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

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

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

21 2. Approve the proposed purchase of any site,  
22 playground, or recreational area for which district funds are  
23 to be used.†

24 3. Expand existing sites.†

25 4. Rent buildings when necessary.†

26 5. Enter into leases or lease-purchase arrangements,  
27 in accordance with the requirements and conditions provided in  
28 s. 235.056(2), with private individuals or corporations for  
29 the rental of necessary grounds and educational facilities for  
30 school purposes or of educational facilities to be erected for  
31 school purposes. Current or other funds authorized by law may

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

15           6. Provide for the proper supervision of  
16 construction.†

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

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

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

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



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

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

30 (b) Annual budget.--Cause to be prepared, adopt, and  
31 have submitted to the Department of Education as required by

1 law and by regulations of the state board, the annual school  
2 budget, such budget to be so prepared and executed as to  
3 promote the improvement of the district school system.

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

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

21 (e) Borrow money.--Borrow money, as prescribed in ss.  
22 237.141-237.171, when necessary in anticipation of funds  
23 reasonably to be expected during the year as shown by the  
24 budget.

25 (f) Financial records and accounts.--Provide for  
26 keeping of accurate records of all financial transactions,  
27 ~~including records of school and student activity funds, and~~  
28 ~~school lunch programs, and have these records kept under the~~  
29 ~~various classifications commonly used in school financial~~  
30 ~~accounting; authorize and compensate such trained assistants~~

31

1 ~~to the superintendent as may be needed to maintain adequate~~  
2 ~~records.~~

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

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

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

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

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

4 (k) Investment policies.--

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

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

28 (l) Protection against loss.--Provide for adequate  
29 protection against any loss or damage to school property or  
30 loss resulting from any liability for which the board or its  
31 officers, agents, or employees may be responsible under law.

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

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

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

19 (b) Reports to the department.--Require that the  
20 superintendent prepare all reports to the Department of  
21 Education that may be required by law or regulations of the  
22 state board; see that all such reports are promptly  
23 transmitted to the department; withhold the further payment of  
24 salary to the superintendent or employee when notified by the  
25 department that he or she has failed to file any report within  
26 the time or in the manner prescribed; and continue to withhold  
27 the salary until the school board is notified by the  
28 department that such report has been received and accepted;  
29 provided, that when any report has not been received by the  
30 date due and after due notice has been given to the school  
31 board of that fact, the department, if it deems necessary, may

1 require the report to be prepared by a member of its staff,  
2 and the school board shall pay all expenses connected  
3 therewith. Any member of the school board who is responsible  
4 for the violation of this provision is subject to suspension  
5 and removal.

6 (c) Reports to parents.--At regular intervals reports  
7 shall be made by principals or teachers in public schools to  
8 parents or those having parental authority over the children  
9 enrolled and in attendance upon their schools, apprising them  
10 of the progress being made by the pupils in their studies and  
11 giving other needful information.

12 (12) COOPERATION WITH OTHER DISTRICT SCHOOL  
13 BOARDS.--May establish and participate in educational  
14 consortia which are designed to provide joint programs and  
15 services to cooperating school districts, consistent with the  
16 provisions of s. 4(b), Art. IX of the State Constitution. The  
17 State Board of Education shall adopt rules providing for the  
18 establishment, funding, administration, and operation of such  
19 consortia.

20 ~~(13) COOPERATION WITH OTHER AGENCIES.--~~

21 ~~(a) Cooperate with federal, state, county, and~~  
22 ~~municipal agencies in all matters relating to education and~~  
23 ~~child welfare. District superintendents and school boards may~~  
24 ~~initiate policy meetings with such agencies to promote joint~~  
25 ~~planning and provide effective programs in matters relating to~~  
26 ~~discipline, truancy, and dropouts.~~

27 ~~(b) Cooperate with public and private community~~  
28 ~~agencies and with the local service district of the Department~~  
29 ~~of Health and Rehabilitative Services to achieve the first~~  
30 ~~state education goal, readiness to start school.~~

31

1           ~~(c) Cooperate with the Department of Education in~~  
2 ~~identifying each child in the school district who is a~~  
3 ~~migratory child as defined in Pub. L. No. 95-561 and cooperate~~  
4 ~~with the department in providing such other information as the~~  
5 ~~department deems necessary.~~

6           (13)~~(14)~~ ENFORCEMENT OF LAW AND RULES AND  
7 REGULATIONS.--Require that all laws and rules and regulations  
8 of the state board or of the school board are properly  
9 enforced.

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

13           (14)~~(16)~~ SCHOOL LUNCH PROGRAM.--Assume such  
14 responsibilities and exercise such powers and perform such  
15 duties as may be assigned to it by law or as may be required  
16 by regulations of the state board or as in the opinion of the  
17 school board are necessary to assure school lunch services,  
18 consistent with needs of pupils; effective and efficient  
19 operation of the program; and the proper articulation of the  
20 school lunch program with other phases of education in the  
21 district.

22           (15)~~(17)~~ PUBLIC INFORMATION PROGRAM.--Adopt procedures  
23 whereby the general public can be adequately informed of the  
24 educational programs, needs, and objectives of public  
25 education within the district.

26           (16)~~(18)~~ IMPLEMENT SCHOOL IMPROVEMENT AND  
27 ACCOUNTABILITY.--Maintain a system of school improvement and  
28 education accountability as provided by statute and State  
29 Board of Education rule. This system of school improvement and  
30 education accountability shall be consistent with, and  
31 implemented through, the district's continuing system of

1 planning and budgeting required by this section and ss.  
2 229.555 and 237.041. This system of school improvement and  
3 education accountability shall include, but not be limited to,  
4 the following:

5 (a) School improvement plans.--Annually approve and  
6 require implementation of a new, amended, or continuation  
7 school improvement plan for each school in the district. Such  
8 plan shall be designed to achieve the state education goals  
9 and student performance standards pursuant to ss. 229.591(3)  
10 and 229.592, ~~shall be based on a needs assessment, and shall~~  
11 ~~include school progress, goals, indicators of student~~  
12 ~~progress, strategies, and evaluation procedures, including~~  
13 ~~adequate measures of individual student performance. Each~~  
14 ~~school shall develop its initial individual school improvement~~  
15 ~~plan to be submitted for approval during the 1992-1993 school~~  
16 ~~year and shall implement the initial plan as approved~~  
17 ~~beginning with the 1993-1994 school year.~~

18 (b) Approval process.--Develop a process for approval  
19 of a school improvement plan presented by an individual school  
20 and its advisory council. In the event a board does not  
21 approve a school improvement plan after exhausting this  
22 process, the Florida Commission on Education Reform and  
23 Accountability shall be notified of the need for assistance.

24 (c) Assistance and intervention.--Develop a 3-year  
25 plan of increasing individualized assistance and intervention  
26 for each school that does not meet or make adequate progress,  
27 based upon the recommendations of the commission, as defined  
28 pursuant to statute and State Board of Education rule, toward  
29 meeting the goals and standards of its approved school  
30 improvement plan.

31



1           (d) After 3 years.--Notify the Florida Commission on  
2 Education Reform and Accountability and the State Board of  
3 Education in the event any school does not make adequate  
4 progress toward meeting the goals and standards of a school  
5 improvement plan by the end of 3 consecutive years of district  
6 assistance and intervention and proceed according to  
7 guidelines developed pursuant to statute and State Board of  
8 Education rule.

9           (e) Public disclosure.--Provide information regarding  
10 performance of students and educational programs as required  
11 pursuant to s. 229.555, and, ~~beginning with the 1994-1995~~  
12 ~~school year,~~ implement a new system of school reports as  
13 required by statute and State Board of Education rule.

14           (f) School improvement funds.--Provide funds to  
15 schools for developing and implementing school improvement  
16 plans. Such funds shall include those funds appropriated for  
17 the purpose of school improvement pursuant to s. 24.121(5)(c).

18           ~~(g) Feedback report.--Develop a "feedback report" on~~  
19 ~~the progress of implementing and maintaining a system of~~  
20 ~~school improvement and education accountability established in~~  
21 ~~s. 229.592(2). The report shall be submitted to the Florida~~  
22 ~~Commission on Education Reform and Accountability by July 1,~~  
23 ~~1992, and annually thereafter. The report shall include, but~~  
24 ~~not be limited to, information pertaining to the accuracy of~~  
25 ~~data collection and analysis, the ability of the Department of~~  
26 ~~Education to assist school boards in emphasizing reporting on~~  
27 ~~individual school improvement and progress while minimizing~~  
28 ~~comparisons between schools, the effectiveness of training and~~  
29 ~~technical assistance provided by the Department of Education,~~  
30 ~~and the effectiveness of the waiver process established in s.~~  
31 ~~229.592(6); and recommendation for improvement.~~

1           Section 5. Section 230.2301, Florida Statutes, is  
2 amended to read:

3           230.2301 Parents may be accompanied.--At any meeting  
4 with school district personnel ~~regarding the assignment of~~  
5 ~~staff to an exceptional student or at a conference regarding~~  
6 ~~the discipline of a student, a~~ the student's parent or  
7 guardian may be accompanied by another adult of his or her  
8 choice to assist the parent or guardian in communicating with  
9 school district personnel.

10           Section 6. Section 230.23135, Florida Statutes, as  
11 amended by chapters 94-232 and 95-147, Laws of Florida, is  
12 hereby repealed.

13           Section 7. Section 230.2316, Florida Statutes, 1996  
14 Supplement, is amended to read:

15           230.2316 Dropout prevention.--

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

18           (2) INTENT.--The Legislature recognizes that a growing  
19 proportion of young people are not making successful  
20 transitions to productive adult lives. The Legislature further  
21 recognizes that traditional education programs which do not  
22 meet certain students' educational needs and interests may  
23 cause these students to become unmotivated, fail, be truant,  
24 be disruptive, or drop out of school. The Legislature finds  
25 that a child who does not complete his or her education is  
26 greatly limited in obtaining gainful employment, achieving his  
27 or her full potential, and becoming a productive member of  
28 society. Therefore, it is the intent of the Legislature to  
29 authorize and encourage district school boards throughout the  
30 state to establish comprehensive dropout prevention programs.  
31 These programs shall be designed to meet the needs of students

1 who are not effectively served by conventional education  
2 programs in the public school system. It is further the intent  
3 of the Legislature that cooperative agreements be developed  
4 among school districts, other governmental and private  
5 agencies, and community resources in order to implement  
6 innovative exemplary programs aimed at reducing the number of  
7 students who do not complete their education and increasing  
8 the number of students who have a positive experience in  
9 school and obtain a high school diploma.

10 ~~(3) DEFINITIONS.--As used in this section, the term:~~

11 ~~(a) "Educational alternatives programs" means~~  
12 ~~educational programs which are designed to offer variations of~~  
13 ~~traditional instructional programs and strategies for the~~  
14 ~~purpose of increasing the likelihood that grade 4 through~~  
15 ~~grade 12 students who are unmotivated, or deemed habitually~~  
16 ~~truant as defined in s. 228.041(28), or unsuccessful in~~  
17 ~~traditional programs, remain in school and enroll in a program~~  
18 ~~of study that leads to a high school diploma or its~~  
19 ~~equivalent.~~

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

23 ~~(c) "Disciplinary programs" means programs designed to~~  
24 ~~provide a safe learning environment for the general school~~  
25 ~~population, increase the safety of the school and the~~  
26 ~~community, and provide positive intervention for students who~~  
27 ~~are disruptive in the traditional school environment.~~

28 ~~(d) "Youth services programs" means educational~~  
29 ~~programs, including conflict resolution training, provided by~~  
30 ~~the school district to students participating in Department of~~

31

1 ~~Health and Rehabilitative Services or other state or community~~  
2 ~~youth residential or day services programs.~~

3 ~~(e) "Second chance schools" means school district~~  
4 ~~programs provided through cooperative agreements between the~~  
5 ~~Department of Juvenile Justice, private providers, state or~~  
6 ~~local law enforcement agencies, or other state agencies for~~  
7 ~~students deemed habitual truants as defined in s. 228.041(28),~~  
8 ~~or for students who have been disruptive or violent or who~~  
9 ~~have committed serious offenses. As partnership programs,~~  
10 ~~second chance schools are eligible for waivers from the~~  
11 ~~Commissioner of Education to chapters 230-235 and 239 and~~  
12 ~~State Board of Education rules that prevent the provision of~~  
13 ~~appropriate educational services to violent, severely~~  
14 ~~disruptive, and delinquent students in small nontraditional~~  
15 ~~settings and in court adjudicated settings.~~

16 ~~(3)(4) STUDENT ELIGIBILITY AND PROGRAM CRITERIA.--All~~  
17 ~~programs funded pursuant to the provisions of this section~~  
18 ~~shall be positive and shall reflect strong parental and~~  
19 ~~community involvement. In addition, specific programs shall~~  
20 ~~meet the following criteria:~~

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

22 (a)1. Dropout prevention programs shall differ ~~The~~  
23 ~~program differs~~ from traditional education programs and  
24 schools in scheduling, administrative structure, philosophy,  
25 curriculum, or setting and shall employ ~~employs~~ alternative  
26 teaching methodologies, curricula, learning activities, or  
27 diagnostic and assessment procedures in order to meet the  
28 needs, interests, abilities, and talents of eligible students.  
29 The educational program shall provide curricula and related  
30 services which support the program goals and lead to  
31 completion of a high school diploma. Student participation in

1 such programs shall be voluntary. Districts may, however,  
2 assign students to a program for disruptive students. The  
3 ~~minimum period of time during which the student participates~~  
4 ~~in the program shall be equivalent to two instructional~~  
5 ~~periods per day unless the program utilizes a student support~~  
6 ~~and assistance component rather than regularly scheduled~~  
7 ~~courses.~~

8 ~~(b)2.~~ Eligible dropout prevention students shall be  
9 reported for dropout prevention full-time equivalent student  
10 membership in the Florida Education Finance Program in  
11 standard dropout prevention classes or ~~A student support and~~  
12 ~~assistance components which component may be used to provide~~  
13 academic assistance and coordination of support services to  
14 students enrolled full time in a regular classroom ~~who are~~  
15 ~~eligible for educational alternative programs. The student~~  
16 support and assistance ~~This~~ component shall include auxiliary  
17 services provided to students or teachers, or both. Students  
18 participating in this model shall generate funding only for  
19 the time that they receive extra services or auxiliary help.

20 ~~(c)3.~~ A ~~The student shall be has been~~ identified as  
21 being a potential dropout based upon one of the following  
22 criteria:

23 ~~1.a.~~ The student has shown a lack of motivation in  
24 school through grades which are not commensurate with  
25 documented ability levels or high absenteeism or habitual  
26 truancy as defined in s. 228.041(28).~~†~~

27 ~~2.b.~~ The student has not been successful in school as  
28 determined by retentions, failing grades, or low achievement  
29 test scores and has needs and interests that cannot be met  
30 through traditional programs.~~†~~

31

1           3.c. The student has been identified as a potential  
2 school dropout by student services personnel using district  
3 criteria. District criteria that are used as a basis for  
4 student referral to an educational alternatives program shall  
5 identify specific student performance indicators that the  
6 educational alternative program seeks to address.†

7           ~~d. The student has performed successfully in the~~  
8 ~~educational alternatives program and wishes to remain enrolled~~  
9 ~~in such program.~~

10           ~~4. The remedial compensatory program must be~~  
11 ~~coordinated in a manner which permits the exclusion of~~  
12 ~~instructional staff members employed through the use of funds~~  
13 ~~in this program from the comparability requirements of the~~  
14 ~~Federal Compensatory Education Program.~~

15           ~~(b) Substance abuse programs.~~

16           ~~1. The program shall provide basic educational~~  
17 ~~instruction for students participating in non-school-based~~  
18 ~~residential or day substance abuse treatment programs. Such~~  
19 ~~educational programs shall provide curricula and related~~  
20 ~~services which support the program goals and lead to~~  
21 ~~completion of a high school diploma or its equivalent; or~~

22           ~~4.2. The student has~~ The program shall provide  
23 ~~school-based programs which serve students who have documented~~  
24 ~~drug-related or alcohol-related problems, or~~ has ~~students~~  
25 ~~whose immediate family members~~ with ~~have~~ documented  
26 drug-related or alcohol-related problems that adversely affect  
27 the student's performance in school, ~~and shall include~~  
28 ~~instruction designed to prevent substance abuse.~~

29           ~~(c) Disciplinary programs.~~

30           5.1. The student has a history of disruptive behavior  
31 in school or has committed an offense that warrants

1 out-of-school suspension or expulsion from school according to  
2 the district code of student conduct. For the purposes of this  
3 program, "disruptive behavior" is behavior that:

4 a. Interferes with the student's own learning or the  
5 educational process of others and requires attention and  
6 assistance beyond that which the traditional program can  
7 provide or results in frequent conflicts of a disruptive  
8 nature while the student is under the jurisdiction of the  
9 school either in or out of the classroom; or

10 b. Severely threatens the general welfare of students  
11 or others with whom the student comes into contact.

12 6. The student is assigned to a program provided  
13 pursuant to chapter 39 which is sponsored by a state-based or  
14 community-based agency or is operated or contracted for by the  
15 Department of Children and Family Services.

16 ~~2. The program includes but is not necessarily limited~~  
17 ~~to in-school suspension, alternatives to expulsion, counseling~~  
18 ~~centers, and crisis intervention centers. The program may be~~  
19 ~~planned and operated in collaboration with local law~~  
20 ~~enforcement or other community agencies.~~

21 ~~3. In-school suspension programs shall provide~~  
22 ~~instruction and counseling leading to improved student~~  
23 ~~behavior and the development of more effective interpersonal~~  
24 ~~skills. Such programs shall be positive alternatives to~~  
25 ~~out-of-school suspension programs and shall emphasize, but not~~  
26 ~~be limited to, the following: enhancement of student~~  
27 ~~self-esteem; improved attendance; prevention of behavior that~~  
28 ~~might cause a student to enter a juvenile delinquency program;~~  
29 ~~reduction in the number of discipline referrals; reduction in~~  
30 ~~the number of student dropouts; and reduction in the number of~~  
31 ~~out-of-school suspensions. After providing assistance, school~~

1 ~~boards shall disapprove school-based, in-school suspension~~  
2 ~~programs that continually fail to directly reduce the school's~~  
3 ~~expulsion or out-of-school suspension rate. The principal of~~  
4 ~~each school shall prepare an annual report which delineates~~  
5 ~~the number of students suspended in in-school and~~  
6 ~~out-of-school suspension, the proportionate populations~~  
7 ~~represented by such students, and the bases for such~~  
8 ~~suspensions. The report shall include an analysis of such data~~  
9 ~~and recommendations for increasing student success through the~~  
10 ~~program. The report shall be distributed to all members of the~~  
11 ~~school advisory council for consideration in the annual school~~  
12 ~~improvement plan.~~

13 ~~4. A student who has been placed in detention or a~~  
14 ~~court-adjudicated commitment program shall be evaluated by~~  
15 ~~school district personnel upon completion of such program~~  
16 ~~prior to placement of the student in an educational program.~~  
17 ~~Such student shall not be automatically assigned to a~~  
18 ~~disciplinary program upon reentering the school system.~~

19 ~~5. Prior to assigning a student to a disciplinary~~  
20 ~~program of more than 10 days' duration, the district shall~~  
21 ~~attempt a variety of education and student services to~~  
22 ~~identify the causes of the disruptive behavior, to modify the~~  
23 ~~behavior, or to provide more appropriate educational services~~  
24 ~~to the student; however, a student who has committed an~~  
25 ~~offense that warrants expulsion according to the district code~~  
26 ~~of student conduct may be assigned to a disciplinary program~~  
27 ~~without attempting a variety of services.~~

28 ~~6. In-school suspension programs shall be funded at~~  
29 ~~the dropout prevention program weight pursuant to s.~~  
30 ~~236.081(1)(c) if the school district program provides the~~  
31 ~~following in addition to the academic component:~~



1           a. ~~Individual and group counseling as a daily~~  
2 ~~activity.~~

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

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

9  
10 ~~if such criteria are not met, in-school suspension programs~~  
11 ~~shall be funded at the basic program weight for the grade~~  
12 ~~level at which the program is provided pursuant to s. 236.081.~~

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

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

19           2. ~~Programs shall provide intensive counseling,~~  
20 ~~behavior modification, and therapy in order to meet the~~  
21 ~~student's individual needs. Programs may be residential or~~  
22 ~~nonresidential.~~

23           3. ~~Any student served in a Department of Health and~~  
24 ~~Rehabilitative Services program shall be provided the~~  
25 ~~equivalent of instruction provided for the definition of a~~  
26 ~~"school day" pursuant to s. 228.041. However, the educational~~  
27 ~~services may be provided at times of the day most appropriate~~  
28 ~~for the program.~~

29           4. ~~A program is provided which shall consist of~~  
30 ~~appropriate basic academic, vocational, or exceptional~~  
31 ~~curricula and related services which support the~~

1 ~~rehabilitation program goals and which may lead to completion~~  
2 ~~of the requirements for receipt of a high school diploma or~~  
3 ~~its equivalent, provided that the educational component of~~  
4 ~~youth services programs of less than 40 days' duration which~~  
5 ~~take place in a park or wilderness setting may be limited to~~  
6 ~~tutorial activities and vocational employability skills.~~

7 ~~5. Participation in the program by students of~~  
8 ~~compulsory school attendance age as provided for in s. 232.01~~  
9 ~~shall be mandatory.~~

10 ~~6. Districts are encouraged to implement programs that~~  
11 ~~assist students in the transition between dismissal from~~  
12 ~~Department of Health and Rehabilitative Services programs and~~  
13 ~~school reentry.~~

14 ~~7. A school district may contract with a private~~  
15 ~~nonprofit entity or a state or local government agency for the~~  
16 ~~provision of educational programs to clients of the Department~~  
17 ~~of Health and Rehabilitative Services and may generate state~~  
18 ~~funding through the Florida Education Finance Program for such~~  
19 ~~students.~~

20 (d)1. "Second chance schools" means school district  
21 programs provided through cooperative agreements between the  
22 Department of Juvenile Justice, private providers, state or  
23 local law enforcement agencies, or other state agencies for  
24 students who have been disruptive or violent or who have  
25 committed serious offenses. As partnership programs, second  
26 chance schools are eligible for waivers by the Commissioner of  
27 Education from chapters 230-235 and 239 and State Board of  
28 Education rules that prevent the provision of appropriate  
29 educational services to violent, severely disruptive, or  
30 delinquent students in small nontraditional settings or in  
31 court-adjudicated settings.

