

By the Committee on Education and Senators Lee, Hargrett and Webster

304-1952-99

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 to  
29          raise the compulsory age of attendance for  
30          children; providing requirements for the school  
31          board if it chooses to participate in the pilot

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

1 truancy petitions; 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 authorizing superintendents to file truancy  
6 petitions; requiring that a court order for  
7 school attendance be obtained as a part of  
8 services; revising the requirements that must  
9 be met prior to filing a petition; amending s.  
10 232.26, F.S.; removing a limitation on the  
11 principal's authority to discipline or expel  
12 pupils for unlawful possession or use of  
13 controlled substances under chapter 893, F.S.;  
14 amending s. 236.081, F.S.; amending procedures  
15 that must be followed in determining the annual  
16 allocation to each school district for  
17 operation; requiring the average daily  
18 attendance of the student membership to be  
19 calculated by school and by district; amending  
20 s. 240.529, F.S.; providing additional  
21 legislative intent related to teacher  
22 preparation programs; providing the criteria  
23 for continued program approval; providing for  
24 the requirements for instructors in  
25 postsecondary teacher preparation programs who  
26 instruct or supervise preservice field  
27 experience courses or internships; eliminating  
28 the requirement related to a commitment to  
29 teaching in the public schools for a period of  
30 time; providing additional requirements for  
31 school district and instructional personnel who

1 supervise or direct certain teacher preparation  
2 students; amending s. 984.03, F.S.; redefining  
3 the term "habitual truant"; requiring the state  
4 attorney to file a child-in-need-of-services  
5 petition in certain circumstances; eliminating  
6 the requirement for referral for evaluation;  
7 defining the term "truancy petition"; requiring  
8 the appropriate jurisdictional agency to file a  
9 petition; creating s. 984.151, F.S.; providing  
10 procedures for truancy petitions; providing for  
11 truancy hearings and penalties; providing an  
12 effective date.

13

14 WHEREAS, the voters of the State of Florida, in the  
15 1998 General Election, amended Article IX, section 1, of the  
16 Florida Constitution to state that, "Adequate provision shall  
17 be made by law for a ...safe, secure, and high quality system  
18 of free public schools..." and

19 WHEREAS, House Bill 1309, a comprehensive school safety  
20 and discipline package, was enacted by the Legislature in the  
21 1997 Session, addressing dropouts, habitual truancy, zero  
22 tolerance for crime, drugs, alcohol, and weapons, alternative  
23 placement of disruptive students, and cooperative agreements  
24 with local law enforcement for crime reporting, and

25 WHEREAS, the Legislature annually provides for  
26 safe-schools appropriations to be used for after school  
27 programs for middle school students, alternative programs for  
28 adjudicated youth, school resource officers, and conflict  
29 resolution strategies, and

30 WHEREAS, the enhancement of school safety should be  
31 measured as an element of school performance and

1 accountability and improved crime and incident reporting, as  
2 well as a heightened emphasis on character education in the  
3 curriculum of the early grades, NOW, THEREFORE,

4  
5 Be It Enacted by the Legislature of the State of Florida:

6  
7 Section 1. Paragraph (a) of subsection (16) of section  
8 230.23, Florida Statutes, 1998 Supplement, is amended to read:

9 230.23 Powers and duties of school board.--The school  
10 board, acting as a board, shall exercise all powers and  
11 perform all duties listed below:

12 (16) IMPLEMENT SCHOOL IMPROVEMENT AND  
13 ACCOUNTABILITY.--Maintain a system of school improvement and  
14 education accountability as provided by statute and State  
15 Board of Education rule. This system of school improvement and  
16 education accountability shall be consistent with, and  
17 implemented through, the district's continuing system of  
18 planning and budgeting required by this section and ss.  
19 229.555 and 237.041. This system of school improvement and  
20 education accountability shall include, but not be limited to,  
21 the following:

22 (a) School improvement plans.--Annually approve and  
23 require implementation of a new, amended, or continuation  
24 school improvement plan for each school in the district. Such  
25 plan shall be designed to achieve the state education goals  
26 and student performance standards pursuant to ss. 229.591(3)  
27 and 229.592. Beginning in 1999-2000, each plan shall also  
28 address issues relative to budget, training, instructional  
29 materials, technology, staffing, student support services,  
30 specific school safety and discipline strategies, and other

31

1 matters of resource allocation, as determined by school board  
2 policy.

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

5 230.2316 Dropout prevention.--

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

7 (a) The priorities for districts projecting FTE for  
8 dropout prevention programs, other than those serving students  
9 in residential and nonresidential programs operated or  
10 contracted by the Department of Juvenile Justice, must be as  
11 follows:

12 1. The first priority must be to address students who  
13 are at risk of dropping out due to repeated disruptive  
14 behavior, violent behavior, or delinquent behavior. The school  
15 district must include, as an indicator of need, recommended  
16 strategies to reduce disruptive and violent behavior as  
17 identified in school improvement plans. School districts must  
18 project the number of FTE's for which alternatives are  
19 required as a solution. It is the intent of the Legislature  
20 to fund these FTE's prior to those projected in dropout  
21 prevention for other purposes.

