

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; correcting a cross  
5           reference; repealing s. 230.105(9), F.S.,  
6           relating to ballot proposition wording for  
7           single-member representation for district  
8           school boards; amending s. 230.22, F.S.;  
9           revising provisions relating to general powers  
10          of school boards; amending s. 230.23, F.S.;  
11          revising provisions relating to powers and  
12          duties of school boards; amending s. 230.2301,  
13          F.S.; revising provisions relating to parent  
14          meetings with school district personnel;  
15          amending s. 230.2305, F.S.; revising provisions  
16          relating to the prekindergarten early  
17          intervention program; repealing s. 230.23135,  
18          F.S., relating to the Florida Council on  
19          Student Services; amending s. 230.2316, F.S.;  
20          revising provisions relating to dropout  
21          prevention; deleting definitions, certain  
22          program criteria, and provisions requiring  
23          program plans and staff development; amending  
24          s. 230.23161, F.S.; correcting a cross  
25          reference; amending s. 230.2317, F.S.; revising  
26          provisions relating to multiagency services for  
27          students with severe emotional disturbance;  
28          amending s. 230.2318, F.S.; authorizing school  
29          resource officer programs; deleting program  
30          purposes and plan requirements; amending s.  
31          230.303, F.S.; deleting obsolete language;

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

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

1 233.0661, 233.0662, 233.0663(2), (3), (4), (5),  
 2 (6), and (7), 233.067, 233.0671, and 233.068(3)  
 3 and (4), F.S., relating to a character  
 4 development and law education program, a free  
 5 enterprise and consumer education program,  
 6 voting instruction, patriotic programs, certain  
 7 requirements of the drug abuse and resistance  
 8 education program, comprehensive health  
 9 education and substance abuse prevention,  
 10 courses of study in the care of nursing home  
 11 patients, and planning and implementation of a  
 12 career development and applied technology  
 13 program; amending s. 233.07, F.S.; deleting  
 14 obsolete language; renumbering s. 234.041,  
 15 F.S., relating to school buses; repealing s.  
 16 234.0515, F.S., relating to transportation of  
 17 students by private transportation companies;  
 18 repealing ss. 234.061 and 234.091, F.S.,  
 19 relating to designation of routes and school  
 20 bus driver qualifications, to conform; amending  
 21 and renumbering s. 234.302, F.S., relating to  
 22 school crossing guards; amending ss. 24.121,  
 23 39.01, 228.053, 228.061, 229.0535, 229.565,  
 24 229.58, 229.592, 229.594, 229.8055, 231.085,  
 25 231.095, 231.1725, 236.013, 236.081, 236.0811,  
 26 236.0812, 236.1228, 239.101, 239.229, 397.405,  
 27 402.22, 415.5015, 450.121, 493.6102, and  
 28 561.025, F.S.; correcting cross references,  
 29 conforming language, and deleting obsolete  
 30 language; amending s. 236.24, F.S.; clarifying  
 31 language relating to school board securities

1 transactions; repealing s. 236.0842, F.S.,  
 2 relating to approval for dropout prevention  
 3 programs, to conform; transferring certain  
 4 functions from the State Board of Education to  
 5 the Commissioner of Education; amending s.  
 6 11.42, F.S., relating to the Auditor General;  
 7 conforming a cross-reference; amending s.  
 8 20.15, F.S.; revising duties of the State Board  
 9 of Education; providing for the Commissioner of  
 10 Education rather than the State Board of  
 11 Education to head the Department of Education;  
 12 providing for the appointment of a Deputy  
 13 Commissioner for Educational Programs;  
 14 providing for the appointment of a Deputy  
 15 Commissioner for Planning, Budgeting, and  
 16 Management; providing for the Commissioner of  
 17 Education rather than the State Board of  
 18 Education to appoint the councils and  
 19 committees within the Department of Education;  
 20 amending s. 228.03, F.S., relating to the scope  
 21 of the state school system; amending s.  
 22 228.041, F.S.; granting the Commissioner of  
 23 Education rulemaking authority for certain  
 24 programs; amending s. 228.062, F.S.; requiring  
 25 the commissioner to adopt rules to implement  
 26 the migrant education program; amending s.  
 27 228.081, F.S.; requiring the State Board of  
 28 Education and the department to provide certain  
 29 assistance for educational programs of the  
 30 Department of Juvenile Justice; amending s.  
 31 228.086, F.S., relating to regional centers of

1 excellence in mathematics, science, computers,  
2 technology, and global awareness; deleting  
3 certain requirements; amending s. 228.088,  
4 F.S.; requiring the commissioner to adopt rules  
5 relating to utilization of security programs;  
6 amending s. 228.092, F.S., relating to  
7 retention of records of nonpublic school  
8 students; amending s. 228.195, F.S.; requiring  
9 the commissioner to prescribe rules for school  
10 food service programs; amending s. 228.301,  
11 F.S.; providing for security of tests  
12 administered by commissioner; amending s.  
13 228.502, F.S.; requiring the commissioner to  
14 adopt rules for administration of Education  
15 Success Incentive program; amending s. 229.011,  
16 F.S.; revising certain functions of the state  
17 with respect to public education; amending s.  
18 229.053, F.S.; revising the powers and duties  
19 of the State Board of Education; requiring the  
20 State Board of Education to establish a  
21 clearinghouse for information on economic  
22 development; amending s. 229.085, F.S.,  
23 relating to the custody of educational funds;  
24 amending s. 229.111, F.S.; providing for the  
25 Commissioner of Education to assume the duties  
26 of the State Board of Education with respect to  
27 the acceptance of gifts; amending s. 229.512,  
28 F.S.; revising the duties of the Commissioner  
29 of Education; creating s. 229.515, F.S.;  
30 authorizing the commissioner to adopt rules  
31 having the effect of law; amending s. 229.559,

1 F.S., relating to the use of student's social  
2 security numbers; deleting obsolete provisions;  
3 amending s. 229.565, F.S.; deleting a  
4 requirement that the State Board of Education  
5 approve standards of excellence; deleting  
6 requirements for an evaluation of the Florida  
7 Primary Education Program; amending s. 229.57,  
8 F.S.; revising requirements of the student  
9 assessment program; amending s. 229.59, F.S.;  
10 requiring the commissioner to adopt rules  
11 relating to submission of educational  
12 improvement projects; amending s. 229.591,  
13 F.S.; deleting the name "Blueprint 2000";  
14 amending s. 229.592, F.S., relating to school  
15 improvement and education accountability;  
16 deleting obsolete provisions; revising  
17 provisions relating to exceptions to law;  
18 amending s. 229.593, F.S., relating to the  
19 Florida Commission on Education Reform and  
20 Accountability; amending s. 229.594, F.S.;  
21 deleting obsolete provisions; providing the  
22 commissioner's role in reviewing components of  
23 school improvement and accountability; amending  
24 s. 229.602, F.S.; replacing the term "career  
25 education" with the term "vocational  
26 education"; amending ss. 229.75, 229.76, F.S.;  
27 revising duties of the State Board of Education  
28 to conform to changes made by the act; amending  
29 s. 229.771, F.S.; providing for removal from  
30 office by the State Board of Education;  
31 amending s. 229.805, F.S.; requiring provision

1 of educational television in accordance with  
2 rules adopted by the commissioner; amending s.  
3 229.8051, F.S.; requiring the commissioner to  
4 adopt rules for administration of the state  
5 public broadcasting system; amending s. 230.03,  
6 F.S.; providing commissioner's rulemaking  
7 authority regarding the district school system;  
8 amending s. 230.22, F.S.; providing  
9 commissioner's rulemaking authority regarding  
10 the operation of school districts; amending s.  
11 230.23, F.S.; requiring the commissioner to  
12 prescribe rules for various programs of school  
13 districts; amending s. 230.2305, F.S., relating  
14 to the prekindergarten early intervention  
15 program; deleting a cross reference; amending  
16 s. 230.2316, F.S.; providing for rules of the  
17 commissioner relating to second chance schools  
18 and add-on certification programs; amending s.  
19 230.23166, F.S.; requiring the commissioner to  
20 adopt rules to implement teenage parent  
21 program; amending s. 230.2318, F.S.; requiring  
22 the commissioner to adopt rules to implement  
23 the school resource officer program; amending  
24 s. 230.32, F.S.; providing commissioner's  
25 authority to adopt rules and to set minimum  
26 standards for school operational programs;  
27 amending s. 230.321, F.S.; providing  
28 commissioner's authority to prescribe duties of  
29 superintendents; amending s. 230.33, F.S.;  
30 providing commissioner's authority over  
31 superintendents; amending s. 230.64, F.S.;



1 requiring the commissioner to prescribe minimum  
2 standards for area technical centers; amending  
3 s. 230.71, F.S.; requiring the commissioner to  
4 adopt rules implementing intergenerational  
5 school volunteer programs; amending s. 232.01,  
6 F.S.; requiring rules of the commissioner  
7 relating to school attendance; amending s.  
8 232.23, F.S.; providing that procedures for  
9 maintenance and transfer of pupil records shall  
10 be as prescribed by rules of the commissioner;  
11 amending s. 232.2468, F.S.; authorizing the  
12 commissioner to adopt rules relating to  
13 graduation, habitual truancy, and dropout  
14 rates; amending s. 232.247, F.S.; requiring  
15 rules of the commissioner relating to special  
16 high school graduation requirements for  
17 exceptional students; amending s. 232.25, F.S.;  
18 requiring rules of the commissioner relating to  
19 pupils subject to the control of the school;  
20 amending s. 232.303, F.S.; authorizing the  
21 commissioner to adopt rules relating to  
22 interagency student services; amending s.  
23 232.435, F.S.; requiring the commissioner to  
24 approve courses relating to athletic trainers;  
25 amending s. 233.011, F.S.; authorizing the  
26 commissioner to develop rules to implement  
27 accountability provisions; amending s. 233.015,  
28 F.S.; requiring the commissioner to adopt rules  
29 for conducting purges of courses; amending s.  
30 233.056, F.S.; requiring rules of the  
31 commissioner relating to operation of

1 instructional programs for visually impaired  
2 students and deaf or hard-of-hearing students;  
3 amending s. 233.058, F.S.; requiring the  
4 commissioner to adopt rules for English  
5 language instruction for limited English  
6 proficient students; amending s. 233.061, F.S.;  
7 providing the commissioner and the state board  
8 authority to adopt rules prescribing required  
9 instruction; amending s. 233.067, F.S.;  
10 providing that administration of the  
11 comprehensive health education and substance  
12 abuse prevention program be pursuant to rules  
13 adopted by the commissioner; amending s.  
14 233.115, F.S.; providing for adoption of  
15 instructional materials by the commissioner;  
16 amending s. 233.17, F.S.; authorizing the  
17 commissioner to approve by rule certain terms  
18 of adoption; amending s. 233.37, F.S.;  
19 providing for rules of the commissioner  
20 regarding the disposal of instructional  
21 materials; amending s. 233.39, F.S.; requiring  
22 the commissioner to prescribe rules for the  
23 renovation and repair of textbooks; amending s.  
24 234.01, F.S.; providing for transportation of  
25 students pursuant to rules adopted by the  
26 commissioner; amending s. 234.02, F.S.;  
27 providing for rules of the commissioner for the  
28 safety and health of pupils being transported  
29 by the school district; amending s. 234.03,  
30 F.S.; providing for rules of the commissioner  
31 relating to tort liability; amending s.

1 234.051, F.S.; requiring the commissioner to  
2 prescribe safety specifications for school  
3 buses; amending s. 234.091, F.S.; requiring the  
4 commissioner to prescribe general  
5 qualifications for school bus drivers; amending  
6 s. 234.101, F.S.; requiring the commissioner to  
7 adopt requirements for school bus drivers;  
8 amending s. 234.301, F.S.; authorizing the  
9 commissioner to adopt rules for school bus pool  
10 purchases; amending s. 235.01, F.S.; requiring  
11 the commissioner to adopt rules for  
12 implementation of the Educational Facilities  
13 Act; amending s. 235.04, F.S.; requiring the  
14 commissioner to adopt rules for the disposal of  
15 real property; amending s. 235.056, F.S.;  
16 providing for commissioner's requirements for  
17 educational facilities; amending s. 235.06,  
18 F.S.; directing the commissioner to adopt and  
19 administer rules prescribing safety and health  
20 standards for occupants of educational  
21 facilities; amending s. 235.19, F.S.; directing  
22 the commissioner to adopt rules for site  
23 planning and selection; amending s. 235.211,  
24 F.S.; providing for the commissioner to set  
25 standards for educational facilities; amending  
26 s. 235.26, F.S.; requiring the commissioner to  
27 adopt the uniform building code for public  
28 educational facilities construction and  
29 granting the commissioner final review of  
30 questions, disputes, or interpretations of the  
31 uniform code; amending s. 235.31, F.S.;

1 providing for rules of the commissioner  
2 relating to prequalification of bidders;  
3 amending s. 235.32, F.S.; providing for rules  
4 of the commissioner relating to building  
5 specifications; amending s. 236.02, F.S.;  
6 providing for rules of the commissioner  
7 relating to reports, minimum term of operation  
8 of schools, employment of personnel, salary  
9 schedules, and budgets; amending s. 236.0801,  
10 F.S.; providing for commissioner approval of  
11 education goal; amending s. 236.081, F.S.;  
12 requiring rules of the commissioner relating to  
13 funding of public schools; amending s.  
14 236.0811, F.S.; requiring rules of the  
15 commissioner relating to a school board's  
16 master plan for inservice educational training;  
17 amending s. 236.083, F.S.; requiring rules of  
18 the commissioner for determination of annual  
19 allocation for student transportation; amending  
20 s. 236.0841, F.S.; providing for rules of the  
21 commissioner regarding employment of certain  
22 personnel; amending s. 236.1225, F.S.;  
23 providing for rules of the commissioner for  
24 governing the gifted education grants program;  
25 amending s. 236.13, F.S.; providing for rules  
26 of the commissioner governing the expenditure  
27 of funds by school boards; amending s. 236.685,  
28 F.S.; providing for rules of the commissioner  
29 relating to teacher-to-student ratio or class  
30 size; amending s. 237.211, F.S.; requiring the  
31 commissioner to adopt rules prescribing minimum

1 security standards for the direct deposit of  
 2 funds; amending s. 237.40, F.S.; providing for  
 3 rules of the commissioner relating to annual  
 4 audit of direct-support organizations; amending  
 5 s. 316.615, F.S.; providing for rules of the  
 6 commissioner relating to physical examination  
 7 requirements for school bus operators;  
 8 providing that certain rules of the state board  
 9 in effect June 30, 1997, shall remain in effect  
 10 until amended or revoked; amending s. 228.121,  
 11 F.S.; correcting a cross-reference; repealing  
 12 s. 228.0617, F.S., relating to the school age  
 13 childcare incentives program; repealing s.  
 14 228.085, F.S., relating to the state  
 15 comprehensive plan for mathematics, science,  
 16 and computer education; providing an effective  
 17 date.

18  
 19 Be It Enacted by the Legislature of the State of Florida:

20  
 21 Section 1. Subsections (2) and (4) of section 230.03,  
 22 Florida Statutes, are amended to read:

23 230.03 Management, control, operation, administration,  
 24 and supervision.--The district school system shall be managed,  
 25 controlled, operated, administered, and supervised as follows:

26 (4) PRINCIPAL OR HEAD OF SCHOOL.--Responsibility for  
 27 the administration of any school or schools at a given school  
 28 center, for the supervision of instruction therein, and for  
 29 providing leadership in the development or revision and  
 30 implementation of a school improvement plan required pursuant  
 31 to s. 230.23~~(16)~~~~(18)~~ shall be delegated to the principal or

1 head of the school or schools as hereinafter set forth and in  
2 accordance with rules established by the school board.

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

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

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

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

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

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

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

30 (5) ~~PERFORM DUTIES AND EXERCISE RESPONSIBILITY.--The~~  
31 ~~school board may Perform those duties and exercise those~~

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

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

20 Section 4. Section 230.23, Florida Statutes, 1996  
 21 Supplement, is amended to read:

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

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

29 (a) Minutes, recording.--The ~~typed~~ minutes of each  
 30 meeting shall be reviewed, corrected if necessary, and  
 31 approved at the next regular meeting; provided, that this

1 action may be taken at an intervening special meeting if the  
2 board desires. The minutes shall be ~~signed by the chair and~~  
3 ~~superintendent after approval and shall be kept as a public~~  
4 record in a permanent location, ~~bound book in the~~  
5 ~~superintendent's office.~~

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

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



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

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

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

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

1           (b) Elimination of school centers and consolidation of  
2 schools.--Provide for the elimination of school centers ~~within~~  
3 ~~the district~~ and for the consolidation of schools ~~whenever the~~  
4 ~~needs of pupils can better and more economically be served at~~  
5 ~~other school centers than those which they have been~~  
6 ~~attending.~~

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

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

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

30           2. Control.--Control of the school or schools involved  
31 shall be vested in the school board of the district in which

1 the school or schools are located unless otherwise agreed by  
 2 the school boards.

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

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

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

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

14         1. ~~All educational requirements required by law are~~  
15 ~~complied with.~~

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

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

31

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

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

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

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

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

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

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

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

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

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

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

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

31

1 (m) Exceptional students.--Provide for an appropriate  
2 program of special instruction, facilities, and services for  
3 exceptional students as prescribed by the state board as  
4 acceptable, including provisions that:

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

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

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

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

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



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

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

1 supplementary aids and services cannot be achieved  
2 satisfactorily.

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

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

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

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

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

1           ~~a. All facilities and furnishings within Department of~~  
2 ~~Health and Rehabilitative Services residential care facilities~~  
3 ~~used for education programs for school-age students during the~~  
4 ~~1978-1979 fiscal year shall be made available to the district~~  
5 ~~school board for housing programs of instruction and special~~  
6 ~~education services.~~

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

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

31

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

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

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

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

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

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

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

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

17           (a) Positions, qualifications, and appointments.--Act  
18 upon written recommendations submitted by the superintendent  
19 for positions to be filled and for minimum qualifications for  
20 personnel for the various positions and act upon written  
21 nominations of persons to fill such positions. The school  
22 board may reject for good cause any employee nominated. If the  
23 third nomination by the superintendent for any position is  
24 rejected for good cause, if the superintendent fails to submit  
25 a nomination for initial employment within a reasonable time  
26 as prescribed by the school board, or if the superintendent  
27 fails to submit a nomination for reemployment within the time  
28 prescribed by law, the school board may proceed on its own  
29 motion to fill such position. The school board's decision to  
30 reject a person's nomination does not give that person a right  
31

1 of action to sue over the rejection and may not be used as a  
2 cause of action by the nominated employee.

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

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

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

30  
31

1           (e) Transfer and promotion.--Act on recommendations of  
2 the superintendent regarding transfer and promotion of any  
3 employee.

4           (f) Suspension and dismissal and return to annual  
5 contract status.--Suspend, dismiss, or return to annual  
6 contract members of the instructional staff and other school  
7 employees; however, no administrative assistant, supervisor,  
8 principal, teacher, or other member of the instructional staff  
9 may be discharged, removed, or returned to annual contract  
10 except as provided in chapter 231.

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

28           (h) ~~Recruitment of instructional personnel.--Establish~~  
29 ~~policies for the effective recruitment of quality~~  
30 ~~instructional personnel. Such policies may provide for~~  
31 ~~appropriate expenses related thereto and may include, but are~~

1 ~~not limited to, moving expenses for teachers in areas of~~  
2 ~~critical need as determined by action of the school board.~~

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

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

29 (b) Enforcement of attendance laws.--Provide for the  
30 enforcement of all laws and regulations relating to the  
31 attendance of pupils at school ~~and for employing such~~



1 ~~assistants to the superintendent as may be needed to enforce~~  
2 ~~these laws effectively. Each school district shall establish~~  
3 ~~policies and procedures designed to assist students in~~  
4 ~~improving their attendance and attaining a high school~~  
5 ~~diploma.~~

6 (c) Control of pupils.--

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

1 held in compliance with that section. The school board shall  
2 have the authority to prohibit the use of corporal punishment,  
3 provided that the school board adopts or has adopted a written  
4 program of alternative control or discipline, ~~which may~~  
5 ~~include, but is not limited to, timeout rooms, in-school~~  
6 ~~suspension, student peer review, parental involvement, and~~  
7 ~~other forms of positive reinforcement, such as classes on~~  
8 ~~appropriate classroom behavior.~~

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

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

19           b. The expelled student applying for admission to the  
20 receiving school district shall be advised of the final order  
21 of expulsion.

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

31

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

24           1. Consistent policies and specific grounds for  
25 disciplinary action, including in-school suspension,  
26 out-of-school suspension, expulsion, any disciplinary action  
27 that may be imposed for the possession or use of alcohol on  
28 school property or while attending a school function or for  
29 the illegal use, sale, or possession of controlled substances  
30 as defined in chapter 893.

31

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

3           3. An explanation of the responsibilities and rights  
4 of students with regard to attendance, respect for persons and  
5 property, knowledge and observation of rules of conduct, the  
6 right to learn, free speech and student publications,  
7 assembly, privacy, and participation in school programs and  
8 activities.

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

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

22           6. Notice that violence against any school district  
23 personnel by a student is 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           7. Notice that violation of school board  
28 transportation policies, including disruptive behavior on a  
29 school bus or at a school bus stop, by a student is grounds  
30 for suspension of the student's privilege of riding on a  
31 school bus and may be grounds for ~~in-school suspension,~~

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

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

9 9. Policies to be followed for the assignment of  
10 violent or disruptive students to an alternative educational  
11 program.

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

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

29 (7) COURSES OF STUDY AND OTHER INSTRUCTIONAL  
30 AIDS.--Provide adequate instructional aids for all children as  
31

1 follows and in accordance with the requirements of chapter  
2 233.

3 (a) Courses of study; adoption.--Adopt courses of  
4 study for use in the schools of the district; ~~provided, that~~  
5 ~~such courses shall comprise materials needed to supplement~~  
6 ~~minimum courses of study prescribed by the state board for all~~  
7 ~~schools.~~

8 (b) Textbooks.--Provide for proper requisitioning,  
9 distribution, accounting, storage, care, and use of all  
10 textbooks and other books furnished by the state and furnish  
11 such other textbooks and library books as may be needed. The  
12 school board is responsible for assuring that instructional  
13 materials used in the district are consistent with the  
14 district goals and objectives and the curriculum frameworks  
15 approved by the State Board of Education, as well as with the  
16 state and district performance standards provided for in ss.  
17 229.565 and 232.2454.

18 (c) Other instructional aids.--Provide such other  
19 teaching accessories and aids as are needed to carry out the  
20 program.

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

1 ~~development, media program management, media production, staff~~  
2 ~~development, and consultation and information services.~~

3 (8) TRANSPORTATION OF PUPILS.--After considering  
4 recommendations of the superintendent, make provision for the  
5 transportation of pupils to the public schools or school  
6 activities they are required or expected to attend; authorize  
7 transportation routes arranged efficiently and economically;  
8 provide the necessary transportation facilities, and, when  
9 authorized under regulations of the state board and if more  
10 economical to do so, provide limited subsistence in lieu  
11 thereof; and adopt the necessary rules and regulations to  
12 ensure safety, economy, and efficiency in the operation of all  
13 buses, as prescribed in chapter 234.

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

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

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

28 1. Select and purchase school sites, playgrounds, and  
29 recreational areas located at centers at which schools are to  
30 be constructed, of adequate size to meet the needs of  
31 projected pupils to be accommodated.†

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

4           3. Expand existing sites.†

5           4. Rent buildings when necessary.†

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

26           6. Provide for the proper supervision of  
27 construction.†

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

30           8. Ensure that all plans and specifications for  
31 buildings provide adequately for the safety and well-being of



1 pupils, as well as for economy of construction ~~by having such~~  
2 ~~plans and specifications submitted to the Department of~~  
3 ~~Education for approval; and~~

4 ~~9. Provide furniture, books, apparatus, and other~~  
5 ~~equipment necessary for the proper conduct of the work of the~~  
6 ~~schools.~~

7 (c) Maintenance and upkeep of school plant.--Provide  
8 adequately for the proper maintenance and upkeep of school  
9 plants, so that children may attend school without sanitary or  
10 physical hazards, and provide for the necessary heat, lights,  
11 water, power, and other supplies and utilities necessary for  
12 the operation of the schools.

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

22 (e) Condemnation of buildings.--Condemn and prohibit  
23 the use for public school purposes of any building which can  
24 be shown for sanitary or other reasons to be no longer  
25 suitable for such use and, when any building is condemned by  
26 any state or other government agency as authorized in chapter  
27 235, see that it is no longer used for school purposes.

28 (10) FINANCE.--Take steps to assure children adequate  
29 educational facilities through the financial procedure  
30 authorized in chapters 236 and 237 and as prescribed below:  
31

1           (a) Provide for all schools to operate at least 180  
2 days.--Provide for the operation of all public schools, both  
3 elementary and secondary, as free schools for a term of at  
4 least 180 days or the equivalent on an hourly basis as  
5 specified by regulations of the State Board of Education;  
6 determine district school funds necessary in addition to state  
7 funds to operate all schools for such minimum term; arrange  
8 for the levying of district school taxes necessary to provide  
9 the amount needed from district sources.

10           (b) Annual budget.--Cause to be prepared, adopt, and  
11 have submitted to the Department of Education as required by  
12 law and by regulations of the state board, the annual school  
13 budget, such budget to be so prepared and executed as to  
14 promote the improvement of the district school system.

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

26           (d) School funds.--Require that an accurate account is  
27 kept of all funds which should be transmitted to the school  
28 board for school purposes at various periods during the year  
29 from all sources and, if any funds are not transmitted  
30 promptly, take the necessary steps to have such funds made  
31 available.

1           (e) Borrow money.--Borrow money, as prescribed in ss.  
2 237.141-237.171, when necessary in anticipation of funds  
3 reasonably to be expected during the year as shown by the  
4 budget.

5           (f) Financial records and accounts.--Provide for  
6 keeping of accurate records of all financial transactions,  
7 ~~including records of school and student activity funds, and~~  
8 ~~school lunch programs, and have these records kept under the~~  
9 ~~various classifications commonly used in school financial~~  
10 ~~accounting; authorize and compensate such trained assistants~~  
11 ~~to the superintendent as may be needed to maintain adequate~~  
12 ~~records.~~

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

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

26           (i) Contracts for materials, supplies, and  
27 services.--Contract for materials, supplies, and services  
28 needed for the district school system. No contract for  
29 supplying these needs shall be made with any member of the  
30 school board, with the superintendent, or with any business  
31

1 organization in which any school board member or the  
2 superintendent has any financial interest whatsoever.

3 (j) Purchasing regulations to be secured from  
4 Department of Management Services.--Secure purchasing  
5 regulations and amendments and changes thereto from the  
6 Division of Purchasing of the Department of Management  
7 Services and prior to any purchase have reported to it by its  
8 staff, and give consideration to the lowest price available to  
9 it under such regulations, provided a regulation applicable to  
10 the item or items being purchased has been adopted by the  
11 Division of Purchasing. The Division of Purchasing should meet  
12 with educational administrators to expand the inventory of  
13 standard items for common usage in all schools and higher  
14 education institutions.

15 (k) Investment policies.--

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

28 2. Part of the funds available for investment may be  
29 set aside to invest in time deposits or savings accounts in  
30 banks or savings and loan associations on the federal list of  
31 minority financial institutions designated as authorized

1 depositories. The investment of such funds must be  
2 competitively bid among such minority financial institutions  
3 located within the school district boundaries and must be in  
4 compliance with s. 236.24 and chapter 280. The amount of  
5 funds designated for such investment shall be determined by  
6 the school board and may be based on the percentage of  
7 minorities within the population of the school district.

