

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          amending s. 230.2305, F.S.; revising provisions  
17          relating to the prekindergarten early  
18          intervention program; repealing s. 230.23135,  
19          F.S., relating to the Florida Council on  
20          Student Services; amending s. 230.2316, F.S.;  
21          revising provisions relating to dropout  
22          prevention; deleting definitions, certain  
23          program criteria, and provisions requiring  
24          program plans and staff development; amending  
25          s. 230.23161, F.S.; correcting a cross  
26          reference; amending s. 230.2317, F.S.; revising  
27          provisions relating to multiagency services for  
28          students with severe emotional disturbance;  
29          amending s. 230.2318, F.S.; authorizing school  
30          resource officer programs; deleting program  
31          purposes and plan requirements; amending s.

1 230.303, F.S.; deleting obsolete language;  
 2 amending s. 230.33, F.S.; revising provisions  
 3 relating to duties and responsibilities of  
 4 superintendents; amending s. 230.331, F.S.,  
 5 relating to reproduction and destruction of  
 6 district school records; amending s. 230.35,  
 7 F.S., relating to schools under the control of  
 8 the school board and superintendent; repealing  
 9 ss. 230.59, 230.655, and 230.71, F.S., relating  
 10 to educational communications systems,  
 11 education programs in correctional facilities,  
 12 and intergenerational school volunteer  
 13 programs; amending s. 232.01, F.S., and  
 14 repealing ss. 232.04 and 232.045, F.S.;  
 15 combining provisions relating to school  
 16 attendance requirements; amending s. 232.021,  
 17 F.S.; conforming provisions; amending s.  
 18 232.0225, F.S.; revising provisions relating to  
 19 absence for religious instruction or holidays;  
 20 repealing s. 232.023, F.S., relating to  
 21 falsification of attendance records; amending  
 22 s. 232.03, F.S.; correcting cross references;  
 23 repealing s. 232.032(2) and 232.034, F.S.,  
 24 relating to an investigation of tuberculosis  
 25 incidence and a medical exemption for  
 26 transporting students; amending s. 232.06,  
 27 F.S.; revising provisions relating to school  
 28 attendance certificates of exemption; amending  
 29 s. 232.09, F.S.; correcting a cross reference;  
 30 repealing ss. 232.10, 232.13, and 232.165,  
 31 F.S., relating to explanation of student

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

1 233.0615, 233.06411, 233.0645, 233.065,  
 2 233.0661, 233.0662, 233.0663(2), (3), (4), (5),  
 3 (6), and (7), 233.067, 233.0671, and 233.068(3)  
 4 and (4), F.S., relating to a character  
 5 development and law education program, a free  
 6 enterprise and consumer education program,  
 7 voting instruction, patriotic programs, certain  
 8 requirements of the drug abuse and resistance  
 9 education program, comprehensive health  
 10 education and substance abuse prevention,  
 11 courses of study in the care of nursing home  
 12 patients, instruction in acquired immune  
 13 deficiency syndrome, and planning and  
 14 implementation of a career development and  
 15 applied technology program; amending s. 233.07,  
 16 F.S.; deleting obsolete language; renumbering  
 17 s. 234.041, F.S., relating to school buses;  
 18 repealing s. 234.0515, F.S., relating to  
 19 transportation of students by private  
 20 transportation companies; repealing ss. 234.061  
 21 and 234.091, F.S., relating to designation of  
 22 routes and school bus driver qualifications, to  
 23 conform; amending and renumbering s. 234.302,  
 24 F.S., relating to school crossing guards;  
 25 amending ss. 24.121, 39.01, 228.053, 228.061,  
 26 229.0535, 229.565, 229.58, 229.592, 229.594,  
 27 229.8055, 231.085, 231.095, 231.1725, 236.013,  
 28 236.081, 236.0811, 236.0812, 236.1228, 239.101,  
 29 239.229, 397.405, 402.22, 415.5015, 450.121,  
 30 493.6102, and 561.025, F.S.; correcting cross  
 31 references, conforming language, and deleting

1           obsolete language; amending s. 236.24, F.S.;  
2           clarifying language relating to school board  
3           securities transactions; repealing s. 236.0842,  
4           F.S., relating to approval for dropout  
5           prevention programs, to conform; providing an  
6           effective date.

7  
8   Be It Enacted by the Legislature of the State of Florida:

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

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

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

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

31

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

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

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

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

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

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

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

28           (5) ~~PERFORM DUTIES AND EXERCISE RESPONSIBILITY.--The~~  
29 ~~school board may Perform those duties and exercise those~~  
30 responsibilities which are assigned to it by law or by rules  
31 ~~regulations~~ of the state board and, in addition thereto, those

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

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

18 Section 4. Section 230.23, Florida Statutes, 1996  
19 Supplement, is amended to read:

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

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

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

1 ~~superintendent after approval and shall be kept as a public~~  
2 ~~record in a permanent location, bound book in the~~  
3 ~~superintendent's office.~~

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

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



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

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

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

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

29 (b) Elimination of school centers and consolidation of  
30 schools.--Provide for the elimination of school centers within  
31 the district and for the consolidation of schools whenever the

1 ~~needs of pupils can better and more economically be served at~~  
2 ~~other school centers than those which they have been~~  
3 ~~attending.~~

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

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

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

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

31

1           3. Settlement of disagreements.--In the event an  
2 agreement cannot be reached relating to such attendance areas  
3 or to the school or schools therein, the matter may be  
4 referred jointly by the cooperating school boards or by either  
5 school board to the Department of Education for decision under  
6 regulations of the state board, and its decision shall be  
7 binding on both school boards.

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

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

1 ~~schools during an emergency and to provide for the payment of~~  
2 ~~salaries to the members of the instructional staff on such~~  
3 ~~occasions. However, notwithstanding any of the foregoing, any~~  
4 ~~school board may in its discretion operate any or all of the~~  
5 ~~district schools on an extended term basis, provided the board~~  
6 ~~notifies the Commissioner of Education of its plans for an~~  
7 ~~extended school year on or before January 1 preceding the~~  
8 ~~extended school term. However, notwithstanding any of the~~  
9 ~~foregoing, any school board may, in its discretion, operate~~  
10 ~~any of the district schools on a quarterly basis; provided~~  
11 ~~that:~~

12           1. ~~All educational requirements required by law are~~  
13 ~~complied with.~~

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

23           3. ~~Such school board, when classroom facilities and~~  
24 ~~teacher availability permit, may allow the parents or guardian~~  
25 ~~of any child the choice of such child attending all or any~~  
26 ~~particular three out of the four quarters during the year or,~~  
27 ~~if a quinmester plan is operational, all or any four out of~~  
28 ~~five quinmesters.~~

29           4. ~~Any school board planning a 12-month school program~~  
30 ~~shall notify the Department of Education of such plans on or~~  
31

1 ~~before January 1 preceding the school year in which the plan~~  
2 ~~is to become operative.~~

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

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

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

30 (j) Cooperate with other agencies in joint  
31 projects.--Cooperate with other agencies in joint projects.

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

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

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

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

25       4. ~~Settlement of disagreements.--In the event an~~  
26 ~~agreement cannot be reached relating to any phase of the~~  
27 ~~project or activity, the matter may be referred jointly by the~~  
28 ~~cooperating school boards, or by any individual school board~~  
29 ~~of the cooperating districts, to the Department of Education~~  
30 ~~for decision under regulations of the state board, and its~~  
31

1 ~~decision shall be binding on all school boards of the~~  
2 ~~cooperating districts.~~

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

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

30 (m) Exceptional students.--Provide for an appropriate  
31 program of special instruction, facilities, and services for

1 exceptional students as prescribed by the state board as  
2 acceptable, including provisions that:

3 1. The school board provide the necessary professional  
4 services for diagnosis and evaluation of exceptional students.

5 2. The school board provide the special instruction,  
6 classes, and services, either within the district school  
7 system, in cooperation with other district school systems, or  
8 through contractual arrangements with approved nonpublic  
9 schools or community facilities which meet standards  
10 established by the state board.

11 3. The school board annually provide information  
12 describing the Florida School for the Deaf and the Blind and  
13 all other programs and methods of instruction available to the  
14 parent or guardian of a sensory-impaired student.

15 4. The school board, once every 3 years, submit to the  
16 department its proposed procedures for the provision of  
17 special instruction and services for exceptional students.

18 5. No student be given special instruction or services  
19 as an exceptional student until after he or she has been  
20 properly evaluated, classified, and placed in the manner  
21 prescribed by rules of the state board. The parent or guardian  
22 of an exceptional student evaluated and placed or denied  
23 placement in a program of special education shall be notified  
24 of each such evaluation and placement or denial. Such notice  
25 shall contain a statement informing the parent or guardian  
26 that he or she is entitled to a due process hearing on the  
27 identification, evaluation, and placement, or lack thereof.  
28 Such hearings shall be exempt from the provisions of ss.  
29 120.569, 120.57, and 286.011, and any records created as a  
30 result of such hearings shall be confidential and exempt from  
31 the provisions of s. 119.07(1), to the extent that the state



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

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

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

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

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

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

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

30           ~~a. All facilities and furnishings within Department of~~  
31 ~~Health and Rehabilitative Services residential care facilities~~

1 ~~used for education programs for school-age students during the~~  
2 ~~1978-1979 fiscal year shall be made available to the district~~  
3 ~~school board for housing programs of instruction and special~~  
4 ~~education services.~~

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

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

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

1           3. The school board shall have full and complete  
2 authority ~~of each such school board~~ in the matter of the  
3 assignment and placement of such students in educational  
4 programs. The parent or guardian of exceptional students shall  
5 have the due process rights provided for in subparagraph  
6 (m)54.

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

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

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

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

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

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

13           (a) Positions, qualifications, and appointments.--Act  
14 upon written recommendations submitted by the superintendent  
15 for positions to be filled and for minimum qualifications for  
16 personnel for the various positions and act upon written  
17 nominations of persons to fill such positions. The school  
18 board may reject for good cause any employee nominated. If the  
19 third nomination by the superintendent for any position is  
20 rejected for good cause, if the superintendent fails to submit  
21 a nomination for initial employment within a reasonable time  
22 as prescribed by the school board, or if the superintendent  
23 fails to submit a nomination for reemployment within the time  
24 prescribed by law, the school board may proceed on its own  
25 motion to fill such position. The school board's decision to  
26 reject a person's nomination does not give that person a right  
27 of action to sue over the rejection and may not be used as a  
28 cause of action by the nominated employee.

29           (b) Action on nominations.--Act not later than 3 weeks  
30 after the end of the regular legislative session on the  
31

1 nominations by the superintendent of supervisors, principals,  
2 and members of the instructional staff.

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

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

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

29 (f) Suspension and dismissal and return to annual  
30 contract status.--Suspend, dismiss, or return to annual  
31 contract members of the instructional staff and other school

1 employees; however, no administrative assistant, supervisor,  
2 principal, teacher, or other member of the instructional staff  
3 may be discharged, removed, or returned to annual contract  
4 except as provided in chapter 231.

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

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

28 (6) CHILD WELFARE.--Provide for the proper accounting  
29 for all children of school age, for the attendance and control  
30 of pupils at school, and for proper attention to health,  
31

1 safety, and other matters relating to the welfare of children  
2 in the following fields, as prescribed in chapter 232.

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

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



1 (c) Control of pupils.--

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

1 ~~suspension, student peer review, parental involvement, and~~  
2 ~~other forms of positive reinforcement, such as classes on~~  
3 ~~appropriate classroom behavior.~~

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

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

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

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

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

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

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

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

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

1 assembly, privacy, and participation in school programs and  
2 activities.

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

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

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

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

29           8. Notice that violation of the school board's sexual  
30 harassment policy by a student is grounds for in-school  
31 suspension, out-of-school suspension, expulsion, or imposition

1 of other disciplinary action by the school and may also result  
2 in criminal penalties being imposed.

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

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

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

23 (7) COURSES OF STUDY AND OTHER INSTRUCTIONAL  
24 AIDS.--Provide adequate instructional aids for all children as  
25 follows and in accordance with the requirements of chapter  
26 233.

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

1 (b) Textbooks.--Provide for proper requisitioning,  
2 distribution, accounting, storage, care, and use of all  
3 textbooks and other books furnished by the state and furnish  
4 such other textbooks and library books as may be needed. The  
5 school board is responsible for assuring that instructional  
6 materials used in the district are consistent with the  
7 district goals and objectives and the curriculum frameworks  
8 approved by the State Board of Education, as well as with the  
9 state and district performance standards provided for in ss.  
10 229.565 and 232.2454.

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

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

27 (8) TRANSPORTATION OF PUPILS.--After considering  
28 recommendations of the superintendent, make provision for the  
29 transportation of pupils to the public schools or school  
30 activities they are required or expected to attend; authorize  
31 transportation routes arranged efficiently and economically;

1 provide the necessary transportation facilities, and, when  
2 authorized under regulations of the state board and if more  
3 economical to do so, provide limited subsistence in lieu  
4 thereof; and adopt the necessary rules and regulations to  
5 ensure safety, economy, and efficiency in the operation of all  
6 buses, as prescribed in chapter 234.

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

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

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

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

25 2. Approve the proposed purchase of any site,  
26 playground, or recreational area for which district funds are  
27 to be used.†

28 3. Expand existing sites.†

29 4. Rent buildings when necessary.†

30 5. Enter into leases or lease-purchase arrangements,  
31 in accordance with the requirements and conditions provided in

1 s. 235.056(2), with private individuals or corporations for  
2 the rental of necessary grounds and educational facilities for  
3 school purposes or of educational facilities to be erected for  
4 school purposes. Current or other funds authorized by law may  
5 be used to make payments under a lease-purchase agreement.  
6 Notwithstanding any other statutes, if the rental is to be  
7 paid from funds received from ad valorem taxation and the  
8 agreement is for a period greater than 12 months, an approving  
9 referendum must be held. The provisions of such contracts,  
10 including building plans, shall be subject to approval by the  
11 Department of Education, and no such contract shall be entered  
12 into without such approval. As used in this section,  
13 "educational facilities" means the buildings and equipment  
14 which are built, installed, or established to serve  
15 educational purposes and which may lawfully be used. The  
16 State Board of Education is authorized to promulgate such  
17 rules as it deems necessary to implement the provisions  
18 hereof.†

19 6. Provide for the proper supervision of  
20 construction.†

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

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

28 9. ~~Provide furniture, books, apparatus, and other~~  
29 ~~equipment necessary for the proper conduct of the work of the~~  
30 ~~schools.~~

31



1           (c) Maintenance and upkeep of school plant.--Provide  
2 adequately for the proper maintenance and upkeep of school  
3 plants, so that children may attend school without sanitary or  
4 physical hazards, and provide for the necessary heat, lights,  
5 water, power, and other supplies and utilities necessary for  
6 the operation of the schools.

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

16           (e) Condemnation of buildings.--Condemn and prohibit  
17 the use for public school purposes of any building which can  
18 be shown for sanitary or other reasons to be no longer  
19 suitable for such use and, when any building is condemned by  
20 any state or other government agency as authorized in chapter  
21 235, see that it is no longer used for school purposes.

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

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

1 for the levying of district school taxes necessary to provide  
2 the amount needed from district sources.

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

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

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

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

29 (f) Financial records and accounts.--Provide for  
30 keeping of accurate records of all financial transactions,  
31 ~~including records of school and student activity funds, and~~

1 ~~school lunch programs, and have these records kept under the~~  
2 ~~various classifications commonly used in school financial~~  
3 ~~accounting; authorize and compensate such trained assistants~~  
4 ~~to the superintendent as may be needed to maintain adequate~~  
5 ~~records.~~

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

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

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

26 (j) Purchasing regulations to be secured from  
27 Department of Management Services.--Secure purchasing  
28 regulations and amendments and changes thereto from the  
29 Division of Purchasing of the Department of Management  
30 Services and prior to any purchase have reported to it by its  
31 staff, and give consideration to the lowest price available to

1 it under such regulations, provided a regulation applicable to  
2 the item or items being purchased has been adopted by the  
3 Division of Purchasing. The Division of Purchasing should meet  
4 with educational administrators to expand the inventory of  
5 standard items for common usage in all schools and higher  
6 education institutions.

7 (k) Investment policies.--

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

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

31

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

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

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

23           (b) Reports to the department.--Require that the  
24 superintendent prepare all reports to the Department of  
25 Education that may be required by law or regulations of the  
26 state board; see that all such reports are promptly  
27 transmitted to the department; withhold the further payment of  
28 salary to the superintendent or employee when notified by the  
29 department that he or she has failed to file any report within  
30 the time or in the manner prescribed; and continue to withhold  
31 the salary until the school board is notified by the

1 department that such report has been received and accepted;  
 2 provided, that when any report has not been received by the  
 3 date due and after due notice has been given to the school  
 4 board of that fact, the department, if it deems necessary, may  
 5 require the report to be prepared by a member of its staff,  
 6 and the school board shall pay all expenses connected  
 7 therewith. Any member of the school board who is responsible  
 8 for the violation of this provision is subject to suspension  
 9 and removal.

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

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

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

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

31

1           ~~(b) Cooperate with public and private community~~  
2 ~~agencies and with the local service district of the Department~~  
3 ~~of Health and Rehabilitative Services to achieve the first~~  
4 ~~state education goal, readiness to start school.~~

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

10           (13)~~(14)~~ ENFORCEMENT OF LAW AND RULES AND  
11 REGULATIONS.--Require that all laws and rules and regulations  
12 of the state board or of the school board are properly  
13 enforced.

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

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

26           (15)~~(17)~~ PUBLIC INFORMATION PROGRAM.--Adopt procedures  
27 whereby the general public can be adequately informed of the  
28 educational programs, needs, and objectives of public  
29 education within the district.

