

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, and planning and implementation of a
 13 career development and applied technology
 14 program; amending s. 233.07, F.S.; deleting
 15 obsolete language; renumbering s. 234.041,
 16 F.S., relating to school buses; repealing s.
 17 234.0515, F.S., relating to transportation of
 18 students by private transportation companies;
 19 repealing ss. 234.061 and 234.091, F.S.,
 20 relating to designation of routes and school
 21 bus driver qualifications, to conform; amending
 22 and renumbering s. 234.302, F.S., relating to
 23 school crossing guards; amending ss. 24.121,
 24 39.01, 228.053, 228.061, 229.0535, 229.565,
 25 229.58, 229.592, 229.594, 229.8055, 231.085,
 26 231.095, 231.1725, 236.013, 236.081, 236.0811,
 27 236.0812, 236.1228, 239.101, 239.229, 397.405,
 28 402.22, 415.5015, 450.121, 493.6102, and
 29 561.025, F.S.; correcting cross references,
 30 conforming language, and deleting obsolete
 31 language; amending s. 236.24, F.S.; clarifying

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 ~~occasions. However, notwithstanding any of the foregoing, any~~
2 ~~school board may in its discretion operate any or all of the~~
3 ~~district schools on an extended term basis, provided the board~~
4 ~~notifies the Commissioner of Education of its plans for an~~
5 ~~extended school year on or before January 1 preceding the~~
6 ~~extended school term. However, notwithstanding any of the~~
7 ~~foregoing, any school board may, in its discretion, operate~~
8 ~~any of the district schools on a quarterly basis; provided~~
9 ~~that:~~

10 ~~1. All educational requirements required by law are~~
11 ~~complied with.~~

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

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

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

31

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

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

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

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

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

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

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

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

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

31

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

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

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

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

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

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

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

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

1 Division of Administrative Hearings of the Department of
2 Management Services. The decision of the administrative law
3 judge shall be final, except that any party aggrieved by the
4 finding and decision rendered by the administrative law judge
5 shall have the right to bring a civil action in the circuit
6 court. In such an action, the court shall receive the records
7 of the administrative hearing and shall hear additional
8 evidence at the request of either party. In the alternative,
9 any party aggrieved by the finding and decision rendered by
10 the administrative law judge shall have the right to request
11 an impartial review of the administrative law judge's order by
12 the district court of appeal as provided by s. 120.68.

13 Notwithstanding any law to the contrary, during the pendency
14 of any proceeding conducted pursuant to this section, unless
15 the district school board and the parents or guardian
16 otherwise agree, the child shall remain in his or her
17 then-current educational assignment or, if applying for
18 initial admission to a public school, shall be assigned, with
19 the consent of the parents or guardian, in the public school
20 program until all such proceedings have been completed.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

31

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

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

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

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

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

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

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

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

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

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

30 (c) Control of pupils.--
31

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

26 3. Expand existing sites.†

27 4. Rent buildings when necessary.†

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

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

17 6. Provide for the proper supervision of
 18 construction.†

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

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

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

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

1 physical hazards, and provide for the necessary heat, lights,
2 water, power, and other supplies and utilities necessary for
3 the operation of the schools.

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

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

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

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

31

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

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

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

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

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

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

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

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

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

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

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

5 (k) Investment policies.--

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

31

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

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

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

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

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

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

10 Section 6. Section 230.2305, Florida Statutes, 1996
11 Supplement, is amended to read:

12 230.2305 Prekindergarten early intervention program.--

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

1 collocation, mainstreaming, and cooperative funding be used to
2 coordinate the program with Head Start, public and private
3 providers of child care, preschool programs for children with
4 disabilities, programs for migrant children, Chapter I,
5 subsidized child care, adult literacy programs, and other
6 services. It is further the intent of the Legislature that the
7 Commissioner of Education seek the advice of the Secretary of
8 Health and Rehabilitative Services in the development and
9 implementation of the prekindergarten early intervention
10 program and the coordination of services to young children.
11 The purpose of the prekindergarten early intervention program
12 is to assist local communities in implementing programs that
13 will enable all the families and children in the school
14 district to be prepared for the children's success in school.

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

30 (a) At least 75 percent of the children projected to
31 be served by the district program shall be economically

1 disadvantaged 4-year-old children of working parents,
2 including migrant children or children whose parents
3 participate in the WAGES Program. Other children projected to
4 be served by the district program may include any of the
5 following up to a maximum of 25 percent of the total number of
6 children served:

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

12 2. Three-year-old children and four-year-old children
13 who may not be economically disadvantaged but who are eligible
14 students with disabilities and served in a specific part-time
15 or combination of part-time exceptional student education
16 programs with required special services, aids, or equipment
17 and who are reported for funding part-time in the Florida
18 Education Finance Program as exceptional students. These
19 students may be funded from prekindergarten early intervention
20 program funds the portion of the time not funded by the
21 Florida Education Finance Program for the actual instructional
22 time or one full-time equivalent student membership, whichever
23 is the lesser. These part-time students with disabilities
24 shall be counted toward the 25-percent student limit based on
25 full-time equivalent student membership funded part-time by
26 prekindergarten early intervention program funds. Also,
27 3-year-old or 4-year-old eligible students with disabilities
28 who are reported for funding in the Florida Education Finance
29 Program in a full-time or an authorized combination of
30 full-time and part-time exceptional student programs as
31 provided in s. 236.081(1)(c) may be mainstreamed in the

1 prekindergarten early intervention program if such programming
 2 is reflected in the student's individual educational plan; if
 3 required special services, aids, or equipment are provided;
 4 and if there is no operational cost to prekindergarten early
 5 intervention program funds. These full-time exceptional
 6 students shall not count against the 75-percent or 25-percent
 7 student limit as stated in this paragraph.

