

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

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

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

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

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

1 amending s. 233.058, F.S.; requiring the
 2 commissioner to adopt rules for English
 3 language instruction for limited English
 4 proficient students; amending s. 233.061, F.S.;
 5 providing the commissioner and the state board
 6 authority to adopt rules prescribing required
 7 instruction; amending s. 233.067, F.S.;
 8 providing that administration of the
 9 comprehensive health education and substance
 10 abuse prevention program be pursuant to rules
 11 adopted by the commissioner; amending s.
 12 233.115, F.S.; providing for adoption of
 13 instructional materials by the commissioner;
 14 amending s. 233.17, F.S.; authorizing the
 15 commissioner to approve by rule certain terms
 16 of adoption; amending s. 233.37, F.S.;
 17 providing for rules of the commissioner
 18 regarding the disposal of instructional
 19 materials; amending s. 233.39, F.S.; requiring
 20 the commissioner to prescribe rules for the
 21 renovation and repair of textbooks; amending s.
 22 234.01, F.S.; providing for transportation of
 23 students pursuant to rules adopted by the
 24 commissioner; amending s. 234.02, F.S.;
 25 providing for rules of the commissioner for the
 26 safety and health of pupils being transported
 27 by the school district; amending s. 234.03,
 28 F.S.; providing for rules of the commissioner
 29 relating to tort liability; amending s.
 30 234.051, F.S.; requiring the commissioner to
 31 prescribe safety specifications for school

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

1 amending s. 235.32, F.S.; providing for rules
 2 of the commissioner relating to building
 3 specifications; amending s. 236.02, F.S.;
 4 providing for rules of the commissioner
 5 relating to reports, minimum term of operation
 6 of schools, employment of personnel, salary
 7 schedules, and budgets; amending s. 236.0801,
 8 F.S.; providing for commissioner approval of
 9 education goal; amending s. 236.081, F.S.;
 10 requiring rules of the commissioner relating to
 11 funding of public schools; amending s.
 12 236.0811, F.S.; requiring rules of the
 13 commissioner relating to a school board's
 14 master plan for inservice educational training;
 15 amending s. 236.083, F.S.; requiring rules of
 16 the commissioner for determination of annual
 17 allocation for student transportation; amending
 18 s. 236.0841, F.S.; providing for rules of the
 19 commissioner regarding employment of certain
 20 personnel; amending s. 236.1225, F.S.;
 21 providing for rules of the commissioner for
 22 governing the gifted education grants program;
 23 amending s. 236.13, F.S.; providing for rules
 24 of the commissioner governing the expenditure
 25 of funds by school boards; amending s. 236.685,
 26 F.S.; providing for rules of the commissioner
 27 relating to teacher-to-student ratio or class
 28 size; amending s. 237.211, F.S.; requiring the
 29 commissioner to adopt rules prescribing minimum
 30 security standards for the direct deposit of
 31 funds; amending s. 237.40, F.S.; providing for

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

16
17 Be It Enacted by the Legislature of the State of Florida:

18
19 Section 1. Paragraph (b) of subsection (3) of section
20 11.42, Florida Statutes, 1996 Supplement, is amended to read:

21 11.42 The Auditor General.--

22 (3)

23 (b)1. No person shall be employed as a financial
24 auditor who does not possess the qualifications to take the
25 examination for a certificate as certified public accountant
26 under the laws of this state, and no person shall be employed
27 or retained as legal adviser, on either a full-time or a
28 part-time basis, who is not a member of The Florida Bar.

29 2. Notwithstanding the provisions of subparagraph 1.,
30 employees in the positions associated with the Florida
31 Education Finance Program full-time enrollment verification

1 function that is assigned to the Auditor General pursuant to
2 s. 229.565(2)~~s. 229.565(3)~~ may continue to meet the job
3 qualifications that existed prior to such transfer for a
4 period of 3 years after such transfer. Thereafter, they shall
5 meet the requirements of subparagraph 1. This subparagraph is
6 repealed on July 1, 1998.

7 Section 2. Section 20.15, Florida Statutes, is amended
8 to read:

9 20.15 Department of Education.--There is created a
10 Department of Education.

11 (1) STATE BOARD OF EDUCATION.--In accordance with The
12 ~~head of the Department of Education is the State Board of~~
13 ~~Education composed of the Governor and Cabinet as specified in~~
14 s. 2, Art. IX of the State Constitution, the State Board of
15 Education is the chief policymaking body of public education
16 in the state as specified in chapter 229. The Governor is
17 chair of the board, and the Commissioner of Education is the
18 secretary and executive officer and in the absence of the
19 Governor shall serve as chair.

20 (2) COMMISSIONER OF EDUCATION.--The head of the
21 Department of Education is the Commissioner of Education who
22 shall be elected by vote of the qualified electors of the
23 state pursuant to s. 5, Art. IV of the State Constitution.

24 (a) The Commissioner of Education shall appoint a
25 Deputy Commissioner for Educational Programs who has such
26 powers, duties, responsibilities, and functions as are
27 necessary to ensure the greatest possible coordination,
28 efficiency, and effectiveness of kindergarten through
29 12th-grade education and vocational and continuing education
30 programs.

1 **(b) The Commissioner of Education shall appoint a**
2 **Deputy Commissioner for Planning, Budgeting, and Management**
3 **who has such powers, duties, responsibilities, and functions**
4 **as are necessary to ensure the greatest possible coordination**
5 **of policies, programs, and procedures for the statewide system**
6 **of education and the department.**

7 **(3)(2) DIVISIONS.--**

8 (a) The following divisions of the Department of
9 Education are established:

- 10 1. Division of Community Colleges.
- 11 2. Division of Public Schools.
- 12 3. Division of Universities.
- 13 4. Division of Applied Technology and Adult Education.
- 14 5. Division of Human Resource Development.

15 (b) The Commissioner of Education is authorized to
16 establish within the Department of Education a Division of
17 Administration.

18 **(4)(3) DIRECTORS.--**The Board of Regents is the
19 director of the Division of Universities, and the State Board
20 of Community Colleges is the director of the Division of
21 Community Colleges, pursuant to chapter 240. The directors of
22 all other divisions shall be appointed by the commissioner
23 subject to approval by the state board.

24 **(5)(4) POWERS AND DUTIES.--**The State Board of
25 Education and the Commissioner of Education:

26 (a) Shall assign to the Division of Public Schools
27 such powers, duties, responsibilities, and functions as are
28 necessary to ensure the greatest possible coordination,
29 efficiency, and effectiveness of kindergarten through 12th
30 grade education.

31

1 (b) Shall assign to the Division of Applied Technology
 2 and Adult Education such powers, duties, responsibilities, and
 3 functions as are necessary to ensure the greatest possible
 4 coordination, efficiency, and effectiveness of career and
 5 continuing education.

6 (c) Shall assign to the State Board of Community
 7 Colleges such powers, duties, responsibilities, and functions
 8 as are necessary to ensure the coordination, efficiency, and
 9 effectiveness of community colleges, except those duties
 10 specifically assigned to the Commissioner of Education in ss.
 11 229.512 and 229.551 and the duties concerning physical
 12 facilities in chapter 235.

13 ~~(6)(5)~~ COUNCILS AND COMMITTEES.--Notwithstanding
 14 anything contained in law to the contrary, the Commissioner of
 15 Education shall appoint all members of all councils and
 16 committees of the Department of Education, except the Board of
 17 Regents, the State Board of Community Colleges, ~~the state~~
 18 ~~instructional materials committees,~~ and the community college
 19 district boards of trustees, the Postsecondary Education
 20 Planning Commission, the Education Practices Commission, the
 21 Education Standards Commission, the State Board of Independent
 22 Colleges and Universities, the Florida Commission on Education
 23 Reform and Accountability, and the State Board of Independent
 24 Postsecondary Vocational, Technical, Trade, and Business
 25 Schools shall hereafter be appointed by the State Board of
 26 ~~Education from a list of two or more names nominated for each~~
 27 ~~position by the Commissioner of Education.~~

28 ~~(7)(6)~~ BOARDS.--Notwithstanding anything contained in
 29 law to the contrary, all members of the Board of Regents, the
 30 State Board of Community Colleges, and the community college
 31

1 district boards of trustees must ~~shall~~ be appointed according
2 to chapter 240.

3 Section 3. Section 228.03, Florida Statutes, is
4 amended to read:

5 228.03 Scope of state system.--The state system of
6 public education includes such school systems, schools,
7 institutions, agencies, services, and types of instruction as
8 may be provided and authorized by law, or by regulations of
9 the state board and of the Commissioner of Education within
10 limits prescribed by law.

11 Section 4. Subsections (1), (5), (6), (13), (18), and
12 (29) of section 228.041, Florida Statutes, 1996 Supplement,
13 are amended and subsection (35) of that section is repealed
14 and present subsections (36), (37), (38), (39), and (40) of
15 that section are redesignated as subsections (35), (36), (37),
16 (38), and (39), respectively, to read:

17 228.041 Definitions.--Specific definitions shall be as
18 follows, and wherever such defined words or terms are used in
19 the Florida School Code, they shall be used as follows:

20 (1) STATE SYSTEM OF PUBLIC EDUCATION.--The state
21 system of public education shall consist of such publicly
22 supported and controlled schools, institutions of higher
23 education, other educational institutions, and other
24 educational services as may be provided or authorized by the
25 Constitution and laws of this state.

26 (a) Public schools.--The public schools shall consist
27 of kindergarten classes; elementary and secondary school
28 grades and special classes; adult, part-time, vocational, and
29 evening schools, courses, or classes authorized by law to be
30 operated under the control of school boards; and developmental
31

1 research schools to be operated under the control of the State
2 University System.

3 (b) Community colleges.--Community colleges shall
4 consist of all educational institutions which are operated by
5 local community college district boards of trustees under
6 specific authority and regulations of the State Board of
7 Education and which offer courses and programs of general and
8 academic education parallel to that of the first and second
9 years of work in institutions in the State University System,
10 of career education, and of adult continuing education.

11 (c) Institutions of higher education.--The
12 institutions of higher education shall consist of all
13 state-supported educational institutions offering work above
14 the public school level, other than community colleges, that
15 are authorized and established by law, together with all
16 activities and services authorized by law to be administered
17 by or through each of those institutions.

18 (d) Other educational institutions.--Other
19 state-supported institutions primarily of an educational
20 nature shall be considered parts of the state system of public
21 education. The educational functions of other state-supported
22 institutions which are not primarily of an educational nature
23 but which have specific educational responsibilities shall be
24 considered responsibilities belonging to the state system of
25 public education.

26 ~~(e) Other educational services.--Other educational~~
27 ~~services shall include health services and such special~~
28 ~~services and functions as may be authorized by law or by~~
29 ~~regulations of the state board as prescribed by law and as are~~
30 ~~considered necessary to improve, promote, and protect the~~

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1 ~~adequacy and efficiency of the state system of public~~
2 ~~education.~~

3 (e) Other education-related services: Other
4 education-related services may include health services, and
5 other special services and functions as may be authorized by
6 law or rule as necessary to improve, promote or protect the
7 education system.

8 (f) Florida School for the Deaf and the Blind.--The
9 Florida School for the Deaf and the Blind is a part of the
10 state system of education.

11 (5) SCHOOL.--A school is an organization of pupils for
12 instructional purposes on an elementary, secondary, or other
13 public school level, approved under regulations of the
14 Commissioner of Education or state board.

15 (6) SCHOOL CENTER.--A school center is a place of
16 location of any school or schools on the same or on adjacent
17 sites or on a site under the control of the principal and
18 within a reasonable distance of the main center as prescribed
19 by regulations of the Commissioner ~~State Board~~ of Education.

20 (13) SCHOOL DAY.--A school day for any group of
21 students is that portion of the day in which school is
22 actually in session and shall comprise not less than 5 net
23 hours, excluding intermissions, for all grades above the
24 third; not less than 4 net hours for the first three grades;
25 and not less than 3 net hours for kindergarten or
26 prekindergarten students with disabilities, or the equivalent
27 as calculated on a weekly basis. The net hours specified in
28 this subsection shall consist only of instruction in an
29 approved course of study and shall exclude all
30 noninstructional activities as defined by rules of the
31 Commissioner ~~State Board~~ of Education. Three of the last days

1 of the 90-day term, and of the 180-day term, may be designated
2 by the district school board as final examination days for
3 secondary school students. These final examination days shall
4 consist of no less than 4 net hours, excluding intermissions.
5 The minimum length of the school day herein specified may be
6 decreased under rules which shall be adopted by the state
7 board for double session schools or programs, experimental
8 schools, or schools operating under emergency conditions.

9 (18) EXCEPTIONAL STUDENT.--The term "exceptional
10 student" means any child or youth who has been determined
11 eligible for a special program in accordance with rules of the
12 Commissioner of Education or the State Board of Education
13 ~~Rules~~. The term "exceptional students" includes students who
14 are gifted and students with disabilities who are mentally
15 handicapped, speech and language impaired, deaf or hard of
16 hearing, visually impaired, dual sensory impaired, physically
17 impaired, emotionally handicapped, specific learning disabled,
18 hospital and homebound, autistic, developmentally delayed
19 children, ages birth through 5 years, or children with
20 established conditions, ages birth through 2 years.

21 (29) DROPOUT.--A dropout is a student over the age of
22 compulsory school attendance, as defined in s. 232.01, who
23 meets any one or more of the following criteria:

24 (a) The student has voluntarily removed himself or
25 herself from the school system before graduation for reasons
26 that include, but are not limited to, marriage ~~or entrance~~
27 ~~into the military~~, or the student has withdrawn from school
28 because he or she has failed the statewide student assessment
29 test and thereby does not receive any of the certificates of
30 completion;

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1 (b) The student has not met the relevant attendance
2 requirements of the school district pursuant to State Board of
3 Education rules, or the student was expected to attend a
4 school but did not enter as expected for unknown reasons, or
5 the student's whereabouts are unknown;

6 (c) The student has withdrawn from school, but has not
7 transferred to another public or private school or enrolled in
8 any vocational, adult, or alternative educational program;

9 (d) The student has withdrawn from school due to
10 hardship, unless such withdrawal has been granted under the
11 provisions of s. 322.0601, court action, expulsion, medical
12 reasons, or pregnancy; or

13 (e) The student is not eligible to attend school
14 because of reaching the maximum age for an exceptional student
15 program in accordance with the district's policy.

16
17 Students not exempt from attendance pursuant to s. 232.06 and
18 under the age of compulsory school attendance who stop
19 attending school shall be known as habitual truants as defined
20 in subsection (28) and are not to be considered dropouts. The
21 State Board of Education may adopt rules to implement the
22 provisions of this subsection.

23 Section 5. Section 228.062, Florida Statutes, is
24 amended to read:

25 228.062 Migrant education program.--The Commissioner
26 of Education shall ~~recommend, and the State Board of Education~~
27 shall prescribe, such rules as are necessary to provide for
28 the participation of the state in the federal migratory child
29 compensatory education program, which may be funded from
30 federal or other lawful sources. The Department of Education
31 is authorized to plan, fund, and administer educational

1 programs for migrant children in the state, beginning for such
2 children at age 3. Such programs shall be operated through
3 grants to local school districts or through contracts with
4 other public agencies or nonprofit corporations.

5 Section 6. Section 228.081, Florida Statutes, is
6 amended to read:

7 228.081 Other public educational services.--The
8 general control of other public educational services shall be
9 vested in the state board except as provided herein. The
10 state board shall, at the request of the Department of
11 Children Health and Family Rehabilitative Services and the
12 Department of Juvenile Justice, advise as to standards and
13 requirements relating to education to be met in all state
14 schools or institutions under their control which provide
15 educational programs. The Department of Education shall
16 provide supervisory services for the educational programs of
17 all such schools or institutions. The direct control of any
18 of these services provided as part of the district program of
19 education shall rest with the school board. These services
20 shall be supported out of state, district, federal, or other
21 lawful funds, depending on the requirements of the services
22 being supported.

23 Section 7. Section 228.086, Florida Statutes, is
24 amended to read:

25 228.086 Regional centers of excellence in mathematics,
26 science, computers, technology, and global awareness.--

27 ~~(1)~~ The Department of Education is authorized to award
28 grants to public school districts, developmental research
29 schools, state community colleges, state universities, private
30 postsecondary institutions, or museums of science as defined
31 in s. 265.608, or any combination thereof, to establish

1 regional centers of excellence in mathematics, science,
2 computers, technology, and global awareness.

3 ~~(2) The State Board of Education shall adopt rules to~~
4 ~~implement the program for regional centers of excellence.~~
5 ~~Such rules shall provide procedures for proposals to be~~
6 ~~submitted by individual public school districts, developmental~~
7 ~~research schools, state community colleges, state~~
8 ~~universities, private postsecondary institutions, or museums~~
9 ~~of science as defined in s. 265.608, according to prescribed~~
10 ~~format criteria. The rules shall also specify criteria for~~
11 ~~evaluation of the proposals so that the final selections will~~
12 ~~result at least in one center being located in each of the~~
13 ~~reporting and coordinating regions of the Department of~~
14 ~~Education, which regions shall be known as "Panhandle,"~~
15 ~~"Crown," "East Central," "West Central," and "South." For~~
16 ~~purposes of this section, the South region shall be further~~
17 ~~divided into "Upper" and "Lower" regions. Dade County and~~
18 ~~Monroe County shall comprise the Lower South region. The Upper~~
19 ~~South region shall be composed of the remaining counties in~~
20 ~~the South region. At least one center shall be located in the~~
21 ~~Upper South region and at least one center shall be located in~~
22 ~~the Lower South region. The final selections shall be made by~~
23 ~~the commissioner with the primary consideration to be the~~
24 ~~greatest potential impact on student performance within the~~
25 ~~region in terms of dollars required. Funding for each~~
26 ~~regional center shall be in an amount established by the~~
27 ~~Legislature after consideration of the budget request of the~~
28 ~~center, which request shall include specific performance data~~
29 ~~and quantifiable objectives for the following year. If a~~
30 ~~center is deemed not to be meeting its stated objectives, as~~
31 ~~determined by the State Board of Education, the Legislature~~

1 ~~shall zero-fund the center and the commissioner shall promptly~~
2 ~~call for new proposals within that region.~~

3 ~~(3)(a) Each center shall have a director appointed by~~
4 ~~the appropriate administrator of the district school board,~~
5 ~~developmental research school, state community college, state~~
6 ~~university, private postsecondary institution, or museum of~~
7 ~~science as defined in s. 265.608, where the center is located,~~
8 ~~funded, and administered. Such governing entity shall be~~
9 ~~generally responsible and accountable for all activities of~~
10 ~~the center with the director being specifically responsible~~
11 ~~and accountable.~~

12 ~~(b) Upon consideration of the recommendations of the~~
13 ~~governing entity of the center, the commissioner shall appoint~~
14 ~~an advisory council for each center consisting of no more than~~
15 ~~11 members. Prior to appointing the advisory council, the~~
16 ~~commissioner shall solicit input from each of the groups which~~
17 ~~shall be represented on the council. Membership shall be~~
18 ~~representative of public school districts, developmental~~
19 ~~research schools, state community colleges, state~~
20 ~~universities, private postsecondary institutions, or museums~~
21 ~~of science as defined in s. 265.608, and private industry and~~
22 ~~business. The advisory council shall make recommendations~~
23 ~~regarding policy, activities, and fiscal operations and shall~~
24 ~~facilitate coordination of entities within the region. The~~
25 ~~director of the center and staff of the center shall also~~
26 ~~serve as staff to the council.~~

27 ~~(4) The evaluation of proposals shall include~~
28 ~~consideration of:~~

29 ~~(a) Cooperative arrangements among public school~~
30 ~~districts, developmental research schools, state community~~
31 ~~colleges, state universities, private postsecondary~~

1 ~~institutions, or museums of science as defined in s. 265.608,~~
2 ~~and the other governmental agencies and the private sector,~~
3 ~~including cooperative funding arrangements.~~

4 ~~(b) Strategies for improvement of student performance.~~

5 ~~(c) Development and dissemination of new principles,~~
6 ~~techniques, knowledge, and instructional strategies.~~

7 ~~(d) Evaluation and development of instructional~~
8 ~~materials.~~

9 ~~(e) Recruitment and training of minority and female~~
10 ~~students for careers in mathematics, science, or~~
11 ~~computer-related careers or global awareness.~~

12 ~~(f) Recruitment or retraining to include, but not be~~
13 ~~limited to, retired military or private industry and business~~
14 ~~personnel for teaching.~~

15 ~~(g) Identification and assistance in the acquisition~~
16 ~~of revenues and other resources from the private sector,~~
17 ~~federal or state government, or foundations for programs in~~
18 ~~mathematics, science, or computer education or global~~
19 ~~awareness.~~

20 ~~(h) Production and dissemination of videotaped~~
21 ~~instructional materials for students and teachers.~~

22 ~~(i) Development, dissemination, and evaluation of~~
23 ~~instructional materials, teacher training, and related~~
24 ~~services for public school students whose native language is~~
25 ~~other than English and whose proficiency in English is limited~~
26 ~~where substantiated need exists as determined by the~~
27 ~~Department of Education.~~

28 ~~(j) Development and operation of a computer education~~
29 ~~laboratory and library of related materials.~~

30 ~~(5) As used in this section, the term "private~~
31 ~~postsecondary institution" means an independent nonprofit~~

1 ~~college or university which is located in and chartered by the~~
2 ~~state; which is accredited by an agency holding membership in~~
3 ~~the Commission on Recognition of Postsecondary Accreditation;~~
4 ~~which grants baccalaureate, associate in arts, or associate in~~
5 ~~science degrees and the credits of which are acceptable~~
6 ~~without qualification for transfer to state universities; and~~
7 ~~which is not a state university or state community college or~~
8 ~~a pervasively sectarian institution.~~

9 ~~(6) This section shall be implemented in the 1983-1984~~
10 ~~school year and thereafter only to the extent as specifically~~
11 ~~funded and authorized by law.~~

12 Section 8. Section 228.088, Florida Statutes, is
13 amended to read:

14 228.088 High schools and secondary schools utilization
15 of security programs.--Each district high school and secondary
16 school shall develop and implement programs for security
17 purposes to be in effect during school operating hours. Such
18 programs may consist of teachers, volunteers, neighborhood
19 watch programs, school resource officers, security guards, or
20 any combination thereof. The Commissioner ~~State Board~~ of
21 Education shall adopt rules to implement the provisions of
22 this section.