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

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

26 (a) Forms, blanks, and reports.--Require all employees  
27 to keep accurately all records and to make promptly in the  
28 proper form all reports required by law or by regulations of  
29 the state board.

30 (b) Reports to the department.--Require that the  
31 superintendent prepare all reports to the Department of

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

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

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

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

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

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

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

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

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

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

1        (15)~~(17)~~ PUBLIC INFORMATION PROGRAM.--Adopt procedures  
2 whereby the general public can be adequately informed of the  
3 educational programs, needs, and objectives of public  
4 education within the district.

5        (16)~~(18)~~ IMPLEMENT SCHOOL IMPROVEMENT AND  
6 ACCOUNTABILITY.--Maintain a system of school improvement and  
7 education accountability as provided by statute and State  
8 Board of Education rule. This system of school improvement and  
9 education accountability shall be consistent with, and  
10 implemented through, the district's continuing system of  
11 planning and budgeting required by this section and ss.  
12 229.555 and 237.041. This system of school improvement and  
13 education accountability shall include, but not be limited to,  
14 the following:

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

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



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

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

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

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

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

27 ~~(g) Feedback report.--Develop a "feedback report" on~~  
28 ~~the progress of implementing and maintaining a system of~~  
29 ~~school improvement and education accountability established in~~  
30 ~~s. 229.592(2). The report shall be submitted to the Florida~~  
31 ~~Commission on Education Reform and Accountability by July 1,~~

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

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

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

19 Section 6. Section 230.2305, Florida Statutes, 1996  
20 Supplement, is amended to read:

21 230.2305 Prekindergarten early intervention program.--

22 (1) LEGISLATIVE INTENT; PURPOSE.--The Legislature  
23 recognizes that high-quality prekindergarten education  
24 programs increase children's chances of achieving future  
25 educational success and becoming productive members of  
26 society. It is the intent of the Legislature that such  
27 programs be developmental, serve as preventive measures for  
28 children at risk of future school failure, enhance the  
29 educational readiness of all children, and support family  
30 education and the involvement of parents in their child's  
31 educational progress. Each prekindergarten early intervention

1 program shall provide the elements necessary to prepare  
2 children for school, including health screening and referral  
3 and a developmentally appropriate educational program and  
4 opportunities for parental involvement in the program. It is  
5 the legislative intent that the prekindergarten early  
6 intervention program not exist as an isolated program, but  
7 build upon existing services and work in cooperation with  
8 other programs for young children. It is intended that  
9 procedures such as, but not limited to, contracting,  
10 collocation, mainstreaming, and cooperative funding be used to  
11 coordinate the program with Head Start, public and private  
12 providers of child care, preschool programs for children with  
13 disabilities, programs for migrant children, Chapter I,  
14 subsidized child care, adult literacy programs, and other  
15 services. It is further the intent of the Legislature that the  
16 Commissioner of Education seek the advice of the Secretary of  
17 Health and Rehabilitative Services in the development and  
18 implementation of the prekindergarten early intervention  
19 program and the coordination of services to young children.  
20 The purpose of the prekindergarten early intervention program  
21 is to assist local communities in implementing programs that  
22 will enable all the families and children in the school  
23 district to be prepared for the children's success in school.

24 (2) ELIGIBILITY.--There is hereby created the  
25 prekindergarten early intervention program for children who  
26 are 3 and 4 years of age. A prekindergarten early  
27 intervention program shall be administered by a district  
28 school board and shall receive state funds pursuant to  
29 subsection(5)~~(9)~~. Each public school district shall make  
30 reasonable efforts to accommodate the needs of children for  
31 extended-day and extended-year services without compromising

1 the quality of the 6-hour, 180-day program. The school  
2 district shall report on such efforts.~~Prekindergarten early~~  
3 ~~intervention programs shall be implemented and conducted by~~  
4 ~~school districts pursuant to a plan developed and approved as~~  
5 ~~provided in this section.~~ School district participation in  
6 the prekindergarten early intervention program shall be at the  
7 discretion of each school district.

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

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

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

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

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

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

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

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

31

1           (b) An "economically disadvantaged" child shall be  
2 defined as a child eligible to participate in the free lunch  
3 program. Notwithstanding any change in a family's economic  
4 status or in the federal eligibility requirements for free  
5 lunch, a child who meets the eligibility requirements upon  
6 initial registration for the program shall be considered  
7 eligible until the child reaches kindergarten age. In order  
8 to assist the school district in establishing the priority in  
9 which children shall be served, and to increase the efficiency  
10 in the provision of child care services in each district, the  
11 district shall enter into a written collaborative agreement  
12 with other publicly funded early education and child care  
13 programs within the district. Such agreement shall be  
14 facilitated by the interagency coordinating council and shall  
15 set forth, among other provisions, the measures to be  
16 undertaken to ensure the programs' achievement and compliance  
17 with the performance standards established in subsection (3)  
18 and for maximizing the public resources available to each  
19 program. In addition, the central agency for state-subsidized  
20 child care or the local service district of the Department of  
21 Health and Rehabilitative Services shall provide the school  
22 district with an updated list of 3-year-old and 4-year-old  
23 children residing in the school district who are on the  
24 waiting list for state-subsidized child care.

25           (3) STANDARDS.--

26           (a) Publicly supported preschool programs, including  
27 prekindergarten early intervention, subsidized child care,  
28 teen parent programs, Head Start, migrant programs, and  
29 Chapter I programs shall employ a simplified point of entry to  
30 the child care services system in every community. These  
31 programs shall share the waiting lists for unserved children

1 in the community so that a count of eligible children is  
2 maintained without duplications.

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

21 ~~(4) PLANS. -- Each district school board that chooses to~~  
22 ~~participate in the prekindergarten early intervention program~~  
23 ~~shall, in consultation with the interagency coordinating~~  
24 ~~council, submit to the Commissioner of Education a plan for~~  
25 ~~implementing and conducting a prekindergarten early~~  
26 ~~intervention program for approval. A district school board~~  
27 ~~shall submit a plan or amended plan for planning and~~  
28 ~~evaluating prekindergarten programs, implementing new~~  
29 ~~services, enhancing existing early childhood, prekindergarten,~~  
30 ~~or child care programs provided by public or nonpublic~~  
31 ~~entities, or contracting for the provision of services or~~

1 ~~facilities. The plans shall include an explanation of the~~  
2 ~~role of the prekindergarten early intervention program in the~~  
3 ~~school district's effort to meet the first state education~~  
4 ~~goal, readiness to start school, and the plan must include the~~  
5 ~~utilization of public and private programs already in~~  
6 ~~existence in the district, business-education partnerships,~~  
7 ~~and preschool programs operated by vocational-technical~~  
8 ~~schools, community colleges, and universities. A plan shall~~  
9 ~~identify the locations where services will be provided and may~~  
10 ~~include public school property or other sites that meet state~~  
11 ~~and local licensing requirements for child care facilities or~~  
12 ~~State Board of Education rules, except that sites shall be~~  
13 ~~located to the maximum extent practicable so as to provide~~  
14 ~~easy access by parents, especially working parents of~~  
15 ~~economically disadvantaged children. When a district uses~~  
16 ~~nonschool facilities or nonschool facility staff for the~~  
17 ~~provision of services, a contract is required; when a district~~  
18 ~~uses nonschool facilities and provides district instructional~~  
19 ~~staff, a cooperative agreement is required.~~

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

24 ~~(c)(a)~~ A description of the program curriculum and  
25 ~~assurances that~~ The program curriculum must ~~will~~ be  
26 developmentally appropriate according to current nationally  
27 recognized recommendations for high-quality prekindergarten  
28 programs.

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



1           ~~(c) The projected percentage of children who will~~  
2 ~~participate in the program and who are economically~~  
3 ~~disadvantaged.~~

4           (d) School districts may ~~The criteria used by the~~  
5 ~~district to establish a sliding fee scale for participants who~~  
6 ~~are not economically disadvantaged, and a description of the~~  
7 ~~sliding scale.~~

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

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

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

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

28           2. When individual classrooms are staffed by certified  
29 teachers, those teachers must be certified for the appropriate  
30 grade levels under s. 231.17 and State Board of Education  
31 rules. Teachers who are not certified for the appropriate

1 grade levels must obtain proper certification within 2 years.  
2 However, the commissioner may make an exception on an  
3 individual basis when the requirements are not met because of  
4 serious illness, injury, or other extraordinary, extenuating  
5 circumstance.

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

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

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

28           ~~(h) A description of proposed staff development~~  
29 ~~activities, including arrangements for staff access to~~  
30 ~~training in child growth and development and developmentally~~  
31

1 ~~appropriate early childhood curriculum and integration with~~  
2 ~~district master inservice plans required under s. 236.0811.~~

3 ~~(i) A description of the number and location of all~~  
4 ~~program sites and how each site is considered easily~~  
5 ~~accessible to the population to be served and to coordinated~~  
6 ~~services.~~

7 ~~(j) A description of the arrangements for transporting~~  
8 ~~children to and from the program sites and their homes, if~~  
9 ~~appropriate.~~

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

17 ~~(l) A description of the interagency coordinating~~  
18 ~~council and efforts made to coordinate and maximize use of~~  
19 ~~existing funds and community facilities, equipment, medical,~~  
20 ~~educational, and social services, including coordination with~~  
21 ~~adult literacy and vocational programs.~~

22 ~~(h)(m) Identification of the days and hours when~~  
23 ~~Services are to be provided during, including a school day and~~  
24 ~~school year equal to or exceeding the requirements for~~  
25 ~~kindergarten under ss. 228.041 and 236.013, and Strategies to~~  
26 ~~provide care before school, after school, and 12 months a~~  
27 ~~year, when needed, . The strategies specified by this paragraph~~  
28 ~~must be developed by the school district in cooperation with~~  
29 ~~the central agency for state-subsidized child care or the~~  
30 ~~local service district of the Department of Health and~~  
31 ~~Rehabilitative Services and must be approved by the district~~

1 interagency coordinating council ~~established under subsection~~  
 2 ~~(11)~~. Programs may be provided on Saturdays and through other  
 3 innovative scheduling arrangements.

4 ~~(n) A description of the developmental and health~~  
 5 ~~screening and referral services to be provided each child in~~  
 6 ~~the program and assurances that needed developmental and~~  
 7 ~~health services will be provided through interagency~~  
 8 ~~coordination to the extent possible.~~

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

22 ~~(p) A description of how the program will be~~  
 23 ~~coordinated with the district program for grades K through 3~~  
 24 ~~and with district preschool programs for children with~~  
 25 ~~disabilities and migrant children, the teen parent program,~~  
 26 ~~and Chapter I programs.~~

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

28 ~~(j)(r) Parents must be provided an~~ Strategies to allow  
 29 ~~for parental~~ option regarding a child's participation at a  
 30 school-based site or among contracted sites, when such an  
 31 option is appropriate and within the school district. The

1 school district may consider availability of sites,  
2 transportation, staffing ratios, costs, and other factors in  
3 determining the assignment and setting district guidelines.  
4 Parents may request and be assigned a site other than one  
5 first assigned by the district, provided the parents pay the  
6 cost of transporting the child to the site of the parents'  
7 choice.

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

17 ~~(6) PLAN APPROVAL.--The Commissioner of Education has~~  
18 ~~the final authority to approve or disapprove plans and amended~~  
19 ~~plans.~~

20 (4)(7) EVALUATION.--Each school district shall conduct  
21 an evaluation of the effectiveness of the prekindergarten  
22 early intervention program. This evaluation shall include  
23 measures of the following:

24 (a) The children's achievement as measured by  
25 assessments upon entry into the program and upon completion of  
26 the program; and

27 (b) The children's readiness for kindergarten as  
28 measured by the instrument the district uses to assess the  
29 school readiness of all children entering kindergarten. The  
30 results of this evaluation must be maintained by the school  
31 district and made available to the public upon request.

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

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

28           (6)(10) FUNDING.--

29           (a) This section shall be implemented only to the  
30 extent that funding is available. State funds appropriated  
31 for the prekindergarten early intervention program ~~may only be~~

1 ~~used pursuant to the plan developed in consultation with the~~  
2 ~~interagency coordinating council on early childhood services~~  
3 and may not be used for the construction of new facilities,  
4 the transportation of students, or the purchase of buses, but  
5 may be used for educational field trips which enhance the  
6 curriculum.

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

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

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

30         (b) A minimum grant for each district is to be  
31 determined annually in the General Appropriations Act. The

1 funds remaining after allocating the minimum grants must be  
 2 prorated based on an allocation factor for each district and  
 3 must be added to each district's minimum grant. The allocation  
 4 factor is to be calculated as follows:

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

10  
 11 The calculation of each district's allocation factor is to be  
 12 based upon the official estimate of the total number of  
 13 3-year-old and 4-year-old children by school district and the  
 14 official record of the Department of Education for K-12  
 15 student total free lunches served by school district for the  
 16 prior fiscal year.

17        (7)~~(11)~~ DISTRICT INTERAGENCY COORDINATING COUNCILS.--

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

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

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



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

4           3. One member who is a member of a district school  
5 board, appointed by the school board.

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

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

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

31

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

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

6           (c) Each district interagency coordinating council  
7 shall:

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

14           2. Coordinate the delivery of educational, social,  
15 medical, child care, and other services.

16           Section 7. Section 230.23135, Florida Statutes, as  
17 amended by chapters 94-232 and 95-147, Laws of Florida, is  
18 hereby repealed.

19           Section 8. Section 230.2316, Florida Statutes, 1996  
20 Supplement, is amended to read:

21           230.2316 Dropout prevention.--

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

24           (2) INTENT.--The Legislature recognizes that a growing  
25 proportion of young people are not making successful  
26 transitions to productive adult lives. The Legislature further  
27 recognizes that traditional education programs which do not  
28 meet certain students' educational needs and interests may  
29 cause these students to become unmotivated, fail, be truant,  
30 be disruptive, or drop out of school. The Legislature finds  
31 that a child who does not complete his or her education is

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

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

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

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

29 ~~(c) "Disciplinary programs" means programs designed to~~  
30 ~~provide a safe learning environment for the general school~~  
31 ~~population, increase the safety of the school and the~~

1 ~~community, and provide positive intervention for students who~~  
2 ~~are disruptive in the traditional school environment.~~

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

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

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

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

27 ~~(a)1. Dropout prevention programs shall differ The~~  
28 ~~program differs~~ from traditional education programs and  
29 schools in scheduling, administrative structure, philosophy,  
30 curriculum, or setting and shall employ ~~employs~~ alternative  
31 teaching methodologies, curricula, learning activities, or

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

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

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

30 ~~1.a.~~ The student has shown a lack of motivation in  
 31 school through grades which are not commensurate with

1 documented ability levels or high absenteeism or habitual  
2 truancy as defined in s. 228.041(28).~~†~~

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

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

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

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

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

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

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

1 drug-related or alcohol-related problems that adversely affect  
2 the student's performance in school, ~~and shall include~~  
3 ~~instruction designed to prevent substance abuse.~~

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

26 4.3. A student may ~~shall~~ be assigned to a second  
27 chance school if the school district in which the student  
28 resides has a second chance school and if the student meets  
29 one of the following criteria:  
30  
31

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

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

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

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

16           (II) Includes violence;

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

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

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

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

31

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

27           (7) STAFF DEVELOPMENT.--

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

25           230.2318 School resource officer program.--

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

14 (b) School resource officers shall abide by school  
15 board policies and shall consult with and coordinate  
16 activities through the school principal, but shall be  
17 responsible to the law enforcement agency in all matters  
18 relating to employment, subject to agreements between a school  
19 board and a law enforcement agency pursuant to subparagraph

20 ~~(2)(a)~~1. Activities conducted by the school resource officer  
21 which are part of the regular instructional program of the  
22 school shall be under the direction of the principal.

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

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

30 230.303 Superintendent of schools.--

31 (5)



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

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

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

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

31

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

31

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

3 (14) COOPERATION WITH OTHER AGENCIES.--

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

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

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

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

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

31

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

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

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

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

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

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



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

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

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

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

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

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

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

31

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

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

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

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

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

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

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

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

31

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

31

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

3           232.271 Removal by teacher.--

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

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

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

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

28           233.061 Required instruction.--

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

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

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

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

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

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

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

20 (e) The elements of civil government. †

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

31

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

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

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

10 (j) Kindness to animals.~~†~~

11 (k) The history of the state.~~†~~

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

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

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

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

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

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

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

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

16 (1) Character development and law education.

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

18 (3) Traffic education.

19 (4) Free enterprise and consumer education.

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

22 (6) Drug abuse resistance education.

23 (7) Comprehensive health education.

24 (8) Care of nursing home patients.

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

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

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

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

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

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

11 233.07 State instructional materials committees.--

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

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

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

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

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

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

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

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

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

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

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

30           (5)

31



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

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

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

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

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

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

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

31

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

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

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

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

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

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

10 228.053 Developmental research schools.--

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

18 229.565 Educational evaluation procedures.--

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

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

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

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

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

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

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

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

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

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

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

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

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

8 229.58 District and school advisory councils.--

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

27 3. Student completion and placement rates.

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

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

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

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

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

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

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

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

20           (4) DEPARTMENT.--

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

25 229.594 Powers and duties of the commission.--

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

31 229.8055 Environmental education.--

1 (5) The Department of Education shall:

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

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

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

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

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



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

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

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

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

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

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

30  
31

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

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

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

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

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

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

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

31

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

29 236.0811 Educational training.--

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

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

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

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

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

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

27           236.0812 Medicaid certified school funding  
28 maximization.--

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



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

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

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

18 236.1228 Accountability program grants.--

19 (4) STATEWIDE INDICATORS.--

20 (b) The statewide indicators are:

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

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

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

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

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

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

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

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

1 shall be 20 percent or less of the grades 9 through 12  
2 students enrolled in level 1 science courses.

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

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

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

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

28           6. Improve utilization of postsecondary feedback  
29 report.--The statewide goal is to reduce annually the high  
30 school's graduates who are enrolled in a degree program and  
31 are referred for remediation in mathematics, reading, and

1 writing in public colleges and universities by 50 percent of  
2 the number for the second preceding year. The district and  
3 high school annual referrals for remediation indicators for  
4 high school shall be a reduction of 40 percent or more and the  
5 district's average reduction shall be 50 percent or more of  
6 the number for the second preceding year.

7 Section 62. Paragraph (b) of subsection (2) of section  
8 236.24, Florida Statutes, is amended to read:

9 236.24 Sources of district school fund.--

10 (2)

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

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

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

1           Section 63. Subsection (7) of section 239.101, Florida  
2 Statutes, is amended to read:

3           239.101 Legislative intent.--

4           (7) The Legislature finds that career education is a  
5 crucial component of the educational programs conducted within  
6 school districts and community colleges. Accordingly, career  
7 education must be represented in accountability processes  
8 undertaken for educational institutions. It is the intent of  
9 the Legislature that the vocational standards articulated in  
10 s. 239.229(2) be considered in the development of  
11 accountability measures for public schools pursuant to ss.  
12 229.591, 229.592, 229.593, 229.594, and 230.23(16)~~(18)~~and for  
13 community colleges pursuant to s. 240.324.

14           Section 64. Subsections (1) and (3) of section  
15 239.229, Florida Statutes, are amended to read:

16           239.229 Vocational standards.--

17           (1) The purpose of career education is to enable  
18 students who complete vocational programs to attain and  
19 sustain employment and realize economic self-sufficiency. The  
20 purpose of this section is to identify issues related to  
21 career education for which school boards and community college  
22 boards of trustees are accountable. It is the intent of the  
23 Legislature that the standards articulated in subsection (2)  
24 be considered in the development of accountability standards  
25 for public schools pursuant to ss. 229.591, 229.592, 229.593,  
26 229.594, and 230.23(16)~~(18)~~and for community colleges  
27 pursuant to s. 240.324.

28           (3) Each area technical center operated by a school  
29 board shall establish a center advisory council pursuant to s.  
30 229.58. The center advisory council shall assist in the  
31 preparation and evaluation of center improvement plans

1 required pursuant to s. 230.23(16)~~(18)~~ and may provide  
2 assistance, upon the request of the center director, in the  
3 preparation of the center's annual budget and plan as required  
4 by s. 229.555(1).

5 Section 65. Subsection (3) of section 397.405, Florida  
6 Statutes, is amended to read:

7 397.405 Exemptions from licensure.--The following are  
8 exempt from the licensing provisions of this chapter:

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

11 Section 66. Subsection (2) of section 402.22, Florida  
12 Statutes, 1996 Supplement, is amended to read:

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

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

22 Section 67. Paragraph (a) of subsection (5) of section  
23 415.5015, Florida Statutes, is amended to read:

24 415.5015 Child abuse prevention training in the  
25 district school system.--

26 (5) PREVENTION TRAINING CENTERS; FUNCTIONS; SELECTION  
27 PROCESS; MONITORING AND EVALUATION.--

28 (a) Each training center shall perform the following  
29 functions:

30 1. Act as a clearinghouse to provide information on  
31 prevention curricula which meet the requirements of this

1 section and the requirements of ss. 231.17, ~~233.011(3)(a)~~,  
2 236.0811, and 415.501.

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

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

9 4. Provide assistance to local school districts,  
10 including, but not limited to, all of the following:  
11 administration, management, program development, multicultural  
12 staffing, and community education, in order to better meet the  
13 requirements of this section and of ss. 231.17, ~~233.011(3)(a)~~,  
14 236.0811, and 415.501.

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

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

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

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

25 Section 68. Subsection (2) of section 450.121, Florida  
26 Statutes, is amended to read:

27 450.121 Enforcement of Child Labor Law.--

28 (2) It is the duty of the division and its agents and  
29 all sheriffs or other law enforcement officers of the state or  
30 of any municipality of the state to enforce the provisions of  
31 this law, to make complaints against persons violating its

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

10 Section 69. Subsection (12) of section 493.6102,  
 11 Florida Statutes, 1996 Supplement, is amended to read:

12 493.6102 Inapplicability of parts I through IV of this  
 13 chapter.--This chapter shall not apply to:

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

17 Section 70. Subsection (2) of section 561.025, Florida  
 18 Statutes, is amended to read:

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



1           (2) Ten percent of the revenues derived from retail  
2 tobacco products dealer permit fees collected under s. 569.003  
3 shall be transferred to the Department of Education to provide  
4 for teacher training and for research and evaluation to reduce  
5 and prevent the use of tobacco products by children, ~~pursuant~~  
6 ~~to s. 233.067(4)~~.

7           Section 71. Paragraph (b) of subsection (3) of section  
8 11.42, Florida Statutes, 1996 Supplement, is amended to read:

9           11.42 The Auditor General.--

10          (3)

11          (b)1. No person shall be employed as a financial  
12 auditor who does not possess the qualifications to take the  
13 examination for a certificate as certified public accountant  
14 under the laws of this state, and no person shall be employed  
15 or retained as legal adviser, on either a full-time or a  
16 part-time basis, who is not a member of The Florida Bar.

17          2. Notwithstanding the provisions of subparagraph 1.,  
18 employees in the positions associated with the Florida  
19 Education Finance Program full-time enrollment verification  
20 function that is assigned to the Auditor General pursuant to  
21 s. 229.565(2)~~s. 229.565(3)~~ may continue to meet the job  
22 qualifications that existed prior to such transfer for a  
23 period of 3 years after such transfer. Thereafter, they shall  
24 meet the requirements of subparagraph 1. This subparagraph is  
25 repealed on July 1, 1998.

26          Section 72. Section 20.15, Florida Statutes, is  
27 amended to read:

28          20.15 Department of Education.--There is created a  
29 Department of Education.

30          (1) STATE BOARD OF EDUCATION.--In accordance with ~~The~~  
31 ~~head of the Department of Education is the State Board of~~

1 ~~Education composed of the Governor and Cabinet as specified in~~  
2 s. 2, Art. IX of the State Constitution, the State Board of  
3 Education is the chief policymaking body of public education  
4 in the state as specified in chapter 229. The Governor is  
5 chair of the board, and the Commissioner of Education is the  
6 secretary and executive officer and in the absence of the  
7 Governor shall serve as chair.

8 (2) COMMISSIONER OF EDUCATION.--The head of the  
9 Department of Education is the Commissioner of Education who  
10 shall be elected by vote of the qualified electors of the  
11 state pursuant to s. 5, Art. IV of the State Constitution.

12 (a) The Commissioner of Education shall appoint a  
13 Deputy Commissioner for Educational Programs who has such  
14 powers, duties, responsibilities, and functions as are  
15 necessary to ensure the greatest possible coordination,  
16 efficiency, and effectiveness of kindergarten through  
17 12th-grade education and vocational and continuing education  
18 programs.

19 (b) The Commissioner of Education shall appoint a  
20 Deputy Commissioner for Planning, Budgeting, and Management  
21 who has such powers, duties, responsibilities, and functions  
22 as are necessary to ensure the greatest possible coordination  
23 of policies, programs, and procedures for the statewide system  
24 of education and the department.

25 (3)~~(2)~~ DIVISIONS.--

26 (a) The following divisions of the Department of  
27 Education are established:

- 28 1. Division of Community Colleges.
- 29 2. Division of Public Schools.
- 30 3. Division of Universities.
- 31 4. Division of Applied Technology and Adult Education.

1           5. Division of Human Resource Development.

2           (b) The Commissioner of Education is authorized to  
3 establish within the Department of Education a Division of  
4 Administration.

5           ~~(4)(3)~~ DIRECTORS.--The Board of Regents is the  
6 director of the Division of Universities, and the State Board  
7 of Community Colleges is the director of the Division of  
8 Community Colleges, pursuant to chapter 240. The directors of  
9 all other divisions shall be appointed by the commissioner  
10 subject to approval by the state board.

11           ~~(5)(4)~~ POWERS AND DUTIES.--The State Board of  
12 Education and the Commissioner of Education:

13           (a) Shall assign to the Division of Public Schools  
14 such powers, duties, responsibilities, and functions as are  
15 necessary to ensure the greatest possible coordination,  
16 efficiency, and effectiveness of kindergarten through 12th  
17 grade education.

18           (b) Shall assign to the Division of Applied Technology  
19 and Adult Education such powers, duties, responsibilities, and  
20 functions as are necessary to ensure the greatest possible  
21 coordination, efficiency, and effectiveness of career and  
22 continuing education.

23           (c) Shall assign to the State Board of Community  
24 Colleges such powers, duties, responsibilities, and functions  
25 as are necessary to ensure the coordination, efficiency, and  
26 effectiveness of community colleges, except those duties  
27 specifically assigned to the Commissioner of Education in ss.  
28 229.512 and 229.551 and the duties concerning physical  
29 facilities in chapter 235.

30           ~~(6)(5)~~ COUNCILS AND COMMITTEES.--Notwithstanding  
31 anything contained in law to the contrary, the Commissioner of

1 Education shall appoint all members of all councils and  
 2 committees of the Department of Education, except the Board of  
 3 Regents, the State Board of Community Colleges, ~~the state~~  
 4 ~~instructional materials committees,~~ and the community college  
 5 district boards of trustees, the Postsecondary Education  
 6 Planning Commission, the Education Practices Commission, the  
 7 Education Standards Commission, the State Board of Independent  
 8 Colleges and Universities, the Florida Commission on Education  
 9 Reform and Accountability, and the State Board of Independent  
 10 Postsecondary Vocational, Technical, Trade, and Business  
 11 Schools ~~shall hereafter be appointed by the State Board of~~  
 12 ~~Education from a list of two or more names nominated for each~~  
 13 ~~position by the Commissioner of Education.~~

14 (7)(6) BOARDS.--Notwithstanding anything contained in  
 15 law to the contrary, all members of the Board of Regents, the  
 16 State Board of Community Colleges, and the community college  
 17 district boards of trustees must ~~shall~~ be appointed according  
 18 to chapter 240.