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

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

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

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

22 (b) An "economically disadvantaged" child shall be
 23 defined as a child eligible to participate in the free lunch
 24 program. Notwithstanding any change in a family's economic
 25 status or in the federal eligibility requirements for free
 26 lunch, a child who meets the eligibility requirements upon
 27 initial registration for the program shall be considered
 28 eligible until the child reaches kindergarten age. In order
 29 to assist the school district in establishing the priority in
 30 which children shall be served, and to increase the efficiency
 31 in the provision of child care services in each district, the

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

15 (3) STANDARDS.--

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

24 (b) The Department of Education and the Department of
25 Health and Rehabilitative Services, in consultation with the
26 Legislature, shall develop a minimum set of performance
27 standards for publicly funded early education and child care
28 programs and a method for measuring the progress of local
29 school districts and central agencies in meeting a desired set
30 of outcomes based on these performance measures. The defined
31 outcomes must be consistent with the state's first education

1 goal, readiness to start school, and must also consider
2 efficiency measures such as the employment of a simplified
3 point of entry to the child care services system, coordinated
4 staff development programs, and other efforts within the state
5 to increase the opportunity for welfare recipients to become
6 self-sufficient. Performance standards shall be developed for
7 all levels of administration of the programs, including
8 individual programs and providers, and must incorporate
9 appropriate expectations for the type of program and the
10 setting in which care is provided.

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

1 ~~and local licensing requirements for child care facilities or~~
2 ~~State Board of Education rules, except that sites shall be~~
3 ~~located to the maximum extent practicable so as to provide~~
4 ~~easy access by parents, especially working parents of~~
5 ~~economically disadvantaged children. When a district uses~~
6 ~~nonschool facilities or nonschool facility staff for the~~
7 ~~provision of services, a contract is required; when a district~~
8 ~~uses nonschool facilities and provides district instructional~~
9 ~~staff, a cooperative agreement is required.~~

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

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

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

22 ~~(c) The projected percentage of children who will~~
23 ~~participate in the program and who are economically~~
24 ~~disadvantaged.~~

25 ~~(d) School districts may The criteria used by the~~
26 ~~district to establish a sliding fee scale for participants who~~
27 ~~are not economically disadvantaged, and a description of the~~
28 ~~sliding scale.~~

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

31

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

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

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

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

28 3. When individual classrooms are staffed by
29 noncertified teachers, there must be a program director or
30 lead teacher who is eligible for certification or certified
31 for the appropriate grade levels pursuant to s. 231.17 and

1 State Board of Education rules in regularly scheduled direct
2 contact with each classroom. Notwithstanding s. 231.15, such
3 classrooms must be staffed by at least one person who has, at
4 a minimum, a child development associate credential (CDA) or
5 an amount of training determined by the commissioner to be
6 equivalent to or to exceed the minimum, such as an associate
7 in science degree in the area of early childhood education.

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

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

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

24 ~~(i) A description of the number and location of all~~
25 ~~program sites and how each site is considered easily~~
26 ~~accessible to the population to be served and to coordinated~~
27 ~~services.~~

28 ~~(j) A description of the arrangements for transporting~~
29 ~~children to and from the program sites and their homes, if~~
30 ~~appropriate.~~

31

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

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

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

26 ~~(n) A description of the developmental and health~~
27 ~~screening and referral services to be provided each child in~~
28 ~~the program and assurances that needed developmental and~~
29 ~~health services will be provided through interagency~~
30 ~~coordination to the extent possible.~~

31

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

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

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

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

31

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

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

13 (4)(7) EVALUATION.--Each school district shall conduct
14 an evaluation of the effectiveness of the prekindergarten
15 early intervention program. This evaluation shall include
16 measures of the following:

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

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

25 ~~(8) MONITORING AND TECHNICAL ASSISTANCE.--Pursuant to~~
26 ~~s. 229.565(5), the Commissioner of Education shall monitor~~
27 ~~each district prekindergarten early intervention program at~~
28 ~~least annually to determine compliance with the district plan~~
29 ~~and the provisions of this section. If a program is not~~
30 ~~brought into compliance within 3 months after the~~
31 ~~commissioner's evaluation citing specific deficiencies, the~~

1 ~~commissioner must withhold such funds as have been allocated~~
2 ~~to the school board for its prekindergarten early intervention~~
3 ~~program and which have not yet been released. The department~~
4 ~~shall develop manuals and guidelines for the development of~~
5 ~~district plans and shall provide ongoing technical assistance~~
6 ~~to ensure that each district program maintains high standards~~
7 ~~of quality and effectiveness.~~

8 (5)(9) ANNUAL REPORT.--Each prekindergarten early
9 intervention program under this section shall, ~~through the~~
10 ~~district interagency coordinating council on early childhood~~
11 ~~services,~~ submit an annual report of its program to the
12 district interagency coordinating council on early childhood
13 services ~~Commissioner of Education~~. The report must describe
14 the overall program operations; activities of the district
15 interagency coordinating council on early childhood services;
16 expenditures; the number of students served; ratio of staff to
17 children; staff qualifications; evaluation findings, including
18 identification of program components that were most
19 successful; and other information required by the council
20 ~~Commissioner of Education~~ or the state advisory council.

21 (6)(10) FUNDING.--

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

31

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

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

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

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

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

5
6 The calculation of each district's allocation factor is to be
7 based upon the official estimate of the total number of
8 3-year-old and 4-year-old children by school district and the
9 official record of the Department of Education for K-12
10 student total free lunches served by school district for the
11 prior fiscal year.

