

By Senators Lee, Hargrett and Webster

23-727-99

1 A bill to be entitled
2 An act relating to school safety and truancy
3 reduction; amending s. 230.23, F.S.; requiring
4 school improvement plans to include additional
5 issues; amending s. 230.2316, F.S.; providing
6 for priorities for school districts projecting
7 FTE for certain dropout prevention programs;
8 specifying the elements of dropout prevention
9 programs; specifying additional contents for
10 the education program; requiring students in
11 grades 1-12 to be eligible for dropout
12 prevention programs; providing for applications
13 by school districts to the Department of
14 Education for grants to operate second chance
15 schools; establishing grant and program
16 requirements; providing for the generation of
17 operating funds through programs of the Florida
18 Education Finance Program; providing new
19 requirements for students seeking to reenter
20 traditional schools; amending s. 231.085, F.S.;
21 requiring principals to ensure the accuracy and
22 timeliness of school reports; requiring
23 principals to provide staff training
24 opportunities; amending s. 231.17, F.S.;
25 providing for additional minimum competencies
26 for professional certification for certain
27 educators; creating s. 232.001, F.S.; allowing
28 the Manatee County District School Board and
29 certain other district school boards to
30 implement pilot projects to raise the
31 compulsory age of attendance for children;

1 providing requirements for school boards that
2 choose to participate in pilot projects;
3 providing for the applicability of state law
4 and State Board of Education rule; providing an
5 exception from the provisions relating to a
6 declaration of intent to terminate school
7 enrollment; requiring a study; amending s.
8 232.17, F.S.; providing legislative findings;
9 placing responsibility on school district
10 superintendents for enforcing attendance;
11 establishing requirements for school board
12 policies; revising the current steps for
13 enforcing regular school attendance; requiring
14 public schools to follow the steps;
15 establishing the requirements for school
16 principals, primary teachers, child study
17 teams, and parents; providing for parents to
18 appeal; allowing the superintendent to seek
19 criminal prosecution for parental
20 noncompliance; requiring the superintendent to
21 file certain petitions involving ungovernable
22 children in certain circumstances; requiring
23 the superintendent to provide the court with
24 certain evidence; allowing for court
25 enforcement for children who refuse to comply;
26 revising the notice requirements to parents,
27 guardians, or others; eliminating a current
28 condition for notice; eliminating the option
29 for referral to case staffing committees;
30 requiring the superintendent to take steps to
31 bring about criminal prosecution and requiring

1 related notice; allowing for the return of
2 absent children to additional locations;
3 requiring parental notification; amending s.
4 232.19, F.S., relating to habitual truancy;
5 requiring that a court order for school
6 attendance be obtained as a part of services;
7 revising the requirements that must be met
8 prior to filing a petition; amending s. 232.26,
9 F.S.; removing a limitation on the principal's
10 authority to discipline or expel pupils for
11 unlawful possession or use of controlled
12 substances under chapter 893, F.S.; amending s.
13 240.529, F.S.; providing additional legislative
14 intent related to teacher preparation programs;
15 providing for the required college entrance
16 examination score for admission into an
17 approved teacher preparation program; providing
18 the criteria for continued program approval;
19 providing for the requirements for instructors
20 in postsecondary teacher preparation programs
21 who instruct or supervise preservice field
22 experience courses or internships; eliminating
23 the requirement related to a commitment to
24 teaching in the public schools for a period of
25 time; providing additional requirements for
26 school district and instructional personnel who
27 supervise or direct certain teacher preparation
28 students; amending s. 984.03, F.S.; redefining
29 the term "habitual truant"; requiring the state
30 attorney to file a child-in-need-of-services
31 petition in certain circumstances; eliminating

1 the requirement for referral for evaluation;
2 providing an effective date.

3 WHEREAS, the voters of the State of Florida, in the
4 1998 General Election, amended Article IX, section 1, of the
5 Florida Constitution to state that, "Adequate provision shall
6 be made by law for a ...safe, secure, and high quality system
7 of free public schools..." and

8 WHEREAS, House Bill 1309, a comprehensive school safety
9 and discipline package, was enacted by the Legislature in the
10 1997 Session, addressing dropouts, habitual truancy, zero
11 tolerance for crime, drugs, alcohol, and weapons, alternative
12 placement of disruptive students, and cooperative agreements
13 with local law enforcement for crime reporting, and

14 WHEREAS, the Legislature annually provides for
15 safe-schools appropriations to be used for after school
16 programs for middle school students, alternative programs for
17 adjudicated youth, school resource officers, and conflict
18 resolution strategies, and

19 WHEREAS, the enhancement of school safety should be
20 measured as an element of school performance and
21 accountability and improved crime and incident reporting, as
22 well as a heightened emphasis on character education in the
23 curriculum of the early grades, NOW, THEREFORE,

