

By Senator Saunders

25-760A-99

See HB

1 A bill to be entitled

2 An act relating to the school year; amending s.

3 228.041, F.S., relating to definitions of

4 "school day," "school year," "year of service,"

5 and "year-round school"; extending the length

6 of the school year for students and for school

7 employees; amending s. 230.23, F.S., relating

8 to powers and duties of the school board;

9 increasing the length of the school year to 186

10 days; amending s. 230.33, F.S., relating to

11 duties and responsibilities of the

12 superintendent; increasing the length of the

13 school year to 186 days; amending s. 236.013,

14 F.S.; revising definitions related to education

15 funding to reflect the increase in the length

16 of the school year; amending s. 236.02, F.S.;

17 increasing the length of the school year to a

18 term of at least 186 actual teaching days;

19 increasing the term of service for school

20 employees to 207 days; amending s. 236.08106,

21 F.S., relating to the Excellent Teaching

22 Program; increasing term of service for school

23 employees to 207 days; providing an effective

24 date.

25

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

27

28 Section 1. Subsections (13), (16), (20), and (37) of

29 section 228.041, Florida Statutes, 1998 Supplement, are

30 amended to read:

31

1 228.041 Definitions.--Specific definitions shall be as
2 follows, and wherever such defined words or terms are used in
3 the Florida School Code, they shall be used as follows:

4 (13) SCHOOL DAY.--A school day for any group of
5 students is that portion of the day in which school is
6 actually in session and shall comprise not less than 5 net
7 hours, excluding intermissions, for all grades above the
8 third; not less than 4 net hours for the first three grades;
9 and not less than 3 net hours for kindergarten or
10 prekindergarten students with disabilities, or the equivalent
11 as calculated on a weekly basis. The net hours specified in
12 this subsection shall consist only of instruction in an
13 approved course of study and shall exclude all
14 noninstructional activities as defined by rules of the
15 Commissioner of Education. Three of the last days of the
16 93-day ~~90-day~~ term, and of the 186-day ~~180-day~~ term, may be
17 designated by the district school board as final examination
18 days for secondary school students. These final examination
19 days shall consist of no less than 4 net hours, excluding
20 intermissions. The minimum length of the school day herein
21 specified may be decreased under rules which shall be adopted
22 by the state board for double session schools or programs,
23 experimental schools, or schools operating under emergency
24 conditions.

25 (16) SCHOOL YEAR.--The school year shall comprise the
26 period during which the schools are regularly in session for
27 the minimum number of 186 ~~180~~ days of instruction or the
28 equivalent on an hourly basis for pupils as specified by
29 regulations of the state board for pupils plus periods for
30 preschool and postschool conferences as approved under
31 regulations of the state board. A district school board may

1 decrease the minimum number of days of instruction by up to 4
2 days for 12th grade pupils for purposes of graduation without
3 proportionate reduction in funding.

4 (20) YEAR OF SERVICE.--The minimum time which may be
5 recognized in administering the state program of education,
6 not including retirement, as a year of service by a school
7 employee shall be full-time actual service; and, beginning
8 July 1963, such service shall also include sick leave and
9 holidays for which compensation was received but shall exclude
10 all other types of leave and holidays for a total of more than
11 one-half of the number of days required for the normal
12 contractual period of service for the position held, which
13 shall be 207 ~~196~~ days or longer, or the minimum required for
14 the district to participate in the Florida Education Finance
15 Program in the year service was rendered, or the equivalent
16 for service performed on a daily or hourly basis; provided,
17 further, that absence from duty after the date of beginning
18 service shall be covered by leave duly authorized and granted;
19 further, the school board shall have authority to establish a
20 different minimum for local district school purposes.

21 (37) YEAR-ROUND SCHOOL.--The term "year-round school"
22 means a school where each student receives at least 186 ~~180~~
23 days of instruction as provided for in subsection (16);
24 however, rather than attending school for 8 or 9 consecutive
25 months with consecutive months for vacation or beyond 186-day
26 ~~180-day~~ school year instructional periods, students are
27 offered educational opportunities over an 11-month or 12-month
28 period, with shorter, staggered vacation periods or beyond
29 186-day ~~180-day~~ school year instructional periods throughout
30 the year.