12 (7)~~(11)~~ DISTRICT INTERAGENCY COORDINATING COUNCILS.--

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

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

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

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

30 3. One member who is a member of a district school
31 board, appointed by the school board.

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

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

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

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

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

31

1 (c) Each district interagency coordinating council
2 shall:

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

9 2. Coordinate the delivery of educational, social,
10 medical, child care, and other services.

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

14 Section 8. Section 230.2316, Florida Statutes, 1996
15 Supplement, is amended to read:

16 230.2316 Dropout prevention.--

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

29 2.b. The student has not been successful in school as
30 determined by retentions, failing grades, or low achievement
31

1 test scores and has needs and interests that cannot be met
2 through traditional programs.†

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

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

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

17 ~~(b) Substance abuse programs.--~~

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

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

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

1 ~~5.1.~~ 5.1. The student has a history of disruptive behavior
2 in school or has committed an offense that warrants
3 out-of-school suspension or expulsion from school according to
4 the district code of student conduct. For the purposes of this
5 program, "disruptive behavior" is behavior that:

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

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

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

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

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

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

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

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

30 ~~6. In-school suspension programs shall be funded at~~
31 ~~the dropout prevention program weight pursuant to s.~~

1 ~~236.081(1)(c) if the school district program provides the~~
2 ~~following in addition to the academic component:~~

3 ~~a. Individual and group counseling as a daily~~
4 ~~activity.~~

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

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

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

15 ~~(d) Educational services in Department of Health and~~
16 ~~Rehabilitative Services programs.==~~

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

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

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

31

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

10 ~~5. Participation in the program by students of~~
11 ~~compulsory school attendance age as provided for in s. 232.01~~
12 ~~shall be mandatory.~~

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

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

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

1 educational services to violent, severely disruptive, or
2 delinquent students in small nontraditional settings or in
3 court-adjudicated settings.

4 ~~(e) Second chance schools.--~~

5 2.1. A student enrolled in a sixth, seventh, eighth,
6 ninth, or tenth grade class may be assigned to a second chance
7 school if the student meets the following criteria:

8 a. The student is a habitual truant as defined in s.
9 228.041(28).

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

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

16 d. The student has been identified as at risk of
17 dropping out of school.

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

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

27 a. The student habitually exhibits disruptive behavior
28 in violation of the code of student conduct adopted by the
29 school board.

30 b. The student interferes with the student's own
31 learning or the educational process of others and requires

1 attention and assistance beyond that which the traditional
2 program can provide, or, while the student is under the
3 jurisdiction of the school either in or out of the classroom,
4 frequent conflicts of a disruptive nature occur.

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

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

11 (II) Includes violence;

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

13 (IV) Is harassment or verbal abuse of school personnel
14 or other students.

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

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

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

30
31

1 8.7. Second chance schools shall be funded at the
2 dropout prevention program weight pursuant to s. 236.081 and
3 may receive school safety funds or other funds as appropriate.

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

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

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

20 ~~(c) For each program to be provided by the district~~
21 ~~pursuant to subsection (4), the following information shall be~~
22 ~~provided in the program plan:~~

23 ~~1. Student eligibility criteria.~~

24 ~~2. Student admission procedures.~~

25 ~~3. Operating procedures.~~

26 ~~4. Program goals and outcome objectives. Measurable~~
27 ~~outcome objectives shall provide a framework for the~~
28 ~~evaluation of each dropout prevention program, which shall~~
29 ~~specify, at a minimum, the outcome to be produced, the time~~
30 ~~period during which the outcome will be produced, and to what~~
31 ~~degree the outcome will be produced.~~

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

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

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

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

10 ~~(e) The Department of Education shall provide~~
11 ~~technical assistance upon request of the school or school~~
12 ~~district.~~

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

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

28 (5)(6) EVALUATION.--~~The Department of Education shall~~
29 ~~establish a set of minimum objective criteria for each program~~
30 ~~type under this section. In establishing the criteria, the~~
31 ~~department shall solicit school district input.~~Each school

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

23 (7) STAFF DEVELOPMENT.--

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

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

18 (6)~~(8)~~ RECORDS.--Each district providing a program for
19 dropout prevention pursuant to the provisions of this section
20 shall maintain for each participating student for whom funding
21 is generated through the Florida Education Finance Program
22 records documenting the student's eligibility, the length of
23 participation, the type of program to which the student was
24 assigned, and an evaluation of the student's academic and
25 behavioral performance while in the program. The parents or
26 guardians of a student assigned to such a dropout prevention
27 program shall be notified in writing and entitled to an
28 administrative review of any action by school personnel
29 relating to such placement pursuant to the provisions of
30 chapter 120. ~~However, for educational alternatives of choice,~~
31 ~~which are voluntary and for which a student's parent or~~

1 ~~guardian has requested participation, such notification of~~
2 ~~administrative review shall not be required.~~

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

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

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

28 230.23161 Educational services in Department of
29 Juvenile Justice programs.--

30 (15) Department of Juvenile Justice detention and
31 commitment programs may be designated as second chance schools

1 pursuant to s. 230.2316(3)(d)~~(e)~~. Admission to such programs
2 shall be governed by part II of chapter 39.