22 2. The second priority must be to implement intensive  
23 instruction programs within alternative settings for students  
24 who fail to meet promotion requirements and require either  
25 intensive instruction in selected subject areas or a more  
26 structured learning environment in order to achieve  
27 satisfactorily.

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

31

1           **(b)**~~(a)~~ Dropout prevention programs shall differ from  
2 traditional education programs and schools in scheduling,  
3 administrative structure, philosophy, curriculum, or setting  
4 and shall employ alternative teaching methodologies,  
5 curricula, learning activities, and ~~or~~ diagnostic and  
6 assessment procedures in order to meet the needs, interests,  
7 abilities, and talents of eligible students. The educational  
8 program shall provide curricula, character education, and  
9 related services which support the program goals and lead to  
10 completion of a high school diploma. Student participation in  
11 such programs shall be voluntary. Districts may, however,  
12 assign students to a program for disruptive students. The  
13 minimum period of time during which the student participates  
14 in the program shall be equivalent to two instructional  
15 periods per day unless the program utilizes a student support  
16 and assistance component rather than regularly scheduled  
17 courses.

18           **(c)**~~(b)~~ Students in grades 1-12 ~~4-12~~ shall be eligible  
19 for dropout prevention programs. Eligible dropout prevention  
20 students shall be reported for dropout prevention full-time  
21 equivalent student membership in the Florida Education Finance  
22 Program in standard dropout prevention classes or student  
23 support and assistance components which provide academic  
24 assistance and coordination of support services to students  
25 enrolled full time in a regular classroom. The student support  
26 and assistance component shall include auxiliary services  
27 provided to students or teachers, or both. Students  
28 participating in this model shall generate funding only for  
29 the time that they receive extra services or auxiliary help.

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

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

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

9           3. The student has been identified as a potential  
10 school dropout by student services personnel using district  
11 criteria. District criteria that are used as a basis for  
12 student referral to an educational alternatives program shall  
13 identify specific student performance indicators that the  
14 educational alternative program seeks to address.

15           4. The student has documented drug-related or  
16 alcohol-related problems, or has immediate family members with  
17 documented drug-related or alcohol-related problems that  
18 adversely affect the student's performance in school.

19           5. The student has a history of disruptive behavior in  
20 school or has committed an offense that warrants out-of-school  
21 suspension or expulsion from school according to the district  
22 code of student conduct. For the purposes of this program,  
23 "disruptive behavior" is behavior that:

24           a. Interferes with the student's own learning or the  
25 educational process of others and requires attention and  
26 assistance beyond that which the traditional program can  
27 provide or results in frequent conflicts of a disruptive  
28 nature while the student is under the jurisdiction of the  
29 school either in or out of the classroom; or

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



1           6. The student is assigned to a program provided  
2 pursuant to chapter 39, chapter 984, or chapter 985 which is  
3 sponsored by a state-based or community-based agency or is  
4 operated or contracted for by the Department of Children and  
5 Family Services or the Department of Juvenile Justice.

6           ~~(e)(d)~~1. "Second chance schools" means school district  
7 programs provided through cooperative agreements between the  
8 Department of Juvenile Justice, private providers, state or  
9 local law enforcement agencies, or other state agencies for  
10 students who have been disruptive or violent or who have  
11 committed serious offenses. As partnership programs, second  
12 chance schools are eligible for waivers by the Commissioner of  
13 Education from chapters 230-235 and 239 and State Board of  
14 Education rules that prevent the provision of appropriate  
15 educational services to violent, severely disruptive, or  
16 delinquent students in small nontraditional settings or in  
17 court-adjudicated settings.

18           2. School districts seeking to enter into a  
19 partnership with a private entity to operate a second chance  
20 school for disruptive students may apply to the Department of  
21 Education for start-up grants from the Department of  
22 Education. These grants must be available for 1 year and must  
23 be used to offset the start-up costs for implementing such  
24 programs off public school campuses. General operating funds  
25 must be generated through the appropriate programs of the  
26 Florida Education Finance Program. Grants approved under this  
27 program shall be for the full operation of the school by a  
28 private nonprofit or for-profit provider. This program must  
29 operate under rules adopted by the Department of Education and  
30 must be implemented to the extent funded by the Legislature.

31

1           ~~3.2.~~ A student enrolled in a sixth, seventh, eighth,  
2 ninth, or tenth grade class may be assigned to a second chance  
3 school if the student meets the following criteria:

4           a. The student is a habitual truant as defined in s.  
5 228.041(28).

6           b. The student's excessive absences have detrimentally  
7 affected the student's academic progress and the student may  
8 have unique needs that a traditional school setting may not  
9 meet.

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

12          d. The student has been identified as at risk of  
13 dropping out of school.

14           ~~4.3.~~ A student who is habitually truant may be  
15 assigned to a second chance school only if the case staffing  
16 committee, established pursuant to s. 984.12, determines that  
17 such placement could be beneficial to the student and the  
18 criteria included in subparagraph 2. are met.