1           ~~(e) Second chance schools.~~

2           2.1. A student enrolled in a sixth, seventh, eighth,  
3 ninth, or tenth grade class may be assigned to a second chance  
4 school if the student meets the following criteria:

5           a. The student is a habitual truant as defined in s.  
6 228.041(28).

7           b. The student's excessive absences have detrimentally  
8 affected the student's academic progress and the student may  
9 have unique needs that a traditional school setting may not  
10 meet.

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

13           d. The student has been identified as at risk of  
14 dropping out of school.

15           3.2. A student who is habitually truant may be  
16 assigned to a second chance school only if the case staffing  
17 committee, established pursuant to s. 39.426, determines that  
18 such placement could be beneficial to the student and the  
19 criteria included in subparagraph 2.1. are met.

20           4.3. A student may ~~shall~~ be assigned to a second  
21 chance school if the school district in which the student  
22 resides has a second chance school and if the student meets  
23 one of the following criteria:

24           a. The student habitually exhibits disruptive behavior  
25 in violation of the code of student conduct adopted by the  
26 school board.

27           b. The student interferes with the student's own  
28 learning or the educational process of others and requires  
29 attention and assistance beyond that which the traditional  
30 program can provide, or, while the student is under the  
31

1 jurisdiction of the school either in or out of the classroom,  
2 frequent conflicts of a disruptive nature occur.

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

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

9 (II) Includes violence;

10 (III) Includes possession of weapons or drugs; or

11 (IV) Is harassment or verbal abuse of school personnel  
12 or other students.

13 5.4. Prior to assignment of students to second chance  
14 schools, school boards are encouraged to use alternative  
15 programs, such as in-school suspension, which provide  
16 instruction and counseling leading to improved student  
17 behavior, a reduction in the incidence of truancy, and the  
18 development of more effective interpersonal skills.

19 6.5. Students assigned to second chance schools must  
20 be evaluated by the school's local child study team before  
21 placement in a second chance school. The study team shall  
22 ensure that students are not eligible for placement in a  
23 program for emotionally disturbed children.

24 7.6. Students who exhibit academic and social progress  
25 and who wish to return to a traditional school shall be  
26 evaluated by school district personnel prior to reentering a  
27 traditional school.

28 8.7. Second chance schools shall be funded at the  
29 dropout prevention program weight pursuant to s. 236.081 and  
30 may receive school safety funds or other funds as appropriate.

31 (4)(5) PROGRAM ~~PLANNING AND~~ IMPLEMENTATION.--

1           (a) Each district may establish one or more  
2 alternative programs for dropout prevention at the elementary,  
3 middle, junior high school, or high school level. Programs  
4 designed to eliminate habitual truancy shall emphasize  
5 academic performance and may provide specific instruction in  
6 the areas of vocational education, preemployment training, and  
7 behavioral management. Such programs shall utilize  
8 instructional teaching methods appropriate to the specific  
9 needs of the student.

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

16           ~~(c) For each program to be provided by the district~~  
17 ~~pursuant to subsection (4), the following information shall be~~  
18 ~~provided in the program plan:~~

- 19           ~~1. Student eligibility criteria.~~
- 20           ~~2. Student admission procedures.~~
- 21           ~~3. Operating procedures.~~
- 22           ~~4. Program goals and outcome objectives. Measurable~~  
23 ~~outcome objectives shall provide a framework for the~~  
24 ~~evaluation of each dropout prevention program, which shall~~  
25 ~~specify, at a minimum, the outcome to be produced, the time~~  
26 ~~period during which the outcome will be produced, and to what~~  
27 ~~degree the outcome will be produced.~~
- 28           ~~5. Qualifications of program personnel.~~
- 29           ~~6. A schedule for staff development activities.~~
- 30           ~~7. Evaluation procedures which describe how outcome~~  
31 ~~objectives will be achieved and measured.~~

1           ~~(d)~~ Beginning with the 1994-1995 school year, district  
2 ~~plans or amended plans may be submitted to the Department of~~  
3 ~~Education dropout prevention regional offices for technical~~  
4 ~~assistance and review prior to approval by the local school~~  
5 ~~board.~~

6           ~~(e)~~ The Department of Education shall provide  
7 ~~technical assistance upon request of the school or school~~  
8 ~~district.~~

9           (b)(f) Each school that establishes or continues a  
10 dropout prevention program at that school site shall reflect  
11 that program in the school improvement plan as required under  
12 s. 230.23(16)~~(18)~~.

13           (c)(g) Districts may modify courses listed in the  
14 State Course Code Directory for the purpose of providing  
15 dropout prevention programs pursuant to the provisions of this  
16 section. ~~Such modifications must be approved by the~~  
17 ~~commissioner and may include lengthening or shortening of the~~  
18 ~~time allocated for in-class study, alternate methods of~~  
19 ~~assessment of student performance, the integration of~~  
20 ~~curriculum frameworks or student performance standards to~~  
21 ~~produce interdisciplinary units of instruction, and activities~~  
22 ~~conducted within the student support and assistance component~~  
23 ~~of education alternatives.~~

24           (5)(6) EVALUATION.--~~The Department of Education shall~~  
25 ~~establish a set of minimum objective criteria for each program~~  
26 ~~type under this section. In establishing the criteria, the~~  
27 ~~department shall solicit school district input.Each school~~  
28 ~~district receiving state funding for dropout prevention~~  
29 ~~programs through the Florida Education Finance Program as~~  
30 ~~provided for in subsection (5)shall submit information~~  
31 ~~through an annual report to the Department of Education's~~

1 database ~~Education~~ documenting the extent to which each of the  
2 district's dropout prevention programs has been successful ~~in~~  
3 ~~meeting the outcome objectives established by the district for~~  
4 ~~the program. At a minimum, school districts shall develop~~  
5 ~~outcome objectives for each objective criteria established by~~  
6 ~~the Department of Education. Such outcome objectives shall be~~  
7 ~~included in the annual report required under this subsection.~~  
8 ~~The department shall develop specific review measures,~~  
9 ~~pursuant to s. 229.555, to ensure that district program~~  
10 ~~outcome objectives are measurable and include the number and~~  
11 ~~proportion of students in dropout prevention programs who~~  
12 ~~later drop out of high school, thereby assuring that these~~  
13 ~~objectives will provide an accurate basis for evaluating the~~  
14 ~~effectiveness of dropout prevention programs. This information~~  
15 ~~shall be reported to parents pursuant to s. 230.23(18).The~~  
16 department shall compile this information into an annual  
17 report which shall be submitted to the presiding officers of  
18 the Legislature by February 15.

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

20 ~~(a) Each school district shall establish procedures~~  
21 ~~for ensuring that teachers assigned to dropout prevention~~  
22 ~~programs possess the affective, pedagogical, and~~  
23 ~~content-related skills necessary to meet the needs of at-risk~~  
24 ~~students. Each school board shall also ensure that adequate~~  
25 ~~staff development activities are available for dropout~~  
26 ~~prevention staff and that dropout prevention staff participate~~  
27 ~~in these activities.~~

28 ~~(b) The district school boards and the department may~~  
29 ~~establish a summer inservice training program for teachers and~~  
30 ~~administrators which may be provided by district school boards~~  
31 ~~or individual schools and which shall include, but not be~~

1 ~~limited to, instruction focusing on treating students with~~  
2 ~~respect and enhancing student self-esteem, developing positive~~  
3 ~~in-school intervention methods for misbehaving students,~~  
4 ~~establishing strategies to involve students in classroom and~~  
5 ~~school management and in reducing student misconduct,~~  
6 ~~conducting student and parent conferences, and creating~~  
7 ~~"student friendly" environments at schools. Instructional~~  
8 ~~personnel may use successful participation in a summer~~  
9 ~~inservice training program established pursuant to this~~  
10 ~~paragraph for certification extension or for adding a new~~  
11 ~~certification area if the district has an approved add-on~~  
12 ~~certification program, pursuant to State Board of Education~~  
13 ~~rules.~~

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

30       (7)~~(9)~~ COORDINATION WITH OTHER AGENCIES.--School  
31 district dropout prevention programs shall be coordinated with



1 social service, law enforcement, prosecutorial, and juvenile  
2 justice agencies in the school district. ~~School districts~~  
3 ~~shall inventory community services and programs relevant to~~  
4 ~~implementation of their comprehensive dropout prevention~~  
5 ~~program plans.~~ Notwithstanding the provisions of s. 228.093,  
6 these agencies are authorized to exchange information  
7 contained in student records and juvenile justice records.  
8 Such information is confidential and exempt from the  
9 provisions of s. 119.07(1). School districts and other  
10 agencies receiving such information shall use the information  
11 only for official purposes connected with the certification of  
12 students for admission to and for the administration of the  
13 dropout prevention program, and shall maintain the  
14 confidentiality of such information unless otherwise provided  
15 by law or rule.

16 (8)~~(10)~~ RULES.--The Department of Education shall have  
17 the authority to adopt any rules necessary to implement the  
18 provisions of this section; such rules shall require the  
19 minimum amount of paperwork and reporting necessary to comply  
20 with this act. ~~By January 1, 1995, current rules regarding~~  
21 ~~this section shall be revised.~~

22 Section 8. Subsection (15) of section 230.23161,  
23 Florida Statutes, 1996 Supplement, is amended to read:  
24 230.23161 Educational services in Department of  
25 Juvenile Justice programs.--

26 (15) Department of Juvenile Justice detention and  
27 commitment programs may be designated as second chance schools  
28 pursuant to s. 230.2316(3)(d)~~(e)~~. Admission to such programs  
29 shall be governed by part II of chapter 39.

30 Section 9. Section 230.2317, Florida Statutes, is  
31 amended to read:

1           230.2317 Educational multiagency services for students  
2 with severe emotional disturbance ~~severely emotionally~~  
3 ~~disturbed students~~.--

4           (1)(a) To enable ~~severely emotionally disturbed~~  
5 students with severe emotional disturbance to develop  
6 appropriate behaviors and demonstrate academic and vocational  
7 skills, the Legislature finds that it is necessary to have an  
8 intensive, integrated educational program; a continuum of  
9 mental health treatment services; and, when needed,  
10 residential services. The Legislature finds further that the  
11 small incidence of severe emotional disturbance in the total  
12 school population requires multiagency programs to provide  
13 access to appropriate services for all ~~severely emotionally~~  
14 ~~disturbed~~ students with severe emotional disturbance to  
15 ~~appropriate services~~, that local school boards should provide  
16 educational programs, and that state departments and agencies  
17 administering children's mental health funds ~~the Department of~~  
18 ~~Health and Rehabilitative Services~~ should provide mental  
19 health treatment and residential services when needed.  
20 Therefore, it is the intent of the Legislature that ~~by~~  
21 ~~1985-1986~~ there be a multiagency network to provide education;  
22 mental health treatment; and, when needed, residential  
23 services for ~~severely emotionally disturbed~~ students with  
24 severe emotional disturbance.

25           (b) The program goals for each component of the  
26 network are to enable ~~severely emotionally disturbed~~ students  
27 with severe emotional disturbance to learn appropriate  
28 behaviors, reduce dependency, and fully participate in all  
29 aspects of school and community living; to develop individual  
30 programs for ~~severely emotionally disturbed~~ students with  
31 severe emotional disturbance, which programs include necessary

1 educational, residential, and mental health treatment  
2 services; to provide programs and services as close as  
3 possible to the child's home in the least restrictive manner  
4 consistent with the child's needs; and to integrate a wide  
5 range of services which are necessary to support ~~severely~~  
6 ~~emotionally disturbed~~ students with severe emotional  
7 disturbance and their families.

8           (2)(a) The Commissioner of Education, and the  
9 Secretary of Children and Family Services, and the Secretary  
10 of Juvenile Justice ~~the Department of Health and~~  
11 ~~Rehabilitative Services~~ shall appoint an equal number of  
12 members to the Advisory Board for the Multiagency Service  
13 Network for ~~Severely Emotionally Disturbed~~ Students with  
14 Severe Emotional Disturbance. The duties and responsibilities  
15 of the advisory board shall include oversight of the  
16 multiagency service network to provide a continuum of  
17 education, mental health treatment, and, when needed,  
18 residential services for ~~severely emotionally disturbed~~  
19 students with severe emotional disturbance and to assess the  
20 impact of regional projects.

21           (b) ~~The terms of the present members shall be extended~~  
22 ~~as follows: positions 8, 10, 11, 16, and 20 shall be extended~~  
23 ~~through June 30, 1995; positions 3, 9, 15, 18, and 19 shall be~~  
24 ~~extended through June 30, 1996; positions 2, 5, 7, 13, and 17~~  
25 ~~shall be extended through June 30, 1997; and positions 1, 4,~~  
26 ~~6, 12, and 14 shall be extended through June 30, 1998.~~  
27 ~~Following expiration of the extended terms, the Commissioner~~  
28 ~~of Education and the secretary of the Department of Health and~~  
29 ~~Rehabilitative Services shall appoint members to 4-year terms~~  
30 ~~which shall run from July 1 through June 30. Appointments~~  
31 ~~shall be made by June 1 preceding commencement of the term. A~~

1 ~~vacancy shall be filled for the remainder of the unexpired~~  
2 ~~term in the same manner as an initial appointment. Such~~  
3 ~~appointments shall be made within 60 days after creation of~~  
4 ~~the vacancy.~~

5 ~~(c) By December 31 of each year beginning in 1992, the~~  
6 ~~advisory board shall prepare and submit to the Commissioner of~~  
7 ~~Education, the secretary of the Department of Health and~~  
8 ~~Rehabilitative Services, and the appropriate standing~~  
9 ~~committees in the Senate and the House of Representatives a~~  
10 ~~report detailing its findings and making specific program,~~  
11 ~~legislative, and funding recommendations, and any other~~  
12 ~~recommendations it deems appropriate.~~

13 (3) The Department of Education is authorized to award  
14 grants to district school boards to ~~develop in a rural~~  
15 ~~district and in an urban district a pilot multiagency network~~  
16 ~~component for severely emotionally disturbed students. The~~  
17 ~~pilot grants shall allow for further statewide planning and~~  
18 ~~development of a complete multiagency network for severely~~  
19 ~~emotionally disturbed students~~ with severe emotional  
20 disturbance in the state. The educational services shall be  
21 provided in a manner consistent with the requirements of ss.  
22 230.23(4)(m) and 402.22.

23 (4) State departments and agencies are ~~The Department~~  
24 ~~of Health and Rehabilitative Services is~~ authorized to use  
25 appropriate community mental health service funds for the  
26 ~~pilot multiagency network components for severely emotionally~~  
27 ~~disturbed students~~ with severe emotional disturbance. The  
28 ~~mental health treatment services and residential services~~  
29 ~~shall be provided in a manner that is consistent with chapter~~  
30 ~~394 and s. 402.22.~~

31

1           ~~(5) The network components for severely emotionally~~  
2 ~~disturbed students shall be funded from the Florida Education~~  
3 ~~Finance Program, Department of Health and Rehabilitative~~  
4 ~~Services funds for the emotionally disturbed, and the pilot~~  
5 ~~grant program from the Department of Education.~~

6           ~~(6) A written agreement between the district school~~  
7 ~~board or boards and the Department of Health and~~  
8 ~~Rehabilitative Services outlining the respective duties and~~  
9 ~~responsibilities of each party shall be developed for~~  
10 ~~implementation of a component of the multiagency network for~~  
11 ~~severely emotionally disturbed students.~~

12           ~~(7) The State Board of Education and the Department of~~  
13 ~~Health and Rehabilitative Services are authorized to adopt~~  
14 ~~rules to carry out the intent of this section.~~

15           Section 10. Section 230.2318, Florida Statutes, 1996  
16 Supplement, is amended to read:

17           230.2318 School resource officer program.--

18           (1) SCHOOL RESOURCE OFFICER PROGRAM.--School boards  
19 may establish school resource officer programs, through a  
20 cooperative agreement with law enforcement agencies.~~There is~~  
21 ~~hereby created a statewide school resource officer program.~~  
22 ~~It is the intent of the Legislature in establishing this~~  
23 ~~program that the state provide assistance to local school~~  
24 ~~boards in the form of matching grants for the establishment,~~  
25 ~~continuation, or expansion of cooperative programs with law~~  
26 ~~enforcement and community agencies for the following purposes:~~

27           ~~(a) To perform law enforcement functions within the~~  
28 ~~school setting.~~

29           ~~(b) To identify and prevent, through counseling and~~  
30 ~~referral, delinquent behavior, including substance abuse.~~

31

- 1           ~~(c) To foster a better understanding of the law~~  
2 ~~enforcement function.~~
- 3           ~~(d) To develop positive concepts of law enforcement.~~
- 4           ~~(e) To develop a better appreciation of citizen~~  
5 ~~rights, obligations, and responsibilities.~~
- 6           ~~(f) To provide information about crime prevention, and~~  
7 ~~to promote student crime watch programs in the schools.~~
- 8           ~~(g) To provide assistance and support for crime~~  
9 ~~victims identified within the school setting, including abused~~  
10 ~~children.~~
- 11           ~~(h) To promote positive relations between students and~~  
12 ~~law enforcement officers.~~
- 13           ~~(i) To enhance knowledge of the fundamental concepts~~  
14 ~~and structure of law.~~
- 15           ~~(2) LOCAL SCHOOL RESOURCE OFFICER PROGRAM PLANS;~~  
16 ~~APPROVAL BY COMMISSIONER; CRITERIA AND RESTRICTIONS.--~~
- 17           ~~(a) Each school district desiring to establish a local~~  
18 ~~school resource officer program, in conjunction with one or~~  
19 ~~more law enforcement and community agencies, shall submit a~~  
20 ~~proposed school resource officer program plan to the~~  
21 ~~Commissioner of Education for review. Two or more districts~~  
22 ~~may submit a joint plan to maximize benefits as desirable.~~  
23 ~~Each plan shall contain a detailed description of the proposed~~  
24 ~~local school resource officer program, including, but not~~  
25 ~~limited to, the following:~~
- 26           ~~1. An agreement between the school board and each~~  
27 ~~participating law enforcement and community agency specifying~~  
28 ~~the financial and other responsibilities of each party.~~
- 29           ~~2. Program objectives and guidelines.~~
- 30           ~~3. A provision for and description of a preservice~~  
31 ~~training program for school resource officers. Each preservice~~

1 ~~training program shall be either modeled after a program~~  
2 ~~jointly designed by the department, district school personnel,~~  
3 ~~and law enforcement agencies, or an alternate approved by the~~  
4 ~~department.~~

5 ~~4. The criteria used by the employing law enforcement~~  
6 ~~agency and the district in the selection of school resource~~  
7 ~~officers.~~

8 ~~5. Any other information required by the commissioner.~~

9 ~~6. An agreement between the school board and the law~~  
10 ~~enforcement agency regarding the school resource officer's~~  
11 ~~uniform.~~

12 ~~(b) The commissioner shall review all proposed local~~  
13 ~~school resource officer program plans and shall approve those~~  
14 ~~plans which meet the purposes, intent, and requirements of~~  
15 ~~this section and the rules adopted by the State Board of~~  
16 ~~Education pursuant to this section.~~

17 ~~(c) If a plan is approved, the commissioner shall~~  
18 ~~provide one-third of the funds for its operation from those~~  
19 ~~funds appropriated by the Legislature for the operation of~~  
20 ~~this program.~~

21 ~~(d) The State Board of Education shall have the~~  
22 ~~authority to promulgate rules to implement the statewide~~  
23 ~~school resource officer program as established in this~~  
24 ~~section.~~

25 ~~(e) The Department of Education shall provide~~  
26 ~~technical assistance to school boards desiring to establish~~  
27 ~~local school resource officer programs.~~

28 (2)(3) SCHOOL RESOURCE OFFICER CERTIFICATION; DUTIES  
29 AND RESPONSIBILITIES.--

30 (a) School resource officers shall be certified law  
31 enforcement officers, as defined in s. 943.10(1), who are

1 employed by a law enforcement agency as defined in s.  
2 943.10(4). The powers and duties of a law enforcement officer  
3 shall continue throughout the employee's tenure as a school  
4 resource officer.