3 Section 10. Section 230.2317, Florida Statutes, is
4 amended to read:

5 230.2317 Educational multiagency services for students
6 with severe emotional disturbance ~~severely emotionally~~
7 ~~disturbed students~~.--

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

29 (b) The program goals for each component of the
30 network are to enable ~~severely emotionally disturbed~~ students
31 with severe emotional disturbance to learn appropriate

1 behaviors, reduce dependency, and fully participate in all
 2 aspects of school and community living; to develop individual
 3 programs for ~~severely emotionally disturbed~~ students with
 4 severe emotional disturbance, which programs include necessary
 5 educational, residential, and mental health treatment
 6 services; to provide programs and services as close as
 7 possible to the child's home in the least restrictive manner
 8 consistent with the child's needs; and to integrate a wide
 9 range of services which are necessary to support ~~severely~~
 10 ~~emotionally disturbed~~ students with severe emotional
 11 disturbance and their families.

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

25 (b) ~~The terms of the present members shall be extended~~
 26 ~~as follows: positions 8, 10, 11, 16, and 20 shall be extended~~
 27 ~~through June 30, 1995; positions 3, 9, 15, 18, and 19 shall be~~
 28 ~~extended through June 30, 1996; positions 2, 5, 7, 13, and 17~~
 29 ~~shall be extended through June 30, 1997; and positions 1, 4,~~
 30 ~~6, 12, and 14 shall be extended through June 30, 1998.~~
 31 ~~Following expiration of the extended terms, the Commissioner~~

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

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

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

27 (4) State departments and agencies are ~~The Department~~
28 ~~of Health and Rehabilitative Services is~~ authorized to use
29 appropriate community mental health service funds for the
30 ~~pilot multiagency network components for severely emotionally~~
31 ~~disturbed students with severe emotional disturbance. The~~

1 ~~mental health treatment services and residential services~~
2 ~~shall be provided in a manner that is consistent with chapter~~
3 ~~394 and s. 402.22.~~

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

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

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

18 Section 11. Section 230.2318, Florida Statutes, 1996
19 Supplement, is amended to read:

20 230.2318 School resource officer program.--

21 (1) SCHOOL RESOURCE OFFICER PROGRAM.--School boards
22 may establish school resource officer programs, through a
23 cooperative agreement with law enforcement agencies or in
24 accordance with s. 230.23175.~~There is hereby created a~~
25 ~~statewide school resource officer program. It is the intent~~
26 ~~of the Legislature in establishing this program that the state~~
27 ~~provide assistance to local school boards in the form of~~
28 ~~matching grants for the establishment, continuation, or~~
29 ~~expansion of cooperative programs with law enforcement and~~
30 ~~community agencies for the following purposes:~~

1 ~~(a) To perform law enforcement functions within the~~
2 ~~school setting.~~

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

5 ~~(c) To foster a better understanding of the law~~
6 ~~enforcement function.~~

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

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

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

12 ~~(g) To provide assistance and support for crime~~
13 ~~victims identified within the school setting, including abused~~
14 ~~children.~~

15 ~~(h) To promote positive relations between students and~~
16 ~~law enforcement officers.~~

17 ~~(i) To enhance knowledge of the fundamental concepts~~
18 ~~and structure of law.~~

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

21 ~~(a) Each school district desiring to establish a local~~
22 ~~school resource officer program, in conjunction with one or~~
23 ~~more law enforcement and community agencies, shall submit a~~
24 ~~proposed school resource officer program plan to the~~
25 ~~Commissioner of Education for review. Two or more districts~~
26 ~~may submit a joint plan to maximize benefits as desirable.~~
27 ~~Each plan shall contain a detailed description of the proposed~~
28 ~~local school resource officer program, including, but not~~
29 ~~limited to, the following:~~

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

4 ~~2. Program objectives and guidelines.~~

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

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

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

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

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

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

27 ~~(d) The State Board of Education shall have the~~
28 ~~authority to promulgate rules to implement the statewide~~
29 ~~school resource officer program as established in this~~
30 ~~section.~~

31

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

4 (2)~~(3)~~ SCHOOL RESOURCE OFFICER CERTIFICATION; DUTIES
5 AND RESPONSIBILITIES.--

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

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

21 (3)~~(4)~~ APPLICATION FOR FEDERAL FUNDS.--The Department
22 of Education is authorized to apply for funds from, and to
23 submit all necessary forms to, any federal agency which may
24 provide assistance to programs similar to the school resource
25 officer program.

26 Section 12. Paragraph (b) of subsection (5) of section
27 230.303, Florida Statutes, is amended to read:

28 230.303 Superintendent of schools.--

29 (5)

30 (b) In order to qualify for the special qualification
31 salary provided by paragraph (a), the superintendent must

1 complete the requirements established by the Department of
2 Education within 6 years after first taking office, ~~except~~
3 ~~that those superintendents holding office on July 1, 1980,~~
4 ~~shall have until July 1, 1986, to complete such requirements.~~

5 Section 13. Section 230.33, Florida Statutes, 1996
6 Supplement, is amended to read:

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

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

29 (2) REGULAR AND SPECIAL MEETINGS OF THE BOARD.--Attend
30 all regular meetings of the school board, call special
31

1 meetings when emergencies arise, and advise, but not vote, on
2 questions under consideration.

