

By Representative Harrington

1                                   A bill to be entitled  
2           An act relating to the school year; amending s.  
3           228.041, F.S., relating to definitions of  
4           "school day," "school year," "year of service,"  
5           and "year-round school"; extending the length  
6           of the school year for students and for school  
7           employees; amending s. 230.23, F.S., relating  
8           to powers and duties of the school board;  
9           increasing the length of the school year to 186  
10          days; amending s. 230.33, F.S., relating to  
11          duties and responsibilities of the  
12          superintendent; increasing the length of the  
13          school year to 186 days; amending s. 236.013,  
14          F.S.; revising definitions related to education  
15          funding to reflect the increase in the length  
16          of the school year; amending s. 236.02, F.S.;  
17          increasing the length of the school year to a  
18          term of at least 186 actual teaching days;  
19          increasing the term of service for school  
20          employees to 207 days; amending s. 236.08106,  
21          F.S., relating to the Excellent Teaching  
22          Program; increasing term of service for school  
23          employees to 207 days; providing an effective  
24          date.

25

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

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28           Section 1. Subsections (13), (16), (20), and (37) of  
29          section 228.041, Florida Statutes, 1998 Supplement, are  
30          amended to read:

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

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

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

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

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

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

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1           Section 2. Paragraph (a) of subsection (10) of section  
2 230.23, Florida Statutes, 1998 Supplement, is amended to read:

3           230.23 Powers and duties of school board.--The school  
4 board, acting as a board, shall exercise all powers and  
5 perform all duties listed below:

6           (10) FINANCE.--Take steps to assure children adequate  
7 educational facilities through the financial procedure  
8 authorized in chapters 236 and 237 and as prescribed below:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

7 236.08106 Excellent Teaching Program.--

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

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

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

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

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18 HOUSE SUMMARY

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