19 Section 73. Section 228.03, Florida Statutes, is  
 20 amended to read:

21 228.03 Scope of state system.--The state system of  
 22 public education includes such school systems, schools,  
 23 institutions, agencies, services, and types of instruction as  
 24 may be provided and authorized by law, or by regulations of  
 25 the state board and of the Commissioner of Education within  
 26 limits prescribed by law.

27 Section 74. Subsections (1), (5), (6), (13), (18), and  
 28 (29) of section 228.041, Florida Statutes, 1996 Supplement,  
 29 are amended and subsection (35) of that section is repealed  
 30 and present subsections (36), (37), (38), (39), and (40) of  
 31

1 that section are redesignated as subsections (35), (36), (37),  
2 (38), and (39), respectively, to read:

3           228.041 Definitions.--Specific definitions shall be as  
4 follows, and wherever such defined words or terms are used in  
5 the Florida School Code, they shall be used as follows:

6           (1) STATE SYSTEM OF PUBLIC EDUCATION.--The state  
7 system of public education shall consist of such publicly  
8 supported and controlled schools, institutions of higher  
9 education, other educational institutions, and other  
10 educational services as may be provided or authorized by the  
11 Constitution and laws of this state.

12           (a) Public schools.--The public schools shall consist  
13 of kindergarten classes; elementary and secondary school  
14 grades and special classes; adult, part-time, vocational, and  
15 evening schools, courses, or classes authorized by law to be  
16 operated under the control of school boards; and developmental  
17 research schools to be operated under the control of the State  
18 University System.

19           (b) Community colleges.--Community colleges shall  
20 consist of all educational institutions which are operated by  
21 local community college district boards of trustees under  
22 specific authority and regulations of the State Board of  
23 Education and which offer courses and programs of general and  
24 academic education parallel to that of the first and second  
25 years of work in institutions in the State University System,  
26 of career education, and of adult continuing education.

27           (c) Institutions of higher education.--The  
28 institutions of higher education shall consist of all  
29 state-supported educational institutions offering work above  
30 the public school level, other than community colleges, that  
31 are authorized and established by law, together with all

1 activities and services authorized by law to be administered  
2 by or through each of those institutions.

3 (d) Other educational institutions.--Other  
4 state-supported institutions primarily of an educational  
5 nature shall be considered parts of the state system of public  
6 education. The educational functions of other state-supported  
7 institutions which are not primarily of an educational nature  
8 but which have specific educational responsibilities shall be  
9 considered responsibilities belonging to the state system of  
10 public education.

11 ~~(e) Other educational services.--Other educational~~  
12 ~~services shall include health services and such special~~  
13 ~~services and functions as may be authorized by law or by~~  
14 ~~regulations of the state board as prescribed by law and as are~~  
15 ~~considered necessary to improve, promote, and protect the~~  
16 ~~adequacy and efficiency of the state system of public~~  
17 ~~education.~~

18 (e) Other education-related services.--Other  
19 education-related services may include health services, and  
20 other special services and functions as may be authorized by  
21 law or rule as necessary to improve, promote or protect the  
22 education system.

23 (f) Florida School for the Deaf and the Blind.--The  
24 Florida School for the Deaf and the Blind is a part of the  
25 state system of education.

26 (5) SCHOOL.--A school is an organization of pupils for  
27 instructional purposes on an elementary, secondary, or other  
28 public school level, approved under regulations of the  
29 Commissioner of Education or state board.

30 (6) SCHOOL CENTER.--A school center is a place of  
31 location of any school or schools on the same or on adjacent

1 sites or on a site under the control of the principal and  
2 within a reasonable distance of the main center as prescribed  
3 by regulations of the Commissioner ~~State Board~~ of Education.

4 (13) SCHOOL DAY.--A school day for any group of  
5 students is that portion of the day in which school is  
6 actually in session and shall comprise not less than 5 net  
7 hours, excluding intermissions, for all grades above the  
8 third; not less than 4 net hours for the first three grades;  
9 and not less than 3 net hours for kindergarten or  
10 prekindergarten students with disabilities, or the equivalent  
11 as calculated on a weekly basis. The net hours specified in  
12 this subsection shall consist only of instruction in an  
13 approved course of study and shall exclude all  
14 noninstructional activities as defined by rules of the  
15 Commissioner ~~State Board~~ of Education. Three of the last days  
16 of the 90-day term, and of the 180-day term, may be designated  
17 by the district school board as final examination days for  
18 secondary school students. These final examination days shall  
19 consist of no less than 4 net hours, excluding intermissions.  
20 The minimum length of the school day herein specified may be  
21 decreased under rules which shall be adopted by the state  
22 board for double session schools or programs, experimental  
23 schools, or schools operating under emergency conditions.

24 (18) EXCEPTIONAL STUDENT.--The term "exceptional  
25 student" means any child or youth who has been determined  
26 eligible for a special program in accordance with rules of the  
27 Commissioner of Education or the State Board of Education  
28 ~~Rules~~. The term "exceptional students" includes students who  
29 are gifted and students with disabilities who are mentally  
30 handicapped, speech and language impaired, deaf or hard of  
31 hearing, visually impaired, dual sensory impaired, physically

1 impaired, emotionally handicapped, specific learning disabled,  
2 hospital and homebound, autistic, developmentally delayed  
3 children, ages birth through 5 years, or children with  
4 established conditions, ages birth through 2 years.

5 (29) DROPOUT.--A dropout is a student over the age of  
6 compulsory school attendance, as defined in s. 232.01, who  
7 meets any one or more of the following criteria:

8 (a) The student has voluntarily removed himself or  
9 herself from the school system before graduation for reasons  
10 that include, but are not limited to, marriage ~~or entrance~~  
11 ~~into the military~~, or the student has withdrawn from school  
12 because he or she has failed the statewide student assessment  
13 test and thereby does not receive any of the certificates of  
14 completion;

15 (b) The student has not met the relevant attendance  
16 requirements of the school district pursuant to State Board of  
17 Education rules, or the student was expected to attend a  
18 school but did not enter as expected for unknown reasons, or  
19 the student's whereabouts are unknown;

20 (c) The student has withdrawn from school, but has not  
21 transferred to another public or private school or enrolled in  
22 any vocational, adult, or alternative educational program;

23 (d) The student has withdrawn from school due to  
24 hardship, unless such withdrawal has been granted under the  
25 provisions of s. 322.0601, court action, expulsion, medical  
26 reasons, or pregnancy; or

27 (e) The student is not eligible to attend school  
28 because of reaching the maximum age for an exceptional student  
29 program in accordance with the district's policy.

30  
31



1 Students not exempt from attendance pursuant to s. 232.06 and  
2 under the age of compulsory school attendance who stop  
3 attending school shall be known as habitual truants as defined  
4 in subsection (28) and are not to be considered dropouts. The  
5 State Board of Education may adopt rules to implement the  
6 provisions of this subsection.

7 Section 75. Section 228.062, Florida Statutes, is  
8 amended to read:

9 228.062 Migrant education program.--The Commissioner  
10 of Education shall ~~recommend, and the State Board of Education~~  
11 ~~shall~~ prescribe such rules as are necessary to provide for  
12 the participation of the state in the federal migratory child  
13 compensatory education program, which may be funded from  
14 federal or other lawful sources. The Department of Education  
15 is authorized to plan, fund, and administer educational  
16 programs for migrant children in the state, beginning for such  
17 children at age 3. Such programs shall be operated through  
18 grants to local school districts or through contracts with  
19 other public agencies or nonprofit corporations.

20 Section 76. Section 228.081, Florida Statutes, is  
21 amended to read:

22 228.081 Other public educational services.--The  
23 general control of other public educational services shall be  
24 vested in the state board except as provided herein. The  
25 state board shall, at the request of the Department of  
26 Children Health and Family Rehabilitative Services and the  
27 Department of Juvenile Justice, advise as to standards and  
28 requirements relating to education to be met in all state  
29 schools or institutions under their control which provide  
30 educational programs. The Department of Education shall  
31 provide supervisory services for the educational programs of

1 all such schools or institutions. The direct control of any  
 2 of these services provided as part of the district program of  
 3 education shall rest with the school board. These services  
 4 shall be supported out of state, district, federal, or other  
 5 lawful funds, depending on the requirements of the services  
 6 being supported.

7 Section 77. Section 228.086, Florida Statutes, is  
 8 amended to read:

9 228.086 Regional centers of excellence in mathematics,  
 10 science, computers, technology, and global awareness.--

11 ~~(1)~~ The Department of Education is authorized to award  
 12 grants to public school districts, developmental research  
 13 schools, state community colleges, state universities, private  
 14 postsecondary institutions, or museums of science as defined  
 15 in s. 265.608, or any combination thereof, to establish  
 16 regional centers of excellence in mathematics, science,  
 17 computers, technology, and global awareness.

18 ~~(2) The State Board of Education shall adopt rules to~~  
 19 ~~implement the program for regional centers of excellence.~~  
 20 ~~Such rules shall provide procedures for proposals to be~~  
 21 ~~submitted by individual public school districts, developmental~~  
 22 ~~research schools, state community colleges, state~~  
 23 ~~universities, private postsecondary institutions, or museums~~  
 24 ~~of science as defined in s. 265.608, according to prescribed~~  
 25 ~~format criteria. The rules shall also specify criteria for~~  
 26 ~~evaluation of the proposals so that the final selections will~~  
 27 ~~result at least in one center being located in each of the~~  
 28 ~~reporting and coordinating regions of the Department of~~  
 29 ~~Education, which regions shall be known as "Panhandle,"~~  
 30 ~~"Crown," "East Central," "West Central," and "South." For~~  
 31 ~~purposes of this section, the South region shall be further~~

1 ~~divided into "Upper" and "Lower" regions. Dade County and~~  
2 ~~Monroe County shall comprise the Lower South region. The Upper~~  
3 ~~South region shall be composed of the remaining counties in~~  
4 ~~the South region. At least one center shall be located in the~~  
5 ~~Upper South region and at least one center shall be located in~~  
6 ~~the Lower South region. The final selections shall be made by~~  
7 ~~the commissioner with the primary consideration to be the~~  
8 ~~greatest potential impact on student performance within the~~  
9 ~~region in terms of dollars required. Funding for each~~  
10 ~~regional center shall be in an amount established by the~~  
11 ~~Legislature after consideration of the budget request of the~~  
12 ~~center, which request shall include specific performance data~~  
13 ~~and quantifiable objectives for the following year. If a~~  
14 ~~center is deemed not to be meeting its stated objectives, as~~  
15 ~~determined by the State Board of Education, the Legislature~~  
16 ~~shall zero-fund the center and the commissioner shall promptly~~  
17 ~~call for new proposals within that region.~~

18 ~~(3)(a) Each center shall have a director appointed by~~  
19 ~~the appropriate administrator of the district school board,~~  
20 ~~developmental research school, state community college, state~~  
21 ~~university, private postsecondary institution, or museum of~~  
22 ~~science as defined in s. 265.608, where the center is located,~~  
23 ~~funded, and administered. Such governing entity shall be~~  
24 ~~generally responsible and accountable for all activities of~~  
25 ~~the center with the director being specifically responsible~~  
26 ~~and accountable.~~

27 ~~(b) Upon consideration of the recommendations of the~~  
28 ~~governing entity of the center, the commissioner shall appoint~~  
29 ~~an advisory council for each center consisting of no more than~~  
30 ~~11 members. Prior to appointing the advisory council, the~~  
31 ~~commissioner shall solicit input from each of the groups which~~

1 ~~shall be represented on the council. Membership shall be~~  
2 ~~representative of public school districts, developmental~~  
3 ~~research schools, state community colleges, state~~  
4 ~~universities, private postsecondary institutions, or museums~~  
5 ~~of science as defined in s. 265.608, and private industry and~~  
6 ~~business. The advisory council shall make recommendations~~  
7 ~~regarding policy, activities, and fiscal operations and shall~~  
8 ~~facilitate coordination of entities within the region. The~~  
9 ~~director of the center and staff of the center shall also~~  
10 ~~serve as staff to the council.~~

11 ~~(4) The evaluation of proposals shall include~~  
12 ~~consideration of:~~

13 ~~(a) Cooperative arrangements among public school~~  
14 ~~districts, developmental research schools, state community~~  
15 ~~colleges, state universities, private postsecondary~~  
16 ~~institutions, or museums of science as defined in s. 265.608,~~  
17 ~~and the other governmental agencies and the private sector,~~  
18 ~~including cooperative funding arrangements.~~

19 ~~(b) Strategies for improvement of student performance.~~

20 ~~(c) Development and dissemination of new principles,~~  
21 ~~techniques, knowledge, and instructional strategies.~~

22 ~~(d) Evaluation and development of instructional~~  
23 ~~materials.~~

24 ~~(e) Recruitment and training of minority and female~~  
25 ~~students for careers in mathematics, science, or~~  
26 ~~computer-related careers or global awareness.~~

27 ~~(f) Recruitment or retraining to include, but not be~~  
28 ~~limited to, retired military or private industry and business~~  
29 ~~personnel for teaching.~~

30 ~~(g) Identification and assistance in the acquisition~~  
31 ~~of revenues and other resources from the private sector,~~

1 ~~federal or state government, or foundations for programs in~~  
2 ~~mathematics, science, or computer education or global~~  
3 ~~awareness.~~

4 ~~(h) Production and dissemination of videotaped~~  
5 ~~instructional materials for students and teachers.~~

6 ~~(i) Development, dissemination, and evaluation of~~  
7 ~~instructional materials, teacher training, and related~~  
8 ~~services for public school students whose native language is~~  
9 ~~other than English and whose proficiency in English is limited~~  
10 ~~where substantiated need exists as determined by the~~  
11 ~~Department of Education.~~

12 ~~(j) Development and operation of a computer education~~  
13 ~~laboratory and library of related materials.~~

14 ~~(5) As used in this section, the term "private~~  
15 ~~postsecondary institution" means an independent nonprofit~~  
16 ~~college or university which is located in and chartered by the~~  
17 ~~state; which is accredited by an agency holding membership in~~  
18 ~~the Commission on Recognition of Postsecondary Accreditation;~~  
19 ~~which grants baccalaureate, associate in arts, or associate in~~  
20 ~~science degrees and the credits of which are acceptable~~  
21 ~~without qualification for transfer to state universities; and~~  
22 ~~which is not a state university or state community college or~~  
23 ~~a pervasively sectarian institution.~~

24 ~~(6) This section shall be implemented in the 1983-1984~~  
25 ~~school year and thereafter only to the extent as specifically~~  
26 ~~funded and authorized by law.~~

27 Section 78. Section 228.088, Florida Statutes, is  
28 amended to read:

29 228.088 High schools and secondary schools utilization  
30 of security programs.--Each district high school and secondary  
31 school shall develop and implement programs for security

1 purposes to be in effect during school operating hours. Such  
2 programs may consist of teachers, volunteers, neighborhood  
3 watch programs, school resource officers, security guards, or  
4 any combination thereof. The Commissioner ~~State Board~~ of  
5 Education shall adopt rules to implement the provisions of  
6 this section.

7 Section 79. Subsection (3) of section 228.092, Florida  
8 Statutes, is amended to read:

9 228.092 Retention of records of students attending  
10 nonpublic schools.--

11 (3) DEPARTMENT RESPONSIBILITIES.--All nonpublic  
12 schools that ~~which~~ become defunct shall notify the Deputy  
13 Commissioner for Educational Programs ~~Management Information~~  
14 ~~Service Section~~ in the Department of Education of the date of  
15 transfer of student records, the location of storage, the  
16 custodian of such records, and the number of records to be  
17 stored. The department shall act as a clearinghouse and  
18 maintain a registry of such transfers of student records.

19 Section 80. Subsections (2) and (3) of section  
20 228.195, Florida Statutes, are amended to read:

21 228.195 School food service programs.--

22 (2) STATE RESPONSIBILITY.--The Commissioner of  
23 Education shall ~~recommend, and the State Board of Education~~  
24 ~~shall~~ prescribe, rules and standards covering all phases of  
25 the administration and operation of the school food service  
26 programs.

27 (3) SCHOOL DISTRICT RESPONSIBILITY.--Each district  
28 school board shall consider the recommendations of the  
29 district superintendent and adopt policies to provide for an  
30 appropriate food and nutrition program for children consistent  
31

1 with regulations and standards prescribed by the commissioner  
2 ~~state board~~.

3 Section 81. Subsection (1) of section 228.301, Florida  
4 Statutes, is amended to read:

5 228.301 Test security.--

6 (1) It is unlawful for anyone knowingly and willfully  
7 to violate test security rules adopted by the State Board of  
8 Education or the Commissioner of Education for mandatory tests  
9 administered by or through the State Board of Education or the  
10 Commissioner of Education to students, educators, or  
11 applicants for certification or administered by school  
12 districts pursuant to s. 229.57, or, with respect to any such  
13 test, knowingly and willfully to:

14 (a) Give examinees access to test questions prior to  
15 testing;

16 (b) Copy, reproduce, or use in any manner inconsistent  
17 with test security rules all or any portion of any secure test  
18 booklet;

19 (c) Coach examinees during testing or alter or  
20 interfere with examinees' responses in any way;

21 (d) Make answer keys available to examinees;

22 (e) Fail to follow security rules for distribution and  
23 return of secure test as directed, or fail to account for all  
24 secure test materials before, during, and after testing;

25 (f) Fail to follow test administration directions  
26 specified in the test administration manuals; or

27 (g) Participate in, direct, aid, counsel, assist in,  
28 or encourage any of the acts prohibited in this section.

29 Section 82. Subsection (13) of section 228.502,  
30 Florida Statutes, 1996 Supplement, is amended to read:

31 228.502 The Education Success Incentive Program.--

1           (13) The Department of Education shall administer the  
2 Education Success Incentive Program pursuant to rules adopted  
3 by the Commissioner ~~State Board~~ of Education.

4           Section 83. Section 229.011, Florida Statutes, is  
5 amended to read:

6           229.011 State functions.--Public education is  
7 basically a function and responsibility of the state. The  
8 responsibility for establishing ~~such minimum~~ standards and  
9 regulations ~~as shall tend~~ to assure efficient operation of all  
10 schools and adequate educational opportunities for all  
11 children is retained by the state.

12          Section 84. Section 229.053, Florida Statutes, 1996  
13 Supplement, is amended to read:

14          229.053 General powers of state board.--

15          (1) The State Board of Education is the chief  
16 policymaking and coordinating body of public education in  
17 Florida. It has the general powers to determine, adopt, or  
18 prescribe such policies, rules, regulations, or standards as  
19 are required by law or as it may find necessary for the  
20 improvement of the state system of public education. Except  
21 as otherwise provided herein, it may, as it shall find  
22 appropriate, delegate its general powers to the Commissioner  
23 of Education or the directors of the divisions of the  
24 department.

25          (2) The board has the following duties:

26          (a) To adopt comprehensive educational objectives for  
27 public education.

28          (b) To adopt comprehensive long-range plans and  
29 short-range programs for the development of the state system  
30 of public education.†

31



1           (c) To exercise general supervision over the divisions  
2 of the Department of Education as, ~~including the Division of~~  
3 ~~Universities, to the extent~~ necessary to ensure coordination  
4 of educational plans and programs and resolve controversies  
5 and ~~to coordinate the academic calendars of universities,~~  
6 ~~community colleges, and public schools~~ to minimize problems of  
7 articulation and student transfers, to assure that students  
8 moving from one level of education to the next have acquired  
9 competencies necessary for satisfactory performance at that  
10 level, and to ensure maximum utilization of facilities.†

11           (d) To adopt for public universities and community  
12 colleges, and from time to time modify, minimum and uniform  
13 standards of college-level communication and computation  
14 skills generally associated with successful performance and  
15 progression through the baccalaureate level; ~~to approve tests~~  
16 ~~and other assessment procedures which measure student~~  
17 ~~achievement of those skills~~; and to identify  
18 college-preparatory high school coursework and  
19 postsecondary-level coursework that prepares students with the  
20 academic skills necessary to succeed in postsecondary  
21 education.†

22           (e) To adopt and transmit to the Governor as chief  
23 budget officer of the state on official forms furnished for  
24 such purposes, on or before September 1 of each year,  
25 estimates of expenditure requirements for the State Board of  
26 Education, the Commissioner of Education, and all of the  
27 boards, institutions, agencies, and services under the general  
28 supervision of the State Board of Education for the ensuing  
29 fiscal year.†

30           (f) To hold meetings, transact business, keep records,  
31 adopt a seal, and perform such other duties as may be

1 necessary for the enforcement of all laws and regulations  
2 relating to the state system of public education.†  
3 ~~(g) To have possession of and manage all lands granted~~  
4 ~~to or held by the state for educational purposes.†~~  
5 ~~(h) To administer the State School Fund.†~~  
6 (g)(i) To approve plans for cooperating with the  
7 Federal Government and, pursuant thereto, by regulation to  
8 accept funds, create subordinate units, and provide the  
9 necessary administration required by any federal program.†  
10 (h)(j) To approve plans for cooperating with other  
11 public agencies in the development of regulations and in the  
12 enforcement of laws for which the state board and such  
13 agencies are jointly responsible.†  
14 (i)(k) To review ~~approve~~ plans for cooperating with  
15 appropriate nonpublic agencies for the improvement of  
16 conditions relating to the welfare of schools.†  
17 ~~(l) To authorize, approve, and require to be used such~~  
18 ~~forms as are needed to promote uniformity, accuracy, or~~  
19 ~~completeness in executing contracts, keeping records, or~~  
20 ~~making reports.†~~  
21 (j)(m) To create such subordinate advisory bodies as  
22 are ~~may be~~ required by law or as it finds ~~may find~~ necessary  
23 for the improvement of education.†  
24 (k)(n) To constitute the State Board for Career  
25 Education or other structures as ~~may be~~ required by federal  
26 law.†  
27 (l) To assist in the economic development of the state  
28 by developing a state-level planning process to identify  
29 future training needs for industry, especially high-technology  
30 industry.  
31

1       (m) To assist in the planning and economic development  
2 of the state by establishing a clearinghouse for information  
3 on educational programs of value to economic development.

4       (n)~~(o)~~ To contract with independent institutions  
5 accredited by an agency holding membership in the Commission  
6 on Recognition of Postsecondary Accreditation for the  
7 provision of those educational programs and facilities which  
8 will meet needs unfulfilled by the state system of public  
9 postsecondary education;

10       ~~(p) To adopt, based on recommendations of the~~  
11 ~~Postsecondary Education Planning Commission, criteria for the~~  
12 ~~establishment of new community colleges and state~~  
13 ~~universities; and~~

14       (o)~~(q)~~ To recommend that a district school board take  
15 action consistent with the state board's decision relating to  
16 an appeal of a charter school application.

17       Section 85. Subsection (2) of section 229.085, Florida  
18 Statutes, is amended to read:

19       229.085 Custody of educational funds.--

20       (2) There is created in the Department of Education  
21 the Projects, Contracts, and Grants Trust Fund. If, in  
22 executing the terms of such grants or contracts for specific  
23 projects, the employment of personnel shall be required, such  
24 personnel shall not be subject to the requirements of s.  
25 216.262(1)(a). ~~Effective July 1, 1979,~~The personnel employed  
26 to plan and administer such projects shall be considered in  
27 time-limited employment not to exceed the duration of the  
28 grant or until completion of the project, whichever first  
29 occurs. Such employees shall not acquire retention rights  
30 under the Career Service System, the provisions of s.  
31 110.051(1) to the contrary notwithstanding. Any employee

1 holding permanent career service status in a Department of  
2 Education position who is appointed to a position under the  
3 Projects, Contracts, and Grants Trust Fund shall retain such  
4 permanent status in the career service position.

5 Section 86. Subsection (1) of section 229.111, Florida  
6 Statutes, is amended to read:

7 229.111 State board authorized to accept gifts.--

8 (1) The Commissioner of Education may ~~State Board of~~  
9 ~~Education shall have authority to accept or decline~~, on behalf  
10 of the state system of public education or of any school fund  
11 established or recognized by law, any gift or bequest of  
12 money, royalty, or other personal or real property given or  
13 bequeathed to the state system of public education, or to any  
14 school fund established or recognized by law, ~~provided, that~~  
15 ~~no~~ Conditions may not shall be attached to any such gift or  
16 bequest of money, royalty, or other personal or real property  
17 given or bequeathed for the purposes designated herein which  
18 are contrary to the provisions of law or regulations of the  
19 state board relating to the use or expenditure of the fund.

20 Section 87. Section 229.512, Florida Statutes, is  
21 amended to read:

22 229.512 Commissioner of Education, general powers and  
23 duties.--The Commissioner of Education is the chief  
24 educational officer of the state, and has the following  
25 general powers and duties:

26 (1) To appoint staff necessary to carry out his or her  
27 powers and duties, ~~except that appointment of all division~~  
28 ~~directors shall be subject to approval by the State Board of~~  
29 ~~Education, except the Board of Regents, whose members shall be~~  
30 ~~appointed pursuant to s. 240.207, and the State Board of~~

31

1 ~~Community Colleges, whose members shall be appointed pursuant~~  
2 ~~to s. 240.307.~~

3 (2) To suspend, for cause, with the approval of the  
4 State Board of Education, a public community college  
5 president. Such suspension shall be acted upon expeditiously  
6 by the local community college board of trustees.†

7 (3) To advise and counsel with the State Board of  
8 Education on all matters pertaining to education; to recommend  
9 to the State Board of Education actions and policies as, in  
10 the commissioner's opinion, should be acted upon or adopted;  
11 and to execute or provide for the execution of all acts and  
12 policies as are approved.†

13 (4) To call such special meetings of the State Board  
14 of Education as the commissioner deems necessary.†

15 (5) To keep such records as are necessary to set forth  
16 clearly all acts and proceedings of the state board.†

17 (6) To have a seal for his or her office with which,  
18 in connection with his or her own signature, the commissioner  
19 shall authenticate true copies of decisions, acts, or  
20 documents.†

21 (7) To assemble all data relative to the preparation  
22 of the long-range plan for the development of the state system  
23 of public education; to propose for adoption by the State  
24 Board of Education such a plan; and to propose revisions in  
25 the plan as may be necessary.†

26 (8) To recommend to the State Board of Education  
27 policies and steps designed to protect and preserve the  
28 principal of the State School Fund;and to provide an assured  
29 and stable income from the fund;and to execute such policies  
30 and actions as are approved; and to administer the State  
31 School Fund.