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

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

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

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

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

28 (6) ESTABLISHMENT, ORGANIZATION, AND OPERATION OF
29 SCHOOLS, CLASSES, AND SERVICES.--Recommend the establishment,
30 organization, and operation of such schools, classes, and
31

1 services as are needed to provide adequate educational
2 opportunities for all children in the district. including:
3 (a) ~~Schools and attendance areas.--Recommend the~~
4 ~~location of schools needed to accommodate the pupils of the~~
5 ~~district and the area from which children should attend each~~
6 ~~school.~~
7 (b) ~~Recommend adequate facilities for all~~
8 ~~children.--Recommend plans and procedures necessary to provide~~
9 ~~adequate educational facilities for all children of the~~
10 ~~district.~~
11 (c) ~~Elimination of school centers and consolidation of~~
12 ~~schools.--Determine when the needs of pupils can better be~~
13 ~~served by eliminating school centers and by consolidating~~
14 ~~schools; recommend to the school board plans for the~~
15 ~~elimination of such school centers as should be eliminated and~~
16 ~~for the consolidation of such schools as should be~~
17 ~~consolidated.~~
18 (d) ~~Cooperation with other districts in maintaining~~
19 ~~schools.--Recommend plans and procedures for cooperating with~~
20 ~~school boards of adjoining districts, in this state or in~~
21 ~~bordering states, in establishing school attendance areas~~
22 ~~composed of territory lying within the districts and for the~~
23 ~~joint maintenance of district line or other schools which~~
24 ~~should serve such attendance areas, and carry out such plans~~
25 ~~and administer such schools for which his or her district is~~
26 ~~to be responsible under any agreement which is effected.~~
27 (e) ~~Classification and standardization of~~
28 ~~schools.--Recommend plans and regulations for determining~~
29 ~~those school centers at which work should be restricted to the~~
30 ~~elementary grades, school centers at which work should be~~
31 ~~offered only in the high school grades, and school centers at~~

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

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

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

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

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

1 ~~agencies, in this state or in bordering states, in special~~
2 ~~projects or activities which can be more economically or~~
3 ~~advantageously provided by such cooperation.~~

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

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

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

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

30 (b) Compensation and salary schedules.--Prepare and
31 recommend to the school board for adoption a salary schedule

1 or salary schedules ~~to be used as the basis for paying school~~
2 ~~employees, arranging such schedules, insofar as practicable,~~
3 ~~so as to furnish incentive for improvement in training and for~~
4 ~~continued and efficient service.~~

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

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

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

27 (f) Direct work of employees and supervise
28 instruction.--Direct or arrange for the proper direction and
29 improvement, under regulations of the school board, of the
30 work of all members of the instructional staff and other
31 employees of the district school system and supervise or

1 arrange under rules of the school board for the supervision of
2 instruction in the district and take such steps as are
3 necessary to bring about continuous improvement.

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

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

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

19 ~~(c) Control of pupils.--Propose rules and regulations~~
20 ~~for the control, discipline, in-school suspension, suspension,~~
21 ~~and expulsion of pupils and review and modify recommendations~~
22 ~~for suspension and expulsion of pupils and transmit to the~~
23 ~~school board for action recommendations for expulsion of~~
24 ~~pupils.~~When the superintendent makes a recommendation for
25 expulsion to the school board, he or she shall give written
26 notice to the pupil and the pupil's parent or guardian of the
27 recommendation, setting forth the charges against the pupil
28 and advising the pupil and his or her parent or guardian of
29 the pupil's right to due process as prescribed by ss. 120.569
30 and 120.57(2). When school board action on a recommendation
31 for the expulsion of a pupil is pending, the superintendent

1 may extend the suspension assigned by the principal beyond 10
2 school days if such suspension period expires before the next
3 regular or special meeting of the school board.

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

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

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

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

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

1 ~~library media services program shall be designed to ensure~~
2 ~~effective use of available resources and to avoid unnecessary~~
3 ~~duplication and shall include, but not be limited to, basic~~
4 ~~skills development, instructional design, media collection~~
5 ~~development, media program management, media production, staff~~
6 ~~development, and consultation and information services.~~

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

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

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

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

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

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

30 ~~(e) Condemnation of buildings.--Inspect periodically~~
31 ~~all school buildings and surroundings to determine whether~~

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

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

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

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

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

1 election the school district tax levies necessary to carry on
2 the school program.

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

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

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

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

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

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

31

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

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

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

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

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

30 (13) RECORDS AND REPORTS.--Recommend such records as
31 should be kept in addition to those prescribed by rules of the

1 state board or by the department; prepare forms for keeping
2 such records as are approved by the school board; see that
3 such records are properly kept; and make all reports that are
4 needed or required, as follows:

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

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

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

31 (14) COOPERATION WITH OTHER AGENCIES.--

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

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

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

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

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

28 (17) VISITATION OF SCHOOLS.--Visit the schools;
29 observe the management and instruction; give suggestions for
30 improvement; and advise with supervisors, principals,
31 teachers, patrons, and other citizens with the view of

1 promoting interest in education and improving the school
2 conditions of the district.

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

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

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

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

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

30 (23) SCHOOL IMPROVEMENT AND ACCOUNTABILITY.--Recommend
31 procedures for implementing and maintaining a system of school

1 improvement and education accountability as provided by
2 statute and State Board of Education rule.

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

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

8 230.331 Reproduction and destruction of district
9 school records.--

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

27 Section 15. Section 230.35, Florida Statutes, is
28 amended to read:

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

1 the direction and control of the school board with the
2 superintendent as executive officer.

3 Section 16. Sections 230.59 and 230.655, Florida
4 Statutes, and section 230.71, Florida Statutes, as amended by
5 chapters 95-147 and 95-376, Laws of Florida, are hereby
6 repealed.

7 Section 17. Paragraph (a) of subsection (1) of section
8 232.01, Florida Statutes, is amended to read:

9 232.01 ~~Regular School attendance required between ages~~
10 ~~of 6 and 16; permitted at age of 5; exceptions.--~~

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

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

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

26 Section 18. Section 232.021, Florida Statutes, is
27 amended to read:

28 232.021 Attendance records and reports required.--All
29 officials, teachers, and other employees in public, parochial,
30 denominational, and private schools, including private tutors,
31 shall keep all records and shall prepare and submit promptly

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

14 Section 19. Section 232.0225, Florida Statutes, is
15 amended to read:

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

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

23 Section 20. Section 232.023, Florida Statutes, as
24 amended by chapter 95-147, Laws of Florida, is hereby
25 repealed.