19           ~~5.4.~~ A student may be assigned to a second chance  
20 school if the school district in which the student resides has  
21 a second chance school and if the student meets one of the  
22 following criteria:

23           a. The student habitually exhibits disruptive behavior  
24 in violation of the code of student conduct adopted by the  
25 school board.

26           b. The student interferes with the student's own  
27 learning or the educational process of others and requires  
28 attention and assistance beyond that which the traditional  
29 program can provide, or, while the student is under the  
30 jurisdiction of the school either in or out of the classroom,  
31 frequent conflicts of a disruptive nature occur.

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

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

7           (II) Includes violence;

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

9           (IV) Is harassment or verbal abuse of school personnel  
10 or other students.

11           ~~6.5.~~ Prior to assignment of students to second chance  
12 schools, school boards are encouraged to use alternative  
13 programs, such as in-school suspension, which provide  
14 instruction and counseling leading to improved student  
15 behavior, a reduction in the incidence of truancy, and the  
16 development of more effective interpersonal skills.

17           ~~7.6.~~ Students assigned to second chance schools must  
18 be evaluated by the school's local child study team before  
19 placement in a second chance school. The study team shall  
20 ensure that students are not eligible for placement in a  
21 program for emotionally disturbed children.

22           ~~8.7.~~ Students who exhibit academic and social progress  
23 and who wish to return to a traditional school shall complete  
24 a character-education program and demonstrate preparedness to  
25 reenter the regular school setting ~~be evaluated by school~~  
26 ~~district personnel~~ prior to reentering a traditional school.

27           ~~9.8.~~ Second chance schools shall be funded at the  
28 dropout prevention program weight pursuant to s. 236.081 and  
29 may receive school safety funds or other funds as appropriate.

30           Section 3. Section 231.085, Florida Statutes, is  
31 amended to read:

1           231.085 Duties of principals.--A district school board  
2 shall employ, through written contract, public school  
3 principals who shall supervise the operation and management of  
4 the schools and property as the board determines necessary.  
5 Each principal shall perform such duties as may be assigned by  
6 the superintendent pursuant to the rules of the school board.  
7 Such rules shall include, but not be limited to, rules  
8 relating to administrative responsibility, instructional  
9 leadership of the educational program of the school to which  
10 the principal is assigned, submission of personnel  
11 recommendations to the superintendent, administrative  
12 responsibility for records and reports, administration of  
13 corporal punishment, and student suspension. Each principal  
14 shall provide leadership in the development or revision and  
15 implementation of a school improvement plan pursuant to s.  
16 230.23(16). Each principal must make the necessary provisions  
17 to ensure that all school reports are accurate and timely, and  
18 must provide the necessary training opportunities for staff to  
19 accurately report attendance, FTE program participation,  
20 student performance, teacher appraisal, and school safety and  
21 discipline data.

22           Section 4. Paragraph (a) of subsection (5) of section  
23 231.17, Florida Statutes, 1998 Supplement, is amended to read:

24           231.17 Official statements of eligibility and  
25 certificates granted on application to those meeting  
26 prescribed requirements.--

27           (5) MINIMUM COMPETENCIES FOR PROFESSIONAL  
28 CERTIFICATE.--

29           (a) The state board must specify, by rule, the minimum  
30 essential competencies that educators must possess and  
31 demonstrate in order to qualify to teach students the

1 standards of student performance adopted by the state board.  
2 The minimum competencies must include but are not limited to  
3 the ability to:  
4       1. Write in a logical and understandable style with  
5 appropriate grammar and sentence structure.  
6       2. Read, comprehend, and interpret professional and  
7 other written material.  
8       3. Comprehend and work with fundamental mathematical  
9 concepts.  
10       4. Recognize signs of severe emotional distress in  
11 students and apply techniques of crisis intervention with an  
12 emphasis on suicide prevention and positive emotional  
13 development.  
14       5. Recognize signs of alcohol and drug abuse in  
15 students and apply counseling techniques with emphasis on  
16 intervention and prevention of future abuse.  
17       6. Recognize the physical and behavioral indicators of  
18 child abuse and neglect, know rights and responsibilities  
19 regarding reporting, know how to care for a child's needs  
20 after a report is made, and know recognition, intervention,  
21 and prevention strategies pertaining to child abuse and  
22 neglect which can be related to children in a classroom  
23 setting in a nonthreatening, positive manner.  
24       7. Comprehend patterns of physical, social, and  
25 academic development in students, including exceptional  
26 students in the regular classroom, and counsel these students  
27 concerning their needs in these areas.  
28       8. Recognize and be aware of the instructional needs  
29 of exceptional students.  
30  
31

1           9. Comprehend patterns of normal development in  
2 students and employ appropriate intervention strategies for  
3 disorders of development.

4           10. Identify and comprehend the codes and standards of  
5 professional ethics, performance, and practices adopted  
6 pursuant to s. 231.546(2)(b), the grounds for disciplinary  
7 action provided by s. 231.28, and the procedures for resolving  
8 complaints filed pursuant to this chapter, including appeal  
9 processes.

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

13           12. Use appropriate technology in teaching and  
14 learning processes.

