

By the Committee on Education and Senator McKay

304-2122-98

1 A bill to be entitled
2 An act relating to rulemaking authority of
3 school boards (RAB); amending s. 230.23, F.S.;
4 creating s. 230.23005, F.S.; prescribing the
5 rulemaking authority of school boards;
6 providing an effective date.

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

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10 Section 1. Subsection (17) is added to section 230.23,
11 Florida Statutes, to read:

12 230.23 Powers and duties of school board.--The school
13 board, acting as a board, shall exercise all powers and
14 perform all duties listed below:

15 (17) ADOPT RULES.--Adopt rules pursuant to ss. 120.54
16 and 120.536(1) to implement the provisions of this section.

17 Section 2. Section 230.23005, Florida Statutes, is
18 created to read:

19 230.23005 Supplemental powers and duties of school
20 board.--The school board may exercise the following
21 supplemental powers and duties. Any provision of chapters 228,
22 229, 230, 231, 232, 233, 234, and 235 prevails over any
23 conflicting provision of this section. The rules adopted under
24 this section must not be inconsistent with the provisions of
25 chapters 228, 229, 230, 231, 232, 233, 234, and 235.

26 (1) STUDENT MANAGEMENT.--The school board may adopt
27 programs and policies to ensure the safety and welfare of
28 individuals, the student body, and school personnel, which
29 programs and policies may:

30 (a) Prohibit the possession of weapons and drugs on
31 campus, student hazing, and other activities that could

1 threaten the operation of the school or the safety and welfare
2 of the student body or school personnel.

3 (b) Require uniforms to be worn by the student body,
4 or impose other dress related requirements, if the board finds
5 that those requirements are necessary for the safety or
6 welfare of the student body or school personnel.

7 (c) Provide procedures for student dismissal
8 precautions and for granting permission for students to leave
9 school grounds during school hours, including releasing a
10 student from school upon request by a parent or guardian or
11 for public appearances of school groups.

12 (d) Provide procedures for managing protests,
13 demonstrations, sit-ins, walk-outs, or other acts of civil
14 disobedience.

15 (e) Provide procedures for detaining students and for
16 readmission of students after expulsion.

17 (f) Regulate student automobile use and parking.

18 (2) FISCAL MANAGEMENT.--The school board may adopt
19 policies providing for fiscal management of the school
20 district with respect to school purchasing, facilities,
21 nonstate revenue sources, budgeting, fundraising, and other
22 activities relating to the fiscal management of district
23 resources, including, but not limited to, the policies
24 governing:

25 (a) Sales calls and demonstrations by agents,
26 solicitors, salesmen, and vendors on campus; local preference
27 criteria for vendors; specifications for quantity purchasing;
28 prioritization of awards for bids; declining bid awards; and
29 purchase requisitions, approvals, and routing.

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1 (b) Sales by booster clubs; marathon fundraisers; and
2 student sales of candy, paper products, or other goods
3 authorized by the board.

4 (c) Inventory and disposal of district property; use
5 of safe deposit boxes; and selection of real estate
6 appraisers.

7 (d) Payment of contractors and other service
8 providers.

9 (e) Accounting systems; petty cash accounts procedures
10 and reporting; school activities funds procedures and
11 reporting; management and reporting of grants from private
12 sources; and management of funds, including auxiliary
13 enterprise funds.

14 (f) District budgeting system, including setting
15 budget deadlines and schedules, budget planning, and
16 implementation and determination of budget priorities.

17 (3) INSTRUCTIONAL AIDS.--The school board may adopt
18 policies providing for innovative teaching techniques,
19 teaching programs and methods, instructional aids and
20 objectives, extracurricular and interscholastic activities,
21 and supplemental programs including, but not limited to,
22 policies providing for:

23 (a) Use of technology, including appropriate use of
24 the Internet as a tool for learning.

25 (b) Instructional priorities and objectives, pilot
26 projects and evaluations, curriculum adoption and design, and
27 lesson planning.

28 (c) Extracurricular and interscholastic activities,
29 including field trips, publishing a student newspaper and
30 other publications, and special programs relating to the arts,
31 music, or other topics of current interest.

1 (d) Participation in physical education programs,
2 including appropriate physical education attire and protective
3 gear; exceptional student programs for handicapped, disabled
4 and exceptional students; summer school; and the Title I
5 program, including comparability procedures.

6 (4) FACILITIES MANAGEMENT.--The school board may adopt
7 policies providing for management of the physical campus and
8 its environs, including, but not limited to, energy
9 conservation measures; building and ground maintenance;
10 fencing, landscaping and other property improvements; site
11 acquisition; new construction and renovation; dedication and
12 rededication or naming and renaming of district buildings and
13 other district facilities; and development of facilities
14 management planning and priorities.