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1 Section 2. Paragraph (a) of subsection (10) of section
2 230.23, Florida Statutes, 1998 Supplement, is 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 (10) FINANCE.--Take steps to assure children adequate
7 educational facilities through the financial procedure
8 authorized in chapters 236 and 237 and as prescribed below:

9 (a) Provide for all schools to operate at least 186
10 ~~180~~ days.--Provide for the operation of all public schools,
11 both elementary and secondary, as free schools for a term of
12 at least 186 ~~180~~ days or the equivalent on an hourly basis as
13 specified by regulations of the State Board of Education;
14 determine district school funds necessary in addition to state
15 funds to operate all schools for such minimum term; arrange
16 for the levying of district school taxes necessary to provide
17 the amount needed from district sources.

18 Section 3. Paragraph (a) of subsection (12) of section
19 230.33, Florida Statutes, is amended to read:

20 230.33 Duties and responsibilities of
21 superintendent.--The superintendent shall exercise all powers
22 and perform all duties listed below and elsewhere in the law;
23 provided, that in so doing he or she shall advise and counsel
24 with the school board. The superintendent shall perform all
25 tasks necessary to make sound recommendations, nominations,
26 proposals, and reports required by law to be acted upon by the
27 school board. All such recommendations, nominations,
28 proposals, and reports by the superintendent shall be either
29 recorded in the minutes or shall be made in writing, noted in
30 the minutes, and filed in the public records of the board. It
31 shall be presumed that, in the absence of the record required

1 in this paragraph, the recommendations, nominations, and
2 proposals required of the superintendent were not contrary to
3 the action taken by the school board in such matters.

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

8 (a) Plan for operating all schools for minimum
9 term.--Determine and recommend district funds necessary in
10 addition to state funds to provide for at least a 186-day
11 ~~180-day~~ school term or the equivalent on an hourly basis as
12 specified by rules which shall be adopted by the State Board
13 of Education and recommend plans for ensuring the operation of
14 all schools for the term authorized by the school board.

15 Section 4. Paragraphs (a) and (c) of subsection (2) of
16 section 236.013, Florida Statutes, are amended to read:

17 236.013 Definitions.--Notwithstanding the provisions
18 of s. 228.041, the following terms are defined as follows for
19 the purposes of this act:

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

23 (a) A "full-time student" is one student on the
24 membership roll of one school program or a combination of
25 school programs listed in s. 236.081(1)(c) for the school year
26 or the equivalent for:

27 1. Instruction in a standard school, comprising not
28 less than 930 ~~900~~ net hours for a student in or at the grade
29 level of 4 through 12 and adult, or not less than 744 ~~720~~ net
30 hours for a student in or at the grade level of kindergarten
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1 through grade 3 or in an authorized prekindergarten
2 exceptional program.

3 2. Instruction in a double-session school or a school
4 utilizing an experimental school calendar approved by the
5 Department of Education, comprising not less than the
6 equivalent of 837 ~~810~~ net hours in grades 4 through 12 or not
7 less than 651 ~~630~~ net hours in kindergarten through grade 3;
8 or

9 3. Instruction comprising the appropriate number of
10 net hours set forth in subparagraph 1. or subparagraph 2. for
11 students who, within the past year, have moved with their
12 parents for the purpose of engaging in the farm labor or fish
13 industries, if a plan furnishing such an extended school day
14 or week, or a combination thereof, has been approved by the
15 commissioner. Such plan may be approved to accommodate the
16 needs of migrant students only or may serve all students in
17 schools having a high percentage of migrant students. The plan
18 described in this subparagraph is optional for any school
19 district and is not mandated by the state.

