

By the Committee on Education/K-12 and Representative Lynn

1 A bill to be entitled
2 An act relating to school safety and student
3 discipline; amending s. 228.041, F.S.; revising
4 the definition of suspension; amending s.
5 229.57, F.S.; removing school discipline data
6 from data used to determine a school's
7 performance grade category; amending s. 230.23,
8 F.S.; clarifying suspension options for control
9 of pupils; revising information required to be
10 included in the student code of conduct;
11 combining and clarifying provisions relating to
12 student possession of a weapon; requiring the
13 district code of student conduct to include
14 certain notice relating to expulsion for making
15 a threat or false report; defining the term
16 "school-within-a-school"; requiring district
17 school boards to address the availability of
18 substance abuse and mental health counselors;
19 amending and redesignating s. 235.14, F.S.;
20 specifying types of drills and emergencies for
21 which district school boards are required to
22 develop procedures; creating s. 230.23003,
23 F.S.; providing requirements relating to school
24 safety incident data collection and reporting;
25 requiring each school principal to ensure that
26 standardized forms are used to report school
27 safety and discipline data; requiring the
28 Department of Education to develop a form;
29 amending s. 230.23015, F.S., relating to
30 disciplinary action for violation of s.
31 784.081; providing a cross reference; amending

1 s. 230.23025, F.S.; requiring best financial
2 management practices to address school safety
3 and security; amending s. 230.2316, F.S.;
4 clarifying criteria for student eligibility for
5 services; amending s. 230.235, F.S.; specifying
6 offenses for which a student will be expelled
7 for 1 year under district school board zero
8 tolerance for crime policies; amending s.
9 232.17, F.S.; prohibiting students referred to
10 a child study team from enrolling in a home
11 education program; providing exceptions;
12 providing an appeals process; amending s.
13 232.19, F.S.; providing penalties for
14 noncompliance with provisions regarding
15 driver's license attendance requirements;
16 amending s. 232.25, F.S., relating to control
17 of pupils; providing a cross reference;
18 creating s. 232.251, F.S.; codifying federal
19 requirements for disciplinary actions against
20 students with disabilities; amending s. 232.26,
21 F.S.; clarifying requirements for suspension
22 proceedings against a student who is formally
23 charged with a felony; specifying that
24 expulsion of a student with a disability must
25 be made pursuant to law and state board rule;
26 amending s. 232.27, F.S.; authorizing teachers
27 or other instructional personnel to have
28 disobedient and disrespectful students
29 temporarily removed from the classroom;
30 amending s. 232.271, F.S.; revising the
31 behavior considered to be cause for teacher

1 removal of students; revising placement of
2 students who are removed; removing obsolete
3 language relating to a study and a report;
4 amending s. 232.275, F.S.; prohibiting certain
5 school personnel from being held civilly or
6 criminally liable for the identification and
7 referral of students for evaluation; creating
8 s. 235.192, F.S.; requiring the provision of
9 copies of educational facility construction
10 design documents to specific agencies; creating
11 s. 235.2157, F.S.; providing legislative
12 findings; defining the term "small school";
13 requiring the construction of only small
14 schools after a certain date; requiring small
15 schools to comply with racial balance
16 requirements; providing an exception; amending
17 s. 984.03, F.S.; revising the definition of
18 "truancy petition"; amending s. 984.13, F.S.;
19 enabling a law enforcement officer to take into
20 custody a child who is suspended or expelled
21 and who is not in the presence of his or her
22 parent or legal guardian; revising the
23 definition of "school system"; amending s.
24 984.151, F.S.; revising requirements for filing
25 a truancy petition; providing for use of
26 contempt powers; amending s. 414.125, F.S.;
27 revising criteria for reduction of temporary
28 cash assistance; providing an effective date.

29
30 Be It Enacted by the Legislature of the State of Florida:
31

1 Section 1. Subsection (25) of section 228.041, Florida
2 Statutes, is amended to read:

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

6 (25) SUSPENSION.--

7 ~~(a) Suspension, also referred to as out-of-school~~
8 ~~suspension, is the temporary removal of a student from all~~
9 ~~classes of instruction on public school grounds and all other~~
10 ~~school-sponsored activities, except as authorized by the~~
11 ~~principal or the principal's designee, for a period not to~~
12 ~~exceed 10 school days.~~

13 **(b)** ~~In-school~~ Suspension is the temporary removal of a
14 student from the student's regular school program and
15 placement in an alternative program, such as that provided in
16 s. 230.2316, under the supervision of school district
17 personnel during regular school hours, for a period not to
18 exceed 10 school days.

19 Section 2. Paragraph (a) of subsection (8) of section
20 229.57, Florida Statutes, is amended to read:

21 229.57 Student assessment program.--

22 (8) DESIGNATION OF SCHOOL PERFORMANCE GRADE
23 CATEGORIES.--School performance grade category designations
24 itemized in subsection (7) shall be based on the following:

25 (a) Timeframes.--

26 1. School performance grade category designations
27 shall be based on one school year of performance.

28 2. In the school years 1998-1999 and 1999-2000 school
29 year, a school's performance grade category designation shall
30 be determined by the student achievement levels on the FCAT,
31 and on other appropriate performance data, including, but not

1 limited to, attendance, dropout rate, ~~school discipline data,~~
2 and student readiness for college, in accordance with state
3 board rule.

4 3. In ~~Beginning with~~ the 2000-2001 school year, a
5 school's performance grade category designation shall be based
6 on a combination of student achievement scores as measured by
7 the FCAT, on the degree of measured learning gains of the
8 students, and on other appropriate performance data,
9 including, but not limited to, attendance, dropout rate,
10 ~~school discipline data,~~ and student readiness for college.

11 4. Beginning with the 2001-2002 school year and
12 thereafter, a school's performance grade category designation
13 shall be based on student learning gains as measured by annual
14 FCAT assessments in grades 3 through 10, and on other
15 appropriate performance data, including, but not limited to,
16 attendance, dropout rate, ~~school discipline data,~~ cohort
17 graduation rate, and student readiness for college.

18
19 ~~For the purpose of implementing ss. 229.0535 and 229.0537, if~~
20 ~~any of the four schools that were identified as critically low~~
21 ~~performing, based on both 1996-1997 and 1997-1998 school~~
22 ~~performance data and state board adopted criteria, receives a~~
23 ~~performance grade category designation of "F," based on~~
24 ~~1998-1999 school performance data, that school shall be~~
25 ~~considered as having failed to make adequate progress for 2~~
26 ~~years in a 4-year period. All other schools that receive a~~
27 ~~performance grade category designation of "F," based on~~
28 ~~1998-1999 school performance data, shall be considered as~~
29 ~~having failed to make adequate progress for 1 year.~~

30 Section 3. Paragraphs (c), (d), and (e) of subsection
31 (6) of section 230.23, Florida Statutes, are amended,

1 subsection (20) of said section is renumbered as subsection
2 (22), and new subsections (20) and (21) are added to said
3 section, and section 235.14, Florida Statutes, is redesignated
4 as paragraph (f) of subsection (6) of said section and
5 amended, to read:

6 230.23 Powers and duties of school board.--The school
7 board, acting as a board, shall exercise all powers and
8 perform all duties listed below:

9 (6) CHILD WELFARE.--Provide for the proper accounting
10 for all children of school age, for the attendance and control
11 of pupils at school, and for proper attention to health,
12 safety, and other matters relating to the welfare of children
13 in the following fields, as prescribed in chapter 232.