5 (b) School resource officers shall abide by school  
6 board policies and shall consult with and coordinate  
7 activities through the school principal, but shall be  
8 responsible to the law enforcement agency in all matters  
9 relating to employment, subject to agreements between a school  
10 board and a law enforcement agency pursuant to subparagraph  
11 ~~(2)(a)~~1. Activities conducted by the school resource officer  
12 which are part of the regular instructional program of the  
13 school shall be under the direction of the principal.

14 ~~(3)(4)~~ APPLICATION FOR FEDERAL FUNDS.--The Department  
15 of Education is authorized to apply for funds from, and to  
16 submit all necessary forms to, any federal agency which may  
17 provide assistance to programs similar to the school resource  
18 officer program.

19 Section 11. Paragraph (b) of subsection (5) of section  
20 230.303, Florida Statutes, is amended to read:

21 230.303 Superintendent of schools.--

22 (5)

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

29 Section 12. Section 230.33, Florida Statutes, 1996  
30 Supplement, is amended to read:

31



1           230.33 Duties and responsibilities of  
2 superintendent.--The superintendent shall exercise all powers  
3 and perform all duties listed below and elsewhere in the law;  
4 provided, that in so doing he or she shall advise and counsel  
5 with the school board. The superintendent shall perform all  
6 tasks necessary to make sound recommendations, nominations,  
7 proposals, and reports required by law to be acted upon by ~~and~~  
8 ~~rule to be made to~~ the school board. All such  
9 recommendations, nominations, proposals, and reports by the  
10 superintendent shall be either recorded in the minutes or  
11 shall be made in writing, noted in the minutes, and filed in  
12 the public records of the board. It shall be presumed that,  
13 in the absence of the record required in this paragraph, the  
14 recommendations, nominations, and proposals required of the  
15 superintendent were not contrary to the action taken by the  
16 school board in such matters.

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

23           (2) REGULAR AND SPECIAL MEETINGS OF THE BOARD.--Attend  
24 all regular meetings of the school board, call special  
25 meetings when emergencies arise, and advise, but not vote, on  
26 questions under consideration.

27           (3) RECORDS FOR THE BOARD.--Keep minutes of all  
28 official actions and proceedings of the school board and keep  
29 such other records, including records of property held or  
30 disposed of by the school board, as may be necessary to  
31

1 provide complete information regarding the district school  
2 system.

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

5 ~~(a) Recommend purchase and plans for~~  
6 ~~control.--Recommend to the school board plans for contracting,~~  
7 ~~receiving, purchasing, acquiring by the institution of~~  
8 ~~condemnation proceedings if necessary, leasing, selling,~~  
9 ~~holding, transmitting, and conveying title to real and~~  
10 ~~personal property.~~

11 ~~(b) Property held in trust.--Recommend to the school~~  
12 ~~board plans for holding in trust and administering property,~~  
13 ~~real and personal, money, or other things of value, granted,~~  
14 ~~conveyed, devised, or bequeathed for the benefit of the~~  
15 ~~schools of the district or of any one of them.~~

16 (5) SCHOOL PROGRAM; PREPARE ~~5-YEAR AND ANNUAL PLANS~~  
17 ~~FOR~~--Supervise the assembling of data and sponsor studies and  
18 surveys essential to the development of a planned school  
19 program for the entire district and prepare and recommend such  
20 a program to the school board as the basis for operating the  
21 district school system.

22 (6) ESTABLISHMENT, ORGANIZATION, AND OPERATION OF  
23 SCHOOLS, CLASSES, AND SERVICES.--Recommend the establishment,  
24 organization, and operation of such schools, classes, and  
25 services as are needed to provide adequate educational  
26 opportunities for all children in the district, including:

27 ~~(a) Schools and attendance areas.--Recommend the~~  
28 ~~location of schools needed to accommodate the pupils of the~~  
29 ~~district and the area from which children should attend each~~  
30 ~~school.~~

31

1           ~~(b) Recommend adequate facilities for all~~  
2 ~~children.--Recommend plans and procedures necessary to provide~~  
3 ~~adequate educational facilities for all children of the~~  
4 ~~district.~~

5           ~~(c) Elimination of school centers and consolidation of~~  
6 ~~schools.--Determine when the needs of pupils can better be~~  
7 ~~served by eliminating school centers and by consolidating~~  
8 ~~schools; recommend to the school board plans for the~~  
9 ~~elimination of such school centers as should be eliminated and~~  
10 ~~for the consolidation of such schools as should be~~  
11 ~~consolidated.~~

12           ~~(d) Cooperation with other districts in maintaining~~  
13 ~~schools.--Recommend plans and procedures for cooperating with~~  
14 ~~school boards of adjoining districts, in this state or in~~  
15 ~~bordering states, in establishing school attendance areas~~  
16 ~~composed of territory lying within the districts and for the~~  
17 ~~joint maintenance of district line or other schools which~~  
18 ~~should serve such attendance areas, and carry out such plans~~  
19 ~~and administer such schools for which his or her district is~~  
20 ~~to be responsible under any agreement which is effected.~~

21           ~~(e) Classification and standardization of~~  
22 ~~schools.--Recommend plans and regulations for determining~~  
23 ~~those school centers at which work should be restricted to the~~  
24 ~~elementary grades, school centers at which work should be~~  
25 ~~offered only in the high school grades, and school centers at~~  
26 ~~which work should be offered in any or in all grades;~~  
27 ~~recommend the grade or grades in which work should be offered~~  
28 ~~at each school center; recommend bases for classifying and~~  
29 ~~standardizing the various schools of the district in order to~~  
30 ~~provide proper incentive for the improvement of all schools.~~

31

1           ~~(f) Opening and closing dates of schools.--Recommend~~  
2 ~~and arrange for a uniform date each year for the opening of~~  
3 ~~all schools in the district, unless other dates shall be found~~  
4 ~~necessary and desirable; recommend and arrange the closing~~  
5 ~~dates for all schools in the district, these dates to be so~~  
6 ~~determined as to assure, as far as practicable, uniform terms~~  
7 ~~for all schools in the district. Recommend regulations for~~  
8 ~~the closing of any or all schools during an emergency and when~~  
9 ~~emergencies arise to close any or all schools in the district~~  
10 ~~and immediately notify the school board of the action taken~~  
11 ~~and the reason therefor.~~

12           ~~(g) School holidays and vacation periods.--Recommend~~  
13 ~~school holidays to be observed and the manner of such~~  
14 ~~observance by the schools and see that such holidays as are~~  
15 ~~approved by the school board are properly observed; also~~  
16 ~~recommend school vacation periods.~~

17           ~~(h) Vocational classes and schools.--Recommend plans~~  
18 ~~for the establishment and maintenance of vocational schools,~~  
19 ~~departments, or classes, giving instruction in career~~  
20 ~~education as defined in regulations of the state board, and~~  
21 ~~administer and supervise instruction in such schools,~~  
22 ~~departments, or classes as are established by the school~~  
23 ~~board.~~

24           ~~(i) Cooperation with other districts in special~~  
25 ~~projects or activities.--Recommend plans and procedures for~~  
26 ~~cooperating with other district school boards or with other~~  
27 ~~agencies, in this state or in bordering states, in special~~  
28 ~~projects or activities which can be more economically or~~  
29 ~~advantageously provided by such cooperation.~~

30           ~~(j) School lunches.--Recommend plans for the~~  
31 ~~establishment, maintenance, and operation of a school lunch~~

1 ~~program consistent with state laws and regulations of the~~  
2 ~~state board, and to administer and supervise such services.~~

3 ~~(k) Exceptional education.--Recommend plans for the~~  
4 ~~provision of special education classes, instruction,~~  
5 ~~facilities, equipment, and related services for exceptional~~  
6 ~~children.~~

7 (7) PERSONNEL.--Be responsible, as required herein,  
8 for directing the work of the personnel, subject to the  
9 requirements of chapter 231, and in addition the  
10 superintendent shall have the following duties:

11 (a) Positions, qualifications, and  
12 nominations.--Recommend to the school board duties and  
13 responsibilities which need to be performed and positions  
14 which need to be filled to make possible the development of an  
15 adequate school program in the district; recommend minimum  
16 qualifications of personnel for these various positions; and  
17 nominate in writing persons to fill such positions. ~~All~~  
18 ~~nominations for reappointment of supervisors and principals~~  
19 ~~shall be submitted to the school board not later than 1 week~~  
20 ~~after the end of the regular legislative session. All~~  
21 ~~nominations for reappointment of members of the instructional~~  
22 ~~staff shall be made after conferring with the principals and~~  
23 ~~shall be submitted in writing to the school board not later~~  
24 ~~than 1 week after the end of the regular legislative session.~~

25 (b) Compensation and salary schedules.--Prepare and  
26 recommend to the school board for adoption a salary schedule  
27 or salary schedules ~~to be used as the basis for paying school~~  
28 ~~employees, arranging such schedules, insofar as practicable,~~  
29 ~~so as to furnish incentive for improvement in training and for~~  
30 ~~continued and efficient service.~~

31

1           (c) Contracts and terms of service.--Recommend to the  
2 school board terms for contracting with employees and prepare  
3 such contracts as are approved. ~~Contracts with the members of~~  
4 ~~the instructional staff are to be prepared, recommended, and~~  
5 ~~executed as hereinbefore prescribed. Authority is given to~~  
6 ~~make appointments to approved positions and to approve~~  
7 ~~compensation therefor at the rate provided in the currently~~  
8 ~~established salary schedule, pending action by the local board~~  
9 ~~at its next regular or special meeting.~~

10           (d) Transfer and promotions.--Recommend employees for  
11 transfer and transfer any employee during any emergency and  
12 report the transfer to the school board at its next regular  
13 meeting.

14           (e) Suspension and dismissal.--Suspend members of the  
15 instructional staff and other school employees during  
16 emergencies for a period extending to and including the day of  
17 the next regular or special meeting of the school board and  
18 notify the school board immediately of such suspension. When  
19 authorized to do so, serve notice on the suspended member of  
20 the instructional staff of charges made against him or her and  
21 of the date of hearing. Recommend employees for dismissal  
22 under the terms prescribed herein.

23           (f) Direct work of employees and supervise  
24 instruction.--Direct or arrange for the proper direction and  
25 improvement, under regulations of the school board, of the  
26 work of all members of the instructional staff and other  
27 employees of the district school system and supervise or  
28 arrange under rules of the school board for the supervision of  
29 instruction in the district and take such steps as are  
30 necessary to bring about continuous improvement.

31

1           (8) CHILD WELFARE.--Recommend plans to the school  
2 board for the proper accounting for all children of school  
3 age, for the attendance and control of pupils at school, for  
4 the proper attention to health, safety, and other matters  
5 which will best promote the welfare of children ~~in the~~  
6 ~~following fields~~, as prescribed in chapter 232.+  
7           ~~(a) Admission, classification, promotion, and~~  
8 ~~graduation of pupils.--Recommend rules and regulations for~~  
9 ~~admitting, classifying, promoting, and graduating pupils to or~~  
10 ~~from the various schools of the district.~~  
11           ~~(b) Enforcement of attendance laws.--Recommend plans~~  
12 ~~and procedures for the enforcement of all laws and regulations~~  
13 ~~relating to the attendance of pupils at school and for the~~  
14 ~~employment of such qualified assistants as may be needed by~~  
15 ~~the superintendent to enforce effectively those laws.~~  
16           ~~(c) Control of pupils.--Propose rules and regulations~~  
17 ~~for the control, discipline, in-school suspension, suspension,~~  
18 ~~and expulsion of pupils and review and modify recommendations~~  
19 ~~for suspension and expulsion of pupils and transmit to the~~  
20 ~~school board for action recommendations for expulsion of~~  
21 ~~pupils.~~When the superintendent makes a recommendation for  
22 expulsion to the school board, he or she shall give written  
23 notice to the pupil and the pupil's parent or guardian of the  
24 recommendation, setting forth the charges against the pupil  
25 and advising the pupil and his or her parent or guardian of  
26 the pupil's right to due process as prescribed by ss. 120.569  
27 and 120.57(2). When school board action on a recommendation  
28 for the expulsion of a pupil is pending, the superintendent  
29 may extend the suspension assigned by the principal beyond 10  
30 school days if such suspension period expires before the next  
31 regular or special meeting of the school board.

1           (9) COURSES OF STUDY AND OTHER INSTRUCTIONAL  
2 AIDS.--Recommend such plans for improving, providing,  
3 distributing, accounting for, and caring for textbooks and  
4 other instructional aids as will result in general improvement  
5 of the district school system, as prescribed in chapter 233.  
6 ~~and including the following:~~

7           ~~(a) Courses of study.--Prepare and recommend for~~  
8 ~~adoption, after consultation with teachers and principals and~~  
9 ~~after considering any suggestions which may have been~~  
10 ~~submitted by patrons of the schools, courses of study for use~~  
11 ~~in the schools of the district needed to supplement those~~  
12 ~~prescribed by the state board.~~

13           ~~(b) Textbooks.--Require that all textbooks and library~~  
14 ~~books furnished by the state and needed in the district are~~  
15 ~~properly requisitioned, distributed, accounted for, stored,~~  
16 ~~cared for, and used; and recommend such additional textbooks~~  
17 ~~or library books as may be needed.~~

18           ~~(c) Other instructional aids.--Recommend plans for~~  
19 ~~providing and facilitate the provision and proper use of such~~  
20 ~~other teaching accessories and aids as are needed.~~

21           ~~(d) School library media services; establishment and~~  
22 ~~maintenance.--Recommend plans for establishing and maintaining~~  
23 ~~school library media centers, or school library media centers~~  
24 ~~open to the public, and, in addition thereto, such circulating~~  
25 ~~or traveling libraries as are needed for the proper operation~~  
26 ~~of the district school system. Recommend plans for the~~  
27 ~~establishment and maintenance of a program of school library~~  
28 ~~media services for all public school students. The school~~  
29 ~~library media services program shall be designed to ensure~~  
30 ~~effective use of available resources and to avoid unnecessary~~  
31 ~~duplication and shall include, but not be limited to, basic~~



1 ~~skills development, instructional design, media collection~~  
2 ~~development, media program management, media production, staff~~  
3 ~~development, and consultation and information services.~~

4 (10) TRANSPORTATION OF PUPILS.--Ascertain which pupils  
5 should be transported to school or to school activities,  
6 determine the most effective arrangement of transportation  
7 routes to accommodate these pupils; recommend such routing to  
8 the school board; recommend plans and procedures for providing  
9 facilities for the economical and safe transportation of  
10 pupils; recommend such rules and regulations as may be  
11 necessary and see that all rules and regulations relating to  
12 the transportation of pupils approved by the school board, as  
13 well as regulations of the state board, are properly carried  
14 into effect, as prescribed in chapter 234.

15 (11) SCHOOL PLANT.--Recommend plans, and execute such  
16 plans as are approved, regarding all phases of the school  
17 plant program, as prescribed in chapter 235., ~~including the~~  
18 ~~following:~~

19 ~~(a) School building program.--Recommend plans and~~  
20 ~~procedures for having a survey made under the direction of the~~  
21 ~~department, or by some agency approved by the department, as a~~  
22 ~~basis for developing a districtwide school building program as~~  
23 ~~a phase of the 5-year program for the district and recommend~~  
24 ~~such program when sufficient evidence is available, specifying~~  
25 ~~the centers at which school work should be offered on the~~  
26 ~~various levels; the type, size, and location of schools to be~~  
27 ~~established; and the steps to be taken to carry out the~~  
28 ~~program.~~

29 ~~(b) Sites, buildings, and equipment.--Recommend the~~  
30 ~~purchasing of school sites, playgrounds, and recreational~~  
31 ~~areas located at centers at which schools are to be~~

1 ~~constructed and of adequate size to meet the need of pupils to~~  
2 ~~be accommodated; or of additions to existing sites when~~  
3 ~~needed; recommend the rental of buildings when necessary;~~  
4 ~~recommend the erection of buildings; recommend additions,~~  
5 ~~alterations, and repairs to buildings and other school~~  
6 ~~properties; ensure that all plans and specifications for~~  
7 ~~buildings provide adequately for the safety of pupils as well~~  
8 ~~as for economy of construction by submitting such plans and~~  
9 ~~specifications to the Department of Education for approval;~~  
10 ~~recommend the purchasing of furniture, books, apparatus, and~~  
11 ~~other equipment necessary for the proper conduct of the work~~  
12 ~~of the schools.~~

13 ~~(c) Maintenance and upkeep of the school~~  
14 ~~plant.--Propose plans for assuring proper maintenance and~~  
15 ~~upkeep of the school plant and for the provision of the~~  
16 ~~utilities and supplies for the operation of the schools; and~~  
17 ~~when the plans are approved by the school board, take such~~  
18 ~~steps as are necessary to see that buildings are kept in~~  
19 ~~proper sanitary and physical condition and that heat, lights,~~  
20 ~~water, and power and other supplies and utilities are~~  
21 ~~adequate.~~

22 ~~(d) Insurance of school property.--Propose plans and~~  
23 ~~procedures for insuring economically every plant and its~~  
24 ~~contents, boilers and machinery as well as school buses and~~  
25 ~~other property, under the control of the school board and see~~  
26 ~~that the proper records are kept of such insurance.~~

27 ~~(e) Condemnation of buildings.--Inspect periodically~~  
28 ~~all school buildings and surroundings to determine whether~~  
29 ~~there are any unsanitary conditions or whether there are~~  
30 ~~physical hazards which are likely to jeopardize the health or~~  
31 ~~life of the pupils or instructional staff; request competent~~

1 ~~assistance from the state or other authorized agency, if~~  
2 ~~necessary, to determine whether buildings found to be~~  
3 ~~defective should be condemned and to recommend to the school~~  
4 ~~board condemnation of buildings which should be abandoned.~~

5 (12) FINANCE.--Recommend measures to the school board  
6 to assure adequate educational facilities throughout the  
7 district, in accordance with the financial procedure  
8 authorized in chapters 236 and 237 and as prescribed below:

9 (a) Plan for operating all schools for minimum  
10 term.--Determine and recommend district funds necessary in  
11 addition to state funds to provide for at least a 180-day  
12 school term or the equivalent on an hourly basis as specified  
13 by rules which shall be adopted by the State Board of  
14 Education and recommend plans for ensuring the operation of  
15 all schools for the term authorized by the school board.