30           (16)~~(18)~~ IMPLEMENT SCHOOL IMPROVEMENT AND  
31 ACCOUNTABILITY.--Maintain a system of school improvement and

1 education accountability as provided by statute and State  
2 Board of Education rule. This system of school improvement and  
3 education accountability shall be consistent with, and  
4 implemented through, the district's continuing system of  
5 planning and budgeting required by this section and ss.  
6 229.555 and 237.041. This system of school improvement and  
7 education accountability shall include, but not be limited to,  
8 the following:

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

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

28 (c) Assistance and intervention.--Develop a 3-year  
29 plan of increasing individualized assistance and intervention  
30 for each school that does not meet or make adequate progress,  
31 based upon the recommendations of the commission, as defined



1 pursuant to statute and State Board of Education rule, toward  
2 meeting the goals and standards of its approved school  
3 improvement plan.

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

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

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

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

1 ~~technical assistance provided by the Department of Education,~~  
2 ~~and the effectiveness of the waiver process established in s.~~  
3 ~~229.592(6); and recommendation for improvement.~~

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

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

13 Section 6. Section 230.2305, Florida Statutes, 1996  
14 Supplement, is amended to read:

15 230.2305 Prekindergarten early intervention program.--

16 (1) LEGISLATIVE INTENT; PURPOSE.--The Legislature  
17 recognizes that high-quality prekindergarten education  
18 programs increase children's chances of achieving future  
19 educational success and becoming productive members of  
20 society. It is the intent of the Legislature that such  
21 programs be developmental, serve as preventive measures for  
22 children at risk of future school failure, enhance the  
23 educational readiness of all children, and support family  
24 education and the involvement of parents in their child's  
25 educational progress. Each prekindergarten early intervention  
26 program shall provide the elements necessary to prepare  
27 children for school, including health screening and referral  
28 and a developmentally appropriate educational program and  
29 opportunities for parental involvement in the program. It is  
30 the legislative intent that the prekindergarten early  
31 intervention program not exist as an isolated program, but

1 build upon existing services and work in cooperation with  
2 other programs for young children. It is intended that  
3 procedures such as, but not limited to, contracting,  
4 collocation, mainstreaming, and cooperative funding be used to  
5 coordinate the program with Head Start, public and private  
6 providers of child care, preschool programs for children with  
7 disabilities, programs for migrant children, Chapter I,  
8 subsidized child care, adult literacy programs, and other  
9 services. It is further the intent of the Legislature that the  
10 Commissioner of Education seek the advice of the Secretary of  
11 Health and Rehabilitative Services in the development and  
12 implementation of the prekindergarten early intervention  
13 program and the coordination of services to young children.  
14 The purpose of the prekindergarten early intervention program  
15 is to assist local communities in implementing programs that  
16 will enable all the families and children in the school  
17 district to be prepared for the children's success in school.

18 (2) ELIGIBILITY.--There is hereby created the  
19 prekindergarten early intervention program for children who  
20 are 3 and 4 years of age. A prekindergarten early  
21 intervention program shall be administered by a district  
22 school board and shall receive state funds pursuant to  
23 subsection(5)(9). Each public school district shall make  
24 reasonable efforts to accommodate the needs of children for  
25 extended-day and extended-year services without compromising  
26 the quality of the 6-hour, 180-day program. The school  
27 district shall report on such efforts.~~Prekindergarten early~~  
28 ~~intervention programs shall be implemented and conducted by~~  
29 ~~school districts pursuant to a plan developed and approved as~~  
30 ~~provided in this section.~~ School district participation in  
31

1 the prekindergarten early intervention program shall be at the  
2 discretion of each school district.

3 (a) At least 75 percent of the children projected to  
4 be served by the district program shall be economically  
5 disadvantaged 4-year-old children of working parents,  
6 including migrant children or children whose parents  
7 participate in the WAGES Program. Other children projected to  
8 be served by the district program may include any of the  
9 following up to a maximum of 25 percent of the total number of  
10 children served:

11 1. Three-year-old and four-year-old children who are  
12 referred to the school system who may not be economically  
13 disadvantaged but who are abused, prenatally exposed to  
14 alcohol or harmful drugs, or from foster homes, or who are  
15 marginal in terms of Exceptional Student Education placement.

16 2. Three-year-old children and four-year-old children  
17 who may not be economically disadvantaged but who are eligible  
18 students with disabilities and served in a specific part-time  
19 or combination of part-time exceptional student education  
20 programs with required special services, aids, or equipment  
21 and who are reported for funding part-time in the Florida  
22 Education Finance Program as exceptional students. These  
23 students may be funded from prekindergarten early intervention  
24 program funds the portion of the time not funded by the  
25 Florida Education Finance Program for the actual instructional  
26 time or one full-time equivalent student membership, whichever  
27 is the lesser. These part-time students with disabilities  
28 shall be counted toward the 25-percent student limit based on  
29 full-time equivalent student membership funded part-time by  
30 prekindergarten early intervention program funds. Also,  
31 3-year-old or 4-year-old eligible students with disabilities

1 who are reported for funding in the Florida Education Finance  
2 Program in a full-time or an authorized combination of  
3 full-time and part-time exceptional student programs as  
4 provided in s. 236.081(1)(c) may be mainstreamed in the  
5 prekindergarten early intervention program if such programming  
6 is reflected in the student's individual educational plan; if  
7 required special services, aids, or equipment are provided;  
8 and if there is no operational cost to prekindergarten early  
9 intervention program funds. These full-time exceptional  
10 students shall not count against the 75-percent or 25-percent  
11 student limit as stated in this paragraph.

12 3. Economically disadvantaged 3-year-old children.

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

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

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

26 (b) An "economically disadvantaged" child shall be  
27 defined as a child eligible to participate in the free lunch  
28 program. Notwithstanding any change in a family's economic  
29 status or in the federal eligibility requirements for free  
30 lunch, a child who meets the eligibility requirements upon  
31 initial registration for the program shall be considered

1 eligible until the child reaches kindergarten age. In order  
2 to assist the school district in establishing the priority in  
3 which children shall be served, and to increase the efficiency  
4 in the provision of child care services in each district, the  
5 district shall enter into a written collaborative agreement  
6 with other publicly funded early education and child care  
7 programs within the district. Such agreement shall be  
8 facilitated by the interagency coordinating council and shall  
9 set forth, among other provisions, the measures to be  
10 undertaken to ensure the programs' achievement and compliance  
11 with the performance standards established in subsection (3)  
12 and for maximizing the public resources available to each  
13 program. In addition, the central agency for state-subsidized  
14 child care or the local service district of the Department of  
15 Health and Rehabilitative Services shall provide the school  
16 district with an updated list of 3-year-old and 4-year-old  
17 children residing in the school district who are on the  
18 waiting list for state-subsidized child care.

19 (3) STANDARDS.--

20 (a) Publicly supported preschool programs, including  
21 prekindergarten early intervention, subsidized child care,  
22 teen parent programs, Head Start, migrant programs, and  
23 Chapter I programs shall employ a simplified point of entry to  
24 the child care services system in every community. These  
25 programs shall share the waiting lists for unserved children  
26 in the community so that a count of eligible children is  
27 maintained without duplications.

28 (b) The Department of Education and the Department of  
29 Health and Rehabilitative Services, in consultation with the  
30 Legislature, shall develop a minimum set of performance  
31 standards for publicly funded early education and child care

1 programs and a method for measuring the progress of local  
2 school districts and central agencies in meeting a desired set  
3 of outcomes based on these performance measures. The defined  
4 outcomes must be consistent with the state's first education  
5 goal, readiness to start school, and must also consider  
6 efficiency measures such as the employment of a simplified  
7 point of entry to the child care services system, coordinated  
8 staff development programs, and other efforts within the state  
9 to increase the opportunity for welfare recipients to become  
10 self-sufficient. Performance standards shall be developed for  
11 all levels of administration of the programs, including  
12 individual programs and providers, and must incorporate  
13 appropriate expectations for the type of program and the  
14 setting in which care is provided.

15 ~~(4) PLANS.--Each district school board that chooses to~~  
16 ~~participate in the prekindergarten early intervention program~~  
17 ~~shall, in consultation with the interagency coordinating~~  
18 ~~council, submit to the Commissioner of Education a plan for~~  
19 ~~implementing and conducting a prekindergarten early~~  
20 ~~intervention program for approval. A district school board~~  
21 ~~shall submit a plan or amended plan for planning and~~  
22 ~~evaluating prekindergarten programs, implementing new~~  
23 ~~services, enhancing existing early childhood, prekindergarten,~~  
24 ~~or child care programs provided by public or nonpublic~~  
25 ~~entities, or contracting for the provision of services or~~  
26 ~~facilities. The plans shall include an explanation of the~~  
27 ~~role of the prekindergarten early intervention program in the~~  
28 ~~school district's effort to meet the first state education~~  
29 ~~goal, readiness to start school, and the plan must include the~~  
30 ~~utilization of public and private programs already in~~  
31 ~~existence in the district, business-education partnerships,~~

1 ~~and preschool programs operated by vocational-technical~~  
 2 ~~schools, community colleges, and universities. A plan shall~~  
 3 ~~identify the locations where services will be provided and may~~  
 4 ~~include public school property or other sites that meet state~~  
 5 ~~and local licensing requirements for child care facilities or~~  
 6 ~~State Board of Education rules, except that sites shall be~~  
 7 ~~located to the maximum extent practicable so as to provide~~  
 8 ~~easy access by parents, especially working parents of~~  
 9 ~~economically disadvantaged children. When a district uses~~  
 10 ~~nonschool facilities or nonschool facility staff for the~~  
 11 ~~provision of services, a contract is required; when a district~~  
 12 ~~uses nonschool facilities and provides district instructional~~  
 13 ~~staff, a cooperative agreement is required.~~

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

18 (c)(a) ~~A description of the program curriculum and~~  
 19 ~~assurances that The program curriculum must will be~~  
 20 ~~developmentally appropriate according to current nationally~~  
 21 ~~recognized recommendations for high-quality prekindergarten~~  
 22 ~~programs.~~

23 (b) ~~The estimated number of children who will~~  
 24 ~~participate in the program based upon a needs assessment that~~  
 25 ~~considers existing services and unmet needs.~~

26 (c) ~~The projected percentage of children who will~~  
 27 ~~participate in the program and who are economically~~  
 28 ~~disadvantaged.~~

29 (d) School districts may ~~The criteria used by the~~  
 30 ~~district to establish a sliding fee scale for participants who~~  
 31



1 ~~are not economically disadvantaged, and a description of the~~  
2 ~~sliding scale.~~

3 ~~(e) A description of the program's administrative and~~  
4 ~~supervisory structure.~~

5 ~~(e)(f)~~ The ratio of direct instructional staff to  
6 children. ~~The ratio~~ must be 1 adult to 10 children, or a lower  
7 ratio. Upon written request from a school district, the  
8 commissioner may grant permission for a ratio of up to 1 adult  
9 to 15 children for individual schools or centers for which a  
10 1-to-10 ratio would not be feasible.

11 ~~(f)(g) Information on the training and qualifications~~  
12 ~~of program staff, including an assurance that All staff must~~  
13 ~~meet will have met~~ the following minimum requirements:

14 1. The minimum level of training is to be the  
15 completion of a 30-clock-hour training course planned jointly  
16 by the Department of Education and the Department of Health  
17 and Rehabilitative Services to include the following areas:  
18 state and local rules that govern child care, health, safety,  
19 and nutrition; identification and report of child abuse and  
20 neglect; child growth and development; use of developmentally  
21 appropriate early childhood curricula; and avoidance of  
22 income-based, race-based, and gender-based stereotyping.

23 2. When individual classrooms are staffed by certified  
24 teachers, those teachers must be certified for the appropriate  
25 grade levels under s. 231.17 and State Board of Education  
26 rules. Teachers who are not certified for the appropriate  
27 grade levels must obtain proper certification within 2 years.  
28 However, the commissioner may make an exception on an  
29 individual basis when the requirements are not met because of  
30 serious illness, injury, or other extraordinary, extenuating  
31 circumstance.

1           3. When individual classrooms are staffed by  
 2 noncertified teachers, there must be a program director or  
 3 lead teacher who is eligible for certification or certified  
 4 for the appropriate grade levels pursuant to s. 231.17 and  
 5 State Board of Education rules in regularly scheduled direct  
 6 contact with each classroom. Notwithstanding s. 231.15, such  
 7 classrooms must be staffed by at least one person who has, at  
 8 a minimum, a child development associate credential (CDA) or  
 9 an amount of training determined by the commissioner to be  
 10 equivalent to or to exceed the minimum, such as an associate  
 11 in science degree in the area of early childhood education.

12           4. Beginning October 1, 1994, principals and other  
 13 school district administrative and supervisory personnel with  
 14 direct responsibility for the program must demonstrate  
 15 knowledge of prekindergarten education programs that increase  
 16 children's chances of achieving future educational success and  
 17 becoming productive members of society in a manner established  
 18 by the State Board of Education by rule.

19           5. ~~To be eligible for state funding, all program plans~~  
 20 ~~must include a requirement that~~ All personnel who are not  
 21 certified under s. 231.17 must comply with screening  
 22 requirements under ss. 231.02 and 231.1713.

23           ~~(h) A description of proposed staff development~~  
 24 ~~activities, including arrangements for staff access to~~  
 25 ~~training in child growth and development and developmentally~~  
 26 ~~appropriate early childhood curriculum and integration with~~  
 27 ~~district master inservice plans required under s. 236.0811.~~

28           ~~(i) A description of the number and location of all~~  
 29 ~~program sites and how each site is considered easily~~  
 30 ~~accessible to the population to be served and to coordinated~~  
 31 ~~services.~~

1           ~~(j) A description of the arrangements for transporting~~  
2 ~~children to and from the program sites and their homes, if~~  
3 ~~appropriate.~~

4           (g)(k) A requirement that Student participation must  
5 be contingent upon parental involvement, ~~and a description of~~  
6 The parental involvement activities integral to the program,  
7 ~~which~~ must include program site-based parental activities  
8 designed to fully involve parents in the program and ~~which~~ may  
9 include parenting education, home visitor activities, family  
10 support services coordination, and other activities.

11           ~~(l) A description of the interagency coordinating~~  
12 ~~council and efforts made to coordinate and maximize use of~~  
13 ~~existing funds and community facilities, equipment, medical,~~  
14 ~~educational, and social services, including coordination with~~  
15 ~~adult literacy and vocational programs.~~

16           (h)(m) Identification of the days and hours when  
17 Services are to be provided during, ~~including~~ a school day and  
18 school year equal to or exceeding the requirements for  
19 kindergarten under ss. 228.041 and 236.013, and Strategies to  
20 provide care before school, after school, and 12 months a  
21 year, when needed. ~~The strategies specified by this paragraph~~  
22 ~~must be developed by the school district in cooperation with~~  
23 ~~the central agency for state-subsidized child care or the~~  
24 ~~local service district of the Department of Health and~~  
25 ~~Rehabilitative Services and must be approved by the district~~  
26 ~~interagency coordinating council established under subsection~~  
27 ~~(11)~~. Programs may be provided on Saturdays and through other  
28 innovative scheduling arrangements.

29           ~~(n) A description of the developmental and health~~  
30 ~~screening and referral services to be provided each child in~~  
31 ~~the program and assurances that needed developmental and~~

1 ~~health services will be provided through interagency~~  
2 ~~coordination to the extent possible.~~

3 ~~(i)(o) A written description of the role of the~~  
4 ~~program in The school district must make efforts district's~~  
5 ~~effort to meet the first state education goal, readiness to~~  
6 ~~start school, including the involvement of a description of~~  
7 ~~the plan to involve nonpublic schools, public and private~~  
8 ~~providers of day care and early education, and other community~~  
9 ~~agencies that provide services to young children. This may~~  
10 ~~include private child care programs, subsidized child care~~  
11 ~~programs, and Head Start programs. A written description of~~  
12 ~~these efforts must be provided to the district interagency~~  
13 ~~coordinating council on early childhood services. The written~~  
14 ~~description of the plan to involve the groups listed above~~  
15 ~~must be submitted annually.~~

16 ~~(p) A description of how the program will be~~  
17 ~~coordinated with the district program for grades K through 3~~  
18 ~~and with district preschool programs for children with~~  
19 ~~disabilities and migrant children, the teen parent program,~~  
20 ~~and Chapter I programs.~~

21 ~~(q) A tentative budget.~~

22 ~~(j)(r) Parents must be provided an Strategies to allow~~  
23 ~~for parental option regarding a child's participation at a~~  
24 ~~school-based site or among contracted sites, when such an~~  
25 ~~option is appropriate and within the school district. The~~  
26 ~~school district may consider availability of sites,~~  
27 ~~transportation, staffing ratios, costs, and other factors in~~  
28 ~~determining the assignment and setting district guidelines.~~  
29 ~~Parents may request and be assigned a site other than one~~  
30 ~~first assigned by the district, provided the parents pay the~~

31

1 cost of transporting the child to the site of the parents'  
2 choice.

3 (k)(s) ~~The Strategies for~~ school district must  
4 coordinate ~~coordination~~ with the central agency for  
5 state-subsidized child care or the local service district of  
6 the Department of Health and Rehabilitative Services to verify  
7 family participation in the WAGES Program, thus ensuring  
8 accurate reporting and full utilization of federal funds  
9 available through the Family Support Act, and for the agency's  
10 or service district's sharing of the waiting list for  
11 state-subsidized child care under paragraph (3)(a).

12 ~~(6) PLAN APPROVAL.--The Commissioner of Education has~~  
13 ~~the final authority to approve or disapprove plans and amended~~  
14 ~~plans.~~

15 (4)(7) EVALUATION.--Each school district shall conduct  
16 an evaluation of the effectiveness of the prekindergarten  
17 early intervention program. This evaluation shall include  
18 measures of the following:

19 (a) The children's achievement as measured by  
20 assessments upon entry into the program and upon completion of  
21 the program; and

22 (b) The children's readiness for kindergarten as  
23 measured by the instrument the district uses to assess the  
24 school readiness of all children entering kindergarten. The  
25 results of this evaluation must be maintained by the school  
26 district and made available to the public upon request.