15           13. Use assessment strategies to assist the continuous  
16 development of the learner.

17           14. Use teaching and learning strategies that include  
18 considering each student's culture, learning styles, special  
19 needs, and socioeconomic background.

20           15. Demonstrate knowledge and understanding of the  
21 subject matter that is aligned with the subject knowledge and  
22 skills specified in the student performance standards approved  
23 by the state board.

24           16. Demonstrate knowledge and skill in managing  
25 student behavior inside and outside a classroom setting. Such  
26 knowledge and skill must include techniques for preventing and  
27 effectively intervening in incidents of disruptive or violent  
28 behavior.

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

1 Section 5. Section 232.001, Florida Statutes, is  
2 created to read:

3 232.001 Pilot project.--It is the purpose of this  
4 section to authorize the Manatee County District School Board  
5 to implement a pilot project that raises the compulsory age of  
6 attendance for children from the age of 16 years to the age of  
7 18 years. The pilot project applies to each child who has not  
8 attained the age of 16 years by September 30 of the school  
9 year in which a school board policy is adopted.

10 (1) Beginning July 1, 1999, the Manatee County  
11 District School Board may implement a pilot project consistent  
12 with policy adopted by the school board to raise the  
13 compulsory age of attendance for children from the age of 16  
14 years to the age of 18 years.

15 (2) If the district school board chooses to  
16 participate in the pilot project, the district school board  
17 must, before the beginning of the school year, adopt a policy  
18 for raising the compulsory age of attendance for children from  
19 the age of 16 years to 18 years.

20 (a) Before the adoption of the policy, the district  
21 school board must provide a notice of intent to adopt a policy  
22 to raise the compulsory age of attendance for children from  
23 the age of 16 years to the age of 18 years. The notice must be  
24 provided to the parent or legal guardian of each child who is  
25 15 years of age and who is enrolled in a school in the  
26 district.

27 (b) Within 2 weeks after adoption of the school board  
28 policy, the district school board must provide notice of the  
29 policy to the parent or legal guardian of each child who is 15  
30 years of age and who is enrolled in a school in the district.  
31 The notice must also provide information related to the

1 penalties for refusing or failing to comply with the  
2 compulsory attendance requirements and information on  
3 alternative education programs offered within the school  
4 district.

5 (3) All state laws and State Board of Education rules  
6 related to students subject to compulsory school attendance  
7 apply to the district school board if it chooses to  
8 participate in a pilot project. Notwithstanding the provisions  
9 of s. 232.01, the formal declaration of intent to terminate  
10 school enrollment does not apply to the district school board  
11 if it chooses to participate in a pilot project.

12 (4) If the district school board chooses to  
13 participate in the pilot project, the school board must  
14 evaluate the effect of its adopted policy raising the  
15 compulsory age of attendance on school attendance and on the  
16 school district's dropout rate, as well as on the costs  
17 associated with the pilot project. The school district shall  
18 report its findings to the President of the Senate, the  
19 Speaker of the House of Representatives, the minority leader  
20 of each house, the Governor, and the Commissioner of Education  
21 not later than August 1 following each year that the pilot  
22 project is in operation.

23 Section 6. Section 232.17, Florida Statutes, 1998  
24 Supplement, is amended to read:

25 232.17 Enforcement of school attendance.--The  
26 Legislature finds that poor academic performance is associated  
27 with nonattendance and that schools must take an active role  
28 in enforcing attendance as a means of improving the  
29 performance of many students. It is the policy of the state  
30 that the superintendent of each school district be responsible  
31 for enforcing school attendance of all children and youth



1 subject to the compulsory school age in the school district.  
2 The responsibility includes recommending to the school board  
3 policies and procedures to ensure that schools respond in a  
4 timely manner to every unexcused absence or absence for which  
5 the reason is unknown of students enrolled in the schools.  
6 School board policies must require each parent or guardian of  
7 a student to justify each absence of the student, and that  
8 justification will be evaluated based on adopted school board  
9 policies that define excused and unexcused absences. The  
10 policies must provide that schools track excused and unexcused  
11 absences and contact the home in the case of an unexcused  
12 absence from school or an absence from school for which the  
13 reason is unknown to prevent the development of patterns of  
14 nonattendance. The Legislature finds that early intervention  
15 in school attendance matters is the most effective way of  
16 producing good attendance habits that will lead to improved  
17 student learning and achievement. Each public school shall  
18 implement the following steps to enforce regular school  
19 attendance:

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

21 (a) Upon each unexcused absence or absence for which  
22 the reason is unknown, the school principal or his or her  
23 designee shall contact the home to determine the reason for  
24 the absence. If the absence is an excused absence, as defined  
25 by school board policy, the school shall provide opportunities  
26 for the student to make up assigned work and not receive an  
27 academic penalty unless the work is not made up within a  
28 reasonable time.