16 (b) Annual budget.--Prepare the annual school budget  
17 to be submitted to the school board for adoption according to  
18 law and submit this budget, when adopted by the school board,  
19 to the Department of Education on or before the date required  
20 by rules of the state board.

21 (c) Tax levies.--Recommend to the school board, on the  
22 basis of the needs shown by the budget, the amount of district  
23 school tax levy necessary to provide the district school funds  
24 needed for the maintenance of the public schools; recommend to  
25 the school board the tax levy required on the basis of the  
26 needs shown in the budget for the district bond interest and  
27 sinking fund of each district; and recommend to the school  
28 board to be included on the ballot at each district millage  
29 election the school district tax levies necessary to carry on  
30 the school program.

31

1           (d) School funds.--Keep an accurate account of all  
2 funds which should be transmitted to the school board for  
3 school purposes at various periods during the year and see,  
4 insofar as possible, that these funds are transmitted  
5 promptly; report promptly to the school board any  
6 delinquencies or delays that occur in making available any  
7 funds that should be made available for school purposes.

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

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

12           (g) Payrolls and accounts.--Maintain accurate and  
13 current statements of accounts due to be paid by the school  
14 board; certify these statements as correct; liquidate board  
15 obligations in accordance with the official budget and rules  
16 of the school board; and prepare periodic reports as required  
17 by rules of the state board, showing receipts, balances, and  
18 disbursements to date, and file copies of such periodic  
19 reports with the Department of Education.

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

23           (i) Contracts.--After study of the feasibility of  
24 contractual services with industry, recommend to the school  
25 board the desirable terms, conditions, and specifications for  
26 contracts for supplies, materials, or services to be rendered  
27 and see that materials, supplies, or services are provided  
28 according to contract.

29           (j) Investment policies.--The superintendent shall,  
30 after careful examination, recommend policies to the school  
31 board which will provide for the investment or deposit of

1 school funds not needed for immediate expenditures which shall  
2 earn the maximum possible yield under the circumstances on  
3 such investments or deposits. The superintendent shall cause  
4 to be invested at all times all school moneys not immediately  
5 needed for expenditures pursuant to the policies of the school  
6 board.

7 (k) Protection against loss.--Recommend programs and  
8 procedures to the school board necessary to protect the school  
9 system adequately against loss or damage to school property or  
10 against loss resulting from any liability for which the board  
11 or its officers, agents, or employees may be responsible under  
12 law.

13 (l) Millage elections.--Recommend plans and procedures  
14 for holding and supervising all school district millage  
15 elections.

16 (m) Budgets and expenditures.--Prepare, after  
17 consulting with the principals of the various schools,  
18 tentative annual budgets for the expenditure of district funds  
19 for the benefit of public school pupils of the district.

20 (n) Bonds.--Recommend the amounts of bonds to be  
21 issued in the district and assist in the preparation of the  
22 necessary papers for an election to determine whether the  
23 proposed bond issue will be approved by the electors; if such  
24 bond issue be approved by the electors, recommend plans for  
25 the sale of bonds and for the proper expenditure of the funds  
26 derived therefrom.

27 (13) RECORDS AND REPORTS.--Recommend such records as  
28 should be kept in addition to those prescribed by rules of the  
29 state board or by the department; prepare forms for keeping  
30 such records as are approved by the school board; see that  
31

1 such records are properly kept; and make all reports that are  
2 needed or required, as follows:

3 (a) Forms, blanks, and reports.--Require that all  
4 employees keep accurately all records and make promptly in  
5 proper form all reports required by the school code or by  
6 rules of the state board; recommend the keeping of such  
7 additional records and the making of such additional reports  
8 as may be deemed necessary to provide data essential for the  
9 operation of the school system; and prepare such forms and  
10 blanks as may be required and see that these records and  
11 reports are properly prepared.

12 (b) Reports to the department.--Prepare, for the  
13 approval of the school board, all reports that may be required  
14 by law or rules of the state board to be made to the  
15 department and transmit promptly all such reports, when  
16 approved, to the department, as required by law. If any such  
17 reports are not transmitted at the time and in the manner  
18 prescribed by law or by state board rules, the salary of the  
19 superintendent shall be withheld until such report has been  
20 properly submitted. Unless otherwise provided by regulations  
21 of the state board, the annual report on attendance and  
22 personnel shall be due on or before July 1, and the annual  
23 school budget and the report on finance shall be due on the  
24 date prescribed by the state board.

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

29 (14) COOPERATION WITH OTHER AGENCIES.--

30 (a) Cooperation with governmental agencies in  
31 enforcement of laws and rules.--Recommend plans for

1 cooperating with, and, on the basis of approved plans,  
2 cooperate with federal, state, county, and municipal agencies  
3 in the enforcement of laws and rules pertaining to all matters  
4 relating to education and child welfare.

5 (b) Cooperation with other local administrators to  
6 achieve the first state education goal.--Cooperate with the  
7 district administrator of the Department of Health and  
8 Rehabilitative Services and with administrators of other local  
9 public and private agencies to achieve the first state  
10 education goal, readiness to start school.

11 (c) Identifying and reporting names of migratory  
12 children, other information.--Recommend plans for identifying  
13 and reporting to the Department of Education the name of each  
14 child in the school district who qualifies according to the  
15 definition of a migratory child, based on Pub. L. No. 95-561,  
16 and for reporting such other information as may be prescribed  
17 by the department.

18 (15) ENFORCEMENT OF LAWS AND RULES.--Require that all  
19 laws and rules of the state board, as well as supplementary  
20 rules of the school board, are properly observed and report to  
21 the school board any violation which the superintendent does  
22 not succeed in having corrected.

23 (16) COOPERATE WITH SCHOOL BOARD.--Cooperate with the  
24 school board in every manner practicable to the end that the  
25 district school system may continuously be improved.

26 (17) VISITATION OF SCHOOLS.--Visit the schools;  
27 observe the management and instruction; give suggestions for  
28 improvement; and advise with supervisors, principals,  
29 teachers, patrons, and other citizens with the view of  
30 promoting interest in education and improving the school  
31 conditions of the district.

1           (18) CONFERENCES, INSTITUTES, AND STUDY COURSES.--Call  
2 and conduct institutes and conferences with employees of the  
3 school board, school patrons, and other interested citizens;  
4 organize and direct study and extension courses for employees,  
5 advising them as to their professional studies; assist patrons  
6 and people generally in acquiring knowledge of the aims,  
7 services, and needs of the schools.

8           (19) PROFESSIONAL AND GENERAL IMPROVEMENT.--Attend  
9 such conferences for superintendents as may be called or  
10 scheduled by the Department of Education and avail himself or  
11 herself of means of professional and general improvement so  
12 that he or she may function most efficiently.

13           (20) RECOMMEND REVOKING CERTIFICATES.--Recommend in  
14 writing to the Department of Education the revoking of any  
15 certificate for good cause, including a full statement of the  
16 reason for the superintendent's recommendation.

17           (21) MAKE RECORDS AVAILABLE TO SUCCESSOR.--Leave with  
18 the school board and make available to his or her successor  
19 upon retiring from office a complete inventory of school  
20 equipment and other property, together with all official  
21 records and such other records as may be needed in supervising  
22 instruction and in administering the district school system.

23           (22) RECOMMEND PROCEDURES FOR INFORMING GENERAL  
24 PUBLIC.--Recommend to the school board procedures whereby the  
25 general public can be adequately informed of the educational  
26 programs, needs, and objectives of public education within the  
27 district.

28           (23) SCHOOL IMPROVEMENT AND ACCOUNTABILITY.--Recommend  
29 procedures for implementing and maintaining a system of school  
30 improvement and education accountability as provided by  
31 statute and State Board of Education rule.



1           (24) OTHER DUTIES AND RESPONSIBILITIES.--Perform such  
2 other duties as may be assigned to the superintendent by law  
3 or by rules of the state board.

4           Section 13. Subsection (2) of section 230.331, Florida  
5 Statutes, is amended to read:

6           230.331 Reproduction and destruction of district  
7 school records.--

8           (2) After complying with the provisions of s. 257.37,  
9 the superintendent is authorized to photograph,  
10 microphotograph, or reproduce ~~on film or prints~~, documents,  
11 records, data, and information of a permanent character which  
12 in his or her discretion he or she may select, and the  
13 superintendent is authorized to destroy any of the said  
14 documents after they have been reproduced ~~photographed~~ and  
15 after audit of the superintendent's office has been completed  
16 for the period embracing the dates of said instruments.  
17 Information ~~Photographs or microphotographs in the form of~~  
18 ~~film or prints~~ made in compliance with the provisions of this  
19 section shall have the same force and effect as the originals  
20 thereof would have, and shall be treated as originals for the  
21 purpose of their admissibility in evidence. Duly certified or  
22 authenticated reproductions ~~of such photographs or~~  
23 ~~microphotographs~~ shall be admitted in evidence equally with  
24 the originals ~~original photographs or microphotographs~~.

25           Section 14. Section 230.35, Florida Statutes, is  
26 amended to read:

27           230.35 Schools under control of school board and  
28 superintendent.--Except as otherwise provided by law, all  
29 public schools conducted within the district shall be under  
30 the direction and control of the school board with the  
31 superintendent as executive officer.

1           Section 15. Sections 230.59 and 230.655, Florida  
2 Statutes, and section 230.71, Florida Statutes, as amended by  
3 chapters 95-147 and 95-376, Laws of Florida, are hereby  
4 repealed.

5           Section 16. Paragraph (a) of subsection (1) of section  
6 232.01, Florida Statutes, is amended to read:

7           232.01 ~~Regular School attendance required between ages~~  
8 ~~of 6 and 16; permitted at age of 5; exceptions.--~~

9           (1)(a)1. All children who have attained the age of 6  
10 years or who will have attained the age of 6 years by February  
11 1 of any school year or who are older than 6 years of age but  
12 who have not attained the age of 16 years, except as  
13 hereinafter provided, are required to attend school regularly  
14 during the entire school term.

15           2. Children who will have attained the age of 5 years  
16 on or before September 1 of the school year are eligible for  
17 admission to public kindergartens during that school year  
18 under rules prescribed by the school board.

19           3. Children who will have attained the age of 3 years  
20 on or before September 1 of the school year are eligible for  
21 admission to prekindergarten early intervention programs  
22 during that school year as provided in s. 230.2305 or a  
23 preschool program as provided in s. 228.061.

24           Section 17. Section 232.021, Florida Statutes, is  
25 amended to read:

26           232.021 Attendance records and reports required.--All  
27 officials, teachers, and other employees in public, parochial,  
28 denominational, and private schools, including private tutors,  
29 shall keep all records and shall prepare and submit promptly  
30 all reports that may be required by law and by regulations of  
31 state and district boards. Such records shall include a

1 register of enrollment and attendance and all such persons  
2 named above shall make such reports therefrom as may be  
3 required by the state board. The enrollment register shall  
4 show the absence or attendance of each child enrolled for each  
5 school day of the year in a manner prescribed by the state  
6 board. The register shall be open for the inspection by the  
7 designated school representative or the superintendent ~~or~~  
8 ~~attendance assistant~~ of the district in which the school is  
9 located. Violation of the provisions of this section shall be  
10 a misdemeanor of the second degree, punishable as provided by  
11 law.

12 Section 18. Section 232.0225, Florida Statutes, is  
13 amended to read:

14 (Substantial rewording of section. See  
15 s. 232.0225, F.S., for present text.)

16 232.0225 Absence for religious instruction or  
17 holidays.--Each school board shall adopt a policy which  
18 authorizes a parent or guardian to request and be granted  
19 permission for absence of a student from school for religious  
20 instruction or religious holidays.

21 Section 19. Section 232.023, Florida Statutes, as  
22 amended by chapter 95-147, Laws of Florida, is hereby  
23 repealed.

24 Section 20. Section 232.03, Florida Statutes, is  
25 amended to read:

26 232.03 Evidence of date of birth required.--Before  
27 admitting a child to prekindergarten or kindergarten, the  
28 principal shall require evidence that the child has attained  
29 the age at which he or she should be admitted in accordance  
30 with the provisions of s. 232.01, ~~s. 232.04, or s. 232.045.~~  
31 The superintendent may require evidence of the age of any

1 child whom he or she believes to be within the limits of  
2 compulsory attendance as provided for by law. If the first  
3 prescribed evidence is not available, the next evidence  
4 obtainable in the order set forth below shall be accepted:

5 (1) A duly attested transcript of the child's birth  
6 record filed according to law with a public officer charged  
7 with the duty of recording births;

8 (2) A duly attested transcript of a certificate of  
9 baptism showing the date of birth and place of baptism of the  
10 child, accompanied by an affidavit sworn to by the parent;

11 (3) An insurance policy on the child's life which has  
12 been in force for at least 2 years;

13 (4) A bona fide contemporary Bible record of the  
14 child's birth accompanied by an affidavit sworn to by the  
15 parent;

16 (5) A passport or certificate of arrival in the United  
17 States showing the age of the child;

18 (6) A transcript of record of age shown in the child's  
19 school record of at least 4 years prior to application,  
20 stating date of birth; or

21 (7) If none of these evidences can be produced, an  
22 affidavit of age sworn to by the parent, accompanied by a  
23 certificate of age signed by a public health officer or by a  
24 public school physician, or, if neither of these shall be  
25 available in the county, by a licensed practicing physician  
26 designated by the school board, which certificate shall state  
27 that the health officer or physician has examined the child  
28 and believes that the age as stated in the affidavit is  
29 substantially correct.

30 Section 21. Subsection (2) of section 232.032, Florida  
31 Statutes, as created by chapter 94-320, Laws of Florida,

1 section 232.034, Florida Statutes, as amended by chapter  
2 95-147, Laws of Florida, and sections 232.04 and 232.045,  
3 Florida Statutes, are hereby repealed.

4 Section 22. Section 232.06, Florida Statutes, is  
5 amended to read:

6 232.06 Certificates of exemptions authorized in  
7 certain cases.--Children within the compulsory attendance age  
8 limits who hold valid certificates of exemption which have  
9 been issued by the superintendent shall be exempt from  
10 attending school. A certificate of exemption shall cease to  
11 be valid at the end of the school year in which it is issued.  
12 ~~Children entitled to such certificates and the conditions upon~~  
13 ~~which they may be issued are as follows:~~

14 ~~(1) PHYSICAL AND MENTAL DISABILITY.--Any child whose~~  
15 ~~physical, mental, or emotional condition is such as to prevent~~  
16 ~~his or her successful participation in regular or special~~  
17 ~~education programs for exceptional children; provided, that~~  
18 ~~before issuing a certificate of exemption for physical,~~  
19 ~~mental, or emotional disability, the superintendent shall~~  
20 ~~require the submission of a statement from the county health~~  
21 ~~officer, if a licensed physician, in counties having such an~~  
22 ~~officer, and in other counties from a licensed practicing~~  
23 ~~physician or qualified psychological examiner designated by~~  
24 ~~the district certifying that the child is physically or~~  
25 ~~mentally incapacitated for school attendance; provided,~~  
26 ~~further, that if appropriate programs are not available within~~  
27 ~~the school system, arrangements shall be made with adjoining~~  
28 ~~districts or other appropriate agencies, residential schools,~~  
29 ~~or approved nonpublic schools providing appropriate programs~~  
30 ~~and services as determined by the Department of Education~~  
31 ~~under regulations prescribed by the state board. Any child so~~

1 ~~exempt from educational provisions shall immediately be~~  
2 ~~reported to the department.~~

3 ~~(2) EMPLOYMENT EXEMPTION.--Children who have reached~~  
4 ~~14 years of age who hold employment certificates and are~~  
5 ~~employed under provisions of the Child Labor Law.~~

6 ~~(3) JUDICIAL EXEMPTIONS.--Upon the recommendation of a~~  
7 ~~circuit judge and the agreement of the superintendent, any~~  
8 ~~child within the compulsory attendance age limit may be~~  
9 ~~granted a certificate of exemption.~~

10 ~~(4) CHILD CARE EXEMPTION.--A parent who does not have~~  
11 ~~access to child care, provided that:~~

12 ~~(a) The superintendent certifies that:~~

13 ~~1. Space is not available in any child care center~~  
14 ~~which is operated by, or under contract with, the school~~  
15 ~~district and is located within 1 hour from the student's home~~  
16 ~~or 30 minutes from the student's school.~~

17 ~~2. The student's child has been placed on the waiting~~  
18 ~~list for enrollment in the child care centers operated by, or~~  
19 ~~under contract with, the school district.~~

20 ~~3. The student is not required to enroll in the~~  
21 ~~district's teenage parent program as an eligibility~~  
22 ~~requirement for enrollment of the student's child in a school~~  
23 ~~district child care center.~~

24 ~~4. When child care is not available within the school~~  
25 ~~system, the district has attempted to arrange child care~~  
26 ~~through the Florida Subsidized Child Care Program.~~

27 ~~(b) In all cases, the certificate of exemption remains~~  
28 ~~valid until the student's child is placed in a child care~~  
29 ~~center operated by, or under contract with, the school~~  
30 ~~district, until a Florida Subsidized Child Care Program~~  
31

1 ~~enrollment is available, or until the end of the school year,~~  
2 ~~whichever occurs sooner.~~

3 Section 23. Section 232.09, Florida Statutes, is  
4 amended to read:

5 232.09 Parents responsible for attendance of  
6 children.--Each parent of a child within the compulsory  
7 attendance age shall be responsible for such child's school  
8 attendance as required by law. The absence of a child from  
9 school shall be prima facie evidence of a violation of this  
10 section; however, no criminal prosecution shall be brought  
11 against a parent, guardian, or other person having control of  
12 the child until the provisions of s. 232.17(2)(c) have been  
13 complied with. No parent of a child shall be held responsible  
14 for such child's nonattendance at school under any of the  
15 following conditions:

16 (1) WITH PERMISSION.--The absence was with permission  
17 of the head of the school; or

18 (2) WITHOUT KNOWLEDGE.--The absence was without the  
19 parent's knowledge, consent, or connivance, in which case the  
20 child shall be dealt with as a dependent child; or

21 (3) FINANCIAL INABILITY.--The parent was unable  
22 financially to provide necessary clothes for the child, which  
23 inability was reported in writing to the superintendent prior  
24 to the opening of school or immediately after the beginning of  
25 such inability; provided, that the validity of any claim for  
26 exemption under this subsection shall be determined by the  
27 superintendent subject to appeal to the school board; or

28 (4) SICKNESS, INJURY, OR OTHER INSURMOUNTABLE  
29 CONDITION.--Attendance was impracticable or inadvisable on  
30 account of sickness or injury, attested to by a written  
31 statement of a licensed practicing physician, or was

1 impracticable because of some other stated insurmountable  
2 condition as defined by rules ~~regulations~~ of the state board.