24

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

26

27 Section 1. Paragraph (a) of subsection (16) of section
28 230.23, Florida Statutes, 1998 Supplement, is amended to read:

29 230.23 Powers and duties of school board.--The school
30 board, acting as a board, shall exercise all powers and
31 perform all duties listed below:

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

11 (a) School improvement plans.--Annually approve and
12 require implementation of a new, amended, or continuation
13 school improvement plan for each school in the district. Such
14 plan shall be designed to achieve the state education goals
15 and student performance standards pursuant to ss. 229.591(3)
16 and 229.592. Beginning in 1999-2000, each plan shall also
17 address issues relative to budget, training, instructional
18 materials, technology, staffing, student support services,
19 specific school safety and discipline strategies, and other
20 matters of resource allocation, as determined by school board
21 policy.

22 Section 2. Subsection (3) of section 230.2316, Florida
23 Statutes, 1998 Supplement, is amended to read:

24 230.2316 Dropout prevention.--

25 (3) STUDENT ELIGIBILITY AND PROGRAM CRITERIA.--

26 (a) The priorities for districts projecting FTE for
27 dropout prevention programs, other than those serving students
28 in residential and nonresidential programs operated or
29 contracted by the Department of Juvenile Justice, must be as
30 follows:

31

1 1. The first priority must be to address students who
2 are at risk of dropping out due to repeated disruptive
3 behavior, violent behavior, or delinquent behavior. The school
4 district must include, as an indicator of need, recommended
5 strategies to reduce disruptive and violent behavior as
6 identified in school improvement plans. School districts must
7 project the number of FTE's for which alternatives are
8 required as a solution. It is the intent of the Legislature
9 to fund these FTE's prior to those projected in dropout
10 prevention for other purposes.

11 2. The second priority must be to implement intensive
12 instruction programs within alternative settings for students
13 who fail to meet promotion requirements and require either
14 intensive instruction in selected subject areas or a more
15 structured learning environment in order to achieve
16 satisfactorily.

17 3. The third priority must be for students who are at
18 risk of dropping out due to other factors as identified by the
19 district.

20 (b)(a) Dropout prevention programs shall differ from
21 traditional education programs and schools in scheduling,
22 administrative structure, philosophy, curriculum, or setting
23 and shall employ alternative teaching methodologies,
24 curricula, learning activities, and ~~or~~ diagnostic and
25 assessment procedures in order to meet the needs, interests,
26 abilities, and talents of eligible students. The educational
27 program shall provide curricula, character education,and
28 related services which support the program goals and lead to
29 completion of a high school diploma. Student participation in
30 such programs shall be voluntary. Districts may, however,
31 assign students to a program for disruptive students. The

1 minimum period of time during which the student participates
2 in the program shall be equivalent to two instructional
3 periods per day unless the program utilizes a student support
4 and assistance component rather than regularly scheduled
5 courses.

6 (c)~~(b)~~ Students in grades 1-12 ~~4-12~~ shall be eligible
7 for dropout prevention programs. Eligible dropout prevention
8 students shall be reported for dropout prevention full-time
9 equivalent student membership in the Florida Education Finance
10 Program in standard dropout prevention classes or student
11 support and assistance components which provide academic
12 assistance and coordination of support services to students
13 enrolled full time in a regular classroom. The student support
14 and assistance component shall include auxiliary services
15 provided to students or teachers, or both. Students
16 participating in this model shall generate funding only for
17 the time that they receive extra services or auxiliary help.

18 (d)~~(c)~~ A student shall be identified as being a
19 potential dropout based upon one of the following criteria:

20 1. The student has shown a lack of motivation in
21 school through grades which are not commensurate with
22 documented ability levels or high absenteeism or habitual
23 truancy as defined in s. 228.041(28).

24 2. The student has not been successful in school as
25 determined by retentions, failing grades, or low achievement
26 test scores and has needs and interests that cannot be met
27 through traditional programs.

28 3. The student has been identified as a potential
29 school dropout by student services personnel using district
30 criteria. District criteria that are used as a basis for
31 student referral to an educational alternatives program shall

1 identify specific student performance indicators that the
2 educational alternative program seeks to address.

3 4. The student has documented drug-related or
4 alcohol-related problems, or has immediate family members with
5 documented drug-related or alcohol-related problems that
6 adversely affect the student's performance in school.

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

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

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

20 6. The student is assigned to a program provided
21 pursuant to chapter 39, chapter 984, or chapter 985 which is
22 sponsored by a state-based or community-based agency or is
23 operated or contracted for by the Department of Children and
24 Family Services or the Department of Juvenile Justice.