14 (c) Control of students ~~pupils~~--

15 1. Adopt rules and regulations for the control,
16 discipline, ~~in-school suspension~~, suspension, and expulsion of
17 students ~~pupils~~ and decide all cases recommended for
18 expulsion. Suspension hearings are exempted from the
19 provisions of chapter 120. Expulsion hearings shall be
20 governed by ss. 120.569 and 120.57(2) and are exempt from s.
21 286.011. However, the student's ~~pupil's~~ parent or legal
22 guardian must be given notice of the provisions of s. 286.011
23 and may elect to have the hearing held in compliance with that
24 section. The district school board shall have the authority
25 to prohibit the use of corporal punishment, provided that the
26 district school board adopts or has adopted a written program
27 of alternative control or discipline.

28 2. Have the authority as the district school board of
29 a receiving school district to honor the final order of
30 expulsion or dismissal of a student by any in-state or
31 out-of-state public school board or private school, or

1 developmental research school, for an act which would have
2 been grounds for expulsion according to the receiving school
3 district's code of student conduct, in accordance with the
4 following procedures:

5 a. A final order of expulsion shall be recorded in the
6 records of the receiving school district.

7 b. The expelled student applying for admission to the
8 receiving school district shall be advised of the final order
9 of expulsion.

10 c. The superintendent of schools of the receiving
11 school district may recommend to the district school board
12 that the final order of expulsion be waived and the student be
13 admitted to the school district, or that the final order of
14 expulsion be honored and the student not be admitted to the
15 school district. If the student is admitted by the district
16 school board, with or without the recommendation of the
17 superintendent of schools, the student may be placed in an
18 appropriate educational program at the direction of the
19 district school board.

20 (d) Code of student conduct.--Adopt a code of student
21 conduct for elementary schools and a code of student conduct
22 for secondary schools and distribute the appropriate code to
23 all teachers, school personnel, students, and parents or
24 guardians, at the beginning of every school year. Each code
25 shall be organized and written in language that ~~which~~ is
26 understandable to students and parents and shall be discussed
27 at the beginning of every school year in student classes,
28 school advisory council meetings ~~councils~~, and parent and
29 teacher association meetings ~~associations~~. Each code shall be
30 based on the rules governing student conduct and discipline
31 adopted by the district school board and shall be made

1 available in the student handbook or similar publication. Each
2 code shall include, but not be limited to:

3 1. Consistent policies and specific grounds for
4 disciplinary action, including ~~in-school suspension,~~
5 ~~out-of-school~~ suspension, and any disciplinary
6 action that may be imposed for the possession or use of
7 alcohol on school property or while attending a school
8 function or for the illegal use, sale, or possession of
9 controlled substances as defined in chapter 893.

10 2. Procedures to be followed for acts requiring
11 discipline, including corporal punishment.

12 3. An explanation of the responsibilities and rights
13 of students with regard to attendance, respect for persons and
14 property, knowledge and observation of rules of conduct, the
15 right to learn, free speech and student publications,
16 assembly, privacy, and participation in school programs and
17 activities.

18 4. Notice that illegal use, possession, or sale of
19 controlled substances, as defined in chapter 893, or
20 possession of electronic telephone pagers, by any student
21 while such student is upon school property or in attendance at
22 a school function is grounds for disciplinary action by the
23 school and may also result in criminal penalties being
24 imposed.

25 5. Notice that the possession of a firearm, a knife,
26 or a weapon, ~~or an item which can be used as a weapon~~ by any
27 student while the student is on school property or in
28 attendance at a school function is grounds for disciplinary
29 action and may also result in criminal prosecution.

30 6. Notice that violence against any school district
31 personnel by a student is grounds for ~~in-school suspension,~~

1 ~~out-of-school~~ suspension, expulsion, or imposition of other
2 disciplinary action by the school and may also result in
3 criminal penalties being imposed.

4 7. Notice that violation of district school board
5 transportation policies, including disruptive behavior on a
6 school bus or at a school bus stop, by a student is grounds
7 for suspension of the student's privilege of riding on a
8 school bus and may be grounds for disciplinary action by the
9 school and may also result in criminal penalties being
10 imposed.

11 8. Notice that violation of the district school
12 board's sexual harassment policy by a student is grounds for
13 ~~in-school suspension, out-of-school~~ suspension, expulsion, or
14 imposition of other disciplinary action by the school and may
15 also result in criminal penalties being imposed.

16 9. Policies to be followed for the assignment of
17 violent or disruptive students to an alternative educational
18 program.

19 10. Notice that any student who is determined to have
20 brought a firearm or weapon, as defined in chapter 790 ~~18~~
21 ~~U.S.C. s. 921~~, to school, to any school function, or onto ~~on~~
22 any school-sponsored transportation will be expelled, with or
23 without continuing educational services, from the student's
24 regular school for a period of not less than 1 full year and
25 referred for criminal prosecution. District school boards may
26 assign the student to a disciplinary program or second chance
27 school for the purpose of continuing educational services
28 during the period of expulsion. Superintendents may consider
29 the 1-year expulsion requirement on a case-by-case basis and
30 request the district school board to modify the requirement by
31 assigning the student to a disciplinary program or second

1 chance school if it is determined to be in the best interest
2 of the student and the school system.

3 11. Notice that any student who is determined to have
4 made a threat or false report, as defined by ss. 790.162 and
5 790.163, respectively, involving school or school personnel's
6 property, school transportation, or a school-sponsored
7 activity will be expelled, with or without continuing
8 educational services, from the student's regular school for a
9 period of not less than 1 full year and referred for criminal
10 prosecution. District school boards may assign the student to
11 a disciplinary program or second chance school for the purpose
12 of continuing educational services during the period of
13 expulsion. Superintendents of schools may consider the 1-year
14 expulsion requirement on a case-by-case basis and request the
15 district school board to modify the requirement by assigning
16 the student to a disciplinary program or second chance school
17 if it is determined to be in the best interest of the student
18 and the school system.

19 (e) Student crime watch program.--By resolution of the
20 district school board, implement a student crime watch program
21 to promote responsibility among students and to assist in the
22 control of criminal behavior within the schools.

23 (f)235.14 Emergency drills; emergency
24 procedures.--The district school board shall formulate and
25 prescribe policies and procedures for emergency drills and for
26 actual emergencies, including, but not limited to, fires,
27 natural disasters, and bomb threats, for all the public
28 schools of the state which comprise grades K-12.