1           (9) To take action on the release of mineral rights  
 2 based upon the recommendations of the Board of Trustees of the  
 3 Internal Improvement Trust Fund.~~investigate and submit~~  
 4 ~~proposals for sale of all school lands held by the state for~~  
 5 ~~educational purposes; to recommend policies for rental, use,~~  
 6 ~~or improvement of such lands and for preserving them from~~  
 7 ~~trespass or injury, and to execute such policies as are~~  
 8 ~~approved.~~

9           (10) To submit to the State Board of Education, at  
 10 least 30 days prior to the date fixed herein, recommendations  
 11 of expenditures for the State Board of Education, the  
 12 Commissioner of Education, and all of the boards,  
 13 institutions, agencies, and services under the general  
 14 supervision of the State Board of Education for the ensuing  
 15 fiscal year.~~†~~

16           (11) To develop and implement a plan for ~~recommend~~  
 17 ~~ways and means of~~ cooperating with the Federal Government in  
 18 carrying out any or all phases of the educational program and  
 19 to recommend policies for administering funds that are ~~which~~  
 20 ~~may be~~ appropriated by Congress and apportioned to the state  
 21 for any or all educational purposes.~~†~~

22           (12) To develop and implement ~~recommend~~ policies for  
 23 cooperating with other public agencies in carrying out those  
 24 phases of the program in which such cooperation is required by  
 25 law or is deemed by the commissioner to be desirable and to  
 26 cooperate with public and nonpublic agencies in planning and  
 27 bringing about improvements in the educational program.~~†~~

28           (13) To prepare ~~for approval of the State Board of~~  
 29 ~~Education~~ such forms and procedures as are ~~deemed~~ necessary to  
 30 be used by ~~the Board of Regents, boards of trustees of~~  
 31 ~~community colleges, district school boards, and all other~~

1 educational agencies to assure uniformity, accuracy, and  
2 efficiency in the keeping of records, the execution of  
3 contracts, the preparation of budgets, or the submission of  
4 reports; to furnish at state expense, when deemed advisable by  
5 the commissioner, those forms that ~~which~~ can more economically  
6 and efficiently be provided.†

7 (14) To implement a program of school improvement and  
8 education accountability as provided by statute and State  
9 Board of Education rule which is based upon the achievement of  
10 the state education goals, recognizing the State Board of  
11 Education as the body corporate responsible for the  
12 supervision of the system of public education, the school  
13 board as responsible for school and student performance, and  
14 the individual school as the unit for education  
15 accountability; to arrange for the preparation, publication,  
16 and distribution of materials relating to the state system of  
17 public education which will supply information concerning  
18 needs, problems, plans, and possibilities; to prepare and  
19 publish annually reports giving statistics and other useful  
20 information pertaining to the state system of public  
21 education; and to have printed copies of school laws, forms,  
22 instruments, instructions, and regulations of the State Board  
23 of Education and to provide for the distribution of the same.†  
24 ~~and~~

25 (15) To develop criteria for use by state  
26 instructional materials committees in evaluating materials  
27 submitted for adoption consideration. The criteria shall, as  
28 appropriate, be based on instructional expectations reflected  
29 in curriculum frameworks and student performance standards.  
30 The criteria for each subject or course shall be made  
31 available to publishers of instructional materials at least 24

1 months prior to the date on which bids are due as provided by  
2 s. 233.14. It is the intent of the Legislature that  
3 publishers have ample time to develop instructional materials  
4 designed to meet requirements in this state.

5 Section 88. Section 229.515, Florida Statutes, is  
6 created to read:

7 229.515 Rules and standards have force of law.--The  
8 Commissioner of Education may prescribe such rules and minimum  
9 standards as are necessary to carry out his or her  
10 responsibilities under the school code, with the exception of  
11 provisions relating to state universities and community  
12 colleges and the Florida School for the Deaf and the Blind,  
13 and all such rules and minimum standards, if not in conflict  
14 with the school code, have the full force and effect of law.  
15 The commissioner, in prescribing such rules, is considered an  
16 "agency" for purposes of chapter 120.

17 Section 89. Section 229.559, Florida Statutes, is  
18 amended to read:

19 229.559 Social security numbers used as student  
20 identification numbers.--~~Beginning in the 1990-1991 school~~  
21 ~~year,~~Each school district shall request that each student  
22 enrolled in a public school in this state provide his or her  
23 social security number. ~~Beginning in the 1991-1992 school~~  
24 ~~year,~~Each school district shall use social security numbers  
25 as student identification numbers in the management  
26 information system maintained by the school district. However,  
27 a student is ~~shall~~ not ~~be~~ required to provide his or her  
28 social security number as a condition for enrollment or  
29 graduation. A student satisfies this requirement by  
30 presenting to school enrollment officials his or her social  
31 security card or a copy of the ~~such~~ card. The school district



1 shall include the social security number in the student's  
2 permanent records and shall indicate if the student  
3 identification number is not a social security number. The  
4 commissioner shall provide assistance to school districts to  
5 assure that the assignment of student identification numbers  
6 other than social security numbers is kept to a minimum and to  
7 avoid duplication of any student identification number. By  
8 ~~March 1, 1991, the commissioner shall report to the State~~  
9 ~~Board of Education the increase in student social security~~  
10 ~~numbers on record and the actions implemented and planned to~~  
11 ~~enable districts to comply with the requirements of this~~  
12 ~~section by the 1991-1992 school year.~~

13 Section 90. Section 229.565, Florida Statutes, is  
14 amended to read:

15 229.565 Educational evaluation procedures.--

16 (1) STUDENT PERFORMANCE STANDARDS.--

17 (a) The State Board of Education shall approve student  
18 performance standards in the various program categories and  
19 chronological grade levels which the Commissioner of Education  
20 designates as necessary for maintaining a good educational  
21 system. The standards must apply, without limitation, to  
22 language arts, mathematics, science, social studies, the arts,  
23 health and physical education, and foreign language reading,  
24 writing, mathematics, science, history, government, geography,  
25 economics, and computer literacy. The commissioner shall  
26 obtain opinions and advice from citizens, educators, and  
27 members of the business community in developing the standards.  
28 For purposes of this section, the term "student performance  
29 standard" means a statement describing a skill or competency  
30 that students are expected to learn.

31

1 (b) The student performance standards must address the  
 2 skills and competencies that a student must learn in order to  
 3 graduate from high school. The commissioner shall also develop  
 4 performance standards for students who learn a higher level of  
 5 skills and competencies.

6 ~~(c) Section 3, chapter 83-327, Laws of Florida, shall~~  
 7 ~~be implemented in the 1983-1984 school year and thereafter~~  
 8 ~~only to the extent specifically funded and authorized by law.~~

9 ~~(2) STANDARDS OF EXCELLENCE.--The State Board of~~  
 10 ~~Education shall approve performance standards of excellence~~  
 11 ~~in, but not limited to, mathematics and science, which the~~  
 12 ~~Commissioner of Education determines shall best indicate the~~  
 13 ~~status of the state system of public education. This~~  
 14 ~~provision shall be implemented in the 1983-1984 school year~~  
 15 ~~and thereafter only to the extent specifically funded and~~  
 16 ~~authorized by law.~~

17 (2)(3) EDUCATION EVALUATION.--The Commissioner of  
 18 Education, or the Auditor General as provided in paragraph  
 19 (a), shall periodically examine and evaluate procedures,  
 20 records, and programs in each district to determine compliance  
 21 with law and rules established by the state board or the  
 22 Commissioner of Education and in each correctional institution  
 23 operated by the Department of Corrections to determine  
 24 compliance with law and rules established by the Department of  
 25 Corrections for the Correctional Education Program pursuant to  
 26 s. 944.801. Such evaluations must ~~shall~~ include, but need not  
 27 be limited to:

28 (a) Reported full-time equivalent membership in each  
 29 program category. This evaluation must ~~shall~~ be conducted by  
 30 the Auditor General for the Florida Education Finance Program  
 31 full-time enrollment verification function.

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

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

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

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

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

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

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

1 the school districts and explained well in advance of the  
2 actual audit date.

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

5 (3)~~(4)~~ ASSISTANCE AND ADJUSTMENTS.--If discrepancies  
6 or deficiencies are found, the Commissioner of Education must  
7 ~~shall~~ provide information and assistance to the superintendent  
8 and personnel of the district in correcting the cited  
9 deficiencies. Priority for such assistance must ~~shall~~ be given  
10 to providing the most deficient individual school programs  
11 with research-based problem identification strategies and  
12 alternatives to improve student performance. Such  
13 alternatives must ~~shall~~ be systematically drawn from research  
14 related to school effectiveness, teacher effectiveness, or  
15 management effectiveness. If it is determined that the  
16 approved criteria and procedures for the placement of students  
17 and the conduct of programs have not been followed by the  
18 district, appropriate adjustments in the full-time equivalent  
19 student count for that district must ~~shall~~ be made, and any  
20 excess funds must ~~shall~~ be deducted from subsequent  
21 allocations of state funds to that district. As provided for  
22 by rule ~~rules of the State Board of Education~~, if errors in a  
23 specific program of a district recur in consecutive years due  
24 to lack of corrective action by the district, adjustments may  
25 be made based upon statistical estimates of error projected to  
26 the overall district program.

27 ~~(5) PREKINDERGARTEN EARLY INTERVENTION PROGRAM.--The~~  
28 ~~commissioner shall annually examine and evaluate the~~  
29 ~~procedures, records, and programs of each district which has~~  
30 ~~established a prekindergarten early intervention program to~~  
31 ~~determine the district's compliance with s. 230.2305 and with~~

1 ~~the approved district plan for the prekindergarten early~~  
2 ~~intervention program.~~

3 Section 91. Subsections (3) and (4) of section 229.57,  
4 Florida Statutes, are amended to read:

5 229.57 Student assessment program.--

6 (3) STATEWIDE ASSESSMENT PROGRAM.--The commissioner is  
7 directed to design and implement a statewide program of  
8 educational assessment that provides information for the  
9 improvement of the operation and management of the public  
10 schools. The program must be designed, as far as possible, so  
11 as not to conflict with ongoing district assessment programs  
12 and so as to use information obtained from district programs.  
13 Pursuant to the statewide assessment program, the commissioner  
14 shall:

15 (a) Submit to the state board a list that specifies  
16 student skills and competencies to which the goals for  
17 education specified in the state plan apply, including, but  
18 not limited to, reading, writing, and mathematics. The skills  
19 and competencies must include problem-solving and higher-order  
20 skills as appropriate. The commissioner shall select such  
21 skills and competencies after receiving recommendations from  
22 educators, citizens, and members of the business community.  
23 ~~Such skills and competencies must include, without limitation,~~  
24 ~~those which comprise minimum standards of student performance.~~  
25 The commissioner shall submit to the state board revisions to  
26 the list of student skills and competencies in order to  
27 maintain continuous progress toward improvements in student  
28 proficiency.

29 (b) Develop and implement a uniform system of  
30 indicators to describe the performance of public school  
31 students and the characteristics of the public school

1 districts and the public schools. These indicators must  
2 include, without limitation, information gathered by the  
3 comprehensive management information system created pursuant  
4 to s. 229.555 and student achievement information obtained  
5 pursuant to this section.

6 (c) Develop and implement a student achievement  
7 testing program as part of the statewide assessment program,  
8 to be administered each spring, of grades 4, 7, and 10 in  
9 reading, writing, and mathematics. The testing program must  
10 be designed as follows:

11 1. For grades 4 and 7, the testing program must use  
12 nationally normed achievement tests that are administered by  
13 school districts in accordance with subsection (4). The State  
14 Board of Education shall adopt rules specifying the procedures  
15 to be used in reviewing available tests and rules designating  
16 a list of tests that are acceptable for this purpose. Each  
17 school district must administer one of the designated tests to  
18 fulfill the requirements of this section. The commissioner  
19 shall take steps to assure that the designated tests are  
20 administered in a uniform and acceptable manner and shall  
21 designate the dates of administration of these tests.

22 2. For grade 10, the testing program must use a  
23 nationally normed student achievement test selected through an  
24 appropriate bidding process. The commissioner shall designate  
25 the criteria to be considered in the bidding process,  
26 including, without limitation, the degree to which the  
27 nationally normed test is compatible with college-level  
28 communication and computation skills defined pursuant to s.  
29 229.551(3)(f), the degree of relationship with the skills  
30 measured by the college-level communication and computation  
31 skills examination prescribed by s. 240.107, the technical

1 quality of the test, the adequacy of normative data, and the  
2 security of the test forms to be used in this state. The  
3 content of the tests must include testing of problem-solving  
4 and higher-order skills to the extent possible. Participation  
5 in the 10th grade testing program is mandatory for all  
6 students in public schools except as may be otherwise  
7 prescribed by the commissioner for students not pursuing  
8 regular high school diplomas.

9           3. The testing programs for grades 4, 7, and 10 must  
10 include a test of writing in which students are required to  
11 produce writings which are then scored by appropriate methods.

12           4. For the tests for grades 4 and 7, a score must be  
13 designated for each subject area tested, below which score a  
14 student's performance is deemed inadequate. The school  
15 districts shall provide appropriate remedial instruction to  
16 students who score below these levels.

17           5. All 11th grade students shall be required to take  
18 high school competency tests developed by the state board to  
19 test minimum student performance skills and competencies in  
20 reading, writing, and mathematics. Upon recommendation of the  
21 commissioner, the state board shall designate a passing score  
22 for each part of the high school competency test. In  
23 establishing passing scores, the state board shall consider  
24 any possible negative impact of the tests on minority  
25 students. A student must earn a passing score on each part  
26 taken to qualify for a regular high school diploma. The  
27 commissioner shall recommend rules to the state board for the  
28 provision of test adaptations and modifications of procedures  
29 as necessary for students in exceptional education programs  
30 and for students who have limited English proficiency. The  
31 school districts shall provide appropriate remedial

1 instruction to students who do not pass part of the competency  
2 test.

3           6. A student seeking an adult high school diploma must  
4 meet the same testing requirements that a regular high school  
5 student must meet.

6  
7 The commissioner may design and implement student testing  
8 programs for other grade levels and subject areas, based on ~~a~~  
9 census or sampling procedures designated by the commissioner  
10 to monitor educational achievement in the state.

11           (d) Obtain or develop a career planning assessment to  
12 be administered to students, at their option, in grades 7 and  
13 10 to assist them in preparing for further education or  
14 entering the workforce. The statewide student assessment  
15 program must include career planning assessment as a free  
16 service to schools.

17           (e) Conduct ongoing research to develop improved  
18 methods of assessing student performance, including, without  
19 limitation, the use of technology to administer tests, the use  
20 of electronic transfer of data, the development of  
21 work-product assessments, and the development of process  
22 assessments.

23           (f) Conduct ongoing research and analysis of student  
24 achievement data, including, without limitation, monitoring  
25 trends in student achievement, identifying school programs  
26 that are successful, and analyzing correlates of school  
27 achievement.

28           (g) Provide technical assistance to school districts  
29 in the implementation of state and district testing programs  
30 and the use of the data produced pursuant to such programs.

31



1           (4) DISTRICT TESTING PROGRAMS.--Each district shall  
2 periodically assess student performance and achievement within  
3 each school of the district. Such assessment programs must be  
4 based upon local goals and objectives that are compatible with  
5 the state plan for education and that supplement the skills  
6 and competencies adopted by the State Board of Education. In  
7 grades 4 and 8 7, each district shall administer a nationally  
8 normed achievement test selected from a list approved by the  
9 state board; the data resulting from these tests must be  
10 provided to the Department of Education according to  
11 procedures specified by the commissioner. The commissioner  
12 may request achievement data for other grade levels as  
13 necessary.

14           Section 92. Subsection (1) of section 229.59, Florida  
15 Statutes, is amended to read:

16           229.59 Educational improvement projects.--

17           (1) Pursuant to rules adopted by the Commissioner  
18 ~~State Board~~ of Education, each district school board, or each  
19 principal through the district school board, may submit to the  
20 commissioner for approval a proposal for implementing an  
21 educational improvement project. Such proposals shall be  
22 developed with the assistance of district and school advisory  
23 councils and may address any or all of the following areas:

24           (a) The improvement of school management;

25           (b) The improvement of the district and school  
26 advisory councils;

27           (c) School volunteers;

28           (d) The professional development of teachers;

29           (e) The restructuring of educational programs to meet  
30 the needs of diverse students; and

31           (f) Global awareness.

1  
2 Such projects may also address any other educational area  
3 which would be improved through the encouragement of closer  
4 working relationships among the school principal, the  
5 teachers, and the parents and other members of the community.  
6 Priority shall be given to proposals which provide for the  
7 inclusion of existing resources, such as district educational  
8 training funds, in the implementation of an educational  
9 improvement project.

10 Section 93. Subsection (1) of section 229.591, Florida  
11 Statutes, 1996 Supplement, is amended to read:

12 229.591 Comprehensive revision of Florida's system of  
13 school improvement and education accountability.--

14 (1) INTENT.--The Legislature recognizes that the  
15 children and youth of the state are its future and its most  
16 precious resource. To provide these developing citizens with  
17 the sound education needed to grow to a satisfying and  
18 productive adulthood, the Legislature intends that, by the  
19 year 2000, Florida establish a system of school improvement  
20 and education accountability based on the performance of  
21 students and educational programs. The intent of the  
22 Legislature is to provide clear guidelines, ~~or a "Blueprint~~  
23 ~~2000,"~~ for achieving this purpose and for returning the  
24 responsibility for education to those closest to the students,  
25 that is the schools, teachers, and parents. The Legislature  
26 recognizes, however, its ultimate responsibility and that of  
27 the Governor, the Commissioner of Education, and the State  
28 Board of Education and other state policymaking bodies in  
29 providing the strong leadership needed to forge a new concept  
30 of school improvement and in making adequate provisions for a  
31 uniform system of free public schools as required by s. 1,

1 Art. IX of the State Constitution. It is further the intent of  
2 the Legislature to build upon the foundation established by  
3 the Educational Accountability Act of 1976 and to implement a  
4 program of education accountability and school improvement  
5 based upon the achievement of state goals, recognizing the  
6 State Board of Education as the body corporate responsible for  
7 the supervision of the system of public education, the  
8 district school board as responsible for school and student  
9 performance, and the individual school as the unit for  
10 education accountability.

11 Section 94. Subsection (1), paragraphs (c) and (d) of  
12 subsection (3), and subsections (5) and (6) of section  
13 229.592, Florida Statutes, 1996 Supplement, are amended to  
14 read:

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

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

1 ~~June 1, 1991, and shall continue during the 1991-1992 school~~  
2 ~~fiscal year.~~

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

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

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

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

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

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

31

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

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

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

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

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

21           ~~3. Student completion and placement rates.~~

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

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

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

31

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

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

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

18           (c) The annual feedback report shall be developed by  
19 the commission and the Department of Education.~~The format for~~  
20 ~~this feedback shall be developed by the commission and~~  
21 ~~recommended to the State Board of Education by January 1,~~  
22 ~~1992. The State Board of Education shall adopt a format for~~  
23 ~~the feedback report.~~

24           (d) The commissioner and the commission shall review  
25 each school board's feedback report and submit its findings to  
26 the State Board of Education. If adequate progress is not  
27 being made toward implementing and maintaining a system of  
28 school improvement and education accountability, the State  
29 Board of Education shall direct the commissioner to prepare  
30 and implement a corrective action plan. The commissioner  
31

1 ~~commission~~ and State Board of Education shall monitor the  
2 development and implementation of the corrective action plan.

3 (5) STATE BOARD.--The State Board of Education shall  
4 adopt rules necessary to implement a state system of school  
5 improvement and education accountability. ~~By September 1,~~  
6 ~~1992, the state board shall adopt standards for indicating~~  
7 ~~progress toward the state education goals pursuant to s.~~  
8 ~~229.591(3). By September 1, 1993, the state board shall adopt~~  
9 ~~rules providing guidelines for annual school reports.~~Such  
10 rules must ~~shall~~ be based on recommendations of the Commission  
11 on Education Reform and Accountability and must ~~shall~~ include,  
12 but need not be limited to, a requirement that each school  
13 report identify the annual Education Enhancement Trust Fund  
14 allocations to the district and the school and how those  
15 allocations were used for educational enhancement and  
16 supporting school improvement.

17 (6) EXCEPTIONS TO LAW.--To facilitate innovative  
18 practices and to allow local selection of educational methods,  
19 the commissioner may waive, upon the request of a school  
20 board, requirements of chapters 230 through 239 of the Florida  
21 School Code that relate to instruction and school operations,  
22 except those pertaining to civil rights, and student health,  
23 safety and welfare. The Commissioner of Education is not  
24 authorized to grant waivers for any provisions of law  
25 pertaining to the allocation and appropriation of state and  
26 local funds for public education; the election, compensation,  
27 and organization of school board members and superintendents;  
28 graduation and state accountability standards; financial  
29 reporting requirements; public meetings; public records; or  
30 due process hearings governed by chapter 120. Prior to  
31 approval, the Commissioner shall report pending waiver

1 requests to the state board on a monthly basis, and shall,  
 2 upon request of any state board member, bring a waiver request  
 3 to the state board for consideration. If, within two weeks of  
 4 receiving the report, no member requests that a waiver be  
 5 considered by the state board, the Commissioner may act on the  
 6 original waiver request. No later than January 1 of each year,  
 7 the Commissioner shall report to the President and Minority  
 8 Leader of the Senate and the Speaker and Minority Leader of  
 9 the House all approved waiver requests in the preceding year.  
 10 ~~during the time period required for careful deliberation by~~  
 11 ~~the Legislature and the Florida Commission on Education Reform~~  
 12 ~~and Accountability, the following time-limited exceptions~~  
 13 ~~shall be permitted:~~

14 (a) ~~In the annual general appropriations acts, the~~  
 15 ~~Legislature may authorize exceptions to any laws pertaining to~~  
 16 ~~fiscal policies, including ss. 236.013 and 236.081, provided~~  
 17 ~~the intent is to give school districts increased flexibility~~  
 18 ~~and local control of education funds. If the General~~  
 19 ~~Appropriations Act does not contain a specific line-item~~  
 20 ~~appropriation or a specific listing within a line-item~~  
 21 ~~appropriation which provides funding for the programs~~  
 22 ~~established pursuant to the following statutes, the statute~~  
 23 ~~shall be held in abeyance for that fiscal year, and any~~  
 24 ~~approved plan for implementing said statute shall be null and~~  
 25 ~~void for said fiscal year: ss. 228.0855; 230.2215; 230.2305;~~  
 26 ~~230.2318; 231.087; 231.613; 232.257; 233.0615; 233.0678;~~  
 27 ~~234.021; 236.0873; 236.083; 236.092; 236.122; 236.1225;~~  
 28 ~~236.1228; and 239.401.~~

29 (b) ~~The methods and requirements of the following~~  
 30 ~~statutes shall be held in abeyance: ss. 228.088; and 229.57(4)~~  
 31 ~~and (5).~~



1  
2 ~~In determining which statutes and rules stand in the way of~~  
3 ~~school improvement, the Florida Commission on Education Reform~~  
4 ~~and Accountability shall consider the effect that holding the~~  
5 ~~statutes listed in paragraphs (a) and (b) in abeyance has had~~  
6 ~~on the school improvement process. It is the intent of the~~  
7 ~~Legislature that statutes listed in paragraphs (a) and (b) be~~  
8 ~~systematically repealed after being held in abeyance for 3~~  
9 ~~consecutive fiscal years.~~

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

1 the Course Code Directory. Credit awarded for a course or  
2 program beyond that allowed by the Course Code Directory  
3 counts ~~shall count~~ as credit for electives. Upon request by  
4 any school district, the commissioner shall evaluate and  
5 establish procedures for variations in academic credits  
6 awarded toward graduation by a high school offering six  
7 periods per day compared to those awarded by high schools  
8 operating on other schedules.

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

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

28 3. When approved by the commissioner, a waiver  
29 requested under ~~pursuant to~~ this paragraph is effective ~~shall~~  
30 ~~be~~ for a 5-year period.

31

1            (b)~~(d)~~ Notwithstanding the provisions of chapter 120  
2 and for the purpose of implementing this subsection, the  
3 commissioner may waive State Board of Education rules if  
4 ~~adopted to implement statutes listed in paragraphs (a), (b),~~  
5 ~~and (c), provided that the intent of each rule is met and the~~  
6 school board has submitted a written request to the  
7 commissioner for approval pursuant to this subsection.

8            (c)~~(e)~~ The written request for waiver of statute or  
9 rule must ~~shall~~ indicate at least how the general statutory  
10 purpose will be met, how granting the waiver will assist  
11 schools in improving student outcomes related to the student  
12 performance standards adopted pursuant to subsection (5), and  
13 how student improvement will be evaluated and reported. In  
14 considering any waiver, the commissioner shall ensure  
15 protection of the health, safety, welfare, and civil rights of  
16 the students and protection of the public interest.

17            (d)~~(f)~~ ~~Any request for a waiver which is not denied,~~  
18 ~~or for which a request for additional information is not~~  
19 ~~issued, within 21 days after receipt of the written request~~  
20 ~~shall be deemed approved. Any waiver for which a timely~~  
21 ~~request for additional information has been issued shall be~~  
22 ~~deemed to be approved if a denial is not issued within 21 days~~  
23 ~~after the commissioner's receipt of the specifically requested~~  
24 ~~additional information.~~ Upon denying ~~On denial~~ of a request  
25 for a waiver, the commissioner must ~~shall~~ state with  
26 particularity the grounds or basis for the denial. The  
27 commissioner shall report the specific statutes and rules for  
28 which waivers are requested and the number and disposition of  
29 such requests to the Florida Commission on Education Reform  
30 and Accountability for use in determining which statutes and  
31 rules stand in the way of school improvement.

1 Section 95. Subsections (3), (4), (5), and (6) of  
2 section 229.593, Florida Statutes, are amended to read:

3 229.593 Florida Commission on Education Reform and  
4 Accountability.--

5 (3) ~~The commission shall be appointed no later than 30~~  
6 ~~days after the effective date of this act.~~ Recognized  
7 statewide organizations representing each interest enumerated  
8 in this section shall submit no fewer than two nor more than  
9 three nominees to the appropriate public official for  
10 consideration. The public officials shall appoint members  
11 representative of the ethnic, racial, gender, and economic  
12 population of the state. ~~In the absence of nominees, the~~  
13 ~~designated appointing authority shall appoint persons who~~  
14 ~~otherwise meet the qualifications for appointment to the~~  
15 ~~commission.~~ The term of each appointed private citizen member  
16 shall be for 4 years; ~~however, initially, the Governor, the~~  
17 ~~President of the Senate, the Speaker of the House of~~  
18 ~~Representatives, and the Commissioner of Education shall each~~  
19 ~~appoint at least one member for a 4-year term, one member for~~  
20 ~~a 3-year term, and two members for 2-year terms.~~ A vacancy  
21 shall be filled for the remainder of the unexpired term by the  
22 person who had appointment jurisdiction of the vacated member.  
23 Members shall serve until their successors are duly appointed.  
24 ~~There shall be no limitation on successive appointments to the~~  
25 ~~commission.~~ Provisions of s. 11.611(8)(b) to the contrary  
26 notwithstanding, private citizen members shall be appointed as  
27 provided in this section and are ~~shall~~ not ~~be~~ subject to  
28 confirmation by the Senate. Members of the commission may be  
29 removed for cause by the appointing authority. Any member  
30 who, without cause, fails to attend three consecutive meetings  
31 may be removed by the appointing authority.

1           ~~(4) As soon as practicable after all members are~~  
2 ~~appointed, the Commissioner of Education shall call an~~  
3 ~~organizational meeting of the commission. Subsequent meetings~~  
4 ~~shall be held as often as the commission deems necessary to~~  
5 ~~carry out its duties and responsibilities.~~

6           (4)(5) The commission shall adopt internal  
7 organizational procedures or bylaws necessary for its  
8 efficient operation. The commission shall elect a vice chair  
9 annually, who shall chair the commission in the absence of the  
10 chair. The commission may appoint committees from its  
11 membership or may create such ad hoc advisory committees as it  
12 deems necessary. The commission shall clearly assign duties  
13 to each committee duties that are ~~which shall be~~ consistent  
14 with the statutory duties of the commission. At least one  
15 such committee must ~~shall~~ be created to address the  
16 development of performance standards consistent with the state  
17 education goals. Any committee is to ~~shall~~ serve the  
18 commission in a strictly advisory capacity and must ~~shall~~ have  
19 a commission member as chair.