26 Section 21. Section 232.03, Florida Statutes, is
27 amended to read:

28 232.03 Evidence of date of birth required.--Before
29 admitting a child to prekindergarten or kindergarten, the
30 principal shall require evidence that the child has attained
31 the age at which he or she should be admitted in accordance

1 with the provisions of s. 232.01, ~~s. 232.04, or s. 232.045.~~

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

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

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

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

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

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

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

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

1 Section 22. Subsection (2) of section 232.032, Florida
2 Statutes, as created by chapter 94-320, Laws of Florida,
3 section 232.034, Florida Statutes, as amended by chapter
4 95-147, Laws of Florida, and sections 232.04 and 232.045,
5 Florida Statutes, are hereby repealed.

6 Section 23. Section 232.06, Florida Statutes, is
7 amended to read:

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

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

1 ~~and services as determined by the Department of Education~~
2 ~~under regulations prescribed by the state board. Any child so~~
3 ~~exempt from educational provisions shall immediately be~~
4 ~~reported to the department.~~

5 ~~(2) EMPLOYMENT EXEMPTION.--Children who have reached~~
6 ~~14 years of age who hold employment certificates and are~~
7 ~~employed under provisions of the Child Labor Law.~~

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

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

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

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

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

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

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

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

1 ~~district, until a Florida Subsidized Child Care Program~~
2 ~~enrollment is available, or until the end of the school year,~~
3 ~~whichever occurs sooner.~~

4 Section 24. Section 232.09, Florida Statutes, is
5 amended to read:

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

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

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

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

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

1 statement of a licensed practicing physician, or was
2 impracticable because of some other stated insurmountable
3 condition as defined by rules ~~regulations~~ of the state board.

4 Section 25. Sections 232.10, 232.13, and 232.165,
5 Florida Statutes, are hereby repealed.

6 Section 26. Section 232.17, Florida Statutes, 1996
7 Supplement, is amended to read:

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

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

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

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

29 (1)(b) INVESTIGATE NONENROLLMENT AND UNEXCUSED
30 ABSENCES.--In accordance with procedure established by the
31 state board, a designated school representative attendance

1 ~~assistants~~ shall investigate cases of nonenrollment and
2 unexcused absences from school of all children within the
3 compulsory school age.

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

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

1 teacher in charge of the school, or to the private tutor from
2 whom absent.

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

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

29 (5)(g) RIGHT TO INSPECT.--A designated school
30 representative ~~The attendance assistant~~ shall have the same
31 right of access to, and inspection of, establishments where

1 minors may be employed or detained as is given by law to the
 2 Division of Jobs and Benefits only for the purpose of
 3 ascertaining whether children of compulsory school age are
 4 actually employed there and are actually working there
 5 regularly. The school representative ~~attendance assistant~~
 6 shall, if he or she finds unsatisfactory working conditions or
 7 violations of the Child Labor Law, report his or her findings
 8 to the Division of Jobs and Benefits or its agents.

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

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

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

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

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

11 (a) The child must have 15 unexcused absences within
12 90 days with or without the knowledge or consent of the
13 child's parent or legal guardian and must not be exempt from
14 attendance by virtue of being over the age of compulsory
15 school attendance or by meeting the criteria in s. 232.06, s.
16 232.09, or any other exemption specified by law or the rules
17 of the State Board of Education.

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

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

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

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

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

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

1 case management, the role and responsibility of the case
2 staffing committee, student and parental intervention and
3 involvement, and community action plans. The interagency
4 agreement shall delineate timeframes for implementation and
5 identify a mechanism for reporting results by the district
6 juvenile justice manager or the district manager's designee
7 and the superintendent of schools or the superintendent's
8 designee to the Department of Juvenile Justice and the
9 Department of Education and other governmental entities as
10 needed. The cooperative agreement may designate which agency
11 shall be responsible for the intervention steps in s.
12 39.01(73), or this section, if such designation shall yield
13 more effective and efficient intervention services.

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

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

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

1 attends or should attend, or of the tutor who instructs or
 2 should instruct him or her, is prima facie evidence of a
 3 violation of this chapter; however, the court of the
 4 appropriate jurisdiction, upon finding that the parent has
 5 made a bona fide and diligent effort to control and keep the
 6 child in school, shall excuse the parent from any criminal
 7 liability prescribed herein and shall refer the parent and
 8 child for counseling, guidance, or other needed services.

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

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

19 Section 28. Subsections (2) and (3) of section
 20 232.245, Florida Statutes, and section 232.2452, Florida
 21 Statutes, as amended by chapter 95-147, Laws of Florida, are
 22 hereby repealed.

23 Section 29. Section 232.2461, Florida Statutes, is
 24 hereby repealed.

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

27 232.2462 ~~Attendance requirement for receipt of high~~
 28 ~~school credit.~~Definition of "credit".--

29 (1)(a) For the purposes of requirements for high
 30 school graduation, one full credit means a minimum of 150
 31 hours of bona fide instruction in a designated course of study

1 which contains student performance standards as provided for
2 in s. 232.2454. Six semester credit hours of instruction
3 earned through enrollment pursuant to s. 240.116 shall also
4 equal one full credit.