29 (20) SCHOOL-WITHIN-A-SCHOOL.--In order to reduce the
30 anonymity of students in large schools, the district school
31 board shall adopt policies effective for the 2001-2002 school

1 year, and thereafter, to require any school that does not meet
2 the definition of a small school, as established by s.
3 235.2157(2), to subdivide into schools-within-a-school, which
4 shall operate within existing resources. A
5 "school-within-a-school" means an operational program that
6 uses flexible scheduling, team planning, and curricular and
7 instructional innovation to organize groups of students with
8 groups of teachers as smaller units, so as to functionally
9 operate as a smaller school. Examples of this include, but are
10 not limited to:
11 (a) An organizational arrangement assigning both
12 students and teachers to smaller units in which the students
13 take some or all of their coursework with their fellow grouped
14 students and from the teachers assigned to the smaller unit. A
15 unit may be grouped together for 1 year or on a vertical,
16 multiyear basis.
17 (b) An organizational arrangement similar to that
18 described in paragraph (a) with additional variations in
19 instruction and curriculum. The smaller unit usually seeks to
20 maintain a program different from that of the larger school,
21 or of other smaller units. It may be vertically organized, but
22 is dependent upon the school principal for its existence,
23 budget, and staff.
24 (c) A separate and autonomous smaller unit formally
25 authorized by the district school board or superintendent of
26 schools. The smaller unit plans and runs its own program, has
27 its own staff and students, and receives its own separate
28 budget. The smaller unit must negotiate the use of common
29 space with the larger school and defer to the building
30 principal on matters of safety and building operation.
31

1 (21) TEACHER SUPPORT.--District school boards shall
2 address the availability of counselors who are trained in
3 substance abuse or mental health to support teachers who
4 identify students with potential problems. The district school
5 board may address the availability of these counselors through
6 the use of in-school or local private providers.

7 Section 4. Section 230.23003, Florida Statutes, is
8 created to read:

9 230.23003 Safety incident reporting.--

10 (1) Each district school board shall require all
11 kindergarten through grade 12 principals within its
12 jurisdiction to document all public school grounds, public
13 school student, and public school staff related incidents of
14 crime, delinquency, disorder, and disruption. Documentable
15 incidents shall include:

16 (a) Incidents requiring student referrals for
17 disciplinary action;

18 (b) Noncriminal incidents instigated by nonstudent,
19 nonstaff persons on school property; and

20 (c) Reportable incidents as defined pursuant to s.
21 230.235.

22 (2) Subject to mutual agreement between school
23 districts and their local sheriff's offices and local police,
24 arrests made of public school students or staff which occur
25 off of school property shall be reported to the principal of
26 the school in which the student is enrolled or the staff
27 person employed, by the law enforcement agency making the
28 arrest. These incidents shall also be documented by the
29 principal of that school.

30 (3) Each school in every district shall be required to
31 report all documented incidents to the appropriate school

1 district personnel responsible for collecting and
2 disseminating school safety data.

3 (4) Each principal must ensure that standardized forms
4 prescribed by the department are used to report data
5 concerning school safety and discipline. The principal must
6 develop a plan to verify the accuracy of reported incidents.

7 (5) By December 31, 2000, the Department of Education
8 shall develop a statewide uniform safety incident reporting
9 form.

10 Section 5. Section 230.23015, Florida Statutes, is
11 amended to read:

12 230.23015 Students violating s. 784.081; expulsion or
13 placement in alternative school setting.--Except as otherwise
14 provided in s. 232.251 ~~Notwithstanding any other provision of~~
15 ~~law~~, each district school board shall adopt rules providing
16 that any student found to have committed a violation of s.
17 784.081(1), (2), or (3) shall be expelled or placed in an
18 alternative school setting or other youth services or justice
19 program, as appropriate. Upon being charged with the offense,
20 the student shall be removed from the classroom immediately
21 and placed in an alternative school setting pending
22 disposition.

23 Section 6. Subsection (1) of section 230.23025,
24 Florida Statutes, is amended to read:

25 230.23025 Best financial management practices;
26 standards; reviews; designation of districts.--

27 (1) The Office of Program Policy Analysis and
28 Government Accountability (OPPAGA) and the Office of the
29 Auditor General are directed to develop a system for reviewing
30 the financial management practices of school districts. In
31 this system, OPPAGA and the Auditor General shall jointly

1 examine district operations to determine whether they meet
2 "best financial management practices." The best financial
3 management practices adopted by the Commissioner of Education
4 may be updated periodically after consultation with the
5 Legislature, the Governor, the SMART Schools Clearinghouse,
6 OPPAGA, and the Auditor General. The best financial management
7 practices, at a minimum, must instill public confidence by
8 addressing the following areas:

9 (a) Efficient use of resources, use of lottery
10 proceeds, student transportation and food service operations,
11 management structures, and personnel systems and benefits.†

12 (b) Compliance with generally accepted accounting
13 principles and state and federal laws relating to financial
14 management.†

15 (c) Performance accountability systems, including
16 performance measurement reports to the public, internal
17 auditing, financial auditing, and information made available
18 to support decisionmaking.†

19 (d) Cost control systems, including asset, risk, and
20 financial management, purchasing, and information system
21 controls.

22 (e) Compliance with safety and security requirements
23 as provided by law.

24 Section 7. Paragraphs (c) and (d) of subsection (3) of
25 section 230.2316, Florida Statutes, are amended to read:

26 230.2316 Dropout prevention.--

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

28 (c) A student shall be identified as being eligible to
29 receive services funded through the dropout prevention and
30 academic intervention program based upon one of the following
31 criteria:

- 1 1. The student is academically unsuccessful as
2 evidenced by low test scores, retention, failing grades, low
3 grade point average, falling behind in earning credits, or not
4 meeting the state or district proficiency levels in reading,
5 mathematics, or writing.
- 6 2. The student has a pattern of excessive absenteeism
7 or has been identified as a habitual truant.
- 8 3. The student has a history of disruptive behavior in
9 school or has committed an offense that warrants ~~out-of-school~~
10 suspension or expulsion from school according to the district
11 code of student conduct. For the purposes of this program,
12 "disruptive behavior" is behavior that:
- 13 a. Interferes with the student's own learning or the
14 educational process of others and requires attention and
15 assistance beyond that which the traditional program can
16 provide or results in frequent conflicts of a disruptive
17 nature while the student is under the jurisdiction of the
18 school either in or out of the classroom; or
- 19 b. Severely threatens the general welfare of students
20 or others with whom the student comes into contact.
- 21 (d)1. "Second chance schools" means school district
22 programs provided through cooperative agreements between the
23 Department of Juvenile Justice, private providers, state or
24 local law enforcement agencies, or other state agencies for
25 students who have been disruptive or violent or who have
26 committed serious offenses. As partnership programs, second
27 chance schools are eligible for waivers by the Commissioner of
28 Education from chapters 230-235 and 239 and State Board of
29 Education rules that prevent the provision of appropriate
30 educational services to violent, severely disruptive, or
31

1 delinquent students in small nontraditional settings or in
2 court-adjudicated settings.