3 Section 24. Sections 232.10, 232.13, and 232.165,  
4 Florida Statutes, are hereby repealed.

5 Section 25. Section 232.17, Florida Statutes, 1996  
6 Supplement, is amended to read:

7 232.17 Enforcement of school attendance ~~assistants;~~  
8 ~~qualifications; compensation; duties.--Provisions for the~~  
9 ~~employment, qualifications, compensation, and duties of~~  
10 ~~attendance assistants shall be as follows:~~

11 ~~(1) EMPLOYMENT AND QUALIFICATIONS OF ATTENDANCE~~  
12 ~~ASSISTANTS.--The school board, upon the recommendation of the~~  
13 ~~superintendent, may employ and fix the compensation, including~~  
14 ~~reimbursement for travel, of a sufficient number of qualified~~  
15 ~~attendance assistants to guarantee regular attendance at~~  
16 ~~school of all children of the district within compulsory~~  
17 ~~school-age requirements who are not herein exempted from~~  
18 ~~attendance.~~

19 ~~(2) DUTIES AND RESPONSIBILITIES OF ATTENDANCE~~  
20 ~~ASSISTANTS.--The duties and responsibilities of the attendance~~  
21 ~~assistant shall be exercised under the direction of the~~  
22 ~~superintendent and shall be as follows:~~

23 ~~(a) Maintain records.--Pupil accounting records,~~  
24 ~~unless maintained by others assigned by the superintendent,~~  
25 ~~shall be kept by attendance assistants. These records shall~~  
26 ~~be on forms approved pursuant to regulations of the state~~  
27 ~~board.~~

28 (1)(b) INVESTIGATE NONENROLLMENT AND UNEXCUSED  
29 ABSENCES.--In accordance with procedure established by the  
30 state board, a designated school representative attendance  
31 assistants shall investigate cases of nonenrollment and



1 unexcused absences from school of all children within the  
2 compulsory school age.

3 (2)(c) GIVE WRITTEN NOTICE.--Under the direction of  
4 the superintendent, a designated school representative ~~the~~  
5 ~~attendance assistant~~ shall give written notice, either in  
6 person or by return receipt ~~registered~~ mail, to the parent,  
7 guardian, or other person having control when no valid reason  
8 is found for a child's nonenrollment in school or when the  
9 child has a minimum of 3 but fewer than 15 unexcused absences  
10 within 90 days, requiring enrollment or attendance within 3  
11 days from the date of notice. If such notice and requirement  
12 are ignored, the school representative ~~attendance assistant~~  
13 shall report the case to the superintendent, and may refer the  
14 case to the case staffing committee, established pursuant to  
15 s. 39.426, if the conditions of s. 232.19(3) have been met.  
16 The superintendent may take such steps as are necessary to  
17 bring criminal prosecution against the parent, guardian, or  
18 other person having control. ~~No further written notice of the~~  
19 ~~child's absence from school is required to be given to the~~  
20 ~~parent, guardian, or other person having control unless the~~  
21 ~~child, upon his or her return to school, remains in attendance~~  
22 ~~for 10 consecutive days.~~

23 (3)(d) RETURN CHILD TO PARENT.--A designated school  
24 representative ~~The attendance assistant~~ shall visit the home  
25 or place of residence of a child and any other place in which  
26 he or she is likely to find any child who is required to  
27 attend school when such child is absent from school during  
28 school hours, and, when such child has been found, shall  
29 return the child to his or her parent or to the principal or  
30 teacher in charge of the school, or to the private tutor from  
31 whom absent.

1           ~~(e) Visit home.--The attendance assistant shall visit~~  
2 ~~promptly the home of each child of school age in his or her~~  
3 ~~attendance district not in attendance upon the school, and of~~  
4 ~~any child who should attend the Florida State School for the~~  
5 ~~Deaf and the Blind, and who is reported as not enrolled in~~  
6 ~~that school or as absent without excuse. If no valid reason~~  
7 ~~is found for such nonenrollment or absence from such school or~~  
8 ~~schools the attendance assistant shall give written notice to~~  
9 ~~the parent, requiring the child's enrollment or attendance as~~  
10 ~~prescribed above. The attendance assistant shall secure the~~  
11 ~~written approval of the president of the Florida State School~~  
12 ~~for the Deaf and the Blind before he or she directs or~~  
13 ~~requests the parents of any child to take or send such child~~  
14 ~~to that school. Ten days' notice must be given in the case of~~  
15 ~~a child who is ordered sent to that school. On refusal or~~  
16 ~~failure of the parent to meet such requirement, the attendance~~  
17 ~~assistant shall report the same to the superintendent, and~~  
18 ~~that official shall proceed to take such action as is~~  
19 ~~prescribed in s. 232.19(2).~~

20           (4)(f) REPORT TO THE DIVISION OF JOBS AND BENEFITS.--A  
21 designated school representative ~~The attendance assistant~~  
22 shall report to the Division of Jobs and Benefits of the  
23 Department of Labor and Employment Security or to any person  
24 acting in similar capacity who may be designated by law to  
25 receive such notices, all violations of the Child Labor Law  
26 that may come to his or her knowledge.

27           (5)(g) RIGHT TO INSPECT.--A designated school  
28 representative ~~The attendance assistant~~ shall have the same  
29 right of access to, and inspection of, establishments where  
30 minors may be employed or detained as is given by law to the  
31 Division of Jobs and Benefits only for the purpose of

1 ascertaining whether children of compulsory school age are  
2 actually employed there and are actually working there  
3 regularly. The school representative ~~attendance assistant~~  
4 shall, if he or she finds unsatisfactory working conditions or  
5 violations of the Child Labor Law, report his or her findings  
6 to the Division of Jobs and Benefits or its agents.

7 ~~(h) Record of visits.--The attendance assistant shall~~  
8 ~~keep an accurate record of all children returned to schools or~~  
9 ~~homes, of all cases prosecuted, and of all other service~~  
10 ~~performed. A written report of all such activities shall be~~  
11 ~~made quarterly to the school board and shall be filed in the~~  
12 ~~office of the superintendent.~~

13 Section 26. Subsections (3) and (5) of section 232.19,  
14 Florida Statutes, 1996 Supplement, are amended to read:

15 232.19 Court procedure and penalties.--The court  
16 procedure and penalties for the enforcement of the provisions  
17 of this chapter, relating to compulsory school attendance,  
18 shall be as follows:

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

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

9 (a) The child must have 15 unexcused absences within  
10 90 days with or without the knowledge or consent of the  
11 child's parent or legal guardian and must not be exempt from  
12 attendance by virtue of being over the age of compulsory  
13 school attendance or by meeting the criteria in s. 232.06, s.  
14 232.09, or any other exemption specified by law or the rules  
15 of the State Board of Education.

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

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

30 2. Educational counseling must have been provided to  
31 determine whether curriculum changes would help solve the

1 truancy problem, and, if any changes were indicated, such  
2 changes must have been instituted but proved unsuccessful in  
3 remedying the truant behavior. Such curriculum changes may  
4 include enrollment of the child in a dropout prevention ~~an~~  
5 ~~alternative education~~ program that meets the specific  
6 educational and behavioral needs of the child, including a  
7 second chance school, as provided for in s. 230.2316, designed  
8 to resolve truant behavior.

9           3. Educational evaluation, which may include  
10 psychological evaluation, must have been provided to assist in  
11 determining the specific condition, if any, that is  
12 contributing to the child's nonattendance. The evaluation  
13 must have been supplemented by specific efforts by the school  
14 to remedy any diagnosed condition.

15  
16 If a child within the compulsory school attendance age is  
17 responsive to the interventions described in this paragraph  
18 and has completed the necessary requirements to pass the  
19 current grade as indicated in the district pupil progression  
20 plan, the child shall be passed.

21           (c) The district manager of the Department of Juvenile  
22 Justice or the district manager's designee and the  
23 superintendent of the local school district or the  
24 superintendent's designee must have developed a cooperative  
25 interagency agreement which clearly defines each department's  
26 role, responsibility, and function in working with habitual  
27 truants and their families. The interagency agreement shall  
28 specify that the participants address issues of streamlining  
29 service delivery, the appropriateness of legal intervention,  
30 case management, the role and responsibility of the case  
31 staffing committee, student and parental intervention and

1 involvement, and community action plans. The interagency  
2 agreement shall delineate timeframes for implementation and  
3 identify a mechanism for reporting results by the district  
4 juvenile justice manager or the district manager's designee  
5 and the superintendent of schools or the superintendent's  
6 designee to the Department of Juvenile Justice and the  
7 Department of Education and other governmental entities as  
8 needed. The cooperative agreement may designate which agency  
9 shall be responsible for the intervention steps in s.  
10 39.01(73), or this section, if such designation shall yield  
11 more effective and efficient intervention services.

12 (5) PROCEEDINGS AND PROSECUTIONS; WHO MAY  
13 BEGIN.--Proceedings or prosecutions under the provisions of  
14 this chapter may be begun by the superintendent, by a  
15 designated school representative ~~an attendance assistant~~, by  
16 the probation officer of the county, by the executive officer  
17 of any court of competent jurisdiction, or by an officer of  
18 any court of competent jurisdiction, or by a duly authorized  
19 agent of the Department of Education.

20 (6) PENALTIES.--The penalties for refusing or failing  
21 to comply with the provisions of this chapter shall be as  
22 follows:

23 (a) The parent.--A parent who refuses or fails to have  
24 a child who is under his or her control attend school  
25 regularly, or who refuses or fails to comply with the  
26 requirements in subsection (3), is guilty of a misdemeanor of  
27 the second degree, punishable as provided by law. The  
28 continued or habitual absence of a child without the consent  
29 of the principal or teacher in charge of the school he or she  
30 attends or should attend, or of the tutor who instructs or  
31 should instruct him or her, is prima facie evidence of a

1 violation of this chapter; however, the court of the  
2 appropriate jurisdiction, upon finding that the parent has  
3 made a bona fide and diligent effort to control and keep the  
4 child in school, shall excuse the parent from any criminal  
5 liability prescribed herein and shall refer the parent and  
6 child for counseling, guidance, or other needed services.

7 (b) The principal or teacher.--A principal or teacher  
8 in charge of a school, public, parochial, denominational, or  
9 private, or a private tutor who willfully violates any  
10 provision of this chapter may, upon satisfactory proof of such  
11 violation, have his or her certificate revoked by the  
12 Department of Education.

13 (c) The employer.--An employer who fails to notify the  
14 superintendent when he or she ceases to employ a child is  
15 guilty of a misdemeanor of the second degree, punishable as  
16 provided by law.

17 Section 27. Subsections (2) and (3) of section  
18 232.245, Florida Statutes, and section 232.2452, Florida  
19 Statutes, as amended by chapter 95-147, Laws of Florida, are  
20 hereby repealed.

21 Section 28. Section 232.2461, Florida Statutes, is  
22 hereby repealed.

23 Section 29. Section 232.2462, Florida Statutes, is  
24 amended to read:

25 232.2462 ~~Attendance requirement for receipt of high~~  
26 ~~school credit.~~Definition of "credit".--

27 (1)(a) For the purposes of requirements for high  
28 school graduation, one full credit means a minimum of 150  
29 hours of bona fide instruction in a designated course of study  
30 which contains student performance standards as provided for  
31 in s. 232.2454. Six semester credit hours of instruction

1 earned through enrollment pursuant to s. 240.116 shall also  
2 equal one full credit.

3 (b) The hourly requirements for one-half credit are  
4 one-half the requirements specified in paragraph (a).

5 ~~(2) A student may not be awarded a credit if he or she~~  
6 ~~has not been in for instruction for a minimum of 135 hours~~  
7 ~~unless he or she has demonstrated mastery of the student~~  
8 ~~performance standards in the course of study as provided by~~  
9 ~~rules of the district school board. Excused absences as~~  
10 ~~determined by the district school board and as carried out by~~  
11 ~~the secondary school principal shall not be counted against~~  
12 ~~the 135-hour minimum requirement. Criteria for determining~~  
13 ~~excused absences shall be as provided in s. 232.0225, absence~~  
14 ~~for religious instruction, or a religious holiday, and s.~~  
15 ~~232.09(4), absence due to sickness, injury, or other~~  
16 ~~insurmountable condition, and absence due to participation in~~  
17 ~~an academic class or program. Missed work shall be made up, as~~  
18 ~~provided in the pupil progression plan established by the~~  
19 ~~district school board by rule, for all excused absences. The~~  
20 ~~difference between the 135-hour minimum requirement and the~~  
21 ~~150-hour definition of full credit established in this section~~  
22 ~~may at the discretion of the secondary school principal be~~  
23 ~~used for noninstructional extracurricular activities unless~~  
24 ~~otherwise provided by district school board rule. In credit~~  
25 ~~programs operated in the period beyond 180 school days, each~~  
26 ~~full-credit course must be established for a minimum of 120~~  
27 ~~hours.~~

28 (2)(3) In awarding credit for high school graduation,  
29 each school district shall maintain a one-half credit earned  
30 system which shall include courses provided on a full-year  
31 basis. A student enrolled in a full-year course shall receive



1 one-half credit if the student successfully completes either  
2 the first half or the second half of a full-year course but  
3 fails to successfully complete the other half of the course  
4 and the averaging of the grades obtained in each half would  
5 not result in a passing grade. A student enrolled in a  
6 full-year course shall receive a full credit if the student  
7 successfully completes either the first half or the second  
8 half of a full-year course but fails to successfully complete  
9 the other half of the course and the averaging of the grades  
10 obtained in each half would result in a passing grade,  
11 provided that such additional requirements specified in school  
12 board policies, such as class attendance, homework,  
13 participation, and other indicators of performance, shall be  
14 successfully completed by the student.

15 Section 30. Subsections (2) and (3) of section  
16 232.2468, Florida Statutes, as amended by chapters 96-221 and  
17 96-406, Laws of Florida, are hereby repealed, and subsection  
18 (1) of said section is renumbered as subsections (41), (42),  
19 and (43) of section 228.041, Florida Statutes, 1996  
20 Supplement, and amended to read:

21 228.041 Definitions.--Specific definitions shall be as  
22 follows, and wherever such defined words or terms are used in  
23 the Florida School Code, they shall be used as follows:

24 ~~(1) DEFINITION.--~~

25 (41)(a) GRADUATION RATE.--The term "graduation rate"  
26 means the percentage calculated by dividing the number of  
27 entering 9th graders into the number of students who receive,  
28 4 years later, a high school diploma, a special diploma, or a  
29 certificate of completion, as provided for in s. 232.246, or  
30 who receive a special certificate of completion, as provided  
31 in s. 232.247, and students 19 years of age or younger who

1 receive a general equivalency diploma, as provided in s.  
2 229.814. The number of 9th grade students used in the  
3 calculation of a graduation rate for this state shall be  
4 students enrolling in the grade for the first time.

5 ~~(42)(b)~~ HABITUAL TRUANCY RATE.--The term "habitual  
6 truancy rate" means the annual percentage of students in  
7 membership within the age of compulsory school attendance  
8 pursuant to s. 232.01 who are classified as habitual truants  
9 as defined in subsection s. 228.041(28).

10 ~~(43)(c)~~ DROPOUT RATE.--The term "dropout rate" means  
11 the annual percentage calculated by dividing the number of  
12 students over the age of compulsory school attendance,  
13 pursuant to s. 232.01, at the time of the fall membership  
14 count, into the number of students who withdraw from school  
15 during a given school year and who are classified as dropouts  
16 pursuant to subsection s. 228.041(29).

17

18 ~~The State Board of Education may adopt rules to implement this~~  
19 ~~subsection.~~

20 Section 31. Section 232.257, Florida Statutes, as  
21 amended by chapters 95-147 and 95-376, Laws of Florida, and  
22 section 232.258, Florida Statutes, as created by chapter  
23 94-209, Laws of Florida, are hereby repealed.

24 Section 32. Subsection (3) of section 232.271, Florida  
25 Statutes, 1996 Supplement, is amended to read:

26 232.271 Removal by teacher.--

27 (3) If a teacher removes a student from class under  
28 subsection (2), the principal may place the student in another  
29 appropriate classroom, in in-school suspension, or in a  
30 dropout prevention ~~an alternative education~~ program as  
31 provided by s. 230.2316; or the principal may recommend the

1 student for out-of-school suspension or expulsion, as  
2 appropriate. The student may be prohibited from attending or  
3 participating in school-sponsored or school-related  
4 activities. The principal may not return the student to that  
5 teacher's class without the teacher's consent unless the  
6 committee established under s. 232.272 determines that such  
7 placement is the best or only available alternative. The  
8 teacher and the placement review committee must render  
9 decisions within 5 days of the removal of the student from the  
10 classroom.

11 Section 33. Sections 232.276, 232.3015, and 232.303,  
12 Florida Statutes, and section 232.304, Florida Statutes, as  
13 amended by chapter 95-147, Laws of Florida, are hereby  
14 repealed.

15 Section 34. Section 233.011, Florida Statutes, as  
16 amended by chapter 95-147, Laws of Florida, is hereby  
17 repealed.

18 Section 35. Section 233.061, Florida Statutes, is  
19 amended to read:

20 233.061 Required instruction.--

21 (1) Each school district shall provide all courses  
22 required for high school graduation and appropriate  
23 instruction designed to ensure that students meet state board  
24 adopted standards in the following subject areas: reading and  
25 other language arts, mathematics, science, social studies,  
26 foreign languages, health and physical education, and the  
27 arts.

28 (2)(1) Members of the instructional staff of the  
29 public schools, subject to the rules and regulations of the  
30 state board and of the school board, shall teach efficiently  
31 and faithfully, using the books and materials required,

1 following the prescribed courses of study, and employing  
2 approved methods of instruction, the following:  
3 (a) The content of the Declaration of Independence and  
4 how it forms the philosophical foundation of our government. †  
5 (b) The arguments in support of adopting our  
6 republican form of government, as they are embodied in the  
7 most important of the Federalist Papers. †  
8 (c) The essentials of the United States Constitution  
9 and how it provides the structure of our government. †  
10 (d) Flag education, including proper flag display and  
11 flag salute. †  
12 (e) The elements of civil government. †  
13 (f) The history of the Holocaust (1933-1945), the  
14 systematic, planned annihilation of European Jews and other  
15 groups by Nazi Germany, a watershed event in the history of  
16 humanity, to be taught in a manner that leads to an  
17 investigation of human behavior, an understanding of the  
18 ramifications of prejudice, racism, and stereotyping, and an  
19 examination of what it means to be a responsible and  
20 respectful person, for the purposes of encouraging tolerance  
21 of diversity in a pluralistic society and for nurturing and  
22 protecting democratic values and institutions. †  
23 (g) The history of African-Americans, including the  
24 history of African peoples before the political conflicts that  
25 led to the development of slavery, the passage to America, the  
26 enslavement experience, abolition, and the contributions of  
27 African-Americans to society. †  
28 (h) The elementary principles of agriculture. †  
29 (i) The true effects of all alcoholic and intoxicating  
30 liquors and beverages and narcotics upon the human body and  
31 mind. †

- 1           (j) Kindness to animals.†  
2           (k) The history of the state.†  
3           (l) The conservation of natural resources.†~~and~~  
4           (m) Comprehensive health education that addresses  
5 concepts of community health; consumer health; environmental  
6 health; family life, including an awareness of the benefits of  
7 sexual abstinence and the consequences of teenage pregnancy;  
8 mental and emotional health; injury prevention and safety;  
9 nutrition; personal health; prevention and control of disease;  
10 and substance use and abuse.  
11           (n)~~(m)~~ Such additional materials, subjects, courses,  
12 or fields in such grades as may be prescribed by law or by  
13 rules of the state board and the school board in fulfilling  
14 the requirements of law.  
15           ~~(2) State and district school officials shall furnish~~  
16 ~~and put into execution a system and method of teaching the~~  
17 ~~true effects of alcohol and narcotics on the human body and~~  
18 ~~mind, provide the necessary textbooks, literature, equipment,~~  
19 ~~and directions, see that such subjects are efficiently taught~~  
20 ~~by means of pictures, charts, oral instruction, and lectures~~  
21 ~~and other approved methods, and require such reports as are~~  
22 ~~deemed necessary to show the work which is being covered and~~  
23 ~~the results being accomplished.~~  
24           (3) Any child whose parent presents to the school  
25 principal a signed statement that the teaching of disease, its  
26 symptoms, development, and treatment, and the viewing of  
27 pictures or motion pictures that teach about disease, conflict  
28 with the religious teachings of the child's religious  
29 affiliation, is exempt from such instruction; and a child so  
30 exempted may not be penalized by reason of that exemption.  
31

1           Section 36. Section 233.0612, Florida Statutes, is  
2 created to read:

3           233.0612 Authorized instruction.--Each school district  
4 may provide students with programs and instruction at the  
5 appropriate grade levels in areas including, but not limited  
6 to, the following:

7           (1) Character development and law education.