29 (b) If a student has had at least five unexcused  
30 absences or absences for which the reasons are unknown within  
31 a calendar month or ten unexcused absences or absences for

1 which the reasons are unknown within a 90-calendar-day period,  
2 the student's primary teacher shall report to the school  
3 principal or his or her designee that the student may be  
4 exhibiting a pattern of nonattendance. The principal shall,  
5 unless there is clear evidence that the absences are not a  
6 pattern of nonattendance, refer the case to the school's child  
7 study team to determine if early patterns of truancy are  
8 developing. If the child study team finds that a pattern of  
9 nonattendance is developing, whether the absences are excused  
10 or not, a meeting with the parent must be scheduled to  
11 identify potential remedies.

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

- 16 1. Frequent communication between the teacher and the  
17 family;
- 18 2. Changes in the learning environment;
- 19 3. Mentoring;
- 20 4. Student counseling;
- 21 5. Tutoring, including peer tutoring;
- 22 6. Placement into different classes;
- 23 7. Evaluation for alternative education programs;
- 24 8. Attendance contracts;
- 25 9. Referral to other agencies for family services; or
- 26 10. Other interventions.

27 (d) The child study team shall be diligent in  
28 facilitating intervention services and shall report the case  
29 to the superintendent only when all reasonable efforts to  
30 resolve the nonattendance behavior are exhausted.

31

1           (e) If the parent, guardian, or other person in charge  
2 of the child refuses to participate in the remedial strategies  
3 because he or she believes that those strategies are  
4 unnecessary or inappropriate, the parent, guardian, or other  
5 person in charge of the child may appeal to the school board.  
6 The school board may provide a hearing officer and the hearing  
7 officer shall make a recommendation for final action to the  
8 board. If the board's final determination is that the  
9 strategies of the child study team are appropriate, and the  
10 parent, guardian, or other person in charge of the child still  
11 refuses to participate or cooperate, the superintendent may  
12 seek criminal prosecution for noncompliance with compulsory  
13 school attendance.

14           (f) If the parent, guardian, or other person in charge  
15 of the child reports to the child study team or other  
16 designated school representative that the child subject to  
17 compulsory school attendance is ungovernable and will not  
18 comply with attempts to enforce school attendance, the parent  
19 or guardian or the superintendent shall file a  
20 child-in-need-of-services petition or  
21 family-in-need-of-services petition seeking services from the  
22 Department of Juvenile Justice and a court order to attend  
23 school. The superintendent shall provide evidence to the court  
24 that the school system is prepared to provide a learning  
25 environment for the student that is responsive to the  
26 student's learning needs and that all reasonable efforts to  
27 resolve the nonattendance behavior have been exhausted. The  
28 court may enforce a contempt of court order if the child  
29 refuses to comply.~~Pursuant to procedures established by the~~  
30 ~~district school board, a designated school representative must~~  
31 ~~complete activities designed to determine the cause and~~

1 ~~attempt the remediation of truant behavior, as provided in~~  
2 ~~this section.~~

3 ~~(1) INVESTIGATE NONENROLLMENT AND UNEXCUSED~~  
4 ~~ABSENCES.--A designated school representative shall~~  
5 ~~investigate cases of nonenrollment and unexcused absences from~~  
6 ~~school of all children subject to compulsory school~~  
7 ~~attendance.~~

8 (2) GIVE WRITTEN NOTICE.--

9 (a) Under the direction of the superintendent, a  
10 designated school representative shall give written notice, in  
11 person or by return-receipt mail, to the parent, guardian, or  
12 other person having control when no valid reason is found for  
13 a child's nonenrollment in school which requires ~~or when the~~  
14 ~~child has a minimum of 3 but fewer than 6 unexcused absences~~  
15 ~~within 90 calendar days, requiring enrollment or attendance~~  
16 ~~within 3 days after the date of notice. If the notice and~~  
17 ~~requirement are ignored, the designated school representative~~  
18 ~~shall report the case to the superintendent, and may refer the~~  
19 ~~case to the case staffing committee, established pursuant to~~  
20 ~~s. 984.12, if the conditions of s. 232.19(3) have been met.~~  
21 the superintendent shall ~~may~~ take such steps as are necessary  
22 to bring criminal prosecution against the parent, guardian, or  
23 other person having control.

24 (b) Subsequent to the activities required under  
25 subsection (1), the superintendent or his or her designee  
26 shall give written notice in person or by return-receipt mail  
27 to the parent, guardian, or other person in charge of the  
28 child that criminal prosecution is being sought for  
29 nonattendance. The superintendent may file a truancy petition,  
30 as defined in s. 984.03, following the procedures outlined in  
31 s. 984.151.

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

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

19           (5) RIGHT TO INSPECT.--A designated school  
20 representative shall have the same right of access to, and  
21 inspection of, establishments where minors may be employed or  
22 detained as is given by law to the Division of Jobs and  
23 Benefits only for the purpose of ascertaining whether children  
24 of compulsory school age are actually employed there and are  
25 actually working there regularly. The designated school  
26 representative shall, if he or she finds unsatisfactory  
27 working conditions or violations of the Child Labor Law,  
28 report his or her findings to the Division of Jobs and  
29 Benefits or its agents.