15 (5) SCHOOL COMMUNITY RELATIONS.--The school board may
16 adopt policies governing public gifts and donations to
17 schools; input from the community concerning instruction
18 resources; advertising in schools; participation in community
19 affairs, including coordination with local governments and
20 planning authorities; protocols for interagency agreements;
21 business community partnerships; community use of school
22 facilities; public solicitations in schools, including the
23 distribution and posting of promotional materials and
24 literature; visitors to the school campus; school advisory
25 councils; and parent volunteers and chaperones.

26 (6) LEGAL ISSUES.--The school board may adopt policies
27 and procedures necessary to implement federal mandates and
28 programs, court orders, and other legal requirements of the
29 state.

30 (7) FIRST AID AND EMERGENCIES.--The school board may
31 adopt programs and policies to ensure appropriate response in

1 emergency situations; the provision of first aid to
2 individuals, the student body, and school personnel; and the
3 effective management of student illness, which programs and
4 policies may include, but are not limited to:
5 (a) The provision of first aid and emergency medical
6 care and the provision of school health care facilities and
7 services.
8 (b) The provision of school safety patrol.
9 (c) Procedures for reporting hazards, including
10 threats of nature, bomb threats, threatening messages, and
11 similar occurrences, and the provision of warning systems
12 including alarm systems and other technical devices.
13 (d) Procedures for evacuating the classrooms,
14 playground, or any other district facility.
15 (e) Procedures for reporting accidents, including
16 traffic accidents and traffic violations involving
17 district-owned vehicles.
18 (f) Student insurance programs.
19 (8) STUDENT ASSESSMENT AND AFFAIRS.--The school board
20 may adopt policies and procedures governing attendance
21 monitoring and checks; truancy; graduation requirements and
22 graduation exercises; fees, fines, and charges imposed on
23 students; evaluation of student records and transcripts;
24 transfer of student records; grading and academic evaluation
25 of students; tests and examinations, including early
26 examinations; guidance and counseling; and student
27 participation in competitions, student performances and
28 exhibitions, contests for students, and social events.
29 (9) ADMINISTRATIVE SUPPORT SERVICES.--The school board
30 may adopt policies and procedures governing purchase of
31 property insurance, including comprehensive general liability

1 insurance; transportation of students for extracurricular
2 activities and special events, including transportation of
3 students in privately owned vehicles; transportation of
4 district personnel, including personal use of district owned
5 vehicles; computer security and computer room access and
6 computer data base resources; mail and delivery services,
7 including use of couriers; copyright compliance; computerized
8 data systems, including computer use, transmission of data,
9 access to the Internet, and other technology-based services.

10 (10) SCHOOL BOARD GOVERNANCE AND OPERATIONS.--The
11 school board may adopt policies and procedures necessary for
12 the daily business operation of the school board, including,
13 but not limited to, the provision of legal services for the
14 school board; conducting a district legislative program;
15 school board member participation at conferences, conventions,
16 and workshops, including member compensation and reimbursement
17 for expenses; school board policy development, adoption, and
18 repeal; school board meeting procedures, including
19 participation via telecommunications networks, use of
20 technology at meetings, and presentations by nondistrict
21 personnel; citizen communications with the school board and
22 with individual school board members; collaboration with local
23 government and other entities as required by law; and
24 organization of the board, including special committees and
25 advisory committees.

26 (11) PERSONNEL.--The school board may adopt policies
27 and procedures necessary for the management of all personnel
28 of the school system.

29 Section 3. This act shall take effect upon becoming a
30 law.

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1 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
2 COMMITTEE SUBSTITUTE FOR
3 SB 1722

4 The committee substitute differs from SB 1722 as follows:

5 School boards would be given authority to adopt rules pursuant
6 to ss. 120.54 and 120.536(1), F.S., to implement the
7 provisions of s. 230.23, F.S., the powers and duties of school
8 boards.

9 A new section of law would be created giving school boards
10 supplemental powers and duties and specific rulemaking
11 authority to implement those provisions, provided such rules
12 are not inconsistent with chapters 228 through 235 of the
13 Florida Statutes.

14 The supplemental school board powers and duties address the
15 following areas: student management, fiscal management,
16 instructional aids, facilities management, school community
17 relations, legal issues, first aid and emergencies, student
18 assessment and affairs, administrative support services,
19 school board governance and operations, and personnel.
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