8           (2) The objective study of the Bible and religion.

9           (3) Traffic education.

10          (4) Free enterprise and consumer education.

11          (5) Programs to encourage patriotism and greater  
12 respect for country.

13          (6) Drug abuse resistance education.

14          (7) Comprehensive health education.

15          (8) Care of nursing home patients.

16          (9) Instruction in acquired immune deficiency  
17 syndrome.

18          (10) Voting instruction including the use of county  
19 voting machines.

20          (11) Before-school and after-school programs.

21           Section 37. Section 233.0615, Florida Statutes, as  
22 amended by chapter 94-209, Laws of Florida, section 233.06411,  
23 Florida Statutes, as created by chapter 95-180, Laws of  
24 Florida, sections 233.0645, 233.065, 233.0661, and 233.0662,  
25 Florida Statutes, subsections (2), (3), (4), (5), (6), and (7)  
26 of section 233.0663, Florida Statutes, as amended by chapter  
27 95-147, Laws of Florida, section 233.067, Florida Statutes, as  
28 amended by chapters 94-232, 95-147, and 96-307, Laws of  
29 Florida, and sections 233.0671 and 233.0672 and subsections  
30 (3) and (4) of section 233.068, Florida Statutes, are hereby  
31 repealed.

1           Section 38. Paragraph (a) of subsection (2) of section  
2 233.07, Florida Statutes, is amended to read:

3           233.07 State instructional materials committees.--

4           (2)(a) All appointments shall be pursuant to the  
5 conditions prescribed in this section. No member shall serve  
6 more than two consecutive terms on any committee. ~~After~~  
7 ~~October 1, 1991,~~All appointments shall be for 18-month terms.  
8 All vacancies shall be filled in the manner of the original  
9 appointment for only the time remaining in the unexpired term.  
10 ~~A committee member whose term has not expired as of July 1,~~  
11 ~~1991, shall continue to serve for the remaining period of his~~  
12 ~~or her appointment.~~ At no time may a school district have  
13 more than one representative on a committee, it being the  
14 intent of the Legislature to involve representatives from the  
15 maximum number of school districts in the process of  
16 instructional materials selection. The Commissioner of  
17 Education and a member of the Department of Education whom he  
18 or she shall designate shall be additional and ex officio  
19 members of each committee.

20           Section 39. Section 234.041, Florida Statutes, is  
21 renumbered as section 316.72, Florida Statutes.

22           Section 40. Sections 234.0515 and 234.061, Florida  
23 Statutes, and section 234.091, Florida Statutes, as amended by  
24 chapter 95-147, Laws of Florida, are hereby repealed.

25           Section 41. Section 234.302, Florida Statutes, is  
26 renumbered as section 316.75, Florida Statutes, and amended to  
27 read:

28           316.75 ~~234.302~~ School crossing guards.--The Department  
29 of Transportation shall adopt uniform guidelines for the  
30 training of school crossing guards. Each local governmental  
31 entity administering a school crossing guard program shall

1 provide a training program for school crossing guards  
2 according to the uniform guidelines ~~for the training of school~~  
3 ~~crossing guards adopted by the Department of Transportation.~~  
4 Successful completion of the ~~such~~ training program shall be  
5 required of each school guard except:  
6 (1) A person who received equivalent training during  
7 employment as a law enforcement officer. ~~+~~  
8 (2) A person who receives less than \$5,000 in annual  
9 compensation in a county with a population of less than  
10 75,000. ~~+~~ ~~and~~  
11 (3) A student who serves in a school patrol.  
12  
13 School crossing guard training programs may be made available  
14 to nonpublic schools upon contract.  
15 Section 42. Paragraphs (c) and (d) of subsection (5)  
16 of section 24.121, Florida Statutes, 1996 Supplement, are  
17 amended to read:  
18 24.121 Allocation of revenues and expenditure of funds  
19 for public education.--  
20 (5)  
21 (c) A portion of such net revenues, as determined  
22 annually by the Legislature, shall be distributed to each  
23 school district and shall be made available to each public  
24 school in the district for enhancing school performance  
25 through development and implementation of a school improvement  
26 plan pursuant to s. 230.23(16)(18).  
27 (d) Beginning July 1, 1993, no funds shall be released  
28 for any purpose from the Educational Enhancement Trust Fund to  
29 any school district in which one or more schools do not have  
30 an approved school improvement plan pursuant to s.  
31 230.23(16)(18).



1           Section 43. Paragraph (b) of subsection (73) of  
2 section 39.01, Florida Statutes, 1996 Supplement, are amended  
3 to read:

4           39.01 Definitions.--When used in this chapter:

5           (73) "To be habitually truant" means that:

6           (b) In addition to the actions described in s. 232.17,  
7 the school administration has completed the following  
8 escalating activities to determine the cause, and to attempt  
9 the remediation, of the child's truant behavior:

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

20           2. Educational counseling has been provided to  
21 determine whether curriculum changes would help solve the  
22 truancy problem, and, if any changes were indicated, such  
23 changes were instituted but proved unsuccessful in remedying  
24 the truant behavior. Such curriculum changes may include  
25 enrollment of the child in an alternative education program  
26 that meets the specific educational and behavioral needs of  
27 the child, including a second chance school, as provided for  
28 in s. 230.2316, designed to resolve truant behavior;

29           3. Educational evaluation, pursuant to the  
30 requirements of s. 232.19(3)(b)3., has been provided; and

31

1           4. The designated school representative ~~social worker,~~  
2 ~~the attendance assistant,~~ or the school superintendent's  
3 designee ~~if there is no school social worker or attendance~~  
4 ~~assistant~~ has referred the student and family to the  
5 children-in-need-of-services and families-in-need-of-services  
6 provider or the case staffing committee, established pursuant  
7 to s. 39.426, as determined by the cooperative agreement  
8 required in s. 232.19(3). The case staffing committee may  
9 request the department or its designee to file a  
10 child-in-need-of-services petition based upon the report and  
11 efforts of the school district or other community agency or  
12 may seek to resolve the truancy behavior through the school or  
13 community-based organizations or agencies.

14  
15 If a child within the compulsory school attendance age is  
16 responsive to the interventions described in this paragraph  
17 and has completed the necessary requirements to pass the  
18 current grade as indicated in the district pupil progression  
19 plan, the child shall not be determined to be habitually  
20 truant. If a child within the compulsory school attendance age  
21 has 15 unexcused absences or fails to enroll in school, the  
22 State Attorney may file a child-in-need-of-services petition.  
23 Prior to filing a petition, the child must be referred to the  
24 appropriate agency for evaluation. After consulting with the  
25 evaluating agency, the State Attorney may elect to file a  
26 child-in-need-of-services petition.

27           Section 44. Paragraph (a) of subsection (3) and  
28 subsections (8) and (12) of section 228.053, Florida Statutes,  
29 are amended to read:

30           228.053 Developmental research schools.--

31

1           (3) MISSION.--The mission of a developmental research  
2 school shall be the provision of a vehicle for the conduct of  
3 research, demonstration, and evaluation regarding management,  
4 teaching, and learning. Programs to achieve the mission of a  
5 developmental research school shall embody the goals and  
6 standards of "Blueprint 2000" established pursuant to ss.  
7 229.591 and 229.592 and shall ensure an appropriate education  
8 for its students.

9           (a) Each developmental research school shall emphasize  
10 mathematics, science, computer science, and foreign languages.  
11 The primary goal of a developmental research school is to  
12 enhance instruction and research in such specialized subjects  
13 by using the resources available on a state university campus,  
14 while also providing an education in nonspecialized subjects.  
15 Each developmental research school shall provide sequential  
16 elementary and secondary instruction where appropriate. A  
17 developmental research school may not provide instruction at  
18 grade levels higher than grade 12 without authorization from  
19 the State Board of Education. Each developmental research  
20 school shall develop and implement a school improvement plan  
21 pursuant to s. 230.23(16)~~(18)~~.

22           (8) ADVISORY BOARDS.--"Blueprint 2000" provisions and  
23 intent specify that each public school in the state shall  
24 establish a school advisory council that is reflective of the  
25 population served by the school, pursuant to s. 229.58, and is  
26 responsible for the development and implementation of the  
27 school improvement plan pursuant to s. 230.23(16)~~(18)~~.  
28 Developmental research schools shall comply with the  
29 provisions of s. 229.58 in one of two ways:

30           (a) Two advisory bodies.--Each developmental research  
31 school may:

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

5           2. Establish an advisory board to provide general  
6 oversight and guidance. The dean of the affiliated college of  
7 education shall be a standing member of the board, and the  
8 president of the university shall appoint three faculty  
9 members from the college of education, one layperson who  
10 resides in the county in which the school is located, and two  
11 parents or legal guardians of students who attend the  
12 developmental research school to serve on the advisory board.  
13 The term of each member shall be for 2 years, and any vacancy  
14 shall be filled with a person of the same classification as  
15 his or her predecessor for the balance of the unexpired term.  
16 The president shall stagger the terms of the initial  
17 appointees in a manner that results in the expiration of terms  
18 of no more than two members in any year. The president shall  
19 call the organizational meeting of the board. The board shall  
20 annually elect a chair and a vice chair. There shall be no  
21 limitation on successive appointments to the board or  
22 successive terms that may be served by a chair or vice chair.  
23 The board shall adopt internal organizational procedures or  
24 bylaws necessary for efficient operation as provided in  
25 chapter 120. Board members shall not receive per diem or  
26 travel expenses for the performance of their duties. The  
27 board shall:

28           a. Meet at least quarterly.

29           b. Monitor the operations of the school and the  
30 distribution of moneys allocated for such operations.

31

1           c. Establish necessary policy, program, and  
2 administration modifications.

3           d. Evaluate biennially the performance of the director  
4 and principal and recommend corresponding action to the dean  
5 of the college of education.

6           e. Annually review evaluations of the school's  
7 operation and research findings.

8           (b) One advisory body.--Each developmental research  
9 school may establish an advisory body responsible for the  
10 development and implementation of the school improvement plan,  
11 pursuant to s. 230.23(16)~~(18)~~, in addition to general  
12 oversight and guidance responsibilities. The advisory body  
13 shall reflect the membership composition requirements  
14 established in s. 229.58, but may also include membership by  
15 the dean of the college of education and additional members  
16 appointed by the president of the university that represent  
17 faculty members from the college of education, the university,  
18 or other bodies deemed appropriate for the mission of the  
19 school.

20           (12) EXCEPTIONS TO LAW.--To encourage innovative  
21 practices and facilitate the mission of the developmental  
22 research schools, in addition to the exceptions to law  
23 specified in s. 229.592(6), the following exceptions shall be  
24 permitted for developmental research schools:

25           (a) The methods and requirements of the following  
26 statutes shall be held in abeyance: ss. 230.01; 230.02;  
27 230.03; 230.04; 230.05; 230.061; 230.08; 230.10; 230.105;  
28 230.11; 230.12; 230.15; 230.16; 230.17; 230.173; 230.18;  
29 230.19; 230.201; 230.202; 230.21; 230.22; 230.2215; 230.2318;  
30 230.232; 230.24; 230.241; 230.26; 230.28; 230.30; 230.303;  
31 230.31; 230.32; 230.321; 230.33; 230.35; 230.39; ~~230.59~~

1 230.63; 230.64; 230.643; ~~230.655~~; 234.01; 234.021; ~~234.0515~~  
2 ~~234.061~~; 234.112; 316.75 ~~234.302~~; 236.25; 236.261; 236.29;  
3 236.31; 236.32; 236.35; 236.36; 236.37; 236.38; 236.39;  
4 236.40; 236.41; 236.42; 236.43; 236.44; 236.45; 236.46;  
5 236.47; 236.48; 236.49; 236.50; 236.51; 236.52; 236.55;  
6 236.56; 237.051; 237.071; 237.091; 237.201; and 237.40. With  
7 the exception of subsection (16) ~~(18)~~ of s. 230.23, s. 230.23  
8 shall be held in abeyance. Reference to school boards in s.  
9 230.23 (16) ~~(18)~~ shall mean the president of the university or  
10 the president's designee.

11 (b) The following statutes or related rules may be  
12 waived for any developmental research school so requesting,  
13 provided the general statutory purpose of each section is met  
14 and the developmental research school has submitted a written  
15 request to the Joint Developmental Research School Planning,  
16 Articulation, and Evaluation Committee for approval pursuant  
17 to this subsection: ss. 229.555; 231.291; 232.2462; 232.36;  
18 233.34; 237.01; 237.02; 237.031; 237.041; 237.061; 237.081;  
19 237.111; 237.121; 237.131; 237.141; 237.151; 237.161; 237.162;  
20 237.171; 237.181; 237.211; and 237.34. Notwithstanding  
21 reference to the responsibilities of the superintendent or  
22 school board in chapter 237, developmental research schools  
23 shall follow the policy intent of the chapter and shall, at  
24 least, adhere to the general state agency accounting  
25 procedures established in s. 11.46.

26 1. Two or more developmental research schools may  
27 jointly originate a request for waiver and submit the request  
28 to the committee if such waiver is approved by the school  
29 advisory council of each developmental research school  
30 desiring the waiver.

31

1           2. A developmental research school may submit a  
2 request to the committee for a waiver if such request is  
3 presented by a school advisory council established pursuant to  
4 s. 229.58, if such waiver is required to implement a school  
5 improvement plan required by s. 230.23(16)~~(18)~~, and if such  
6 request is made using forms established pursuant to s.  
7 229.592(6). The Joint Developmental Research School Planning,  
8 Articulation, and Evaluation Committee shall monitor the  
9 waiver activities of all developmental research schools and  
10 shall report annually to the department and the Florida  
11 Commission on Education Reform and Accountability, in  
12 conjunction with the feedback report required pursuant to s.  
13 229.592(3), the number of waivers requested and submitted to  
14 the committee by developmental research schools, and the  
15 number of such waiver requests not approved. For each waiver  
16 request not approved, the committee shall report the statute  
17 or rule for which the waiver was requested, the rationale for  
18 the developmental research school request, and the reason the  
19 request was not approved.

20           (c) The written request for waiver of statute or rule  
21 shall indicate at least how the general statutory purpose will  
22 be met, how granting the waiver will assist schools in  
23 improving student outcomes related to the student performance  
24 standards adopted pursuant to s. 229.592(5), and how student  
25 improvement will be evaluated and reported. In considering any  
26 waiver, the committee shall ensure protection of the health,  
27 safety, welfare, and civil rights of the students and  
28 protection of the public interest.

29           (d) The procedure established in s. 229.592(6)(f)  
30 shall be followed for any request for a waiver which is not  
31

1 denied, or for which a request for additional information is  
2 not issued.

3  
4 Notwithstanding the request provisions of s. 229.592(6),  
5 developmental research schools shall request all waivers  
6 through the Joint Developmental Research School Planning,  
7 Articulation, and Evaluation Committee, as established in s.  
8 228.054. The committee shall approve or disapprove said  
9 requests pursuant to this subsection and s. 229.592(6);  
10 however, the Commissioner of Education shall have standing to  
11 challenge any decision of the committee should it adversely  
12 affect the health, safety, welfare, or civil rights of the  
13 students or public interest. The department shall immediately  
14 notify the committee and developmental research school of the  
15 decision and provide a rationale therefor.

16 Section 45. Subsections (1), (2), and (3) of section  
17 228.061, Florida Statutes, are amended to read:

18 228.061 Other public schools; preschool programs,  
19 prekindergarten early intervention programs, school-age child  
20 care programs, special schools and courses.--The public  
21 schools of Florida may, in addition to the schools prescribed  
22 in s. 228.051, include preschool programs, prekindergarten  
23 early intervention programs, school-age child care programs,  
24 special schools, and courses and classes as authorized below:

25 (1) PRESCHOOL PROGRAMS.--Preschool programs shall  
26 comprise classes for children who have attained the ages  
27 prescribed by s. 232.01 ~~232.045~~ and may be established at the  
28 discretion of the school board. Such programs or classes  
29 shall be supported and maintained from district taxes, from  
30 such funds supplemented by tuition charges, or from funds from  
31 federal or other lawful sources, exclusive of state sources;



1 however, state funds may be used to support prekindergarten  
2 early intervention programs pursuant to s. 230.2305.

3 (2) PREKINDERGARTEN EARLY INTERVENTION  
4 PROGRAMS.--Prekindergarten early intervention programs shall  
5 consist of educational and enrichment activities for children  
6 who have attained the ages prescribed by s. 232.01 ~~232.045~~.  
7 Such programs shall be supported and maintained by state  
8 funds, district funds, tuition charges, or such funds as may  
9 be available from federal or other lawful sources.

10 (3) SCHOOL-AGE CHILD CARE PROGRAMS.--School-age child  
11 care programs shall consist of educational and recreational  
12 programs provided before and after the regular school day and  
13 during school holidays to children eligible to attend public  
14 schools as provided by ~~s. ss. 232.01, 232.04, and 232.045~~.  
15 Such programs shall be supported and maintained from state or  
16 district funds, tuition charges, and such funds as may be  
17 available from federal or other lawful sources.

18 Section 46. Subsection (4) of section 229.0535,  
19 Florida Statutes, 1996 Supplement, is amended to read:

20 229.0535 Authority to enforce school improvement.--It  
21 is the intent of the Legislature that all public schools be  
22 held accountable for ensuring that students perform at  
23 acceptable levels. A system of school improvement and  
24 accountability that assesses student performance by school,  
25 identifies schools not providing adequate progress, and  
26 institutes appropriate measures for enforcing improvement  
27 shall be the responsibility of the State Board of Education.

28 (4) The State Board of Education is authorized to  
29 require the Department of Education or Comptroller to withhold  
30 any transfer of state funds to the school district if, within  
31 the timeframe specified in state board action, the school

1 district has failed to comply with said action ordered to  
2 improve low-performing schools. Withholding the transfer of  
3 funds shall occur only after all other recommended actions for  
4 school improvement have failed to improve the performance of  
5 the school. The State Board of Education may invoke the same  
6 penalty to any school board that fails to develop and  
7 implement a plan for assistance and intervention for  
8 low-performing schools as specified in s. 230.23(16)~~(18)~~(c).

9 Section 47. Subsection (3) of section 229.565, Florida  
10 Statutes, is amended to read:

11 229.565 Educational evaluation procedures.--

12 (3) EDUCATION EVALUATION.--The Commissioner of  
13 Education, or the Auditor General as provided in paragraph  
14 (a), shall periodically examine and evaluate procedures,  
15 records, and programs in each district to determine compliance  
16 with law and rules established by the state board and in each  
17 correctional institution operated by the Department of  
18 Corrections to determine compliance with law and rules  
19 established by the Department of Corrections for the  
20 Correctional Education Program pursuant to s. 944.801. Such  
21 evaluations shall include, but not be limited to:

22 (a) Reported full-time equivalent membership in each  
23 program category. This evaluation shall be conducted by the  
24 Auditor General for the Florida Education Finance Program  
25 full-time enrollment verification function.

26 (b) The organization of all special programs to ensure  
27 compliance with law and the criteria established and approved  
28 by the state board pursuant to the provisions of this section  
29 and s. 230.23(4)(m).

30 (c) The procedures for identification and placement of  
31 students in educational alternative programs for students who

1 are disruptive or unsuccessful in a normal school environment  
2 and for diagnosis and placement of students in special  
3 programs for exceptional students, to determine that the  
4 district is following the criteria for placement established  
5 by rules of the state board and the procedures for placement  
6 established by that district school board.

7 ~~(d) Procedures for screening, identification, and~~  
8 ~~assignment of instructional strategies of the Florida Primary~~  
9 ~~Education Program, or an approved alternative program as~~  
10 ~~provided in s. 230.2312, and any other provisions of the~~  
11 ~~program.~~

12 (d)~~(e)~~ An evaluation of the standards by which the  
13 school district evaluates basic and special programs for  
14 quality, efficiency, and effectiveness.

15 (e)~~(f)~~ Determination of the ratio of administrators to  
16 teachers in each school district.

17 (f)~~(g)~~ Compliance with the cost accounting and  
18 reporting requirements of s. 237.34 and the extent to which  
19 the percentage expenditure requirements therein are being met.