30           ~~(6) RESUMING SERIES.--If a child repeats a pattern of~~  
31 ~~nonattendance within one school year, the designated school~~

1 ~~representative shall resume the series of escalating~~  
2 ~~activities at the point at which he or she had previously left~~  
3 ~~off.~~

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

6 232.19 Court procedure and penalties.--The court  
7 procedure and penalties for the enforcement of the provisions  
8 of this chapter, relating to compulsory school attendance,  
9 shall be as follows:

10 (3) HABITUAL TRUANCY CASES.--The superintendent is  
11 authorized to file a truancy petition, as defined in s.  
12 984.03, following the procedures outlined in s. 984.151. If  
13 the superintendent chooses not to file a truancy petition,  
14 procedures for filing a child-in-need-of-services petition  
15 shall be commenced pursuant to this subsection.In accordance  
16 with procedures established by the district school board, the  
17 designated school representative shall refer a student who is  
18 habitually truant and the student's family to the  
19 children-in-need-of-services and families-in-need-of-services  
20 provider or the case staffing committee, established pursuant  
21 to s. 984.12, as determined by the cooperative agreement  
22 required in this section. The case staffing committee may  
23 request the Department of Juvenile Justice or its designee to  
24 file a child-in-need-of-services petition based upon the  
25 report and efforts of the school district or other community  
26 agency or may seek to resolve the truant behavior through the  
27 school or community-based organizations or agencies. Prior to  
28 and subsequent to the filing of a child-in-need-of-services  
29 petition due to habitual truancy, the appropriate governmental  
30 agencies must allow a reasonable time to complete actions  
31 required by this subsection to remedy the conditions leading

1 to the truant behavior. However, a court order requiring  
2 school attendance shall be obtained as a necessary part of  
3 such services.~~The following criteria must be met and~~  
4 ~~documented in writing~~ Prior to the filing of a petition, the  
5 school district must have complied with the requirements of s.  
6 232.17, and those efforts must have been unsuccessful.~~+~~

7 (a) ~~The child must have 15 unexcused absences within~~  
8 ~~90 calendar days with or without the knowledge or consent of~~  
9 ~~the child's parent or legal guardian, must be subject to~~  
10 ~~compulsory school attendance, and must not be exempt under s.~~  
11 ~~232.06, s. 232.09, or any other exemption specified by law or~~  
12 ~~the rules of the State Board of Education.~~

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

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

26 2. ~~Educational counseling must have been provided to~~  
27 ~~determine whether curriculum changes would help solve the~~  
28 ~~truancy problem, and, if any changes were indicated, such~~  
29 ~~changes must have been instituted but proved unsuccessful in~~  
30 ~~remedying the truant behavior. Such curriculum changes may~~  
31 ~~include enrollment of the child in a dropout prevention~~

1 ~~program that meets the specific educational and behavioral~~  
2 ~~needs of the child, including a second chance school, as~~  
3 ~~provided for in s. 230.2316, designed to resolve truant~~  
4 ~~behavior.~~

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

11  
12 ~~if a child who is subject to compulsory school attendance is~~  
13 ~~responsive to the interventions described in this paragraph~~  
14 ~~and has completed the necessary requirements to pass the~~  
15 ~~current grade as indicated in the district pupil progression~~  
16 ~~plan, the child shall be passed.~~

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

19 232.26 Authority of principal.--

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

23 Section 9. Effective July 1, 1999, paragraph (a) of  
24 subsection (1) of section 236.081, Florida Statutes, 1998  
25 Supplement, is amended to read:

26 236.081 Funds for operation of schools.--If the annual  
27 allocation from the Florida Education Finance Program to each  
28 district for operation of schools is not determined in the  
29 annual appropriations act or the substantive bill implementing  
30 the annual appropriations act, it shall be determined as  
31 follows:



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

5           (a) Determination of full-time equivalent  
6 membership.--During each of several school weeks, including  
7 scheduled intersessions of a year-round school program during  
8 the fiscal year, a program membership survey of each school  
9 shall be made by each district by aggregating the full-time  
10 equivalent student membership of each program by school and by  
11 district. The department shall establish the number and  
12 interval of membership calculations, except that for basic and  
13 special programs such calculations shall not exceed nine for  
14 any fiscal year. The district's full-time equivalent  
15 membership shall be computed and currently maintained in  
16 accordance with regulations of the commissioner. Beginning  
17 with school year 1999-2000, each school district shall also  
18 document the daily attendance of each student in membership by  
19 school and by district. An average daily attendance factor  
20 shall be computed by dividing the total daily attendance of  
21 all students by the total number of students in membership and  
22 then by the number of days in the regular school year.  
23 Beginning with school year 2001-2002, the district's full-time  
24 equivalent membership shall be adjusted by multiplying by the  
25 average daily attendance factor.