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

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

20 a. The student is a habitual truant as defined in s.
21 228.041(28).

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

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

28 d. The student has been identified as at risk of
29 dropping out of school.

30 4. A student who is habitually truant may be assigned
31 to a second chance school only if the case staffing committee,

1 established pursuant to s. 984.12, determines that such
2 placement could be beneficial to the student and the criteria
3 included in subparagraph 2. are met.

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

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

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

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

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

23 (II) Includes violence;

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

25 (IV) Is harassment or verbal abuse of school personnel
26 or other students.

27 6. Prior to assignment of students to second chance
28 schools, district school boards are encouraged to use
29 alternative programs, such as ~~in-school~~ suspension, which
30 provide instruction and counseling leading to improved student
31

1 behavior, a reduction in the incidence of truancy, and the
2 development of more effective interpersonal skills.

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

8 8. Students who exhibit academic and social progress
9 and who wish to return to a traditional school shall complete
10 a character development and law education program, as provided
11 in s. 233.0612, and demonstrate preparedness to reenter the
12 regular school setting prior to reentering a traditional
13 school.

14 Section 8. Subsection (2) of section 230.235, Florida
15 Statutes, is redesignated as subsection (3), and a new
16 subsection (2) is added to said section, to read:

17 230.235 Policy of zero tolerance for crime.--

18 (2) The policy shall require students found to have
19 committed one of the following offenses to be expelled, with
20 or without continuing educational services, from the student's
21 regular school for a period of not less than 1 full year:

22 (a) Bringing a firearm or weapon, as defined in
23 chapter 790, to school, to any school function, or onto any
24 school-sponsored transportation.

25 (b) Making a threat or false report, as defined by ss.
26 790.162 and 790.163, respectively, involving school or school
27 personnel's property, school transportation, or a
28 school-sponsored activity.

29
30 Prior to taking such action against any student, a district
31 school board shall ensure that appropriate due process

1 procedures are followed. If a student committing any of the
2 offenses in this subsection is a student with a disability, as
3 specified by s. 228.041(18), school personnel shall follow the
4 appropriate procedures pursuant to s. 232.251 and state board
5 rule.

6 Section 9. Subsection (1) of section 232.17, Florida
7 Statutes, is amended to read:

8 232.17 Enforcement of school attendance.----The
9 Legislature finds that poor academic performance is associated
10 with nonattendance and that schools must take an active role
11 in enforcing attendance as a means of improving the
12 performance of many students. It is the policy of the state
13 that the superintendent of each school district be responsible
14 for enforcing school attendance of all children and youth
15 subject to the compulsory school age in the school district.
16 The responsibility includes recommending to the school board
17 policies and procedures to ensure that schools respond in a
18 timely manner to every unexcused absence, or absence for which
19 the reason is unknown, of students enrolled in the schools.
20 School board policies must require each parent or guardian of
21 a student to justify each absence of the student, and that
22 justification will be evaluated based on adopted school board
23 policies that define excused and unexcused absences. The
24 policies must provide that schools track excused and unexcused
25 absences and contact the home in the case of an unexcused
26 absence from school, or an absence from school for which the
27 reason is unknown, to prevent the development of patterns of
28 nonattendance. The Legislature finds that early intervention
29 in school attendance matters is the most effective way of
30 producing good attendance habits that will lead to improved
31 student learning and achievement. Each public school shall

1 implement the following steps to enforce regular school
2 attendance:

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

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

12 (b) If a student has had at least five unexcused
13 absences, or absences for which the reasons are unknown,
14 within a calendar month or 10 unexcused absences, or absences
15 for which the reasons are unknown, within a 90-calendar-day
16 period, the student's primary teacher shall report to the
17 school principal or his or her designee that the student may
18 be exhibiting a pattern of nonattendance. The principal shall,
19 unless there is clear evidence that the absences are not a
20 pattern of nonattendance, refer the case to the school's child
21 study team to determine if early patterns of truancy are
22 developing. A student referred to a child study team for
23 exhibiting a pattern of nonattendance may not register in a
24 home education program as defined in s. 232.0201, until the
25 beginning of the following regular school year, unless:

26 1. The child study team determines that a pattern of
27 nonattendance is not developing; or

28 2. Enrollment in the home education program is
29 authorized after the appeals process established by paragraph

30 (f).

31

1 If the child study team finds that a pattern of nonattendance
2 is developing, whether the absences are excused or not, a
3 meeting with the parent must be scheduled to identify
4 potential remedies. The principal shall notify the
5 superintendent of schools that the referred student is
6 ineligible to register in a home education program.

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

- 11 1. Frequent communication between the teacher and the
12 family;
- 13 2. Changes in the learning environment;
- 14 3. Mentoring;
- 15 4. Student counseling;
- 16 5. Tutoring, including peer tutoring;
- 17 6. Placement into different classes;
- 18 7. Evaluation for alternative education programs;
- 19 8. Attendance contracts;
- 20 9. Referral to other agencies for family services; or
- 21 10. Other interventions, including, but not limited
22 to, a truancy petition pursuant to s. 984.151.

23 (d) The child study team shall be diligent in
24 facilitating intervention services and shall report the case
25 to the superintendent only when all reasonable efforts to
26 resolve the nonattendance behavior are exhausted.

27 (e) If the parent, guardian, or other person in charge
28 of the child refuses to participate in the remedial strategies
29 because he or she believes that those strategies are
30 unnecessary or inappropriate, the parent, guardian, or other
31 person in charge of the child may appeal to the school board.

1 The school board may provide a hearing officer, and the
2 hearing officer shall make a recommendation for final action
3 to the board. If the board's final determination is that the
4 strategies of the child study team are appropriate, and the
5 parent, guardian, or other person in charge of the child still
6 refuses to participate or cooperate, the superintendent may
7 seek criminal prosecution for noncompliance with compulsory
8 school attendance.

9 (f) If the parent or guardian of the child wishes to
10 enroll the child in a home education program, the parent or
11 guardian of the child may appeal to the district school board.
12 The district school board shall appoint an impartial hearing
13 officer, who shall review the case and make a recommendation
14 to the board. If the district school board's final
15 determination is to allow the child to enroll in a home
16 education program, then the district school board must outline
17 specific timeframes for reviewing the portfolio in order to
18 determine compliance with the home education laws. The
19 district school board must notify the superintendent of
20 schools of the child's eligibility to enroll in a home
21 education program.

22 ~~(g)(f)~~ If a child subject to compulsory school
23 attendance will not comply with attempts to enforce school
24 attendance, the parent, the guardian, or the superintendent or
25 his or her designee shall refer the case to the case staffing
26 committee pursuant to s. 984.12, and the superintendent or his
27 or her designee may file a truancy petition pursuant to the
28 procedures in s. 984.151.