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

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

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

27 (I) A full-time student, except a postsecondary or
28 adult student or a senior high school student enrolled in
29 adult education when such courses are required for high school
30 graduation, in a combination of programs listed in s.
31 236.081(1)(c) shall be a fraction of a full-time equivalent

1 membership in each special program equal to the number of net
2 hours per school year for which he or she is a member, divided
3 by the appropriate number of hours set forth in subparagraph
4 (a)1. or subparagraph (a)2.; the difference between that
5 fraction or sum of fractions and the maximum value as set
6 forth in subsection (5) for each full-time student is presumed
7 to be the balance of the student's time not spent in such
8 special education programs and shall be recorded as time in
9 the appropriate basic program.

10 (II) A student in the basic half-day kindergarten
11 program of not less than 465 ~~450~~ net hours shall earn one-half
12 of a full-time equivalent membership.

13 (III) A half-day kindergarten student in a combination
14 of programs listed in s. 236.081(1)(c) is a fraction of a
15 full-time equivalent membership in each special program equal
16 to the number of net hours or major portion thereof per school
17 year for which he or she is a member divided by the number of
18 hours set forth in sub-sub-subparagraph (II); the difference
19 between that fraction and the number of hours set forth in
20 sub-sub-subparagraph (II) for each full-time student in
21 membership in a half-day kindergarten program is presumed to
22 be the balance of the student's time not spent in such special
23 education programs and shall be recorded as time in the
24 appropriate basic program.

25 (IV) A part-time student, except a postsecondary or
26 adult student, is a fraction of a full-time equivalent
27 membership in each basic and special program equal to the
28 number of net hours or major fraction thereof per school year
29 for which he or she is a member, divided by the appropriate
30 number of hours set forth in subparagraph (a)1. or
31 subparagraph (a)2.

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

8 (VI) A full-time student who is part of a program
9 authorized by subparagraph (a)3. in a combination of programs
10 listed in s. 236.081(1)(c) is a fraction of a full-time
11 equivalent membership in each regular or special program equal
12 to the number of net hours per school year for which he or she
13 is a member, divided by the appropriate number of hours set
14 forth in subparagraph (a)1. or subparagraph (a)2.

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

17 2. A student in membership in a program scheduled for
18 more or less than 186 ~~180~~ school days is a fraction of a
19 full-time equivalent membership equal to the number of
20 instructional hours in membership divided by the appropriate
21 number of hours set forth in subparagraph (a)1.; however, for
22 the purposes of this subparagraph, membership in programs
23 scheduled for more than 186 ~~180~~ days is limited to:

- 24 a. Special programs for exceptional students;
- 25 b. Special vocational-technical programs;
- 26 c. Special adult general education programs;
- 27 d. Dropout prevention programs as defined in s.
28 230.2316 for students in residential programs operated by the
29 Department of Children and Family Services; programs operated
30 by the Department of Juvenile Justice as defined in s.
31 230.23161 in which students receive educational services; or

1 teenage parent programs as defined in s. 230.23166 for
2 students who are in need of such additional instruction;
3 e. Dropout prevention programs as defined in s.
4 230.2316 in which students are placed for academic or
5 disciplinary purposes or programs in English for speakers of
6 other languages as defined in s. 233.058 for students who were
7 in membership for all of the last 15 days of the 186-day
8 ~~180-day~~ term or a total of 30 days within the 186-day ~~180-day~~
9 term and are in need of such additional instruction;
10 f. Other basic programs offered for promotion or
11 credit instruction as defined by rules of the state board; and
12 g. Programs which modify the school year to
13 accommodate the needs of children who have moved with their
14 parents for the purpose of engaging in the farm labor or fish
15 industries, provided such programs are approved by the
16 commissioner.

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18 The department shall determine and implement an equitable
19 method of equivalent funding for experimental schools and for
20 schools operating under emergency conditions, which schools
21 have been approved by the department under the provisions of
22 s. 228.041(13) to operate for less than the minimum school
23 day.