27 ~~(8) MONITORING AND TECHNICAL ASSISTANCE.--Pursuant to~~  
28 ~~s. 229.565(5), the Commissioner of Education shall monitor~~  
29 ~~each district prekindergarten early intervention program at~~  
30 ~~least annually to determine compliance with the district plan~~  
31 ~~and the provisions of this section. If a program is not~~

1 ~~brought into compliance within 3 months after the~~  
 2 ~~commissioner's evaluation citing specific deficiencies, the~~  
 3 ~~commissioner must withhold such funds as have been allocated~~  
 4 ~~to the school board for its prekindergarten early intervention~~  
 5 ~~program and which have not yet been released. The department~~  
 6 ~~shall develop manuals and guidelines for the development of~~  
 7 ~~district plans and shall provide ongoing technical assistance~~  
 8 ~~to ensure that each district program maintains high standards~~  
 9 ~~of quality and effectiveness.~~

10 (5)(9) ANNUAL REPORT.--Each prekindergarten early  
 11 intervention program under this section shall, ~~through the~~  
 12 ~~district interagency coordinating council on early childhood~~  
 13 ~~services~~, submit an annual report of its program to the  
 14 district interagency coordinating council on early childhood  
 15 services ~~Commissioner of Education~~. The report must describe  
 16 the overall program operations; activities of the district  
 17 interagency coordinating council on early childhood services;  
 18 expenditures; the number of students served; ratio of staff to  
 19 children; staff qualifications; evaluation findings, including  
 20 identification of program components that were most  
 21 successful; and other information required by the council  
 22 ~~Commissioner of Education~~ or the state advisory council.

23 (6)(10) FUNDING.--

24 (a) This section shall be implemented only to the  
 25 extent that funding is available. State funds appropriated  
 26 for the prekindergarten early intervention program ~~may only be~~  
 27 ~~used pursuant to the plan developed in consultation with the~~  
 28 ~~interagency coordinating council on early childhood services~~  
 29 ~~and~~ may not be used for the construction of new facilities,  
 30 the transportation of students, or the purchase of buses, but  
 31

1 may be used for educational field trips which enhance the  
2 curriculum.

3           1. At least 70 percent of the total funds allocated to  
4 each school district under this section must be used for  
5 implementing and conducting a prekindergarten early  
6 intervention program or contracting with other public or  
7 nonpublic entities for programs to serve eligible children.  
8 The maximum amount to be spent per child for this purpose is  
9 to be designated annually in the General Appropriations Act.

10           2. No more than 30 percent of the funds allocated to  
11 each school district pursuant to this section may be used to  
12 enhance existing public and nonpublic programs for eligible  
13 children, to provide before-school and after-school care for  
14 children served under this section, to remodel or renovate  
15 existing facilities under chapter 235, to lease or  
16 lease-purchase facilities ~~in accordance with subsection (4) of~~  
17 ~~this section~~, to purchase classroom equipment to allow the  
18 implementation of the prekindergarten early intervention  
19 program, and to provide training for program teachers and  
20 administrative personnel employed by the school district and  
21 by agencies with which the school district contracts for the  
22 provision of prekindergarten services.

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

26           (b) A minimum grant for each district is to be  
27 determined annually in the General Appropriations Act. The  
28 funds remaining after allocating the minimum grants must be  
29 prorated based on an allocation factor for each district and  
30 must be added to each district's minimum grant. The allocation  
31 factor is to be calculated as follows:

1  
2 District percentage                      District percentage  
3 of state 3-year-old x 1/4 + of state total free x 3/4  
4 and 4-year-old                              lunches served  
5 children

6  
7 The calculation of each district's allocation factor is to be  
8 based upon the official estimate of the total number of  
9 3-year-old and 4-year-old children by school district and the  
10 official record of the Department of Education for K-12  
11 student total free lunches served by school district for the  
12 prior fiscal year.

13        (7)~~(11)~~ DISTRICT INTERAGENCY COORDINATING COUNCILS.--

14            (a) To be eligible for a prekindergarten early  
15 intervention program, each school district must develop,  
16 implement, and evaluate its prekindergarten program in  
17 cooperation with a district interagency coordinating council  
18 on early childhood services.

19            (b) Each district coordinating council must consist of  
20 at least 12 members to be appointed by the district school  
21 board, the county commission for the county in which  
22 participating schools are located, and the Department of  
23 Health and Rehabilitative Services' district administrator and  
24 must include at least the following:

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

28            2. One member who is a director or designated director  
29 of a prekindergarten program in the district, appointed by the  
30 school board.

31



1           3. One member who is a member of a district school  
2 board, appointed by the school board.

3           4. One member who is a representative of an agency  
4 serving children with disabilities, appointed by the  
5 Department of Health and Rehabilitative Services' district  
6 administrator.

7           5. Four members who are representatives of  
8 organizations providing prekindergarten educational services,  
9 one of whom is a representative of a Head Start Program,  
10 appointed by the Department of Health and Rehabilitative  
11 Services' district administrator; one of whom is a  
12 representative of a Title XX subsidized child day care  
13 program, if such programs exist within the county, appointed  
14 by the Department of Health and Rehabilitative Services'  
15 district administrator; and two of whom are private providers  
16 of preschool care and education to 3-year-old and 4-year-old  
17 children, one appointed by the county commission and one  
18 appointed by the Department of Health and Rehabilitative  
19 Services' district administrator. If there is no Head Start  
20 Program or Title XX program operating within the county, these  
21 two members must represent community interests in  
22 prekindergarten education.

23           6. Two members who are representatives of agencies  
24 responsible for providing social, medical, dental, adult  
25 literacy, or transportation services, one of whom represents  
26 the county public health unit, both appointed by the county  
27 commission.

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

31

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

3           (c) Each district interagency coordinating council  
4 shall:

5           1. Assist district school boards in developing a plan  
6 or an amended plan to implement a prekindergarten early  
7 intervention program. The plan and all amendments must be  
8 signed by the council chair, the chair of the district school  
9 board, and the district school superintendent ~~before being~~  
10 ~~submitted to the Commissioner of Education for approval.~~

11           2. Coordinate the delivery of educational, social,  
12 medical, child care, and other services.

13           Section 7. Section 230.23135, Florida Statutes, as  
14 amended by chapters 94-232 and 95-147, Laws of Florida, is  
15 hereby repealed.

16           Section 8. Section 230.2316, Florida Statutes, 1996  
17 Supplement, is amended to read:

18           230.2316 Dropout prevention.--

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

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

1 authorize and encourage district school boards throughout the  
2 state to establish comprehensive dropout prevention programs.  
3 These programs shall be designed to meet the needs of students  
4 who are not effectively served by conventional education  
5 programs in the public school system. It is further the intent  
6 of the Legislature that cooperative agreements be developed  
7 among school districts, other governmental and private  
8 agencies, and community resources in order to implement  
9 innovative exemplary programs aimed at reducing the number of  
10 students who do not complete their education and increasing  
11 the number of students who have a positive experience in  
12 school and obtain a high school diploma.

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

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

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

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

31

1           ~~(d) "Youth services programs" means educational~~  
2 ~~programs, including conflict resolution training, provided by~~  
3 ~~the school district to students participating in Department of~~  
4 ~~Health and Rehabilitative Services or other state or community~~  
5 ~~youth residential or day services programs.~~

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

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

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

25           ~~(a)†. Dropout prevention programs shall differ~~ The  
26 ~~program differs~~ from traditional education programs and  
27 schools in scheduling, administrative structure, philosophy,  
28 curriculum, or setting and shall employ ~~employs~~ alternative  
29 teaching methodologies, curricula, learning activities, or  
30 diagnostic and assessment procedures in order to meet the  
31 needs, interests, abilities, and talents of eligible students.

1 The educational program shall provide curricula and related  
2 services which support the program goals and lead to  
3 completion of a high school diploma. Student participation in  
4 such programs shall be voluntary. Districts may, however,  
5 assign students to a program for disruptive students. The  
6 minimum period of time during which the student participates  
7 in the program shall be equivalent to two instructional  
8 periods per day unless the program utilizes a student support  
9 and assistance component rather than regularly scheduled  
10 courses.

11 (b)2. Students in grades 4-12 shall be eligible for  
12 drop-out prevention programs. Eligible dropout prevention  
13 students shall be reported for dropout prevention full-time  
14 equivalent student membership in the Florida Education Finance  
15 Program in standard dropout prevention classes or A student  
16 support and assistance components which ~~component may be used~~  
17 ~~to~~ provide academic assistance and coordination of support  
18 services to students enrolled full time in a regular classroom  
19 ~~who are eligible for educational alternative programs.~~ The  
20 student support and assistance ~~This~~ component shall include  
21 auxiliary services provided to students or teachers, or both.  
22 Students participating in this model shall generate funding  
23 only for the time that they receive extra services or  
24 auxiliary help.

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

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

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

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

11           ~~d. The student has performed successfully in the~~  
12 ~~educational alternatives program and wishes to remain enrolled~~  
13 ~~in such program.~~

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

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

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

26           4.2. The student has ~~The program shall provide~~  
27 ~~school-based programs which serve students who have documented~~  
28 ~~drug-related or alcohol-related problems, or~~ has students  
29 ~~whose immediate family members~~ with have ~~documented~~  
30 ~~drug-related or alcohol-related problems that adversely affect~~  
31

1 the student's performance in school, ~~and shall include~~  
2 ~~instruction designed to prevent substance abuse.~~

3 ~~(c) Disciplinary programs.--~~

4 5.1. The student has a history of disruptive behavior  
5 in school or has committed an offense that warrants  
6 out-of-school suspension or expulsion from school according to  
7 the district code of student conduct. For the purposes of this  
8 program, "disruptive behavior" is behavior that:

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

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

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

21 ~~2. The program includes but is not necessarily limited~~  
22 ~~to in-school suspension, alternatives to expulsion, counseling~~  
23 ~~centers, and crisis intervention centers. The program may be~~  
24 ~~planned and operated in collaboration with local law~~  
25 ~~enforcement or other community agencies.~~

26 ~~3. In-school suspension programs shall provide~~  
27 ~~instruction and counseling leading to improved student~~  
28 ~~behavior and the development of more effective interpersonal~~  
29 ~~skills. Such programs shall be positive alternatives to~~  
30 ~~out-of-school suspension programs and shall emphasize, but not~~  
31 ~~be limited to, the following: enhancement of student~~

1 ~~self-esteem; improved attendance; prevention of behavior that~~  
2 ~~might cause a student to enter a juvenile delinquency program;~~  
3 ~~reduction in the number of discipline referrals; reduction in~~  
4 ~~the number of student dropouts; and reduction in the number of~~  
5 ~~out-of-school suspensions. After providing assistance, school~~  
6 ~~boards shall disapprove school-based, in-school suspension~~  
7 ~~programs that continually fail to directly reduce the school's~~  
8 ~~expulsion or out-of-school suspension rate. The principal of~~  
9 ~~each school shall prepare an annual report which delineates~~  
10 ~~the number of students suspended in in-school and~~  
11 ~~out-of-school suspension, the proportionate populations~~  
12 ~~represented by such students, and the bases for such~~  
13 ~~suspensions. The report shall include an analysis of such data~~  
14 ~~and recommendations for increasing student success through the~~  
15 ~~program. The report shall be distributed to all members of the~~  
16 ~~school advisory council for consideration in the annual school~~  
17 ~~improvement plan.~~

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

24 ~~5. Prior to assigning a student to a disciplinary~~  
25 ~~program of more than 10 days' duration, the district shall~~  
26 ~~attempt a variety of education and student services to~~  
27 ~~identify the causes of the disruptive behavior, to modify the~~  
28 ~~behavior, or to provide more appropriate educational services~~  
29 ~~to the student; however, a student who has committed an~~  
30 ~~offense that warrants expulsion according to the district code~~

31



1 ~~of student conduct may be assigned to a disciplinary program~~  
2 ~~without attempting a variety of services.~~

3 ~~6. In-school suspension programs shall be funded at~~  
4 ~~the dropout prevention program weight pursuant to s.~~  
5 ~~236.081(1)(c) if the school district program provides the~~  
6 ~~following in addition to the academic component:~~

7 ~~a. Individual and group counseling as a daily~~  
8 ~~activity.~~

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

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

15  
16 ~~If such criteria are not met, in-school suspension programs~~  
17 ~~shall be funded at the basic program weight for the grade~~  
18 ~~level at which the program is provided pursuant to s. 236.081.~~

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

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

25 ~~2. Programs shall provide intensive counseling,~~  
26 ~~behavior modification, and therapy in order to meet the~~  
27 ~~student's individual needs. Programs may be residential or~~  
28 ~~nonresidential.~~

29 ~~3. Any student served in a Department of Health and~~  
30 ~~Rehabilitative Services program shall be provided the~~  
31 ~~equivalent of instruction provided for the definition of a~~

1 ~~"school day" pursuant to s. 228.041. However, the educational~~  
2 ~~services may be provided at times of the day most appropriate~~  
3 ~~for the program.~~

4 ~~4. A program is provided which shall consist of~~  
5 ~~appropriate basic academic, vocational, or exceptional~~  
6 ~~curricula and related services which support the~~  
7 ~~rehabilitation program goals and which may lead to completion~~  
8 ~~of the requirements for receipt of a high school diploma or~~  
9 ~~its equivalent, provided that the educational component of~~  
10 ~~youth services programs of less than 40 days' duration which~~  
11 ~~take place in a park or wilderness setting may be limited to~~  
12 ~~tutorial activities and vocational employability skills.~~

13 ~~5. Participation in the program by students of~~  
14 ~~compulsory school attendance age as provided for in s. 232.01~~  
15 ~~shall be mandatory.~~

16 ~~6. Districts are encouraged to implement programs that~~  
17 ~~assist students in the transition between dismissal from~~  
18 ~~Department of Health and Rehabilitative Services programs and~~  
19 ~~school reentry.~~

20 ~~7. A school district may contract with a private~~  
21 ~~nonprofit entity or a state or local government agency for the~~  
22 ~~provision of educational programs to clients of the Department~~  
23 ~~of Health and Rehabilitative Services and may generate state~~  
24 ~~funding through the Florida Education Finance Program for such~~  
25 ~~students.~~

26 (d)1. "Second chance schools" means school district  
27 programs provided through cooperative agreements between the  
28 Department of Juvenile Justice, private providers, state or  
29 local law enforcement agencies, or other state agencies for  
30 students who have been disruptive or violent or who have  
31 committed serious offenses. As partnership programs, second

1 chance schools are eligible for waivers by the Commissioner of  
2 Education from chapters 230-235 and 239 and State Board of  
3 Education rules that prevent the provision of appropriate  
4 educational services to violent, severely disruptive, or  
5 delinquent students in small nontraditional settings or in  
6 court-adjudicated settings.

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

8 2.1. A student enrolled in a sixth, seventh, eighth,  
9 ninth, or tenth grade class may be assigned to a second chance  
10 school if the student meets the following criteria:

11 a. The student is a habitual truant as defined in s.  
12 228.041(28).

13 b. The student's excessive absences have detrimentally  
14 affected the student's academic progress and the student may  
15 have unique needs that a traditional school setting may not  
16 meet.

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

19 d. The student has been identified as at risk of  
20 dropping out of school.

21 3.2. A student who is habitually truant may be  
22 assigned to a second chance school only if the case staffing  
23 committee, established pursuant to s. 39.426, determines that  
24 such placement could be beneficial to the student and the  
25 criteria included in subparagraph 2.1. are met.

26 4.3. A student may ~~shall~~ be assigned to a second  
27 chance school if the school district in which the student  
28 resides has a second chance school and if the student meets  
29 one of the following criteria:

30  
31

1           a. The student habitually exhibits disruptive behavior  
2 in violation of the code of student conduct adopted by the  
3 school board.

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

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

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

16           (II) Includes violence;

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

18           (IV) Is harassment or verbal abuse of school personnel  
19 or other students.

20          ~~5.4.~~ Prior to assignment of students to second chance  
21 schools, school boards are encouraged to use alternative  
22 programs, such as in-school suspension, which provide  
23 instruction and counseling leading to improved student  
24 behavior, a reduction in the incidence of truancy, and the  
25 development of more effective interpersonal skills.

26          ~~6.5.~~ Students assigned to second chance schools must  
27 be evaluated by the school's local child study team before  
28 placement in a second chance school. The study team shall  
29 ensure that students are not eligible for placement in a  
30 program for emotionally disturbed children.

31

1           7.6. Students who exhibit academic and social progress  
2 and who wish to return to a traditional school shall be  
3 evaluated by school district personnel prior to reentering a  
4 traditional school.

5           8.7. Second chance schools shall be funded at the  
6 dropout prevention program weight pursuant to s. 236.081 and  
7 may receive school safety funds or other funds as appropriate.

8           (4)(5) PROGRAM ~~PLANNING AND~~ IMPLEMENTATION.--

9           (a) Each district may establish one or more  
10 alternative programs for dropout prevention at the elementary,  
11 middle, junior high school, or high school level. Programs  
12 designed to eliminate habitual truancy shall emphasize  
13 academic performance and may provide specific instruction in  
14 the areas of vocational education, preemployment training, and  
15 behavioral management. Such programs shall utilize  
16 instructional teaching methods appropriate to the specific  
17 needs of the student.