29 Section 10. Paragraph (b) of subsection (2) of section
30 232.19, Florida Statutes, is amended to read:

31

1 232.19 Court procedure and penalties.--The court
2 procedure and penalties for the enforcement of the provisions
3 of this chapter, relating to compulsory school attendance,
4 shall be as follows:

5 (2) NONENROLLMENT AND NONATTENDANCE CASES.--

6 (b) Each public school principal or the principal's
7 designee shall notify the district school board of each minor
8 under its jurisdiction who accumulates 15 unexcused absences
9 in a period of 90 calendar days. Each designee of the
10 governing body of each private school, and each parent whose
11 child is enrolled in a home education program, may provide the
12 Department of Highway Safety and Motor Vehicles with the legal
13 name, sex, date of birth, and social security number of each
14 minor under his or her jurisdiction who fails to satisfy
15 relevant attendance requirements and who fails to otherwise
16 satisfy the requirements of s. 322.091. The superintendent
17 must provide the Department of Highway Safety and Motor
18 Vehicles the legal name, sex, date of birth, and social
19 security number of each minor who has been reported under this
20 paragraph and who fails to otherwise satisfy the requirements
21 of s. 322.091. The Department of Highway Safety and Motor
22 Vehicles may not issue a driver's license or learner's
23 driver's license to, and shall suspend any previously issued
24 driver's license or learner's driver's license of, any such
25 minor, pursuant to the provisions of s. 322.091. The district
26 school board shall withhold further payment of salary to the
27 superintendent of schools when notified by the Department of
28 Education that he or she has failed to provide the Department
29 of Highway Safety and Motor Vehicles the required student
30 information, and shall continue to withhold payment of salary
31 until the district school board is notified by the Department

1 of Education that such information has been provided. Any
2 member of the district school board who is responsible for
3 violation of the provisions of this paragraph is subject to
4 suspension and removal.

5 Section 11. Subsection (3) of section 232.25, Florida
6 Statutes, is amended to read:

7 232.25 Pupils subject to control of school.--

8 (3) Nothing shall prohibit a district school board
9 from having the right to expel, or to take disciplinary action
10 against, a student who is found to have committed an offense
11 on school property at any time if:

12 (a) The student is found to have committed a
13 delinquent act which would be a felony if committed by an
14 adult;

15 (b) The student has had adjudication withheld for a
16 delinquent act which, if committed by an adult, would be a
17 felony; or

18 (c) The student has been found guilty of a felony.

19
20 However, if the student is a student with a disability, the
21 disciplinary action must comply with the procedures set forth
22 in s. 232.251 and state board rule.

23 Section 12. Section 232.251, Florida Statutes, is
24 created to read:

25 232.251 Disciplinary actions against students with
26 disabilities.--In accordance with the requirements of the
27 federal Individuals with Disabilities Education Act Amendments
28 of 1997:

29 (1) AUTHORITY OF SCHOOL PERSONNEL.--

30 (a) School personnel may order a change in the
31 placement of a student with a disability:

1 1. To an appropriate interim alternative educational
2 setting, another setting, or suspension, for not more than 10
3 school days, to the extent that such alternatives would also
4 be applied to students without disabilities; or
5 2. To an appropriate interim alternative educational
6 setting for the same amount of time that a student without a
7 disability would be subject to discipline, but for not more
8 than 45 days if:
9 a. The student carries a weapon to school or to a
10 school function under the jurisdiction of a school district;
11 or
12 b. The student knowingly possesses or uses illegal
13 drugs or sells or solicits the sale of a controlled substance
14 while at school or a school function under the jurisdiction of
15 a school district.
16 (b) Not later than 10 days after taking a disciplinary
17 action described in paragraph (a):
18 1. If the school district did not conduct a functional
19 behavioral assessment and implement a behavioral intervention
20 plan for the student before the behavior that resulted in the
21 suspension described in paragraph (a), the school district
22 shall convene an individual education plan (IEP) meeting to
23 develop an assessment plan to address that behavior; or
24 2. If the student already has a behavioral
25 intervention plan, the IEP Team shall review the plan and
26 modify it, as necessary, to address the behavior.
27 (2) AUTHORITY OF AN ADMINISTRATIVE LAW JUDGE.--An
28 administrative law judge from the Division of Administrative
29 Hearings may order a change in the placement of a student with
30 a disability under this section, to an appropriate interim
31

1 alternative educational setting for not more than 45 days if
2 the hearing officer:
3 (a) Determines that the school district has
4 demonstrated by substantial evidence that maintaining the
5 current placement of the student is substantially likely to
6 result in injury to the student or to others.
7 (b) Considers the appropriateness of the student's
8 current placement.
9 (c) Considers whether the school district has made
10 reasonable efforts to minimize the risk of harm in the
11 student's current placement, including the use of
12 supplementary aids and services.
13 (d) Determines that the interim alternative
14 educational setting meets the requirements of paragraph (3).
15 (3) DETERMINATION OF SETTING.--
16 (a) The alternative educational setting described in
17 subparagraph (1)(a)2. shall be determined by the IEP Team.
18 (b) Any interim alternative educational setting in
19 which a student is placed under subsection (1) or subsection
20 (2) shall:
21 1. Be selected so as to enable the student to continue
22 to participate in the general curriculum, although in another
23 setting, and to continue to receive those services and
24 modifications, including those described in the student's
25 current IEP, that will enable the student to meet the goals
26 set out in that IEP.
27 2. Include services and modifications designed to
28 address the behavior described in subsection (1) or subsection
29 (2) so that it does not recur.
30 (4) MANIFESTATION DETERMINATION REVIEW.--
31

1 (a) If a disciplinary action is contemplated as
2 described in subsection (1) or subsection (2) for a behavior
3 of a student with a disability described in either of those
4 subsections, or if a disciplinary action involving a change of
5 placement for more than 10 days is contemplated for a student
6 with a disability who has engaged in other behavior that
7 violated any rule or code of conduct of the school district
8 that applies to all students:

9 1. Not later than the date on which the decision to
10 take that action is made, the parents shall be notified of
11 that decision and of all procedural safeguards accorded under
12 this section.

13 2. Immediately, if possible, but in no case later than
14 10 school days after the date on which the decision to take
15 that action is made, a review shall be conducted of the
16 relationship between the student's disability and the behavior
17 subject to the disciplinary action.

18 (b) A review required by paragraph (a) shall be
19 conducted by the IEP Team and other qualified personnel.

20 (c) In carrying out a review required by paragraph
21 (a), the IEP Team may determine that the behavior of the
22 student was not a manifestation of the student's disability
23 only if the IEP Team:

24 1. First considers, in terms of the behavior subject
25 to disciplinary action, all relevant information, including:

26 a. Evaluation and diagnostic results, including such
27 results or other relevant information supplied by the parents
28 of the student;

29 b. Observations of the student; and

30 c. The student's IEP and placement; and

31 2. Then determines that:

1 a. In relationship to the behavior subject to
2 disciplinary action, the student's IEP and placement were
3 appropriate and the special education services, supplementary
4 aids and services, and behavior intervention strategies were
5 provided consistent with the student's IEP and placement;

6 b. The student's disability did not impair the ability
7 of the student to understand the impact and consequences of
8 the behavior subject to disciplinary action; and

9 c. The student's disability did not impair the ability
10 of the student to control the behavior subject to disciplinary
11 action.