23 Section 9. Subsection (3) of section 228.092, Florida
24 Statutes, is amended to read:

25 228.092 Retention of records of students attending
26 nonpublic schools.--

27 (3) DEPARTMENT RESPONSIBILITIES.--All nonpublic
28 schools that ~~which~~ become defunct shall notify the Deputy
29 Commissioner for Educational Programs ~~Management Information~~
30 ~~Service Section~~ in the Department of Education of the date of
31 transfer of student records, the location of storage, the

1 custodian of such records, and the number of records to be
2 stored. The department shall act as a clearinghouse and
3 maintain a registry of such transfers of student records.

4 Section 10. Subsections (2) and (3) of section
5 228.195, Florida Statutes, are amended to read:

6 228.195 School food service programs.--

7 (2) STATE RESPONSIBILITY.--The Commissioner of
8 Education shall ~~recommend, and the State Board of Education~~
9 ~~shall~~ prescribe ~~rules and standards~~ covering all phases of
10 the administration and operation of the school food service
11 programs.

12 (3) SCHOOL DISTRICT RESPONSIBILITY.--Each district
13 school board shall consider the recommendations of the
14 district superintendent and adopt policies to provide for an
15 appropriate food and nutrition program for children consistent
16 with regulations and standards prescribed by the commissioner
17 ~~state board~~.

18 Section 11. Subsection (1) of section 228.301, Florida
19 Statutes, is amended to read:

20 228.301 Test security.--

21 (1) It is unlawful for anyone knowingly and willfully
22 to violate test security rules adopted by the State Board of
23 Education or the Commissioner of Education for mandatory tests
24 administered by or through the State Board of Education or the
25 Commissioner of Education to students, educators, or
26 applicants for certification or administered by school
27 districts pursuant to s. 229.57, or, with respect to any such
28 test, knowingly and willfully to:

29 (a) Give examinees access to test questions prior to
30 testing;

31

1 (b) Copy, reproduce, or use in any manner inconsistent
2 with test security rules all or any portion of any secure test
3 booklet;

4 (c) Coach examinees during testing or alter or
5 interfere with examinees' responses in any way;

6 (d) Make answer keys available to examinees;

7 (e) Fail to follow security rules for distribution and
8 return of secure test as directed, or fail to account for all
9 secure test materials before, during, and after testing;

10 (f) Fail to follow test administration directions
11 specified in the test administration manuals; or

12 (g) Participate in, direct, aid, counsel, assist in,
13 or encourage any of the acts prohibited in this section.

14 Section 12. Subsection (13) of section 228.502,
15 Florida Statutes, 1996 Supplement, is amended to read:

16 228.502 The Education Success Incentive Program.--

17 (13) The Department of Education shall administer the
18 Education Success Incentive Program pursuant to rules adopted
19 by the Commissioner ~~State Board~~ of Education.

20 Section 13. Section 229.011, Florida Statutes, is
21 amended to read:

22 229.011 State functions.--Public education is
23 basically a function and responsibility of the state. The
24 responsibility for establishing ~~such minimum~~ standards and
25 regulations ~~as shall tend~~ to assure efficient operation of all
26 schools and adequate educational opportunities for all
27 children is retained by the state.

28 Section 14. Section 229.053, Florida Statutes, 1996
29 Supplement, is amended to read:

30 229.053 General powers of state board.--

31

1 (1) The State Board of Education is the chief
2 policymaking and coordinating body of public education in
3 Florida. It has the general powers to determine, adopt, or
4 prescribe such policies, rules, regulations, or standards as
5 are required by law or as it may find necessary for the
6 improvement of the state system of public education. Except
7 as otherwise provided herein, it may, as it shall find
8 appropriate, delegate its general powers to the Commissioner
9 of Education or the directors of the divisions of the
10 department.

11 (2) The board has the following duties:

12 (a) To adopt comprehensive educational objectives for
13 public education.

14 (b) To adopt comprehensive long-range plans and
15 short-range programs for the development of the state system
16 of public education.†

17 (c) To exercise general supervision over the divisions
18 of the Department of Education as, ~~including the Division of~~
19 ~~Universities, to the extent~~ necessary to ensure coordination
20 of educational plans and programs and resolve controversies
21 and ~~to coordinate the academic calendars of universities,~~
22 ~~community colleges, and public schools~~ to minimize problems of
23 articulation and student transfers, to assure that students
24 moving from one level of education to the next have acquired
25 competencies necessary for satisfactory performance at that
26 level, and to ensure maximum utilization of facilities.†

27 (d) To adopt for public universities and community
28 colleges, and from time to time modify, minimum and uniform
29 standards of college-level communication and computation
30 skills generally associated with successful performance and
31 progression through the baccalaureate level; ~~to approve tests~~

1 ~~and other assessment procedures which measure student~~
2 ~~achievement of those skills~~ and to identify
3 college-preparatory high school coursework and
4 postsecondary-level coursework that prepares students with the
5 academic skills necessary to succeed in postsecondary
6 education.†

7 (e) To adopt and transmit to the Governor as chief
8 budget officer of the state on official forms furnished for
9 such purposes, on or before September 1 of each year,
10 estimates of expenditure requirements for the State Board of
11 Education, the Commissioner of Education, and all of the
12 boards, institutions, agencies, and services under the general
13 supervision of the State Board of Education for the ensuing
14 fiscal year.†

15 (f) To hold meetings, transact business, keep records,
16 adopt a seal, and perform such other duties as may be
17 necessary for the enforcement of all laws and regulations
18 relating to the state system of public education.†

19 ~~(g) To have possession of and manage all lands granted~~
20 ~~to or held by the state for educational purposes;†~~

21 ~~(h) To administer the State School Fund;†~~

22 (g)(i) To approve plans for cooperating with the
23 Federal Government and, pursuant thereto, by regulation to
24 accept funds, create subordinate units, and provide the
25 necessary administration required by any federal program;†

26 (h)(j) To approve plans for cooperating with other
27 public agencies in the development of regulations and in the
28 enforcement of laws for which the state board and such
29 agencies are jointly responsible.†

30
31

1 (i)~~(k)~~ To review ~~approve~~ plans for cooperating with
2 appropriate nonpublic agencies for the improvement of
3 conditions relating to the welfare of schools.†

4 ~~(l) To authorize, approve, and require to be used such~~
5 ~~forms as are needed to promote uniformity, accuracy, or~~
6 ~~completeness in executing contracts, keeping records, or~~
7 ~~making reports;~~

8 (j)~~(m)~~ To create such subordinate advisory bodies as
9 are ~~may be~~ required by law or as it finds ~~may find~~ necessary
10 for the improvement of education.†

11 (k)~~(n)~~ To constitute the State Board for Career
12 Education or other structures as ~~may be~~ required by federal
13 law.†

14 (l) To assist in the economic development of the state
15 by developing a state-level planning process to identify
16 future training needs for industry, especially high-technology
17 industry.

18 (m) To assist in the planning and economic development
19 of the state by establishing a clearinghouse for information
20 on educational programs of value to economic development.

21 (n)~~(o)~~ To contract with independent institutions
22 accredited by an agency holding membership in the Commission
23 on Recognition of Postsecondary Accreditation for the
24 provision of those educational programs and facilities which
25 will meet needs unfulfilled by the state system of public
26 postsecondary education;

27 ~~(p) To adopt, based on recommendations of the~~
28 ~~Postsecondary Education Planning Commission, criteria for the~~
29 ~~establishment of new community colleges and state~~
30 ~~universities; and~~

31

1 (o)~~(g)~~ To recommend that a district school board take
2 action consistent with the state board's decision relating to
3 an appeal of a charter school application.

4 Section 15. Subsection (2) of section 229.085, Florida
5 Statutes, is amended to read:

6 229.085 Custody of educational funds.--

7 (2) There is created in the Department of Education
8 the Projects, Contracts, and Grants Trust Fund. If, in
9 executing the terms of such grants or contracts for specific
10 projects, the employment of personnel shall be required, such
11 personnel shall not be subject to the requirements of s.

12 216.262(1)(a). ~~Effective July 1, 1979,~~The personnel employed
13 to plan and administer such projects shall be considered in
14 time-limited employment not to exceed the duration of the
15 grant or until completion of the project, whichever first
16 occurs. Such employees shall not acquire retention rights
17 under the Career Service System, the provisions of s.

18 110.051(1) to the contrary notwithstanding. Any employee
19 holding permanent career service status in a Department of
20 Education position who is appointed to a position under the
21 Projects, Contracts, and Grants Trust Fund shall retain such
22 permanent status in the career service position.

23 Section 16. Subsection (1) of section 229.111, Florida
24 Statutes, is amended to read:

25 229.111 State board authorized to accept gifts.--

26 (1) The Commissioner of Education may ~~State Board of~~
27 ~~Education shall have authority to accept or decline~~, on behalf
28 of the state system of public education or of any school fund
29 established or recognized by law, any gift or bequest of
30 money, royalty, or other personal or real property given or
31 bequeathed to the state system of public education, or to any

1 school fund established or recognized by law. ~~† provided, that~~
2 ~~no~~ Conditions may not shall be attached to any such gift or
3 bequest of money, royalty, or other personal or real property
4 given or bequeathed for the purposes designated herein which
5 are contrary to the provisions of law or regulations of the
6 state board relating to the use or expenditure of the fund.

7 Section 17. Section 229.512, Florida Statutes, is
8 amended to read:

9 229.512 Commissioner of Education, general powers and
10 duties.--The Commissioner of Education is the chief
11 educational officer of the state, and has the following
12 general powers and duties:

13 (1) To appoint staff necessary to carry out his or her
14 powers and duties, ~~except that appointment of all division~~
15 ~~directors shall be subject to approval by the State Board of~~
16 ~~Education, except the Board of Regents, whose members shall be~~
17 ~~appointed pursuant to s. 240.207, and the State Board of~~
18 ~~Community Colleges, whose members shall be appointed pursuant~~
19 ~~to s. 240.307†~~

20 (2) To suspend, for cause, with the approval of the
21 State Board of Education, a public community college
22 president. Such suspension shall be acted upon expeditiously
23 by the local community college board of trustees. ~~†~~

24 (3) To advise and counsel with the State Board of
25 Education on all matters pertaining to education; to recommend
26 to the State Board of Education actions and policies as, in
27 the commissioner's opinion, should be acted upon or adopted;
28 and to execute or provide for the execution of all acts and
29 policies as are approved. ~~†~~

30 (4) To call such special meetings of the State Board
31 of Education as the commissioner deems necessary. ~~†~~

1 (5) To keep such records as are necessary to set forth
2 clearly all acts and proceedings of the state board.†

3 (6) To have a seal for his or her office with which,
4 in connection with his or her own signature, the commissioner
5 shall authenticate true copies of decisions, acts, or
6 documents.†

7 (7) To assemble all data relative to the preparation
8 of the long-range plan for the development of the state system
9 of public education; to propose for adoption by the State
10 Board of Education such a plan; and to propose revisions in
11 the plan as may be necessary.†

12 (8) To recommend to the State Board of Education
13 policies and steps designed to protect and preserve the
14 principal of the State School Fund; ~~and~~ to provide an assured
15 and stable income from the fund; ~~and~~ to execute such policies
16 and actions as are approved; and to administer the State
17 School Fund.

18 (9) To take action on the release of mineral rights
19 based upon the recommendations of the Board of Trustees of the
20 Internal Improvement Trust Fund. ~~investigate and submit~~
21 ~~proposals for sale of all school lands held by the state for~~
22 ~~educational purposes; to recommend policies for rental, use,~~
23 ~~or improvement of such lands and for preserving them from~~
24 ~~trespass or injury, and to execute such policies as are~~
25 ~~approved.†~~

26 (10) To submit to the State Board of Education, at
27 least 30 days prior to the date fixed herein, recommendations
28 of expenditures for the State Board of Education, the
29 Commissioner of Education, and all of the boards,
30 institutions, agencies, and services under the general
31

1 supervision of the State Board of Education for the ensuing
2 fiscal year.†

3 (11) To develop and implement a plan for ~~recommend~~
4 ~~ways and means of~~ cooperating with the Federal Government in
5 carrying out any or all phases of the educational program and
6 to recommend policies for administering funds that are ~~which~~
7 ~~may be~~ appropriated by Congress and apportioned to the state
8 for any or all educational purposes.†

9 (12) To develop and implement ~~recommend~~ policies for
10 cooperating with other public agencies in carrying out those
11 phases of the program in which such cooperation is required by
12 law or is deemed by the commissioner to be desirable and to
13 cooperate with public and nonpublic agencies in planning and
14 bringing about improvements in the educational program.†

15 (13) To prepare ~~for approval of the State Board of~~
16 ~~Education~~ such forms and procedures as are ~~deemed~~ necessary to
17 be used by ~~the Board of Regents, boards of trustees of~~
18 ~~community colleges, district school boards, and all other~~
19 educational agencies to assure uniformity, accuracy, and
20 efficiency in the keeping of records, the execution of
21 contracts, the preparation of budgets, or the submission of
22 reports; to furnish at state expense, when deemed advisable by
23 the commissioner, those forms that ~~which~~ can more economically
24 and efficiently be provided.†

25 (14) To implement a program of school improvement and
26 education accountability as provided by statute and State
27 Board of Education rule which is based upon the achievement of
28 the state education goals, recognizing the State Board of
29 Education as the body corporate responsible for the
30 supervision of the system of public education, the school
31 board as responsible for school and student performance, and

1 the individual school as the unit for education
2 accountability; to arrange for the preparation, publication,
3 and distribution of materials relating to the state system of
4 public education which will supply information concerning
5 needs, problems, plans, and possibilities; to prepare and
6 publish annually reports giving statistics and other useful
7 information pertaining to the state system of public
8 education; and to have printed copies of school laws, forms,
9 instruments, instructions, and regulations of the State Board
10 of Education and to provide for the distribution of the same.†
11 and

12 (15) To develop criteria for use by state
13 instructional materials committees in evaluating materials
14 submitted for adoption consideration. The criteria shall, as
15 appropriate, be based on instructional expectations reflected
16 in curriculum frameworks and student performance standards.
17 The criteria for each subject or course shall be made
18 available to publishers of instructional materials at least 24
19 months prior to the date on which bids are due as provided by
20 s. 233.14. It is the intent of the Legislature that
21 publishers have ample time to develop instructional materials
22 designed to meet requirements in this state.

23 Section 18. Section 229.515, Florida Statutes, is
24 created to read:

25 229.515 Rules and standards have force of law.--The
26 Commissioner of Education may prescribe such rules and minimum
27 standards as are necessary to carry out his or her
28 responsibilities under the school code, with the exception of
29 provisions relating to state universities and community
30 colleges and the Florida School for the Deaf and the Blind,
31 and all such rules and minimum standards, if not in conflict

1 with the school code, have the full force and effect of law.
2 The commissioner, in prescribing such rules, is considered an
3 "agency" for purposes of chapter 120.

4 Section 19. Section 229.559, Florida Statutes, is
5 amended to read:

6 229.559 Social security numbers used as student
7 identification numbers.--~~Beginning in the 1990-1991 school~~
8 ~~year,~~Each school district shall request that each student
9 enrolled in a public school in this state provide his or her
10 social security number. ~~Beginning in the 1991-1992 school~~
11 ~~year,~~Each school district shall use social security numbers
12 as student identification numbers in the management
13 information system maintained by the school district. However,
14 a student is ~~shall~~ not ~~be~~ required to provide his or her
15 social security number as a condition for enrollment or
16 graduation. A student satisfies this requirement by
17 presenting to school enrollment officials his or her social
18 security card or a copy of the ~~such~~ card. The school district
19 shall include the social security number in the student's
20 permanent records and shall indicate if the student
21 identification number is not a social security number. The
22 commissioner shall provide assistance to school districts to
23 assure that the assignment of student identification numbers
24 other than social security numbers is kept to a minimum and to
25 avoid duplication of any student identification number. ~~By~~
26 ~~March 1, 1991, the commissioner shall report to the State~~
27 ~~Board of Education the increase in student social security~~
28 ~~numbers on record and the actions implemented and planned to~~
29 ~~enable districts to comply with the requirements of this~~
30 ~~section by the 1991-1992 school year.~~

31

1 Section 20. Section 229.565, Florida Statutes, is
2 amended to read:

3 229.565 Educational evaluation procedures.--

4 (1) STUDENT PERFORMANCE STANDARDS.--

5 (a) The State Board of Education shall approve student
6 performance standards in the various program categories and
7 chronological grade levels which the Commissioner of Education
8 designates as necessary for maintaining a good educational
9 system. The standards must apply, without limitation, to
10 language arts, mathematics, science, social studies, the arts,
11 health and physical education, and foreign language reading,
12 writing, mathematics, science, history, government, geography,
13 economics, and computer literacy. The commissioner shall
14 obtain opinions and advice from citizens, educators, and
15 members of the business community in developing the standards.
16 For purposes of this section, the term "student performance
17 standard" means a statement describing a skill or competency
18 that students are expected to learn.

19 (b) The student performance standards must address the
20 skills and competencies that a student must learn in order to
21 graduate from high school. The commissioner shall also develop
22 performance standards for students who learn a higher level of
23 skills and competencies.

24 ~~(c) Section 3, chapter 83-327, Laws of Florida, shall~~
25 ~~be implemented in the 1983-1984 school year and thereafter~~
26 ~~only to the extent specifically funded and authorized by law.~~

27 ~~(2) STANDARDS OF EXCELLENCE.--The State Board of~~
28 ~~Education shall approve performance standards of excellence~~
29 ~~in, but not limited to, mathematics and science, which the~~
30 ~~Commissioner of Education determines shall best indicate the~~
31 ~~status of the state system of public education. This~~

1 ~~provision shall be implemented in the 1983-1984 school year~~
2 ~~and thereafter only to the extent specifically funded and~~
3 ~~authorized by law.~~

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

15 (a) Reported full-time equivalent membership in each
16 program category. This evaluation must ~~shall~~ be conducted by
17 the Auditor General for the Florida Education Finance Program
18 full-time enrollment verification function.