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

24           ~~(c) For each program to be provided by the district~~  
25 ~~pursuant to subsection (4), the following information shall be~~  
26 ~~provided in the program plan:~~

- 27           ~~1. Student eligibility criteria.~~
- 28           ~~2. Student admission procedures.~~
- 29           ~~3. Operating procedures.~~
- 30           ~~4. Program goals and outcome objectives. Measurable~~  
31 ~~outcome objectives shall provide a framework for the~~

1 ~~evaluation of each dropout prevention program, which shall~~  
2 ~~specify, at a minimum, the outcome to be produced, the time~~  
3 ~~period during which the outcome will be produced, and to what~~  
4 ~~degree the outcome will be produced.~~

5 ~~5. Qualifications of program personnel.~~

6 ~~6. A schedule for staff development activities.~~

7 ~~7. Evaluation procedures which describe how outcome~~  
8 ~~objectives will be achieved and measured.~~

9 ~~(d) Beginning with the 1994-1995 school year, district~~  
10 ~~plans or amended plans may be submitted to the Department of~~  
11 ~~Education dropout prevention regional offices for technical~~  
12 ~~assistance and review prior to approval by the local school~~  
13 ~~board.~~

14 ~~(e) The Department of Education shall provide~~  
15 ~~technical assistance upon request of the school or school~~  
16 ~~district.~~

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

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

1           ~~(5)(6)~~ EVALUATION. --~~The Department of Education shall~~  
2 ~~establish a set of minimum objective criteria for each program~~  
3 ~~type under this section. In establishing the criteria, the~~  
4 ~~department shall solicit school district input. Each school~~  
5 ~~district receiving state funding for dropout prevention~~  
6 ~~programs through the Florida Education Finance Program as~~  
7 ~~provided for in subsection (5) shall submit information~~  
8 ~~through an annual report to the Department of Education's~~  
9 ~~database ~~Education~~ documenting the extent to which each of the~~  
10 ~~district's dropout prevention programs has been successful in~~  
11 ~~meeting the outcome objectives established by the district for~~  
12 ~~the program. At a minimum, school districts shall develop~~  
13 ~~outcome objectives for each objective criteria established by~~  
14 ~~the Department of Education. Such outcome objectives shall be~~  
15 ~~included in the annual report required under this subsection.~~  
16 ~~The department shall develop specific review measures,~~  
17 ~~pursuant to s. 229.555, to ensure that district program~~  
18 ~~outcome objectives are measurable and include the number and~~  
19 ~~proportion of students in dropout prevention programs who~~  
20 ~~later drop out of high school, thereby assuring that these~~  
21 ~~objectives will provide an accurate basis for evaluating the~~  
22 ~~effectiveness of dropout prevention programs. This information~~  
23 ~~shall be reported to parents pursuant to s. 230.23(18). The~~  
24 ~~department shall compile this information into an annual~~  
25 ~~report which shall be submitted to the presiding officers of~~  
26 ~~the Legislature by February 15.~~

27           (7) STAFF DEVELOPMENT.--

28           ~~(a)~~ Each school district shall establish procedures  
29 for ensuring that teachers assigned to dropout prevention  
30 programs possess the affective, pedagogical, and  
31 content-related skills necessary to meet the needs of at-risk

1 students. Each school board shall also ensure that adequate  
2 staff development activities are available for dropout  
3 prevention staff and that dropout prevention staff participate  
4 in these activities.

5 ~~(b) The district school boards and the department may~~  
6 ~~establish a summer inservice training program for teachers and~~  
7 ~~administrators which may be provided by district school boards~~  
8 ~~or individual schools and which shall include, but not be~~  
9 ~~limited to, instruction focusing on treating students with~~  
10 ~~respect and enhancing student self-esteem, developing positive~~  
11 ~~in-school intervention methods for misbehaving students,~~  
12 ~~establishing strategies to involve students in classroom and~~  
13 ~~school management and in reducing student misconduct,~~  
14 ~~conducting student and parent conferences, and creating~~  
15 ~~"student-friendly" environments at schools. Instructional~~  
16 ~~personnel may use successful participation in a summer~~  
17 ~~inservice training program established pursuant to this~~  
18 ~~paragraph for certification extension or for adding a new~~  
19 ~~certification area if the district has an approved add-on~~  
20 ~~certification program, pursuant to State Board of Education~~  
21 ~~rules.~~

22 (6)(8) RECORDS.--Each district providing a program for  
23 dropout prevention pursuant to the provisions of this section  
24 shall maintain for each participating student for whom funding  
25 is generated through the Florida Education Finance Program  
26 records documenting the student's eligibility, the length of  
27 participation, the type of program to which the student was  
28 assigned, and an evaluation of the student's academic and  
29 behavioral performance while in the program. The parents or  
30 guardians of a student assigned to such a dropout prevention  
31 program shall be notified in writing and entitled to an



1 administrative review of any action by school personnel  
2 relating to such placement pursuant to the provisions of  
3 chapter 120. ~~However, for educational alternatives of choice,~~  
4 ~~which are voluntary and for which a student's parent or~~  
5 ~~guardian has requested participation, such notification of~~  
6 ~~administrative review shall not be required.~~

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

24 (8)~~(10)~~ RULES.--The Department of Education shall have  
25 the authority to adopt any rules necessary to implement the  
26 provisions of this section; such rules shall require the  
27 minimum amount of paperwork and reporting necessary to comply  
28 with this act. ~~By January 1, 1995, current rules regarding~~  
29 ~~this section shall be revised.~~

30 Section 9. Subsection (15) of section 230.23161,  
31 Florida Statutes, 1996 Supplement, is amended to read:

1           230.23161 Educational services in Department of  
2 Juvenile Justice programs.--

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

7           Section 10. Section 230.2317, Florida Statutes, is  
8 amended to read:

9           230.2317 Educational multiagency services for students  
10 with severe emotional disturbance ~~severely emotionally~~  
11 ~~disturbed students~~.--

12           (1)(a) To enable ~~severely emotionally disturbed~~  
13 students with severe emotional disturbance to develop  
14 appropriate behaviors and demonstrate academic and vocational  
15 skills, the Legislature finds that it is necessary to have an  
16 intensive, integrated educational program; a continuum of  
17 mental health treatment services; and, when needed,  
18 residential services. The Legislature finds further that the  
19 small incidence of severe emotional disturbance in the total  
20 school population requires multiagency programs to provide  
21 access to appropriate services for all ~~severely emotionally~~  
22 ~~disturbed~~ students with severe emotional disturbance ~~to~~  
23 ~~appropriate services~~, that local school boards should provide  
24 educational programs, and that state departments and agencies  
25 administering children's mental health funds ~~the Department of~~  
26 ~~Health and Rehabilitative Services~~ should provide mental  
27 health treatment and residential services when needed.  
28 Therefore, it is the intent of the Legislature that ~~by~~  
29 ~~1985-1986~~ there be a multiagency network to provide education;  
30 mental health treatment; and, when needed, residential  
31

1 services for ~~severely emotionally disturbed~~ students with  
2 severe emotional disturbance.

3 (b) The program goals for each component of the  
4 network are to enable ~~severely emotionally disturbed~~ students  
5 with severe emotional disturbance to learn appropriate  
6 behaviors, reduce dependency, and fully participate in all  
7 aspects of school and community living; to develop individual  
8 programs for ~~severely emotionally disturbed~~ students with  
9 severe emotional disturbance, which programs include necessary  
10 educational, residential, and mental health treatment  
11 services; to provide programs and services as close as  
12 possible to the child's home in the least restrictive manner  
13 consistent with the child's needs; and to integrate a wide  
14 range of services which are necessary to support ~~severely~~  
15 ~~emotionally disturbed~~ students with severe emotional  
16 disturbance and their families.

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

30 ~~(b) The terms of the present members shall be extended~~  
31 ~~as follows: positions 8, 10, 11, 16, and 20 shall be extended~~

1 ~~through June 30, 1995; positions 3, 9, 15, 18, and 19 shall be~~  
2 ~~extended through June 30, 1996; positions 2, 5, 7, 13, and 17~~  
3 ~~shall be extended through June 30, 1997; and positions 1, 4,~~  
4 ~~6, 12, and 14 shall be extended through June 30, 1998.~~

5 ~~Following expiration of the extended terms, the Commissioner~~  
6 ~~of Education and the secretary of the Department of Health and~~  
7 ~~Rehabilitative Services shall appoint members to 4-year terms~~  
8 ~~which shall run from July 1 through June 30. Appointments~~  
9 ~~shall be made by June 1 preceding commencement of the term. A~~  
10 ~~vacancy shall be filled for the remainder of the unexpired~~  
11 ~~term in the same manner as an initial appointment. Such~~  
12 ~~appointments shall be made within 60 days after creation of~~  
13 ~~the vacancy.~~

14 ~~(c) By December 31 of each year beginning in 1992, the~~  
15 ~~advisory board shall prepare and submit to the Commissioner of~~  
16 ~~Education, the secretary of the Department of Health and~~  
17 ~~Rehabilitative Services, and the appropriate standing~~  
18 ~~committees in the Senate and the House of Representatives a~~  
19 ~~report detailing its findings and making specific program,~~  
20 ~~legislative, and funding recommendations, and any other~~  
21 ~~recommendations it deems appropriate.~~

22 (3) The Department of Education is authorized to award  
23 grants to district school boards to develop in a rural  
24 district and in an urban district a pilot multiagency network  
25 component for severely emotionally disturbed students. The  
26 pilot grants shall allow for further statewide planning and  
27 development of a complete multiagency network for severely  
28 emotionally disturbed students with severe emotional  
29 disturbance in the state. The educational services shall be  
30 provided in a manner consistent with the requirements of ss.  
31 230.23(4)(m) and 402.22.

1           (4) State departments and agencies are ~~The Department~~  
2 ~~of Health and Rehabilitative Services~~ is authorized to use  
3 appropriate community mental health service funds for the  
4 ~~pilot multiagency network components for severely emotionally~~  
5 ~~disturbed students~~ with severe emotional disturbance. The  
6 ~~mental health treatment services and residential services~~  
7 ~~shall be provided in a manner that is consistent with chapter~~  
8 ~~394 and s. 402.22.~~

9           ~~(5) The network components for severely emotionally~~  
10 ~~disturbed students shall be funded from the Florida Education~~  
11 ~~Finance Program, Department of Health and Rehabilitative~~  
12 ~~Services funds for the emotionally disturbed, and the pilot~~  
13 ~~grant program from the Department of Education.~~

14           ~~(6) A written agreement between the district school~~  
15 ~~board or boards and the Department of Health and~~  
16 ~~Rehabilitative Services outlining the respective duties and~~  
17 ~~responsibilities of each party shall be developed for~~  
18 ~~implementation of a component of the multiagency network for~~  
19 ~~severely emotionally disturbed students.~~

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

23           Section 11. Section 230.2318, Florida Statutes, 1996  
24 Supplement, is amended to read:

25           230.2318 School resource officer program.--

26           (1) SCHOOL RESOURCE OFFICER PROGRAM.--School boards  
27 may establish school resource officer programs, through a  
28 cooperative agreement with law enforcement agencies or in  
29 accordance with s. 230.23175. ~~There is hereby created a~~  
30 ~~statewide school resource officer program. It is the intent~~  
31 ~~of the Legislature in establishing this program that the state~~

1 ~~provide assistance to local school boards in the form of~~  
2 ~~matching grants for the establishment, continuation, or~~  
3 ~~expansion of cooperative programs with law enforcement and~~  
4 ~~community agencies for the following purposes:~~

5 ~~(a) To perform law enforcement functions within the~~  
6 ~~school setting.~~

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

9 ~~(c) To foster a better understanding of the law~~  
10 ~~enforcement function.~~

11 ~~(d) To develop positive concepts of law enforcement.~~

12 ~~(e) To develop a better appreciation of citizen~~  
13 ~~rights, obligations, and responsibilities.~~

14 ~~(f) To provide information about crime prevention, and~~  
15 ~~to promote student crime watch programs in the schools.~~

16 ~~(g) To provide assistance and support for crime~~  
17 ~~victims identified within the school setting, including abused~~  
18 ~~children.~~

19 ~~(h) To promote positive relations between students and~~  
20 ~~law enforcement officers.~~

21 ~~(i) To enhance knowledge of the fundamental concepts~~  
22 ~~and structure of law.~~

23 ~~(2) LOCAL SCHOOL RESOURCE OFFICER PROGRAM PLANS;~~  
24 ~~APPROVAL BY COMMISSIONER; CRITERIA AND RESTRICTIONS.--~~

25 ~~(a) Each school district desiring to establish a local~~  
26 ~~school resource officer program, in conjunction with one or~~  
27 ~~more law enforcement and community agencies, shall submit a~~  
28 ~~proposed school resource officer program plan to the~~  
29 ~~Commissioner of Education for review. Two or more districts~~  
30 ~~may submit a joint plan to maximize benefits as desirable.~~  
31 ~~Each plan shall contain a detailed description of the proposed~~

1 ~~local school resource officer program, including, but not~~  
2 ~~limited to, the following:~~

3       1. ~~An agreement between the school board and each~~  
4 ~~participating law enforcement and community agency specifying~~  
5 ~~the financial and other responsibilities of each party.~~

6       2. ~~Program objectives and guidelines.~~

7       3. ~~A provision for and description of a preservice~~  
8 ~~training program for school resource officers. Each preservice~~  
9 ~~training program shall be either modeled after a program~~  
10 ~~jointly designed by the department, district school personnel,~~  
11 ~~and law enforcement agencies, or an alternate approved by the~~  
12 ~~department.~~

13       4. ~~The criteria used by the employing law enforcement~~  
14 ~~agency and the district in the selection of school resource~~  
15 ~~officers.~~

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

17       6. ~~An agreement between the school board and the law~~  
18 ~~enforcement agency regarding the school resource officer's~~  
19 ~~uniform.~~

20       (b) ~~The commissioner shall review all proposed local~~  
21 ~~school resource officer program plans and shall approve those~~  
22 ~~plans which meet the purposes, intent, and requirements of~~  
23 ~~this section and the rules adopted by the State Board of~~  
24 ~~Education pursuant to this section.~~

25       (c) ~~If a plan is approved, the commissioner shall~~  
26 ~~provide one-third of the funds for its operation from those~~  
27 ~~funds appropriated by the Legislature for the operation of~~  
28 ~~this program.~~

29       (d) ~~The State Board of Education shall have the~~  
30 ~~authority to promulgate rules to implement the statewide~~  
31

1 ~~school resource officer program as established in this~~  
2 ~~section.~~

3 ~~(e) The Department of Education shall provide~~  
4 ~~technical assistance to school boards desiring to establish~~  
5 ~~local school resource officer programs.~~

6 (2)~~(3)~~ SCHOOL RESOURCE OFFICER CERTIFICATION; DUTIES  
7 AND RESPONSIBILITIES.--

8 (a) School resource officers shall be certified law  
9 enforcement officers, as defined in s. 943.10(1), who are  
10 employed by a law enforcement agency as defined in s.  
11 943.10(4). The powers and duties of a law enforcement officer  
12 shall continue throughout the employee's tenure as a school  
13 resource officer.

14 (b) School resource officers shall abide by school  
15 board policies and shall consult with and coordinate  
16 activities through the school principal, but shall be  
17 responsible to the law enforcement agency in all matters  
18 relating to employment, subject to agreements between a school  
19 board and a law enforcement agency pursuant to subparagraph  
20 ~~(2)(a)~~1. Activities conducted by the school resource officer  
21 which are part of the regular instructional program of the  
22 school shall be under the direction of the principal.

23 (3)~~(4)~~ APPLICATION FOR FEDERAL FUNDS.--The Department  
24 of Education is authorized to apply for funds from, and to  
25 submit all necessary forms to, any federal agency which may  
26 provide assistance to programs similar to the school resource  
27 officer program.

28 Section 12. Paragraph (b) of subsection (5) of section  
29 230.303, Florida Statutes, is amended to read:

30 230.303 Superintendent of schools.--

31 (5)



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

7           Section 13. Section 230.33, Florida Statutes, 1996  
8 Supplement, is amended to read:

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

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

31

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

5           (3) RECORDS FOR THE BOARD.--Keep minutes of all  
6 official actions and proceedings of the school board and keep  
7 such other records, including records of property held or  
8 disposed of by the school board, as may be necessary to  
9 provide complete information regarding the district school  
10 system.

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

13           ~~(a) Recommend purchase and plans for~~  
14 ~~control.--Recommend to the school board plans for contracting,~~  
15 ~~receiving, purchasing, acquiring by the institution of~~  
16 ~~condemnation proceedings if necessary, leasing, selling,~~  
17 ~~holding, transmitting, and conveying title to real and~~  
18 ~~personal property.~~

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

24           (5) SCHOOL PROGRAM; ~~PREPARE 5-YEAR AND ANNUAL PLANS~~  
25 ~~FOR~~--Supervise the assembling of data and sponsor studies and  
26 surveys essential to the development of a planned school  
27 program for the entire district and prepare and recommend such  
28 a program to the school board as the basis for operating the  
29 district school system.