26           Section 10. Subsection (1), paragraph (b) of  
27 subsection (4), and paragraphs (a) and (b) of subsection (5)  
28 of section 240.529, Florida Statutes, 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 an ~~the most~~ important contribution to a quality  
3 ~~educational~~ system that allows students to obtain a  
4 high-quality education ~~and that competent teachers are~~  
5 ~~produced by effective and accountable teacher preparation~~  
6 ~~programs~~. The intent of the Legislature is to establish a  
7 system for development and approval of teacher preparation  
8 programs that will free postsecondary teacher preparation  
9 institutions to employ varied and innovative teacher  
10 preparation techniques while being held accountable for  
11 producing teachers with the competencies and skills for  
12 achieving the state education goals of helping students meet  
13 high standards for student achievement, providing safe and  
14 secure classroom learning environments, and sustaining the  
15 state system of school improvement and education  
16 accountability established pursuant to ss. 229.591, 229.592,  
17 and 229.593.

18           (4) CONTINUED PROGRAM APPROVAL.--Notwithstanding  
19 subsection (3), failure by a public or nonpublic teacher  
20 preparation program to meet the criteria for continued program  
21 approval shall result in loss of program approval. The  
22 Department of Education, in collaboration with the departments  
23 and colleges of education, shall develop procedures for  
24 continued program approval which document the continuous  
25 improvement of program processes and graduates' performance.

26           (b) Additional criteria for continued program approval  
27 for public institutions may be developed by the Education  
28 Standards Commission and approved by the State Board of  
29 Education. Such criteria must emphasize outcome measures of  
30 student performance in the areas of classroom management and  
31 improving the performance of students who have traditionally

1 failed to meet student achievement goals and have been  
2 overrepresented in school suspensions and other disciplinary  
3 actions,and may include, but need not be limited to, program  
4 graduates' satisfaction with training and the unit's  
5 responsiveness to local school districts. Additional criteria  
6 for continued program approval for nonpublic institutions  
7 shall be developed in the same manner as for public  
8 institutions; however, such criteria must be based upon  
9 significant, objective, and quantifiable graduate performance  
10 measures. Responsibility for collecting data on outcome  
11 measures through survey instruments and other appropriate  
12 means shall be shared by the institutions of higher education,  
13 the Board of Regents, the State Board of Independent Colleges  
14 and Universities, and the Department of Education. By January  
15 1 of each year, the Department of Education, in cooperation  
16 with the Board of Regents and the State Board of Independent  
17 Colleges and Universities, shall report this information for  
18 each postsecondary institution that has state-approved  
19 programs of teacher education to the Governor, the  
20 Commissioner of Education, the Chancellor of the State  
21 University System, the President of the Senate, the Speaker of  
22 the House of Representatives, all Florida postsecondary  
23 teacher preparation programs, and interested members of the  
24 public. This report must analyze the data and make  
25 recommendations for improving teacher preparation programs in  
26 the state.

27 (5) PRESERVICE FIELD EXPERIENCE.--All postsecondary  
28 instructors, school district personnel and instructional  
29 personnel, and school sites preparing instructional personnel  
30 through preservice field experience courses and internships  
31 shall meet special requirements.

1           (a) All instructors in postsecondary teacher  
2 preparation programs who instruct or supervise preservice  
3 field experience courses or internships shall have at least  
4 one of the following: specialized training in clinical  
5 supervision; a valid professional teaching certificate  
6 pursuant to ss. 231.17 and 231.24; or at least 3 years of  
7 successful teaching experience in prekindergarten through  
8 grade 12; ~~or a commitment to spend periods of time specified~~  
9 ~~by State Board of Education rule teaching in the public~~  
10 ~~schools.~~

11           (b) All school district personnel and instructional  
12 personnel who supervise or direct teacher preparation students  
13 during field experience courses or internships must have  
14 evidence of "clinical educator" training, successfully  
15 demonstrated effective classroom management strategies, and  
16 consistently improved student performance. The Education  
17 Standards Commission shall recommend, and the state board  
18 shall approve, the training requirements.

19           Section 11. Subsection (29) of section 984.03, Florida  
20 Statutes, 1998 Supplement, is amended, present subsection (57)  
21 of that section is redesignated as subsection (58), and a new  
22 subsection (57) is added to that section, to read:

23           984.03 Definitions.--When used in this chapter, the  
24 term:

25           (29) "Habitually truant" means that:

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

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

4  
5 If a child who is subject to compulsory school attendance is  
6 responsive to the interventions described in ss. 232.17 and  
7 232.19 and has completed the necessary requirements to pass  
8 the current grade as indicated in the district pupil  
9 progression plan, the child shall not be determined to be  
10 habitually truant and shall be passed. If a child within the  
11 compulsory school attendance age has 15 unexcused absences  
12 within 90 calendar days or fails to enroll in school, the  
13 appropriate jurisdictional agency or the State Attorney shall  
14 ~~may~~ file a child-in-need-of-services petition unless. ~~Prior~~  
15 ~~to filing a petition, the child must be referred to the~~  
16 ~~appropriate agency for evaluation. After consulting with the~~  
17 ~~evaluating agency, the State Attorney determines that another~~  
18 alternative placement is preferable ~~may elect to file a~~  
19 ~~child-in-need-of-services petition.~~

20           (c) A school representative, designated according to  
21 school board policy, and a juvenile probation officer of the  
22 Department of Juvenile Justice have jointly investigated the  
23 truancy problem or, if that was not feasible, have performed  
24 separate investigations to identify conditions that may be  
25 contributing to the truant behavior; and if, after a joint  
26 staffing of the case to determine the necessity for services,  
27 such services were determined to be needed, the persons who  
28 performed the investigations met jointly with the family and  
29 child to discuss any referral to appropriate community  
30 agencies for economic services, family or individual

31

1 counseling, or other services required to remedy the  
2 conditions that are contributing to the truant behavior.

