

By the Committee on Education Innovation and
Representatives Byrd, Feeney and Fasano

1 A bill to be entitled
2 An act relating to education; requiring certain
3 students in community control or commitment
4 programs to attend specified programs if
5 available; requiring disclosure of certain
6 information if a student attends a regular
7 educational school program; amending s.
8 232.271, F.S.; allowing students under
9 supervision by the Department of Juvenile
10 Justice or the Department of Corrections to be
11 removed from class; amending s. 39.045, F.S.,
12 relating to confidential information, to
13 authorize disclosure to teachers; providing an
14 effective date.

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

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18 Section 1. (1) The intent of this section is to
19 create a positive and safe learning environment for the
20 children of Florida and to keep disruptive children from
21 affecting the ability of public school students to learn.

22 (2) A public school student who has been placed in a
23 community control or commitment program authorized by the
24 Department of Juvenile Justice or the Department of
25 Corrections and who has committed a felony offense must attend
26 a public adult education program or a dropout prevention
27 program pursuant to s. 230.2316, Florida Statutes, including a
28 second chance school or an alternative to expulsion, or an
29 educational program for students in the Department of Juvenile
30 Justice commitment programs, pursuant to chapter 39, Florida
31 Statutes, if the school district offers such a program. If a

1 student attends a regular educational school program because a
2 public adult education program or dropout prevention program,
3 including a second chance school or an alternative to
4 expulsion, or an educational program for students in the
5 Department of Juvenile Justice commitment programs is not
6 available in the school district, the identity of the student,
7 the nature of the felony offense committed by the student, and
8 the conditions of community control or the commitment program
9 must be made known to each of the teachers of the student,
10 pursuant to s. 39.045(5), Florida Statutes.

11 (3) A student in transition from a commitment program
12 via a community control program may be placed in a regular
13 educational school program if a case staffing committee
14 determines that special circumstances warrant such a
15 placement.

16 Section 2. Subsection (2) of section 232.271, Florida
17 Statutes, 1996 Supplement, is amended to read:

18 232.271 Removal by teacher.--

19 (2) A teacher may remove from class a student:

20 (a) Who has been documented by the teacher to
21 repeatedly interfere with the teacher's ability to communicate
22 effectively with the students in the class or with the ability
23 of the student's classmates to learn; ~~or~~

24 (b) Whose behavior the teacher determines is so
25 unruly, disruptive, or abusive that it seriously interferes
26 with the teacher's ability to communicate effectively with the
27 students in the class or with the ability of the student's
28 classmates to learn; ~~or-~~

29 (c) Who is under supervision by the Department of
30 Juvenile Justice or the Department of Corrections as part of a
31 community control or commitment program authorized by the

1 Department of Juvenile Justice or the Department of
2 Corrections for a felony offense and who has interfered with
3 the teacher's ability to communicate effectively with the
4 students in the class or with the ability of the student's
5 classmates to learn on one or more occasion.

6 Section 3. Subsection (5) of section 39.045, Florida
7 Statutes, 1996 Supplement, is amended to read:

8 39.045 Oaths; records; confidential information.--

9 (5) Except as provided in subsections (3), (8), (9),
10 and (10), and s. 943.053, all information obtained under this
11 part in the discharge of official duty by any judge, any
12 employee of the court, any authorized agent of the Department
13 of Juvenile Justice, the Parole Commission, the Juvenile
14 Justice Advisory Board, the Department of Corrections, the
15 district juvenile justice boards, any law enforcement agent,
16 or any licensed professional or licensed community agency
17 representative participating in the assessment or treatment of
18 a juvenile is confidential and may be disclosed only to the
19 authorized personnel of the court, the Department of Juvenile
20 Justice and its designees, the Department of Corrections, the
21 Parole Commission, the Juvenile Justice Advisory Board, law
22 enforcement agents, school superintendents and their
23 designees, any licensed professional or licensed community
24 agency representative participating in the assessment or
25 treatment of a juvenile, and others entitled under this part
26 to receive that information, or upon order of the court.
27 Within each county, the sheriff, the chiefs of police, the
28 district school superintendent, and the department shall enter
29 into an interagency agreement for the purpose of sharing
30 information about juvenile offenders among all parties. The
31 agreement must specify the conditions under which summary

1 criminal history information is to be made available to
2 appropriate school personnel, and the conditions under which
3 school records are to be made available to appropriate
4 department personnel. Such agreement shall require
5 notification to any classroom teacher of assignment to the
6 teacher's classroom of a juvenile who has been placed in a
7 community control or commitment program for a felony offense.
8 The agencies entering into such agreement must comply with s.
9 943.0525, and must maintain the confidentiality of information
10 that is otherwise exempt from s. 119.07(1), as provided by
11 law.

12 Section 4. This act shall take effect July 1, 1997.
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