25 (e)~~(d)~~1. "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 who have been disruptive or violent or who have
30 committed serious offenses. As partnership programs, second
31 chance schools are eligible for waivers by the Commissioner of

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

6 2. School districts seeking to enter into a
7 partnership with a private entity to operate a second chance
8 school for disruptive students may apply to the Department of
9 Education for start-up grants from the Department of
10 Education. These grants must be available for 1 year and must
11 be used to offset the start-up costs for implementing such
12 programs off public school campuses. General operating funds
13 must be generated through the appropriate programs of the
14 Florida Education Finance Program. Grants approved under this
15 program shall be for the full operation of the school by a
16 private nonprofit or for-profit provider. This program must
17 operate under rules adopted by the Department of Education and
18 must be implemented to the extent funded by the Legislature.

19 3.2. A student enrolled in a sixth, seventh, eighth,
20 ninth, or tenth grade class may be assigned to a second chance
21 school if the student meets the following criteria:

22 a. The student is a habitual truant as defined in s.
23 228.041(28).

24 b. The student's excessive absences have detrimentally
25 affected the student's academic progress and the student may
26 have unique needs that a traditional school setting may not
27 meet.

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

30 d. The student has been identified as at risk of
31 dropping out of school.

1 ~~4.3.~~ A student who is habitually truant may be
2 assigned to a second chance school only if the case staffing
3 committee, established pursuant to s. 984.12, determines that
4 such placement could be beneficial to the student and the
5 criteria included in subparagraph 2. are met.

6 ~~5.4.~~ A student may be assigned to a second chance
7 school if the school district in which the student resides has
8 a second chance school and if the student meets one of the
9 following criteria:

10 a. The student habitually exhibits disruptive behavior
11 in violation of the code of student conduct adopted by the
12 school board.

13 b. The student interferes with the student's own
14 learning or the educational process of others and requires
15 attention and assistance beyond that which the traditional
16 program can provide, or, while the student is under the
17 jurisdiction of the school either in or out of the classroom,
18 frequent conflicts of a disruptive nature occur.

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

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

25 (II) Includes violence;

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

27 (IV) Is harassment or verbal abuse of school personnel
28 or other students.

29 ~~6.5.~~ Prior to assignment of students to second chance
30 schools, school boards are encouraged to use alternative
31 programs, such as in-school suspension, which provide

1 instruction and counseling leading to improved student
2 behavior, a reduction in the incidence of truancy, and the
3 development of more effective interpersonal skills.

4 ~~7.6.~~ Students assigned to second chance schools must
5 be evaluated by the school's local child study team before
6 placement in a second chance school. The study team shall
7 ensure that students are not eligible for placement in a
8 program for emotionally disturbed children.

9 ~~8.7.~~ Students who exhibit academic and social progress
10 and who wish to return to a traditional school shall complete
11 a character-education program and demonstrate preparedness to
12 reenter the regular school setting ~~be evaluated by school~~
13 ~~district personnel~~ prior to reentering a traditional school.

14 ~~9.8.~~ Second chance schools shall be funded at the
15 dropout prevention program weight pursuant to s. 236.081 and
16 may receive school safety funds or other funds as appropriate.

17 Section 3. Section 231.085, Florida Statutes, is
18 amended to read:

19 231.085 Duties of principals.--A district school board
20 shall employ, through written contract, public school
21 principals who shall supervise the operation and management of
22 the schools and property as the board determines necessary.
23 Each principal shall perform such duties as may be assigned by
24 the superintendent pursuant to the rules of the school board.
25 Such rules shall include, but not be limited to, rules
26 relating to administrative responsibility, instructional
27 leadership of the educational program of the school to which
28 the principal is assigned, submission of personnel
29 recommendations to the superintendent, administrative
30 responsibility for records and reports, administration of
31 corporal punishment, and student suspension. Each principal

1 shall provide leadership in the development or revision and
2 implementation of a school improvement plan pursuant to s.
3 230.23(16). Each principal must make the necessary provisions
4 to ensure that all school reports are accurate and timely, and
5 must provide the necessary training opportunities for staff to
6 accurately report attendance, FTE program participation,
7 student performance, teacher appraisal, and school safety and
8 discipline data.

9 Section 4. Paragraph (a) of subsection (5) of section
10 231.17, Florida Statutes, 1998 Supplement, is amended to read:

11 231.17 Official statements of eligibility and
12 certificates granted on application to those meeting
13 prescribed requirements.--

14 (5) MINIMUM COMPETENCIES FOR PROFESSIONAL
15 CERTIFICATE.--

16 (a) The state board must specify, by rule, the minimum
17 essential competencies that educators must possess and
18 demonstrate in order to qualify to teach students the
19 standards of student performance adopted by the state board.
20 The minimum competencies must include but are not limited to
21 the ability to:

- 22 1. Write in a logical and understandable style with
23 appropriate grammar and sentence structure.
- 24 2. Read, comprehend, and interpret professional and
25 other written material.
- 26 3. Comprehend and work with fundamental mathematical
27 concepts.
- 28 4. Recognize signs of severe emotional distress in
29 students and apply techniques of crisis intervention with an
30 emphasis on suicide prevention and positive emotional
31 development.