20 (g)~~(h)~~ Clearly defined data collection and  
21 documentation requirements, including specifications of which  
22 records and information need to be kept and how long the  
23 records need to be retained. The information and  
24 documentation needs for evaluation shall be presented to the  
25 school districts and explained well in advance of the actual  
26 audit date.

27 (h)~~(i)~~ Determination of school district achievement in  
28 meeting the performance standards specified in s. 232.2454(1).

29 Section 48. Subsection (2) of section 229.58, Florida  
30 Statutes, is amended to read:

31 229.58 District and school advisory councils.--

1           (2) DUTIES.--Each advisory council shall perform such  
2 functions as are prescribed by regulations of the school  
3 board; however, no advisory council shall have any of the  
4 powers and duties now reserved by law to the school board.  
5 Each school advisory council shall assist in the preparation  
6 and evaluation of the school improvement plan required  
7 pursuant to s. 230.23(16)~~(18)~~ and shall provide such  
8 assistance as the principal may request in preparing the  
9 school's annual budget and plan as required by s. 229.555(1).

10           Section 49. Subsections (1) and (6), paragraphs (b)  
11 and (e) of subsection (3), and paragraph (c) of subsection (4)  
12 of section 229.592, Florida Statutes, 1996 Supplement, are  
13 amended to read:

14           229.592 Implementation of state system of school  
15 improvement and education accountability.--

16           (1) DEVELOPMENT.--It is the intent of the Legislature  
17 that every public school in the state shall have a school  
18 improvement plan, as required by s. 230.23(16)~~(18)~~, fully  
19 implemented and operational by the beginning of the 1993-1994  
20 school year. Vocational standards considered pursuant to s.  
21 239.229 shall be incorporated into the school improvement plan  
22 for each area technical center operated by a school board by  
23 the 1994-1995 school year, and area technical centers shall  
24 prepare school report cards incorporating such standards,  
25 pursuant to s. 230.23(16)~~(18)~~, for the 1995-1996 school year.  
26 In order to accomplish this, the Florida Commission on  
27 Education Reform and Accountability and the school districts  
28 and schools shall carry out the duties assigned to them by ss.  
29 229.594 and 230.23(16)~~(18)~~, respectively. In addition, the  
30 following initial steps in program development shall be  
31

1 undertaken beginning June 1, 1991, and shall continue during  
2 the 1991-1992 school fiscal year:

3 (a) Each school shall conduct an initial needs  
4 assessment including separately each school-within-a-school,  
5 magnet school, self-contained educational alternative center,  
6 or satellite center, and the results of the assessments shall  
7 be accompanied by a needs response plan and submitted to the  
8 Florida Commission on Education Reform and Accountability by  
9 November 1, 1991. The commissioner must provide a format for  
10 the needs assessments to the school board by June 1, 1991, and  
11 the local school board shall coordinate each needs assessment.  
12 The assessments shall be based on data from the 1990-1991  
13 school year and shall address at least the following:

14 1. The status of the school in relation to the general  
15 goals for education contained in s. 229.591;

16 2. The academic status of students attending the  
17 school as reflected by test scores, dropout and same grade  
18 retention rates, the availability of upper level courses in  
19 mathematics and science, the percentage of the school's  
20 enrollment and the number of completers by race and gender in  
21 upper-level mathematics and science courses, and the number of  
22 students entering postsecondary institutions;

23 3. Student school participation characteristics  
24 including: attendance rates, the number of expulsions and  
25 suspensions, and the number of instances of corporal  
26 punishment;

27 4. The economic status of the student body and area  
28 served by the school;

29 5. The demographic characteristics of the student body  
30 and the faculty and staff of the school;

31

1           6. The financial status of the school as reflected by  
2 per-student expenditures for instruction and administration,  
3 and other appropriate measures; and

4           7. Such other needs assessment indicators as may be  
5 determined by the individual school.

6           (b) Each area technical center operated by a school  
7 board shall conduct a needs assessment as part of the school  
8 improvement process. The results of the assessments shall be  
9 accompanied by a needs response plan and be submitted to the  
10 Florida Commission on Education Reform and Accountability by  
11 November 1, 1992. The commissioner shall provide a format for  
12 the needs assessments to the school boards by August 1, 1992,  
13 and the local school board shall coordinate each needs  
14 assessment. The first such assessment shall be based on data  
15 from the 1991-1992 school year and must address at least the  
16 following:

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

18           2. The financial status of the center as indicated by  
19 per-student expenditures for instruction and administration,  
20 and other appropriate measures.

21           3. Student completion and placement rates.

22           4. A forecast of occupations indicating future  
23 workplace needs required over the next 5 years within the  
24 service area, based upon labor market supply and demand data  
25 and local economic conditions.

26           5. Other such needs assessment indicators as may be  
27 determined by the center.

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

31

1 (d) The Commissioner of Education shall provide the  
2 school boards with the technical assistance necessary to  
3 conduct the school needs assessments.

4 (e) The Florida Commission on Education Reform and  
5 Accountability and the Department of Education shall review  
6 and analyze the needs assessment information received from the  
7 school boards and shall submit a summary report on the  
8 information to the Legislature by January 1, 1992, and shall  
9 provide, upon request, the needs assessment on any individual  
10 school. By November 1, 1991, the commission shall identify a  
11 core of performance standards addressing the state's most  
12 pressing educational problems for use in the analysis of the  
13 needs assessment information.

14 (3) COMMISSIONER.--The commissioner shall be  
15 responsible for implementing and maintaining a system of  
16 intensive school improvement and stringent education  
17 accountability.

18 (b) The commissioner shall be held responsible for the  
19 implementation and maintenance of the system of school  
20 improvement and education accountability outlined in this  
21 subsection. There shall be an annual determination of whether  
22 adequate progress is being made toward implementing and  
23 maintaining a system of school improvement and education  
24 accountability ~~based, in part, on feedback required pursuant~~  
25 ~~to s. 230.23(18) and submitted to the Florida Commission on~~  
26 ~~Education Reform and Accountability.~~

27 (e) As co-chair of the Florida Commission on Education  
28 Reform and Accountability, the commissioner shall appear  
29 before the appropriate committees of the Legislature annually  
30 in October to report and recommend changes in state policy  
31 necessary to foster school improvement and education

1 accountability. The report shall reflect the recommendations  
2 of the Florida Commission on Education Reform and  
3 Accountability. Included in the report shall be a list of the  
4 schools for which school boards have developed assistance and  
5 intervention plans and an analysis of the various strategies  
6 used by the school boards. ~~In the fall of 1992 and 1993, the~~  
7 ~~commissioner shall report in writing to the public on the~~  
8 ~~current status of the state's education system. School boards~~  
9 ~~shall distribute this report to the parents of all pupils in~~  
10 ~~the district. Beginning with the 1993-1994 school year and~~  
11 ~~each school year thereafter,~~ School reports shall be  
12 distributed pursuant to this paragraph and s.  
13 230.23(16)(18)(e) according to guidelines adopted by the State  
14 Board of Education.

15 (4) DEPARTMENT.--

16 (c) Pursuant to s. 24.121(5)(d), the department shall  
17 not release funds from the Educational Enhancement Trust Fund  
18 to any district in which a school does not have an approved  
19 school improvement plan, pursuant to s. 230.23(16)(18), after  
20 1 full school year of planning and development. The  
21 department shall send a technical assistance team to each  
22 school without an approved plan to develop such school  
23 improvement plan. The department shall release the funds upon  
24 approval of the plan. Notice shall be given to the public of  
25 the department's intervention and shall identify each school  
26 without a plan.

27 (6) EXCEPTIONS TO LAW.--To facilitate innovative  
28 practices and to allow local selection of educational methods  
29 during the time period required for careful deliberation by  
30 the Legislature and the Florida Commission on Education Reform  
31



1 and Accountability, the following time-limited exceptions  
2 shall be permitted:

3 (a) In the annual general appropriations acts, the  
4 Legislature may authorize exceptions to any laws pertaining to  
5 fiscal policies, including ss. 236.013 and 236.081, provided  
6 the intent is to give school districts increased flexibility  
7 and local control of education funds. If the General  
8 Appropriations Act does not contain a specific line-item  
9 appropriation or a specific listing within a line-item  
10 appropriation which provides funding for the programs  
11 established pursuant to the following statutes, the statute  
12 shall be held in abeyance for that fiscal year, and any  
13 approved plan for implementing said statute shall be null and  
14 void for said fiscal year: ss. 228.0855; 230.2215; 230.2305;  
15 230.2318; 231.087; 231.613; ~~232.257; 233.0615;~~233.0678;  
16 234.021; 236.0873; 236.083; 236.092; 236.122; 236.1225;  
17 236.1228; and 239.401.

18 (b) The methods and requirements of the following  
19 statutes shall be held in abeyance: ss. 228.088~~+~~and 229.57(4)  
20 and (5).

21  
22 In determining which statutes and rules stand in the way of  
23 school improvement, the Florida Commission on Education Reform  
24 and Accountability shall consider the effect that holding the  
25 statutes listed in paragraphs (a) and (b) in abeyance has had  
26 on the school improvement process. It is the intent of the  
27 Legislature that statutes listed in paragraphs (a) and (b) be  
28 systematically repealed after being held in abeyance for 3  
29 consecutive fiscal years.

30 (c) The Legislature authorizes that the methods and  
31 requirements of the statutes listed in paragraph (a) for which

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

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

31

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

17           3. When approved by the commissioner, a waiver  
18 requested pursuant to this paragraph shall be for a 5-year  
19 period.

20           (d) Notwithstanding the provisions of chapter 120 and  
21 for the purpose of implementing this subsection, the  
22 commissioner may waive State Board of Education rules adopted  
23 to implement statutes listed in paragraphs (a), (b), and (c),  
24 provided that the intent of each rule is met and the school  
25 board has submitted a written request to the commissioner for  
26 approval pursuant to this subsection.

27           (e) The written request for waiver of statute or rule  
28 shall indicate at least how the general statutory purpose will  
29 be met, how granting the waiver will assist schools in  
30 improving student outcomes related to the student performance  
31 standards adopted pursuant to subsection (5), and how student

1 improvement will be evaluated and reported. In considering any  
2 waiver, the commissioner shall ensure protection of the  
3 health, safety, welfare, and civil rights of the students and  
4 protection of the public interest.

5 (f) Any request for a waiver which is not denied, or  
6 for which a request for additional information is not issued,  
7 within 21 days after receipt of the written request shall be  
8 deemed approved. Any waiver for which a timely request for  
9 additional information has been issued shall be deemed to be  
10 approved if a denial is not issued within 21 days after the  
11 commissioner's receipt of the specifically requested  
12 additional information. On denial of a request for a waiver,  
13 the commissioner shall state with particularity the grounds or  
14 basis for the denial. The commissioner shall report the  
15 specific statutes and rules for which waivers are requested  
16 and the number and disposition of such requests to the Florida  
17 Commission on Education Reform and Accountability for use in  
18 determining which statutes and rules stand in the way of  
19 school improvement.

20 Section 50. Subsection (1) of section 229.594, Florida  
21 Statutes, is amended to read:

22 229.594 Powers and duties of the commission.--

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

29 (a) Serve as an advisory body to oversee the  
30 development, establishment, implementation, and maintenance of  
31 a program of school improvement and education accountability

1 based upon the achievement of state education goals. This  
2 responsibility shall include the following:

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

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

17 3. Involving the business community in the provision  
18 of needed training for school advisory councils, teachers,  
19 principals, district administrators, and school board members.

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

23 (b) Review and, with assistance from the Department of  
24 Education, analyze results of school needs assessments  
25 submitted by district school boards and, by January 1, 1992,  
26 submit a report of its findings to the Legislature. The  
27 report shall include recommendations for changes in the school  
28 improvement and accountability required by s. 230.23(16)~~(18)~~  
29 which are considered necessary as a result of the school needs  
30 assessments. The report shall also include a recommendation  
31 regarding the minimum number of credits, subjects, and courses

1 that should be required by the state for regular and  
2 alternative high school diplomas; the number of hours of  
3 instruction required to receive a credit; the length of a high  
4 school day; and the number of periods per day for high  
5 schools.

6 (c) Recommend to the Legislature and State Board of  
7 Education, as appropriate, the components of a system of  
8 school improvement and accountability. Initial  
9 recommendations must be reviewed and revised as necessary  
10 annually and must include:

11 1. Performance standards for indicating state, school  
12 district, and school progress toward the state education goals  
13 and a definition of what shall be considered "adequate  
14 progress" toward meeting these performance standards.  
15 Effective June 1, 1993, such standards must incorporate the  
16 provisions of s. 239.229.

17 2. Methods for measuring state, school district, and  
18 school progress toward the goals. These assessment methods  
19 must include the most effective and efficient procedures  
20 available from the current system of assessment and  
21 alternative and new assessment practices.

22 3. Methods for public reporting on the progress toward  
23 the goals by the state, school districts, and individual  
24 schools. Emphasis shall be placed on reporting individual  
25 school improvement and progress, and comparisons between  
26 schools shall be minimized. Methods for reporting the status  
27 of children and families and community services available in  
28 each school district to help children and families in need  
29 shall also be developed.

30 4. Effective use of existing methods for recognizing  
31 schools and development of necessary additional methods to

1 recognize schools that meet or make adequate progress toward  
2 the education goals. The commission shall also consider the  
3 development of incentives including financial incentives for  
4 schools that make exceptional progress toward the education  
5 goals.

6           5. Guidelines that may be adopted as rule and used by  
7 the State Board of Education and the school board in  
8 determining the action for any school that does not improve  
9 after 3 years of assistance and intervention, including  
10 commission responsibility in recommending action for said  
11 schools. The guidelines shall be stringent and shall ensure  
12 that the school is not permitted to continue serving students  
13 in a less than adequate manner.

14  
15 If in the opinion of the commission an adequate system of  
16 accountability is in place to protect the public interest, the  
17 commission may recommend to the Legislature the repeal or  
18 revision of laws, including fiscal policies, and to the State  
19 Board of Education the repeal or revision of rules, which in  
20 the opinion of the commission stand in the way of school  
21 improvement. The commission may defer any or all  
22 recommendations for repeal or revision of laws and rules until  
23 such time as it determines an adequate system of  
24 accountability to be established and implemented.

25           Section 51. Paragraph (a) of subsection (5) of section  
26 229.8055, Florida Statutes, is amended to read:

27           229.8055 Environmental education.--

28           (5) The Department of Education shall:

29           (a) Assign appropriate staff to work directly with  
30 general curriculum development activities through district and  
31 school administrators responsible for general curriculum in

1 order to explicitly integrate appropriate environmental topics  
2 into the regular curriculum, where appropriate, ~~through~~  
3 ~~curriculum frameworks and performance standards as required by~~  
4 ~~s. 233.011(3)(a) and (b).~~

5 Section 52. Section 231.085, Florida Statutes, is  
6 amended to read:

7 231.085 Duties of principals.--A district school board  
8 shall employ, through written contract, public school  
9 principals who shall supervise the operation and management of  
10 the schools and property as the board determines necessary.  
11 Each principal shall perform such duties as may be assigned by  
12 the superintendent pursuant to the rules of the school board.  
13 Such rules shall include, but not be limited to, rules  
14 relating to administrative responsibility, instructional  
15 leadership of the educational program of the school to which  
16 the principal is assigned, submission of personnel  
17 recommendations to the superintendent, administrative  
18 responsibility for records and reports, administration of  
19 corporal punishment, and student suspension. Each principal  
20 shall provide leadership in the development or revision and  
21 implementation of a school improvement plan pursuant to s.  
22 230.23(16)~~(18)~~.

23 Section 53. Section 231.095, Florida Statutes, is  
24 amended to read:

25 231.095 Teachers assigned teaching duties outside  
26 field in which certified.--When a teacher in a district school  
27 system is assigned teaching duties in a class dealing with  
28 subject matter that is outside the field in which the teacher  
29 is certified, the parents or guardians of all students in the  
30 class shall be notified in writing of such assignment. ~~Such~~  
31



1 ~~notification shall be provided in each school's annual report~~  
2 ~~required pursuant to s. 230.23(18).~~

3 Section 54. Paragraph (d) of subsection (1) of section  
4 231.1725, Florida Statutes, is amended to read:

5 231.1725 Employment of substitute teachers, teachers  
6 of adult education, nondegreed teachers of career education,  
7 and noncertificated teachers in critical teacher shortage  
8 areas.--

9 (1) Notwithstanding the provisions of ss. 231.02,  
10 231.15, 231.17, and 231.172 or any other provision of law or  
11 rule to the contrary, each school board shall establish the  
12 minimal qualifications for:

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

25 Section 55. Paragraph (c) of subsection (2) of section  
26 236.013, Florida Statutes, is amended to read:

27 236.013 Definitions.--Notwithstanding the provisions  
28 of s. 228.041, the following terms are defined as follows for  
29 the purposes of this act:  
30  
31

1           (2) A "full-time equivalent student" in each program  
2 of the district is defined in terms of full-time students and  
3 part-time students as follows:  
4           (c)1. A "full-time equivalent student" is:  
5           a. A full-time student in any one of the programs  
6 listed in s. 236.081(1)(c); or  
7           b. A combination of full-time or part-time students in  
8 any one of the programs listed in s. 236.081(1)(c) which is  
9 the equivalent of one full-time student based on the following  
10 calculations:  
11           (I) A full-time student, except a postsecondary or  
12 adult student or a senior high school student enrolled in  
13 adult education when such courses are required for high school  
14 graduation, in a combination of programs listed in s.  
15 236.081(1)(c) shall be a fraction of a full-time equivalent  
16 membership in each special program equal to the number of net  
17 hours per school year for which he or she is a member, divided  
18 by the appropriate number of hours set forth in subparagraph  
19 (a)1. or subparagraph (a)2.; the difference between that  
20 fraction or sum of fractions and the maximum value as set  
21 forth in subsection (5) for each full-time student is presumed  
22 to be the balance of the student's time not spent in such  
23 special education programs and shall be recorded as time in  
24 the appropriate basic program.  
25           (II) A student in the basic half-day kindergarten  
26 program of not less than 450 net hours shall earn one-half of  
27 a full-time equivalent membership.  
28           (III) A half-day kindergarten student in a combination  
29 of programs listed in s. 236.081(1)(c) is a fraction of a  
30 full-time equivalent membership in each special program equal  
31 to the number of net hours or major portion thereof per school

1 year for which he or she is a member divided by the number of  
2 hours set forth in sub-sub-subparagraph (II); the difference  
3 between that fraction and the number of hours set forth in  
4 sub-sub-subparagraph (II) for each full-time student in  
5 membership in a half-day kindergarten program is presumed to  
6 be the balance of the student's time not spent in such special  
7 education programs and shall be recorded as time in the  
8 appropriate basic program.

9 (IV) A part-time student, except a postsecondary or  
10 adult student, is a fraction of a full-time equivalent  
11 membership in each basic and special program equal to the  
12 number of net hours or major fraction thereof per school year  
13 for which he or she is a member, divided by the appropriate  
14 number of hours set forth in subparagraph (a)1. or  
15 subparagraph (a)2.

16 (V) A postsecondary or adult student or a senior high  
17 school student enrolled in adult education when such courses  
18 are required for high school graduation is a portion of a  
19 full-time equivalent membership in each special program equal  
20 to the net hours or major fraction thereof per fiscal year for  
21 which he or she is a member, divided by the appropriate number  
22 of hours set forth in subparagraph (a)1. or subparagraph (a)2.

23 (VI) A full-time student who is part of a program  
24 authorized by subparagraph (a)3. in a combination of programs  
25 listed in s. 236.081(1)(c) is a fraction of a full-time  
26 equivalent membership in each regular or special program equal  
27 to the number of net hours per school year for which he or she  
28 is a member, divided by the appropriate number of hours set  
29 forth in subparagraph (a)1. or subparagraph (a)2.