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

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

30 (2)~~(3)~~ In awarding credit for high school graduation,
31 each school district shall maintain a one-half credit earned

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

17 Section 31. Subsections (2) and (3) of section
18 232.2468, Florida Statutes, as amended by chapters 96-221 and
19 96-406, Laws of Florida, are hereby repealed, and subsection
20 (1) of said section is renumbered as subsections (41), (42),
21 and (43) of section 228.041, Florida Statutes, 1996
22 Supplement, and amended to read:

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

26 ~~(1) DEFINITION.--~~

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

1 who receive a special certificate of completion, as provided
 2 in s. 232.247, and students 19 years of age or younger who
 3 receive a general equivalency diploma, as provided in s.
 4 229.814. The number of 9th grade students used in the
 5 calculation of a graduation rate for this state shall be
 6 students enrolling in the grade for the first time.

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

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

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

22 Section 32. Section 232.257, Florida Statutes, as
 23 amended by chapters 95-147 and 95-376, Laws of Florida, and
 24 section 232.258, Florida Statutes, as created by chapter
 25 94-209, Laws of Florida, are hereby repealed.

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

28 232.271 Removal by teacher.--

29 (3) If a teacher removes a student from class under
 30 subsection (2), the principal may place the student in another
 31 appropriate classroom, in in-school suspension, or in a

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

13 Section 34. Sections 232.276, 232.3015, and 232.303,
14 Florida Statutes, and section 232.304, Florida Statutes, as
15 amended by chapter 95-147, Laws of Florida, are hereby
16 repealed.

17 Section 35. Section 233.011, Florida Statutes, as
18 amended by chapter 95-147, Laws of Florida, is hereby
19 repealed.

20 Section 36. Section 233.061, Florida Statutes, is
21 amended to read:

22 233.061 Required instruction.--

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

30 (2)~~(1)~~ Members of the instructional staff of the
31 public schools, subject to the rules and regulations of the

1 state board and of the school board, shall teach efficiently
2 and faithfully, using the books and materials required,
3 following the prescribed courses of study, and employing
4 approved methods of instruction, the following:

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

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

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

12 (d) Flag education, including proper flag display and
13 flag salute. †

14 (e) The elements of civil government. †

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

25 (g) The history of African-Americans, including the
26 history of African peoples before the political conflicts that
27 led to the development of slavery, the passage to America, the
28 enslavement experience, abolition, and the contributions of
29 African-Americans to society. †

30 (h) The elementary principles of agriculture. †

31

1 (i) The true effects of all alcoholic and intoxicating
2 liquors and beverages and narcotics upon the human body and
3 mind.~~†~~

4 (j) Kindness to animals.~~†~~

5 (k) The history of the state.~~†~~

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

7 (m) Comprehensive health education that addresses
8 concepts of community health; consumer health; environmental
9 health; family life, including an awareness of the benefits of
10 sexual abstinence as the expected standard and the
11 consequences of teenage pregnancy; mental and emotional
12 health; injury prevention and safety; nutrition; personal
13 health; prevention and control of disease; and substance use
14 and abuse.

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

19 ~~(2) State and district school officials shall furnish~~
20 ~~and put into execution a system and method of teaching the~~
21 ~~true effects of alcohol and narcotics on the human body and~~
22 ~~mind, provide the necessary textbooks, literature, equipment,~~
23 ~~and directions, see that such subjects are efficiently taught~~
24 ~~by means of pictures, charts, oral instruction, and lectures~~
25 ~~and other approved methods, and require such reports as are~~
26 ~~deemed necessary to show the work which is being covered and~~
27 ~~the results being accomplished.~~

28 (3) Any child whose parent presents to the school
29 principal a signed statement that the teaching of disease, its
30 symptoms, development, and treatment, and the viewing of
31 pictures or motion pictures that teach about disease, conflict

1 with the religious teachings of the child's religious
2 affiliation, is exempt from such instruction; and a child so
3 exempted may not be penalized by reason of that exemption.

4 Section 37. Section 233.0612, Florida Statutes, is
5 created to read:

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

10 (1) Character development and law education.

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

12 (3) Traffic education.

13 (4) Free enterprise and consumer education.

14 (5) Programs to encourage patriotism and greater
15 respect for country.

16 (6) Drug abuse resistance education.

17 (7) Comprehensive health education.

18 (8) Care of nursing home patients.

19 (9) Instruction in acquired immune deficiency
20 syndrome.

21 (10) Voting instruction including the use of county
22 voting machines.

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

24 Section 38. Section 233.0615, Florida Statutes, as
25 amended by chapter 94-209, Laws of Florida, section 233.06411,
26 Florida Statutes, as created by chapter 95-180, Laws of
27 Florida, sections 233.0645, 233.065, 233.0661, and 233.0662,
28 Florida Statutes, subsections (2), (3), (4), (5), (6), and (7)
29 of section 233.0663, Florida Statutes, as amended by chapter
30 95-147, Laws of Florida, section 233.067, Florida Statutes, as
31 amended by chapters 94-232, 95-147, and 96-307, Laws of

1 Florida, section 233.0671, and subsections (3) and (4) of
2 section 233.068, Florida Statutes, are hereby repealed.

3 Section 39. Paragraph (a) of subsection (2) of section
4 233.07, Florida Statutes, is amended to read:

5 233.07 State instructional materials committees.--

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

22 Section 40. Section 234.041, Florida Statutes, is
23 renumbered as section 316.72, Florida Statutes.

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

27 Section 42. Section 234.302, Florida Statutes, is
28 renumbered as section 316.75, Florida Statutes, and amended to
29 read:

30 316.75 ~~234.302~~ School crossing guards.--The Department
31 of Transportation shall adopt uniform guidelines for the

1 training of school crossing guards. Each local governmental
2 entity administering a school crossing guard program shall
3 provide a training program for school crossing guards
4 according to the uniform guidelines ~~for the training of school~~
5 ~~crossing guards adopted by the Department of Transportation.~~

6 Successful completion of the ~~such~~ training program shall be
7 required of each school guard except:

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

10 (2) A person who receives less than \$5,000 in annual
11 compensation in a county with a population of less than
12 75,000. ~~† and~~

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

14
15 School crossing guard training programs may be made available
16 to nonpublic schools upon contract.