1 5. Recognize signs of alcohol and drug abuse in
2 students and apply counseling techniques with emphasis on
3 intervention and prevention of future abuse.

4 6. Recognize the physical and behavioral indicators of
5 child abuse and neglect, know rights and responsibilities
6 regarding reporting, know how to care for a child's needs
7 after a report is made, and know recognition, intervention,
8 and prevention strategies pertaining to child abuse and
9 neglect which can be related to children in a classroom
10 setting in a nonthreatening, positive manner.

11 7. Comprehend patterns of physical, social, and
12 academic development in students, including exceptional
13 students in the regular classroom, and counsel these students
14 concerning their needs in these areas.

15 8. Recognize and be aware of the instructional needs
16 of exceptional students.

17 9. Comprehend patterns of normal development in
18 students and employ appropriate intervention strategies for
19 disorders of development.

20 10. Identify and comprehend the codes and standards of
21 professional ethics, performance, and practices adopted
22 pursuant to s. 231.546(2)(b), the grounds for disciplinary
23 action provided by s. 231.28, and the procedures for resolving
24 complaints filed pursuant to this chapter, including appeal
25 processes.

26 11. Recognize and demonstrate awareness of the
27 educational needs of students who have limited proficiency in
28 English and employ appropriate teaching strategies.

29 12. Use appropriate technology in teaching and
30 learning processes.

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1 13. Use assessment strategies to assist the continuous
2 development of the learner.

3 14. Use teaching and learning strategies that include
4 considering each student's culture, learning styles, special
5 needs, and socioeconomic background.

6 15. Demonstrate knowledge and understanding of the
7 subject matter that is aligned with the subject knowledge and
8 skills specified in the student performance standards approved
9 by the state board.

10 16. Demonstrate knowledge and skill in managing
11 student behavior inside and outside a classroom setting. Such
12 knowledge and skill must include techniques for preventing and
13 effectively intervening in incidents of disruptive or violent
14 behavior.

15 17. Recognize the early signs of truancy in students
16 and identify effective interventions to avoid or resolve
17 nonattendance behavior.

18 Section 5. Section 232.001, Florida Statutes, is
19 created to read:

20 232.001 Pilot projects.--It is the purpose of this
21 section to authorize the Manatee County District School Board
22 and two other district school boards to implement pilot
23 projects that raise the compulsory age of attendance for
24 children from the age of 16 years to 18 years. The pilot
25 project applies to each child who has not attained the age of
26 16 years by September 30 of the school year in which a school
27 board policy is adopted.

28 (1) Beginning July 1, 1999, the Manatee County
29 District School Board and each of the district school boards
30 in two other school districts as identified in the General
31 Appropriations Act may implement a pilot project consistent

1 with policy adopted by each of the school boards to raise the
2 compulsory age of attendance for children from the age of 16
3 years to 18 years.

4 (2) Before the beginning of the school year, each
5 district school board that chooses to participate in the pilot
6 project must adopt a policy for raising the compulsory age of
7 attendance for children from the age of 16 years to 18 years.

8 (a) Before the adoption of the policy, each district
9 school board must provide a notice of intent to adopt a policy
10 to raise the compulsory age of attendance for children from
11 the age of 16 years to 18 years. The notice must be provided
12 to the parent or legal guardian of each child who is the age
13 of 15 years and who is enrolled in a school in the district.

14 (b) Within 2 weeks after adoption of the school board
15 policy, each district school board must provide notice of the
16 policy to the parent or legal guardian of each child who is
17 the age of 15 years and who is enrolled in a school in the
18 district. The notice must also provide information related to
19 the penalties for refusing or failing to comply with the
20 compulsory attendance requirements and information on
21 alternative education programs offered within the school
22 district.

23 (3) All state laws and State Board of Education rules
24 related to students subject to compulsory school attendance
25 apply to a district school board that chooses to participate
26 in a pilot project. Notwithstanding the provisions of s.
27 232.01, the formal declaration of intent to terminate school
28 enrollment does not apply to a district school board that
29 chooses to participate in a pilot project.

30 (4) Each district school board that chooses to
31 participate in the pilot project must evaluate the effect of

1 the adopted school board policy for raising the compulsory age
2 of attendance on school attendance and the school district's
3 dropout rate, as well as the costs associated with the pilot
4 project. Each school district shall report the findings to the
5 President of the Senate, the Speaker of the House of
6 Representatives, the minority leader of each house, the
7 Governor, and the Commissioner of Education not later than
8 August 1 following each year that the pilot project is in
9 operation.