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

23 (c) The procedures for identification and placement of
24 students in educational alternative programs for students who
25 are disruptive or unsuccessful in a normal school environment
26 and for diagnosis and placement of students in special
27 programs for exceptional students, to determine that the
28 district is following the criteria for placement established
29 by rules of the state board and of the Commissioner of
30 Education and the procedures for placement established by that
31 district school board.

1 ~~(d) Procedures for screening, identification, and~~
2 ~~assignment of instructional strategies of the Florida Primary~~
3 ~~Education Program, or an approved alternative program as~~
4 ~~provided in s. 230.2312, and any other provisions of the~~
5 ~~program.~~

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

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

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

14 (g)~~(h)~~ Clearly defined data collection and
15 documentation requirements, including specifications of which
16 records and information need to be kept and how long the
17 records need to be retained. The information and
18 documentation needs for evaluation must ~~shall~~ be presented to
19 the school districts and explained well in advance of the
20 actual audit date.

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

23 (3)~~(4)~~ ASSISTANCE AND ADJUSTMENTS.--If discrepancies
24 or deficiencies are found, the Commissioner of Education must
25 ~~shall~~ provide information and assistance to the superintendent
26 and personnel of the district in correcting the cited
27 deficiencies. Priority for such assistance must ~~shall~~ be given
28 to providing the most deficient individual school programs
29 with research-based problem identification strategies and
30 alternatives to improve student performance. Such
31 alternatives must ~~shall~~ be systematically drawn from research

1 related to school effectiveness, teacher effectiveness, or
 2 management effectiveness. If it is determined that the
 3 approved criteria and procedures for the placement of students
 4 and the conduct of programs have not been followed by the
 5 district, appropriate adjustments in the full-time equivalent
 6 student count for that district must ~~shall~~ be made, and any
 7 excess funds must ~~shall~~ be deducted from subsequent
 8 allocations of state funds to that district. As provided for
 9 by rule ~~rules of the State Board of Education~~, if errors in a
 10 specific program of a district recur in consecutive years due
 11 to lack of corrective action by the district, adjustments may
 12 be made based upon statistical estimates of error projected to
 13 the overall district program.

14 ~~(5) PREKINDERGARTEN EARLY INTERVENTION PROGRAM.--The~~
 15 ~~commissioner shall annually examine and evaluate the~~
 16 ~~procedures, records, and programs of each district which has~~
 17 ~~established a prekindergarten early intervention program to~~
 18 ~~determine the district's compliance with s. 230.2305 and with~~
 19 ~~the approved district plan for the prekindergarten early~~
 20 ~~intervention program.~~

21 Section 21. Subsections (3) and (4) of section 229.57,
 22 Florida Statutes, are amended to read:

23 229.57 Student assessment program.--

24 (3) STATEWIDE ASSESSMENT PROGRAM.--The commissioner is
 25 directed to design and implement a statewide program of
 26 educational assessment that provides information for the
 27 improvement of the operation and management of the public
 28 schools. The program must be designed, as far as possible, so
 29 as not to conflict with ongoing district assessment programs
 30 and so as to use information obtained from district programs.

31

1 Pursuant to the statewide assessment program, the commissioner
2 shall:

3 (a) Submit to the state board a list that specifies
4 student skills and competencies to which the goals for
5 education specified in the state plan apply, including, but
6 not limited to, reading, writing, and mathematics. The skills
7 and competencies must include problem-solving and higher-order
8 skills as appropriate. The commissioner shall select such
9 skills and competencies after receiving recommendations from
10 educators, citizens, and members of the business community.
11 ~~Such skills and competencies must include, without limitation,~~
12 ~~those which comprise minimum standards of student performance.~~
13 The commissioner shall submit to the state board revisions to
14 the list of student skills and competencies in order to
15 maintain continuous progress toward improvements in student
16 proficiency.

17 (b) Develop and implement a uniform system of
18 indicators to describe the performance of public school
19 students and the characteristics of the public school
20 districts and the public schools. These indicators must
21 include, without limitation, information gathered by the
22 comprehensive management information system created pursuant
23 to s. 229.555 and student achievement information obtained
24 pursuant to this section.

25 (c) Develop and implement a student achievement
26 testing program as part of the statewide assessment program,
27 to be administered each spring, of grades 4, 7, and 10 in
28 reading, writing, and mathematics. The testing program must
29 be designed as follows:

30 1. For grades 4 and 7, the testing program must use
31 nationally normed achievement tests that are administered by

1 school districts in accordance with subsection (4). The State
2 Board of Education shall adopt rules specifying the procedures
3 to be used in reviewing available tests and rules designating
4 a list of tests that are acceptable for this purpose. Each
5 school district must administer one of the designated tests to
6 fulfill the requirements of this section. The commissioner
7 shall take steps to assure that the designated tests are
8 administered in a uniform and acceptable manner and shall
9 designate the dates of administration of these tests.

10 2. For grade 10, the testing program must use a
11 nationally normed student achievement test selected through an
12 appropriate bidding process. The commissioner shall designate
13 the criteria to be considered in the bidding process,
14 including, without limitation, the degree to which the
15 nationally normed test is compatible with college-level
16 communication and computation skills defined pursuant to s.
17 229.551(3)(f), the degree of relationship with the skills
18 measured by the college-level communication and computation
19 skills examination prescribed by s. 240.107, the technical
20 quality of the test, the adequacy of normative data, and the
21 security of the test forms to be used in this state. The
22 content of the tests must include testing of problem-solving
23 and higher-order skills to the extent possible. Participation
24 in the 10th grade testing program is mandatory for all
25 students in public schools except as may be otherwise
26 prescribed by the commissioner for students not pursuing
27 regular high school diplomas.

28 3. The testing programs for grades 4, 7, and 10 must
29 include a test of writing in which students are required to
30 produce writings which are then scored by appropriate methods.

31

1 4. For the tests for grades 4 and 7, a score must be
2 designated for each subject area tested, below which score a
3 student's performance is deemed inadequate. The school
4 districts shall provide appropriate remedial instruction to
5 students who score below these levels.

6 5. All 11th grade students shall be required to take
7 high school competency tests developed by the state board to
8 test minimum student performance skills and competencies in
9 reading, writing, and mathematics. Upon recommendation of the
10 commissioner, the state board shall designate a passing score
11 for each part of the high school competency test. In
12 establishing passing scores, the state board shall consider
13 any possible negative impact of the tests on minority
14 students. A student must earn a passing score on each part
15 taken to qualify for a regular high school diploma. The
16 commissioner shall recommend rules to the state board for the
17 provision of test adaptations and modifications of procedures
18 as necessary for students in exceptional education programs
19 and for students who have limited English proficiency. The
20 school districts shall provide appropriate remedial
21 instruction to students who do not pass part of the competency
22 test.

23 6. A student seeking an adult high school diploma must
24 meet the same testing requirements that a regular high school
25 student must meet.

26
27 The commissioner may design and implement student testing
28 programs for other grade levels and subject areas, based on a
29 census or sampling procedures designated by the commissioner
30 to monitor educational achievement in the state.

31

1 (d) Obtain or develop a career planning assessment to
2 be administered to students, at their option, in grades 7 and
3 10 to assist them in preparing for further education or
4 entering the workforce. The statewide student assessment
5 program must include career planning assessment as a free
6 service to schools.

7 (e) Conduct ongoing research to develop improved
8 methods of assessing student performance, including, without
9 limitation, the use of technology to administer tests, the use
10 of electronic transfer of data, the development of
11 work-product assessments, and the development of process
12 assessments.

13 (f) Conduct ongoing research and analysis of student
14 achievement data, including, without limitation, monitoring
15 trends in student achievement, identifying school programs
16 that are successful, and analyzing correlates of school
17 achievement.

18 (g) Provide technical assistance to school districts
19 in the implementation of state and district testing programs
20 and the use of the data produced pursuant to such programs.

21 (4) DISTRICT TESTING PROGRAMS.--Each district shall
22 periodically assess student performance and achievement within
23 each school of the district. Such assessment programs must be
24 based upon local goals and objectives that are compatible with
25 the state plan for education and that supplement the skills
26 and competencies adopted by the State Board of Education. In
27 grades 4 and 8 ~~7~~, each district shall administer a nationally
28 normed achievement test selected from a list approved by the
29 state board; the data resulting from these tests must be
30 provided to the Department of Education according to
31 procedures specified by the commissioner. The commissioner

1 may request achievement data for other grade levels as
2 necessary.

3 Section 22. Subsection (1) of section 229.59, Florida
4 Statutes, is amended to read:

5 229.59 Educational improvement projects.--

6 (1) Pursuant to rules adopted by the Commissioner
7 ~~State Board~~ of Education, each district school board, or each
8 principal through the district school board, may submit to the
9 commissioner for approval a proposal for implementing an
10 educational improvement project. Such proposals shall be
11 developed with the assistance of district and school advisory
12 councils and may address any or all of the following areas:

- 13 (a) The improvement of school management;
14 (b) The improvement of the district and school
15 advisory councils;
16 (c) School volunteers;
17 (d) The professional development of teachers;
18 (e) The restructuring of educational programs to meet
19 the needs of diverse students; and
20 (f) Global awareness.

21
22 Such projects may also address any other educational area
23 which would be improved through the encouragement of closer
24 working relationships among the school principal, the
25 teachers, and the parents and other members of the community.
26 Priority shall be given to proposals which provide for the
27 inclusion of existing resources, such as district educational
28 training funds, in the implementation of an educational
29 improvement project.

30 Section 23. Subsection (1) of section 229.591, Florida
31 Statutes, 1996 Supplement, is amended to read:

1 229.591 Comprehensive revision of Florida's system of
2 school improvement and education accountability.--

3 (1) INTENT.--The Legislature recognizes that the
4 children and youth of the state are its future and its most
5 precious resource. To provide these developing citizens with
6 the sound education needed to grow to a satisfying and
7 productive adulthood, the Legislature intends that, by the
8 year 2000, Florida establish a system of school improvement
9 and education accountability based on the performance of
10 students and educational programs. The intent of the
11 Legislature is to provide clear guidelines, ~~or a "Blueprint~~
12 ~~2000,"~~ for achieving this purpose and for returning the
13 responsibility for education to those closest to the students,
14 that is the schools, teachers, and parents. The Legislature
15 recognizes, however, its ultimate responsibility and that of
16 the Governor, the Commissioner of Education, and the State
17 Board of Education and other state policymaking bodies in
18 providing the strong leadership needed to forge a new concept
19 of school improvement and in making adequate provisions for a
20 uniform system of free public schools as required by s. 1,
21 Art. IX of the State Constitution. It is further the intent of
22 the Legislature to build upon the foundation established by
23 the Educational Accountability Act of 1976 and to implement a
24 program of education accountability and school improvement
25 based upon the achievement of state goals, recognizing the
26 State Board of Education as the body corporate responsible for
27 the supervision of the system of public education, the
28 district school board as responsible for school and student
29 performance, and the individual school as the unit for
30 education accountability.

31

1 Section 24. Subsection (1), paragraphs (c) and (d) of
2 subsection (3), and subsections (5) and (6) of section
3 229.592, Florida Statutes, 1996 Supplement, are amended to
4 read:

5 229.592 Implementation of state system of school
6 improvement and education accountability.--

7 (1) DEVELOPMENT.--It is the intent of the Legislature
8 that every public school in the state shall have a school
9 improvement plan, as required by s. 230.23(18), fully
10 implemented and operational by the beginning of the 1993-1994
11 school year. Vocational standards considered pursuant to s.
12 239.229 shall be incorporated into the school improvement plan
13 for each area technical center operated by a school board by
14 the 1994-1995 school year, and area technical centers shall
15 prepare school report cards incorporating such standards,
16 pursuant to s. 230.23(18), for the 1995-1996 school year. In
17 order to accomplish this, the Florida Commission on Education
18 Reform and Accountability and the school districts and schools
19 shall carry out the duties assigned to them by ss. 229.594 and
20 230.23(18), respectively. ~~In addition, the following initial~~
21 ~~steps in program development shall be undertaken beginning~~
22 ~~June 1, 1991, and shall continue during the 1991-1992 school~~
23 ~~fiscal year:~~

24 ~~(a) Each school shall conduct an initial needs~~
25 ~~assessment including separately each school-within-a-school,~~
26 ~~magnet school, self-contained educational alternative center,~~
27 ~~or satellite center, and the results of the assessments shall~~
28 ~~be accompanied by a needs response plan and submitted to the~~
29 ~~Florida Commission on Education Reform and Accountability by~~
30 ~~November 1, 1991. The commissioner must provide a format for~~
31 ~~the needs assessments to the school board by June 1, 1991, and~~

1 ~~the local school board shall coordinate each needs assessment.~~
2 ~~The assessments shall be based on data from the 1990-1991~~
3 ~~school year and shall address at least the following:~~
4 ~~1. The status of the school in relation to the general~~
5 ~~goals for education contained in s. 229.591;~~
6 ~~2. The academic status of students attending the~~
7 ~~school as reflected by test scores, dropout and same grade~~
8 ~~retention rates, the availability of upper level courses in~~
9 ~~mathematics and science, the percentage of the school's~~
10 ~~enrollment and the number of completers by race and gender in~~
11 ~~upper-level mathematics and science courses, and the number of~~
12 ~~students entering postsecondary institutions;~~
13 ~~3. Student school participation characteristics~~
14 ~~including: attendance rates, the number of expulsions and~~
15 ~~suspensions, and the number of instances of corporal~~
16 ~~punishment;~~
17 ~~4. The economic status of the student body and area~~
18 ~~served by the school;~~
19 ~~5. The demographic characteristics of the student body~~
20 ~~and the faculty and staff of the school;~~
21 ~~6. The financial status of the school as reflected by~~
22 ~~per-student expenditures for instruction and administration,~~
23 ~~and other appropriate measures; and~~
24 ~~7. Such other needs assessment indicators as may be~~
25 ~~determined by the individual school.~~
26 ~~(b) Each area technical center operated by a school~~
27 ~~board shall conduct a needs assessment as part of the school~~
28 ~~improvement process. The results of the assessments shall be~~
29 ~~accompanied by a needs response plan and be submitted to the~~
30 ~~Florida Commission on Education Reform and Accountability by~~
31 ~~November 1, 1992. The commissioner shall provide a format for~~

1 ~~the needs assessments to the school boards by August 1, 1992,~~
2 ~~and the local school board shall coordinate each needs~~
3 ~~assessment. The first such assessment shall be based on data~~
4 ~~from the 1991-1992 school year and must address at least the~~
5 ~~following:~~

6 1. ~~The vocational standards articulated in s. 239.229.~~

7 2. ~~The financial status of the center as indicated by~~
8 ~~per-student expenditures for instruction and administration,~~
9 ~~and other appropriate measures.~~

10 3. ~~Student completion and placement rates.~~

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

15 5. ~~Other such needs assessment indicators as may be~~
16 ~~determined by the center.~~

17 (c) ~~The needs response plan for each school and the~~
18 ~~district shall generally describe proposed actions to reduce~~
19 ~~any needs identified by the needs assessment.~~

20 (d) ~~The Commissioner of Education shall provide the~~
21 ~~school boards with the technical assistance necessary to~~
22 ~~conduct the school needs assessments.~~

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

31

1 ~~pressing educational problems for use in the analysis of the~~
2 ~~needs assessment information.~~

3 (3) COMMISSIONER.--The commissioner shall be
4 responsible for implementing and maintaining a system of
5 intensive school improvement and stringent education
6 accountability.

7 (c) The annual feedback report shall be developed by
8 the commission and the Department of Education.~~The format for~~
9 ~~this feedback shall be developed by the commission and~~
10 ~~recommended to the State Board of Education by January 1,~~
11 ~~1992. The State Board of Education shall adopt a format for~~
12 ~~the feedback report.~~

13 (d) The commissioner and the commission shall review
14 each school board's feedback report and submit its findings to
15 the State Board of Education. If adequate progress is not
16 being made toward implementing and maintaining a system of
17 school improvement and education accountability, the State
18 Board of Education shall direct the commissioner to prepare
19 and implement a corrective action plan. The commissioner
20 ~~commission~~ and State Board of Education shall monitor the
21 development and implementation of the corrective action plan.

22 (5) STATE BOARD.--The State Board of Education shall
23 adopt rules necessary to implement a state system of school
24 improvement and education accountability. ~~By September 1,~~
25 ~~1992, the state board shall adopt standards for indicating~~
26 ~~progress toward the state education goals pursuant to s.~~
27 ~~229.591(3). By September 1, 1993, the state board shall adopt~~
28 ~~rules providing guidelines for annual school reports. Such~~
29 rules must ~~shall~~ be based on recommendations of the Commission
30 on Education Reform and Accountability and must ~~shall~~ include,
31 but need not be limited to, a requirement that each school

1 report identify the annual Education Enhancement Trust Fund
 2 allocations to the district and the school and how those
 3 allocations were used for educational enhancement and
 4 supporting school improvement.

5 (6) EXCEPTIONS TO LAW.--To facilitate innovative
 6 practices and to allow local selection of educational methods,
 7 the commissioner may waive, upon the request of a school
 8 board, requirements of chapters 230 through 239 of the Florida
 9 School Code that relate to instruction and school operations,
 10 except those pertaining to civil rights, and student health,
 11 safety and welfare. The Commissioner of Education is not
 12 authorized to grant waivers for any provisions of law
 13 pertaining to the allocation and appropriation of state and
 14 local funds for public education; the election, compensation,
 15 and organization of school board members and superintendents;
 16 graduation and state accountability standards; financial
 17 reporting requirements; public meetings; public records; or
 18 due process hearings governed by chapter 120. Prior to
 19 approval, the Commissioner shall report pending waiver
 20 requests to the state board on a monthly basis, and shall,
 21 upon request of any state board member, bring a waiver request
 22 to the state board for consideration. If, within two weeks of
 23 receiving the report, no member requests that a waiver be
 24 considered by the state board, the Commissioner may act on the
 25 original waiver request. No later than January 1 of each year,
 26 the Commissioner shall report to the President and Minority
 27 Leader of the Senate and the Speaker and Minority Leader of
 28 the House all approved waiver requests in the preceding year.
 29 ~~during the time period required for careful deliberation by~~
 30 ~~the Legislature and the Florida Commission on Education Reform~~
 31

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

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

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

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

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

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

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

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

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

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

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

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

20 Section 25. Subsections (3), (4), (5), and (6) of
21 section 229.593, Florida Statutes, are amended to read:

22 229.593 Florida Commission on Education Reform and
23 Accountability.--

24 (3) ~~The commission shall be appointed no later than 30~~
25 ~~days after the effective date of this act.~~ Recognized
26 statewide organizations representing each interest enumerated
27 in this section shall submit no fewer than two nor more than
28 three nominees to the appropriate public official for
29 consideration. The public officials shall appoint members
30 representative of the ethnic, racial, gender, and economic
31 population of the state. ~~In the absence of nominees, the~~

1 ~~designated appointing authority shall appoint persons who~~
2 ~~otherwise meet the qualifications for appointment to the~~
3 ~~commission.~~ The term of each appointed private citizen member
4 shall be for 4 years; ~~however, initially, the Governor, the~~
5 ~~President of the Senate, the Speaker of the House of~~
6 ~~Representatives, and the Commissioner of Education shall each~~
7 ~~appoint at least one member for a 4-year term, one member for~~
8 ~~a 3-year term, and two members for 2-year terms.~~ A vacancy
9 shall be filled for the remainder of the unexpired term by the
10 person who had appointment jurisdiction of the vacated member.
11 Members shall serve until their successors are duly appointed.
12 ~~There shall be no limitation on successive appointments to the~~
13 ~~commission.~~ Provisions of s. 11.611(8)(b) to the contrary
14 notwithstanding, private citizen members shall be appointed as
15 provided in this section and are ~~shall~~ not ~~be~~ subject to
16 confirmation by the Senate. Members of the commission may be
17 removed for cause by the appointing authority. Any member
18 who, without cause, fails to attend three consecutive meetings
19 may be removed by the appointing authority.