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

20 24.121 Allocation of revenues and expenditure of funds
21 for public education.--

22 (5)

23 (c) A portion of such net revenues, as determined
24 annually by the Legislature, shall be distributed to each
25 school district and shall be made available to each public
26 school in the district for enhancing school performance
27 through development and implementation of a school improvement
28 plan pursuant to s. 230.23(16)(18).

29 (d) Beginning July 1, 1993, no funds shall be released
30 for any purpose from the Educational Enhancement Trust Fund to
31 any school district in which one or more schools do not have

1 an approved school improvement plan pursuant to s.
2 230.23(16)~~(18)~~.

3 Section 44. Paragraph (b) of subsection (73) of
4 section 39.01, Florida Statutes, 1996 Supplement, are amended
5 to read:

6 39.01 Definitions.--When used in this chapter:

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

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

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

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

31

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

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

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

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

1 228.053 Developmental research schools.--

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

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

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

31

1 (a) Two advisory bodies.--Each developmental research
2 school may:

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

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

30 a. Meet at least quarterly.

31

1 b. Monitor the operations of the school and the
2 distribution of moneys allocated for such operations.

3 c. Establish necessary policy, program, and
4 administration modifications.

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

8 e. Annually review evaluations of the school's
9 operation and research findings.

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

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

27 (a) The methods and requirements of the following
28 statutes shall be held in abeyance: ss. 230.01; 230.02;
29 230.03; 230.04; 230.05; 230.061; 230.08; 230.10; 230.105;
30 230.11; 230.12; 230.15; 230.16; 230.17; 230.173; 230.18;
31 230.19; 230.201; 230.202; 230.21; 230.22; 230.2215; 230.2318;

1 230.232; 230.24; 230.241; 230.26; 230.28; 230.30; 230.303;
 2 230.31; 230.32; 230.321; 230.33; 230.35; 230.39; ~~230.59~~
 3 230.63; 230.64; 230.643; ~~230.655~~+234.01; 234.021; ~~234.0515~~
 4 ~~234.061~~+234.112; 316.75 ~~234.302~~; 236.25; 236.261; 236.29;
 5 236.31; 236.32; 236.35; 236.36; 236.37; 236.38; 236.39;
 6 236.40; 236.41; 236.42; 236.43; 236.44; 236.45; 236.46;
 7 236.47; 236.48; 236.49; 236.50; 236.51; 236.52; 236.55;
 8 236.56; 237.051; 237.071; 237.091; 237.201; and 237.40. With
 9 the exception of subsection (16)~~(18)~~ of s. 230.23, s. 230.23
 10 shall be held in abeyance. Reference to school boards in s.
 11 230.23(16)~~(18)~~ shall mean the president of the university or
 12 the president's designee.

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

28 1. Two or more developmental research schools may
 29 jointly originate a request for waiver and submit the request
 30 to the committee if such waiver is approved by the school
 31

1 advisory council of each developmental research school
2 desiring the waiver.

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

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

31

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

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

18 Section 46. Subsections (1), (2), and (3) of section
 19 228.061, Florida Statutes, are amended to read:

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

27 (1) PRESCHOOL PROGRAMS.--Preschool programs shall
 28 comprise classes for children who have attained the ages
 29 prescribed by s. 232.01 ~~232.045~~ and may be established at the
 30 discretion of the school board. Such programs or classes
 31 shall be supported and maintained from district taxes, from

1 such funds supplemented by tuition charges, or from funds from
2 federal or other lawful sources, exclusive of state sources;
3 however, state funds may be used to support prekindergarten
4 early intervention programs pursuant to s. 230.2305.

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

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

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

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

30 (4) The State Board of Education is authorized to
31 require the Department of Education or Comptroller to withhold

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

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

13 229.565 Educational evaluation procedures.--

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

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

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

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

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

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

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

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

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

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

31

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

3 229.58 District and school advisory councils.--

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

13 Section 50. Subsections (1) and (6), paragraphs (b)
14 and (e) of subsection (3), and paragraph (c) of subsection (4)
15 of section 229.592, Florida Statutes, 1996 Supplement, are
16 amended to read:

17 229.592 Implementation of state system of school
18 improvement and education accountability.--

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

1 229.594 and 230.23(16)~~(18)~~, respectively. In addition, the
2 following initial steps in program development shall be
3 undertaken beginning June 1, 1991, and shall continue during
4 the 1991-1992 school fiscal year:

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

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

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

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

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

31

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

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

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

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

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

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

23 3. Student completion and placement rates.

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

28 5. Other such needs assessment indicators as may be
29 determined by the center.
30
31

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

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

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

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

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

30 (e) As co-chair of the Florida Commission on Education
31 Reform and Accountability, the commissioner shall appear

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

18 (4) DEPARTMENT.--

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

30 (6) EXCEPTIONS TO LAW.--To facilitate innovative
31 practices and to allow local selection of educational methods

1 during the time period required for careful deliberation by
 2 the Legislature and the Florida Commission on Education Reform
 3 and Accountability, the following time-limited exceptions
 4 shall be permitted:

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

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

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

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

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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