20           (5)(6) Members of the commission shall serve without  
21 compensation but are ~~shall be~~ entitled to reimbursement for  
22 per diem and travel expenses incurred in the performance of  
23 their duties as provided in s. 112.061. Legislators are ~~shall~~  
24 ~~be~~ entitled to receive travel and per diem expenses as  
25 provided by the Joint Legislative Management Committee for  
26 meetings of legislative committees. When appropriate,  
27 commission members who are parents are to ~~shall~~ receive a  
28 stipend for child care costs incurred while attending  
29 commission meetings.

30           Section 96. Subsection (1) of section 229.594, Florida  
31 Statutes, is amended to read:

1           229.594 Powers and duties of the commission.--

2           (1) The commission shall review and recommend  
3 procedures for a new system of school improvement and  
4 education accountability and recommend the repeal or  
5 modification of statutes, fiscal policies, and rules that  
6 stand in the way of school improvement. Specifically, the  
7 commission shall:

8           (a) Serve as an advisory body to oversee the  
9 development, establishment, implementation, and maintenance of  
10 a program of school improvement and education accountability  
11 based upon the achievement of state education goals. This  
12 responsibility shall include the following:

13           1. Holding public hearings, as ~~determined to be~~  
14 necessary, in various parts of the state. The purpose of  
15 these hearings is ~~shall be~~ to receive public comment on the  
16 status of education and suggestions regarding the  
17 establishment and implementation of a system of school  
18 improvement and education accountability. When feasible,  
19 alternative methods such as teleconferencing shall be employed  
20 to increase public involvement.

21           2. Observing the development and implementation of  
22 school improvement plans pursuant to s. 230.23(18).  
23 Particular attention shall be paid to ensuring the involvement  
24 of teachers, parents, and community in the development and  
25 implementation of individually prepared school improvement  
26 plans.

27           3. Involving the business community in the provision  
28 of needed training for school advisory councils, teachers,  
29 principals, district administrators, and school board members.  
30  
31

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

4           (b) Review and, with assistance from the Department of  
5 Education, analyze results of school needs assessments  
6 submitted by district school boards ~~and, by January 1, 1992,~~  
7 ~~submit a report of its findings to the Legislature.~~ The  
8 report shall include recommendations for changes in the school  
9 improvement and accountability required by s. 230.23(18) which  
10 are considered necessary as a result of the school needs  
11 assessments. The report shall also include a recommendation  
12 regarding the minimum number of credits, subjects, and courses  
13 that should be required by the state for regular and  
14 alternative high school diplomas; the number of hours of  
15 instruction required to receive a credit; the length of a high  
16 school day; and the number of periods per day for high  
17 schools.

18           (c) Recommend to the Legislature, the ~~and~~ State Board  
19 of Education, and the Commissioner of Education, as  
20 appropriate, the components of a system of school improvement  
21 and accountability. Initial recommendations must be reviewed  
22 and revised as necessary annually and must include:

23           1. Performance standards for indicating state, school  
24 district, and school progress toward the state education goals  
25 and a definition of what shall be considered "adequate  
26 progress" toward meeting these performance standards.  
27 Effective June 1, 1993, such standards must incorporate the  
28 provisions of s. 239.229.

29           2. Methods for measuring state, school district, and  
30 school progress toward the goals. These assessment methods  
31 must include the most effective and efficient procedures

1 available from the current system of assessment and  
2 alternative and new assessment practices.

3           3. Methods for public reporting on the progress toward  
4 the goals by the state, school districts, and individual  
5 schools. Emphasis shall be placed on reporting individual  
6 school improvement and progress, and comparisons between  
7 schools shall be minimized. Methods for reporting the status  
8 of children and families and community services available in  
9 each school district to help children and families in need  
10 shall also be developed.

11           4. Effective use of existing methods for recognizing  
12 schools and development of necessary additional methods to  
13 recognize schools that meet or make adequate progress toward  
14 the education goals. The commission shall also consider the  
15 development of incentives including financial incentives for  
16 schools that make exceptional progress toward the education  
17 goals.

18           5. Guidelines that may be adopted as rule ~~and used~~ by  
19 the State Board of Education, or the Commissioner of  
20 Education, and the school board in determining the action for  
21 any school that does not improve after 3 years of assistance  
22 and intervention, including commission responsibility in  
23 recommending action for said schools. The guidelines must  
24 ~~shall~~ be stringent and must ~~shall~~ ensure that the school is  
25 not permitted to continue serving students in a less than  
26 adequate manner.

27  
28 If in the opinion of the commission an adequate system of  
29 accountability is in place to protect the public interest, the  
30 commission may recommend to the Legislature the repeal or  
31 revision of laws, including fiscal policies, and to the State



1 Board of Education and the Commissioner of Education the  
2 repeal or revision of rules, which in the opinion of the  
3 commission stand in the way of school improvement. The  
4 commission may defer any or all recommendations for repeal or  
5 revision of laws and rules until such time as it determines an  
6 adequate system of accountability is ~~to be~~ established and  
7 implemented.

8 Section 97. Subsection (8) of section 229.602, Florida  
9 Statutes, is amended to read:

10 229.602 Florida private sector and education  
11 partnerships.--

12 (8) Partnership vocational ~~career~~ education programs  
13 shall be those job-preparatory vocational ~~career~~ education  
14 programs offered through signed partnership agreements between  
15 area technical centers and business, industry, or  
16 apprenticeship committees. Partnership vocational ~~career~~  
17 education programs are limited to:

18 (a) Apprenticeship programs approved pursuant to  
19 chapter 446.

20 (b) Cooperative education programs where instruction  
21 is provided, including required academic courses and related  
22 vocational instruction, by alternation of study in school with  
23 a job in any occupational field, provided that the two  
24 experiences must be planned and supervised by the school and  
25 employers so that each contributes to the student's education  
26 and employability.

27 (c) Courses provided through the area technical center  
28 in which the sole instructor is a full-time salaried employee  
29 of a business or industry whose teaching services are provided  
30 free to the school district, thus allowing the school district  
31 to provide the course at a lower cost per pupil.

1           Section 98. Section 229.75, Florida Statutes, is  
2 amended to read:

3           229.75 Department under direction of state board.--The  
4 Department of Education shall act as an administrative and  
5 supervisory agency under the policy direction of the State  
6 Board of Education. ~~The state board and its staff shall~~  
7 ~~comprise the department.~~

8           Section 99. Section 229.76, Florida Statutes, is  
9 amended to read:

10           229.76 Functions of department.--The department is to  
11 ~~shall~~ be located in the offices of the Commissioner of  
12 Education, ~~shall operate under the direction and control of~~  
13 ~~the state board~~ and shall assist it in providing professional  
14 leadership and guidance, and in carrying out the policies,  
15 procedures, and duties authorized by law or by the board or  
16 found necessary by it to attain the purposes and objectives of  
17 the school code.

18           Section 100. Section 229.771, Florida Statutes, is  
19 amended to read:

20           229.771 Removal from office.--The State Board of  
21 Education ~~department~~ shall remove from office for cause any  
22 person appointed by the state board under the provisions of  
23 the school code or any subordinate school officer. ~~Cause for~~  
24 ~~such removal shall be~~ Incompetency, immorality, misconduct in  
25 office, gross insubordination, or willful neglect of duty  
26 constitutes cause for such removal. Notice and hearing must  
27 ~~shall~~ be provided pursuant to chapter 120.

28           Section 101. Paragraphs (b) and (c) of subsection (3),  
29 paragraph (a) of subsection (4), and subsection (5) of section  
30 229.805, Florida Statutes, are amended to read:

31           229.805 Educational television.--

1 (3) POWERS OF DEPARTMENT OF EDUCATION.--

2 (b) The department shall provide through educational  
3 television and other electronic media a means of extending  
4 educational services to all the state system of public  
5 education, except the State University System as defined in s.  
6 240.2011, which provision by the department shall be limited  
7 by paragraph (c) and by s. 229.8051(1). The department shall  
8 recommend to the Commissioner of Education ~~state board~~ rules  
9 and regulations necessary to provide such services.

10 (c) The department is authorized to provide equipment,  
11 funds, and other services to extend and update both the  
12 existing and the proposed educational television and radio  
13 systems of tax-supported and nonprofit, corporate-owned  
14 facilities. All stations funded must be qualified by the  
15 Corporation for Public Broadcasting. New stations eligible  
16 for funding shall provide a first service to an audience that  
17 is not currently receiving a broadcast signal or provide a  
18 significant new program service as defined by Commissioner  
19 ~~State Board~~ of Education rules. Funds appropriated to the  
20 department for educational television and funds appropriated  
21 to the department for educational radio may be used by the  
22 department for either educational television or educational  
23 radio, or for both.

24 (4) PROHIBITED USE, PENALTY.--

25 (a) None of the facilities, plant, or personnel of any  
26 educational television system that ~~which~~ is supported in whole  
27 or in part by state funds shall be used directly or indirectly  
28 for the promotion, advertisement, or advancement of any  
29 political candidate for any municipal, county, legislative,  
30 congressional, or state office. However, fair, open, and free  
31 discussion between political candidates for municipal, county,

1 legislative, congressional, or state office may be permitted  
2 in order to help materially reduce the excessive cost of  
3 campaigns and to ensure that the citizens of this state shall  
4 be fully informed about such issues and candidates in such  
5 campaigns. The above provisions ~~shall~~ apply to the advocacy  
6 for, or opposition to, any specific program, existing or  
7 proposed, of governmental action which shall include, but  
8 shall not be limited to, constitutional amendments, tax  
9 referenda, and bond issues. The provisions of this paragraph  
10 shall be in accordance with reasonable rules and regulations  
11 prescribed by the Commissioner ~~State Board~~ of Education or the  
12 Board of Regents, whichever has authority in the premises.

13 (5) DUTY OF DEPARTMENT OF EDUCATION.--The Department  
14 of Education is ~~shall be~~ responsible for identifying the needs  
15 of the state system of public education as they relate to the  
16 development and production of materials used in instruction.  
17 When such identified needs are considered ~~deemed~~ to be best  
18 satisfied by the production of new materials, the department  
19 may ~~shall be empowered to~~ commission or contract for the  
20 production of such materials. The Commissioner ~~State Board~~ of  
21 Education shall adopt and prescribe rules and regulations for  
22 the proper enforcement and carrying out of these provisions.

23 Section 102. Subsections (1) and (3) of section  
24 229.8051, Florida Statutes, are amended to read:

25 229.8051 Public broadcasting program system.--

26 (1) There is created a public broadcasting program  
27 system for the state. The Department of Education shall  
28 administer this program system ~~shall be administered by the~~  
29 ~~Department of Education~~ pursuant to policies adopted by the  
30 Commissioner ~~State Board~~ of Education. This program system  
31 must ~~and shall~~ complement and share resources with the

1 instructional programming service of the Department of  
2 Education and educational UHF, VHF, ITFS, and FM stations in  
3 the state. ~~The~~ This program system must ~~shall~~ include:

4 (a) Support for existing Corporation for Public  
5 Broadcasting qualified program system educational radio and  
6 television stations and new stations meeting Corporation for  
7 Public Broadcasting qualifications and providing a first  
8 service to an audience that does not currently receive a  
9 broadcast signal or providing a significant new program  
10 service as defined by rule by the Commissioner ~~State Board of~~  
11 ~~Education rules~~.

12 (b) Maintenance of quality broadcast capability for  
13 educational stations that ~~which~~ are part of the program  
14 system.

15 (c) Interconnection of all educational stations that  
16 ~~which~~ are part of the program system for simultaneous  
17 broadcast and of such stations with all universities and other  
18 institutions as necessary for sharing of resources and  
19 delivery of programming.

20 (d) Establishment and maintenance of a capability for  
21 statewide program distribution with facilities and staff,  
22 provided such facilities and staff complement and strengthen  
23 existing or future educational television and radio stations  
24 in accordance with paragraph (a) and s. 229.805(3)(c).

25 (e) Provision of both statewide programming funds and  
26 station programming support for educational television and  
27 educational radio to meet statewide priorities. Priorities for  
28 station programming need not be the same as priorities for  
29 programming to be used statewide. Station programming may  
30 include, but shall not be limited to, citizens' participation  
31 programs, music and fine arts programs, coverage of public

1 hearings and governmental meetings, equal air time for  
2 political candidates, and other public interest programming.

3 (3) The Commissioner ~~State Board~~ of Education shall  
4 adopt rules for the proper enforcement and carrying out of  
5 these provisions.

6 Section 103. Subsection (1) of section 230.03, Florida  
7 Statutes, is amended to read:

8 230.03 Management, control, operation, administration,  
9 and supervision.--The district school system must ~~shall~~ be  
10 managed, controlled, operated, administered, and supervised as  
11 follows:

12 (1) DISTRICT SYSTEM.--The district school system shall  
13 be considered as a part of the state system of public  
14 education. All actions of district school officials shall be  
15 consistent and in harmony with state laws and with rules and  
16 minimum standards of the state board and the commissioner.  
17 District school officials, however, shall have the authority  
18 to provide additional educational opportunities, as desired,  
19 which are authorized, but not required, by law or by the  
20 district school board.

21 Section 104. Subsections (2) and (5) of section  
22 230.22, Florida Statutes, are amended to read:

23 230.22 General powers of school board.--The school  
24 board, after considering recommendations submitted by the  
25 superintendent, shall exercise the following general powers:

26 (2) ADOPT RULES AND REGULATIONS.--The school board  
27 shall adopt such rules and regulations to supplement those  
28 prescribed by the state board and the commissioner as in its  
29 opinion will contribute to the more orderly and efficient  
30 operation of the district school system.

31

1           (5) PERFORM DUTIES AND EXERCISE RESPONSIBILITY.--The  
2 school board may perform those duties and exercise those  
3 responsibilities which are assigned to it by law or by  
4 regulations of the state board or the commissioner and, in  
5 addition thereto, those which it may find to be necessary for  
6 the improvement of the district school system in carrying out  
7 the purposes and objectives of the school code. The  
8 Legislature recognizes the necessity for well informed school  
9 board members and the benefits to education that may be  
10 obtained through board member participation in professional  
11 development and training seminars and related activities at  
12 the district, state, and national levels.

13           Section 105. Paragraph (m) of subsection (4),  
14 paragraphs (b) and (d) of subsection (9), paragraphs (a) and  
15 (b) of subsection (11), and subsections (12), (14), and (16)  
16 of section 230.23, Florida Statutes, 1996 Supplement, are  
17 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           (4) ESTABLISHMENT, ORGANIZATION, AND OPERATION OF  
22 SCHOOLS.--Adopt and provide for the execution of plans for the  
23 establishment, organization, and operation of the schools of  
24 the district, as follows:

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

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

31

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

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

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

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



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

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

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

29         7. The principal of the school in which the student is  
30 taught shall keep a written record of the case history of each  
31 exceptional student showing the reason for the student's

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

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

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

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

14           1. Select and purchase school sites, playgrounds, and  
15 recreational areas located at centers at which schools are to  
16 be constructed, of adequate size to meet the needs of pupils  
17 to be accommodated;

18           2. Approve the proposed purchase of any site,  
19 playground, or recreational area for which district funds are  
20 to be used;

21           3. Expand existing sites;

22           4. Rent buildings when necessary;

23           5. Enter into leases or lease-purchase arrangements,  
24 in accordance with the requirements and conditions provided in  
25 s. 235.056(2), with private individuals or corporations for  
26 the rental of necessary grounds and educational facilities for  
27 school purposes or of educational facilities to be erected for  
28 school purposes. Current or other funds authorized by law may  
29 be used to make payments under a lease-purchase agreement.  
30 Notwithstanding any other statutes, if the rental is to be  
31 paid from funds received from ad valorem taxation and the

1 agreement is for a period greater than 12 months, an approving  
 2 referendum must be held. The provisions of such contracts,  
 3 including building plans, shall be subject to approval by the  
 4 Department of Education, and no such contract shall be entered  
 5 into without such approval. As used in this section,  
 6 "educational facilities" means the buildings and equipment  
 7 which are built, installed, or established to serve  
 8 educational purposes and which may lawfully be used. The  
 9 Commissioner ~~State Board~~ of Education may adopt ~~is authorized~~  
 10 ~~to promulgate~~ such rules as are ~~it deems~~ necessary to  
 11 implement the provisions hereof;

12           6. Provide for the proper supervision of construction;

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

15           8. Ensure that all plans and specifications for  
 16 buildings provide adequately for the safety and well-being of  
 17 pupils, as well as for economy of construction by having such  
 18 plans and specifications submitted to the Department of  
 19 Education for approval; and

20           9. Provide furniture, books, apparatus, and other  
 21 equipment necessary for the proper conduct of the work of the  
 22 schools.

23           (d) Insurance of school property.--Carry insurance on  
 24 every school building in all school plants including contents,  
 25 boilers, and machinery, except buildings of three classrooms  
 26 or less which are of frame construction and located in a tenth  
 27 class public protection zone as defined by the Florida  
 28 Inspection and Rating Bureau, and on all school buses and  
 29 other property under the control of the school board or title  
 30 to which is vested in the school board, except as exceptions  
 31

1 may be authorized under regulations of the commissioner state  
2 board.

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

6 (a) Forms, blanks, and reports.--Require all employees  
7 to keep accurately all records and to make promptly in the  
8 proper form all reports required by law or by regulations of  
9 the state board or of the commissioner.

10 (b) Reports to the department.--Require that the  
11 superintendent prepare all reports to the Department of  
12 Education that may be required by law or regulations of the  
13 state board or of the commissioner; see that all such reports  
14 are promptly transmitted to the department; withhold the  
15 further payment of salary to the superintendent or employee  
16 when notified by the department that he or she has failed to  
17 file any report within the time or in the manner prescribed;  
18 and continue to withhold the salary until the school board is  
19 notified by the department that such report has been received  
20 and accepted; provided, that when any report has not been  
21 received by the date due and after due notice has been given  
22 to the school board of that fact, the department, if it deems  
23 necessary, may require the report to be prepared by a member  
24 of its staff, and the school board shall pay all expenses  
25 connected therewith. Any member of the school board who is  
26 responsible for the violation of this provision is subject to  
27 suspension and removal.

28 (12) COOPERATION WITH OTHER DISTRICT SCHOOL  
29 BOARDS.--May establish and participate in educational  
30 consortia that ~~which~~ are designed to provide joint programs  
31 and services to cooperating school districts, consistent with

1 the provisions of s. 4(b), Art. IX of the State Constitution.  
2 The Commissioner ~~State Board~~ of Education shall adopt rules  
3 providing for the establishment, funding, administration, and  
4 operation of such consortia.

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

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

18 Section 106. Subsection (8) of section 230.2305,  
19 Florida Statutes, 1996 Supplement, is amended to read:

20 230.2305 Prekindergarten early intervention program.--

21 (8) MONITORING AND TECHNICAL ASSISTANCE.--~~Pursuant to~~  
22 ~~s. 229.565(5),~~ the Commissioner of Education shall monitor  
23 each district prekindergarten early intervention program at  
24 least annually to determine compliance with the district plan  
25 and the provisions of this section. If a program is not  
26 brought into compliance within 3 months after the  
27 commissioner's evaluation citing specific deficiencies, the  
28 commissioner must withhold such funds as have been allocated  
29 to the school board for its prekindergarten early intervention  
30 program and which have not yet been released. The department  
31 shall develop manuals and guidelines for the development of

1 district plans and shall provide ongoing technical assistance  
2 to ensure that each district program maintains high standards  
3 of quality and effectiveness.

4 Section 107. Paragraph (e) of subsection (3) and  
5 paragraph (b) of subsection (7) of section 230.2316, Florida  
6 Statutes, 1996 Supplement, are amended to read:

7 230.2316 Dropout prevention.--

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

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

22 (7) STAFF DEVELOPMENT.--

23 (b) The district school boards and the department may  
24 establish a summer inservice training program for teachers and  
25 administrators which may be provided by district school boards  
26 or individual schools and which shall include, but not be  
27 limited to, instruction focusing on treating students with  
28 respect and enhancing student self-esteem, developing positive  
29 in-school intervention methods for misbehaving students,  
30 establishing strategies to involve students in classroom and  
31 school management and in reducing student misconduct,

1 conducting student and parent conferences, and creating  
2 "student-friendly" environments at schools. Instructional  
3 personnel may use successful participation in a summer  
4 inservice training program established pursuant to this  
5 paragraph for certification extension or for adding a new  
6 certification area if the district has an approved add-on  
7 certification program, pursuant to ~~State Board of Education~~  
8 rules of the commissioner.

9 Section 108. Subsection (6) of section 230.23166,  
10 Florida Statutes, is amended to read:

11 230.23166 Teenage parent programs.--

12 (6) The Commissioner ~~State Board~~ of Education shall  
13 adopt rules necessary to implement the provisions of this  
14 section.

15 Section 109. Paragraphs (b) and (d) of subsection (2)  
16 of section 230.2318, Florida Statutes, 1996 Supplement, are  
17 amended to read:

18 230.2318 School resource officer program.--

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

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

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

30 Section 110. Subsections (4), (5), and (6) of section  
31 230.32, Florida Statutes, are amended to read:

1           230.32 General powers of superintendents.--The  
2 superintendent shall have the authority, and when necessary  
3 for the more efficient and adequate operation of the district  
4 school system, the superintendent shall exercise the following  
5 powers:

6           (4) RECOMMEND AND EXECUTE RULES AND  
7 REGULATIONS.--Prepare and organize by subjects and submit to  
8 the school board for adoption such rules and regulations to  
9 supplement those adopted by the state board or the  
10 commissioner as, in the superintendent's opinion, will  
11 contribute to the efficient operation of any aspect of  
12 education in the district. When rules and regulations have  
13 been adopted, the superintendent shall see that they are  
14 executed.

15           (5) RECOMMEND AND EXECUTE MINIMUM STANDARDS.--From  
16 time to time to prepare, organize by subjects, and submit to  
17 the school board for adoption such minimum standards relating  
18 to the operation of any phase of the district school system as  
19 are needed to supplement those adopted by the state board or  
20 the commissioner and as will contribute to the efficient  
21 operation of any aspect of education in the district; to see  
22 that minimum standards adopted by the school board and the  
23 commissioner are observed.

24           (6) PERFORM DUTIES AND EXERCISE  
25 RESPONSIBILITIES.--Perform such duties and exercise such  
26 responsibilities as are assigned to the superintendent by law  
27 and by regulations of the state board and of the commissioner.

28           Section 111. Subsection (1) of section 230.321,  
29 Florida Statutes, is amended to read:

30           230.321 Superintendents employed under Art. IX, State  
31 Constitution.--



1           (1) In every district authorized to employ a  
2 superintendent of schools under Art. IX of the State  
3 Constitution, the superintendent shall be the executive  
4 officer of the school board and shall not be subject to the  
5 provisions of law, either general or special, relating to  
6 tenure of employment or contracts of other school personnel.  
7 The superintendent's duties relating to the district school  
8 system shall be as provided by law and rules of the State  
9 Board of Education and of the Commissioner of Education.

10           Section 112. Paragraph (j) of subsection (6),  
11 paragraph (b) of subsection (13), and subsections (15) and  
12 (24) of section 230.33, Florida Statutes, 1996 Supplement, are  
13 amended to read:

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

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

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

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

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

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

31

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

4           Section 113. Subsection (2) of section 230.64, Florida  
5 Statutes, is amended to read:

6           230.64 Area technical center part of district school  
7 system; minimum standards.--

8           (2) COMMISSIONER ~~STATE BOARD~~ SHALL PRESCRIBE MINIMUM  
9 STANDARDS.--The commissioner ~~state board~~ shall prescribe  
10 minimum standards that ~~which~~ must be met before an area  
11 technical center is organized, acquired or operated, and that  
12 ~~which~~ will assure that the purposes of the center are  
13 attained.

14           Section 114. Subsection (9) of section 230.71, Florida  
15 Statutes, is amended to read:

16           230.71 Intergenerational school volunteer programs.--

17           (9) RULES--The Commissioner ~~State Board~~ of Education  
18 shall adopt rules necessary to implement ~~the provisions of~~  
19 this section.

20           Section 115. Paragraph (e) of subsection (1) and  
21 subsection (2) of section 232.01, Florida Statutes, are  
22 amended to read:

23           232.01 Regular school attendance required between ages  
24 of 6 and 16; permitted at age of 5; exceptions.--

25           (1)

26           (e) Beginning with the 1991-1992 school year and  
27 consistent with rules adopted by the commissioner ~~state board~~,  
28 children with disabilities who have attained the age of 3  
29 years shall be eligible for admission to public special  
30 education programs and for related services under rules  
31 adopted by the school board. Exceptional children who are deaf

1 or hard of hearing, visually impaired, dual sensory impaired,  
2 severely physically handicapped, trainable mentally  
3 handicapped, or profoundly handicapped, or who have  
4 established conditions, or exhibit developmental delays, below  
5 age 3 may be eligible for special programs; or, if enrolled in  
6 other prekindergarten or day care programs, they may be  
7 eligible for supplemental instruction. Rules for the  
8 identification of established conditions for children birth  
9 through 2 years of age and developmental delays for children  
10 birth through 5 years of age must be adopted by the  
11 Commissioner ~~State Board~~ of Education.

12 (2) The Commissioner ~~State Board~~ of Education may  
13 adopt rules under which pupils not meeting the entrance age  
14 may be transferred from another state if their parents or  
15 guardians have been legal residents of that state.

16 Section 116. Section 232.23, Florida Statutes, 1996  
17 Supplement, is amended to read:

18 232.23 Procedures for maintenance and transfer of  
19 pupil records.--

20 (1) Each principal shall maintain a permanent  
21 cumulative record for each pupil enrolled in a public school.  
22 Such record shall be maintained in the form, and contain all  
23 data, prescribed by rule by the Commissioner ~~rules of the~~  
24 ~~State Board~~ of Education. The cumulative record is  
25 confidential and exempt from the provisions of s. 119.07(1)  
26 and is ~~shall be~~ open to inspection only as provided in s.  
27 228.093.

28 (2) The procedure for transferring and maintaining  
29 records of pupils who transfer from school to school shall be  
30 prescribed by regulations of the commissioner ~~state board~~.

31

1           (3) Procedures relating to the acceptance of transfer  
2 work and credit for pupils shall be prescribed by rule by the  
3 Commissioner ~~rules of the State Board~~ of Education.

4           Section 117. Subsection (1) of section 232.2468,  
5 Florida Statutes, 1996 Supplement, is amended to read:

6           232.2468 Graduation, habitual truancy, and dropout  
7 rates.--

8           (1) DEFINITION.--

9           (a) The term "graduation rate" means the percentage  
10 calculated by dividing the number of entering 9th graders into  
11 the number of students who receive, 4 years later, a high  
12 school diploma, a special diploma, or a certificate of  
13 completion, as provided for in s. 232.246, or who receive a  
14 special certificate of completion, as provided in s. 232.247,  
15 and students 19 years of age or younger who receive a general  
16 equivalency diploma, as provided in s. 229.814. The number of  
17 9th grade students used in the calculation of a graduation  
18 rate for this state shall be students enrolling in the grade  
19 for the first time.