10 Section 6. Section 232.17, Florida Statutes, 1998
11 Supplement, is amended to read:

12 232.17 Enforcement of school attendance.--The
13 Legislature finds that poor academic performance is associated
14 with nonattendance and that schools must take an active role
15 in enforcing attendance as a means of improving the
16 performance of many students. It is the policy of the state
17 that the superintendent of each school district be responsible
18 for enforcing school attendance of all children and youth
19 subject to the compulsory school age in the school district.
20 The responsibility includes recommending to the school board
21 policies and procedures to ensure that schools respond in a
22 timely manner to every absence of students enrolled in the
23 schools. School board policies must require each parent or
24 guardian of a student to justify each absence of the student,
25 and that justification will be evaluated based on adopted
26 school board policies that define excused and unexcused
27 absences. The policies must provide that schools track excused
28 and unexcused absences and contact the home in the case of
29 absence from school to prevent the development of patterns of
30 nonattendance. The Legislature finds that early intervention
31 in school attendance matters is the most effective way of

1 producing good attendance habits that will lead to improved
2 student learning and achievement. Each public school shall
3 implement the following steps to enforce regular school
4 attendance:

5 (1) CONTACT, REFER, AND ENFORCE.--

6 (a) Upon each absence, the school principal or his or
7 her designee shall contact the home to determine the reason
8 for the absence. If the absence is an excused absence, as
9 defined by school board policy, the school shall provide
10 opportunities for the student to make up assigned work and not
11 receive an academic penalty unless the work is not made up
12 within a reasonable time.

13 (b) If a student has had at least five absences within
14 a calendar month or ten absences within a 90 day period, the
15 student's primary teacher shall report to the school principal
16 or his or her designee that the student may be exhibiting a
17 pattern of nonattendance. The principal shall, unless there is
18 clear evidence that the absences are not a pattern of
19 nonattendance, refer the case to the school's child study team
20 to determine if early patterns of truancy are developing. If
21 the child study team finds that a pattern of nonattendance is
22 developing, whether the absences are excused or not, a meeting
23 with the parent must be scheduled to identify potential
24 remedies.

25 (c) If an initial meeting does not resolve the
26 problem, the child study team shall implement interventions
27 that best address the problem. The interventions may include,
28 but need not be limited to:

29 1. Frequent communication between the teacher and the
30 family;

31 2. Changes in the learning environment;

- 1 3. Mentoring;
- 2 4. Student counseling;
- 3 5. Tutoring, including peer tutoring;
- 4 6. Placement into different classes;
- 5 7. Evaluation for alternative education programs;
- 6 8. Attendance contracts;
- 7 9. Referral to other agencies for family services; or
- 8 10. Other interventions.

9 (d) The child study team shall be diligent in
10 facilitating intervention services and shall report the case
11 to the superintendent only when all reasonable efforts to
12 resolve the nonattendance behavior are exhausted.

13 (e) If the parent, guardian, or other person in charge
14 of the child refuses to participate in the remedial strategies
15 because he or she believes that those strategies are
16 unnecessary or inappropriate, the parent, guardian, or other
17 person in charge of the child may appeal to the school board.
18 The school board shall provide a hearing officer and the
19 hearing officer shall make the final determination for the
20 board. If the determination is that the strategies of the
21 child study team are appropriate, and the parent, guardian, or
22 other person in charge of the child still refuses to
23 participate or cooperate, the superintendent may seek criminal
24 prosecution for noncompliance with compulsory school
25 attendance.

26 (f) If the parent, guardian, or other person in charge
27 of the child reports to the child study team or other
28 designated school representative that the child subject to
29 compulsory school attendance is ungovernable and will not
30 comply with attempts to enforce school attendance, then the
31 superintendent shall file a child-in-need-of-services petition

1 or family-in-need-of-services petition seeking services from
2 the Department of Juvenile Justice and a court order to attend
3 school. The superintendent shall provide evidence to the court
4 that the school system is prepared to provide a learning
5 environment for the student that is responsive to the
6 student's learning needs and that all reasonable efforts to
7 resolve the nonattendance behavior have been exhausted. The
8 court may enforce a contempt of court order if the child
9 refuses to comply.~~Pursuant to procedures established by the~~
10 ~~district school board, a designated school representative must~~
11 ~~complete activities designed to determine the cause and~~
12 ~~attempt the remediation of truant behavior, as provided in~~
13 ~~this section.~~

14 ~~(1) INVESTIGATE NONENROLLMENT AND UNEXCUSED~~
15 ~~ABSENCES.--A designated school representative shall~~
16 ~~investigate cases of nonenrollment and unexcused absences from~~
17 ~~school of all children subject to compulsory school~~
18 ~~attendance.~~

19 (2) GIVE WRITTEN NOTICE.--

20 (a) Under the direction of the superintendent, a
21 designated school representative shall give written notice, in
22 person or by return-receipt mail, to the parent, guardian, or
23 other person having control when no valid reason is found for
24 a child's nonenrollment in school which requires ~~or when the~~
25 ~~child has a minimum of 3 but fewer than 6 unexcused absences~~
26 ~~within 90 calendar days, requiring~~ enrollment or attendance
27 within 3 days after the date of notice. If the notice and
28 requirement are ignored, the designated school representative
29 shall report the case to the superintendent, and ~~may refer the~~
30 ~~case to the case staffing committee, established pursuant to~~
31 ~~s. 984.12, if the conditions of s. 232.19(3) have been met.~~

1 the superintendent shall ~~may~~ take such steps as are necessary
2 to bring criminal prosecution against the parent, guardian, or
3 other person having control.