12 (5) DEFINITIONS.--For purposes of this section, the
13 following definitions shall apply:

14 (a) The term "controlled substance" means a drug or
15 other substance identified under schedules I, II, III, IV, or
16 V in section 202(c) of the Controlled Substances Act, 21
17 U.S.C. 812(c).

18 (b) The term "illegal drug":

19 1. Means a controlled substance; but

20 2. Does not include such a substance that is legally
21 possessed or used under the supervision of a licensed health
22 care professional or that is legally possessed or used under
23 any other authority under the Controlled Substances Act or
24 under any other provision of federal law.

25 (c) The term "substantial evidence" means beyond a
26 preponderance of the evidence.

27 (d) The term "weapon" has the meaning given the term
28 "dangerous weapon" under paragraph (2) of the first subsection
29 (g) of section 930 of Title 18, United States Code.

30
31

1 Procedures for compliance with the determination that the
2 student's behavior was not a manifestation of a disability,
3 parental appeal, placement during appeals, protection for
4 students not yet eligible for special education and related
5 services, and referral to an action by law enforcement and
6 judicial authorities shall be pursuant to the Individuals with
7 Disabilities Education Act Amendments of 1997 and state board
8 rule.

9 Section 13. Subsections (2) and (4) of section 232.26,
10 Florida Statutes, are amended to read:

11 232.26 Authority of principal.--

12 (2) Suspension proceedings, pursuant to rules of the
13 State Board of Education, may be initiated against any ~~pupil~~
14 ~~enrolled as a~~ student who is formally charged with a felony,
15 or with a delinquent act which would be a felony if committed
16 by an adult, by a proper prosecuting attorney for an incident
17 which allegedly occurred on property other than public school
18 property, if that incident is shown, in an administrative
19 hearing with notice provided to the parents or legal guardian
20 or custodian of such student pupil by the principal of the
21 school pursuant to rules adopted promulgated by the State
22 Board of Education and to rules developed pursuant to s.
23 231.085, to have an adverse impact on the educational program,
24 discipline, or welfare in the school in which the student is
25 enrolled. Any student pupil who is suspended as the result of
26 such proceedings shall be immediately enrolled in an
27 alternative education program during regular school hours. The
28 suspension may exceed 10 days, as determined by the
29 superintendent of schools.~~may be suspended from all classes~~
30 ~~of instruction on public school grounds during regular~~
31 ~~classroom hours for a period of time, which may exceed 10~~

1 ~~days, as determined by the superintendent. Such suspension~~
2 ~~shall not affect the delivery of educational services to the~~
3 ~~pupil, and the pupil shall be immediately enrolled in a~~
4 ~~daytime alternative education program, or an evening~~
5 ~~alternative education program, where appropriate. If the~~
6 court determines that the student ~~pupil~~ did commit the felony
7 or delinquent act which would have been a felony if committed
8 by an adult, the district school board shall have the
9 authority to expel the student, provided that expulsion under
10 this subsection shall not affect the delivery of educational
11 services to the student ~~pupil~~ in any residential,
12 nonresidential, alternative, daytime, or evening program
13 outside of the regular school setting. Any student ~~pupil~~ who
14 is subject to discipline or expulsion for unlawful possession
15 or use of any substance controlled under chapter 893 may be
16 entitled to a waiver of the discipline or expulsion:

17 (a) If the student ~~pupil~~ divulges information leading
18 to the arrest and conviction of the person who supplied such
19 controlled substance to him or her, or if the student ~~pupil~~
20 voluntarily discloses his or her unlawful possession of such
21 controlled substance prior to his or her arrest. Any
22 information divulged which leads to such arrest and conviction
23 is not admissible in evidence in a subsequent criminal trial
24 against the student ~~pupil~~ divulging such information.

25 (b) If the student ~~pupil~~ commits himself or herself,
26 or is referred by the court in lieu of sentence, to a
27 state-licensed drug abuse program and successfully completes
28 the program.

29 (4) Any recommendation for the suspension or expulsion
30 of a ~~handicapped~~ student with a disability shall be made in
31

1 accordance with s. 232.251 and ~~the rules adopted promulgated~~
2 by the State Board of Education.

3 Section 14. Paragraph (c) of subsection (1) of section
4 232.27, Florida Statutes, is amended to read:

5 232.27 Authority of teacher; responsibility for
6 control of students; school district duties.--Subject to law
7 and to the rules of the district school board, each teacher or
8 other member of the staff of any school shall have such
9 authority for the control and discipline of students as may be
10 assigned to him or her by the principal or the principal's
11 designated representative and shall keep good order in the
12 classroom and in other places in which he or she is assigned
13 to be in charge of students.

14 (1) Within the framework of the school district code
15 of student conduct, teachers and other instructional personnel
16 shall have the authority to undertake any of the following
17 actions in managing student behavior and ensuring the safety
18 of all students in their classes and school:

19 (c) Have disobedient, disrespectful, violent, abusive,
20 uncontrollable, or disruptive students temporarily removed
21 from the classroom for behavior management intervention.

22 Section 15. Subsections (2), (3), and (5) of section
23 232.271, Florida Statutes, are amended to read:

24 232.271 Removal by teacher.--

25 (2) A teacher may remove from class a student+

26 ~~(a) Who has been documented by the teacher to~~
27 ~~repeatedly interfere with the teacher's ability to communicate~~
28 ~~effectively with the students in the class or with the ability~~
29 ~~of the student's classmates to learn; or~~

30 ~~(b) whose behavior the teacher determines is so~~
31 ~~unruly, disruptive, or abusive that it seriously interferes~~

1 with the teacher's ability to communicate effectively with the
2 students in the class or with the ability of the student's
3 classmates to learn.

4 (3) If a teacher removes a student from class under
5 subsection (2), the principal may place the student in another
6 appropriate classroom, ~~in in-school suspension,~~ or in a
7 dropout prevention and academic intervention program as
8 provided by s. 230.2316; or the principal may recommend the
9 student for ~~out-of-school~~ suspension or expulsion, as
10 appropriate. The student may be prohibited from attending or
11 participating in school-sponsored or school-related
12 activities. The principal may not return the student to that
13 teacher's class without the teacher's consent unless the
14 committee established under s. 232.272 determines that such
15 placement is the best or only available alternative. The
16 teacher and the placement review committee must render
17 decisions within 5 days of the removal of the student from the
18 classroom.