24 Section 5. Subsection (2) and paragraphs (d) and (f)
25 of subsection (3) of section 236.02, Florida Statutes, are
26 amended to read:

27 236.02 Minimum requirements of the Florida Education
28 Finance Program.--Each district which participates in the
29 state appropriations for the Florida Education Finance Program
30 shall provide evidence of its effort to maintain an adequate
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1 school program throughout the district and shall meet at least
2 the following requirements:

3 (2) MINIMUM TERM.--Operate all schools for a term of
4 at least 186 ~~180~~ actual teaching days as prescribed in s.
5 228.041(13) or the equivalent on an hourly basis as specified
6 by rules of the Commissioner of Education each school year.
7 The commissioner may prescribe procedures for altering, and,
8 upon written application, may alter, this requirement during a
9 national, state, or local emergency as it may apply to an
10 individual school or schools in any district or districts if,
11 in the opinion of the board, it is not feasible to make up
12 lost days, and the apportionment may, at the discretion of the
13 Commissioner of Education and if the board determines that the
14 reduction of school days is caused by the existence of a bona
15 fide emergency, be reduced for such district or districts in
16 proportion to the decrease in the length of term in any such
17 school or schools. A strike, as defined in s. 447.203(6), by
18 employees of the school district may not be considered an
19 emergency.

20 (3) EMPLOYMENT POLICIES.--Adopt rules relating to the
21 appointment, promotion, transfer, suspension, and dismissal of
22 personnel.

23 (d) District school boards may authorize a maximum of
24 six paid legal holidays which shall apply to the 207 ~~196~~ days
25 of service.

26 (f) Such rules must require 12 calendar months of
27 service for such principals as prescribed by regulations of
28 the commissioner and must require 10 months to include not
29 less than 207 ~~196~~ days of service, excluding Sundays and other
30 holidays, for all members of the instructional staff, with any
31 such service on a 12-month basis to include reasonable

1 allowance for vacation or further study as prescribed by the
2 school board in accordance with regulations of the
3 commissioner.

4 Section 6. Paragraph (d) of subsection (2) of section
5 236.08106, Florida Statutes, 1998 Supplement, is amended to
6 read:

7 236.08106 Excellent Teaching Program.--

8 (2) The Excellent Teaching Program is created to
9 provide categorical funding for monetary incentives and
10 bonuses for teaching excellence. The Department of Education
11 shall allocate and distribute to each school district an
12 amount as prescribed annually by the Legislature for the
13 Excellent Teaching Program. Unless otherwise provided in the
14 General Appropriations Act, each school district's annual
15 allocation shall be the sum of the amounts earned for the
16 following incentives and bonuses:

17 (d) An annual bonus equal to 10 percent of the prior
18 fiscal year's statewide average salary for classroom teachers
19 to be paid to each individual who meets the requirements of
20 paragraph (c) and agrees, in writing, to provide the
21 equivalent of 12 workdays of mentoring and related services to
22 public school teachers within the district who do not hold
23 NBPTS certification. The district school board shall
24 distribute the annual bonus in a single payment following the
25 completion of all required mentoring and related services for
26 the year. It is not the intent of the Legislature to remove
27 excellent teachers from their assigned classrooms; therefore,
28 credit may not be granted by a school district or public
29 school for mentoring or related services provided during the
30 regular school day or during the 207 ~~196~~ days of required
31 service for the school year.

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2 A teacher for whom the state pays the certification fee and
3 who does not complete the certification program or does not
4 teach in a public school of this state for a least 1 year
5 after completing the certification program must repay the
6 amount of the certification fee to the state. However, a
7 teacher who completes the certification program but fails to
8 be awarded NBPTS certification is not required to repay the
9 amount of the certification fee if the teacher meets the
10 1-year teaching requirement. Repayment is not required of a
11 teacher who does not complete the certification program or
12 fails to fulfill the teaching requirement because of the
13 teacher's death or disability or because of other extenuating
14 circumstances as determined by the State Board of Education.

15 Section 7. This act shall take effect July 1, 1999.

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18 HOUSE SUMMARY

19
20 Revises the definitions of "school day," "school year,"
21 and "year-round school" to extend the length of the
22 school year to 186 days. Revises the definition of "year
23 of service" for school employees, increasing the term of
24 service to 207 days. Amends provisions relating to
25 powers and duties of the school board, duties and
26 responsibilities of the superintendent, definitions for
27 purposes of the Florida Education Finance Program,
28 requirements of the Florida Education Finance Program,
29 and the Excellent Teaching Program, to conform.
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