4 (b) The superintendent or his or her designee shall
5 give written notice in person or by return-receipt mail to the
6 parent, guardian, or other person in charge of the child that
7 criminal prosecution is being sought for nonattendance.

8 (3) RETURN CHILD TO PARENT.--A designated school
9 representative shall visit the home or place of residence of a
10 child and any other place in which he or she is likely to find
11 any child who is required to attend school when such child is
12 not enrolled or is absent from school during school hours
13 without an excuse, and, when the child is found, shall return
14 the child to his or her parent or to the principal or teacher
15 in charge of the school, or to the private tutor from whom
16 absent, or to the juvenile assessment center or other location
17 established by the school board to receive students who are
18 absent from school. Upon receipt of the student, the parent
19 shall be immediately notified.

20 (4) REPORT TO THE DIVISION OF JOBS AND BENEFITS.--A
21 designated school representative shall report to the Division
22 of Jobs and Benefits of the Department of Labor and Employment
23 Security or to any person acting in similar capacity who may
24 be designated by law to receive such notices, all violations
25 of the Child Labor Law that may come to his or her knowledge.

26 (5) RIGHT TO INSPECT.--A designated school
27 representative shall have the same right of access to, and
28 inspection of, establishments where minors may be employed or
29 detained as is given by law to the Division of Jobs and
30 Benefits only for the purpose of ascertaining whether children
31 of compulsory school age are actually employed there and are

1 actually working there regularly. The designated school
2 representative shall, if he or she finds unsatisfactory
3 working conditions or violations of the Child Labor Law,
4 report his or her findings to the Division of Jobs and
5 Benefits or its agents.

6 (6) RESUMING SERIES.--If a child repeats a pattern of
7 nonattendance within one school year, the designated school
8 representative shall resume the series of escalating
9 activities at the point at which he or she had previously left
10 off.

11 Section 7. Subsection (3) of section 232.19, Florida
12 Statutes, 1998 Supplement, is amended to read:

13 232.19 Court procedure and penalties.--The court
14 procedure and penalties for the enforcement of the provisions
15 of this chapter, relating to compulsory school attendance,
16 shall be as follows:

17 (3) HABITUAL TRUANCY CASES.--In accordance with
18 procedures established by the district school board, the
19 designated school representative shall refer a student who is
20 habitually truant and the student's family to the
21 children-in-need-of-services and families-in-need-of-services
22 provider or the case staffing committee, established pursuant
23 to s. 984.12, as determined by the cooperative agreement
24 required in this section. The case staffing committee may
25 request the Department of Juvenile Justice or its designee to
26 file a child-in-need-of-services petition based upon the
27 report and efforts of the school district or other community
28 agency or may seek to resolve the truant behavior through the
29 school or community-based organizations or agencies. Prior to
30 and subsequent to the filing of a child-in-need-of-services
31 petition due to habitual truancy, the appropriate governmental

1 agencies must allow a reasonable time to complete actions
2 required by this subsection to remedy the conditions leading
3 to the truant behavior. However, a court order requiring
4 school attendance shall be obtained as a necessary part of
5 such services.~~The following criteria must be met and~~
6 ~~documented in writing~~ Prior to the filing of a petition, the
7 school district must have complied with the requirements of s.
8 232.17, and those efforts must have been unsuccessful.~~+~~

9 ~~(a) The child must have 15 unexcused absences within~~
10 ~~90 calendar days with or without the knowledge or consent of~~
11 ~~the child's parent or legal guardian, must be subject to~~
12 ~~compulsory school attendance, and must not be exempt under s.~~
13 ~~232.06, s. 232.09, or any other exemption specified by law or~~
14 ~~the rules of the State Board of Education.~~

15 ~~(b) In addition to the actions described in s. 232.17,~~
16 ~~the school administration must have completed the following~~
17 ~~activities to determine the cause, and to attempt the~~
18 ~~remediation, of the child's truant behavior.~~~~+~~

19 ~~1. After a minimum of 3 and prior to 6 unexcused~~
20 ~~absences within 90 calendar days, one or more meetings must~~
21 ~~have been held, either in person or by phone, between a~~
22 ~~designated school representative, the child's parent or~~
23 ~~guardian, and the child, if necessary, to report and to~~
24 ~~attempt to solve the truancy problem. However, if the~~
25 ~~designated school representative has documented the refusal of~~
26 ~~the parent or guardian to participate in the meetings, this~~
27 ~~requirement has been met.~~