30           (6) ESTABLISHMENT, ORGANIZATION, AND OPERATION OF  
31 SCHOOLS, CLASSES, AND SERVICES.--Recommend the establishment,

1 organization, and operation of such schools, classes, and  
2 services as are needed to provide adequate educational  
3 opportunities for all children in the district, including:

4 ~~(a) Schools and attendance areas.--Recommend the~~  
5 ~~location of schools needed to accommodate the pupils of the~~  
6 ~~district and the area from which children should attend each~~  
7 ~~school.~~

8 ~~(b) Recommend adequate facilities for all~~  
9 ~~children.--Recommend plans and procedures necessary to provide~~  
10 ~~adequate educational facilities for all children of the~~  
11 ~~district.~~

12 ~~(c) Elimination of school centers and consolidation of~~  
13 ~~schools.--Determine when the needs of pupils can better be~~  
14 ~~served by eliminating school centers and by consolidating~~  
15 ~~schools; recommend to the school board plans for the~~  
16 ~~elimination of such school centers as should be eliminated and~~  
17 ~~for the consolidation of such schools as should be~~  
18 ~~consolidated.~~

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

28 ~~(e) Classification and standardization of~~  
29 ~~schools.--Recommend plans and regulations for determining~~  
30 ~~those school centers at which work should be restricted to the~~  
31 ~~elementary grades, school centers at which work should be~~

1 ~~offered only in the high school grades, and school centers at~~  
2 ~~which work should be offered in any or in all grades;~~  
3 ~~recommend the grade or grades in which work should be offered~~  
4 ~~at each school center; recommend bases for classifying and~~  
5 ~~standardizing the various schools of the district in order to~~  
6 ~~provide proper incentive for the improvement of all schools.~~

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

18 ~~(g) School holidays and vacation periods.--Recommend~~  
19 ~~school holidays to be observed and the manner of such~~  
20 ~~observance by the schools and see that such holidays as are~~  
21 ~~approved by the school board are properly observed; also~~  
22 ~~recommend school vacation periods.~~

23 ~~(h) Vocational classes and schools.--Recommend plans~~  
24 ~~for the establishment and maintenance of vocational schools,~~  
25 ~~departments, or classes, giving instruction in career~~  
26 ~~education as defined in regulations of the state board, and~~  
27 ~~administer and supervise instruction in such schools,~~  
28 ~~departments, or classes as are established by the school~~  
29 ~~board.~~

30 ~~(i) Cooperation with other districts in special~~  
31 ~~projects or activities.--Recommend plans and procedures for~~

1 ~~cooperating with other district school boards or with other~~  
2 ~~agencies, in this state or in bordering states, in special~~  
3 ~~projects or activities which can be more economically or~~  
4 ~~advantageously provided by such cooperation.~~

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

9 ~~(k) Exceptional education.--Recommend plans for the~~  
10 ~~provision of special education classes, instruction,~~  
11 ~~facilities, equipment, and related services for exceptional~~  
12 ~~children.~~

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

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

31

1           (b) Compensation and salary schedules.--Prepare and  
2 recommend to the school board for adoption a salary schedule  
3 or salary schedules ~~to be used as the basis for paying school~~  
4 ~~employees, arranging such schedules, insofar as practicable,~~  
5 ~~so as to furnish incentive for improvement in training and for~~  
6 ~~continued and efficient service.~~

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

16           (d) Transfer and promotions.--Recommend employees for  
17 transfer and transfer any employee during any emergency and  
18 report the transfer to the school board at its next regular  
19 meeting.

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

29           (f) Direct work of employees and supervise  
30 instruction.--Direct or arrange for the proper direction and  
31 improvement, under regulations of the school board, of the

1 work of all members of the instructional staff and other  
2 employees of the district school system and supervise or  
3 arrange under rules of the school board for the supervision of  
4 instruction in the district and take such steps as are  
5 necessary to bring about continuous improvement.

6 (8) CHILD WELFARE.--Recommend plans to the school  
7 board for the proper accounting for all children of school  
8 age, for the attendance and control of pupils at school, for  
9 the proper attention to health, safety, and other matters  
10 which will best promote the welfare of children ~~in the~~  
11 ~~following fields~~, as prescribed in chapter 232.<sup>+</sup>

12 ~~(a) Admission, classification, promotion, and~~  
13 ~~graduation of pupils.--Recommend rules and regulations for~~  
14 ~~admitting, classifying, promoting, and graduating pupils to or~~  
15 ~~from the various schools of the district.~~

16 ~~(b) Enforcement of attendance laws.--Recommend plans~~  
17 ~~and procedures for the enforcement of all laws and regulations~~  
18 ~~relating to the attendance of pupils at school and for the~~  
19 ~~employment of such qualified assistants as may be needed by~~  
20 ~~the superintendent to enforce effectively those laws.~~

21 ~~(c) Control of pupils.--Propose rules and regulations~~  
22 ~~for the control, discipline, in-school suspension, suspension,~~  
23 ~~and expulsion of pupils and review and modify recommendations~~  
24 ~~for suspension and expulsion of pupils and transmit to the~~  
25 ~~school board for action recommendations for expulsion of~~  
26 ~~pupils.~~When the superintendent makes a recommendation for  
27 expulsion to the school board, he or she shall give written  
28 notice to the pupil and the pupil's parent or guardian of the  
29 recommendation, setting forth the charges against the pupil  
30 and advising the pupil and his or her parent or guardian of  
31 the pupil's right to due process as prescribed by ss. 120.569

1 and 120.57(2). When school board action on a recommendation  
 2 for the expulsion of a pupil is pending, the superintendent  
 3 may extend the suspension assigned by the principal beyond 10  
 4 school days if such suspension period expires before the next  
 5 regular or special meeting of the school board.

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

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

18 ~~(b) Textbooks.--Require that all textbooks and library~~  
 19 ~~books furnished by the state and needed in the district are~~  
 20 ~~properly requisitioned, distributed, accounted for, stored,~~  
 21 ~~cared for, and used; and recommend such additional textbooks~~  
 22 ~~or library books as may be needed.~~

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

26 ~~(d) School library media services; establishment and~~  
 27 ~~maintenance.--Recommend plans for establishing and maintaining~~  
 28 ~~school library media centers, or school library media centers~~  
 29 ~~open to the public, and, in addition thereto, such circulating~~  
 30 ~~or traveling libraries as are needed for the proper operation~~  
 31 ~~of the district school system. Recommend plans for the~~



~~1 establishment and maintenance of a program of school library  
2 media services for all public school students. The school  
3 library media services program shall be designed to ensure  
4 effective use of available resources and to avoid unnecessary  
5 duplication and shall include, but not be limited to, basic  
6 skills development, instructional design, media collection  
7 development, media program management, media production, staff  
8 development, and consultation and information services.~~

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

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

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

1 ~~established; and the steps to be taken to carry out the~~  
2 ~~program.~~

3 ~~(b) Sites, buildings, and equipment.--Recommend the~~  
4 ~~purchasing of school sites, playgrounds, and recreational~~  
5 ~~areas located at centers at which schools are to be~~  
6 ~~constructed and of adequate size to meet the need of pupils to~~  
7 ~~be accommodated; or of additions to existing sites when~~  
8 ~~needed; recommend the rental of buildings when necessary;~~  
9 ~~recommend the erection of buildings; recommend additions,~~  
10 ~~alterations, and repairs to buildings and other school~~  
11 ~~properties; ensure that all plans and specifications for~~  
12 ~~buildings provide adequately for the safety of pupils as well~~  
13 ~~as for economy of construction by submitting such plans and~~  
14 ~~specifications to the Department of Education for approval;~~  
15 ~~recommend the purchasing of furniture, books, apparatus, and~~  
16 ~~other equipment necessary for the proper conduct of the work~~  
17 ~~of the schools.~~

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

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

1           ~~(e) Condemnation of buildings.--Inspect periodically~~  
2 ~~all school buildings and surroundings to determine whether~~  
3 ~~there are any unsanitary conditions or whether there are~~  
4 ~~physical hazards which are likely to jeopardize the health or~~  
5 ~~life of the pupils or instructional staff; request competent~~  
6 ~~assistance from the state or other authorized agency, if~~  
7 ~~necessary, to determine whether buildings found to be~~  
8 ~~defective should be condemned and to recommend to the school~~  
9 ~~board condemnation of buildings which should be abandoned.~~

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

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

21           (b) Annual budget.--Prepare the annual school budget  
22 to be submitted to the school board for adoption according to  
23 law and submit this budget, when adopted by the school board,  
24 to the Department of Education on or before the date required  
25 by rules of the state board.

26           (c) Tax levies.--Recommend to the school board, on the  
27 basis of the needs shown by the budget, the amount of district  
28 school tax levy necessary to provide the district school funds  
29 needed for the maintenance of the public schools; recommend to  
30 the school board the tax levy required on the basis of the  
31 needs shown in the budget for the district bond interest and

1 sinking fund of each district; and recommend to the school  
2 board to be included on the ballot at each district millage  
3 election the school district tax levies necessary to carry on  
4 the school program.

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

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

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

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

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

27 (i) Contracts.--After study of the feasibility of  
28 contractual services with industry, recommend to the school  
29 board the desirable terms, conditions, and specifications for  
30 contracts for supplies, materials, or services to be rendered  
31

1 and see that materials, supplies, or services are provided  
2 according to contract.

3 (j) Investment policies.--The superintendent shall,  
4 after careful examination, recommend policies to the school  
5 board which will provide for the investment or deposit of  
6 school funds not needed for immediate expenditures which shall  
7 earn the maximum possible yield under the circumstances on  
8 such investments or deposits. The superintendent shall cause  
9 to be invested at all times all school moneys not immediately  
10 needed for expenditures pursuant to the policies of the school  
11 board.

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

18 (l) Millage elections.--Recommend plans and procedures  
19 for holding and supervising all school district millage  
20 elections.

21 (m) Budgets and expenditures.--Prepare, after  
22 consulting with the principals of the various schools,  
23 tentative annual budgets for the expenditure of district funds  
24 for the benefit of public school pupils of the district.

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

1           (13) RECORDS AND REPORTS.--Recommend such records as  
2 should be kept in addition to those prescribed by rules of the  
3 state board or by the department; prepare forms for keeping  
4 such records as are approved by the school board; see that  
5 such records are properly kept; and make all reports that are  
6 needed or required, as follows:

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

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

29           (c) Failure to make reports; penalty.--Any  
30 superintendent who knowingly signs and transmits to any state  
31

1 official a false or incorrect report shall forfeit his or her  
2 right to any salary for the period of 1 year from that date.

3 (14) COOPERATION WITH OTHER AGENCIES.--

4 (a) Cooperation with governmental agencies in  
5 enforcement of laws and rules.--Recommend plans for  
6 cooperating with, and, on the basis of approved plans,  
7 cooperate with federal, state, county, and municipal agencies  
8 in the enforcement of laws and rules pertaining to all matters  
9 relating to education and child welfare.

10 (b) Cooperation with other local administrators to  
11 achieve the first state education goal.--Cooperate with the  
12 district administrator of the Department of Health and  
13 Rehabilitative Services and with administrators of other local  
14 public and private agencies to achieve the first state  
15 education goal, readiness to start school.

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

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

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

31

1           (17) VISITATION OF SCHOOLS.--Visit the schools;  
2 observe the management and instruction; give suggestions for  
3 improvement; and advise with supervisors, principals,  
4 teachers, patrons, and other citizens with the view of  
5 promoting interest in education and improving the school  
6 conditions of the district.

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

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

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

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

29           (22) RECOMMEND PROCEDURES FOR INFORMING GENERAL  
30 PUBLIC.--Recommend to the school board procedures whereby the  
31 general public can be adequately informed of the educational



1 programs, needs, and objectives of public education within the  
2 district.

3 (23) SCHOOL IMPROVEMENT AND ACCOUNTABILITY.--Recommend  
4 procedures for implementing and maintaining a system of school  
5 improvement and education accountability as provided by  
6 statute and State Board of Education rule.

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

10 Section 14. Subsection (2) of section 230.331, Florida  
11 Statutes, is amended to read:

12 230.331 Reproduction and destruction of district  
13 school records.--

14 (2) After complying with the provisions of s. 257.37,  
15 the superintendent is authorized to photograph,  
16 microphotograph, or reproduce ~~on film or prints~~, documents,  
17 records, data, and information of a permanent character which  
18 in his or her discretion he or she may select, and the  
19 superintendent is authorized to destroy any of the said  
20 documents after they have been reproduced ~~photographed~~ and  
21 after audit of the superintendent's office has been completed  
22 for the period embracing the dates of said instruments.

23 Information ~~Photographs or microphotographs in the form of~~  
24 ~~film or prints~~ made in compliance with the provisions of this  
25 section shall have the same force and effect as the originals  
26 thereof would have, and shall be treated as originals for the  
27 purpose of their admissibility in evidence. Duly certified or  
28 authenticated reproductions ~~of such photographs or~~  
29 ~~microphotographs~~ shall be admitted in evidence equally with  
30 the originals ~~original photographs or microphotographs~~.

31

1           Section 15. Section 230.35, Florida Statutes, is  
2 amended to read:

3           230.35 Schools under control of school board and  
4 superintendent.--Except as otherwise provided by law, all  
5 public schools conducted within the district shall be under  
6 the direction and control of the school board with the  
7 superintendent as executive officer.

8           Section 16. Sections 230.59 and 230.655, Florida  
9 Statutes, and section 230.71, Florida Statutes, as amended by  
10 chapters 95-147 and 95-376, Laws of Florida, are hereby  
11 repealed.

12           Section 17. Paragraph (a) of subsection (1) of section  
13 232.01, Florida Statutes, is amended to read:

14           232.01 ~~Regular School attendance required between ages~~  
15 ~~of 6 and 16; permitted at age of 5; exceptions.--~~

16           (1)(a)1. All children who have attained the age of 6  
17 years or who will have attained the age of 6 years by February  
18 1 of any school year or who are older than 6 years of age but  
19 who have not attained the age of 16 years, except as  
20 hereinafter provided, are required to attend school regularly  
21 during the entire school term.

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

26           3. Children who will have attained the age of 3 years  
27 on or before September 1 of the school year are eligible for  
28 admission to prekindergarten early intervention programs  
29 during that school year as provided in s. 230.2305 or a  
30 preschool program as provided in s. 228.061.

31

1           Section 18. Section 232.021, Florida Statutes, is  
2 amended to read:

3           232.021 Attendance records and reports required.--All  
4 officials, teachers, and other employees in public, parochial,  
5 denominational, and private schools, including private tutors,  
6 shall keep all records and shall prepare and submit promptly  
7 all reports that may be required by law and by regulations of  
8 state and district boards. Such records shall include a  
9 register of enrollment and attendance and all such persons  
10 named above shall make such reports therefrom as may be  
11 required by the state board. The enrollment register shall  
12 show the absence or attendance of each child enrolled for each  
13 school day of the year in a manner prescribed by the state  
14 board. The register shall be open for the inspection by the  
15 designated school representative or the superintendent or  
16 ~~attendance assistant~~ of the district in which the school is  
17 located. Violation of the provisions of this section shall be  
18 a misdemeanor of the second degree, punishable as provided by  
19 law.

20           Section 19. Section 232.0225, Florida Statutes, is  
21 amended to read:

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

24           232.0225 Absence for religious instruction or  
25 holidays.--Each school board shall adopt a policy which  
26 authorizes a parent or guardian to request and be granted  
27 permission for absence of a student from school for religious  
28 instruction or religious holidays.

29           Section 20. Section 232.023, Florida Statutes, as  
30 amended by chapter 95-147, Laws of Florida, is hereby  
31 repealed.

1           Section 21. Section 232.03, Florida Statutes, is  
2 amended to read:

3           232.03 Evidence of date of birth required.--Before  
4 admitting a child to prekindergarten or kindergarten, the  
5 principal shall require evidence that the child has attained  
6 the age at which he or she should be admitted in accordance  
7 with the provisions of s. 232.01, ~~s. 232.04~~, or ~~s. 232.045~~.

8 The superintendent may require evidence of the age of any  
9 child whom he or she believes to be within the limits of  
10 compulsory attendance as provided for by law. If the first  
11 prescribed evidence is not available, the next evidence  
12 obtainable in the order set forth below shall be accepted:

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

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

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

21           (4) A bona fide contemporary Bible record of the  
22 child's birth accompanied by an affidavit sworn to by the  
23 parent;

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

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

29           (7) If none of these evidences can be produced, an  
30 affidavit of age sworn to by the parent, accompanied by a  
31 certificate of age signed by a public health officer or by a

1 public school physician, or, if neither of these shall be  
2 available in the county, by a licensed practicing physician  
3 designated by the school board, which certificate shall state  
4 that the health officer or physician has examined the child  
5 and believes that the age as stated in the affidavit is  
6 substantially correct.

7           Section 22. Subsection (2) of section 232.032, Florida  
8 Statutes, as created by chapter 94-320, Laws of Florida,  
9 section 232.034, Florida Statutes, as amended by chapter  
10 95-147, Laws of Florida, and sections 232.04 and 232.045,  
11 Florida Statutes, are hereby repealed.