20           (b) The term "habitual truancy rate" means the annual  
21 percentage of students in membership within the age of  
22 compulsory school attendance pursuant to s. 232.01 who are  
23 classified as habitual truants as defined in s. 228.041(28).

24           (c) The term "dropout rate" means the annual  
25 percentage calculated by dividing the number of students over  
26 the age of compulsory school attendance, pursuant to s.  
27 232.01, at the time of the fall membership count, into the  
28 number of students who withdraw from school during a given  
29 school year and who are classified as dropouts pursuant to s.  
30 228.041(29).

31

1 The Commissioner ~~State Board~~ of Education may adopt rules to  
2 implement this subsection.

3 Section 118. Section 232.247, Florida Statutes, is  
4 amended to read:

5 232.247 Special high school graduation requirements  
6 for certain exceptional students.--A student who has been  
7 properly classified, in accordance with rules established by  
8 the commissioner ~~state board~~, as "educable mentally  
9 handicapped," "trainable mentally handicapped," "hearing  
10 impaired," "specific learning disabled," "physically or  
11 language impaired," or "emotionally handicapped" shall not be  
12 required to meet all requirements of s. 232.246 and shall,  
13 upon meeting all applicable requirements prescribed by the  
14 school board pursuant to s. 232.245, be awarded a special  
15 diploma in a form prescribed by the commissioner ~~state board~~;  
16 ~~provided, however, that~~ such special graduation requirements  
17 prescribed by the school board must ~~shall~~ include minimum  
18 graduation requirements as prescribed by the commissioner  
19 ~~state board~~. Any such student who meets all special  
20 requirements of the district school board for ~~his or her~~  
21 exceptionality, but is unable to meet the appropriate special  
22 state minimum requirements, shall be awarded a special  
23 certificate of completion in a form prescribed by the  
24 commissioner ~~state board~~. A student who has been properly  
25 classified as "profoundly handicapped" and who meets the  
26 special requirements of the district school board for a  
27 special diploma in accordance with requirements for any  
28 exceptional student identified in this section shall be  
29 awarded a special diploma; however, such a student shall  
30 alternatively ~~alternately~~ be eligible for a special  
31 certificate of completion, in a form prescribed by the

1 commissioner ~~state board~~, if all school requirements for  
2 students who are "profoundly handicapped" have been met.  
3 ~~Nothing provided in this section,~~ However, this section does  
4 not ~~shall be construed~~ to limit or restrict the right of an  
5 exceptional student solely to a special diploma or special  
6 certificate of completion. Any such student shall, upon  
7 proper request, be afforded the opportunity to fully meet all  
8 requirements of s. 232.246 through the standard procedures  
9 established therein and thereby to qualify for a standard  
10 diploma upon graduation.

11 Section 119. Subsection (1) of section 232.25, Florida  
12 Statutes, 1996 Supplement, is amended to read:

13 232.25 Pupils subject to control of school.--

14 (1) Subject to law and rules and regulations of the  
15 commissioner ~~state board~~ and of the school board, each pupil  
16 enrolled in a school shall:

17 (a) During the time she or he is being transported to  
18 or from school at public expense;

19 (b) During the time she or he is attending school;

20 (c) During the time she or he is on the school  
21 premises participating with authorization in a  
22 school-sponsored activity; and

23 (d) During a reasonable time before and after a pupil  
24 is on the premises for attendance at school or for authorized  
25 participation in a school-sponsored activity, and only when on  
26 the premises,

27  
28 be under the control and direction of the principal or teacher  
29 in charge of the school, and under the immediate control and  
30 direction of the teacher or other member of the instructional  
31 staff or of the bus driver to whom such responsibility may be

1 assigned by the principal. However, the commissioner ~~state~~  
2 ~~board~~ or the district school board may, by rules and  
3 regulations, subject each pupil to the control and direction  
4 of the principal or teacher in charge of the school during the  
5 time she or he is otherwise en route to or from school or is  
6 presumed by law to be attending school.

7 Section 120. Subsection (5) of section 232.303,  
8 Florida Statutes, is amended to read:

9 232.303 Interagency student services.--

10 (5) The Commissioner ~~State Board~~ of Education and the  
11 Department of Children and Family ~~Health and Rehabilitative~~  
12 Services ~~may are authorized to~~ adopt rules to carry out the  
13 intent of this section.

14 Section 121. Paragraph (a) of subsection (3) of  
15 section 232.435, Florida Statutes, is amended to read:

16 232.435 Extracurricular athletic activities; athletic  
17 trainers.--

18 (3)(a) To the extent practicable, a school district  
19 program should include the following employment classification  
20 and advancement scheme:

21 1. Teacher apprentice trainer I.--To qualify as a  
22 teacher apprentice trainer I, a person must possess a  
23 professional, temporary, part-time, adjunct, or substitute  
24 certificate pursuant to s. 231.17, be certified in first aid  
25 and cardiopulmonary resuscitation, and have earned a minimum  
26 of 6 semester hours or the equivalent number of inservice  
27 education points in the basic prevention and care of athletic  
28 injuries.

29 2. Teacher apprentice trainer II.--To qualify as a  
30 teacher apprentice trainer II, a person must meet the  
31 requirements of teacher apprentice trainer I and also have



1 earned a minimum of 15 additional semester hours or the  
2 equivalent number of inservice education points in such  
3 courses as anatomy, physiology, use of modalities, nutrition,  
4 counseling, and other courses approved by the Commissioner  
5 ~~State Board~~ of Education.

6 3. Teacher athletic trainer.--To qualify as a teacher  
7 athletic trainer, a person must meet the requirements of  
8 teacher apprentice trainer II, be certified by the Department  
9 of Education or a nationally recognized athletic trainer  
10 association, and perform one or more of the following  
11 functions: preventing athletic injuries; recognizing,  
12 evaluating, managing, treating, and rehabilitating athletic  
13 injuries; administering an athletic training program; and  
14 educating and counseling athletes.

15 Section 122. Paragraph (a) of subsection (2) and  
16 subsections (5) and (6) of section 233.011, Florida Statutes,  
17 are amended to read:

18 233.011 Accountability in curriculum, educational  
19 instructional materials, and testing.--

20 (2)(a) Subject to State Board of Education review and  
21 approval, the Department of Education shall develop, ~~by April~~  
22 ~~1, 1985,~~ guidelines for the identification or development,  
23 evaluation, oversight, and revision of:

24 1. Curriculum frameworks as specified in subsection  
25 (3).

26 2. Student performance standards as specified in ss.  
27 232.2454(1) and 229.565(1) ~~and (2)~~.

28 3. Model standards and procedures for the adoption of  
29 state and district instructional materials and software  
30 consistent with curriculum frameworks and student performance  
31 standards as specified in this paragraph. Such models shall

1 provide the diverse student populations of the state with the  
2 highest quality instructional materials and software in the  
3 most cost-effective manner possible. Such models shall  
4 include a component to ensure the production of instructional  
5 materials and software by the state, or a consortium of  
6 states, when economical or superior quality instructional  
7 materials or software are unavailable from commercial sources  
8 by special contract.

9           4. Model standards and procedures for state and  
10 district adoption, analyses, and use of nationally normed  
11 student achievement tests or other nationally normed  
12 assessment instruments, as specified in subsection (4).

13           5. Criteria and procedures to determine the individual  
14 school programs that ~~which~~ are most deficient in student  
15 performance. Such criteria and procedures must ~~shall~~ take into  
16 account testing results under the provisions of ss. 229.565  
17 and 232.2454, and subsection (4).

18           6. Model training procedures for state-level and  
19 district-level personnel assigned responsibilities for  
20 evaluating and selecting instructional materials, software,  
21 and norm-referenced achievement measures.

22           7. Standards for effective evaluation and comparable  
23 evaluation and testing procedures among districts.

24           (5) The Commissioner ~~State Board~~ of Education may  
25 adopt ~~is authorized to develop~~ rules necessary to implement  
26 the provisions of the Florida Accountability in Curriculum,  
27 Educational Instructional Materials, and Testing Act (FACET)  
28 of 1984.

29           (6) The commissioner, no later than November 1 of each  
30 year, shall transmit to ~~the State Board of Education,~~ the  
31 President of the Senate, the Speaker of the House of

1 Representatives, and the chairs of the Senate and House  
 2 committees on public school education an appraisal of the  
 3 programs and activities as set forth in the Florida  
 4 Accountability in Curriculum, Educational Instructional  
 5 Materials, and Testing Act (FACET) of 1984 as to the  
 6 effectiveness, efficiency, and utilization of resources,  
 7 including a statement of the overall program for the coming  
 8 year, the recommended level of funding for the overall  
 9 program, and any other recommendations deemed appropriate by  
 10 the commissioner. These ~~Such~~ recommendations must ~~shall~~  
 11 include, but need not be limited to, necessary modifications  
 12 of statutes, rules of the commissioner ~~state board rules~~, and  
 13 administrative procedures to implement the provisions of said  
 14 sections.

15 Section 123. Section 233.015, Florida Statutes, is  
 16 amended to read:

17 233.015 Purge of listed courses not taught for 5  
 18 years; rules.--The Commissioner ~~State Board~~ of Education shall  
 19 adopt rules that ~~which~~ provide for the conduct of regularly  
 20 scheduled purges of courses that are listed in the statewide  
 21 course numbering system or institutional catalog but ~~that~~ have  
 22 not been taught at the institution for the preceding 5 years.  
 23 These ~~Such~~ rules must ~~shall~~ include waiver provisions that  
 24 allow for course continuation if ~~in the event that~~ an  
 25 institution has reasonable cause for having not offered a  
 26 course within the 5-year limit and an expectation that the  
 27 course will be offered again within the following 5 years.

28 Section 124. Subsection (2) of section 233.056,  
 29 Florida Statutes, is amended to read:

30 233.056 Instructional programs for visually impaired  
 31 students and deaf or hard-of-hearing students.--

1           (2) The unit shall be operated either directly by the  
2 Division of Public Schools or through a contractual agreement  
3 with a local education agency, under rules adopted by the  
4 Commissioner ~~State Board~~ of Education.

5           Section 125. Subsection (6) of section 233.058,  
6 Florida Statutes, is amended to read:

7           233.058 English language instruction for limited  
8 English proficient students.--

9           (6) The Commissioner ~~State Board~~ of Education shall  
10 adopt rules for the purpose of implementing this section.

11           Section 126. Subsection (1) of section 233.061,  
12 Florida Statutes, is amended to read:

13           233.061 Required instruction.--

14           (1) Members of the instructional staff of the public  
15 schools, subject to the rules and regulations of the  
16 commissioner, the state board,and ~~of~~ the school board, shall  
17 teach efficiently and faithfully, using the books and  
18 materials required, following the prescribed courses of study,  
19 and employing approved methods of instruction the following:

20           (a) The content of the Declaration of Independence and  
21 how it forms the philosophical foundation of our government;

22           (b) The arguments in support of adopting our  
23 republican form of government, as they are embodied in the  
24 most important of the Federalist Papers;

25           (c) The essentials of the United States Constitution  
26 and how it provides the structure of our government;

27           (d) Flag education, including proper flag display and  
28 flag salute;

29           (e) The elements of civil government;

30           (f) The history of the Holocaust (1933-1945), the  
31 systematic, planned annihilation of European Jews and other

1 groups by Nazi Germany, a watershed event in the history of  
2 humanity, to be taught in a manner that leads to an  
3 investigation of human behavior, an understanding of the  
4 ramifications of prejudice, racism, and stereotyping, and an  
5 examination of what it means to be a responsible and  
6 respectful person, for the purposes of encouraging tolerance  
7 of diversity in a pluralistic society and for nurturing and  
8 protecting democratic values and institutions;

9 (g) The history of African-Americans, including the  
10 history of African peoples before the political conflicts that  
11 led to the development of slavery, the passage to America, the  
12 enslavement experience, abolition, and the contributions of  
13 African-Americans to society;

14 (h) The elementary principles of agriculture;

15 (i) The true effects of all alcoholic and intoxicating  
16 liquors and beverages and narcotics upon the human body and  
17 mind;

18 (j) Kindness to animals;

19 (k) The history of the state;

20 (l) The conservation of natural resources; and

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

25 Section 127. Paragraph (a) of subsection (4) of  
26 section 233.067, Florida Statutes, 1996 Supplement, is amended  
27 to read:

28 233.067 Comprehensive health education and substance  
29 abuse prevention.--

30 (4) ADMINISTRATION OF THE COMPREHENSIVE HEALTH  
31 EDUCATION AND SUBSTANCE ABUSE PREVENTION PROGRAM.--

1           (a) There is created a comprehensive health education  
2 and substance abuse prevention program for children and youths  
3 in kindergarten and grades 1 through 12. Responsibility for  
4 the administration of this section shall rest with the  
5 Department of Education, in cooperation with, and with the  
6 advice of, the Department of Children and Family Health and  
7 ~~Rehabilitative~~ Services. The administration of the program  
8 shall be pursuant to rules and regulations adopted by the  
9 Commissioner State Board of Education, provided that such  
10 rules shall require the minimum amount of paperwork and  
11 reporting necessary to comply with this section. For purposes  
12 of administering this section, the commissioner shall  
13 establish a Prevention Resource Center within the department  
14 and shall assign appropriate staff to work directly with  
15 school district personnel. The center shall serve as a  
16 clearinghouse for evaluation and dissemination of information,  
17 materials, and model programs and shall provide program and  
18 technical assistance and other prevention services as  
19 determined by the commissioner.

20           Section 128. Subsection (6) of section 233.115,  
21 Florida Statutes, is amended to read:

22           233.115 Prohibited acts.--

23           (6) Nothing contained in this section shall be  
24 construed to prohibit or restrict a school official from  
25 receiving royalties or other compensation, other than  
26 compensation paid as commission to the school official for  
27 negotiating sales to district boards, from the publisher or  
28 manufacturer of instructional materials written, designed, or  
29 prepared by such school official, and adopted by the  
30 commissioner ~~state board~~ or purchased by any district board.  
31 No school official shall be allowed to receive royalties on

1 any materials not on the state-adopted list purchased for use  
2 by his or her district school board.

3 Section 129. Subsection (1) of section 233.17, Florida  
4 Statutes, is amended to read:

5 233.17 Term of adoption for instructional materials.--

6 (1) The term of adoption of any instructional  
7 materials must ~~shall~~ be for a 6-year period beginning on April  
8 1 following the adoption, unless the contract is extended as  
9 prescribed in s. 233.16(2). However, the Commissioner ~~State~~  
10 ~~Board~~ of Education may approve by rule terms of adoption of  
11 less than 6 years for materials in content areas which require  
12 more frequent revision.

13 Section 130. Section 233.37, Florida Statutes, is  
14 amended to read:

15 233.37 Disposal of instructional materials.--Under  
16 rules of the commissioner ~~state board~~, or rules of the  
17 district school board which have been approved by the  
18 commissioner, the district school board may dispose of the  
19 instructional materials of an old adoption when they have  
20 become unserviceable, upon such terms and conditions as will  
21 yield their fair salvage value. The Department of Education  
22 shall enter into one or more contracts with recycling firms  
23 for periodic pickup in school districts of obsolete or  
24 unusable materials to be salvaged.

25 Section 131. Section 233.39, Florida Statutes, is  
26 amended to read:

27 233.39 Renovation and repair of textbooks.--The  
28 Commissioner ~~Board~~ of Education shall prescribe rules and  
29 regulations under which the Department of Education shall,  
30 whenever requested to do so by any superintendent, make  
31 necessary arrangements for the renovation and repair of books

1 ~~that which~~ could thereby be put into serviceable condition.  
2 All proper expense in connection with such renovation and  
3 repair is declared to be a proper charge against the  
4 appropriation for the purchase of instructional materials by  
5 the school district. The commissioner ~~state board~~, in order  
6 to assist district school boards in obtaining the most  
7 economical services, shall formulate and prescribe such rules  
8 and regulations for the letting of contracts for the  
9 renovation and repair of books used in the public schools of  
10 the state as in its judgment are ~~may be~~ practicable and  
11 economically feasible. The Department of Education shall  
12 enter into such contracts upon the basis of competitive sealed  
13 bids from responsible firms who must, prior to contract award,  
14 have on hand in their plants the equipment necessary to  
15 perform the work of rebinding specified by the department.  
16 For the purpose of rebinding, textbooks must ~~shall~~ be  
17 classified by the department as to size, and such  
18 classification must ~~shall~~ be the basis for bids from rebinding  
19 firms. Bids from rebinding firms must ~~shall~~ be on the basis  
20 of minimum quantities of 100 books in each classification. ~~No~~  
21 a ~~contract shall be entered~~ for the renovation and repair  
22 of books used in the public schools of this state may not be  
23 entered when the cost of renovation and repair exceeds the  
24 original acquisition cost of such books or the cost of  
25 replacing such books, whichever is the lesser. However, this  
26 section does not ~~nothing herein contained shall be construed~~  
27 ~~to~~ prohibit the inmates of the state prison from repairing and  
28 renovating any public school textbooks or library books. Any  
29 suit that is ~~of any nature~~ instituted under ~~the provisions of~~  
30 this section must ~~shall~~ be brought in the name of the state,  
31



1 and any amount recovered by reason of such a suit must ~~shall~~  
2 be deposited in the General Revenue Fund.

3 Section 132. Paragraph (a) of subsection (1) and  
4 subsection (2) of section 234.01, Florida Statutes, are  
5 amended to read:

6 234.01 Purpose; transportation; when provided.--

7 (1) School boards, after considering recommendations  
8 of the superintendent:

9 (a) Shall provide transportation for each student in  
10 prekindergarten handicapped and in kindergarten through grade  
11 12 membership in a public school when, and only when,  
12 transportation is necessary to provide adequate educational  
13 facilities and opportunities which otherwise would not be  
14 available and to transport students whose homes are more than  
15 a reasonable walking distance, as defined by rules of the  
16 commissioner ~~state board~~, from the nearest appropriate school.

17 (2) In each case in which transportation of students  
18 is impracticable in the opinion of the school board, the  
19 school board is authorized to take steps for making available  
20 educational facilities as are authorized by law or rule of the  
21 commissioner ~~state board~~ and as, in the opinion of the school  
22 board, are practical.

23 Section 133. Section 234.02, Florida Statutes, 1996  
24 Supplement, is amended to read:

25 234.02 Safety and health of pupils.--Maximum regard  
26 for safety and adequate protection of health are ~~shall be~~  
27 primary requirements that must ~~which shall~~ be observed by  
28 school boards in routing buses, appointing drivers, and  
29 providing and operating equipment, in accordance with all  
30 requirements of law and regulations of the commissioner ~~state~~  
31 ~~board~~ in providing transportation pursuant to s. 234.01:

1           (1) School boards shall use school buses, as defined  
 2 in s. 234.051, for all regular transportation. Regular  
 3 transportation or regular use means ~~shall mean~~ transportation  
 4 of students to and from school or school-related activities  
 5 that ~~which~~ are part of a scheduled series or sequence of  
 6 events to the same location. "Students" means, for the  
 7 purposes of this section, students enrolled in the public  
 8 schools in prekindergarten programs through grade 12. School  
 9 boards may regularly use motor vehicles other than school  
 10 buses only under the following conditions:

11           (a) When the transportation is for physically  
 12 handicapped or isolated students and the district has elected  
 13 to provide for the transportation of the student through  
 14 written or oral contracts or agreements.

15           (b) When the transportation is a part of a  
 16 comprehensive contract for a specialized educational program  
 17 between a school board and a service provider who provides  
 18 instruction, transportation, and other services.

19           (c) When the transportation is provided through a  
 20 public transit system.

21           (d) When the transportation of students is necessary  
 22 or practical in a motor vehicle owned or operated by a school  
 23 board other than a school bus and such transportation is  
 24 provided in designated seating positions in a passenger car  
 25 not to exceed 8 students or in any other motor vehicle  
 26 designed to transport 10 or fewer persons which meets all  
 27 federal motor vehicle safety standards for passenger cars.

28  
 29 When students are transported in motor vehicles, the occupant  
 30 crash protection system provided by the vehicle manufacturer  
 31

1 must ~~shall~~ be used unless the student's physical condition  
2 prohibits such use.

3 (2) Except as provided in subsection (1), school  
4 boards may authorize the transportation of students in  
5 privately owned motor vehicles on a case-by-case basis only in  
6 the following circumstances:

7 (a) When a student is ill or injured and must be taken  
8 home or to a medical treatment facility under nonemergency  
9 circumstances; and

10 1. The school has been unable to contact the student's  
11 parent or guardian or such parent, guardian, or responsible  
12 adult designated by the parent or guardian is not available to  
13 provide the transportation;

14 2. Proper adult supervision of the student is  
15 available at the location to which the student is being  
16 transported;

17 3. The transportation is approved by the school  
18 principal, or a school administrator designated by the  
19 principal to grant or deny such approval, or in the absence of  
20 the principal and designee, by the highest ranking school  
21 administrator or teacher available under the circumstances;  
22 and

23 4. If the school has been unable to contact the parent  
24 or guardian prior to the transportation, the school shall  
25 continue to seek to contact the parent or guardian until the  
26 school is able to notify the parent or guardian of the  
27 transportation and the pertinent circumstances.

28 (b) When the transportation is in connection with a  
29 school function or event regarding which the school district  
30 or school has undertaken to participate or to sponsor or  
31 provide the participation of students; and

1           1. The function or event is a single event that ~~which~~  
2 is not part of a scheduled series or sequence of events to the  
3 same location, such as, but not limited to, a field trip, a  
4 recreational outing, an interscholastic competition or  
5 cooperative event, an event connected with an extracurricular  
6 activity offered by the school, or an event connected to an  
7 educational program, such as, but not limited to, a job  
8 interview as part of a cooperative education program;

9           2. Transportation is not available, as a practical  
10 matter, using a school bus or school district passenger car;  
11 and

12           3. Each student's parent or guardian is notified, in  
13 writing, regarding the transportation arrangement and gives  
14 written consent before a student is transported in a privately  
15 owned motor vehicle.

16           (c) When a school board requires employees such as  
17 school social workers and attendance officers to use their own  
18 motor vehicles to perform duties of employment, and such  
19 duties include the occasional transportation of students.

20           (3) When approval is granted for the transportation of  
21 students in a privately owned vehicle, the provisions of s.  
22 234.03, regarding liability for tort claims are applicable,  
23 ~~shall apply~~. School district employees who provide approved  
24 transportation in privately owned vehicles are ~~shall be deemed~~  
25 ~~to be~~ acting within the scope of their employment. Parents,  
26 guardians, or other responsible adults who provide approved  
27 transportation in privately owned vehicles ~~shall~~ have the same  
28 exposure to, and protections from, risks of personal liability  
29 as do school district employees acting within the scope of  
30 their employment.

31

1           (4) Each school board may establish policies that  
2 ~~which~~ restrict the use of privately owned motor vehicles to  
3 circumstances that ~~which~~ are more limited than are described  
4 in this section or that ~~which~~ prohibit such use. Each school  
5 board may establish policies that ~~which~~ provide for more  
6 extensive requirements for approval, parental notification and  
7 consent procedures, insurance coverage, driver qualifications,  
8 or a combination of these.

9           (5) When transportation is authorized in privately  
10 owned vehicles, students may ~~only~~ be transported only in  
11 designated seating positions and must ~~shall be required to~~ use  
12 the occupant crash protection system provided by the vehicle  
13 manufacturer.

14           (6) School boards may contract with a common carrier  
15 to transport students to and from in-season and postseason  
16 athletic contests and to and from a school function or event  
17 in which the school district or a school has undertaken to  
18 participate or to provide or sponsor the participation of  
19 students.

20           (7) Transportation for adult students may be provided  
21 by any appropriate means as authorized by the school board  
22 when the transportation is accepted as a responsibility by the  
23 school board as provided in s. 234.01.

24           (8) Notwithstanding any other provision of this  
25 section, in an emergency situation that ~~which~~ constitutes an  
26 imminent threat to student health or safety, school personnel  
27 may take whatever action is necessary under the circumstances  
28 to protect student health and safety.

29           (9) Except as provided in s. 234.211, transportation  
30 is ~~shall not be~~ the responsibility of the school board in  
31 connection with any event or activity that ~~which~~ is not an

1 event or activity offered by the school district or an event  
2 or an activity in which the school district or school has  
3 agreed to participate, cosponsor, or require the participation  
4 of students, and the school board has ~~shall have~~ no liability  
5 for transportation arranged and provided by parents or other  
6 parties to such events or activities.

7 (10) Each school board shall designate and adopt a  
8 specific plan for adequate examination, maintenance, and  
9 repair of transportation equipment. Examination of the  
10 mechanical condition of each school bus must ~~shall~~ be made by  
11 a capable mechanic at least once each month that the bus is in  
12 operation.

13 (11) The superintendent shall notify the school board  
14 of any school bus that ~~which~~ does not meet all requirements of  
15 law and regulations of the commissioner ~~state board~~, and the  
16 school board shall, if the ~~such~~ school bus is in an unsafe  
17 condition, withdraw it from use as a school bus until the bus  
18 meets the ~~said~~ requirements. The Department of Education may  
19 inspect or have inspected any school bus to determine whether  
20 the bus meets requirements of law and regulations of the  
21 commissioner ~~state board~~. The department may, after due  
22 notice to a school board that any school bus does not meet  
23 certain requirements of law and regulations of the  
24 commissioner ~~state board~~, rule that the ~~such~~ bus must ~~shall~~ be  
25 withdrawn from use as a school bus, this ruling to be  
26 effective forthwith or upon a date to be specified therein,  
27 whereupon the school board shall withdraw same from use as a  
28 school bus until the bus meets requirements of law and  
29 regulations of the commissioner ~~state board~~ and until the  
30 department has officially revoked the pertinent ~~its said~~  
31 ruling. Notwithstanding any other provisions of this chapter,

1 general purpose urban transit systems are declared qualified  
2 to transport children to and from school.

3 (12)(a) The routing and scheduling of school buses  
4 must be planned to eliminate the necessity for children to  
5 stand while a school bus is in motion. When circumstances of  
6 an emergency nature temporarily require transporting children  
7 on school buses in excess of the rated seating capacity, the  
8 ~~such~~ buses must proceed at a reduced rate of speed to maximize  
9 safety of the students, taking into account existing traffic  
10 conditions. Each school board is responsible for prompt  
11 relief of the emergency condition by providing additional  
12 equipment, bus rerouting, bus rescheduling, or other  
13 appropriate remedial action.

14 (b) Each school board, after considering  
15 recommendations from the superintendent, shall designate, by  
16 map or otherwise, or shall provide by school board rule for  
17 the designation of, nontransportation zones that are ~~shall be~~  
18 composed of all areas in the district from which it is  
19 unnecessary or impracticable to furnish transportation.  
20 Nontransportation zones must ~~shall~~ be designated annually  
21 before ~~prior to~~ the opening of school and the designation of  
22 bus routes for the succeeding school year. Each school board,  
23 after considering recommendations from the superintendent,  
24 shall specifically designate, or shall provide by school board  
25 rule for the designation of, specific routes to be traveled  
26 regularly by school buses, and each route must ~~shall~~ meet the  
27 requirements prescribed by rules of the commissioner state  
28 ~~board~~.