20 ~~(4) As soon as practicable after all members are~~
21 ~~appointed, the Commissioner of Education shall call an~~
22 ~~organizational meeting of the commission. Subsequent meetings~~
23 ~~shall be held as often as the commission deems necessary to~~
24 ~~carry out its duties and responsibilities.~~

25 (4)(5) The commission shall adopt internal
26 organizational procedures or bylaws necessary for its
27 efficient operation. The commission shall elect a vice chair
28 annually, who shall chair the commission in the absence of the
29 chair. The commission may appoint committees from its
30 membership or may create such ad hoc advisory committees as it
31 deems necessary. The commission shall clearly assign ~~duties~~

1 to each committee duties that are ~~which shall be~~ consistent
 2 with the statutory duties of the commission. At least one
 3 such committee must ~~shall~~ be created to address the
 4 development of performance standards consistent with the state
 5 education goals. Any committee is to ~~shall~~ serve the
 6 commission in a strictly advisory capacity and must ~~shall~~ have
 7 a commission member as chair.

8 (5)~~(6)~~ Members of the commission shall serve without
 9 compensation but are ~~shall be~~ entitled to reimbursement for
 10 per diem and travel expenses incurred in the performance of
 11 their duties as provided in s. 112.061. Legislators are ~~shall~~
 12 ~~be~~ entitled to receive travel and per diem expenses as
 13 provided by the Joint Legislative Management Committee for
 14 meetings of legislative committees. When appropriate,
 15 commission members who are parents are to ~~shall~~ receive a
 16 stipend for child care costs incurred while attending
 17 commission meetings.

18 Section 26. Subsection (1) of section 229.594, Florida
 19 Statutes, is amended to read:

20 229.594 Powers and duties of the commission.--

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

27 (a) Serve as an advisory body to oversee the
 28 development, establishment, implementation, and maintenance of
 29 a program of school improvement and education accountability
 30 based upon the achievement of state education goals. This
 31 responsibility shall include the following:

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

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

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

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

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

1 instruction required to receive a credit; the length of a high
2 school day; and the number of periods per day for high
3 schools.

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

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

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

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

28 4. Effective use of existing methods for recognizing
29 schools and development of necessary additional methods to
30 recognize schools that meet or make adequate progress toward
31 the education goals. The commission shall also consider the

1 development of incentives including financial incentives for
2 schools that make exceptional progress toward the education
3 goals.

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

13
14 If in the opinion of the commission an adequate system of
15 accountability is in place to protect the public interest, the
16 commission may recommend to the Legislature the repeal or
17 revision of laws, including fiscal policies, and to the State
18 Board of Education and the Commissioner of Education the
19 repeal or revision of rules, which in the opinion of the
20 commission stand in the way of school improvement. The
21 commission may defer any or all recommendations for repeal or
22 revision of laws and rules until such time as it determines an
23 adequate system of accountability is to be established and
24 implemented.

25 Section 27. Subsection (8) of section 229.602, Florida
26 Statutes, is amended to read:

27 229.602 Florida private sector and education
28 partnerships.--

29 (8) Partnership vocational ~~career~~ education programs
30 shall be those job-preparatory vocational ~~career~~ education
31 programs offered through signed partnership agreements between

1 area technical centers and business, industry, or
2 apprenticeship committees. Partnership vocational ~~career~~
3 education programs are limited to:

4 (a) Apprenticeship programs approved pursuant to
5 chapter 446.

6 (b) Cooperative education programs where instruction
7 is provided, including required academic courses and related
8 vocational instruction, by alternation of study in school with
9 a job in any occupational field, provided that the two
10 experiences must be planned and supervised by the school and
11 employers so that each contributes to the student's education
12 and employability.

13 (c) Courses provided through the area technical center
14 in which the sole instructor is a full-time salaried employee
15 of a business or industry whose teaching services are provided
16 free to the school district, thus allowing the school district
17 to provide the course at a lower cost per pupil.

18 Section 28. Section 229.75, Florida Statutes, is
19 amended to read:

20 229.75 Department under direction of state board.--The
21 Department of Education shall act as an administrative and
22 supervisory agency under the policy direction of the State
23 Board of Education. ~~The state board and its staff shall~~
24 ~~comprise the department.~~

25 Section 29. Section 229.76, Florida Statutes, is
26 amended to read:

27 229.76 Functions of department.--The department is to
28 ~~shall~~ be located in the offices of the Commissioner of
29 Education, ~~shall operate under the direction and control of~~
30 ~~the state board~~ and shall assist it in providing professional
31 leadership and guidance, and in carrying out the policies,

1 procedures, and duties authorized by law or by the board or
2 found necessary by it to attain the purposes and objectives of
3 the school code.

4 Section 30. Section 229.771, Florida Statutes, is
5 amended to read:

6 229.771 Removal from office.--The State Board of
7 Education ~~department~~ shall remove from office for cause any
8 person appointed by the state board under the provisions of
9 the school code or any subordinate school officer. ~~Cause for~~
10 ~~such removal shall be~~ Incompetency, immorality, misconduct in
11 office, gross insubordination, or willful neglect of duty
12 constitutes cause for such removal. Notice and hearing must
13 ~~shall~~ be provided pursuant to chapter 120.

14 Section 31. Paragraphs (b) and (c) of subsection (3),
15 paragraph (a) of subsection (4), and subsection (5) of section
16 229.805, Florida Statutes, are amended to read:

17 229.805 Educational television.--

18 (3) POWERS OF DEPARTMENT OF EDUCATION.--

19 (b) The department shall provide through educational
20 television and other electronic media a means of extending
21 educational services to all the state system of public
22 education, except the State University System as defined in s.
23 240.2011, which provision by the department shall be limited
24 by paragraph (c) and by s. 229.8051(1). The department shall
25 recommend to the Commissioner of Education ~~state board~~ rules
26 and regulations necessary to provide such services.

27 (c) The department is authorized to provide equipment,
28 funds, and other services to extend and update both the
29 existing and the proposed educational television and radio
30 systems of tax-supported and nonprofit, corporate-owned
31 facilities. All stations funded must be qualified by the

1 Corporation for Public Broadcasting. New stations eligible
 2 for funding shall provide a first service to an audience that
 3 is not currently receiving a broadcast signal or provide a
 4 significant new program service as defined by Commissioner
 5 ~~State Board~~ of Education rules. Funds appropriated to the
 6 department for educational television and funds appropriated
 7 to the department for educational radio may be used by the
 8 department for either educational television or educational
 9 radio, or for both.

10 (4) PROHIBITED USE, PENALTY.--

11 (a) None of the facilities, plant, or personnel of any
 12 educational television system that ~~which~~ is supported in whole
 13 or in part by state funds shall be used directly or indirectly
 14 for the promotion, advertisement, or advancement of any
 15 political candidate for any municipal, county, legislative,
 16 congressional, or state office. However, fair, open, and free
 17 discussion between political candidates for municipal, county,
 18 legislative, congressional, or state office may be permitted
 19 in order to help materially reduce the excessive cost of
 20 campaigns and to ensure that the citizens of this state shall
 21 be fully informed about such issues and candidates in such
 22 campaigns. The above provisions ~~shall~~ apply to the advocacy
 23 for, or opposition to, any specific program, existing or
 24 proposed, of governmental action which shall include, but
 25 shall not be limited to, constitutional amendments, tax
 26 referenda, and bond issues. The provisions of this paragraph
 27 shall be in accordance with reasonable rules and regulations
 28 prescribed by the Commissioner ~~State Board~~ of Education or the
 29 Board of Regents, whichever has authority in the premises.

30 (5) DUTY OF DEPARTMENT OF EDUCATION.--The Department
 31 of Education is ~~shall be~~ responsible for identifying the needs

1 of the state system of public education as they relate to the
 2 development and production of materials used in instruction.
 3 When such identified needs are considered ~~deemed~~ to be best
 4 satisfied by the production of new materials, the department
 5 ~~may shall be empowered to~~ commission or contract for the
 6 production of such materials. The Commissioner ~~State Board~~ of
 7 Education shall adopt and prescribe rules and regulations for
 8 the proper enforcement and carrying out of these provisions.

9 Section 32. Subsections (1) and (3) of section
 10 229.8051, Florida Statutes, are amended to read:

11 229.8051 Public broadcasting program system.--

12 (1) There is created a public broadcasting program
 13 system for the state. The Department of Education shall
 14 administer this program system ~~shall be administered by the~~
 15 ~~Department of Education~~ pursuant to policies adopted by the
 16 Commissioner ~~State Board~~ of Education. This program system
 17 must and shall complement and share resources with the
 18 instructional programming service of the Department of
 19 Education and educational UHF, VHF, ITFS, and FM stations in
 20 the state. The ~~This~~ program system must ~~shall~~ include:

21 (a) Support for existing Corporation for Public
 22 Broadcasting qualified program system educational radio and
 23 television stations and new stations meeting Corporation for
 24 Public Broadcasting qualifications and providing a first
 25 service to an audience that does not currently receive a
 26 broadcast signal or providing a significant new program
 27 service as defined by rule by the Commissioner ~~State Board~~ of
 28 Education ~~rules~~.

29 (b) Maintenance of quality broadcast capability for
 30 educational stations that ~~which~~ are part of the program
 31 system.

1 (c) Interconnection of all educational stations that
2 ~~which~~ are part of the program system for simultaneous
3 broadcast and of such stations with all universities and other
4 institutions as necessary for sharing of resources and
5 delivery of programming.

6 (d) Establishment and maintenance of a capability for
7 statewide program distribution with facilities and staff,
8 provided such facilities and staff complement and strengthen
9 existing or future educational television and radio stations
10 in accordance with paragraph (a) and s. 229.805(3)(c).

11 (e) Provision of both statewide programming funds and
12 station programming support for educational television and
13 educational radio to meet statewide priorities. Priorities for
14 station programming need not be the same as priorities for
15 programming to be used statewide. Station programming may
16 include, but shall not be limited to, citizens' participation
17 programs, music and fine arts programs, coverage of public
18 hearings and governmental meetings, equal air time for
19 political candidates, and other public interest programming.

20 (3) The Commissioner ~~State Board~~ of Education shall
21 adopt rules for the proper enforcement and carrying out of
22 these provisions.

23 Section 33. Subsection (1) of section 230.03, Florida
24 Statutes, is amended to read:

25 230.03 Management, control, operation, administration,
26 and supervision.--The district school system must ~~shall~~ be
27 managed, controlled, operated, administered, and supervised as
28 follows:

29 (1) DISTRICT SYSTEM.--The district school system shall
30 be considered as a part of the state system of public
31 education. All actions of district school officials shall be

1 consistent and in harmony with state laws and with rules and
2 minimum standards of the state board and the commissioner.
3 District school officials, however, shall have the authority
4 to provide additional educational opportunities, as desired,
5 which are authorized, but not required, by law or by the
6 district school board.

7 Section 34. Subsections (2) and (5) of section 230.22,
8 Florida Statutes, are amended to read:

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

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

17 (5) PERFORM DUTIES AND EXERCISE RESPONSIBILITY.--The
18 school board may perform those duties and exercise those
19 responsibilities which are assigned to it by law or by
20 regulations of the state board or the commissioner and, in
21 addition thereto, those which it may find to be necessary for
22 the improvement of the district school system in carrying out
23 the purposes and objectives of the school code. The
24 Legislature recognizes the necessity for well informed school
25 board members and the benefits to education that may be
26 obtained through board member participation in professional
27 development and training seminars and related activities at
28 the district, state, and national levels.

29 Section 35. Paragraph (m) of subsection (4),
30 paragraphs (b) and (d) of subsection (9), paragraphs (a) and
31 (b) of subsection (11), and subsections (12), (14), and (16)

1 of section 230.23, Florida Statutes, 1996 Supplement, are
2 amended to read:

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

6 (4) ESTABLISHMENT, ORGANIZATION, AND OPERATION OF
7 SCHOOLS.--Adopt and provide for the execution of plans for the
8 establishment, organization, and operation of the schools of
9 the district, as follows:

10 (m) Exceptional students.--Provide for an appropriate
11 program of special instruction, facilities, and services for
12 exceptional students as prescribed by the state board as
13 acceptable, including provisions that:

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

16 2. The school board provide the special instruction,
17 classes, and services, either within the district school
18 system, in cooperation with other district school systems, or
19 through contractual arrangements with approved nonpublic
20 schools or community facilities which meet standards
21 established by the commissioner ~~state board~~.

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

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

29 5. No student be given special instruction or services
30 as an exceptional student until after he or she has been
31 properly evaluated, classified, and placed in the manner

1 prescribed by rules of the commissioner ~~state board~~. The
2 parent or guardian of an exceptional student evaluated and
3 placed or denied placement in a program of special education
4 shall be notified of each such evaluation and placement or
5 denial. Such notice shall contain a statement informing the
6 parent or guardian that he or she is entitled to a due process
7 hearing on the identification, evaluation, and placement, or
8 lack thereof. Such hearings shall be exempt from the
9 provisions of ss. 120.569, 120.57, and 286.011, and any
10 records created as a result of such hearings shall be
11 confidential and exempt from the provisions of s. 119.07(1),
12 to the extent that the commissioner ~~state board~~ adopts rules
13 establishing other procedures. The hearing must ~~shall~~ be
14 conducted by an administrative law judge from the Division of
15 Administrative Hearings of the Department of Management
16 Services. The decision of the administrative law judge shall
17 be final, except that any party aggrieved by the finding and
18 decision rendered by the administrative law judge shall have
19 the right to bring a civil action in the circuit court. In
20 such an action, the court shall receive the records of the
21 administrative hearing and shall hear additional evidence at
22 the request of either party. In the alternative, any party
23 aggrieved by the finding and decision rendered by the
24 administrative law judge shall have the right to request an
25 impartial review of the administrative law judge's order by
26 the district court of appeal as provided by s. 120.68.
27 Notwithstanding any law to the contrary, during the pendency
28 of any proceeding conducted pursuant to this section, unless
29 the district school board and the parents or guardian
30 otherwise agree, the child shall remain in his or her
31 then-current educational assignment or, if applying for

1 initial admission to a public school, shall be assigned, with
2 the consent of the parents or guardian, in the public school
3 program until all such proceedings have been completed.

4 6. In providing for the education of exceptional
5 students, the superintendent, principals, and teachers shall
6 utilize the regular school facilities and adapt them to the
7 needs of exceptional students to the maximum extent
8 appropriate. Segregation of exceptional students shall occur
9 only if the nature or severity of the exceptionality is such
10 that education in regular classes with the use of
11 supplementary aids and services cannot be achieved
12 satisfactorily.

13 7. The principal of the school in which the student is
14 taught shall keep a written record of the case history of each
15 exceptional student showing the reason for the student's
16 withdrawal from the regular class in the public school and his
17 or her enrollment in or withdrawal from a special class for
18 exceptional students. This record shall be available for
19 inspection by school officials at any time.

20 8. The district school board shall establish the
21 amount to be paid by the district school board for each
22 individual exceptional student contract with a nonpublic
23 school.

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

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

29 1. Select and purchase school sites, playgrounds, and
30 recreational areas located at centers at which schools are to
31

1 be constructed, of adequate size to meet the needs of pupils
2 to be accommodated;

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

6 3. Expand existing sites;

7 4. Rent buildings when necessary;

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

28 6. Provide for the proper supervision of construction;

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

31

1 8. Ensure that all plans and specifications for
2 buildings provide adequately for the safety and well-being of
3 pupils, as well as for economy of construction by having such
4 plans and specifications submitted to the Department of
5 Education for approval; and

6 9. Provide furniture, books, apparatus, and other
7 equipment necessary for the proper conduct of the work of the
8 schools.

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

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

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

26 (b) Reports to the department.--Require that the
27 superintendent prepare all reports to the Department of
28 Education that may be required by law or regulations of the
29 state board or of the commissioner; see that all such reports
30 are promptly transmitted to the department; withhold the
31 further payment of salary to the superintendent or employee

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

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

21 (14) ENFORCEMENT OF LAW AND RULES AND
 22 REGULATIONS.--Require that all laws and rules and regulations
 23 of the state board, of the commissioner, or of the school
 24 board are properly enforced.

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

1 articulation of the school lunch program with other phases of
2 education in the district.

3 Section 36. Subsection (8) of section 230.2305,
4 Florida Statutes, 1996 Supplement, is amended to read:

5 230.2305 Prekindergarten early intervention program.--

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

20 Section 37. Paragraph (e) of subsection (3) and
21 paragraph (b) of subsection (7) of section 230.2316, Florida
22 Statutes, 1996 Supplement, are amended to read:

23 230.2316 Dropout prevention.--

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

25 (e) "Second chance schools" means school district
26 programs provided through cooperative agreements between the
27 Department of Juvenile Justice, private providers, state or
28 local law enforcement agencies, or other state agencies for
29 students deemed habitual truants as defined in s. 228.041(28),
30 or for students who have been disruptive or violent or who
31 have committed serious offenses. As partnership programs,

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

7 (7) STAFF DEVELOPMENT.--

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

25 Section 38. Subsection (6) of section 230.23166,
26 Florida Statutes, is amended to read:

27 230.23166 Teenage parent programs.--

28 (6) The Commissioner ~~State Board~~ of Education shall
29 adopt rules necessary to implement the provisions of this
30 section.

31

1 Section 39. Paragraphs (b) and (d) of subsection (2)
2 of section 230.2318, Florida Statutes, 1996 Supplement, are
3 amended to read:

4 230.2318 School resource officer program.--

5 (2) LOCAL SCHOOL RESOURCE OFFICER PROGRAM PLANS;
6 APPROVAL BY COMMISSIONER; CRITERIA AND RESTRICTIONS.--

7 (b) The commissioner shall review all proposed local
8 school resource officer program plans and shall approve those
9 plans which meet the purposes, intent, and requirements of
10 this section and the rules adopted by the commissioner ~~State~~
11 ~~Board of Education~~ pursuant to this section.

12 (d) The commissioner ~~may adopt~~ ~~State Board of~~
13 ~~Education~~ shall have the authority to promulgate rules to
14 implement the statewide school resource officer program as
15 established in this section.

16 Section 40. Subsections (4), (5), and (6) of section
17 230.32, Florida Statutes, are amended to read:

18 230.32 General powers of superintendents.--The
19 superintendent shall have the authority, and when necessary
20 for the more efficient and adequate operation of the district
21 school system, the superintendent shall exercise the following
22 powers:

23 (4) RECOMMEND AND EXECUTE RULES AND
24 REGULATIONS.--Prepare and organize by subjects and submit to
25 the school board for adoption such rules and regulations to
26 supplement those adopted by the state board or the
27 commissioner as, in the superintendent's opinion, will
28 contribute to the efficient operation of any aspect of
29 education in the district. When rules and regulations have
30 been adopted, the superintendent shall see that they are
31 executed.

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

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

14 Section 41. Subsection (1) of section 230.321, Florida
15 Statutes, is amended to read:

16 230.321 Superintendents employed under Art. IX, State
17 Constitution.--

18 (1) In every district authorized to employ a
19 superintendent of schools under Art. IX of the State
20 Constitution, the superintendent shall be the executive
21 officer of the school board and shall not be subject to the
22 provisions of law, either general or special, relating to
23 tenure of employment or contracts of other school personnel.
24 The superintendent's duties relating to the district school
25 system shall be as provided by law and rules of the State
26 Board of Education and of the Commissioner of Education.

27 Section 42. Paragraph (j) of subsection (6), paragraph
28 (b) of subsection (13), and subsections (15) and (24) of
29 section 230.33, Florida Statutes, 1996 Supplement, are amended
30 to read:

31

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

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

19 (j) School lunches.--Recommend plans for the
20 establishment, maintenance, and operation of a school lunch
21 program consistent with state laws and regulations of the
22 commissioner ~~state board~~, and to administer and supervise such
23 services.

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

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

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

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

18 (24) OTHER DUTIES AND RESPONSIBILITIES.--Perform such
 19 other duties as are ~~may be~~ assigned to the superintendent by
 20 law or by rules of the state board or of the commissioner.