12           Section 23. Section 232.06, Florida Statutes, is  
13 amended to read:

14           232.06 Certificates of exemptions authorized in  
15 certain cases.--Children within the compulsory attendance age  
16 limits who hold valid certificates of exemption which have  
17 been issued by the superintendent shall be exempt from  
18 attending school. A certificate of exemption shall cease to  
19 be valid at the end of the school year in which it is issued.  
20 ~~Children entitled to such certificates and the conditions upon~~  
21 ~~which they may be issued are as follows:~~

22           ~~(1) PHYSICAL AND MENTAL DISABILITY.--Any child whose~~  
23 ~~physical, mental, or emotional condition is such as to prevent~~  
24 ~~his or her successful participation in regular or special~~  
25 ~~education programs for exceptional children; provided, that~~  
26 ~~before issuing a certificate of exemption for physical,~~  
27 ~~mental, or emotional disability, the superintendent shall~~  
28 ~~require the submission of a statement from the county health~~  
29 ~~officer, if a licensed physician, in counties having such an~~  
30 ~~officer, and in other counties from a licensed practicing~~  
31 ~~physician or qualified psychological examiner designated by~~

1 ~~the district certifying that the child is physically or~~  
2 ~~mentally incapacitated for school attendance; provided,~~  
3 ~~further, that if appropriate programs are not available within~~  
4 ~~the school system, arrangements shall be made with adjoining~~  
5 ~~districts or other appropriate agencies, residential schools,~~  
6 ~~or approved nonpublic schools providing appropriate programs~~  
7 ~~and services as determined by the Department of Education~~  
8 ~~under regulations prescribed by the state board. Any child so~~  
9 ~~exempt from educational provisions shall immediately be~~  
10 ~~reported to the department.~~

11 ~~(2) EMPLOYMENT EXEMPTION.--Children who have reached~~  
12 ~~14 years of age who hold employment certificates and are~~  
13 ~~employed under provisions of the Child Labor Law.~~

14 ~~(3) JUDICIAL EXEMPTIONS.--Upon the recommendation of a~~  
15 ~~circuit judge and the agreement of the superintendent, any~~  
16 ~~child within the compulsory attendance age limit may be~~  
17 ~~granted a certificate of exemption.~~

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

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

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

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

28 ~~3. The student is not required to enroll in the~~  
29 ~~district's teenage parent program as an eligibility~~  
30 ~~requirement for enrollment of the student's child in a school~~  
31 ~~district child care center.~~

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

4           ~~(b) In all cases, the certificate of exemption remains~~  
5 ~~valid until the student's child is placed in a child care~~  
6 ~~center operated by, or under contract with, the school~~  
7 ~~district, until a Florida Subsidized Child Care Program~~  
8 ~~enrollment is available, or until the end of the school year,~~  
9 ~~whichever occurs sooner.~~

10           Section 24. Section 232.09, Florida Statutes, is  
11 amended to read:

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

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

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

28           (3) FINANCIAL INABILITY.--The parent was unable  
29 financially to provide necessary clothes for the child, which  
30 inability was reported in writing to the superintendent prior  
31 to the opening of school or immediately after the beginning of

1 such inability; provided, that the validity of any claim for  
2 exemption under this subsection shall be determined by the  
3 superintendent subject to appeal to the school board; or

4 (4) SICKNESS, INJURY, OR OTHER INSURMOUNTABLE  
5 CONDITION.--Attendance was impracticable or inadvisable on  
6 account of sickness or injury, attested to by a written  
7 statement of a licensed practicing physician, or was  
8 impracticable because of some other stated insurmountable  
9 condition as defined by rules ~~regulations~~ of the state board.

10 Section 25. Sections 232.10, 232.13, and 232.165,  
11 Florida Statutes, are hereby repealed.

12 Section 26. Section 232.17, Florida Statutes, 1996  
13 Supplement, is amended to read:

14 232.17 Enforcement of school attendance ~~assistants;~~  
15 ~~qualifications; compensation; duties.--Provisions for the~~  
16 ~~employment, qualifications, compensation, and duties of~~  
17 ~~attendance assistants shall be as follows:~~

18 (1) ~~EMPLOYMENT AND QUALIFICATIONS OF ATTENDANCE~~  
19 ~~ASSISTANTS.--The school board, upon the recommendation of the~~  
20 ~~superintendent, may employ and fix the compensation, including~~  
21 ~~reimbursement for travel, of a sufficient number of qualified~~  
22 ~~attendance assistants to guarantee regular attendance at~~  
23 ~~school of all children of the district within compulsory~~  
24 ~~school-age requirements who are not herein exempted from~~  
25 ~~attendance.~~

26 (2) ~~DUTIES AND RESPONSIBILITIES OF ATTENDANCE~~  
27 ~~ASSISTANTS.--The duties and responsibilities of the attendance~~  
28 ~~assistant shall be exercised under the direction of the~~  
29 ~~superintendent and shall be as follows:~~

30 (a) ~~Maintain records.--Pupil accounting records,~~  
31 ~~unless maintained by others assigned by the superintendent,~~



1 ~~shall be kept by attendance assistants. These records shall~~  
2 ~~be on forms approved pursuant to regulations of the state~~  
3 ~~board.~~

4 (1)(b) INVESTIGATE NONENROLLMENT AND UNEXCUSED  
5 ABSENCES.--In accordance with procedure established by the  
6 state board, a designated school representative ~~attendance~~  
7 ~~assistants~~ shall investigate cases of nonenrollment and  
8 unexcused absences from school of all children within the  
9 compulsory school age.

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

30 (3)(d) RETURN CHILD TO PARENT.--A designated school  
31 representative ~~The attendance assistant~~ shall visit the home

1 or place of residence of a child and any other place in which  
2 he or she is likely to find any child who is required to  
3 attend school when such child is absent from school during  
4 school hours, and, when such child has been found, shall  
5 return the child to his or her parent or to the principal or  
6 teacher in charge of the school, or to the private tutor from  
7 whom absent.

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

27 (4)(f) REPORT TO THE DIVISION OF JOBS AND BENEFITS.--A  
28 designated school representative ~~The attendance assistant~~  
29 shall report to the Division of Jobs and Benefits of the  
30 Department of Labor and Employment Security or to any person  
31 acting in similar capacity who may be designated by law to

1 receive such notices, all violations of the Child Labor Law  
2 that may come to his or her knowledge.

3 (5)(g) RIGHT TO INSPECT.--A designated school  
4 representative ~~The attendance assistant~~ shall have the same  
5 right of access to, and inspection of, establishments where  
6 minors may be employed or detained as is given by law to the  
7 Division of Jobs and Benefits only for the purpose of  
8 ascertaining whether children of compulsory school age are  
9 actually employed there and are actually working there  
10 regularly. The school representative ~~attendance assistant~~  
11 shall, if he or she finds unsatisfactory working conditions or  
12 violations of the Child Labor Law, report his or her findings  
13 to the Division of Jobs and Benefits or its agents.

14 ~~(h) Record of visits.--The attendance assistant shall~~  
15 ~~keep an accurate record of all children returned to schools or~~  
16 ~~homes, of all cases prosecuted, and of all other service~~  
17 ~~performed. A written report of all such activities shall be~~  
18 ~~made quarterly to the school board and shall be filed in the~~  
19 ~~office of the superintendent.~~

20 Section 27. Subsections (3) and (5) of section 232.19,  
21 Florida Statutes, 1996 Supplement, are amended to read:

22 232.19 Court procedure and penalties.--The court  
23 procedure and penalties for the enforcement of the provisions  
24 of this chapter, relating to compulsory school attendance,  
25 shall be as follows:

26 (3) HABITUAL TRUANCY CASES.--A designated school  
27 representative ~~The school social worker, the attendance~~  
28 ~~assistant, or the school superintendent's designee if there is~~  
29 ~~no school social worker or attendance assistant~~ shall refer a  
30 student who is habitually truant and the student's family to  
31 the children-in-need-of-services and

1 families-in-need-of-services provider or the case staffing  
2 committee, established pursuant to s. 39.426, as determined by  
3 the cooperative agreement required in this section. The case  
4 staffing committee may request the Department of Juvenile  
5 Justice or its designee to file a child-in-need-of-services  
6 petition based upon the report and efforts of the school  
7 district or other community agency or may seek to resolve the  
8 truancy behavior through the school or community-based  
9 organizations or agencies. Prior to and subsequent to the  
10 filing of a child-in-need-of-services petition due to habitual  
11 truancy, the appropriate governmental agencies must allow a  
12 reasonable time to complete actions required by this  
13 subsection to remedy the conditions leading to the truant  
14 behavior. The following criteria must be met and documented in  
15 writing prior to the filing of a petition:

16 (a) The child must have 15 unexcused absences within  
17 90 days with or without the knowledge or consent of the  
18 child's parent or legal guardian and must not be exempt from  
19 attendance by virtue of being over the age of compulsory  
20 school attendance or by meeting the criteria in s. 232.06, s.  
21 232.09, or any other exemption specified by law or the rules  
22 of the State Board of Education.

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

27 1. After a minimum of 3 and prior to 15 unexcused  
28 absences within 90 days, one or more meetings must have been  
29 held, either in person or by phone, between a designated  
30 school representative ~~attendance assistant or school social~~  
31 ~~worker~~, the child's parent or guardian, and the child, if

1 necessary, to report and to attempt to solve the truancy  
2 problem. However, if the designated school representative  
3 ~~attendance assistant or school social worker~~ has documented  
4 the refusal of the parent or guardian to participate in the  
5 meetings, this requirement has been met.

6         2. Educational counseling must have been provided to  
7 determine whether curriculum changes would help solve the  
8 truancy problem, and, if any changes were indicated, such  
9 changes must have been instituted but proved unsuccessful in  
10 remedying the truant behavior. Such curriculum changes may  
11 include enrollment of the child in a dropout prevention ~~an~~  
12 ~~alternative education~~ program that meets the specific  
13 educational and behavioral needs of the child, including a  
14 second chance school, as provided for in s. 230.2316, designed  
15 to resolve truant behavior.

16         3. Educational evaluation, which may include  
17 psychological evaluation, must have been provided to assist in  
18 determining the specific condition, if any, that is  
19 contributing to the child's nonattendance. The evaluation  
20 must have been supplemented by specific efforts by the school  
21 to remedy any diagnosed condition.

22  
23 If a child within the compulsory school attendance age is  
24 responsive to the interventions described in this paragraph  
25 and has completed the necessary requirements to pass the  
26 current grade as indicated in the district pupil progression  
27 plan, the child shall be passed.

28         (c) The district manager of the Department of Juvenile  
29 Justice or the district manager's designee and the  
30 superintendent of the local school district or the  
31 superintendent's designee must have developed a cooperative

1 interagency agreement which clearly defines each department's  
2 role, responsibility, and function in working with habitual  
3 truants and their families. The interagency agreement shall  
4 specify that the participants address issues of streamlining  
5 service delivery, the appropriateness of legal intervention,  
6 case management, the role and responsibility of the case  
7 staffing committee, student and parental intervention and  
8 involvement, and community action plans. The interagency  
9 agreement shall delineate timeframes for implementation and  
10 identify a mechanism for reporting results by the district  
11 juvenile justice manager or the district manager's designee  
12 and the superintendent of schools or the superintendent's  
13 designee to the Department of Juvenile Justice and the  
14 Department of Education and other governmental entities as  
15 needed. The cooperative agreement may designate which agency  
16 shall be responsible for the intervention steps in s.  
17 39.01(73), or this section, if such designation shall yield  
18 more effective and efficient intervention services.

19 (5) PROCEEDINGS AND PROSECUTIONS; WHO MAY  
20 BEGIN.--Proceedings or prosecutions under the provisions of  
21 this chapter may be begun by the superintendent, by a  
22 designated school representative ~~an attendance assistant~~, by  
23 the probation officer of the county, by the executive officer  
24 of any court of competent jurisdiction, or by an officer of  
25 any court of competent jurisdiction, or by a duly authorized  
26 agent of the Department of Education.

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

30 (a) The parent.--A parent who refuses or fails to have  
31 a child who is under his or her control attend school

1 regularly, or who refuses or fails to comply with the  
2 requirements in subsection (3), is guilty of a misdemeanor of  
3 the second degree, punishable as provided by law. The  
4 continued or habitual absence of a child without the consent  
5 of the principal or teacher in charge of the school he or she  
6 attends or should attend, or of the tutor who instructs or  
7 should instruct him or her, is prima facie evidence of a  
8 violation of this chapter; however, the court of the  
9 appropriate jurisdiction, upon finding that the parent has  
10 made a bona fide and diligent effort to control and keep the  
11 child in school, shall excuse the parent from any criminal  
12 liability prescribed herein and shall refer the parent and  
13 child for counseling, guidance, or other needed services.

14 (b) The principal or teacher.--A principal or teacher  
15 in charge of a school, public, parochial, denominational, or  
16 private, or a private tutor who willfully violates any  
17 provision of this chapter may, upon satisfactory proof of such  
18 violation, have his or her certificate revoked by the  
19 Department of Education.

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

24 Section 28. Subsections (2) and (3) of section  
25 232.245, Florida Statutes, and section 232.2452, Florida  
26 Statutes, as amended by chapter 95-147, Laws of Florida, are  
27 hereby repealed.

28 Section 29. Section 232.2461, Florida Statutes, is  
29 hereby repealed.

30 Section 30. Section 232.2462, Florida Statutes, is  
31 amended to read:

1           232.2462 ~~Attendance requirement for receipt of high~~  
2 ~~school credit~~; Definition of "credit".--

3           (1)(a) For the purposes of requirements for high  
4 school graduation, one full credit means a minimum of 150  
5 hours of bona fide instruction in a designated course of study  
6 which contains student performance standards as provided for  
7 in s. 232.2454. Six semester credit hours of instruction  
8 earned through enrollment pursuant to s. 240.116 shall also  
9 equal one full credit.

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

12           ~~(2) A student may not be awarded a credit if he or she~~  
13 ~~has not been in for instruction for a minimum of 135 hours~~  
14 ~~unless he or she has demonstrated mastery of the student~~  
15 ~~performance standards in the course of study as provided by~~  
16 ~~rules of the district school board. Excused absences as~~  
17 ~~determined by the district school board and as carried out by~~  
18 ~~the secondary school principal shall not be counted against~~  
19 ~~the 135-hour minimum requirement. Criteria for determining~~  
20 ~~excused absences shall be as provided in s. 232.0225, absence~~  
21 ~~for religious instruction, or a religious holiday, and s.~~  
22 ~~232.09(4), absence due to sickness, injury, or other~~  
23 ~~insurmountable condition, and absence due to participation in~~  
24 ~~an academic class or program. Missed work shall be made up, as~~  
25 ~~provided in the pupil progression plan established by the~~  
26 ~~district school board by rule, for all excused absences. The~~  
27 ~~difference between the 135-hour minimum requirement and the~~  
28 ~~150-hour definition of full credit established in this section~~  
29 ~~may at the discretion of the secondary school principal be~~  
30 ~~used for noninstructional extracurricular activities unless~~  
31 ~~otherwise provided by district school board rule. In credit~~



1 ~~programs operated in the period beyond 180 school days, each~~  
 2 ~~full-credit course must be established for a minimum of 120~~  
 3 ~~hours.~~

4 (2)~~(3)~~ In awarding credit for high school graduation,  
 5 each school district shall maintain a one-half credit earned  
 6 system which shall include courses provided on a full-year  
 7 basis. A student enrolled in a full-year course shall receive  
 8 one-half credit if the student successfully completes either  
 9 the first half or the second half of a full-year course but  
 10 fails to successfully complete the other half of the course  
 11 and the averaging of the grades obtained in each half would  
 12 not result in a passing grade. A student enrolled in a  
 13 full-year course shall receive a full credit if the student  
 14 successfully completes either the first half or the second  
 15 half of a full-year course but fails to successfully complete  
 16 the other half of the course and the averaging of the grades  
 17 obtained in each half would result in a passing grade,  
 18 provided that such additional requirements specified in school  
 19 board policies, such as class attendance, homework,  
 20 participation, and other indicators of performance, shall be  
 21 successfully completed by the student.

22 Section 31. Subsections (2) and (3) of section  
 23 232.2468, Florida Statutes, as amended by chapters 96-221 and  
 24 96-406, Laws of Florida, are hereby repealed, and subsection  
 25 (1) of said section is renumbered as subsections (41), (42),  
 26 and (43) of section 228.041, Florida Statutes, 1996  
 27 Supplement, and amended to read:

28 228.041 Definitions.--Specific definitions shall be as  
 29 follows, and wherever such defined words or terms are used in  
 30 the Florida School Code, they shall be used as follows:

31 ~~(1) DEFINITION.--~~

1            (41)(a) GRADUATION RATE.--The term "graduation rate"  
 2 means the percentage calculated by dividing the number of  
 3 entering 9th graders into the number of students who receive,  
 4 4 years later, a high school diploma, a special diploma, or a  
 5 certificate of completion, as provided for in s. 232.246, or  
 6 who receive a special certificate of completion, as provided  
 7 in s. 232.247, and students 19 years of age or younger who  
 8 receive a general equivalency diploma, as provided in s.  
 9 229.814. The number of 9th grade students used in the  
 10 calculation of a graduation rate for this state shall be  
 11 students enrolling in the grade for the first time.

12            (42)(b) HABITUAL TRUANCY RATE.--The term "habitual  
 13 truancy rate" means the annual percentage of students in  
 14 membership within the age of compulsory school attendance  
 15 pursuant to s. 232.01 who are classified as habitual truants  
 16 as defined in subsection s. 228.041(28).

17            (43)(c) DROPOUT RATE.--The term "dropout rate" means  
 18 the annual percentage calculated by dividing the number of  
 19 students over the age of compulsory school attendance,  
 20 pursuant to s. 232.01, at the time of the fall membership  
 21 count, into the number of students who withdraw from school  
 22 during a given school year and who are classified as dropouts  
 23 pursuant to subsection s. 228.041(29).

24  
 25 ~~The State Board of Education may adopt rules to implement this~~  
 26 ~~subsection.~~

27            Section 32. Section 232.257, Florida Statutes, as  
 28 amended by chapters 95-147 and 95-376, Laws of Florida, and  
 29 section 232.258, Florida Statutes, as created by chapter  
 30 94-209, Laws of Florida, are hereby repealed.

31

1           Section 33. Subsection (3) of section 232.271, Florida  
2 Statutes, 1996 Supplement, is amended to read:

3           232.271 Removal by teacher.--

4           (3) If a teacher removes a student from class under  
5 subsection (2), the principal may place the student in another  
6 appropriate classroom, in in-school suspension, or in a  
7 dropout prevention ~~an alternative education~~ program as  
8 provided by s. 230.2316; or the principal may recommend the  
9 student for out-of-school suspension or expulsion, as  
10 appropriate. The student may be prohibited from attending or  
11 participating in school-sponsored or school-related  
12 activities. The principal may not return the student to that  
13 teacher's class without the teacher's consent unless the  
14 committee established under s. 232.272 determines that such  
15 placement is the best or only available alternative. The  
16 teacher and the placement review committee must render  
17 decisions within 5 days of the removal of the student from the  
18 classroom.

19           Section 34. Sections 232.276, 232.3015, and 232.303,  
20 Florida Statutes, and section 232.304, Florida Statutes, as  
21 amended by chapter 95-147, Laws of Florida, are hereby  
22 repealed.

23           Section 35. Section 233.011, Florida Statutes, as  
24 amended by chapter 95-147, Laws of Florida, is hereby  
25 repealed.