29 (c) Each district school board shall establish school  
30 bus stops, or provide by school board rule for the  
31 establishment of school bus stops, as necessary at the most

1 reasonably safe locations available. Where unusual traffic  
2 hazards exist at school bus stops on roads maintained by the  
3 state outside of municipalities, the Department of  
4 Transportation, in concurrence and cooperation with and upon  
5 request of the district school board, shall place signs at  
6 such bus stops warning motorists of the location of the stops.

7 (13) The Commissioner ~~State Board~~ of Education may  
8 adopt rules to implement this section as are it deems  
9 necessary or desirable in the interest of student health and  
10 safety.

11 Section 134. Subsection (1) of section 234.03, Florida  
12 Statutes, is amended to read:

13 234.03 Tort liability; liability insurance.--

14 (1) Each district school board shall be liable for  
15 tort claims arising out of any incident or occurrence  
16 involving a school bus or other motor vehicle owned,  
17 maintained, operated, or used by such school board to  
18 transport persons, to the same extent and in the same manner  
19 as the state or any of its agencies or subdivisions is liable  
20 for tort claims under s. 768.28, except that the total  
21 liability to persons being transported for all claims or  
22 judgments of such persons arising out of the same incident or  
23 occurrence shall not exceed an amount equal to \$5,000  
24 multiplied by the rated seating capacity of the bus or other  
25 vehicle, as determined by rules of the Commissioner ~~State~~  
26 ~~Board~~ of Education, or \$100,000, whichever is greater. The  
27 provisions of s. 768.28 ~~shall~~ apply to all claims or actions  
28 brought against school boards, as authorized in this  
29 subsection.

30 Section 135. Subsections (2), (3), and (4) of section  
31 234.051, Florida Statutes, are amended to read:



1           234.051 School buses.--School buses shall be defined  
2 and meet specifications as follows:

3           (2) SPECIFICATIONS.--Each school bus as defined in 49  
4 C.F.R. part 571, and subsection (1), which is rented, leased,  
5 purchased, or contracted for, must ~~shall~~ meet the applicable  
6 federal motor vehicle safety standards and other  
7 specifications as prescribed by regulations of the  
8 commissioner ~~state board~~.

9           (3) STANDARDS FOR LEASED VEHICLES.--A motor vehicle  
10 owned and operated by a county or municipal transit authority  
11 which is leased by the school board of the local school  
12 district for transportation of public school students must  
13 ~~shall~~ meet such standards as ~~shall be established by~~ the  
14 Commissioner ~~State Board~~ of Education establishes for the  
15 purpose of implementing this act. A school bus authorized by  
16 a school board to carry passengers other than school pupils  
17 must ~~shall~~ have the words "School Bus" and any other signs and  
18 insignia that ~~which~~ mark or designate it as a school bus  
19 covered, removed, or otherwise concealed while such ~~said~~  
20 passengers are being transported.

21           (4) OCCUPANT PROTECTION SYSTEMS.--Students may ~~shall~~  
22 be transported only in designated seating positions, except as  
23 provided in s. 234.02(12), and must ~~shall be required to~~ use  
24 the occupant crash protection system provided by the  
25 manufacturer, which system must ~~shall~~ comply with the  
26 requirements of 49 C.F.R. part 571, or with specifications of  
27 the Commissioner ~~State Board~~ of Education.

28           Section 136. Section 234.091, Florida Statutes, is  
29 amended to read:

30           234.091 General qualifications.--Each school bus  
31 driver must ~~shall~~ be of good moral character, of good vision

1 and hearing, able-bodied, free from communicable disease,  
2 mentally alert, and sufficiently strong physically to handle  
3 the bus with ease, and he or she must ~~shall~~ possess such other  
4 qualifications as are prescribed by the commissioner ~~state~~  
5 ~~board~~, including those qualifications described in 49 C.F.R.  
6 391.41-.49 "physical qualifications and examinations" and 49  
7 C.F.R. 391.81-.123 "controlled substance testing," and he or  
8 she must ~~shall~~ hold a valid commercial driver's license with a  
9 passenger endorsement.

10 Section 137. Subsections (1) and (2) of section  
11 234.101, Florida Statutes, 1996 Supplement, are amended to  
12 read:

13 234.101 Specific requirements; driver training  
14 program; contract.--

15 234.101 Requirements for school bus drivers.--

16 (1) Each school bus driver must be of good moral  
17 character, of good vision and hearing, able-bodied, free from  
18 communicable disease, mentally alert, and sufficiently strong  
19 physically to handle the bus with ease, and he or she must  
20 possess other qualifications prescribed by the Commissioner of  
21 Education ~~state board~~, including those qualifications  
22 described in 49 C.F.R. ss. 391.41-.49 "physical qualifications  
23 and examinations" and 49 C.F.R. ss. 391.81-.123 "controlled  
24 substance testing," and he or she must hold a valid commercial  
25 driver's license with a passenger endorsement.

26 (2) The Commissioner ~~State Board~~ of Education shall  
27 adopt requirements that ~~which~~ school bus drivers must meet  
28 before they are employed ~~prior to employment~~ by district  
29 school boards.

30 Section 138. Subsection (6) of section 234.301,  
31 Florida Statutes, is amended to read:

1           234.301 Pool purchase of school buses.--

2           (6) The Commissioner ~~State Board~~ of Education may  
3 adopt any rule necessary to implement this section, maintain  
4 the integrity of the school bus pool purchase program, and  
5 ensure the best and lowest price for purchasing school buses  
6 by the public school districts.

7           Section 139. Subsection (2) of section 235.01, Florida  
8 Statutes, is amended to read:

9           235.01 Purpose; rules.--

10          (2) The Commissioner ~~State Board~~ of Education shall  
11 adopt rules to implement the ~~provisions~~ of this chapter.

12          Section 140. Subsection (1) of section 235.04, Florida  
13 Statutes, is amended to read:

14          235.04 Disposal of property.--

15          (1) REAL PROPERTY.--Subject to rules of the  
16 Commissioner ~~State Board~~ of Education, a board may dispose of  
17 any land or real property that ~~which~~ is, by resolution of the  
18 ~~such~~ board, determined to be unnecessary for educational  
19 purposes as recommended in an educational plant survey. A  
20 board shall take diligent measures to dispose of educational  
21 property only in the best interests of the public. However,  
22 appraisals may be obtained by the board prior to or  
23 simultaneously with the receipt of bids.

24          Section 141. Paragraph (a) of subsection (2) of  
25 section 235.056, Florida Statutes, is amended to read:

26          235.056 Lease and lease-purchase of educational  
27 facilities and sites.--

28          (2)(a) A board may ~~is authorized to~~ rent or lease  
29 educational facilities and sites as defined in s. 235.011.  
30 Educational facilities and sites rented or leased for 1 year  
31 or less shall be funded through the operations budget or funds

1 derived from millage proceeds pursuant to s. 236.25(2). A  
2 lease contract for 1 year or less, when extended or renewed  
3 beyond a year, becomes a multiple-year lease. Operational  
4 funds or funds derived from millage proceeds pursuant to s.  
5 236.25(2) may be authorized to be expended for multiple-year  
6 leases. All leased facilities and sites must ~~shall~~ be  
7 inspected prior to occupancy by the board's Uniform Building  
8 Code inspector, who shall report to the department.

9       1. Beginning July 1, 1995, all newly leased spaces  
10 must ~~shall~~ be inspected and brought into compliance with the  
11 state minimum building code pursuant to chapter 553, and the  
12 life safety codes pursuant to chapter 633, prior to occupancy,  
13 using the board's operations budget or funds derived from  
14 millage proceeds pursuant to s. 236.25(2). As an alternative,  
15 the board may elect to comply with the State Uniform Building  
16 Code for Public Educational Facilities Construction instead of  
17 the state minimum building code or the life safety code, or  
18 both.

19       2. Plans for renovation or remodeling of leased space  
20 shall conform to state minimum building and life safety codes  
21 for educational occupancies, or other occupancies as  
22 appropriate, as required in chapters 553 and 633, prior to  
23 occupancy. As an alternative, the board may elect to comply  
24 with the State Uniform Building Code for Public Educational  
25 Facilities Construction instead of the state minimum building  
26 code or the life safety code, or both.

27       3. All leased facilities must ~~shall~~ be inspected  
28 annually for fire safety deficiencies in accordance with the  
29 applicable code and have corrections made in accordance with  
30 s. 235.06. Operational funds or funds derived from millage  
31

1 proceeds pursuant to s. 236.25(2) may be used to correct  
2 deficiencies in leased space.

3 4. When the board declares that a public emergency  
4 exists, it may take up to 30 days to bring the leased facility  
5 into compliance with the requirements of Commissioner State  
6 ~~Board~~ of Education rules.

7 Section 142. Section 235.06, Florida Statutes, is  
8 amended to read:

9 235.06 Safety and sanitation standards and inspection  
10 of property.--The Commissioner State ~~Board~~ of Education shall  
11 ~~is empowered and directed to~~ adopt and administer rules  
12 prescribing standards for the safety and health of occupants  
13 of educational and ancillary plants as a part of the State  
14 Uniform Building Code for Public Educational Facilities  
15 Construction as provided in s. 235.26, the provisions of  
16 chapter 633 to the contrary notwithstanding. These standards  
17 must shall be used by all public agencies when inspecting  
18 public educational and ancillary plants. In accordance with  
19 such standards, each board shall prescribe policies and  
20 procedures establishing a comprehensive program of safety and  
21 sanitation for the protection of occupants of public  
22 educational and ancillary plants. Such policies must shall  
23 contain procedures for periodic inspections as prescribed  
24 herein and for withdrawal of any educational and ancillary  
25 plant, or portion thereof, from use until unsafe or unsanitary  
26 conditions are corrected or removed.

27 (1) PERIODIC INSPECTION OF PROPERTY BY THE BOARD.--

28 (a) Each board shall provide for periodic inspection  
29 of each educational and ancillary plant at least once during  
30 each fiscal year to determine compliance with standards of  
31

1 sanitation and casualty safety prescribed in the rules of the  
2 commissioner ~~state board~~.

3 (b) Firesafety inspections ~~shall be made annually~~ of  
4 each educational and ancillary plant must be made annually by  
5 persons certified by the Division of State Fire Marshal to be  
6 eligible to conduct firesafety inspections in public  
7 educational and ancillary plants.

8 (c) In each firesafety inspection report, the board  
9 shall include a plan of action and a schedule for the  
10 correction of each deficiency. If immediate life-threatening  
11 deficiencies are noted in any inspection, the board shall  
12 either take action to promptly correct the ~~such~~ deficiencies  
13 or withdraw the educational or ancillary plant from use until  
14 such time as the deficiencies are corrected.

15 (2) INSPECTION OF EDUCATIONAL PROPERTY BY OTHER PUBLIC  
16 AGENCIES.--A safety or sanitation inspection of any  
17 educational or ancillary plant may be made at any time by the  
18 Department of Education or any other state or local agency  
19 authorized or required to conduct such inspections by either  
20 general or special law. Each agency conducting inspections  
21 shall use the standards adopted by the Commissioner ~~State~~  
22 ~~Board~~ of Education in lieu of, and to the exclusion of, any  
23 other inspection standards prescribed either by statute or  
24 administrative rule, the provisions of chapter 633 to the  
25 contrary notwithstanding. The agency shall submit a copy of  
26 the inspection report to the board.

27 (3) CORRECTIVE ACTION.--Upon failure of the board to  
28 take corrective action within a reasonable time, the agency  
29 making the inspection may request the commissioner to:

30 (a) Order that appropriate action be taken to correct  
31 all deficiencies in accordance with a schedule determined

1 jointly by the inspecting authority and the board; in  
2 developing the ~~development of such~~ schedule, consideration  
3 must ~~shall~~ be given to the seriousness of the deficiencies and  
4 the ability of the board to obtain the necessary funds; or

5 (b) After 30 calendar days' notice to the board, order  
6 all or a portion of the educational or ancillary plant  
7 withdrawn from use until the deficiencies are corrected.

8 Section 143. Subsections (2) and (3) of section  
9 235.19, Florida Statutes, are amended to read:

10 235.19 Site planning and selection.--

11 (2) Each new site selected must be adequate in size to  
12 meet the educational needs of the students to be served. The  
13 Commissioner ~~State Board~~ of Education shall prescribe by rule  
14 recommended sizes for new sites according to categories of  
15 students to be housed and other appropriate factors determined  
16 by the commissioner ~~state board~~. Less-than-recommended site  
17 sizes are ~~shall be~~ allowed if the board, by a two-thirds  
18 majority, recommends such a site and finds that it can provide  
19 an appropriate and equitable educational program on the ~~such~~  
20 site.

21 (3) Sites recommended for purchase, or purchased, in  
22 accordance with chapter 230 or chapter 240 must meet standards  
23 prescribed therein and such supplementary standards as ~~may be~~  
24 ~~prescribed by the~~ commissioner prescribes ~~state board~~ to  
25 promote the educational interests of the students. Each site  
26 must be well drained and suitable for outdoor educational  
27 purposes as appropriate for the educational program. As  
28 provided in s. 333.03, the site must ~~shall~~ not be located  
29 within any path of flight approach of any airport. Insofar as  
30 is practicable, the site must ~~shall~~ not adjoin a right-of-way  
31 of any railroad or through highway and must ~~shall~~ not be

1 adjacent to any factory or other property from which noise,  
2 odors, or other disturbances, or at which conditions, would be  
3 likely to interfere with the educational program.

4 Section 144. Subsection (4) of section 235.211,  
5 Florida Statutes, is amended to read:

6 235.211 Educational facilities contracting and  
7 construction techniques.--

8 (4) Except as otherwise provided in this section and  
9 s. 481.229, the services of a registered architect must ~~shall~~  
10 be used for the development of plans for the erection,  
11 enlargement, or alteration of any educational facility. The  
12 services of a registered architect are ~~shall~~ not be required  
13 for a minor renovation project for which the ~~projects with a~~  
14 construction cost is ~~of~~ less than \$50,000 or for the placement  
15 or hookup of relocatable educational facilities that conform  
16 with standards adopted under ~~pursuant to~~ s. 235.26(2) and (3).  
17 However, boards must provide compliance with building code  
18 requirements and ensure that these structures are adequately  
19 anchored for wind resistance as required by law. Boards are  
20 encouraged to consider the reuse of existing construction  
21 documents or design criteria packages where such reuse is  
22 feasible and practical. Notwithstanding s. 287.055, a board  
23 may purchase the architectural services for the design of  
24 educational or ancillary facilities under an existing contract  
25 agreement for professional services held by a school board in  
26 the State of Florida, provided that the purchase is to the  
27 economic advantage of the purchasing board, the services  
28 conform to the standards prescribed by rules of the  
29 Commissioner ~~State Board~~ of Education, and such reuse is not  
30 without notice to, and permission from, the architect of  
31 record whose plans or design criteria are being reused. The



1 department shall review these plans ~~shall be reviewed by the~~  
2 ~~department~~ for compliance with the state requirements for  
3 educational facilities. Rules adopted under ~~pursuant to~~ this  
4 section must ~~shall~~ establish uniform prequalification,  
5 selection, bidding, and negotiation procedures applicable to  
6 construction management contracts and the design-build  
7 process. This section does not supersede any small,  
8 woman-owned or minority-owned business enterprise preference  
9 program adopted by a board. Except as otherwise provided in  
10 this section, the negotiation procedures applicable to  
11 construction management contracts and the design-build process  
12 must conform to the requirements of s. 287.055. A board may  
13 not modify any rules regarding construction management  
14 contracts or the design-build process.

15 Section 145. Section 235.26, Florida Statutes, is  
16 amended to read:

17 235.26 State Uniform Building Code for Public  
18 Educational Facilities Construction.--The Commissioner ~~State~~  
19 ~~Board~~ of Education shall adopt a uniform statewide building  
20 code for the planning and construction of public educational  
21 and ancillary plants by district school boards and community  
22 college district boards of trustees. The code must ~~shall~~ be  
23 entitled the State Uniform Building Code for Public  
24 Educational Facilities Construction. Included in this code  
25 must ~~shall~~ be flood plain management criteria in compliance  
26 with the rules and regulations in 44 C.F.R., parts 59 and 60,  
27 and subsequent revisions thereto which are adopted by the  
28 Federal Emergency Management Agency. Wherever the words  
29 "Uniform Building Code" appear, they ~~shall~~ mean the "State  
30 Uniform Building Code for Public Educational Facilities  
31 Construction." It is ~~shall~~ not a purpose ~~be the intent~~ of the

1 Uniform Building Code to inhibit the use of new materials or  
2 innovative techniques; nor may ~~shall~~ it specify or prohibit  
3 materials by brand names. The code must ~~shall~~ be flexible  
4 enough to cover all phases of construction so as to ~~which will~~  
5 afford reasonable protection for the public safety, health,  
6 and general welfare. The department may secure the service of  
7 other state agencies or such other assistance as it finds ~~may~~  
8 ~~find~~ desirable in revising ~~the revision of~~ the code.

9 (1) UNIFORM BUILDING CODE.--

10 (a) Except as otherwise provided in paragraph (b), all  
11 public educational and ancillary plants constructed by a  
12 district school board or a community college district board of  
13 trustees must ~~shall~~ conform to the State Uniform Building Code  
14 for Public Educational Facilities Construction, and such  
15 plants are exempt from all other state, county, district,  
16 municipal, or local building codes, interpretations, building  
17 permits, and assessments of fees for building permits,  
18 ordinances, road closures, and impact fees or service  
19 availability fees. Any inspection by local or state government  
20 must ~~shall~~ be based on the Uniform Building Code as prescribed  
21 by rule. Each board shall provide for periodic inspection of  
22 the proposed educational plant during each phase of  
23 construction to determine compliance with the Uniform Building  
24 Code.

25 (b) A district school board or community college  
26 district board of trustees may conform with local building  
27 codes and the administration of such codes when constructing  
28 ancillary plants that ~~which~~ are not attached to educational  
29 facilities, if those ~~provided that such~~ plants conform to ~~with~~  
30 the space size requirements established in the Uniform  
31 Building Code.

1           (2) CONFORMITY TO UNIFORM BUILDING CODE STANDARDS  
2 REQUIRED FOR APPROVAL.--A district school board or community  
3 college district board of trustees may ~~shall~~ not approve any  
4 plans for the construction, renovation, remodeling, or  
5 demolition of any educational or ancillary plants unless these  
6 plans conform to the requirements of the Uniform Building  
7 Code. Each district school board and community college  
8 district board of trustees may adopt policies for delegating  
9 to the superintendent or community college president authority  
10 for submitting documents to the department and for awarding  
11 contracts subsequent to and consistent with board approval of  
12 the scope, timeframes, funding source, and budget of a  
13 survey-recommended project. It is ~~shall~~ also ~~be~~ the  
14 responsibility of the department to develop, as a part of the  
15 Uniform Building Code, standards relating to:

16           (a) Prefabricated or factory-built facilities that  
17 ~~which~~ are designed to be portable, relocatable, demountable,  
18 or reconstructible; are used primarily as classrooms; and do  
19 not fall under the provisions of ss. 320.822-320.862. Such  
20 standards must ~~shall~~ permit boards to contract with the  
21 Department of Community Affairs for factory inspections by  
22 certified Uniform Building Code inspectors to certify  
23 conformance with law and with rules of the Commissioner State  
24 ~~Board~~ of Education rule.

25           (b) The sanitation of educational and ancillary plants  
26 and the health of occupants of educational and ancillary  
27 plants.

28           (c) The safety of occupants of educational and  
29 ancillary plants as provided in s. 235.06.

30           (d) The physically handicapped.

31

1 (e) Accessibility for children, notwithstanding the  
2 provisions of s. 553.512.

3 (f) The performance of life-cycle cost analyses on  
4 alternative architectural and engineering designs to evaluate  
5 their energy efficiencies.

6 1. The life-cycle cost analysis must consist of ~~shall~~  
7 ~~be~~ the sum of:

8 a. The reasonably expected fuel costs over the life of  
9 the building that are required to maintain illumination, water  
10 heating, temperature, humidity, ventilation, and all other  
11 energy-consuming equipment in a facility; and

12 b. The reasonable costs of probable maintenance,  
13 including labor and materials, and operation of the building.

14 2. For computation of the life-cycle costs, the  
15 department shall develop standards that must ~~shall~~ include,  
16 but need not be limited to:

17 a. The orientation and integration of the facility  
18 with respect to its physical site.

19 b. The amount and type of glass employed in the  
20 facility and the directions of exposure.

21 c. The effect of insulation incorporated into the  
22 facility design and the effect on solar utilization of the  
23 properties of external surfaces.

24 d. The variable occupancy and operating conditions of  
25 the facility and subportions of the facility.

26 e. An energy consumption analysis of the major  
27 equipment of the facility's heating, ventilating, and cooling  
28 system; lighting system; and hot water system and all other  
29 major energy-consuming equipment and systems as appropriate.

30 3. Such standards must ~~shall~~ be based on the best  
31 currently available methods of analysis, including such

1 methods as those of the National Institute of Standards and  
2 Technology, the Department of Housing and Urban Development,  
3 and other federal agencies and professional societies and  
4 materials developed by the Department of Management Services  
5 and the department. Provisions must ~~shall~~ be made for an  
6 annual updating of standards as required.

7 (3) ENFORCEMENT BY BOARD.--It is the responsibility of  
8 each district school board and community college district  
9 board of trustees to ensure that all plans and educational and  
10 ancillary plants meet the standards of the Uniform Building  
11 Code and to provide for the enforcement of this code in the  
12 areas of its jurisdiction. Each board shall provide for the  
13 proper supervision and inspection of the work. Each board may  
14 ~~is authorized to~~ employ a chief building official or inspector  
15 and such other inspectors, who have been certified by the  
16 department or certified pursuant to chapter 468, and such  
17 personnel as are ~~may be~~ necessary to administer and enforce  
18 the provisions of this code. Boards may also utilize local  
19 building department inspectors who are certified by the  
20 department to enforce this code. Plans or facilities that fail  
21 to meet the standards of the Uniform Building Code may ~~shall~~  
22 not be approved.

23 (4) ENFORCEMENT BY DEPARTMENT.--As a further means of  
24 ensuring that all educational and ancillary facilities  
25 hereafter constructed or materially altered or added to  
26 conform to the Uniform Building Code standards, each district  
27 school board and community college district board of trustees  
28 that ~~which~~ undertakes the construction, renovation,  
29 remodeling, purchasing, or lease-purchase of any educational  
30 plant or ancillary facility, the cost of which exceeds  
31

1 \$200,000, may submit plans to the department for ~~and receive~~  
2 ~~the approval of the department.~~

3 (5) APPROVAL.--

4 (a) Before a contract has been let for the  
5 construction, the department, the board, or the board's  
6 authorized review agent must approve the phase III  
7 construction documents. A board may reuse prototype plans on  
8 another site, provided the facilities list and phase III  
9 construction documents have been updated for the new site and  
10 for compliance with the Uniform Building Code and any laws  
11 relating to firesafety, health and sanitation, casualty  
12 safety, and requirements for the physically handicapped which  
13 are in effect at the time a construction contract is to be  
14 awarded.

15 (b) In reviewing plans for approval, the department,  
16 the board, or its review agent as authorized in s. 235.017,  
17 shall take into consideration:

- 18 1. The need for the new facility.
- 19 2. The educational and ancillary plant planning.
- 20 3. The architectural and engineering planning.
- 21 4. The location on the site.
- 22 5. Plans for future expansion.
- 23 6. The type of construction.
- 24 7. Sanitary provisions.
- 25 8. Conformity to Uniform Building Code standards.
- 26 9. The structural design and strength of materials  
27 proposed to be used.
- 28 10. The mechanical design of any heating,  
29 air-conditioning, plumbing, or ventilating system. Typical  
30 heating, ventilating, and air-conditioning systems preapproved  
31

1 by the department for specific applications may be used in the  
2 design of educational facilities.

3 11. The electrical design of educational plants.

4 12. The energy efficiency and conservation of the  
5 design.

6 13. Life-cycle cost considerations.

7 14. The design to accommodate physically handicapped  
8 persons.

9 15. The ratio of net to gross square footage.

10 16. The proposed construction cost per gross square  
11 foot.

12 (c) The board may ~~shall~~ not occupy a facility until  
13 the project has been inspected to verify compliance with  
14 statutes, rules, and codes affecting the health and safety of  
15 the occupants. Verification of compliance with rules,  
16 statutes, and codes for nonoccupancy projects such as roofing,  
17 paving, site improvements, or replacement of equipment may be  
18 certified by the architect or engineer of record and  
19 verification of compliance for other projects may be made by  
20 an inspector certified by the department or certified pursuant  
21 to chapter 468 who is not the architect or engineer of record.  
22 The board shall maintain a record of the project's completion  
23 and permanent archive of phase III construction documents,  
24 including any addenda and change orders to the project. The  
25 boards shall provide project data to the department, as  
26 requested, for purposes and reports needed by the Legislature.

27 (6) REVIEW PROCEDURE STATE BOARD OF APPEALS.--The  
28 Commissioner State Board of Education shall have ~~be the~~ final  
29 review board of ~~appeals for~~ all questions, disputes, or  
30 interpretations involving the Uniform Building Code, and any  
31

1 objections to decisions made by the inspectors or the  
2 department must ~~shall~~ be submitted in writing.

3 (7) BIENNIAL REVIEW AND UPDATE; DISSEMINATION.--The  
4 department shall biennially review, update, and revise the  
5 Uniform Building Code. The department shall publish and make  
6 available to each district school board and community college  
7 district board of trustees at no cost copies of the code and  
8 each amendment and revision thereto. The department shall make  
9 additional copies available to all interested persons at a  
10 price sufficient to recover costs.

11 (8) LEGAL EFFECT OF CODE.--The State Uniform Building  
12 Code for Public Educational Facilities Construction has ~~shall~~  
13 ~~have~~ the force and effect of law and supersedes ~~shall~~  
14 ~~supersede~~ any other code adopted by a district school board or  
15 community college district board of trustees or any other  
16 building code or ordinance for the construction of educational  
17 and ancillary plants whether at the local, county, or state  
18 level and whether adopted by rule or legislative enactment.  
19 All special acts or general laws of local application are  
20 hereby repealed to the extent that they conflict with this  
21 section.

22 (9) EDUCATION FACILITIES AS EMERGENCY SHELTERS.--

23 (a) The Department of Education shall, in consultation  
24 with boards and county and state emergency management offices,  
25 amend the State Uniform Building Code for Public Educational  
26 Facilities Construction to incorporate public shelter design  
27 criteria into the Uniform Building Code. The new criteria must  
28 be designed to ensure that appropriate core facility areas in  
29 new educational facilities can serve as public shelters for  
30 emergency management purposes. The Commissioner ~~State Board~~  
31 of Education shall publish proposed amendments to the State



1 Uniform Building Code for Public Educational Facilities  
2 Construction setting forth the public-shelter criteria by July  
3 1, 1995. A facility, or an appropriate core facility area  
4 within a facility, for which a design contract is entered into  
5 subsequent to the effective date of the inclusion of the  
6 public shelter criteria in the code must be built in  
7 compliance with the amended code unless the facility or a part  
8 thereof is exempted from using the new shelter criteria due to  
9 its location, size, or other characteristics by the applicable  
10 board with the concurrence of the applicable local emergency  
11 management agency or the Department of Community Affairs. Any  
12 educational facility located or proposed to be located in an  
13 identified category 1, 2, or 3 evacuation zone is ~~shall~~ not be  
14 subject to the requirements of this subsection. If more than  
15 one educational facility is being constructed within any  
16 3-mile radius, no more than one facility, which must ~~shall~~ be  
17 selected on the basis of cost-effectiveness and greatest  
18 provision of shelter space, is ~~shall be~~ required to  
19 incorporate the public shelter criteria into its construction.