21 Section 43. Subsection (2) of section 230.64, Florida
 22 Statutes, is amended to read:

23 230.64 Area technical center part of district school
 24 system; minimum standards.--

25 (2) COMMISSIONER ~~STATE BOARD~~ SHALL PRESCRIBE MINIMUM
 26 STANDARDS.--The commissioner ~~state board~~ shall prescribe
 27 minimum standards that ~~which~~ must be met before an area
 28 technical center is organized, acquired or operated, and that
 29 ~~which~~ will assure that the purposes of the center are
 30 attained.

31

1 Section 44. Subsection (9) of section 230.71, Florida
2 Statutes, is amended to read:

3 230.71 Intergenerational school volunteer programs.--

4 (9) RULES.--The Commissioner ~~State Board~~ of Education
5 shall adopt rules necessary to implement ~~the provisions of~~
6 this section.

7 Section 45. Paragraph (e) of subsection (1) and
8 subsection (2) of section 232.01, Florida Statutes, are
9 amended to read:

10 232.01 Regular school attendance required between ages
11 of 6 and 16; permitted at age of 5; exceptions.--

12 (1)

13 (e) Beginning with the 1991-1992 school year and
14 consistent with rules adopted by the commissioner ~~state board~~,
15 children with disabilities who have attained the age of 3
16 years shall be eligible for admission to public special
17 education programs and for related services under rules
18 adopted by the school board. Exceptional children who are deaf
19 or hard of hearing, visually impaired, dual sensory impaired,
20 severely physically handicapped, trainable mentally
21 handicapped, or profoundly handicapped, or who have
22 established conditions, or exhibit developmental delays, below
23 age 3 may be eligible for special programs; or, if enrolled in
24 other prekindergarten or day care programs, they may be
25 eligible for supplemental instruction. Rules for the
26 identification of established conditions for children birth
27 through 2 years of age and developmental delays for children
28 birth through 5 years of age must be adopted by the
29 Commissioner ~~State Board~~ of Education.

30 (2) The Commissioner ~~State Board~~ of Education may
31 adopt rules under which pupils not meeting the entrance age

1 may be transferred from another state if their parents or
2 guardians have been legal residents of that state.

3 Section 46. Section 232.23, Florida Statutes, 1996
4 Supplement, is amended to read:

5 232.23 Procedures for maintenance and transfer of
6 pupil records.--

7 (1) Each principal shall maintain a permanent
8 cumulative record for each pupil enrolled in a public school.
9 Such record shall be maintained in the form, and contain all
10 data, prescribed by rule by the Commissioner ~~rules of the~~
11 ~~State Board~~ of Education. The cumulative record is
12 confidential and exempt from the provisions of s. 119.07(1)
13 and is ~~shall be~~ open to inspection only as provided in s.
14 228.093.

15 (2) The procedure for transferring and maintaining
16 records of pupils who transfer from school to school shall be
17 prescribed by regulations of the commissioner ~~state board~~.

18 (3) Procedures relating to the acceptance of transfer
19 work and credit for pupils shall be prescribed by rule by the
20 Commissioner ~~rules of the State Board~~ of Education.

21 Section 47. Subsection (1) of section 232.2468,
22 Florida Statutes, 1996 Supplement, is amended to read:

23 232.2468 Graduation, habitual truancy, and dropout
24 rates.--

25 (1) DEFINITION.--

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

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

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

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

17
18 The Commissioner ~~State Board~~ of Education may adopt rules to
19 implement this subsection.

20 Section 48. Section 232.247, Florida Statutes, is
21 amended to read:

22 232.247 Special high school graduation requirements
23 for certain exceptional students.--A student who has been
24 properly classified, in accordance with rules established by
25 the commissioner ~~state board~~, as "educable mentally
26 handicapped," "trainable mentally handicapped," "hearing
27 impaired," "specific learning disabled," "physically or
28 language impaired," or "emotionally handicapped" shall not be
29 required to meet all requirements of s. 232.246 and shall,
30 upon meeting all applicable requirements prescribed by the
31 school board pursuant to s. 232.245, be awarded a special

1 diploma in a form prescribed by the commissioner ~~state board~~;
2 ~~provided, however, that~~ such special graduation requirements
3 prescribed by the school board must ~~shall~~ include minimum
4 graduation requirements as prescribed by the commissioner
5 ~~state board~~. Any such student who meets all special
6 requirements of the district school board for ~~his or her~~
7 exceptionality, but is unable to meet the appropriate special
8 state minimum requirements, shall be awarded a special
9 certificate of completion in a form prescribed by the
10 commissioner ~~state board~~. A student who has been properly
11 classified as "profoundly handicapped" and who meets the
12 special requirements of the district school board for a
13 special diploma in accordance with requirements for any
14 exceptional student identified in this section shall be
15 awarded a special diploma; however, such a student shall
16 alternatively ~~alternately~~ be eligible for a special
17 certificate of completion, in a form prescribed by the
18 commissioner ~~state board~~, if all school requirements for
19 students who are "profoundly handicapped" have been met.
20 ~~Nothing provided in this section, However, this section does~~
21 not ~~shall be construed to~~ limit or restrict the right of an
22 exceptional student solely to a special diploma or special
23 certificate of completion. Any such student shall, upon
24 proper request, be afforded the opportunity to fully meet all
25 requirements of s. 232.246 through the standard procedures
26 established therein and thereby to qualify for a standard
27 diploma upon graduation.

28 Section 49. Subsection (1) of section 232.25, Florida
29 Statutes, 1996 Supplement, is amended to read:

30 232.25 Pupils subject to control of school.--

31

1 (1) Subject to law and rules and regulations of the
2 commissioner ~~state board~~ and of the school board, each pupil
3 enrolled in a school shall:

4 (a) During the time she or he is being transported to
5 or from school at public expense;

6 (b) During the time she or he is attending school;

7 (c) During the time she or he is on the school
8 premises participating with authorization in a
9 school-sponsored activity; and

10 (d) During a reasonable time before and after a pupil
11 is on the premises for attendance at school or for authorized
12 participation in a school-sponsored activity, and only when on
13 the premises,

14
15 be under the control and direction of the principal or teacher
16 in charge of the school, and under the immediate control and
17 direction of the teacher or other member of the instructional
18 staff or of the bus driver to whom such responsibility may be
19 assigned by the principal. However, the commissioner ~~state~~
20 ~~board~~ or the district school board may, by rules and
21 regulations, subject each pupil to the control and direction
22 of the principal or teacher in charge of the school during the
23 time she or he is otherwise en route to or from school or is
24 presumed by law to be attending school.

25 Section 50. Subsection (5) of section 232.303, Florida
26 Statutes, is amended to read:

27 232.303 Interagency student services.--

28 (5) The Commissioner ~~State Board~~ of Education and the
29 Department of Children and Family ~~Health and Rehabilitative~~
30 ~~Services~~ may ~~are authorized to~~ adopt rules to carry out the
31 intent of this section.

1 Section 51. Paragraph (a) of subsection (3) of section
2 232.435, Florida Statutes, is amended to read:

3 232.435 Extracurricular athletic activities; athletic
4 trainers.--

5 (3)(a) To the extent practicable, a school district
6 program should include the following employment classification
7 and advancement scheme:

8 1. Teacher apprentice trainer I.--To qualify as a
9 teacher apprentice trainer I, a person must possess a
10 professional, temporary, part-time, adjunct, or substitute
11 certificate pursuant to s. 231.17, be certified in first aid
12 and cardiopulmonary resuscitation, and have earned a minimum
13 of 6 semester hours or the equivalent number of inservice
14 education points in the basic prevention and care of athletic
15 injuries.

16 2. Teacher apprentice trainer II.--To qualify as a
17 teacher apprentice trainer II, a person must meet the
18 requirements of teacher apprentice trainer I and also have
19 earned a minimum of 15 additional semester hours or the
20 equivalent number of inservice education points in such
21 courses as anatomy, physiology, use of modalities, nutrition,
22 counseling, and other courses approved by the Commissioner
23 ~~State Board~~ of Education.

24 3. Teacher athletic trainer.--To qualify as a teacher
25 athletic trainer, a person must meet the requirements of
26 teacher apprentice trainer II, be certified by the Department
27 of Education or a nationally recognized athletic trainer
28 association, and perform one or more of the following
29 functions: preventing athletic injuries; recognizing,
30 evaluating, managing, treating, and rehabilitating athletic
31

1 injuries; administering an athletic training program; and
2 educating and counseling athletes.

3 Section 52. Paragraph (a) of subsection (2) and
4 subsections (5) and (6) of section 233.011, Florida Statutes,
5 are amended to read:

6 233.011 Accountability in curriculum, educational
7 instructional materials, and testing.--

8 (2)(a) Subject to State Board of Education review and
9 approval, the Department of Education shall develop, ~~by April~~
10 ~~1, 1985,~~ guidelines for the identification or development,
11 evaluation, oversight, and revision of:

12 1. Curriculum frameworks as specified in subsection
13 (3).

14 2. Student performance standards as specified in ss.
15 232.2454(1) and 229.565(1) ~~and (2)~~.

16 3. Model standards and procedures for the adoption of
17 state and district instructional materials and software
18 consistent with curriculum frameworks and student performance
19 standards as specified in this paragraph. Such models shall
20 provide the diverse student populations of the state with the
21 highest quality instructional materials and software in the
22 most cost-effective manner possible. Such models shall
23 include a component to ensure the production of instructional
24 materials and software by the state, or a consortium of
25 states, when economical or superior quality instructional
26 materials or software are unavailable from commercial sources
27 by special contract.

28 4. Model standards and procedures for state and
29 district adoption, analyses, and use of nationally normed
30 student achievement tests or other nationally normed
31 assessment instruments, as specified in subsection (4).

1 5. Criteria and procedures to determine the individual
 2 school programs that ~~which~~ are most deficient in student
 3 performance. Such criteria and procedures must ~~shall~~ take into
 4 account testing results under the provisions of ss. 229.565
 5 and 232.2454, and subsection (4).

6 6. Model training procedures for state-level and
 7 district-level personnel assigned responsibilities for
 8 evaluating and selecting instructional materials, software,
 9 and norm-referenced achievement measures.

10 7. Standards for effective evaluation and comparable
 11 evaluation and testing procedures among districts.

12 (5) The Commissioner ~~State Board~~ of Education may
 13 adopt ~~is authorized to develop~~ rules necessary to implement
 14 the provisions of the Florida Accountability in Curriculum,
 15 Educational Instructional Materials, and Testing Act (FACET)
 16 of 1984.

17 (6) The commissioner, no later than November 1 of each
 18 year, shall transmit to ~~the State Board of Education,~~ the
 19 President of the Senate, the Speaker of the House of
 20 Representatives, and the chairs of the Senate and House
 21 committees on public school education an appraisal of the
 22 programs and activities as set forth in the Florida
 23 Accountability in Curriculum, Educational Instructional
 24 Materials, and Testing Act (FACET) of 1984 as to the
 25 effectiveness, efficiency, and utilization of resources,
 26 including a statement of the overall program for the coming
 27 year, the recommended level of funding for the overall
 28 program, and any other recommendations deemed appropriate by
 29 the commissioner. These ~~Such~~ recommendations must ~~shall~~
 30 include, but need not be limited to, necessary modifications
 31 of statutes, rules of the commissioner ~~state board rules~~, and

1 administrative procedures to implement the provisions of said
2 sections.

3 Section 53. Section 233.015, Florida Statutes, is
4 amended to read:

5 233.015 Purge of listed courses not taught for 5
6 years; rules.--The Commissioner ~~State Board~~ of Education shall
7 adopt rules that ~~which~~ provide for the conduct of regularly
8 scheduled purges of courses that are listed in the statewide
9 course numbering system or institutional catalog but ~~that~~ have
10 not been taught at the institution for the preceding 5 years.
11 These ~~Such~~ rules must ~~shall~~ include waiver provisions that
12 allow for course continuation if ~~in the event that~~ an
13 institution has reasonable cause for having not offered a
14 course within the 5-year limit and an expectation that the
15 course will be offered again within the following 5 years.

16 Section 54. Subsection (2) of section 233.056, Florida
17 Statutes, is amended to read:

18 233.056 Instructional programs for visually impaired
19 students and deaf or hard-of-hearing students.--

20 (2) The unit shall be operated either directly by the
21 Division of Public Schools or through a contractual agreement
22 with a local education agency, under rules adopted by the
23 Commissioner ~~State Board~~ of Education.

24 Section 55. Subsection (6) of section 233.058, Florida
25 Statutes, is amended to read:

26 233.058 English language instruction for limited
27 English proficient students.--

28 (6) The Commissioner ~~State Board~~ of Education shall
29 adopt rules for the purpose of implementing this section.

30 Section 56. Subsection (1) of section 233.061, Florida
31 Statutes, is amended to read:

1 233.061 Required instruction.--

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

8 (a) The content of the Declaration of Independence and
9 how it forms the philosophical foundation of our government;

10 (b) The arguments in support of adopting our
11 republican form of government, as they are embodied in the
12 most important of the Federalist Papers;

13 (c) The essentials of the United States Constitution
14 and how it provides the structure of our government;

15 (d) Flag education, including proper flag display and
16 flag salute;

17 (e) The elements of civil government;

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

28 (g) The history of African-Americans, including the
29 history of African peoples before the political conflicts that
30 led to the development of slavery, the passage to America, the

31

1 enslavement experience, abolition, and the contributions of
2 African-Americans to society;

3 (h) The elementary principles of agriculture;

4 (i) The true effects of all alcoholic and intoxicating
5 liquors and beverages and narcotics upon the human body and
6 mind;

7 (j) Kindness to animals;

8 (k) The history of the state;

9 (l) The conservation of natural resources; and

10 (m) Such additional materials, subjects, courses, or
11 fields in such grades as are ~~may be~~ prescribed by law or by
12 rules of the commissioner ~~state board~~ and the school board in
13 fulfilling the requirements of law.

14 Section 57. Paragraph (a) of subsection (4) of section
15 233.067, Florida Statutes, 1996 Supplement, is amended to
16 read:

17 233.067 Comprehensive health education and substance
18 abuse prevention.--

19 (4) ADMINISTRATION OF THE COMPREHENSIVE HEALTH
20 EDUCATION AND SUBSTANCE ABUSE PREVENTION PROGRAM.--

21 (a) There is created a comprehensive health education
22 and substance abuse prevention program for children and youths
23 in kindergarten and grades 1 through 12. Responsibility for
24 the administration of this section shall rest with the
25 Department of Education, in cooperation with, and with the
26 advice of, the Department of Children and Family ~~Health and~~
27 ~~Rehabilitative~~ Services. The administration of the program
28 shall be pursuant to rules and regulations adopted by the
29 Commissioner ~~State Board~~ of Education, provided that such
30 rules shall require the minimum amount of paperwork and
31 reporting necessary to comply with this section. For purposes

1 of administering this section, the commissioner shall
2 establish a Prevention Resource Center within the department
3 and shall assign appropriate staff to work directly with
4 school district personnel. The center shall serve as a
5 clearinghouse for evaluation and dissemination of information,
6 materials, and model programs and shall provide program and
7 technical assistance and other prevention services as
8 determined by the commissioner.

9 Section 58. Subsection (6) of section 233.115, Florida
10 Statutes, is amended to read:

11 233.115 Prohibited acts.--

12 (6) Nothing contained in this section shall be
13 construed to prohibit or restrict a school official from
14 receiving royalties or other compensation, other than
15 compensation paid as commission to the school official for
16 negotiating sales to district boards, from the publisher or
17 manufacturer of instructional materials written, designed, or
18 prepared by such school official, and adopted by the
19 commissioner ~~state board~~ or purchased by any district board.
20 No school official shall be allowed to receive royalties on
21 any materials not on the state-adopted list purchased for use
22 by his or her district school board.

23 Section 59. Subsection (1) of section 233.17, Florida
24 Statutes, is amended to read:

25 233.17 Term of adoption for instructional materials.--

26 (1) The term of adoption of any instructional
27 materials must ~~shall~~ be ~~for~~ a 6-year period beginning on April
28 1 following the adoption, unless the contract is extended as
29 prescribed in s. 233.16(2). However, the Commissioner ~~State~~
30 ~~Board~~ of Education may approve by rule terms of adoption of
31

1 less than 6 years for materials in content areas which require
2 more frequent revision.

3 Section 60. Section 233.37, Florida Statutes, is
4 amended to read:

5 233.37 Disposal of instructional materials.--Under
6 rules of the commissioner ~~state board~~, or rules of the
7 district school board which have been approved by the
8 commissioner, the district school board may dispose of the
9 instructional materials of an old adoption when they have
10 become unserviceable, upon such terms and conditions as will
11 yield their fair salvage value. The Department of Education
12 shall enter into one or more contracts with recycling firms
13 for periodic pickup in school districts of obsolete or
14 unusable materials to be salvaged.

15 Section 61. Section 233.39, Florida Statutes, is
16 amended to read:

17 233.39 Renovation and repair of textbooks.--The
18 Commissioner ~~Board~~ of Education shall prescribe rules and
19 regulations under which the Department of Education shall,
20 whenever requested to do so by any superintendent, make
21 necessary arrangements for the renovation and repair of books
22 that ~~which~~ could thereby be put into serviceable condition.
23 All proper expense in connection with such renovation and
24 repair is declared to be a proper charge against the
25 appropriation for the purchase of instructional materials by
26 the school district. The commissioner ~~state board~~, in order
27 to assist district school boards in obtaining the most
28 economical services, shall formulate and prescribe such rules
29 and regulations for the letting of contracts for the
30 renovation and repair of books used in the public schools of
31 the state as in its judgment are ~~may be~~ practicable and

1 economically feasible. The Department of Education shall
 2 enter into such contracts upon the basis of competitive sealed
 3 bids from responsible firms who must, prior to contract award,
 4 have on hand in their plants the equipment necessary to
 5 perform the work of rebinding specified by the department.
 6 For the purpose of rebinding, textbooks must ~~shall~~ be
 7 classified by the department as to size, and such
 8 classification must ~~shall~~ be the basis for bids from rebinding
 9 firms. Bids from rebinding firms must ~~shall~~ be on the basis
 10 of minimum quantities of 100 books in each classification. ~~No~~
 11 Such a contract ~~shall be entered~~ for the renovation and repair
 12 of books used in the public schools of this state may not be
 13 entered when the cost of renovation and repair exceeds the
 14 original acquisition cost of such books or the cost of
 15 replacing such books, whichever is the lesser. However, this
 16 section does not ~~nothing herein contained shall be construed~~
 17 ~~to~~ prohibit the inmates of the state prison from repairing and
 18 renovating any public school textbooks or library books. Any
 19 suit that is of any nature ~~instituted under the provisions of~~
 20 this section must ~~shall~~ be brought in the name of the state,
 21 and any amount recovered by reason of such a suit must ~~shall~~
 22 be deposited in the General Revenue Fund.

23 Section 62. Paragraph (a) of subsection (1) and
 24 subsection (2) of section 234.01, Florida Statutes, are
 25 amended to read:

26 234.01 Purpose; transportation; when provided.--

27 (1) School boards, after considering recommendations
 28 of the superintendent:

29 (a) Shall provide transportation for each student in
 30 prekindergarten handicapped and in kindergarten through grade
 31 12 membership in a public school when, and only when,

1 transportation is necessary to provide adequate educational
2 facilities and opportunities which otherwise would not be
3 available and to transport students whose homes are more than
4 a reasonable walking distance, as defined by rules of the
5 commissioner ~~state board~~, from the nearest appropriate school.

6 (2) In each case in which transportation of students
7 is impracticable in the opinion of the school board, the
8 school board is authorized to take steps for making available
9 educational facilities as are authorized by law or rule of the
10 commissioner ~~state board~~ and as, in the opinion of the school
11 board, are practical.