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

1           2. A student in membership in a program scheduled for  
2 more or less than 180 school days is a fraction of a full-time  
3 equivalent membership equal to the number of instructional  
4 hours in membership divided by the appropriate number of hours  
5 set forth in subparagraph (a)1.; however, for the purposes of  
6 this subparagraph, membership in programs scheduled for more  
7 than 180 days is limited to:

8           a. Special programs for exceptional students;  
9           b. Special vocational-technical programs;  
10          c. Special adult general education programs;  
11          d. Dropout prevention programs ~~provided for those~~  
12 ~~students who were in membership in substance abuse or youth~~  
13 ~~services programs~~ as defined in s. 230.2316 for students in  
14 residential programs operated by the Department of Children  
15 and Family Services; programs operated by the Department of  
16 Juvenile Justice as defined in s. 230.23161 in which students  
17 receive educational services; or teenage parent programs as  
18 defined in s. 230.23166 for students who ~~and~~ are in need of  
19 such additional instruction;

20          e. ~~Students-at-risk programs provided for those~~  
21 ~~students who were in membership in an educational alternative~~  
22 ~~or disciplinary program in~~ Dropout prevention programs as  
23 defined in s. 230.2316 in which students are placed for  
24 academic or disciplinary purposes or programs in English for  
25 speakers of other languages as defined in s. 233.058 for  
26 students who were in membership for all of the last 15 days of  
27 the 180-day term or a total of 30 days within the 180-day term  
28 and are in need of such additional instruction;

29          f. Other basic programs offered for promotion or  
30 credit instruction as defined by rules of the state board; and  
31

1           g. Programs which modify the school year to  
2 accommodate the needs of children who have moved with their  
3 parents for the purpose of engaging in the farm labor or fish  
4 industries, provided such programs are approved by the  
5 commissioner.

6  
7 The department shall determine and implement an equitable  
8 method of equivalent funding for experimental schools and for  
9 schools operating under emergency conditions, which schools  
10 have been approved by the department under the provisions of  
11 s. 228.041(13) to operate for less than the minimum school  
12 day.

13           Section 56. Paragraph (o) of subsection (1) of section  
14 236.081, Florida Statutes, 1996 Supplement, is amended to  
15 read:

16           236.081 Funds for operation of schools.--If the annual  
17 allocation from the Florida Education Finance Program to each  
18 district for operation of schools is not determined in the  
19 annual appropriations act or the substantive bill implementing  
20 the annual appropriations act, it shall be determined as  
21 follows:

22           (1) COMPUTATION OF THE BASIC AMOUNT TO BE INCLUDED FOR  
23 OPERATION.--The following procedure shall be followed in  
24 determining the annual allocation to each district for  
25 operation:

26           (o) Instruction in career education.--Effective for  
27 the 1985-1986 school year and thereafter, district pupil  
28 progression plans shall provide for the substitution of  
29 vocational courses for the nonelective courses required for  
30 high school graduation pursuant to s. 232.246. A student in  
31 grades 9 through 12 who enrolls in and satisfactorily

1 completes a job-preparatory program may substitute credit for  
2 a portion of the required four credits in English, three  
3 credits in mathematics, and three credits in science. The  
4 credit substituted for English, mathematics, or science earned  
5 through the vocational job-preparatory program shall be on a  
6 curriculum equivalency basis as provided for in the State  
7 Course Code Directory. ~~Upon adoption of curriculum frameworks~~  
8 ~~for vocational courses pursuant to s. 233.011,~~The State Board  
9 of Education shall authorize by rule vocational course  
10 substitutions not to exceed two credits in each of the  
11 nonelective academic subject areas of English, mathematics,  
12 and science. School districts shall provide for vocational  
13 course substitutions not to exceed two credits in each of the  
14 nonelective academic subject areas of English, mathematics,  
15 and science, upon adoption of vocational student performance  
16 standards by the school board pursuant to s. 232.2454. A  
17 vocational program which has been used as a substitute for a  
18 nonelective academic credit in one subject area may not be  
19 used as a substitute for any other subject area. The credit  
20 in practical arts or exploratory career education required for  
21 high school graduation pursuant to s. 232.246(1) shall be  
22 funded as a career education course.

23 Section 57. Paragraph (a) of subsection (2) of section  
24 236.0811, Florida Statutes, is amended to read:

25 236.0811 Educational training.--

26 (2)(a)1. Pursuant to rules of the State Board of  
27 Education, each school board shall develop and annually  
28 approve a master plan for inservice educational training. The  
29 plan shall include all inservice programs for all district  
30 employees from all fund sources and shall be updated annually  
31 by September 1 using criteria and procedures for continued

1 approval as specified by state board rule. Verification that  
2 the plan meets all requirements of this section shall be  
3 submitted annually to the commissioner by October 1. The plan  
4 shall be based on an assessment of the inservice educational  
5 training needs of the district conducted by a committee that  
6 includes parents, classroom teachers, and other educational  
7 personnel. This assessment shall identify districtwide  
8 inservice needs and the inservice training needs of local  
9 schools. The plan shall include, at a minimum, the inservice  
10 activities that are necessary for implementation of the  
11 schools' improvement plans during the current fiscal year. The  
12 plan shall include, but is not limited to, components  
13 addressing: competencies in the identification, assessment,  
14 and prescription of instruction for exceptional students;  
15 competencies in the identification, assessment, and  
16 prescription of instruction for child abuse and neglect  
17 prevention and for substance and alcohol abuse prevention; and  
18 competencies in instruction for multicultural sensitivity in  
19 the classroom. In addition, the plan must include a component  
20 to provide regular training to classroom teachers on advances  
21 in the field of normal child development and the disorders of  
22 development. The plan shall also include components that may  
23 be used to satisfy the certification requirements applicable  
24 to teachers of students with limited proficiency in English  
25 and components that may be used for the renewal of a  
26 certificate in each of the following areas: a study of the  
27 middle grades, understanding the student in the middle grades,  
28 organizing interdisciplinary instruction in the middle grades,  
29 developing critical thinking and creative thinking in students  
30 in the middle grades, counseling functions of the teacher in  
31 the middle grades, developing creative learning materials for

1 the middle grades, and planning and evaluating programs in the  
2 middle grades. The plan shall include inservice activities for  
3 all district employees from all fund sources.

4 2. Classroom teachers and guidance counselors shall be  
5 required to participate in the inservice training for child  
6 abuse and neglect prevention, for alcohol and substance abuse  
7 prevention education, and for multicultural sensitivity  
8 education, which may include negotiation and conflict  
9 resolution training.

10 ~~3. The department shall withhold funding of any~~  
11 ~~district's master inservice plan, as required by this section,~~  
12 ~~which fails to provide and require training in substance abuse~~  
13 ~~prevention education pursuant to s. 233.067(4)(c)1. for all~~  
14 ~~classroom teachers and guidance counselors. The department is~~  
15 ~~authorized to waive one or more inservice areas related to the~~  
16 ~~middle grades if the district can document its unsuccessful~~  
17 ~~attempt to secure a competent trainer or sufficient enrollment~~  
18 ~~or when the department determines that specific validated~~  
19 ~~competencies may be substituted in lieu of such inservice~~  
20 ~~areas.~~

21 Section 58. Subsection (4) of section 236.0812,  
22 Florida Statutes, is amended to read:

23 236.0812 Medicaid certified school funding  
24 maximization.--

25 (4) Federal Medicaid earnings received as a result of  
26 funds certified pursuant to this section shall be deposited  
27 into the Medicaid Earnings Trust Fund, if created by law,  
28 otherwise in the Educational Aids Trust Fund. Of the funds  
29 earned by each district, not less than 25 percent shall be  
30 used to enhance the district's exceptional student education  
31 nongifted programs. The remaining funds shall be used by the



1 district in areas which directly impact on classroom  
2 activities. However, if Committee Substitute for Committee  
3 Substitute for House Bill 165 or similar legislation becomes  
4 law, up to \$150,000 of any funds which may become available as  
5 a result of a district certifying state or local education  
6 funds to earn federal Medicaid match may be allocated to each  
7 of the five school districts whose school improvement plans,  
8 pursuant to s. 230.23(16)(18), include the establishment of a  
9 school of the 21st century.

10 Section 59. Section 236.0842, Florida Statutes, is  
11 hereby repealed.

12 Section 60. Paragraph (b) of subsection (4) of section  
13 236.1228, Florida Statutes, is amended to read:

14 236.1228 Accountability program grants.--

15 (4) STATEWIDE INDICATORS.--

16 (b) The statewide indicators are:

17 1. Improve graduation rate.--The statewide goal is to  
18 achieve a graduation rate of 85 percent ~~by 1992~~. The graduate  
19 rate will be calculated as defined in s. 228.041(41)  
20 ~~232.2468(1)(a)~~. The district annual graduation rate indicator  
21 shall be at least an increase of one percentage point or  
22 one-third of the difference between the second preceding year  
23 and 85 percent, whichever is greater.

24 2. Improve dropout rate.--The statewide goal is to  
25 achieve a dropout rate in high school of 4 percent or less ~~by~~  
26 ~~1992~~. The dropout rate will be calculated as defined in s.  
27 228.041(43) ~~232.2468(1)(c)~~. The district and high school  
28 annual dropout rate indicator for the high school shall be 6  
29 percent or less and the district average shall be 4 percent or  
30 less for grades 9 through 12.

31

1           3. Improve promotion rate.--The statewide goal is to  
2 achieve a 95-percent promotion rate from grade to grade in  
3 grades 9 through 12 ~~by 1992~~. The district and high school  
4 annual promotion rate indicator for the high school from grade  
5 to grade in grades 9 through 12 shall be 94 percent or higher  
6 and the district average shall be 95 percent or higher for  
7 grades 9 through 12.

8           4. Increase enrollment in and completion of upper  
9 level science courses.--The statewide goal is to have 20  
10 percent or more of the high school students enrolled in and  
11 completing level 3 science courses, 55 percent or more of the  
12 high school students enrolled in level 2 science courses, and  
13 20 percent or less of the high school students enrolled in  
14 level 1 science courses ~~by 1992~~. Components of the district  
15 and high school annual science enrollment indicator are:

16           a. For level 3 science courses, the high school shall  
17 have 15 percent or more of the grades 9 through 12 students  
18 enrolled in level 3 science courses and the district average  
19 shall be 20 percent or more of the grades 9 through 12  
20 students enrolled in level 3 science courses;

21           b. For level 2 science courses, the high school shall  
22 have 45 percent or more of the grades 9 through 12 students  
23 enrolled in level 2 science courses and the district average  
24 shall be 55 percent or more of the grades 9 through 12  
25 students enrolled in level 2 science courses; and

26           c. For level 1 science courses, the high school shall  
27 have 30 percent or less of the grades 9 through 12 students  
28 enrolled in level 1 science courses and the district average  
29 shall be 20 percent or less of the grades 9 through 12  
30 students enrolled in level 1 science courses.

31

1           5. Increase enrollment in and completion of upper  
2 level mathematics courses.--The statewide goal is to have 15  
3 percent or more of the high school students enrolled in and  
4 completing level 3 mathematics courses, 50 percent or more of  
5 the high school students enrolled in level 2 mathematics  
6 courses, and 30 percent or less of the high school students  
7 enrolled in level 1 mathematics courses ~~by 1992~~. Components of  
8 the district and high school annual mathematics enrollment  
9 indicator are:

10           a. For level 3 mathematics courses, the high school  
11 shall have 10 percent or more of the grades 9 through 12  
12 students enrolled in level 3 mathematics courses and the  
13 district average shall be 15 percent or more of the grades 9  
14 through 12 students enrolled in level 3 mathematics courses;

15           b. For level 2 mathematics courses, the high school  
16 shall have 40 percent or more of the grades 9 through 12  
17 students enrolled in level 2 mathematics courses and the  
18 district average shall be 50 percent or more of the grades 9  
19 through 12 students enrolled in level 2 mathematics courses;  
20 and

21           c. For level 1 mathematics courses, the high school  
22 shall have 40 percent or less of the grades 9 through 12  
23 students enrolled in level 1 mathematics courses and the  
24 district average shall be 30 percent or less of the grades 9  
25 through 12 students enrolled in level 1 mathematics courses.

26           6. Improve utilization of postsecondary feedback  
27 report.--The statewide goal is to reduce annually the high  
28 school's graduates who are enrolled in a degree program and  
29 are referred for remediation in mathematics, reading, and  
30 writing in public colleges and universities by 50 percent of  
31 the number for the second preceding year. The district and

1 high school annual referrals for remediation indicators for  
2 high school shall be a reduction of 40 percent or more and the  
3 district's average reduction shall be 50 percent or more of  
4 the number for the second preceding year.

5 Section 61. Paragraph (b) of subsection (2) of section  
6 236.24, Florida Statutes, is amended to read:

7 236.24 Sources of district school fund.--

8 (2)

9 (b)1. Securities purchased by any such school board  
10 under the authority of this law shall be delivered by the  
11 seller to the school board or its appointed safekeeper. The  
12 safekeeper shall be a qualified bank or trust company  
13 chartered to operate as such by the State of Florida or the  
14 United States Government. The safekeeper shall issue  
15 documentation ~~trust receipts~~ for each transaction, and a  
16 monthly statement detailing all transactions for the period.

17 2. Securities physically delivered to the school board  
18 shall be placed in a safe-deposit box in a bank or other  
19 institution located within the county and duly licensed and  
20 insured. Withdrawals from such safe-deposit box shall be only  
21 by persons duly authorized by resolution of the school board.

22 3. The school board may also receive bank trust  
23 receipts in return for investment of surplus funds in  
24 securities. Any trust receipts received must enumerate the  
25 various securities held together with the specific number of  
26 each security held. The actual securities on which the trust  
27 receipts are issued may be held by any bank depository  
28 chartered by the United States Government or the State of  
29 Florida or their designated agents.

30 Section 62. Subsection (7) of section 239.101, Florida  
31 Statutes, is amended to read:

1           239.101 Legislative intent.--

2           (7) The Legislature finds that career education is a  
3 crucial component of the educational programs conducted within  
4 school districts and community colleges. Accordingly, career  
5 education must be represented in accountability processes  
6 undertaken for educational institutions. It is the intent of  
7 the Legislature that the vocational standards articulated in  
8 s. 239.229(2) be considered in the development of  
9 accountability measures for public schools pursuant to ss.  
10 229.591, 229.592, 229.593, 229.594, and 230.23(16)~~(18)~~and for  
11 community colleges pursuant to s. 240.324.

12           Section 63. Subsections (1) and (3) of section  
13 239.229, Florida Statutes, are amended to read:

14           239.229 Vocational standards.--

15           (1) The purpose of career education is to enable  
16 students who complete vocational programs to attain and  
17 sustain employment and realize economic self-sufficiency. The  
18 purpose of this section is to identify issues related to  
19 career education for which school boards and community college  
20 boards of trustees are accountable. It is the intent of the  
21 Legislature that the standards articulated in subsection (2)  
22 be considered in the development of accountability standards  
23 for public schools pursuant to ss. 229.591, 229.592, 229.593,  
24 229.594, and 230.23(16)~~(18)~~and for community colleges  
25 pursuant to s. 240.324.

26           (3) Each area technical center operated by a school  
27 board shall establish a center advisory council pursuant to s.  
28 229.58. The center advisory council shall assist in the  
29 preparation and evaluation of center improvement plans  
30 required pursuant to s. 230.23(16)~~(18)~~and may provide  
31 assistance, upon the request of the center director, in the

1 preparation of the center's annual budget and plan as required  
2 by s. 229.555(1).

3 Section 64. Subsection (3) of section 397.405, Florida  
4 Statutes, is amended to read:

5 397.405 Exemptions from licensure.--The following are  
6 exempt from the licensing provisions of this chapter:

7 (3) A substance abuse education program established  
8 pursuant to s. 233.061 ~~233.067~~.

9 Section 65. Subsection (2) of section 402.22, Florida  
10 Statutes, 1996 Supplement, is amended to read:

11 402.22 Education program for students who reside in  
12 residential care facilities operated by the Department of  
13 Health and Rehabilitative Services.--

14 (2) District school boards shall establish educational  
15 programs for all students ages 5 through 18 under the  
16 residential care of the Department of Health and  
17 Rehabilitative Services and may provide for students below age  
18 <U>3 5 as provided for in s. 232.01(1)(e). Funding of such  
19 programs shall be pursuant to s. 236.081.

20 Section 66. Paragraph (a) of subsection (5) of section  
21 415.5015, Florida Statutes, is amended to read:

22 415.5015 Child abuse prevention training in the  
23 district school system.--

24 (5) PREVENTION TRAINING CENTERS; FUNCTIONS; SELECTION  
25 PROCESS; MONITORING AND EVALUATION.--

26 (a) Each training center shall perform the following  
27 functions:

28 1. Act as a clearinghouse to provide information on  
29 prevention curricula which meet the requirements of this  
30 section and the requirements of ss. 231.17, ~~233.011(3)(a)~~,  
31 236.0811, and 415.501.

1           2. Assist the local school district in selecting a  
2 prevention program model which meets the needs of the local  
3 community.

4           3. At the request of the local school district, design  
5 and administer training sessions to develop or expand local  
6 primary prevention and training programs.

7           4. Provide assistance to local school districts,  
8 including, but not limited to, all of the following:  
9 administration, management, program development, multicultural  
10 staffing, and community education, in order to better meet the  
11 requirements of this section and of ss. 231.17, ~~233.011(3)(a)~~,  
12 236.0811, and 415.501.

13           5. At the request of the Department of Education or  
14 the local school district, provide ongoing program development  
15 and training to achieve all of the following:

16           a. Meet the special needs of children, including, but  
17 not limited to, the needs of disabled and high-risk children.

18           b. Conduct an outreach program to inform the  
19 surrounding communities of the existence of primary prevention  
20 and training programs and of funds to conduct such programs.

21           6. Serve as a resource to the Department of Health and  
22 Rehabilitative Services and its districts.

23           Section 67. Subsection (2) of section 450.121, Florida  
24 Statutes, is amended to read:

25           450.121 Enforcement of Child Labor Law.--

26           (2) It is the duty of the division and its agents and  
27 all sheriffs or other law enforcement officers of the state or  
28 of any municipality of the state to enforce the provisions of  
29 this law, to make complaints against persons violating its  
30 provisions, and to prosecute violations of the same. The  
31 division and its agents have authority to enter and inspect at

1 any time any place or establishment covered by this law and to  
2 have access to age certificates kept on file by the employer  
3 and such other records as may aid in the enforcement of this  
4 law. A designated school representative acting in accordance  
5 with ~~Attendance assistants employed pursuant to s. 232.17~~  
6 shall report to the division all violations of the Child Labor  
7 Law that may come to his or her ~~their~~ knowledge.

8 Section 68. Subsection (12) of section 493.6102,  
9 Florida Statutes, 1996 Supplement, is amended to read:

10 493.6102 Inapplicability of parts I through IV of this  
11 chapter.--This chapter shall not apply to:

12 (12) Any person who is a school crossing guard  
13 employed by a third party hired by a city or county and  
14 trained in accordance with s. 316.75 ~~234.302~~.

15 Section 69. Subsection (2) of section 561.025, Florida  
16 Statutes, is amended to read:

17 561.025 Alcoholic Beverage and Tobacco Trust  
18 Fund.--There is created within the State Treasury the  
19 Alcoholic Beverage and Tobacco Trust Fund. All funds collected  
20 by the division under ss. 210.15, 210.40, or under s. 569.003  
21 and the Beverage Law with the exception of state funds  
22 collected pursuant to ss. 561.501, 563.05, 564.06, and 565.12  
23 shall be deposited in the State Treasury to the credit of the  
24 trust fund, notwithstanding any other provision of law to the  
25 contrary. Moneys deposited to the credit of the trust fund  
26 shall be used to operate the division and to provide a  
27 proportionate share of the operation of the office of the  
28 secretary and the Division of Administration of the Department  
29 of Business and Professional Regulation; except that:

30 (2) Ten percent of the revenues derived from retail  
31 tobacco products dealer permit fees collected under s. 569.003



1 shall be transferred to the Department of Education to provide  
2 for teacher training and for research and evaluation to reduce  
3 and prevent the use of tobacco products by children, ~~pursuant~~  
4 ~~to s. 233.067(4).~~

5 Section 70. This act shall take effect July 1, 1997.

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