3 (d) The failure or refusal of the parent or legal  
4 guardian or the child to participate, or make a good faith  
5 effort to participate, in the activities prescribed to remedy  
6 the truant behavior, or the failure or refusal of the child to  
7 return to school after participation in activities required by  
8 this subsection, or the failure of the child to stop the  
9 truant behavior after the school administration and the  
10 Department of Juvenile Justice have worked with the child as  
11 described in s. 232.19(3) and (4) shall be handled as  
12 prescribed in s. 232.19.

13 (57) "Truancy petition" means a petition filed by the  
14 school superintendent alleging that a student subject to  
15 compulsory school attendance has had more than 15 unexcused  
16 absences in a 90-calendar-day period. A truancy petition is  
17 filed and processed under s. 984.151.

18 Section 12. Section 984.151, Florida Statutes, is  
19 created to read:

20 984.151 Truancy petition; prosecution; disposition.--

21 (1) If the school determines that a student subject to  
22 compulsory school attendance has had more than 15 unexcused  
23 absences in a 90-calendar-day period, the superintendent may  
24 file a truancy petition.

25 (2) The petition shall be filed in the circuit where  
26 the student is enrolled in school.

27 (3) Original jurisdiction to hear a truancy petition  
28 shall be in the circuit court; however, the circuit court may  
29 use a general or special master pursuant to Supreme Court  
30 rules.

31

1           (4) The petition must contain the following: the  
2 name, age, and address of the student; the name and address of  
3 the student's parent or guardian; the school where the student  
4 is enrolled; the efforts the school has made to get the  
5 student to attend school; the number of out-of-school contacts  
6 between the school system and student's parent or guardian;  
7 and the number of days and dates of days the student has  
8 missed school. The petition shall be sworn to by the  
9 superintendent or his or her designee.

10           (5) Once the petition is filed, the court shall hear  
11 the petition within 30 days.

12           (6) The student and the student's parent or guardian  
13 shall attend the hearing.

14           (7) If the court determines that the student did miss  
15 any of the alleged days, the court shall order the student to  
16 attend school and the parent to ensure that the student  
17 attends school, and may order any of the following: the  
18 student to participate in alternative sanctions to include  
19 mandatory attendance at alternative classes to be followed by  
20 mandatory community services hours for a period up to 6  
21 months; the student and the student's parent or guardian to  
22 participate in homemaker or parent aide services; the student  
23 or the student's parent or guardian to participate in  
24 intensive crisis counseling; the student or the student's  
25 parent or guardian to participate in community mental health  
26 services if available and applicable; the student and the  
27 student's parent or guardian to participate in service  
28 provided by voluntary or community agencies as available; and  
29 the student or the student's parent or guardian to participate  
30 in vocational, job training, or employment services.

31

1           (8) If the student does not successfully complete the  
2 sanctions ordered in subsection (7), the case shall be  
3 referred to the case staffing committee under s. 984.12 with a  
4 recommendation to file a child-in-need-of-services petition  
5 under s. 984.15.

6           Section 13. This act shall take effect upon becoming a  
7 law.

8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31



1 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN  
2 COMMITTEE SUBSTITUTE FOR  
3 s2050

4 The committee substitute makes the following changes to the  
5 original bill:

6 Reduces the pilot project on compulsory school attendance to  
7 one county (Manatee County).

8 Amends s. 232.17, F.S., to specify when schools and principals  
9 must contact the home about student absences. Specifies when  
10 the primary teacher must report to the school principal about  
11 student absences.

12 Requires the parent or guardian to file a child in need of  
13 services petition or a family in need of services petition  
14 under certain circumstances.

15 Specifies when the superintendent must give written notice  
16 concerning criminal prosecution to the parent, guardian, or  
17 other person in charge of the child.

18 Allows the superintendent to file a truancy petition, using  
19 procedures established in s. 984.151, F.S.

20 Amends s. 236.081, F.S., to require, for purposes of  
21 determining the annual allocation to each school district for  
22 operations, the computation of an average daily attendance  
23 factor. Specifies the method for computation and the  
24 timeframes for documenting the daily attendance of each  
25 student by school and district and adjusting the district's  
26 FTE membership.

27 Removes the provision in the bill related to initial program  
28 approval of teacher preparation programs and rewords the  
29 legislative intent language related to the contribution of  
30 teachers.

31 Adds a definition for a truancy petition to s. 984.03, F.S.  
Creates s. 984.151, F.S., to establish procedures related to  
truancy in court and requirements and contents for truancy  
petitions. Provides for referral to the case staffing  
committee under certain circumstances and provides penalties.

Finally, the committee substitute makes a technical change for  
referral to the evaluation agency.