19 ~~(5) The department shall conduct a study on the number~~
20 ~~of students who are expelled from classrooms, placement~~
21 ~~alternatives for students who are expelled, and the number of~~
22 ~~decisions by teachers that are overridden by the placement~~
23 ~~review committee. A preliminary report to the Legislature~~
24 ~~shall be submitted no later than March 1, 1997. A final~~
25 ~~report shall be submitted to the Legislature by September 1,~~
26 ~~1997.~~

27 Section 16. Section 232.275, Florida Statutes, is
28 amended to read:

29 232.275 Liability of teacher or principal.--

30 (1) Except in the case of excessive force or cruel and
31 unusual punishment, a teacher or other member of the

1 instructional staff, a principal or the principal's designated
2 representative, or a bus driver shall not be civilly or
3 criminally liable for any action carried out in conformity
4 with the state board and district school board rules regarding
5 the control, discipline, suspension, and expulsion of
6 students, including any exercise of authority under s. 232.26,
7 s. 232.27, or s. 232.271.

8 (2) A teacher or other member of the instructional
9 staff, a principal or his or her designee, or a bus driver
10 shall be immune from civil or criminal liability for the
11 identification and referral of students for evaluation by
12 mental health personnel, law enforcement, or other appropriate
13 personnel.

14 Section 17. Section 235.192, Florida Statutes, is
15 created to read:

16 235.192 Coordination of school safety information;
17 construction design documents.--

18 (1) Beginning October 1, 2000, each district
19 superintendent of schools must provide to the law enforcement
20 agency and fire department that has jurisdiction over each
21 educational facility a copy of the construction design
22 documents for each educational facility in the district, as
23 defined in s. 235.011(6). After the initial submission of the
24 construction design documents, the district superintendent of
25 schools shall submit, by October 1 of each year, revised
26 construction design documents for each educational facility in
27 the district that was modified during the preceding year.

28 (2) Beginning October 1, 2000, each community college
29 president must provide to the law enforcement agency and fire
30 department that has jurisdiction over the community college a
31 copy of the construction design documents for each educational

1 facility as defined in s. 235.011(6). After the initial
2 submission of the construction design documents, the community
3 college president shall submit, by October 1 of each year,
4 revised construction design documents for each educational
5 facility that was modified during the preceding year.

6 (3) Beginning October 1, 2000, the Board of Regents
7 must provide to the law enforcement agency and fire department
8 that has jurisdiction over each state university a copy of the
9 construction design documents for each state university. After
10 the initial submission of the construction design documents,
11 the Board of Regents shall submit, by October 1 of each year,
12 revised construction design documents for each state
13 university facility that was modified during the preceding
14 year.

15 Section 18. Section 235.2157, Florida Statutes, is
16 created to read:

17 235.2157 Small school requirement.--

18 (1) LEGISLATIVE FINDINGS.--The Legislature finds that:

19 (a) Florida's schools are among the largest in the
20 nation.

21 (b) Smaller schools provide benefits of reduced
22 discipline problems and crime, reduced truancy and gang
23 participation, reduced dropout rates, improved teacher and
24 student attitudes, improved student self-perception, student
25 academic achievement equal to or superior to that of students
26 at larger schools, and increased parental involvement.

27 (c) Smaller schools can provide these benefits while
28 not increasing administrative and construction costs.

29 (2) DEFINITION.--As used in this section, "small
30 school" means:

31

1 (a) An elementary school with a student population of
2 not more than 500 students.

3 (b) A middle school with a student population of not
4 more than 700 students.

5 (c) A high school with a student population of not
6 more than 900 students.

7 (d) A school serving kindergarten through grade 8 with
8 a student population of not more than 700 students.

9 (e) A school serving kindergarten through grade 12
10 with a student population of not more than 900 students.

11

12 A school on a single campus which operates as a
13 school-within-a-school, as defined by s. 230.23(20), shall be
14 considered a small school if each smaller unit located on the
15 single campus meets the requirements of this subsection.

16 (3) REQUIREMENTS.--

17 (a) Beginning July 1, 2003, all plans for new
18 educational facilities to be constructed within a school
19 district and reflected in the 5-year school district
20 facilities work plan shall be plans for small schools in order
21 to promote increased learning and more effective use of school
22 facilities.

23 (b) Small schools shall comply with all laws, rules,
24 and court orders relating to racial balance.

25 (4) EXCEPTIONS.--This section does not apply to plans
26 for new educational facilities already under architectural
27 contract on July 1, 2003.

28 Section 19. Subsections (29) and (57) of section
29 984.03, Florida Statutes, are amended to read:

30 984.03 Definitions.--When used in this chapter, the
31 term:

1 (29) "Habitually truant" means that:

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

8 (b) Activities to determine the cause, and to attempt
9 the remediation, of the child's truant behavior under ss.
10 232.17 and 232.19(3), have been completed.

11
12 If a child who is subject to compulsory school attendance is
13 responsive to the interventions described in ss. 232.17 and
14 232.19(3) and has completed the necessary requirements to pass
15 the current grade as indicated in the district pupil
16 progression plan, the child shall not be determined to be
17 habitually truant and shall be passed. If a child within the
18 compulsory school attendance age has 15 unexcused absences
19 within 90 calendar days or fails to enroll in school, the
20 State Attorney may, or the appropriate jurisdictional agency
21 shall, file a child-in-need-of-services petition if
22 recommended by the case staffing committee, unless it is
23 determined that another alternative action is preferable.

24 ~~(c) A school representative, designated according to~~
25 ~~school board policy, and a juvenile probation officer of the~~
26 ~~Department of Juvenile Justice have jointly investigated the~~
27 ~~truancy problem or, if that was not feasible, have performed~~
28 ~~separate investigations to identify conditions that may be~~
29 ~~contributing to the truant behavior; and if, after a joint~~
30 ~~staffing of the case to determine the necessity for services,~~
31 ~~such services were determined to be needed, the persons who~~

1 ~~performed the investigations met jointly with the family and~~
2 ~~child to discuss any referral to appropriate community~~
3 ~~agencies for economic services, family or individual~~
4 ~~counseling, or other services required to remedy the~~
5 ~~conditions that are contributing to the truant behavior.~~

6 (d) The failure or refusal of the parent or legal
7 guardian or the child to participate, or make a good faith
8 effort to participate, in the activities prescribed to remedy
9 the truant behavior, or the failure or refusal of the child to
10 return to school after participation in activities required by
11 this subsection, or the failure of the child to stop the
12 truant behavior after the school administration and the
13 Department of Juvenile Justice have worked with the child as
14 described in ss. 232.17 and s. 232.19(3) ~~and (4)~~ shall be
15 handled as prescribed in s. 232.19.

16 (57) "Truancy petition" means a petition filed by the
17 ~~school~~ superintendent of schools alleging that a student
18 subject to compulsory school attendance has had at least five
19 unexcused absences, or absences for which the reasons are
20 unknown, within a calendar month or 10 unexcused absences, or
21 absences for which the reasons are unknown, within a
22 90-calendar-day period, or has had more than 15 unexcused
23 absences in a 90-calendar-day period. A truancy petition is
24 filed and processed under s. 984.151.