26           Section 36. Section 233.061, Florida Statutes, is  
27 amended to read:

28           233.061 Required instruction.--

29           (1) Each school district shall provide all courses  
30 required for high school graduation and appropriate  
31 instruction designed to ensure that students meet state board

1 adopted standards in the following subject areas: reading and  
2 other language arts, mathematics, science, social studies,  
3 foreign languages, health and physical education, and the  
4 arts.

5 (2)~~(1)~~ Members of the instructional staff of the  
6 public schools, subject to the rules and regulations of the  
7 state board and of the school board, shall teach efficiently  
8 and faithfully, using the books and materials required,  
9 following the prescribed courses of study, and employing  
10 approved methods of instruction, the following:

11 (a) The content of the Declaration of Independence and  
12 how it forms the philosophical foundation of our government. †

13 (b) The arguments in support of adopting our  
14 republican form of government, as they are embodied in the  
15 most important of the Federalist Papers. †

16 (c) The essentials of the United States Constitution  
17 and how it provides the structure of our government. †

18 (d) Flag education, including proper flag display and  
19 flag salute. †

20 (e) The elements of civil government. †

21 (f) The history of the Holocaust (1933-1945), the  
22 systematic, planned annihilation of European Jews and other  
23 groups by Nazi Germany, a watershed event in the history of  
24 humanity, to be taught in a manner that leads to an  
25 investigation of human behavior, an understanding of the  
26 ramifications of prejudice, racism, and stereotyping, and an  
27 examination of what it means to be a responsible and  
28 respectful person, for the purposes of encouraging tolerance  
29 of diversity in a pluralistic society and for nurturing and  
30 protecting democratic values and institutions. †

31

1 (g) The history of African-Americans, including the  
2 history of African peoples before the political conflicts that  
3 led to the development of slavery, the passage to America, the  
4 enslavement experience, abolition, and the contributions of  
5 African-Americans to society.~~†~~

6 (h) The elementary principles of agriculture.~~†~~

7 (i) The true effects of all alcoholic and intoxicating  
8 liquors and beverages and narcotics upon the human body and  
9 mind.~~†~~

10 (j) Kindness to animals.~~†~~

11 (k) The history of the state.~~†~~

12 (l) The conservation of natural resources.~~†~~ and

13 (m) Comprehensive health education that addresses  
14 concepts of community health; consumer health; environmental  
15 health; family life, including an awareness of the benefits of  
16 sexual abstinence as the expected standard and the  
17 consequences of teenage pregnancy; mental and emotional  
18 health; injury prevention and safety; nutrition; personal  
19 health; prevention and control of disease; and substance use  
20 and abuse.

21 (n)~~(m)~~ Such additional materials, subjects, courses,  
22 or fields in such grades as may be prescribed by law or by  
23 rules of the state board and the school board in fulfilling  
24 the requirements of law.

25 ~~(2) State and district school officials shall furnish~~  
26 ~~and put into execution a system and method of teaching the~~  
27 ~~true effects of alcohol and narcotics on the human body and~~  
28 ~~mind, provide the necessary textbooks, literature, equipment,~~  
29 ~~and directions, see that such subjects are efficiently taught~~  
30 ~~by means of pictures, charts, oral instruction, and lectures~~  
31 ~~and other approved methods, and require such reports as are~~

1 ~~deemed necessary to show the work which is being covered and~~  
2 ~~the results being accomplished.~~

3 (3) Any child whose parent presents to the school  
4 principal a signed statement that the teaching of disease, its  
5 symptoms, development, and treatment, and the viewing of  
6 pictures or motion pictures that teach about disease, conflict  
7 with the religious teachings of the child's religious  
8 affiliation, is exempt from such instruction; and a child so  
9 exempted may not be penalized by reason of that exemption.

10 Section 37. Section 233.0612, Florida Statutes, is  
11 created to read:

12 233.0612 Authorized instruction.--Each school district  
13 may provide students with programs and instruction at the  
14 appropriate grade levels in areas including, but not limited  
15 to, the following:

16 (1) Character development and law education.

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

18 (3) Traffic education.

19 (4) Free enterprise and consumer education.

20 (5) Programs to encourage patriotism and greater  
21 respect for country.

22 (6) Drug abuse resistance education.

23 (7) Comprehensive health education.

24 (8) Care of nursing home patients.

25 (9) Instruction in acquired immune deficiency  
26 syndrome.

27 (10) Voting instruction including the use of county  
28 voting machines.

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

30 Section 38. Section 233.0615, Florida Statutes, as  
31 amended by chapter 94-209, Laws of Florida, section 233.06411,

1 Florida Statutes, as created by chapter 95-180, Laws of  
2 Florida, sections 233.0645, 233.065, 233.0661, and 233.0662,  
3 Florida Statutes, subsections (2), (3), (4), (5), (6), and (7)  
4 of section 233.0663, Florida Statutes, as amended by chapter  
5 95-147, Laws of Florida, section 233.067, Florida Statutes, as  
6 amended by chapters 94-232, 95-147, and 96-307, Laws of  
7 Florida, section 233.0671, and subsections (3) and (4) of  
8 section 233.068, Florida Statutes, are hereby repealed.

9 Section 39. Paragraph (a) of subsection (2) of section  
10 233.07, Florida Statutes, is amended to read:

11 233.07 State instructional materials committees.--

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

28 Section 40. Section 234.041, Florida Statutes, is  
29 renumbered as section 316.72, Florida Statutes.

30  
31

1           Section 41. Sections 234.0515 and 234.061, Florida  
2 Statutes, and section 234.091, Florida Statutes, as amended by  
3 chapter 95-147, Laws of Florida, are hereby repealed.

4           Section 42. Section 234.302, Florida Statutes, is  
5 renumbered as section 316.75, Florida Statutes, and amended to  
6 read:

7           316.75 ~~234.302~~ School crossing guards.--The Department  
8 of Transportation shall adopt uniform guidelines for the  
9 training of school crossing guards. Each local governmental  
10 entity administering a school crossing guard program shall  
11 provide a training program for school crossing guards  
12 according to the uniform guidelines ~~for the training of school~~  
13 ~~crossing guards adopted by the Department of Transportation.~~  
14 Successful completion of the ~~such~~ training program shall be  
15 required of each school guard except:

16           (1) A person who received equivalent training during  
17 employment as a law enforcement officer.~~†~~

18           (2) A person who receives less than \$5,000 in annual  
19 compensation in a county with a population of less than  
20 75,000.~~†~~ ~~and~~

21           (3) A student who serves in a school patrol.

22  
23 School crossing guard training programs may be made available  
24 to nonpublic schools upon contract.

25           Section 43. Paragraphs (c) and (d) of subsection (5)  
26 of section 24.121, Florida Statutes, 1996 Supplement, are  
27 amended to read:

28           24.121 Allocation of revenues and expenditure of funds  
29 for public education.--

30           (5)

31



1 (c) A portion of such net revenues, as determined  
2 annually by the Legislature, shall be distributed to each  
3 school district and shall be made available to each public  
4 school in the district for enhancing school performance  
5 through development and implementation of a school improvement  
6 plan pursuant to s. 230.23(16)~~(18)~~.

7 (d) Beginning July 1, 1993, no funds shall be released  
8 for any purpose from the Educational Enhancement Trust Fund to  
9 any school district in which one or more schools do not have  
10 an approved school improvement plan pursuant to s.  
11 230.23(16)~~(18)~~.

12 Section 44. Paragraph (b) of subsection (73) of  
13 section 39.01, Florida Statutes, 1996 Supplement, are amended  
14 to read:

15 39.01 Definitions.--When used in this chapter:

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

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

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

31

1           2. Educational counseling has been provided to  
2 determine whether curriculum changes would help solve the  
3 truancy problem, and, if any changes were indicated, such  
4 changes were instituted but proved unsuccessful in remedying  
5 the truant behavior. Such curriculum changes may include  
6 enrollment of the child in an alternative education program  
7 that meets the specific educational and behavioral needs of  
8 the child, including a second chance school, as provided for  
9 in s. 230.2316, designed to resolve truant behavior;

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

12           4. The designated school representative ~~social worker,~~  
13 ~~the attendance assistant,~~ or the school superintendent's  
14 designee ~~if there is no school social worker or attendance~~  
15 ~~assistant~~ has referred the student and family to the  
16 children-in-need-of-services and families-in-need-of-services  
17 provider or the case staffing committee, established pursuant  
18 to s. 39.426, as determined by the cooperative agreement  
19 required in s. 232.19(3). The case staffing committee may  
20 request the department or its designee to file a  
21 child-in-need-of-services petition based upon the report and  
22 efforts of the school district or other community agency or  
23 may seek to resolve the truancy behavior through the school or  
24 community-based organizations or agencies.

25  
26 If a child within the compulsory school attendance age is  
27 responsive to the interventions described in this paragraph  
28 and has completed the necessary requirements to pass the  
29 current grade as indicated in the district pupil progression  
30 plan, the child shall not be determined to be habitually  
31 truant. If a child within the compulsory school attendance age

1 has 15 unexcused absences or fails to enroll in school, the  
2 State Attorney may file a child-in-need-of-services petition.  
3 Prior to filing a petition, the child must be referred to the  
4 appropriate agency for evaluation. After consulting with the  
5 evaluating agency, the State Attorney may elect to file a  
6 child-in-need-of-services petition.

7 Section 45. Paragraph (a) of subsection (3) and  
8 subsections (8) and (12) of section 228.053, Florida Statutes,  
9 are amended to read:

10 228.053 Developmental research schools.--

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

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

1           (8) ADVISORY BOARDS.--"Blueprint 2000" provisions and  
2 intent specify that each public school in the state shall  
3 establish a school advisory council that is reflective of the  
4 population served by the school, pursuant to s. 229.58, and is  
5 responsible for the development and implementation of the  
6 school improvement plan pursuant to s. 230.23(16)~~(18)~~.

7 Developmental research schools shall comply with the  
8 provisions of s. 229.58 in one of two ways:

9           (a) Two advisory bodies.--Each developmental research  
10 school may:

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

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

1 successive terms that may be served by a chair or vice chair.  
2 The board shall adopt internal organizational procedures or  
3 bylaws necessary for efficient operation as provided in  
4 chapter 120. Board members shall not receive per diem or  
5 travel expenses for the performance of their duties. The  
6 board shall:

- 7 a. Meet at least quarterly.
- 8 b. Monitor the operations of the school and the  
9 distribution of moneys allocated for such operations.
- 10 c. Establish necessary policy, program, and  
11 administration modifications.
- 12 d. Evaluate biennially the performance of the director  
13 and principal and recommend corresponding action to the dean  
14 of the college of education.
- 15 e. Annually review evaluations of the school's  
16 operation and research findings.

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

29 (12) EXCEPTIONS TO LAW.--To encourage innovative  
30 practices and facilitate the mission of the developmental  
31 research schools, in addition to the exceptions to law

1 specified in s. 229.592(6), the following exceptions shall be  
2 permitted for developmental research schools:

3 (a) The methods and requirements of the following  
4 statutes shall be held in abeyance: ss. 230.01; 230.02;  
5 230.03; 230.04; 230.05; 230.061; 230.08; 230.10; 230.105;  
6 230.11; 230.12; 230.15; 230.16; 230.17; 230.173; 230.18;  
7 230.19; 230.201; 230.202; 230.21; 230.22; 230.2215; 230.2318;  
8 230.232; 230.24; 230.241; 230.26; 230.28; 230.30; 230.303;  
9 230.31; 230.32; 230.321; 230.33; 230.35; 230.39; ~~230.59~~  
10 230.63; 230.64; 230.643; ~~230.655~~; 234.01; 234.021; ~~234.0515~~  
11 ~~234.061~~; 234.112; 316.75 ~~234.302~~; 236.25; 236.261; 236.29;  
12 236.31; 236.32; 236.35; 236.36; 236.37; 236.38; 236.39;  
13 236.40; 236.41; 236.42; 236.43; 236.44; 236.45; 236.46;  
14 236.47; 236.48; 236.49; 236.50; 236.51; 236.52; 236.55;  
15 236.56; 237.051; 237.071; 237.091; 237.201; and 237.40. With  
16 the exception of subsection (16) ~~(18)~~ of s. 230.23, s. 230.23  
17 shall be held in abeyance. Reference to school boards in s.  
18 230.23 (16) ~~(18)~~ shall mean the president of the university or  
19 the president's designee.

20 (b) The following statutes or related rules may be  
21 waived for any developmental research school so requesting,  
22 provided the general statutory purpose of each section is met  
23 and the developmental research school has submitted a written  
24 request to the Joint Developmental Research School Planning,  
25 Articulation, and Evaluation Committee for approval pursuant  
26 to this subsection: ss. 229.555; 231.291; 232.2462; 232.36;  
27 233.34; 237.01; 237.02; 237.031; 237.041; 237.061; 237.081;  
28 237.111; 237.121; 237.131; 237.141; 237.151; 237.161; 237.162;  
29 237.171; 237.181; 237.211; and 237.34. Notwithstanding  
30 reference to the responsibilities of the superintendent or  
31 school board in chapter 237, developmental research schools

1 shall follow the policy intent of the chapter and shall, at  
2 least, adhere to the general state agency accounting  
3 procedures established in s. 11.46.

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

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

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

1 standards adopted pursuant to s. 229.592(5), and how student  
 2 improvement will be evaluated and reported. In considering any  
 3 waiver, the committee shall ensure protection of the health,  
 4 safety, welfare, and civil rights of the students and  
 5 protection of the public interest.

6 (d) The procedure established in s. 229.592(6)(f)  
 7 shall be followed for any request for a waiver which is not  
 8 denied, or for which a request for additional information is  
 9 not issued.

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

23 Section 46. Subsections (1), (2), and (3) of section  
 24 228.061, Florida Statutes, are amended to read:

25 228.061 Other public schools; preschool programs,  
 26 prekindergarten early intervention programs, school-age child  
 27 care programs, special schools and courses.--The public  
 28 schools of Florida may, in addition to the schools prescribed  
 29 in s. 228.051, include preschool programs, prekindergarten  
 30 early intervention programs, school-age child care programs,  
 31 special schools, and courses and classes as authorized below:



1           (1) PRESCHOOL PROGRAMS.--Preschool programs shall  
2 comprise classes for children who have attained the ages  
3 prescribed by s. 232.01 ~~232.045~~ and may be established at the  
4 discretion of the school board. Such programs or classes  
5 shall be supported and maintained from district taxes, from  
6 such funds supplemented by tuition charges, or from funds from  
7 federal or other lawful sources, exclusive of state sources;  
8 however, state funds may be used to support prekindergarten  
9 early intervention programs pursuant to s. 230.2305.

10           (2) PREKINDERGARTEN EARLY INTERVENTION  
11 PROGRAMS.--Prekindergarten early intervention programs shall  
12 consist of educational and enrichment activities for children  
13 who have attained the ages prescribed by s. 232.01 ~~232.045~~.  
14 Such programs shall be supported and maintained by state  
15 funds, district funds, tuition charges, or such funds as may  
16 be available from federal or other lawful sources.

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

25           Section 47. Subsection (4) of section 229.0535,  
26 Florida Statutes, 1996 Supplement, is amended to read:

27           229.0535 Authority to enforce school improvement.--It  
28 is the intent of the Legislature that all public schools be  
29 held accountable for ensuring that students perform at  
30 acceptable levels. A system of school improvement and  
31 accountability that assesses student performance by school,

1 identifies schools not providing adequate progress, and  
2 institutes appropriate measures for enforcing improvement  
3 shall be the responsibility of the State Board of Education.

4 (4) The State Board of Education is authorized to  
5 require the Department of Education or Comptroller to withhold  
6 any transfer of state funds to the school district if, within  
7 the timeframe specified in state board action, the school  
8 district has failed to comply with said action ordered to  
9 improve low-performing schools. Withholding the transfer of  
10 funds shall occur only after all other recommended actions for  
11 school improvement have failed to improve the performance of  
12 the school. The State Board of Education may invoke the same  
13 penalty to any school board that fails to develop and  
14 implement a plan for assistance and intervention for  
15 low-performing schools as specified in s. 230.23~~(16)~~(18)(c).

16 Section 48. Subsection (3) of section 229.565, Florida  
17 Statutes, is amended to read:

18 229.565 Educational evaluation procedures.--

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

29 (a) Reported full-time equivalent membership in each  
30 program category. This evaluation shall be conducted by the  
31

1 Auditor General for the Florida Education Finance Program  
2 full-time enrollment verification function.

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

7 (c) The procedures for identification and placement of  
8 students in educational alternative programs for students who  
9 are disruptive or unsuccessful in a normal school environment  
10 and for diagnosis and placement of students in special  
11 programs for exceptional students, to determine that the  
12 district is following the criteria for placement established  
13 by rules of the state board and the procedures for placement  
14 established by that district school board.

15 ~~(d) Procedures for screening, identification, and~~  
16 ~~assignment of instructional strategies of the Florida Primary~~  
17 ~~Education Program, or an approved alternative program as~~  
18 ~~provided in s. 230.2312, and any other provisions of the~~  
19 ~~program.~~

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

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

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

28 (g)~~(h)~~ Clearly defined data collection and  
29 documentation requirements, including specifications of which  
30 records and information need to be kept and how long the  
31 records need to be retained. The information and

1 documentation needs for evaluation shall be presented to the  
2 school districts and explained well in advance of the actual  
3 audit date.