28 ~~2. Educational counseling must have been provided to~~
29 ~~determine whether curriculum changes would help solve the~~
30 ~~truancy problem, and, if any changes were indicated, such~~
31 ~~changes must have been instituted but proved unsuccessful in~~

1 ~~remedying the truant behavior. Such curriculum changes may~~
2 ~~include enrollment of the child in a dropout prevention~~
3 ~~program that meets the specific educational and behavioral~~
4 ~~needs of the child, including a second chance school, as~~
5 ~~provided for in s. 230.2316, designed to resolve truant~~
6 ~~behavior.~~

7 ~~3. Educational evaluation, which may include~~
8 ~~psychological evaluation, must have been provided to assist in~~
9 ~~determining the specific condition, if any, that is~~
10 ~~contributing to the child's nonattendance. The evaluation~~
11 ~~must have been supplemented by specific efforts by the school~~
12 ~~to remedy any diagnosed condition.~~

13
14 ~~If a child who is subject to compulsory school attendance is~~
15 ~~responsive to the interventions described in this paragraph~~
16 ~~and has completed the necessary requirements to pass the~~
17 ~~current grade as indicated in the district pupil progression~~
18 ~~plan, the child shall be passed.~~

19 Section 8. Subsection (3) of section 232.26, Florida
20 Statutes, is amended to read:

21 232.26 Authority of principal.--

22 (3) A pupil may be disciplined or expelled for
23 unlawful possession or use of any substance controlled under
24 chapter 893 ~~upon the third violation of this provision.~~

25 Section 9. Subsection (1), paragraph (b) of subsection
26 (3), paragraph (b) of subsection (4), and paragraphs (a) and
27 (b) of subsection (5) of section 240.529, Florida Statutes,
28 are amended to read:

29 240.529 Public accountability and state approval for
30 teacher preparation programs.--

31

1 (1) INTENT.--The Legislature recognizes that skilled
2 teachers make the most important contribution to a quality
3 educational system and that competent teachers are produced by
4 effective and accountable teacher preparation programs. The
5 intent of the Legislature is to establish a system for
6 development and approval of teacher preparation programs that
7 will free postsecondary teacher preparation institutions to
8 employ varied and innovative teacher preparation techniques
9 while being held accountable for producing teachers with the
10 competencies and skills for achieving the state education
11 goals of helping students meet high standards for student
12 achievement, providing safe and secure classroom learning
13 environments,and sustaining the state system of school
14 improvement and education accountability established pursuant
15 to ss. 229.591, 229.592, and 229.593.

16 (3) INITIAL STATE PROGRAM APPROVAL.--

17 (b) Each teacher preparation program approved by the
18 Department of Education, as provided for by this section,
19 shall require one of the following as a prerequisite for
20 admission into the program:

21 1. That a student receive a passing score at the 50th
22 ~~40th~~ percentile or above, as established by state board rule,
23 on a nationally standardized college entrance examination;

24 2. That a student have a grade point average of at
25 least 2.5 on a 4.0 scale for the general education component
26 of undergraduate studies; or

27 3. That a student have completed the requirements for
28 a baccalaureate degree from any college or university
29 accredited by a regional accrediting association as defined by
30 state board rule.

31

1 The State Board of Education shall provide by rule for a
2 waiver of these requirements. The rule shall require that 90
3 percent of those admitted to each teacher education program
4 meet the requirements of this paragraph.

5 (4) CONTINUED PROGRAM APPROVAL.--Notwithstanding
6 subsection (3), failure by a public or nonpublic teacher
7 preparation program to meet the criteria for continued program
8 approval shall result in loss of program approval. The
9 Department of Education, in collaboration with the departments
10 and colleges of education, shall develop procedures for
11 continued program approval which document the continuous
12 improvement of program processes and graduates' performance.

13 (b) Additional criteria for continued program approval
14 for public institutions may be developed by the Education
15 Standards Commission and approved by the State Board of
16 Education. Such criteria must emphasize outcome measures of
17 student performance in the areas of classroom management and
18 improving the performance of students who have traditionally
19 failed to meet student achievement goals and have been
20 overrepresented in school suspensions and other disciplinary
21 actions,and may include, but need not be limited to, program
22 graduates' satisfaction with training and the unit's
23 responsiveness to local school districts. Additional criteria
24 for continued program approval for nonpublic institutions
25 shall be developed in the same manner as for public
26 institutions; however, such criteria must be based upon
27 significant, objective, and quantifiable graduate performance
28 measures. Responsibility for collecting data on outcome
29 measures through survey instruments and other appropriate
30 means shall be shared by the institutions of higher education,
31 the Board of Regents, the State Board of Independent Colleges

1 and Universities, and the Department of Education. By January
2 1 of each year, the Department of Education, in cooperation
3 with the Board of Regents and the State Board of Independent
4 Colleges and Universities, shall report this information for
5 each postsecondary institution that has state-approved
6 programs of teacher education to the Governor, the
7 Commissioner of Education, the Chancellor of the State
8 University System, the President of the Senate, the Speaker of
9 the House of Representatives, all Florida postsecondary
10 teacher preparation programs, and interested members of the
11 public. This report must analyze the data and make
12 recommendations for improving teacher preparation programs in
13 the state.