20 (b) By January 31, 1996, and by January 31 every  
21 even-numbered year thereafter, the Department of Community  
22 Affairs shall prepare and submit a statewide emergency shelter  
23 plan to the Governor and the Cabinet for approval. The ~~Such~~  
24 plan must ~~shall~~ identify the general location and square  
25 footage of existing shelters, by county, and the general  
26 location and square footage of needed shelters, by county, in  
27 the next 5 years. Such plan must ~~shall~~ identify the types of  
28 public facilities which should be constructed to comply with  
29 emergency shelter criteria and must recommend an appropriate,  
30 adequate, and dedicated source of funding for the additional  
31 cost of constructing emergency shelters within these public

1 facilities. After the approval of the plan, a no board may not  
2 ~~shall~~ be required to build more emergency shelter space than  
3 identified as needed in the plan, and decisions pertaining to  
4 exemptions pursuant to paragraph (a) must ~~shall~~ be guided by  
5 the plan and by ~~the provisions of~~ this subsection.

6 (10) LOCAL LEGISLATION PROHIBITED.--After June 30,  
7 1985, pursuant to s. 11(a)(21), Art. III of the State  
8 Constitution, there shall not be enacted any special act or  
9 general law of local application which proposes to amend,  
10 alter, or contravene any provisions of the State Building Code  
11 adopted under the authority of this section.

12 Section 146. Subsections (2) and (3) of section  
13 235.31, Florida Statutes, are amended to read:

14 235.31 Advertising and awarding contracts;  
15 prequalification of contractor.--

16 (2) Boards may elect to come under the rules  
17 prescribed by the Commissioner ~~State Board~~ of Education for  
18 the prequalification of bidders of educational facilities  
19 construction.

20 (3) A public agency that is authorized to purchase  
21 services for maintenance, repair, and site improvement of  
22 facilities on behalf of various agencies of a county must give  
23 the school board in that county the option of purchasing those  
24 services for educational facilities and ancillary plants under  
25 those contracts at the unit prices stated in those contracts.  
26 However, the person providing those services under such a  
27 contract may, without jeopardizing the contract, refuse to  
28 provide the services to the school board. The school board may  
29 purchase those services under such a contract only if the  
30 purchase is to the economic advantage of the school district  
31 and the services conform to the standards and specifications

1 prescribed by rules of the Commissioner ~~State Board~~ of  
2 Education and, if applicable, to the requirements of s.  
3 287.055. This subsection does not apply to contracts in  
4 existence on July 1, 1994.

5 Section 147. Section 235.32, Florida Statutes, is  
6 amended to read:

7 235.32 Substance of contract; contractors to give  
8 bond; penalties.--Each board shall develop contracts  
9 consistent with this chapter and statutes governing public  
10 facilities. Such a contract must ~~shall~~ contain the drawings  
11 and specifications of the work to be done and the material to  
12 be furnished, the time limit in which the construction is to  
13 be completed, the time and method by which payments are to be  
14 made upon the contract, and the penalty to be paid by the  
15 contractor for any failure to comply with the terms of the  
16 contract. The board may require the contractor to pay a  
17 penalty for any failure to comply with the terms of the  
18 contract and may provide an incentive for early completion.  
19 Upon accepting a satisfactory bid, the board shall enter into  
20 a contract with the party or parties whose bid has been  
21 accepted. The contractor shall furnish the board with a  
22 performance and payment bond as set forth in s. 255.05.  
23 Notwithstanding any other provision of this section, if 25  
24 percent or more of the costs of any construction project is  
25 paid out of a trust fund established pursuant to 31 U.S.C. s.  
26 1243(a)(1), laborers and mechanics employed by contractors or  
27 subcontractors on such construction will be paid wages not  
28 less than those prevailing on similar construction projects in  
29 the locality, as determined by the Secretary of Labor in  
30 accordance with the Davis-Bacon Act, as amended. A person,  
31 firm, or corporation that constructs ~~Any and all persons,~~

1 ~~firms, or corporations who shall construct~~ any part of any  
2 educational plant, or addition thereto, on the basis of any  
3 unapproved plans or in violation of any plans approved in  
4 accordance with the provisions of this chapter and rules of  
5 the Commissioner ~~State Board~~ of Education relating to building  
6 standards or specifications is ~~shall be~~ subject to forfeiture  
7 of bond and unpaid compensation in an amount sufficient to  
8 reimburse the board for any costs that ~~which~~ will need to be  
9 incurred in making any changes necessary to assure that all  
10 requirements are met and is ~~shall~~ also be guilty of a  
11 misdemeanor of the second degree, punishable as provided in s.  
12 775.082 or s. 775.083, for each separate violation.

13 Section 148. Subsections (1), (2), (4), and (5) and  
14 paragraphs (a) and (f) of subsection (3) of section 236.02,  
15 Florida Statutes, are amended to read:

16 236.02 Minimum requirements of the Florida Education  
17 Finance Program.--Each district which participates in the  
18 state appropriations for the Florida Education Finance Program  
19 shall provide evidence of its effort to maintain an adequate  
20 school program throughout the district and shall meet at least  
21 the following requirements:

22 (1) ACCOUNTS AND REPORTS.--Maintain adequate and  
23 accurate records, including a system of internal accounts for  
24 individual schools, and file with the Department of Education,  
25 in correct and proper form on or before the date due as fixed  
26 by law or regulation, each annual or periodic report that  
27 ~~which~~ is required by regulations of the commissioner ~~state~~  
28 ~~board~~.

29 (2) MINIMUM TERM.--Operate all schools for a term of  
30 at least 180 actual teaching days as prescribed in s.  
31 228.041(13) or the equivalent on an hourly basis as specified

1 by rules of the Commissioner ~~State Board~~ of Education each  
2 school year. The commissioner ~~state board~~ may prescribe  
3 procedures for altering, and, upon written application, may  
4 alter, this requirement during a national, state, or local  
5 emergency as it may apply to an individual school or schools  
6 in any district or districts if, in the opinion of the board,  
7 it is not feasible to make up lost days, and the apportionment  
8 may, at the discretion of the Commissioner ~~State Board~~ of  
9 Education and if ~~in the event~~ the board determines that the  
10 reduction of school days is caused by the existence of a bona  
11 fide emergency, be reduced for such district or districts in  
12 proportion to the decrease in the length of term in any such  
13 school or schools. ~~Under no circumstances shall~~ A strike, as  
14 defined in s. 447.203(6), by employees of the school district  
15 may not be considered an emergency.

16 (3) EMPLOYMENT POLICIES.--Adopt rules relating to the  
17 appointment, promotion, transfer, suspension, and dismissal of  
18 personnel.

19 (a) Such rules must ~~shall~~ conform to applicable law  
20 and ~~state board~~ rules of the commissioner and must ~~shall~~  
21 include the duties and responsibilities of the superintendent  
22 and school board pertaining to these and other personnel  
23 matters.

24 (f) Such rules must ~~shall~~ require 12 calendar months  
25 of service for such principals as prescribed by regulations of  
26 the commissioner ~~state board~~ and must ~~shall~~ require 10 months  
27 to include not less than 196 days of service, excluding  
28 Sundays and other holidays, for all members of the  
29 instructional staff, with any such service on a 12-month basis  
30 to include reasonable allowance for vacation or further study  
31

1 as prescribed by the school board in accordance with  
2 regulations of the commissioner ~~state board~~.

3 (4) SALARY SCHEDULES.--Expend funds for salaries in  
4 accordance with a salary schedule or schedules adopted by the  
5 school board in accordance with the provisions of law and  
6 regulations of the commissioner ~~state board~~.

7 (5) BUDGETS.--Observe fully at all times all  
8 requirements of law and regulations of the commissioner ~~state~~  
9 ~~board~~ relating to the preparation, adoption, and execution of  
10 budgets for the district school system.

11 Section 149. Section 236.0801, Florida Statutes, is  
12 amended to read:

13 236.0801 Requirements for reporting kindergarten  
14 students.--Beginning with the 1995-1996 school year, a school  
15 district may not report for funding any kindergarten students  
16 under the Florida Education Finance Program unless the key  
17 data elements for the first state education goal, as approved  
18 by the Commissioner ~~State Board~~ of Education, were collected  
19 by the district.

20 Section 150. Paragraphs (a) and (c) of subsection (1)  
21 of section 236.081, Florida Statutes, 1996 Supplement, are  
22 amended to read:

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

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

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

3 (a) Determination of full-time equivalent  
4 membership.--During each of several school weeks, including  
5 scheduled intersessions of a year-round school program during  
6 the fiscal year, a program membership survey of each school  
7 shall be made by each district by aggregating the full-time  
8 equivalent student membership of each program by school and by  
9 district. The department shall establish the number and  
10 interval of membership calculations, except that for basic and  
11 special programs such calculations shall not exceed nine for  
12 any fiscal year. The district's full-time equivalent  
13 membership shall be computed and currently maintained in  
14 accordance with regulations of the commissioner ~~state board~~.

15 (c) Determination of programs.--Cost factors based on  
16 desired relative cost differences between the following  
17 programs shall be established in the annual General  
18 Appropriations Act. However, the application of cost factors  
19 in part-time programs for exceptional students is limited to a  
20 maximum of twelve twenty-fifths of a student membership in a  
21 given program during a week. Beginning with the 1990-1991  
22 fiscal year, the application of cost factors in part-time  
23 programs for exceptional students is limited to a maximum of  
24 432 hours of a student full-time equivalent membership in a  
25 given program during a school year as defined in s.  
26 228.041(16). The criteria for qualification for the special  
27 programs, including maximum case loads for part-time programs,  
28 must ~~shall~~ be determined by the commissioner by rule ~~rules of~~  
29 ~~the state board~~. However, the district may apply to the  
30 department for an exemption to the maximums set above, and the  
31 department may grant such exemptions when district size or

1 program dispersal would place an undue burden on the district.  
2 Cost factors for special programs for exceptional students  
3 shall be used to fund programs, approved by the department, as  
4 provided by law for exceptional students under the minimum age  
5 for enrollment in kindergarten. Beginning with the 1993-1994  
6 fiscal year, the Department of Education shall conduct a  
7 program cost analysis, pursuant to Commissioner ~~State Board~~ of  
8 Education rule, as part of the program review process. Adult  
9 basic and secondary programs must also be addressed in the  
10 program cost analysis. The program cost analysis must include,  
11 but is not limited to, the cost of direct and indirect  
12 operations, instruction, faculty-to-student ratio, consumable  
13 supplies, equipment, and optimum program length. Beginning  
14 with the 1995-1996 General Appropriations Act, the Legislature  
15 shall assign each secondary career education program and  
16 certificate career education program to a program funding  
17 level based on programmatic costs derived from the program  
18 cost analysis. A minimum of five funding levels shall be  
19 established in the General Appropriations Act for the purposes  
20 of this paragraph.

- 21 1. Basic programs.--
  - 22 a. Kindergarten and grades 1, 2, and 3.
  - 23 b. Grades 4, 5, 6, 7, and 8.
  - 24 c. Grades 9, 10, 11, and 12.
- 25 2. Special programs for exceptional students.--
  - 26 a. Educable mentally handicapped.
  - 27 b. Trainable mentally handicapped.
  - 28 c. Physically handicapped.
  - 29 d. Physical and occupational therapy part-time.
  - 30 e. Speech, language, and hearing part-time.
  - 31 f. Speech, language, and hearing.



- 1 g. Visually handicapped part-time.
- 2 h. Visually handicapped.
- 3 i. Emotionally handicapped part-time.
- 4 j. Emotionally handicapped.
- 5 k. Specific learning disability part-time.
- 6 l. Specific learning disability.
- 7 m. Gifted part-time.
- 8 n. Hospital and homebound part-time.
- 9 o. Profoundly handicapped.
- 10 3. Adult general education programs.--
- 11 a. Adult basic education.
- 12 b. Adult secondary education.
- 13 c. Lifelong learning.
- 14 4. Secondary career education programs.--
- 15 a. Level I.
- 16 b. Level II.
- 17 c. Level III.
- 18 d. Level IV.
- 19 e. Level V.
- 20 5. Certificate career education and supplemental
- 21 career education programs.--
- 22 a. Level I.
- 23 b. Level II.
- 24 c. Level III.
- 25 d. Level IV.
- 26 e. Level V.
- 27 6. Students-at-risk programs.--
- 28 a. Dropout prevention.
- 29 b. Special programs for teenage parents.
- 30 c. Kindergarten through grade 3 ESOL.
- 31 d. Grades 4 through 8 ESOL.

1 e. Grades 9 through 12 ESOL.

2 Section 151. Paragraphs (a) and (c) of subsection (2)  
3 of section 236.0811, Florida Statutes, are amended to read:

4 236.0811 Educational training.--

5 (2)(a)1. Pursuant to rules of the Commissioner ~~State~~  
6 ~~Board~~ of Education, each school board shall develop and  
7 annually approve a master plan for inservice educational  
8 training. The plan shall include all inservice programs for  
9 all district employees from all fund sources and shall be  
10 updated annually by September 1 using criteria and procedures  
11 for continued approval as specified by ~~state board~~ rule of the  
12 commissioner. Verification that the plan meets all  
13 requirements of this section must ~~shall~~ be submitted annually  
14 to the commissioner by October 1. The plan must ~~shall~~ be based  
15 on an assessment of the inservice educational training needs  
16 of the district conducted by a committee that includes  
17 parents, classroom teachers, and other educational personnel.  
18 This assessment must ~~shall~~ identify districtwide inservice  
19 needs and the inservice training needs of local schools. The  
20 plan must ~~shall~~ include, at a minimum, the inservice  
21 activities that are necessary for implementation of the  
22 schools' improvement plans during the current fiscal year. The  
23 plan must ~~shall~~ include, but is not limited to, components  
24 addressing: competencies in the identification, assessment,  
25 and prescription of instruction for exceptional students;  
26 competencies in the identification, assessment, and  
27 prescription of instruction for child abuse and neglect  
28 prevention and for substance and alcohol abuse prevention; and  
29 competencies in instruction for multicultural sensitivity in  
30 the classroom. In addition, the plan must include a component  
31 to provide regular training to classroom teachers on advances

1 in the field of normal child development and the disorders of  
2 development. The plan must ~~shall~~ also include components that  
3 may be used to satisfy the certification requirements  
4 applicable to teachers of students with limited proficiency in  
5 English and components that may be used for the renewal of a  
6 certificate in each of the following areas: a study of the  
7 middle grades, understanding the student in the middle grades,  
8 organizing interdisciplinary instruction in the middle grades,  
9 developing critical thinking and creative thinking in students  
10 in the middle grades, counseling functions of the teacher in  
11 the middle grades, developing creative learning materials for  
12 the middle grades, and planning and evaluating programs in the  
13 middle grades. The plan must ~~shall~~ include inservice  
14 activities for all district employees from all fund sources.

15         2. Classroom teachers and guidance counselors shall be  
16 required to participate in the inservice training for child  
17 abuse and neglect prevention, for alcohol and substance abuse  
18 prevention education, and for multicultural sensitivity  
19 education, which may include negotiation and conflict  
20 resolution training.

21         3. The department shall withhold funding of any  
22 district's master inservice plan, as required by this section,  
23 if the plan ~~which~~ fails to provide and require training in  
24 substance abuse prevention education pursuant to s.  
25 233.067(4)(c)1. for all classroom teachers and guidance  
26 counselors. The department is authorized to waive one or more  
27 inservice areas related to the middle grades if the district  
28 can document its unsuccessful attempt to secure a competent  
29 trainer or sufficient enrollment or when the department  
30 determines that specific validated competencies may be  
31 substituted in lieu of such inservice areas.

1           (c) An organization of nonpublic schools which has no  
2 fewer than 10 member schools in this state, which publishes  
3 and files with the Department of Education copies of its  
4 standards, and the member schools of which comply with the  
5 provisions of chapter 232 relating to compulsory attendance  
6 may also develop a master plan for inservice educational  
7 training. The plan must ~~shall~~ be submitted to the commissioner  
8 for approval pursuant to rules of the commissioner ~~State Board~~  
9 ~~of Education~~. Costs associated with approval of the plan,  
10 such as travel, per diem, and substitutes required for onsite  
11 reviews, must ~~shall~~ be determined in accordance with criteria  
12 established by the Department of Education and must ~~shall~~ be  
13 borne by the organization.

14           Section 152. Subsections (1), and (5) of section  
15 236.083, Florida Statutes, 1996 Supplement, are amended to  
16 read:

17           236.083 Funds for student transportation.--The annual  
18 allocation to each district for transportation to public  
19 school programs of students in membership in kindergarten  
20 through grade 12, in migrant and exceptional student programs  
21 below kindergarten, and in any other state-funded  
22 prekindergarten program shall be determined as follows:

23           (1) Subject to the rules of the commissioner ~~state~~  
24 ~~board~~, each district shall determine the membership of  
25 students who are transported:

26           (a) By reason of living 2 miles or more from school;

27           (b) By reason of being students with disabilities or  
28 enrolled in a teenage parent program, regardless of distance  
29 to school;

30           (c) By reason of being in a state prekindergarten  
31 program, regardless of distance from school;

1           (d) By reason of being vocational, dual enrollment, or  
2 students with disabilities transported from one school center  
3 to another to participate in an instructional program or  
4 service; or students with disabilities, transported from one  
5 designation to another in the state, provided one designation  
6 is a school center and provided the student's individual  
7 educational plan (IEP) identifies the need for the  
8 instructional program or service and transportation to be  
9 provided by the school district. A "school center" is defined  
10 as a public school center, public community college, public  
11 university, or other facility rented, leased, or owned and  
12 operated by the school district or another public agency. A  
13 "dual enrollment student" is defined as a public school  
14 student in membership in both a public secondary school  
15 program and a public community college or a public university  
16 program under a written agreement to partially fulfill ss.  
17 229.814 and 240.115 and earning full-time equivalent  
18 membership under s. 236.081(1)(j);

19           (e) With respect to elementary school students whose  
20 grade level does not exceed grade 6, by reason of being  
21 subjected to hazardous walking conditions en route to or from  
22 school as provided in s. 234.021. Such rules shall, when  
23 appropriate, provide for the determination of membership under  
24 this paragraph for less than 1 year to accommodate the needs  
25 of students who require transportation only until such  
26 hazardous conditions are corrected; and

27           (f) By reason of being a pregnant student or student  
28 parent, and the child of a student parent as provided in s.  
29 230.23166, regardless of distance from school.

30           (5) Funds allocated or apportioned for the payment of  
31 student transportation services may be used to pay for

1 transportation of students to and from school on local general  
2 purpose transportation systems. Student transportation funds  
3 may also be used to pay for transportation of students to and  
4 from school in private passenger cars and boats when the  
5 transportation is for isolated students, or students with  
6 disabilities as defined by rule. Subject to the rules of the  
7 Commissioner ~~State Board~~ of Education, each school district  
8 shall determine and report the number of assigned students  
9 using general purpose transportation private passenger cars  
10 and boats. The allocation per student must ~~shall~~ be equal to  
11 the allocation per student riding a school bus.

12 Section 153. Section 236.0841, Florida Statutes, is  
13 amended to read:

14 236.0841 Student enrichment, remedial, and dropout  
15 prevention programs.--Each school district may provide any  
16 amount from current operation funds of the Florida Education  
17 Finance Program for salaries of personnel who are employed,  
18 pursuant to regulations of the commissioner ~~state board~~, to  
19 provide supplementary enrichment, remedial, and dropout  
20 prevention activities pursuant to s. 230.2316. The  
21 enrichment, remedial, and dropout prevention activities, when  
22 offered, must ~~shall~~ be provided to students during periods of  
23 time supplemental to or beyond the required 180 days of  
24 instruction.

25 Section 154. Subsections (2) and (3) of section  
26 236.1225, Florida Statutes, are amended to read:

27 236.1225 Gifted education exemplary program grants.--

28 (2) There is hereby created a grant program for  
29 education for the gifted which shall be administered by the  
30 Commissioner of Education in cooperation and consultation with  
31 appropriate organizations and associations concerned with

1 education for the gifted and pursuant to rules adopted by the  
2 Commissioner ~~State Board~~ of Education. The program may be  
3 implemented in any public school.

4 (3) Pursuant to policies and rules to be adopted by  
5 the Commissioner ~~State Board~~ of Education, each district  
6 school board, two or more district school boards in  
7 cooperation, or a public school principal through the district  
8 school board may submit to the commissioner a proposed program  
9 designed to effectuate an exemplary program for education for  
10 the gifted in a school, district, or group of districts.

11 Consideration for funding shall be given to proposed programs  
12 of district school boards that are developed with the  
13 cooperation of a community college, public or private college,  
14 or university for the purpose of providing advanced  
15 accelerated instruction for public school students pursuant to  
16 s. 229.814. In order to be approved, a program proposal must  
17 ~~shall~~ include:

18 (a) Clearly stated goals and objectives expressed, to  
19 the maximum extent possible, in measurable terms;

20 (b) Information concerning the number of students,  
21 teachers, and other personnel to be involved in the program;

22 (c) The estimated cost of the program and the number  
23 of years for which it is to be funded;

24 (d) Provisions for evaluation of the program and for  
25 its integration into the general curriculum and financial  
26 program of the school district or districts at the end of the  
27 funded period; and

28 (e) Such other information and provisions as ~~shall be~~  
29 ~~required by~~ the commissioner requires.

30 Section 155. Section 236.13, Florida Statutes, is  
31 amended to read:

1           236.13 Expenditure of funds by school board.--All  
2 state funds apportioned to the credit of any district ~~shall~~  
3 constitute a part of the district school fund of that district  
4 and must ~~shall~~ be budgeted and expended under authority of the  
5 school board of that district subject to the provisions of  
6 law, ~~and~~ regulations of the state board, and rules of the  
7 commissioner.

8           (1) A school board shall credit interest or profits on  
9 investments to the specific budgeted fund, as defined by the  
10 accounting system required by s. 237.01, that produced the  
11 earnings unless otherwise authorized by law, rule, or  
12 regulation.

13           (2) A school board may temporarily advance moneys from  
14 one fund, as defined by the accounting system required by s.  
15 237.01, to another fund when insufficient moneys are available  
16 to meet current obligations if the temporary advancement is  
17 repaid within 13 months, appropriate accounting records are  
18 maintained, and the temporary advancement does not restrict,  
19 impede, or limit implementation or fulfillment of the original  
20 purposes for which the moneys were received in the fund  
21 providing the advancement.

22           (3) Funds expended from school nonrecurring incentives  
23 or bonus type state or federal funded programs based on  
24 performance outcomes, such as those provided for in s.  
25 236.1228 for the accountability program, may not be used for  
26 measuring compliance with state or federal maintenance of  
27 effort, supplanting, or comparability standards.

28           Section 156. Paragraph (b) of subsection (4) of  
29 section 236.685, Florida Statutes, 1996 Supplement, is amended  
30 to read:

31           236.685 Educational funding accountability.--



1 (4)

2 (b) Any teacher-to-student ratio or class size measure  
3 required by law, ~~or~~ State Board of Education rule, or  
4 Commissioner of Education rule must be computed by dividing  
5 the number of students in membership at the school by the  
6 number of full-time equivalent instructional personnel  
7 pursuant to paragraph (3)(a). Class size reports for  
8 exceptional student education shall be computed by dividing  
9 the number of exceptional students in membership by the number  
10 of full-time equivalent exceptional education classroom  
11 teachers who are classified as instructional personnel  
12 pursuant to paragraph (3)(a).

13 Section 157. Subsection (5) of section 237.211,  
14 Florida Statutes, is amended to read:

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

17 (5) FORM OF WARRANTS; DIRECT DEPOSIT OF FUNDS.--The  
18 school board is authorized to establish the form or forms of  
19 warrants, which are to be signed by the chair or, in his or  
20 her absence, the vice chair of the school board and  
21 countersigned by the superintendent, for payment or  
22 disbursement of moneys out of the school depository and to  
23 change the form thereof from time to time as the school board  
24 deems appropriate. If authorized in writing by the payee,  
25 such school board warrants may provide for the direct deposit  
26 of funds to the account of the payee in any financial  
27 institution that ~~which~~ is designated in writing by the payee  
28 and that ~~which~~ has lawful authority to accept such deposits.  
29 The written authorization of the payee must ~~shall~~ be filed  
30 with the school board. Direct deposit of funds may be by any  
31 electronic or other medium approved by the school board for

1 such purpose. The Commissioner ~~State Board~~ of Education shall  
2 adopt rules prescribing minimum security measures that must be  
3 implemented by any school board before ~~prior to~~ establishing  
4 the system authorized in this subsection.

5 Section 158. Subsection (4) of section 237.40, Florida  
6 Statutes, 1996 Supplement, is amended to read:

7 237.40 Direct-support organization; use of property;  
8 board of directors; audit.--

9 (4) ANNUAL AUDIT.--The direct-support organization  
10 shall make provisions for an annual postaudit of its financial  
11 accounts, to be conducted by the district auditor in  
12 accordance with rules to be adopted ~~promulgated~~ by the  
13 Commissioner ~~State Board~~ of Education. The annual audit  
14 report shall include a management letter and shall be filed as  
15 a public record in the district. The Commissioner ~~State Board~~  
16 of Education and the Auditor General have the authority to  
17 require and receive from the organization or the district  
18 auditor any detail or supplemental data relative to the  
19 operation of the organization. The identity of donors and all  
20 information identifying donors and prospective donors are  
21 confidential and exempt from the provisions of s. 119.07(1),  
22 and that anonymity shall be maintained in the auditor's  
23 report. All other records and information are ~~shall be~~  
24 considered public records for the purposes of chapter 119.

25 Section 159. Subsection (3) of section 316.615,  
26 Florida Statutes, is amended to read:

27 316.615 School buses; physical requirements of  
28 drivers.--

29 (3) A ~~No~~ person may not ~~shall~~ operate or cause to be  
30 operated a motor vehicle covered by subsection (1) or  
31 subsection (2) when transporting school children unless the

1 operator has met the physical examination requirements  
2 established by law and by rule adopted by the Commissioner  
3 ~~State Board~~ of Education. The operator of such a motor  
4 vehicle shall pass an annual physical examination and have  
5 posted in the vehicle a certificate to drive the vehicle ~~same~~.

6 Section 160. All rules of the State Board of Education  
7 adopted pursuant to the provisions of law amended by this act  
8 in effect on June 30, 1997, remain in effect until  
9 specifically altered, amended, or revoked in the manner  
10 provided by law.

11 Section 161. Sections 228.0617 and 228.085, Florida  
12 Statutes, are repealed.

13 Section 162. Subsection (3) of section 228.121,  
14 Florida Statutes, is amended to read:

15 228.121 Nonresident tuition fee; tuition fee  
16 exemptions.--

17 (3) No tuition shall be charged pupils who are  
18 homeless children as defined in s. 228.041(35)~~s. 228.041(36)~~;  
19 pupils whose parent, parents, or guardian are in the federal  
20 military service or are civilian employees, the cost of whose  
21 education is provided in part or in whole by federal subsidy  
22 to state-supported schools; or pupils whose parent, parents,  
23 or guardian are migratory agricultural workers. No tuition  
24 shall be charged pupils who reside in residential care  
25 facilities operated by the Department of Health and  
26 Rehabilitative Services and who receive their education under  
27 s. 230.23(4)(n).

28 Section 163. This act shall take effect July 1, 1997.  
29  
30  
31