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

6 Section 49. Subsection (2) of section 229.58, Florida  
7 Statutes, is amended to read:

8 229.58 District and school advisory councils.--

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

18 Section 50. Subsections (1) and (6), paragraphs (b)  
19 and (e) of subsection (3), and paragraph (c) of subsection (4)  
20 of section 229.592, Florida Statutes, 1996 Supplement, are  
21 amended to read:

22 229.592 Implementation of state system of school  
23 improvement and education accountability.--

24 (1) DEVELOPMENT.--It is the intent of the Legislature  
25 that every public school in the state shall have a school  
26 improvement plan, as required by s. 230.23~~(16)~~~~(18)~~, fully  
27 implemented and operational by the beginning of the 1993-1994  
28 school year. Vocational standards considered pursuant to s.  
29 239.229 shall be incorporated into the school improvement plan  
30 for each area technical center operated by a school board by  
31 the 1994-1995 school year, and area technical centers shall

1 prepare school report cards incorporating such standards,  
2 pursuant to s. 230.23(16)~~(18)~~, for the 1995-1996 school year.  
3 In order to accomplish this, the Florida Commission on  
4 Education Reform and Accountability and the school districts  
5 and schools shall carry out the duties assigned to them by ss.  
6 229.594 and 230.23(16)~~(18)~~, respectively. In addition, the  
7 following initial steps in program development shall be  
8 undertaken beginning June 1, 1991, and shall continue during  
9 the 1991-1992 school fiscal year:

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

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

23 2. The academic status of students attending the  
24 school as reflected by test scores, dropout and same grade  
25 retention rates, the availability of upper level courses in  
26 mathematics and science, the percentage of the school's  
27 enrollment and the number of completers by race and gender in  
28 upper-level mathematics and science courses, and the number of  
29 students entering postsecondary institutions;

30 3. Student school participation characteristics  
31 including: attendance rates, the number of expulsions and

1 suspensions, and the number of instances of corporal  
2 punishment;

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

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

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

10 7. Such other needs assessment indicators as may be  
11 determined by the individual school.

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

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

24 2. The financial status of the center as indicated by  
25 per-student expenditures for instruction and administration,  
26 and other appropriate measures.

27 3. Student completion and placement rates.

28 4. A forecast of occupations indicating future  
29 workplace needs required over the next 5 years within the  
30 service area, based upon labor market supply and demand data  
31 and local economic conditions.

1           5. Other such needs assessment indicators as may be  
2 determined by the center.

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

6           (d) The Commissioner of Education shall provide the  
7 school boards with the technical assistance necessary to  
8 conduct the school needs assessments.

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

19           (3) COMMISSIONER.--The commissioner shall be  
20 responsible for implementing and maintaining a system of  
21 intensive school improvement and stringent education  
22 accountability.

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

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

20           (4) DEPARTMENT.--

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



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

7           (a) In the annual general appropriations acts, the  
8 Legislature may authorize exceptions to any laws pertaining to  
9 fiscal policies, including ss. 236.013 and 236.081, provided  
10 the intent is to give school districts increased flexibility  
11 and local control of education funds. If the General  
12 Appropriations Act does not contain a specific line-item  
13 appropriation or a specific listing within a line-item  
14 appropriation which provides funding for the programs  
15 established pursuant to the following statutes, the statute  
16 shall be held in abeyance for that fiscal year, and any  
17 approved plan for implementing said statute shall be null and  
18 void for said fiscal year: ss. 228.0855; 230.2215; 230.2305;  
19 230.2318; 231.087; 231.613; ~~232.257; 233.0615~~; 233.0678;  
20 234.021; 236.0873; 236.083; 236.092; 236.122; 236.1225;  
21 236.1228; and 239.401.

22           (b) The methods and requirements of the following  
23 statutes shall be held in abeyance: ss. 228.088~~7~~ and 229.57(4)  
24 and (5).

25  
26 In determining which statutes and rules stand in the way of  
27 school improvement, the Florida Commission on Education Reform  
28 and Accountability shall consider the effect that holding the  
29 statutes listed in paragraphs (a) and (b) in abeyance has had  
30 on the school improvement process. It is the intent of the  
31 Legislature that statutes listed in paragraphs (a) and (b) be

1 systematically repealed after being held in abeyance for 3  
2 consecutive fiscal years.

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

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

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

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

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

30           (e) The written request for waiver of statute or rule  
31 shall indicate at least how the general statutory purpose will

1 be met, how granting the waiver will assist schools in  
2 improving student outcomes related to the student performance  
3 standards adopted pursuant to subsection (5), and how student  
4 improvement will be evaluated and reported. In considering any  
5 waiver, the commissioner shall ensure protection of the  
6 health, safety, welfare, and civil rights of the students and  
7 protection of the public interest.

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

23 Section 51. Subsection (1) of section 229.594, Florida  
24 Statutes, is amended to read:

25 229.594 Powers and duties of the commission.--

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

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

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

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

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

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

26 (b) Review and, with assistance from the Department of  
27 Education, analyze results of school needs assessments  
28 submitted by district school boards and, by January 1, 1992,  
29 submit a report of its findings to the Legislature. The  
30 report shall include recommendations for changes in the school  
31 improvement and accountability required by s. 230.23(16)~~(18)~~

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

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

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

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

25 3. Methods for public reporting on the progress toward  
26 the goals by the state, school districts, and individual  
27 schools. Emphasis shall be placed on reporting individual  
28 school improvement and progress, and comparisons between  
29 schools shall be minimized. Methods for reporting the status  
30 of children and families and community services available in  
31

1 each school district to help children and families in need  
2 shall also be developed.

3 4. Effective use of existing methods for recognizing  
4 schools and development of necessary additional methods to  
5 recognize schools that meet or make adequate progress toward  
6 the education goals. The commission shall also consider the  
7 development of incentives including financial incentives for  
8 schools that make exceptional progress toward the education  
9 goals.

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

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

29 Section 52. Paragraph (a) of subsection (5) of section  
30 229.8055, Florida Statutes, is amended to read:

31 229.8055 Environmental education.--

1 (5) The Department of Education shall:

2 (a) Assign appropriate staff to work directly with  
3 general curriculum development activities through district and  
4 school administrators responsible for general curriculum in  
5 order to explicitly integrate appropriate environmental topics  
6 into the regular curriculum, where appropriate, ~~through~~  
7 ~~curriculum frameworks and performance standards as required by~~  
8 ~~s. 233.011(3)(a) and (b).~~

9 Section 53. Section 231.085, Florida Statutes, is  
10 amended to read:

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

27 Section 54. Section 231.095, Florida Statutes, is  
28 amended to read:

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



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

6 Section 55. Paragraph (d) of subsection (1) of section  
7 231.1725, Florida Statutes, is amended to read:

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

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

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

28 Section 56. Paragraph (c) of subsection (2) of section  
29 236.013, Florida Statutes, is amended to read:

30  
31

1           236.013 Definitions.--Notwithstanding the provisions  
2 of s. 228.041, the following terms are defined as follows for  
3 the purposes of this act:

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

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

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

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

14           (I) A full-time student, except a postsecondary or  
15 adult student or a senior high school student enrolled in  
16 adult education when such courses are required for high school  
17 graduation, in a combination of programs listed in s.  
18 236.081(1)(c) shall be a fraction of a full-time equivalent  
19 membership in each special program equal to the number of net  
20 hours per school year for which he or she is a member, divided  
21 by the appropriate number of hours set forth in subparagraph  
22 (a)1. or subparagraph (a)2.; the difference between that  
23 fraction or sum of fractions and the maximum value as set  
24 forth in subsection (5) for each full-time student is presumed  
25 to be the balance of the student's time not spent in such  
26 special education programs and shall be recorded as time in  
27 the appropriate basic program.

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

31

1           (III) A half-day kindergarten student in a combination  
2 of programs listed in s. 236.081(1)(c) is a fraction of a  
3 full-time equivalent membership in each special program equal  
4 to the number of net hours or major portion thereof per school  
5 year for which he or she is a member divided by the number of  
6 hours set forth in sub-sub-subparagraph (II); the difference  
7 between that fraction and the number of hours set forth in  
8 sub-sub-subparagraph (II) for each full-time student in  
9 membership in a half-day kindergarten program is presumed to  
10 be the balance of the student's time not spent in such special  
11 education programs and shall be recorded as time in the  
12 appropriate basic program.

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

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

27           (VI) A full-time student who is part of a program  
28 authorized by subparagraph (a)3. in a combination of programs  
29 listed in s. 236.081(1)(c) is a fraction of a full-time  
30 equivalent membership in each regular or special program equal  
31 to the number of net hours per school year for which he or she

1 is a member, divided by the appropriate number of hours set  
2 forth in subparagraph (a)1. or subparagraph (a)2.

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

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

- 12 a. Special programs for exceptional students;
- 13 b. Special vocational-technical programs;
- 14 c. Special adult general education programs;
- 15 d. Dropout prevention programs ~~provided for those~~  
16 ~~students who were in membership in substance abuse or youth~~  
17 ~~services programs~~ as defined in s. 230.2316 for students in  
18 residential programs operated by the Department of Children  
19 and Family Services; programs operated by the Department of  
20 Juvenile Justice as defined in s. 230.23161 in which students  
21 receive educational services; or teenage parent programs as  
22 defined in s. 230.23166 for students who ~~and~~ are in need of  
23 such additional instruction;
- 24 e. ~~Students-at-risk programs provided for those~~  
25 ~~students who were in membership in an educational alternative~~  
26 ~~or disciplinary program in~~ Dropout prevention programs as  
27 defined in s. 230.2316 in which students are placed for  
28 academic or disciplinary purposes or programs in English for  
29 speakers of other languages as defined in s. 233.058 for  
30 students who were in membership for all of the last 15 days of  
31

1 the 180-day term or a total of 30 days within the 180-day term  
2 and are in need of such additional instruction;

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

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

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

17 Section 57. Paragraph (o) of subsection (1) of section  
18 236.081, Florida Statutes, 1996 Supplement, is amended to  
19 read:

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

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

30 (o) Instruction in career education.--Effective for  
31 the 1985-1986 school year and thereafter, district pupil

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

27 Section 58. Paragraph (a) of subsection (2) of section  
28 236.0811, Florida Statutes, is amended to read:

29 236.0811 Educational training.--

30 (2)(a)1. Pursuant to rules of the State Board of  
31 Education, each school board shall develop and annually

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

1 organizing interdisciplinary instruction in the middle grades,  
2 developing critical thinking and creative thinking in students  
3 in the middle grades, counseling functions of the teacher in  
4 the middle grades, developing creative learning materials for  
5 the middle grades, and planning and evaluating programs in the  
6 middle grades. The plan shall include inservice activities for  
7 all district employees from all fund sources.

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

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

25           Section 59. Subsection (4) of section 236.0812,  
26 Florida Statutes, is amended to read:

27           236.0812 Medicaid certified school funding  
28 maximization.--

29           (4) Federal Medicaid earnings received as a result of  
30 funds certified pursuant to this section shall be deposited  
31 into the Medicaid Earnings Trust Fund, if created by law,



1 otherwise in the Educational Aids Trust Fund. Of the funds  
 2 earned by each district, not less than 25 percent shall be  
 3 used to enhance the district's exceptional student education  
 4 nongifted programs. The remaining funds shall be used by the  
 5 district in areas which directly impact on classroom  
 6 activities. However, if Committee Substitute for Committee  
 7 Substitute for House Bill 165 or similar legislation becomes  
 8 law, up to \$150,000 of any funds which may become available as  
 9 a result of a district certifying state or local education  
 10 funds to earn federal Medicaid match may be allocated to each  
 11 of the five school districts whose school improvement plans,  
 12 pursuant to s. 230.23(16)(18), include the establishment of a  
 13 school of the 21st century.

14 Section 60. Section 236.0842, Florida Statutes, is  
 15 hereby repealed.

16 Section 61. Paragraph (b) of subsection (4) of section  
 17 236.1228, Florida Statutes, is amended to read:

18 236.1228 Accountability program grants.--

19 (4) STATEWIDE INDICATORS.--

20 (b) The statewide indicators are:

21 1. Improve graduation rate.--The statewide goal is to  
 22 achieve a graduation rate of 85 percent ~~by 1992~~. The graduate  
 23 rate will be calculated as defined in s. 228.041(41)  
 24 ~~232.2468(1)(a)~~. The district annual graduation rate indicator  
 25 shall be at least an increase of one percentage point or  
 26 one-third of the difference between the second preceding year  
 27 and 85 percent, whichever is greater.

28 2. Improve dropout rate.--The statewide goal is to  
 29 achieve a dropout rate in high school of 4 percent or less ~~by~~  
 30 ~~1992~~. The dropout rate will be calculated as defined in s.  
 31 228.041(43)~~232.2468(1)(c)~~. The district and high school

1 annual dropout rate indicator for the high school shall be 6  
2 percent or less and the district average shall be 4 percent or  
3 less for grades 9 through 12.

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

11 4. Increase enrollment in and completion of upper  
12 level science courses.--The statewide goal is to have 20  
13 percent or more of the high school students enrolled in and  
14 completing level 3 science courses, 55 percent or more of the  
15 high school students enrolled in level 2 science courses, and  
16 20 percent or less of the high school students enrolled in  
17 level 1 science courses ~~by 1992~~. Components of the district  
18 and high school annual science enrollment indicator are:

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

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

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

1 shall be 20 percent or less of the grades 9 through 12  
2 students enrolled in level 1 science courses.

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

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

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

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

28 6. Improve utilization of postsecondary feedback  
29 report.--The statewide goal is to reduce annually the high  
30 school's graduates who are enrolled in a degree program and  
31 are referred for remediation in mathematics, reading, and

1 writing in public colleges and universities by 50 percent of  
2 the number for the second preceding year. The district and  
3 high school annual referrals for remediation indicators for  
4 high school shall be a reduction of 40 percent or more and the  
5 district's average reduction shall be 50 percent or more of  
6 the number for the second preceding year.

7 Section 62. Paragraph (b) of subsection (2) of section  
8 236.24, Florida Statutes, is amended to read:

9 236.24 Sources of district school fund.--

10 (2)

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

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

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

1           Section 63. Subsection (7) of section 239.101, Florida  
2 Statutes, is amended to read:

3           239.101 Legislative intent.--

4           (7) The Legislature finds that career education is a  
5 crucial component of the educational programs conducted within  
6 school districts and community colleges. Accordingly, career  
7 education must be represented in accountability processes  
8 undertaken for educational institutions. It is the intent of  
9 the Legislature that the vocational standards articulated in  
10 s. 239.229(2) be considered in the development of  
11 accountability measures for public schools pursuant to ss.  
12 229.591, 229.592, 229.593, 229.594, and 230.23(16)~~(18)~~and for  
13 community colleges pursuant to s. 240.324.

14           Section 64. Subsections (1) and (3) of section  
15 239.229, Florida Statutes, are amended to read:

16           239.229 Vocational standards.--

17           (1) The purpose of career education is to enable  
18 students who complete vocational programs to attain and  
19 sustain employment and realize economic self-sufficiency. The  
20 purpose of this section is to identify issues related to  
21 career education for which school boards and community college  
22 boards of trustees are accountable. It is the intent of the  
23 Legislature that the standards articulated in subsection (2)  
24 be considered in the development of accountability standards  
25 for public schools pursuant to ss. 229.591, 229.592, 229.593,  
26 229.594, and 230.23(16)~~(18)~~and for community colleges  
27 pursuant to s. 240.324.

28           (3) Each area technical center operated by a school  
29 board shall establish a center advisory council pursuant to s.  
30 229.58. The center advisory council shall assist in the  
31 preparation and evaluation of center improvement plans

1 required pursuant to s. 230.23(16)~~(18)~~ and may provide  
2 assistance, upon the request of the center director, in the  
3 preparation of the center's annual budget and plan as required  
4 by s. 229.555(1).

5 Section 65. Subsection (3) of section 397.405, Florida  
6 Statutes, is amended to read:

7 397.405 Exemptions from licensure.--The following are  
8 exempt from the licensing provisions of this chapter:

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

11 Section 66. Subsection (2) of section 402.22, Florida  
12 Statutes, 1996 Supplement, is amended to read:

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

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

22 Section 67. Paragraph (a) of subsection (5) of section  
23 415.5015, Florida Statutes, is amended to read:

24 415.5015 Child abuse prevention training in the  
25 district school system.--

26 (5) PREVENTION TRAINING CENTERS; FUNCTIONS; SELECTION  
27 PROCESS; MONITORING AND EVALUATION.--

28 (a) Each training center shall perform the following  
29 functions:

30 1. Act as a clearinghouse to provide information on  
31 prevention curricula which meet the requirements of this

1 section and the requirements of ss. 231.17, ~~233.011(3)(a)~~,  
2 236.0811, and 415.501.

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

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

9 4. Provide assistance to local school districts,  
10 including, but not limited to, all of the following:  
11 administration, management, program development, multicultural  
12 staffing, and community education, in order to better meet the  
13 requirements of this section and of ss. 231.17, ~~233.011(3)(a)~~,  
14 236.0811, and 415.501.

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

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

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

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

25 Section 68. Subsection (2) of section 450.121, Florida  
26 Statutes, is amended to read:

27 450.121 Enforcement of Child Labor Law.--

28 (2) It is the duty of the division and its agents and  
29 all sheriffs or other law enforcement officers of the state or  
30 of any municipality of the state to enforce the provisions of  
31 this law, to make complaints against persons violating its

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

10 Section 69. Subsection (12) of section 493.6102,  
 11 Florida Statutes, 1996 Supplement, is amended to read:

12 493.6102 Inapplicability of parts I through IV of this  
 13 chapter.--This chapter shall not apply to:

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

17 Section 70. Subsection (2) of section 561.025, Florida  
 18 Statutes, is amended to read:

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



1           (2) Ten percent of the revenues derived from retail  
2 tobacco products dealer permit fees collected under s. 569.003  
3 shall be transferred to the Department of Education to provide  
4 for teacher training and for research and evaluation to reduce  
5 and prevent the use of tobacco products by children, ~~pursuant~~  
6 ~~to s. 233.067(4)~~.

7           Section 71. This act shall take effect July 1, 1997.  
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