12 Section 63. Section 234.02, Florida Statutes, 1996
13 Supplement, is amended to read:

14 234.02 Safety and health of pupils.--Maximum regard
15 for safety and adequate protection of health are ~~shall be~~
16 primary requirements that must ~~which shall~~ be observed by
17 school boards in routing buses, appointing drivers, and
18 providing and operating equipment, in accordance with all
19 requirements of law and regulations of the commissioner ~~state~~
20 ~~board~~ in providing transportation pursuant to s. 234.01:

21 (1) School boards shall use school buses, as defined
22 in s. 234.051, for all regular transportation. Regular
23 transportation or regular use means ~~shall mean~~ transportation
24 of students to and from school or school-related activities
25 that ~~which~~ are part of a scheduled series or sequence of
26 events to the same location. "Students" means, for the
27 purposes of this section, students enrolled in the public
28 schools in prekindergarten programs through grade 12. School
29 boards may regularly use motor vehicles other than school
30 buses only under the following conditions:

31

1 (a) When the transportation is for physically
2 handicapped or isolated students and the district has elected
3 to provide for the transportation of the student through
4 written or oral contracts or agreements.

5 (b) When the transportation is a part of a
6 comprehensive contract for a specialized educational program
7 between a school board and a service provider who provides
8 instruction, transportation, and other services.

9 (c) When the transportation is provided through a
10 public transit system.

11 (d) When the transportation of students is necessary
12 or practical in a motor vehicle owned or operated by a school
13 board other than a school bus and such transportation is
14 provided in designated seating positions in a passenger car
15 not to exceed 8 students or in any other motor vehicle
16 designed to transport 10 or fewer persons which meets all
17 federal motor vehicle safety standards for passenger cars.

18
19 When students are transported in motor vehicles, the occupant
20 crash protection system provided by the vehicle manufacturer
21 must ~~shall~~ be used unless the student's physical condition
22 prohibits such use.

23 (2) Except as provided in subsection (1), school
24 boards may authorize the transportation of students in
25 privately owned motor vehicles on a case-by-case basis only in
26 the following circumstances:

27 (a) When a student is ill or injured and must be taken
28 home or to a medical treatment facility under nonemergency
29 circumstances; and

30 1. The school has been unable to contact the student's
31 parent or guardian or such parent, guardian, or responsible

1 adult designated by the parent or guardian is not available to
2 provide the transportation;

3 2. Proper adult supervision of the student is
4 available at the location to which the student is being
5 transported;

6 3. The transportation is approved by the school
7 principal, or a school administrator designated by the
8 principal to grant or deny such approval, or in the absence of
9 the principal and designee, by the highest ranking school
10 administrator or teacher available under the circumstances;
11 and

12 4. If the school has been unable to contact the parent
13 or guardian prior to the transportation, the school shall
14 continue to seek to contact the parent or guardian until the
15 school is able to notify the parent or guardian of the
16 transportation and the pertinent circumstances.

17 (b) When the transportation is in connection with a
18 school function or event regarding which the school district
19 or school has undertaken to participate or to sponsor or
20 provide the participation of students; and

21 1. The function or event is a single event that ~~which~~
22 is not part of a scheduled series or sequence of events to the
23 same location, such as, but not limited to, a field trip, a
24 recreational outing, an interscholastic competition or
25 cooperative event, an event connected with an extracurricular
26 activity offered by the school, or an event connected to an
27 educational program, such as, but not limited to, a job
28 interview as part of a cooperative education program;

29 2. Transportation is not available, as a practical
30 matter, using a school bus or school district passenger car;
31 and

1 3. Each student's parent or guardian is notified, in
2 writing, regarding the transportation arrangement and gives
3 written consent before a student is transported in a privately
4 owned motor vehicle.

5 (c) When a school board requires employees such as
6 school social workers and attendance officers to use their own
7 motor vehicles to perform duties of employment, and such
8 duties include the occasional transportation of students.

9 (3) When approval is granted for the transportation of
10 students in a privately owned vehicle, the provisions of s.
11 234.03, regarding liability for tort claims are applicable,
12 ~~shall apply~~. School district employees who provide approved
13 transportation in privately owned vehicles are ~~shall be deemed~~
14 ~~to be~~ acting within the scope of their employment. Parents,
15 guardians, or other responsible adults who provide approved
16 transportation in privately owned vehicles ~~shall~~ have the same
17 exposure to, and protections from, risks of personal liability
18 as do school district employees acting within the scope of
19 their employment.

20 (4) Each school board may establish policies that
21 ~~which~~ restrict the use of privately owned motor vehicles to
22 circumstances that ~~which~~ are more limited than are described
23 in this section or that ~~which~~ prohibit such use. Each school
24 board may establish policies that ~~which~~ provide for more
25 extensive requirements for approval, parental notification and
26 consent procedures, insurance coverage, driver qualifications,
27 or a combination of these.

28 (5) When transportation is authorized in privately
29 owned vehicles, students may ~~only~~ be transported only in
30 designated seating positions and must ~~shall be required to~~ use
31

1 the occupant crash protection system provided by the vehicle
2 manufacturer.

3 (6) School boards may contract with a common carrier
4 to transport students to and from in-season and postseason
5 athletic contests and to and from a school function or event
6 in which the school district or a school has undertaken to
7 participate or to provide or sponsor the participation of
8 students.

9 (7) Transportation for adult students may be provided
10 by any appropriate means as authorized by the school board
11 when the transportation is accepted as a responsibility by the
12 school board as provided in s. 234.01.

13 (8) Notwithstanding any other provision of this
14 section, in an emergency situation that ~~which~~ constitutes an
15 imminent threat to student health or safety, school personnel
16 may take whatever action is necessary under the circumstances
17 to protect student health and safety.

18 (9) Except as provided in s. 234.211, transportation
19 is ~~shall not be~~ the responsibility of the school board in
20 connection with any event or activity that ~~which~~ is not an
21 event or activity offered by the school district or an event
22 or an activity in which the school district or school has
23 agreed to participate, cosponsor, or require the participation
24 of students, and the school board has ~~shall have~~ no liability
25 for transportation arranged and provided by parents or other
26 parties to such events or activities.

27 (10) Each school board shall designate and adopt a
28 specific plan for adequate examination, maintenance, and
29 repair of transportation equipment. Examination of the
30 mechanical condition of each school bus must ~~shall~~ be made by
31

1 a capable mechanic at least once each month that the bus is in
2 operation.

3 (11) The superintendent shall notify the school board
4 of any school bus that ~~which~~ does not meet all requirements of
5 law and regulations of the commissioner ~~state board~~, and the
6 school board shall, if the ~~such~~ school bus is in an unsafe
7 condition, withdraw it from use as a school bus until the bus
8 meets the ~~said~~ requirements. The Department of Education may
9 inspect or have inspected any school bus to determine whether
10 the bus meets requirements of law and regulations of the
11 commissioner ~~state board~~. The department may, after due
12 notice to a school board that any school bus does not meet
13 certain requirements of law and regulations of the
14 commissioner ~~state board~~, rule that the ~~such~~ bus must ~~shall~~ be
15 withdrawn from use as a school bus, this ruling to be
16 effective forthwith or upon a date to be specified therein,
17 whereupon the school board shall withdraw same from use as a
18 school bus until the bus meets requirements of law and
19 regulations of the commissioner ~~state board~~ and until the
20 department has officially revoked the pertinent ~~its said~~
21 ruling. Notwithstanding any other provisions of this chapter,
22 general purpose urban transit systems are declared qualified
23 to transport children to and from school.

24 (12)(a) The routing and scheduling of school buses
25 must be planned to eliminate the necessity for children to
26 stand while a school bus is in motion. When circumstances of
27 an emergency nature temporarily require transporting children
28 on school buses in excess of the rated seating capacity, the
29 ~~such~~ buses must proceed at a reduced rate of speed to maximize
30 safety of the students, taking into account existing traffic
31 conditions. Each school board is responsible for prompt

1 relief of the emergency condition by providing additional
 2 equipment, bus rerouting, bus rescheduling, or other
 3 appropriate remedial action.

4 (b) Each school board, after considering
 5 recommendations from the superintendent, shall designate, by
 6 map or otherwise, or shall provide by school board rule for
 7 the designation of, nontransportation zones that are ~~shall be~~
 8 composed of all areas in the district from which it is
 9 unnecessary or impracticable to furnish transportation.

10 Nontransportation zones must ~~shall~~ be designated annually
 11 before ~~prior to~~ the opening of school and the designation of
 12 bus routes for the succeeding school year. Each school board,
 13 after considering recommendations from the superintendent,
 14 shall specifically designate, or shall provide by school board
 15 rule for the designation of, specific routes to be traveled
 16 regularly by school buses, and each route must ~~shall~~ meet the
 17 requirements prescribed by rules of the commissioner ~~state~~
 18 ~~board~~.

19 (c) Each district school board shall establish school
 20 bus stops, or provide by school board rule for the
 21 establishment of school bus stops, as necessary at the most
 22 reasonably safe locations available. Where unusual traffic
 23 hazards exist at school bus stops on roads maintained by the
 24 state outside of municipalities, the Department of
 25 Transportation, in concurrence and cooperation with and upon
 26 request of the district school board, shall place signs at
 27 such bus stops warning motorists of the location of the stops.

28 (13) The Commissioner ~~State Board~~ of Education may
 29 adopt rules to implement this section as are ~~it deems~~
 30 necessary or desirable in the interest of student health and
 31 safety.

1 Section 64. Subsection (1) of section 234.03, Florida
2 Statutes, is amended to read:

3 234.03 Tort liability; liability insurance.--

4 (1) Each district school board shall be liable for
5 tort claims arising out of any incident or occurrence
6 involving a school bus or other motor vehicle owned,
7 maintained, operated, or used by such school board to
8 transport persons, to the same extent and in the same manner
9 as the state or any of its agencies or subdivisions is liable
10 for tort claims under s. 768.28, except that the total
11 liability to persons being transported for all claims or
12 judgments of such persons arising out of the same incident or
13 occurrence shall not exceed an amount equal to \$5,000
14 multiplied by the rated seating capacity of the bus or other
15 vehicle, as determined by rules of the Commissioner ~~State~~
16 ~~Board~~ of Education, or \$100,000, whichever is greater. The
17 provisions of s. 768.28 ~~shall~~ apply to all claims or actions
18 brought against school boards, as authorized in this
19 subsection.

20 Section 65. Subsections (2), (3), and (4) of section
21 234.051, Florida Statutes, are amended to read:

22 234.051 School buses.--School buses shall be defined
23 and meet specifications as follows:

24 (2) SPECIFICATIONS.--Each school bus as defined in 49
25 C.F.R. part 571, and subsection (1), which is rented, leased,
26 purchased, or contracted for, must ~~shall~~ meet the applicable
27 federal motor vehicle safety standards and other
28 specifications as prescribed by regulations of the
29 commissioner ~~state board~~.

30 (3) STANDARDS FOR LEASED VEHICLES.--A motor vehicle
31 owned and operated by a county or municipal transit authority

1 which is leased by the school board of the local school
 2 district for transportation of public school students must
 3 ~~shall~~ meet such standards as ~~shall be established by the~~
 4 Commissioner State Board of Education establishes for the
 5 purpose of implementing this act. A school bus authorized by
 6 a school board to carry passengers other than school pupils
 7 must ~~shall~~ have the words "School Bus" and any other signs and
 8 insignia that ~~which~~ mark or designate it as a school bus
 9 covered, removed, or otherwise concealed while such ~~said~~
 10 passengers are being transported.

11 (4) OCCUPANT PROTECTION SYSTEMS.--Students may ~~shall~~
 12 be transported only in designated seating positions, except as
 13 provided in s. 234.02(12), and must ~~shall be required to~~ use
 14 the occupant crash protection system provided by the
 15 manufacturer, which system must ~~shall~~ comply with the
 16 requirements of 49 C.F.R. part 571, ~~or~~ with specifications of
 17 the Commissioner State Board of Education.

18 Section 66. Section 234.091, Florida Statutes, is
 19 amended to read:

20 234.091 General qualifications.--Each school bus
 21 driver must ~~shall~~ be of good moral character, of good vision
 22 and hearing, able-bodied, free from communicable disease,
 23 mentally alert, and sufficiently strong physically to handle
 24 the bus with ease, and he or she must ~~shall~~ possess such other
 25 qualifications as are prescribed by the commissioner state
 26 board, including those qualifications described in 49 C.F.R.
 27 391.41-.49 "physical qualifications and examinations" and 49
 28 C.F.R. 391.81-.123 "controlled substance testing," and he or
 29 she must ~~shall~~ hold a valid commercial driver's license with a
 30 passenger endorsement.

31

1 Section 67. Subsections (1) and (2) of section
2 234.101, Florida Statutes, 1996 Supplement, are amended to
3 read:

4 234.101 Specific requirements; driver training
5 program; contract.--

6 234.101 Requirements for school bus drivers.--

7 (1) Each school bus driver must be of good moral
8 character, of good vision and hearing, able-bodied, free from
9 communicable disease, mentally alert, and sufficiently strong
10 physically to handle the bus with ease, and he or she must
11 possess other qualifications prescribed by the Commissioner of
12 Education ~~state board~~, including those qualifications
13 described in 49 C.F.R. ss. 391.41-.49 "physical qualifications
14 and examinations" and 49 C.F.R. ss. 391.81-.123 "controlled
15 substance testing," and he or she must hold a valid commercial
16 driver's license with a passenger endorsement.

17 (2) The Commissioner ~~State Board~~ of Education shall
18 adopt requirements that ~~which~~ school bus drivers must meet
19 before they are employed ~~prior to employment~~ by district
20 school boards.

21 Section 68. Subsection (6) of section 234.301, Florida
22 Statutes, is amended to read:

23 234.301 Pool purchase of school buses.--

24 (6) The Commissioner ~~State Board~~ of Education may
25 adopt any rule necessary to implement this section, maintain
26 the integrity of the school bus pool purchase program, and
27 ensure the best and lowest price for purchasing school buses
28 by the public school districts.

29 Section 69. Subsection (2) of section 235.01, Florida
30 Statutes, is amended to read:

31 235.01 Purpose; rules.--

1 (2) The Commissioner ~~State Board~~ of Education shall
2 adopt rules to implement ~~the provisions of~~ this chapter.

3 Section 70. Subsection (1) of section 235.04, Florida
4 Statutes, is amended to read:

5 235.04 Disposal of property.--

6 (1) REAL PROPERTY.--Subject to rules of the
7 Commissioner ~~State Board~~ of Education, a board may dispose of
8 any land or real property that ~~which~~ is, by resolution of the
9 ~~such~~ board, determined to be unnecessary for educational
10 purposes as recommended in an educational plant survey. A
11 board shall take diligent measures to dispose of educational
12 property only in the best interests of the public. However,
13 appraisals may be obtained by the board prior to or
14 simultaneously with the receipt of bids.

15 Section 71. Paragraph (a) of subsection (2) of section
16 235.056, Florida Statutes, is amended to read:

17 235.056 Lease and lease-purchase of educational
18 facilities and sites.--

19 (2)(a) A board may ~~is authorized to~~ rent or lease
20 educational facilities and sites as defined in s. 235.011.
21 Educational facilities and sites rented or leased for 1 year
22 or less shall be funded through the operations budget or funds
23 derived from millage proceeds pursuant to s. 236.25(2). A
24 lease contract for 1 year or less, when extended or renewed
25 beyond a year, becomes a multiple-year lease. Operational
26 funds or funds derived from millage proceeds pursuant to s.
27 236.25(2) may be authorized to be expended for multiple-year
28 leases. All leased facilities and sites must ~~shall~~ be
29 inspected prior to occupancy by the board's Uniform Building
30 Code inspector, who shall report to the department.

31

1 1. Beginning July 1, 1995, all newly leased spaces
2 must ~~shall~~ be inspected and brought into compliance with the
3 state minimum building code pursuant to chapter 553, and the
4 life safety codes pursuant to chapter 633, prior to occupancy,
5 using the board's operations budget or funds derived from
6 millage proceeds pursuant to s. 236.25(2). As an alternative,
7 the board may elect to comply with the State Uniform Building
8 Code for Public Educational Facilities Construction instead of
9 the state minimum building code or the life safety code, or
10 both.

11 2. Plans for renovation or remodeling of leased space
12 shall conform to state minimum building and life safety codes
13 for educational occupancies, or other occupancies as
14 appropriate, as required in chapters 553 and 633, prior to
15 occupancy. As an alternative, the board may elect to comply
16 with the State Uniform Building Code for Public Educational
17 Facilities Construction instead of the state minimum building
18 code or the life safety code, or both.

19 3. All leased facilities must ~~shall~~ be inspected
20 annually for fire safety deficiencies in accordance with the
21 applicable code and have corrections made in accordance with
22 s. 235.06. Operational funds or funds derived from millage
23 proceeds pursuant to s. 236.25(2) may be used to correct
24 deficiencies in leased space.

25 4. When the board declares that a public emergency
26 exists, it may take up to 30 days to bring the leased facility
27 into compliance with the requirements of Commissioner State
28 ~~Board~~ of Education rules.

29 Section 72. Section 235.06, Florida Statutes, is
30 amended to read:

31

1 235.06 Safety and sanitation standards and inspection
 2 of property.--The Commissioner ~~State Board~~ of Education shall
 3 ~~is empowered and directed to~~ adopt and administer rules
 4 prescribing standards for the safety and health of occupants
 5 of educational and ancillary plants as a part of the State
 6 Uniform Building Code for Public Educational Facilities
 7 Construction as provided in s. 235.26, the provisions of
 8 chapter 633 to the contrary notwithstanding. These standards
 9 must ~~shall~~ be used by all public agencies when inspecting
 10 public educational and ancillary plants. In accordance with
 11 such standards, each board shall prescribe policies and
 12 procedures establishing a comprehensive program of safety and
 13 sanitation for the protection of occupants of public
 14 educational and ancillary plants. Such policies must ~~shall~~
 15 contain procedures for periodic inspections as prescribed
 16 herein and for withdrawal of any educational and ancillary
 17 plant, or portion thereof, from use until unsafe or unsanitary
 18 conditions are corrected or removed.

19 (1) PERIODIC INSPECTION OF PROPERTY BY THE BOARD.--

20 (a) Each board shall provide for periodic inspection
 21 of each educational and ancillary plant at least once during
 22 each fiscal year to determine compliance with standards of
 23 sanitation and casualty safety prescribed in the rules of the
 24 commissioner ~~state board~~.

25 (b) Firesafety inspections ~~shall be made annually~~ of
 26 each educational and ancillary plant must be made annually by
 27 persons certified by the Division of State Fire Marshal to be
 28 eligible to conduct firesafety inspections in public
 29 educational and ancillary plants.

30 (c) In each firesafety inspection report, the board
 31 shall include a plan of action and a schedule for the

1 correction of each deficiency. If immediate life-threatening
 2 deficiencies are noted in any inspection, the board shall
 3 either take action to promptly correct the ~~such~~ deficiencies
 4 or withdraw the educational or ancillary plant from use until
 5 such time as the deficiencies are corrected.

6 (2) INSPECTION OF EDUCATIONAL PROPERTY BY OTHER PUBLIC
 7 AGENCIES.--A safety or sanitation inspection of any
 8 educational or ancillary plant may be made at any time by the
 9 Department of Education or any other state or local agency
 10 authorized or required to conduct such inspections by either
 11 general or special law. Each agency conducting inspections
 12 shall use the standards adopted by the Commissioner State
 13 ~~Board~~ of Education in lieu of, and to the exclusion of, any
 14 other inspection standards prescribed either by statute or
 15 administrative rule, the provisions of chapter 633 to the
 16 contrary notwithstanding. The agency shall submit a copy of
 17 the inspection report to the board.

18 (3) CORRECTIVE ACTION.--Upon failure of the board to
 19 take corrective action within a reasonable time, the agency
 20 making the inspection may request the commissioner to:

21 (a) Order that appropriate action be taken to correct
 22 all deficiencies in accordance with a schedule determined
 23 jointly by the inspecting authority and the board; in
 24 developing the ~~development of such~~ schedule, consideration
 25 must ~~shall~~ be given to the seriousness of the deficiencies and
 26 the ability of the board to obtain the necessary funds; or

27 (b) After 30 calendar days' notice to the board, order
 28 all or a portion of the educational or ancillary plant
 29 withdrawn from use until the deficiencies are corrected.