14 (5) PRESERVICE FIELD EXPERIENCE.--All postsecondary
15 instructors, school district personnel and instructional
16 personnel, and school sites preparing instructional personnel
17 through preservice field experience courses and internships
18 shall meet special requirements.

19 (a) All instructors in postsecondary teacher
20 preparation programs who instruct or supervise preservice
21 field experience courses or internships shall have at least
22 one of the following: specialized training in clinical
23 supervision; a valid professional teaching certificate
24 pursuant to ss. 231.17 and 231.24; or at least 3 years of
25 successful teaching experience in prekindergarten through
26 grade 12; ~~or a commitment to spend periods of time specified~~
27 ~~by State Board of Education rule teaching in the public~~
28 ~~schools.~~

29 (b) All school district personnel and instructional
30 personnel who supervise or direct teacher preparation students
31 during field experience courses or internships must have

1 evidence of "clinical educator" training, successfully
2 demonstrated effective classroom management strategies, and
3 consistently improved student performance. The Education
4 Standards Commission shall recommend, and the state board
5 shall approve, the training requirements.

6 Section 10. Subsection (29) of section 984.03, Florida
7 Statutes, 1998 Supplement, is amended to read:

8 984.03 Definitions.--When used in this chapter, the
9 term:

10 (29) "Habitually truant" means that:

11 (a) The child has 15 unexcused absences within 90
12 calendar days with or without the knowledge or justifiable
13 consent of the child's parent or legal guardian, is subject to
14 compulsory school attendance under s. 232.01, and is not
15 exempt under s. 232.06, s. 232.09, or any other exemptions
16 specified by law or the rules of the State Board of Education.

17 (b) ~~Escalating~~ Activities to determine the cause, and
18 to attempt the remediation, of the child's truant behavior
19 under ss. 232.17 and 232.19 have been completed.

20
21 If a child who is subject to compulsory school attendance is
22 responsive to the interventions described in ss. 232.17 and
23 232.19 and has completed the necessary requirements to pass
24 the current grade as indicated in the district pupil
25 progression plan, the child shall not be determined to be
26 habitually truant and shall be passed. If a child within the
27 compulsory school attendance age has 15 unexcused absences
28 within 90 calendar days or fails to enroll in school, the
29 State Attorney shall ~~may~~ file a child-in-need-of-services
30 petition unless. ~~Prior to filing a petition, the child must~~
31 ~~be referred to the appropriate agency for evaluation after~~

1 consulting with the evaluating agency, the State Attorney
2 determines that another alternative placement is preferable
3 ~~may elect to file a child-in-need-of-services petition.~~

4 (c) A school representative, designated according to
5 school board policy, and a juvenile probation officer of the
6 Department of Juvenile Justice have jointly investigated the
7 truancy problem or, if that was not feasible, have performed
8 separate investigations to identify conditions that may be
9 contributing to the truant behavior; and if, after a joint
10 staffing of the case to determine the necessity for services,
11 such services were determined to be needed, the persons who
12 performed the investigations met jointly with the family and
13 child to discuss any referral to appropriate community
14 agencies for economic services, family or individual
15 counseling, or other services required to remedy the
16 conditions that are contributing to the truant behavior.

17 (d) The failure or refusal of the parent or legal
18 guardian or the child to participate, or make a good faith
19 effort to participate, in the activities prescribed to remedy
20 the truant behavior, or the failure or refusal of the child to
21 return to school after participation in activities required by
22 this subsection, or the failure of the child to stop the
23 truant behavior after the school administration and the
24 Department of Juvenile Justice have worked with the child as
25 described in s. 232.19(3) and (4) shall be handled as
26 prescribed in s. 232.19.

27 Section 11. This act shall take effect upon becoming a
28 law.

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SENATE SUMMARY

Revises procedures related to the enforcement of school attendance and the handling of habitual truants. Revises provisions relating to school safety and discipline, dropout prevention, habitual truancy of pupils, and professional competency. Establishes priorities for students at risk of dropping out of school. Revises duties and authority of principals. Revises requirements for teacher preparation programs. Expresses legislative intent relating to academic performance and nonattendance. Creates pilot projects. (See bill for details.)