25 Section 20. Paragraph (b) of subsection (1) of section
26 984.13, Florida Statutes, is amended to read:

27 984.13 Taking into custody a child alleged to be from
28 a family in need of services or to be a child in need of
29 services.--

30 (1) A child may be taken into custody:

31

1 (b) By a law enforcement officer when the officer has
2 reasonable grounds to believe that the child is absent from
3 school without authorization or is suspended or expelled and
4 is not in the presence of his or her parent or legal guardian,
5 for the purpose of delivering the child without unreasonable
6 delay to the appropriate school system site. For the purpose
7 of this paragraph, "school system site" includes, but is not
8 limited to, a center approved by the superintendent of schools
9 for the purpose of counseling students and referring them back
10 to the school system or an approved alternative to a
11 suspension or expulsion program. If a student is suspended or
12 expelled from school without assignment to an alternative
13 school placement, the law enforcement officer shall deliver
14 the child to the parent or legal guardian or to a designated
15 truancy interdiction site until the parent or guardian can be
16 located.

17 Section 21. Subsections (1), (3), and (4) of section
18 984.151, Florida Statutes, are amended, and a new subsection
19 (9) is added to said section, 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 at least five unexcused
23 absences, or absences for which the reasons are unknown,
24 within a calendar month or 10 unexcused absences, or absences
25 for which the reasons are unknown, within a 90-calendar-day
26 period pursuant to s. 232.17(1)(b), or has had more than 15
27 unexcused absences in a 90-calendar-day period, the
28 superintendent of schools may file a truancy petition.

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

1 rules. Upon the filing of a petition containing allegations of
2 facts which, if true, constitute the child named therein being
3 absent from school pursuant to subsection (1) and s.
4 232.17(1)(b) and upon the request of the petitioner, the clerk
5 or deputy clerk shall issue a summons.

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

15 (a) When a truancy petition has been filed pursuant to
16 s. 984.151 and the parent, guardian, or legal custodian of the
17 child, and the child, have advised the court and the school
18 system that the truth of the allegations is acknowledged and
19 that no contest is to be made of the petition, the attorney
20 representing the school system may set the case before the
21 court for a disposition hearing. If there is a change of plea
22 at this hearing, the court shall continue the hearing to
23 permit the attorney representing the school system to prepare
24 and present the case. The school system may, upon written
25 agreement, designate the state attorney's office to represent
26 the school system in this proceeding.

27 (b) An attorney representing the school system or,
28 upon written agreement, the state attorney's office, shall
29 represent the state in any proceeding in which a truancy
30 petition has been filed under s. 984.151 and in which a party
31 denies the allegations and contests the petition.

1 (9) The participation of the parent, guardian, or
2 legal custodian with the court-ordered sanctions and services
3 is mandatory. The court may use its contempt powers to enforce
4 its order.

5 Section 22. Section 414.125, Florida Statutes, is
6 amended to read:

7 414.125 Learnfare program.--

8 (1) The department shall reduce the temporary cash
9 assistance for a participant's eligible dependent child or for
10 an eligible teenage participant who has not been exempted from
11 education participation requirements and who has been
12 identified as a habitual truant, pursuant to s. 228.041(28)
13 ~~during a grading period in which the child or teenage~~
14 ~~participant has accumulated a number of unexcused absences~~
15 ~~from school that is sufficient to jeopardize the student's~~
16 ~~academic progress, in accordance with rules adopted by the~~
17 ~~department with input from the Department of Education. The~~
18 temporary cash assistance must be reinstated after a
19 subsequent grading period in which the child has substantially
20 improved the child's attendance. Good cause exemptions from
21 the rule of unexcused absences include the following:

22 (a) The student is expelled from school and
23 alternative schooling is not available.

24 (b) No licensed day care is available for a child of
25 teen parents subject to Learnfare.

26 (c) Prohibitive transportation problems exist (e.g.,
27 to and from day care).

28 (d) The teen is over 16 years of age and not expected
29 to graduate from high school by age 20.

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1 Within 10 days after sanction notification, the participant
2 parent of a dependent child or the teenage participant may
3 file an internal fair hearings process review procedure
4 appeal, and no sanction shall be imposed until the appeal is
5 resolved.

6 (2) Each participant with a school-age child is
7 required to have a conference with an appropriate school
8 official of the child's school during each semester ~~grading~~
9 ~~period~~ to assure that the participant is involved in the
10 child's educational progress and is aware of any existing
11 attendance or academic problems. The conference must address
12 acceptable student attendance, grades, and behavior and must
13 be documented by the school and reported to the department.
14 The department shall notify a school of any student in
15 attendance at that school who is a participant in the
16 Learnfare program in order that the required conferences are
17 held. A participant who without good cause fails to attend a
18 conference with a school official is subject to the sanction
19 provided in subsection (1).

20 Section 23. This act shall take effect July 1, 2000.

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HOUSE SUMMARY

Revises the definition of suspension. Removes school discipline data from data used to determine a school's performance grade category. Clarifies suspension options. Revises information required to be included in the student code of conduct. Combines and clarifies provisions relating to student possession of a weapon. Requires the district code of student conduct to include certain notice relating to expulsion for making a threat. Defines the term "school-within-a-school." Requires district school boards to address the availability of substance abuse and mental health counselors. Specifies types of drills and emergencies for which district school boards are required to develop procedures. Provides requirements relating to school safety incident data collection and reporting. Requires the Department of Education to develop a form. Requires each school principal to ensure that the standardized form is used. Requires best financial management practices to address school safety and security. Clarifies criteria for student eligibility for dropout prevention services. Specifies offenses for which a student will be expelled for 1 year under district school board zero tolerance for crime policies. Prohibits certain students referred to a child study team from enrolling in a home education program. Provides an appeals process. Provides penalties for noncompliance with provisions regarding driver's license attendance requirements. Codifies federal requirements for disciplinary actions against students with disabilities. Clarifies requirements for suspension proceedings against a student who is formally charged with a felony. Specifies that expulsion of a student with a disability must be made pursuant to law and state board rule. Authorizes teachers or other instructional personnel to have disobedient and disrespectful students temporarily removed from the classroom. Revises the behavior considered to be cause for teacher removal of students and revises provisions regarding placement of students who are removed. Removes obsolete language relating to a study and a report. Prohibits certain school personnel from being held civilly or criminally liable for the identification and referral of students for evaluation. Requires the provision of copies of educational facility construction design documents to specific agencies. Creates provisions relating to small schools. Defines the term "small school." Requires the construction of only small schools after a certain date. Requires small schools to comply with racial balance requirements. Revises the definition of "truancy petition." Enables a law enforcement officer to take into custody a child who is suspended or expelled and who is not in the presence of his or her parent or legal guardian. Revises requirements for filing a truancy petition. Provides for use of contempt powers. Revises the criteria for reduction of temporary cash assistance.