30 Section 73. Subsections (2) and (3) of section 235.19,
 31 Florida Statutes, are amended to read:

1 235.19 Site planning and selection.--

2 (2) Each new site selected must be adequate in size to
 3 meet the educational needs of the students to be served. The
 4 Commissioner ~~State Board~~ of Education shall prescribe by rule
 5 recommended sizes for new sites according to categories of
 6 students to be housed and other appropriate factors determined
 7 by the commissioner ~~state board~~. Less-than-recommended site
 8 sizes are ~~shall be~~ allowed if the board, by a two-thirds
 9 majority, recommends such a site and finds that it can provide
 10 an appropriate and equitable educational program on the ~~such~~
 11 site.

12 (3) Sites recommended for purchase, or purchased, in
 13 accordance with chapter 230 or chapter 240 must meet standards
 14 prescribed therein and such supplementary standards as ~~may be~~
 15 ~~prescribed by the~~ commissioner prescribes ~~state board~~ to
 16 promote the educational interests of the students. Each site
 17 must be well drained and suitable for outdoor educational
 18 purposes as appropriate for the educational program. As
 19 provided in s. 333.03, the site must ~~shall~~ not be located
 20 within any path of flight approach of any airport. Insofar as
 21 is practicable, the site must ~~shall~~ not adjoin a right-of-way
 22 of any railroad or through highway and must ~~shall~~ not be
 23 adjacent to any factory or other property from which noise,
 24 odors, or other disturbances, or at which conditions, would be
 25 likely to interfere with the educational program.

26 Section 74. Subsection (4) of section 235.211, Florida
 27 Statutes, is amended to read:

28 235.211 Educational facilities contracting and
 29 construction techniques.--

30 (4) Except as otherwise provided in this section and
 31 s. 481.229, the services of a registered architect must ~~shall~~

1 be used for the development of plans for the erection,
2 enlargement, or alteration of any educational facility. The
3 services of a registered architect are ~~shall not be~~ required
4 for a minor renovation project for which the ~~projects with a~~
5 construction cost is ~~of~~ less than \$50,000 or for the placement
6 or hookup of relocatable educational facilities that conform
7 with standards adopted under ~~pursuant to~~ s. 235.26(2) and (3).
8 However, boards must provide compliance with building code
9 requirements and ensure that these structures are adequately
10 anchored for wind resistance as required by law. Boards are
11 encouraged to consider the reuse of existing construction
12 documents or design criteria packages where such reuse is
13 feasible and practical. Notwithstanding s. 287.055, a board
14 may purchase the architectural services for the design of
15 educational or ancillary facilities under an existing contract
16 agreement for professional services held by a school board in
17 the State of Florida, provided that the purchase is to the
18 economic advantage of the purchasing board, the services
19 conform to the standards prescribed by rules of the
20 Commissioner State Board of Education, and such reuse is not
21 without notice to, and permission from, the architect of
22 record whose plans or design criteria are being reused. The
23 department shall review these plans ~~shall be reviewed by the~~
24 ~~department~~ for compliance with the state requirements for
25 educational facilities. Rules adopted under ~~pursuant to~~ this
26 section must ~~shall~~ establish uniform prequalification,
27 selection, bidding, and negotiation procedures applicable to
28 construction management contracts and the design-build
29 process. This section does not supersede any small,
30 woman-owned or minority-owned business enterprise preference
31 program adopted by a board. Except as otherwise provided in

1 this section, the negotiation procedures applicable to
 2 construction management contracts and the design-build process
 3 must conform to the requirements of s. 287.055. A board may
 4 not modify any rules regarding construction management
 5 contracts or the design-build process.

6 Section 75. Section 235.26, Florida Statutes, is
 7 amended to read:

8 235.26 State Uniform Building Code for Public
 9 Educational Facilities Construction.--The Commissioner ~~State~~
 10 ~~Board~~ of Education shall adopt a uniform statewide building
 11 code for the planning and construction of public educational
 12 and ancillary plants by district school boards and community
 13 college district boards of trustees. The code must ~~shall~~ be
 14 entitled the State Uniform Building Code for Public
 15 Educational Facilities Construction. Included in this code
 16 must ~~shall~~ be flood plain management criteria in compliance
 17 with the rules and regulations in 44 C.F.R., parts 59 and 60,
 18 and subsequent revisions thereto which are adopted by the
 19 Federal Emergency Management Agency. Wherever the words
 20 "Uniform Building Code" appear, they ~~shall~~ mean the "State
 21 Uniform Building Code for Public Educational Facilities
 22 Construction." It is ~~shall~~ not a purpose ~~be the intent~~ of the
 23 Uniform Building Code to inhibit the use of new materials or
 24 innovative techniques; nor may ~~shall~~ it specify or prohibit
 25 materials by brand names. The code must ~~shall~~ be flexible
 26 enough to cover all phases of construction so as to ~~which will~~
 27 afford reasonable protection for the public safety, health,
 28 and general welfare. The department may secure the service of
 29 other state agencies or such other assistance as it finds ~~may~~
 30 ~~find~~ desirable in revising ~~the revision of~~ the code.

31 (1) UNIFORM BUILDING CODE.--

1 (a) Except as otherwise provided in paragraph (b), all
 2 public educational and ancillary plants constructed by a
 3 district school board or a community college district board of
 4 trustees must ~~shall~~ conform to the State Uniform Building Code
 5 for Public Educational Facilities Construction, and such
 6 plants are exempt from all other state, county, district,
 7 municipal, or local building codes, interpretations, building
 8 permits, and assessments of fees for building permits,
 9 ordinances, road closures, and impact fees or service
 10 availability fees. Any inspection by local or state government
 11 must ~~shall~~ be based on the Uniform Building Code as prescribed
 12 by rule. Each board shall provide for periodic inspection of
 13 the proposed educational plant during each phase of
 14 construction to determine compliance with the Uniform Building
 15 Code.

16 (b) A district school board or community college
 17 district board of trustees may conform with local building
 18 codes and the administration of such codes when constructing
 19 ancillary plants that ~~which~~ are not attached to educational
 20 facilities, if those ~~provided that such~~ plants conform to ~~with~~
 21 the space size requirements established in the Uniform
 22 Building Code.

23 (2) CONFORMITY TO UNIFORM BUILDING CODE STANDARDS
 24 REQUIRED FOR APPROVAL.--A district school board or community
 25 college district board of trustees may ~~shall~~ not approve any
 26 plans for the construction, renovation, remodeling, or
 27 demolition of any educational or ancillary plants unless these
 28 plans conform to the requirements of the Uniform Building
 29 Code. Each district school board and community college
 30 district board of trustees may adopt policies for delegating
 31 to the superintendent or community college president authority

1 for submitting documents to the department and for awarding
2 contracts subsequent to and consistent with board approval of
3 the scope, timeframes, funding source, and budget of a
4 survey-recommended project. It ~~is shall~~ also ~~be~~ the
5 responsibility of the department to develop, as a part of the
6 Uniform Building Code, standards relating to:

7 (a) Prefabricated or factory-built facilities that
8 ~~which~~ are designed to be portable, relocatable, demountable,
9 or reconstructible; are used primarily as classrooms; and do
10 not fall under the provisions of ss. 320.822-320.862. Such
11 standards must ~~shall~~ permit boards to contract with the
12 Department of Community Affairs for factory inspections by
13 certified Uniform Building Code inspectors to certify
14 conformance with law and with rules of the Commissioner State
15 ~~Board~~ of Education rule.

16 (b) The sanitation of educational and ancillary plants
17 and the health of occupants of educational and ancillary
18 plants.

19 (c) The safety of occupants of educational and
20 ancillary plants as provided in s. 235.06.

21 (d) The physically handicapped.

22 (e) Accessibility for children, notwithstanding the
23 provisions of s. 553.512.

24 (f) The performance of life-cycle cost analyses on
25 alternative architectural and engineering designs to evaluate
26 their energy efficiencies.

27 1. The life-cycle cost analysis must consist of ~~shall~~
28 ~~be~~ the sum of:

29 a. The reasonably expected fuel costs over the life of
30 the building that are required to maintain illumination, water
31

1 heating, temperature, humidity, ventilation, and all other
2 energy-consuming equipment in a facility; and
3 b. The reasonable costs of probable maintenance,
4 including labor and materials, and operation of the building.
5 2. For computation of the life-cycle costs, the
6 department shall develop standards that must ~~shall~~ include,
7 but need not be limited to:
8 a. The orientation and integration of the facility
9 with respect to its physical site.
10 b. The amount and type of glass employed in the
11 facility and the directions of exposure.
12 c. The effect of insulation incorporated into the
13 facility design and the effect on solar utilization of the
14 properties of external surfaces.
15 d. The variable occupancy and operating conditions of
16 the facility and subportions of the facility.
17 e. An energy consumption analysis of the major
18 equipment of the facility's heating, ventilating, and cooling
19 system; lighting system; and hot water system and all other
20 major energy-consuming equipment and systems as appropriate.
21 3. Such standards must ~~shall~~ be based on the best
22 currently available methods of analysis, including such
23 methods as those of the National Institute of Standards and
24 Technology, the Department of Housing and Urban Development,
25 and other federal agencies and professional societies and
26 materials developed by the Department of Management Services
27 and the department. Provisions must ~~shall~~ be made for an
28 annual updating of standards as required.
29 (3) ENFORCEMENT BY BOARD.--It is the responsibility of
30 each district school board and community college district
31 board of trustees to ensure that all plans and educational and

1 ancillary plants meet the standards of the Uniform Building
 2 Code and to provide for the enforcement of this code in the
 3 areas of its jurisdiction. Each board shall provide for the
 4 proper supervision and inspection of the work. Each board may
 5 ~~is authorized to~~ employ a chief building official or inspector
 6 and such other inspectors, who have been certified by the
 7 department or certified pursuant to chapter 468, and such
 8 personnel as are ~~may be~~ necessary to administer and enforce
 9 the provisions of this code. Boards may also utilize local
 10 building department inspectors who are certified by the
 11 department to enforce this code. Plans or facilities that fail
 12 to meet the standards of the Uniform Building Code may ~~shall~~
 13 not be approved.

14 (4) ENFORCEMENT BY DEPARTMENT.--As a further means of
 15 ensuring that all educational and ancillary facilities
 16 hereafter constructed or materially altered or added to
 17 conform to the Uniform Building Code standards, each district
 18 school board and community college district board of trustees
 19 that ~~which~~ undertakes the construction, renovation,
 20 remodeling, purchasing, or lease-purchase of any educational
 21 plant or ancillary facility, the cost of which exceeds
 22 \$200,000, may submit plans to the department for ~~and receive~~
 23 the approval ~~of the department~~.

24 (5) APPROVAL.--

25 (a) Before a contract has been let for the
 26 construction, the department, the board, or the board's
 27 authorized review agent must approve the phase III
 28 construction documents. A board may reuse prototype plans on
 29 another site, provided the facilities list and phase III
 30 construction documents have been updated for the new site and
 31 for compliance with the Uniform Building Code and any laws

1 relating to firesafety, health and sanitation, casualty
2 safety, and requirements for the physically handicapped which
3 are in effect at the time a construction contract is to be
4 awarded.

5 (b) In reviewing plans for approval, the department,
6 the board, or its review agent as authorized in s. 235.017,
7 shall take into consideration:

- 8 1. The need for the new facility.
- 9 2. The educational and ancillary plant planning.
- 10 3. The architectural and engineering planning.
- 11 4. The location on the site.
- 12 5. Plans for future expansion.
- 13 6. The type of construction.
- 14 7. Sanitary provisions.
- 15 8. Conformity to Uniform Building Code standards.
- 16 9. The structural design and strength of materials
17 proposed to be used.
- 18 10. The mechanical design of any heating,
19 air-conditioning, plumbing, or ventilating system. Typical
20 heating, ventilating, and air-conditioning systems preapproved
21 by the department for specific applications may be used in the
22 design of educational facilities.
- 23 11. The electrical design of educational plants.
- 24 12. The energy efficiency and conservation of the
25 design.
- 26 13. Life-cycle cost considerations.
- 27 14. The design to accommodate physically handicapped
28 persons.
- 29 15. The ratio of net to gross square footage.
- 30 16. The proposed construction cost per gross square
31 foot.

1 (c) The board may ~~shall~~ not occupy a facility until
2 the project has been inspected to verify compliance with
3 statutes, rules, and codes affecting the health and safety of
4 the occupants. Verification of compliance with rules,
5 statutes, and codes for nonoccupancy projects such as roofing,
6 paving, site improvements, or replacement of equipment may be
7 certified by the architect or engineer of record and
8 verification of compliance for other projects may be made by
9 an inspector certified by the department or certified pursuant
10 to chapter 468 who is not the architect or engineer of record.
11 The board shall maintain a record of the project's completion
12 and permanent archive of phase III construction documents,
13 including any addenda and change orders to the project. The
14 boards shall provide project data to the department, as
15 requested, for purposes and reports needed by the Legislature.

16 (6) REVIEW PROCEDURE ~~STATE BOARD OF APPEALS~~.--The
17 Commissioner ~~State Board~~ of Education shall have ~~be the~~ final
18 review ~~board~~ of ~~appeals~~ for all questions, disputes, or
19 interpretations involving the Uniform Building Code, and any
20 objections to decisions made by the inspectors or the
21 department must ~~shall~~ be submitted in writing.

22 (7) BIENNIAL REVIEW AND UPDATE; DISSEMINATION.--The
23 department shall biennially review, update, and revise the
24 Uniform Building Code. The department shall publish and make
25 available to each district school board and community college
26 district board of trustees at no cost copies of the code and
27 each amendment and revision thereto. The department shall make
28 additional copies available to all interested persons at a
29 price sufficient to recover costs.

30 (8) LEGAL EFFECT OF CODE.--The State Uniform Building
31 Code for Public Educational Facilities Construction has ~~shall~~

1 ~~have~~ the force and effect of law and supersedes ~~shall~~
 2 ~~supersede~~ any other code adopted by a district school board or
 3 community college district board of trustees or any other
 4 building code or ordinance for the construction of educational
 5 and ancillary plants whether at the local, county, or state
 6 level and whether adopted by rule or legislative enactment.
 7 All special acts or general laws of local application are
 8 hereby repealed to the extent that they conflict with this
 9 section.

10 (9) EDUCATION FACILITIES AS EMERGENCY SHELTERS.--

11 (a) The Department of Education shall, in consultation
 12 with boards and county and state emergency management offices,
 13 amend the State Uniform Building Code for Public Educational
 14 Facilities Construction to incorporate public shelter design
 15 criteria into the Uniform Building Code. The new criteria must
 16 be designed to ensure that appropriate core facility areas in
 17 new educational facilities can serve as public shelters for
 18 emergency management purposes. The Commissioner ~~State Board~~
 19 of Education shall publish proposed amendments to the State
 20 Uniform Building Code for Public Educational Facilities
 21 Construction setting forth the public-shelter criteria by July
 22 1, 1995. A facility, or an appropriate core facility area
 23 within a facility, for which a design contract is entered into
 24 subsequent to the effective date of the inclusion of the
 25 public shelter criteria in the code must be built in
 26 compliance with the amended code unless the facility or a part
 27 thereof is exempted from using the new shelter criteria due to
 28 its location, size, or other characteristics by the applicable
 29 board with the concurrence of the applicable local emergency
 30 management agency or the Department of Community Affairs. Any
 31 educational facility located or proposed to be located in an

1 identified category 1, 2, or 3 evacuation zone is ~~shall not be~~
 2 subject to the requirements of this subsection. If more than
 3 one educational facility is being constructed within any
 4 3-mile radius, no more than one facility, which must ~~shall~~ be
 5 selected on the basis of cost-effectiveness and greatest
 6 provision of shelter space, is ~~shall be~~ required to
 7 incorporate the public shelter criteria into its construction.

8 (b) By January 31, 1996, and by January 31 every
 9 even-numbered year thereafter, the Department of Community
 10 Affairs shall prepare and submit a statewide emergency shelter
 11 plan to the Governor and the Cabinet for approval. The ~~Such~~
 12 plan must ~~shall~~ identify the general location and square
 13 footage of existing shelters, by county, and the general
 14 location and square footage of needed shelters, by county, in
 15 the next 5 years. Such plan must ~~shall~~ identify the types of
 16 public facilities which should be constructed to comply with
 17 emergency shelter criteria and must recommend an appropriate,
 18 adequate, and dedicated source of funding for the additional
 19 cost of constructing emergency shelters within these public
 20 facilities. After the approval of the plan, a ~~no~~ board may not
 21 ~~shall~~ be required to build more emergency shelter space than
 22 identified as needed in the plan, and decisions pertaining to
 23 exemptions pursuant to paragraph (a) must ~~shall~~ be guided by
 24 the plan and by ~~the provisions of~~ this subsection.

25 (10) LOCAL LEGISLATION PROHIBITED.--After June 30,
 26 1985, pursuant to s. 11(a)(21), Art. III of the State
 27 Constitution, there shall not be enacted any special act or
 28 general law of local application which proposes to amend,
 29 alter, or contravene any provisions of the State Building Code
 30 adopted under the authority of this section.

31

1 Section 76. Subsections (2) and (3) of section 235.31,
2 Florida Statutes, are amended to read:

3 235.31 Advertising and awarding contracts;
4 prequalification of contractor.--

5 (2) Boards may elect to come under the rules
6 prescribed by the Commissioner ~~State Board~~ of Education for
7 the prequalification of bidders of educational facilities
8 construction.

9 (3) A public agency that is authorized to purchase
10 services for maintenance, repair, and site improvement of
11 facilities on behalf of various agencies of a county must give
12 the school board in that county the option of purchasing those
13 services for educational facilities and ancillary plants under
14 those contracts at the unit prices stated in those contracts.
15 However, the person providing those services under such a
16 contract may, without jeopardizing the contract, refuse to
17 provide the services to the school board. The school board may
18 purchase those services under such a contract only if the
19 purchase is to the economic advantage of the school district
20 and the services conform to the standards and specifications
21 prescribed by rules of the Commissioner ~~State Board~~ of
22 Education and, if applicable, to the requirements of s.
23 287.055. This subsection does not apply to contracts in
24 existence on July 1, 1994.

25 Section 77. Section 235.32, Florida Statutes, is
26 amended to read:

27 235.32 Substance of contract; contractors to give
28 bond; penalties.--Each board shall develop contracts
29 consistent with this chapter and statutes governing public
30 facilities. Such a contract must ~~shall~~ contain the drawings
31 and specifications of the work to be done and the material to

1 be furnished, the time limit in which the construction is to
2 be completed, the time and method by which payments are to be
3 made upon the contract, and the penalty to be paid by the
4 contractor for any failure to comply with the terms of the
5 contract. The board may require the contractor to pay a
6 penalty for any failure to comply with the terms of the
7 contract and may provide an incentive for early completion.
8 Upon accepting a satisfactory bid, the board shall enter into
9 a contract with the party or parties whose bid has been
10 accepted. The contractor shall furnish the board with a
11 performance and payment bond as set forth in s. 255.05.
12 Notwithstanding any other provision of this section, if 25
13 percent or more of the costs of any construction project is
14 paid out of a trust fund established pursuant to 31 U.S.C. s.
15 1243(a)(1), laborers and mechanics employed by contractors or
16 subcontractors on such construction will be paid wages not
17 less than those prevailing on similar construction projects in
18 the locality, as determined by the Secretary of Labor in
19 accordance with the Davis-Bacon Act, as amended. A person,
20 firm, or corporation that constructs ~~Any and all persons,~~
21 ~~firms, or corporations who shall construct~~ any part of any
22 educational plant, or addition thereto, on the basis of any
23 unapproved plans or in violation of any plans approved in
24 accordance with the provisions of this chapter and rules of
25 the Commissioner ~~State Board~~ of Education relating to building
26 standards or specifications is ~~shall be~~ subject to forfeiture
27 of bond and unpaid compensation in an amount sufficient to
28 reimburse the board for any costs that ~~which~~ will need to be
29 incurred in making any changes necessary to assure that all
30 requirements are met and is ~~shall~~ also ~~be~~ guilty of a
31

1 misdemeanor of the second degree, punishable as provided in s.
2 775.082 or s. 775.083, for each separate violation.

3 Section 78. Subsections (1), (2), (4), and (5) and
4 paragraphs (a) and (f) of subsection (3) of section 236.02,
5 Florida Statutes, are amended to read:

6 236.02 Minimum requirements of the Florida Education
7 Finance Program.--Each district which participates in the
8 state appropriations for the Florida Education Finance Program
9 shall provide evidence of its effort to maintain an adequate
10 school program throughout the district and shall meet at least
11 the following requirements:

12 (1) ACCOUNTS AND REPORTS.--Maintain adequate and
13 accurate records, including a system of internal accounts for
14 individual schools, and file with the Department of Education,
15 in correct and proper form on or before the date due as fixed
16 by law or regulation, each annual or periodic report that
17 ~~which~~ is required by regulations of the commissioner ~~state~~
18 ~~board~~.

19 (2) MINIMUM TERM.--Operate all schools for a term of
20 at least 180 actual teaching days as prescribed in s.
21 228.041(13) or the equivalent on an hourly basis as specified
22 by rules of the Commissioner ~~State Board~~ of Education each
23 school year. The commissioner ~~state board~~ may prescribe
24 procedures for altering, and, upon written application, may
25 alter, this requirement during a national, state, or local
26 emergency as it may apply to an individual school or schools
27 in any district or districts if, in the opinion of the board,
28 it is not feasible to make up lost days, and the apportionment
29 may, at the discretion of the Commissioner ~~State Board~~ of
30 Education and if ~~in the event~~ the board determines that the
31 reduction of school days is caused by the existence of a bona

1 fide emergency, be reduced for such district or districts in
2 proportion to the decrease in the length of term in any such
3 school or schools. ~~Under no circumstances shall~~ A strike, as
4 defined in s. 447.203(6), by employees of the school district
5 may not be considered an emergency.

6 (3) EMPLOYMENT POLICIES.--Adopt rules relating to the
7 appointment, promotion, transfer, suspension, and dismissal of
8 personnel.

9 (a) Such rules must ~~shall~~ conform to applicable law
10 and ~~state board~~ rules of the commissioner and must ~~shall~~
11 include the duties and responsibilities of the superintendent
12 and school board pertaining to these and other personnel
13 matters.

14 (f) Such rules must ~~shall~~ require 12 calendar months
15 of service for such principals as prescribed by regulations of
16 the commissioner ~~state board~~ and must ~~shall~~ require 10 months
17 to include not less than 196 days of service, excluding
18 Sundays and other holidays, for all members of the
19 instructional staff, with any such service on a 12-month basis
20 to include reasonable allowance for vacation or further study
21 as prescribed by the school board in accordance with
22 regulations of the commissioner ~~state board~~.

23 (4) SALARY SCHEDULES.--Expend funds for salaries in
24 accordance with a salary schedule or schedules adopted by the
25 school board in accordance with the provisions of law and
26 regulations of the commissioner ~~state board~~.

27 (5) BUDGETS.--Observe fully at all times all
28 requirements of law and regulations of the commissioner ~~state~~
29 ~~board~~ relating to the preparation, adoption, and execution of
30 budgets for the district school system.

31

1 Section 79. Section 236.0801, Florida Statutes, is
2 amended to read:

3 236.0801 Requirements for reporting kindergarten
4 students.--Beginning with the 1995-1996 school year, a school
5 district may not report for funding any kindergarten students
6 under the Florida Education Finance Program unless the key
7 data elements for the first state education goal, as approved
8 by the Commissioner ~~State Board~~ of Education, were collected
9 by the district.

10 Section 80. Paragraphs (a) and (c) of subsection (1)
11 of section 236.081, Florida Statutes, 1996 Supplement, are
12 amended to read:

13 236.081 Funds for operation of schools.--If the annual
14 allocation from the Florida Education Finance Program to each
15 district for operation of schools is not determined in the
16 annual appropriations act or the substantive bill implementing
17 the annual appropriations act, it shall be determined as
18 follows:

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

23 (a) Determination of full-time equivalent
24 membership.--During each of several school weeks, including
25 scheduled intersessions of a year-round school program during
26 the fiscal year, a program membership survey of each school
27 shall be made by each district by aggregating the full-time
28 equivalent student membership of each program by school and by
29 district. The department shall establish the number and
30 interval of membership calculations, except that for basic and
31 special programs such calculations shall not exceed nine for

1 any fiscal year. The district's full-time equivalent
2 membership shall be computed and currently maintained in
3 accordance with regulations of the commissioner ~~state board~~.

4 (c) Determination of programs.--Cost factors based on
5 desired relative cost differences between the following
6 programs shall be established in the annual General
7 Appropriations Act. However, the application of cost factors
8 in part-time programs for exceptional students is limited to a
9 maximum of twelve twenty-fifths of a student membership in a
10 given program during a week. Beginning with the 1990-1991
11 fiscal year, the application of cost factors in part-time
12 programs for exceptional students is limited to a maximum of
13 432 hours of a student full-time equivalent membership in a
14 given program during a school year as defined in s.
15 228.041(16). The criteria for qualification for the special
16 programs, including maximum case loads for part-time programs,
17 must shall be determined by the commissioner by rule ~~rules of~~
18 ~~the state board~~. However, the district may apply to the
19 department for an exemption to the maximums set above, and the
20 department may grant such exemptions when district size or
21 program dispersal would place an undue burden on the district.
22 Cost factors for special programs for exceptional students
23 shall be used to fund programs, approved by the department, as
24 provided by law for exceptional students under the minimum age
25 for enrollment in kindergarten. Beginning with the 1993-1994
26 fiscal year, the Department of Education shall conduct a
27 program cost analysis, pursuant to Commissioner ~~State Board~~ of
28 Education rule, as part of the program review process. Adult
29 basic and secondary programs must also be addressed in the
30 program cost analysis. The program cost analysis must include,
31 but is not limited to, the cost of direct and indirect

1 operations, instruction, faculty-to-student ratio, consumable
 2 supplies, equipment, and optimum program length. Beginning
 3 with the 1995-1996 General Appropriations Act, the Legislature
 4 shall assign each secondary career education program and
 5 certificate career education program to a program funding
 6 level based on programmatic costs derived from the program
 7 cost analysis. A minimum of five funding levels shall be
 8 established in the General Appropriations Act for the purposes
 9 of this paragraph.

- 10 1. Basic programs.--
 - 11 a. Kindergarten and grades 1, 2, and 3.
 - 12 b. Grades 4, 5, 6, 7, and 8.
 - 13 c. Grades 9, 10, 11, and 12.
- 14 2. Special programs for exceptional students.--
 - 15 a. Educable mentally handicapped.
 - 16 b. Trainable mentally handicapped.
 - 17 c. Physically handicapped.
 - 18 d. Physical and occupational therapy part-time.
 - 19 e. Speech, language, and hearing part-time.
 - 20 f. Speech, language, and hearing.
 - 21 g. Visually handicapped part-time.
 - 22 h. Visually handicapped.
 - 23 i. Emotionally handicapped part-time.
 - 24 j. Emotionally handicapped.
 - 25 k. Specific learning disability part-time.
 - 26 l. Specific learning disability.
 - 27 m. Gifted part-time.
 - 28 n. Hospital and homebound part-time.
 - 29 o. Profoundly handicapped.
- 30 3. Adult general education programs.--
 - 31 a. Adult basic education.

- 1 b. Adult secondary education.
- 2 c. Lifelong learning.
- 3 4. Secondary career education programs.--
- 4 a. Level I.
- 5 b. Level II.
- 6 c. Level III.
- 7 d. Level IV.
- 8 e. Level V.
- 9 5. Certificate career education and supplemental
- 10 career education programs.--
- 11 a. Level I.
- 12 b. Level II.
- 13 c. Level III.
- 14 d. Level IV.
- 15 e. Level V.
- 16 6. Students-at-risk programs.--
- 17 a. Dropout prevention.
- 18 b. Special programs for teenage parents.
- 19 c. Kindergarten through grade 3 ESOL.
- 20 d. Grades 4 through 8 ESOL.
- 21 e. Grades 9 through 12 ESOL.
- 22 Section 81. Paragraphs (a) and (c) of subsection (2)
- 23 of section 236.0811, Florida Statutes, are amended to read:
- 24 236.0811 Educational training.--
- 25 (2)(a)1. Pursuant to rules of the Commissioner State
- 26 ~~Board~~ of Education, each school board shall develop and
- 27 annually approve a master plan for inservice educational
- 28 training. The plan shall include all inservice programs for
- 29 all district employees from all fund sources and shall be
- 30 updated annually by September 1 using criteria and procedures
- 31 for continued approval as specified by ~~state board~~ rule of the

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

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

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

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

21 (c) An organization of nonpublic schools which has no
 22 fewer than 10 member schools in this state, which publishes
 23 and files with the Department of Education copies of its
 24 standards, and the member schools of which comply with the
 25 provisions of chapter 232 relating to compulsory attendance
 26 may also develop a master plan for inservice educational
 27 training. The plan must ~~shall~~ be submitted to the commissioner
 28 for approval pursuant to rules of the commissioner ~~State Board~~
 29 ~~of Education~~. Costs associated with approval of the plan,
 30 such as travel, per diem, and substitutes required for onsite
 31 reviews, must ~~shall~~ be determined in accordance with criteria

1 established by the Department of Education and must ~~shall~~ be
2 borne by the organization.

3 Section 82. Subsections (1), and (5) of section
4 236.083, Florida Statutes, 1996 Supplement, are amended to
5 read:

6 236.083 Funds for student transportation.--The annual
7 allocation to each district for transportation to public
8 school programs of students in membership in kindergarten
9 through grade 12, in migrant and exceptional student programs
10 below kindergarten, and in any other state-funded
11 prekindergarten program shall be determined as follows:

12 (1) Subject to the rules of the commissioner ~~state~~
13 ~~board~~, each district shall determine the membership of
14 students who are transported:

15 (a) By reason of living 2 miles or more from school;

16 (b) By reason of being students with disabilities or
17 enrolled in a teenage parent program, regardless of distance
18 to school;

19 (c) By reason of being in a state prekindergarten
20 program, regardless of distance from school;

21 (d) By reason of being vocational, dual enrollment, or
22 students with disabilities transported from one school center
23 to another to participate in an instructional program or
24 service; or students with disabilities, transported from one
25 designation to another in the state, provided one designation
26 is a school center and provided the student's individual
27 educational plan (IEP) identifies the need for the
28 instructional program or service and transportation to be
29 provided by the school district. A "school center" is defined
30 as a public school center, public community college, public
31 university, or other facility rented, leased, or owned and

1 operated by the school district or another public agency. A
 2 "dual enrollment student" is defined as a public school
 3 student in membership in both a public secondary school
 4 program and a public community college or a public university
 5 program under a written agreement to partially fulfill ss.
 6 229.814 and 240.115 and earning full-time equivalent
 7 membership under s. 236.081(1)(j);

8 (e) With respect to elementary school students whose
 9 grade level does not exceed grade 6, by reason of being
 10 subjected to hazardous walking conditions en route to or from
 11 school as provided in s. 234.021. Such rules shall, when
 12 appropriate, provide for the determination of membership under
 13 this paragraph for less than 1 year to accommodate the needs
 14 of students who require transportation only until such
 15 hazardous conditions are corrected; and

16 (f) By reason of being a pregnant student or student
 17 parent, and the child of a student parent as provided in s.
 18 230.23166, regardless of distance from school.

19 (5) Funds allocated or apportioned for the payment of
 20 student transportation services may be used to pay for
 21 transportation of students to and from school on local general
 22 purpose transportation systems. Student transportation funds
 23 may also be used to pay for transportation of students to and
 24 from school in private passenger cars and boats when the
 25 transportation is for isolated students, or students with
 26 disabilities as defined by rule. Subject to the rules of the
 27 Commissioner State Board of Education, each school district
 28 shall determine and report the number of assigned students
 29 using general purpose transportation private passenger cars
 30 and boats. The allocation per student must ~~shall~~ be equal to
 31 the allocation per student riding a school bus.

1 Section 83. Section 236.0841, Florida Statutes, is
2 amended to read:

3 236.0841 Student enrichment, remedial, and dropout
4 prevention programs.--Each school district may provide any
5 amount from current operation funds of the Florida Education
6 Finance Program for salaries of personnel who are employed,
7 pursuant to regulations of the commissioner ~~state board~~, to
8 provide supplementary enrichment, remedial, and dropout
9 prevention activities pursuant to s. 230.2316. The
10 enrichment, remedial, and dropout prevention activities, when
11 offered, must ~~shall~~ be provided to students during periods of
12 time supplemental to or beyond the required 180 days of
13 instruction.

14 Section 84. Subsections (2) and (3) of section
15 236.1225, Florida Statutes, are amended to read:

16 236.1225 Gifted education exemplary program grants.--

17 (2) There is hereby created a grant program for
18 education for the gifted which shall be administered by the
19 Commissioner of Education in cooperation and consultation with
20 appropriate organizations and associations concerned with
21 education for the gifted and pursuant to rules adopted by the
22 Commissioner ~~State Board~~ of Education. The program may be
23 implemented in any public school.

24 (3) Pursuant to policies and rules to be adopted by
25 the Commissioner ~~State Board~~ of Education, each district
26 school board, two or more district school boards in
27 cooperation, or a public school principal through the district
28 school board may submit to the commissioner a proposed program
29 designed to effectuate an exemplary program for education for
30 the gifted in a school, district, or group of districts.
31 Consideration for funding shall be given to proposed programs

1 of district school boards that are developed with the
2 cooperation of a community college, public or private college,
3 or university for the purpose of providing advanced
4 accelerated instruction for public school students pursuant to
5 s. 229.814. In order to be approved, a program proposal must
6 ~~shall~~ include:

7 (a) Clearly stated goals and objectives expressed, to
8 the maximum extent possible, in measurable terms;

9 (b) Information concerning the number of students,
10 teachers, and other personnel to be involved in the program;

11 (c) The estimated cost of the program and the number
12 of years for which it is to be funded;

13 (d) Provisions for evaluation of the program and for
14 its integration into the general curriculum and financial
15 program of the school district or districts at the end of the
16 funded period; and

17 (e) Such other information and provisions as ~~shall be~~
18 ~~required by~~ the commissioner requires.

19 Section 85. Section 236.13, Florida Statutes, is
20 amended to read:

21 236.13 Expenditure of funds by school board.--All
22 state funds apportioned to the credit of any district ~~shall~~
23 constitute a part of the district school fund of that district
24 and must ~~shall~~ be budgeted and expended under authority of the
25 school board of that district subject to the provisions of
26 law, ~~and~~ regulations of the state board, and rules of the
27 commissioner.

28 (1) A school board shall credit interest or profits on
29 investments to the specific budgeted fund, as defined by the
30 accounting system required by s. 237.01, that produced the
31

1 earnings unless otherwise authorized by law, rule, or
2 regulation.

3 (2) A school board may temporarily advance moneys from
4 one fund, as defined by the accounting system required by s.
5 237.01, to another fund when insufficient moneys are available
6 to meet current obligations if the temporary advancement is
7 repaid within 13 months, appropriate accounting records are
8 maintained, and the temporary advancement does not restrict,
9 impede, or limit implementation or fulfillment of the original
10 purposes for which the moneys were received in the fund
11 providing the advancement.

12 (3) Funds expended from school nonrecurring incentives
13 or bonus type state or federal funded programs based on
14 performance outcomes, such as those provided for in s.
15 236.1228 for the accountability program, may not be used for
16 measuring compliance with state or federal maintenance of
17 effort, supplanting, or comparability standards.

18 Section 86. Paragraph (b) of subsection (4) of section
19 236.685, Florida Statutes, 1996 Supplement, is amended to
20 read:

21 236.685 Educational funding accountability.--

22 (4)

23 (b) Any teacher-to-student ratio or class size measure
24 required by law, ~~or~~ State Board of Education rule, or
25 Commissioner of Education rule must be computed by dividing
26 the number of students in membership at the school by the
27 number of full-time equivalent instructional personnel
28 pursuant to paragraph (3)(a). Class size reports for
29 exceptional student education shall be computed by dividing
30 the number of exceptional students in membership by the number
31 of full-time equivalent exceptional education classroom

1 teachers who are classified as instructional personnel
2 pursuant to paragraph (3)(a).

3 Section 87. Subsection (5) of section 237.211, Florida
4 Statutes, is amended to read:

5 237.211 School depositories; payments into and
6 withdrawals from depositories.--

7 (5) FORM OF WARRANTS; DIRECT DEPOSIT OF FUNDS.--The
8 school board is authorized to establish the form or forms of
9 warrants, which are to be signed by the chair or, in his or
10 her absence, the vice chair of the school board and
11 countersigned by the superintendent, for payment or
12 disbursement of moneys out of the school depository and to
13 change the form thereof from time to time as the school board
14 deems appropriate. If authorized in writing by the payee,
15 such school board warrants may provide for the direct deposit
16 of funds to the account of the payee in any financial
17 institution that ~~which~~ is designated in writing by the payee
18 and that ~~which~~ has lawful authority to accept such deposits.
19 The written authorization of the payee must ~~shall~~ be filed
20 with the school board. Direct deposit of funds may be by any
21 electronic or other medium approved by the school board for
22 such purpose. The Commissioner ~~State Board~~ of Education shall
23 adopt rules prescribing minimum security measures that must be
24 implemented by any school board before ~~prior to~~ establishing
25 the system authorized in this subsection.

26 Section 88. Subsection (4) of section 237.40, Florida
27 Statutes, 1996 Supplement, is amended to read:

28 237.40 Direct-support organization; use of property;
29 board of directors; audit.--

30 (4) ANNUAL AUDIT.--The direct-support organization
31 shall make provisions for an annual postaudit of its financial

1 accounts, to be conducted by the district auditor in
 2 accordance with rules to be adopted ~~promulgated~~ by the
 3 Commissioner ~~State Board~~ of Education. The annual audit
 4 report shall include a management letter and shall be filed as
 5 a public record in the district. The Commissioner ~~State Board~~
 6 of Education and the Auditor General have the authority to
 7 require and receive from the organization or the district
 8 auditor any detail or supplemental data relative to the
 9 operation of the organization. The identity of donors and all
 10 information identifying donors and prospective donors are
 11 confidential and exempt from the provisions of s. 119.07(1),
 12 and that anonymity shall be maintained in the auditor's
 13 report. All other records and information are ~~shall be~~
 14 considered public records for the purposes of chapter 119.

15 Section 89. Subsection (3) of section 316.615, Florida
 16 Statutes, is amended to read:

17 316.615 School buses; physical requirements of
 18 drivers.--

19 (3) A ~~No~~ person may not ~~shall~~ operate or cause to be
 20 operated a motor vehicle covered by subsection (1) or
 21 subsection (2) when transporting school children unless the
 22 operator has met the physical examination requirements
 23 established by law and by rule adopted by the Commissioner
 24 ~~State Board~~ of Education. The operator of such a motor
 25 vehicle shall pass an annual physical examination and have
 26 posted in the vehicle a certificate to drive the vehicle ~~same~~.

27 Section 90. All rules of the State Board of Education
 28 adopted pursuant to the provisions of law amended by this act
 29 in effect on June 30, 1997, remain in effect until
 30 specifically altered, amended, or revoked in the manner
 31 provided by law.

1 Section 91. Sections 228.0617 and 228.085, Florida
2 Statutes, are repealed.

3 Section 92. Subsection (3) of section 228.121, Florida
4 Statutes, is amended to read:

5 228.121 Nonresident tuition fee; tuition fee
6 exemptions.--

7 (3) No tuition shall be charged pupils who are
8 homeless children as defined in s. 228.041(35)~~s. 228.041(36)~~;
9 pupils whose parent, parents, or guardian are in the federal
10 military service or are civilian employees, the cost of whose
11 education is provided in part or in whole by federal subsidy
12 to state-supported schools; or pupils whose parent, parents,
13 or guardian are migratory agricultural workers. No tuition
14 shall be charged pupils who reside in residential care
15 facilities operated by the Department of Health and
16 Rehabilitative Services and who receive their education under
17 s. 230.23(4)(n).

18 Section 93. This act shall take effect July 1, 1997.
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