

By the Committees on Judiciary, Education/K-12 and
Representatives Lynn and Brown

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 specified student support services
19 professionals; amending and redesignating s.
20 235.14, F.S.; specifying types of drills and
21 emergencies for which district school boards
22 are required to develop procedures; creating s.
23 230.23003, F.S.; providing requirements
24 relating to school safety incident data
25 collection and reporting; requiring each school
26 principal to ensure that standardized forms are
27 used to report school safety and discipline
28 data; requiring the Department of Education to
29 develop a form; amending s. 230.23015, F.S.,
30 relating to disciplinary action for violation
31 of s. 784.081; providing a cross reference;

1 amending s. 230.23025, F.S.; requiring best
2 financial management practices to address
3 school safety and security; amending s.
4 230.2316, F.S.; clarifying criteria for student
5 eligibility for services; amending s. 230.235,
6 F.S.; specifying offenses for which a student
7 will be expelled for 1 year, and referred for
8 criminal prosecution, under district school
9 board zero tolerance for crime policies;
10 authorizing assignment to certain alternative
11 programs; providing a cross reference relating
12 to students with disabilities; amending s.
13 232.17, F.S.; requiring principals to notify
14 certain persons that specified students are
15 exhibiting a pattern of nonattendance;
16 clarifying authorization for intervention
17 through a truancy petition; providing an
18 appeals process; providing for procedures of
19 portfolio review by a home education review
20 committee of a parent whose child has been
21 identified as exhibiting a pattern of
22 nonattendance who enrolls in a home education
23 program; providing penalties for noncompliance;
24 amending s. 232.19, F.S.; providing penalties
25 for noncompliance with provisions regarding
26 driver's license attendance requirements;
27 amending s. 232.25, F.S., relating to control
28 of pupils; providing a cross reference;
29 creating s. 232.251, F.S.; codifying federal
30 requirements for disciplinary actions against
31 students with disabilities; amending s. 232.26,

1 F.S.; clarifying requirements for suspension
2 proceedings against a student who is formally
3 charged with a felony; specifying that
4 expulsion of a student with a disability must
5 be made pursuant to law and state board rule;
6 amending s. 232.27, F.S.; authorizing teachers
7 or other instructional personnel to have
8 disobedient and disrespectful students
9 temporarily removed from the classroom and to
10 have certain students directed for information
11 or assistance from appropriate personnel;
12 amending s. 232.271, F.S.; revising the
13 behavior considered to be cause for teacher
14 removal of students; revising placement of
15 students who are removed; removing obsolete
16 language relating to a study and a report;
17 amending s. 232.275, F.S.; prohibiting certain
18 school personnel from being held civilly or
19 criminally liable for the exercise of authority
20 provided by certain provisions of law; creating
21 s. 235.192, F.S.; requiring the provision of
22 copies of educational facility floorplans and
23 other relevant documents to specific agencies;
24 creating s. 235.2157, F.S.; providing
25 legislative findings; defining the term "small
26 school"; requiring the construction of only
27 small schools after a certain date; requiring
28 small schools to comply with racial balance
29 requirements; providing an exception; amending
30 s. 984.03, F.S.; revising the definition of
31 "truancy petition"; amending s. 984.13, F.S.;

1 enabling a law enforcement officer to take into
2 custody a child who is suspended or expelled
3 and who is not in the presence of his or her
4 parent or legal guardian; revising the
5 definition of "school system"; amending s.
6 984.151, F.S.; revising requirements for filing
7 a truancy petition; requiring the issuance of a
8 summons; providing for use of contempt powers;
9 amending s. 414.125, F.S.; revising criteria
10 for reduction of temporary cash assistance;
11 providing an effective date.

12

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

14

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

17 228.041 Definitions.--Specific definitions shall be as
18 follows, and wherever such defined words or terms are used in
19 the Florida School Code, they shall be used as follows:

20 (25) SUSPENSION.--

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

27 ~~(b) In-school~~ Suspension is the temporary removal of a
28 student from the student's regular school program and
29 remanding of the student to the custody of the student's
30 parent or guardian with specific homework assignments for the
31 student to complete, or placement of the student in an

1 alternative program, such as that provided in s. 230.2316,
2 under the supervision of school district personnel during
3 regular school hours, for a period not to exceed 10 school
4 days.

5 Section 2. Paragraph (a) of subsection (8) of section
6 229.57, Florida Statutes, is amended to read:

7 229.57 Student assessment program.--

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

11 (a) Timeframes.--

12 1. School performance grade category designations
13 shall be based on one school year of performance.

14 2. In the ~~school years 1998-1999 and 1999-2000~~ school
15 year, a school's performance grade category designation shall
16 be determined by the student achievement levels on the FCAT,
17 and on other appropriate performance data, including, but not
18 limited to, attendance, dropout rate, ~~school discipline data~~,
19 and student readiness for college, in accordance with state
20 board rule.

21 3. In ~~Beginning with~~ the 2000-2001 school year, a
22 school's performance grade category designation shall be based
23 on a combination of student achievement scores as measured by
24 the FCAT, on the degree of measured learning gains of the
25 students, and on other appropriate performance data,
26 including, but not limited to, attendance, dropout rate,
27 ~~school discipline data~~, and student readiness for college.

28 4. Beginning with the 2001-2002 school year and
29 thereafter, a school's performance grade category designation
30 shall be based on student learning gains as measured by annual
31 FCAT assessments in grades 3 through 10, and on other

1 appropriate performance data, including, but not limited to,
2 attendance, dropout rate, ~~school discipline data~~, cohort
3 graduation rate, and student readiness for college.
4
5 ~~For the purpose of implementing ss. 229.0535 and 229.0537, if~~
6 ~~any of the four schools that were identified as critically low~~
7 ~~performing, based on both 1996-1997 and 1997-1998 school~~
8 ~~performance data and state board adopted criteria, receives a~~
9 ~~performance grade category designation of "F," based on~~
10 ~~1998-1999 school performance data, that school shall be~~
11 ~~considered as having failed to make adequate progress for 2~~
12 ~~years in a 4-year period. All other schools that receive a~~
13 ~~performance grade category designation of "F," based on~~
14 ~~1998-1999 school performance data, shall be considered as~~
15 ~~having failed to make adequate progress for 1 year.~~

16 Section 3. Paragraphs (c), (d), and (e) of subsection
17 (6) of section 230.23, Florida Statutes, are amended,
18 subsection (20) of said section is renumbered as subsection
19 (22), and new subsections (20) and (21) are added to said
20 section, and section 235.14, Florida Statutes, is redesignated
21 as paragraph (f) of subsection (6) of said section and
22 amended, to read:

23 230.23 Powers and duties of school board.--The school
24 board, acting as a board, shall exercise all powers and
25 perform all duties listed below:

26 (6) CHILD WELFARE.--Provide for the proper accounting
27 for all children of school age, for the attendance and control
28 of pupils at school, and for proper attention to health,
29 safety, and other matters relating to the welfare of children
30 in the following fields, as prescribed in chapter 232.

31 (c) Control of students ~~pupils~~.--

1 1. Adopt rules and regulations for the control,
2 discipline, ~~in-school suspension~~, suspension, and expulsion of
3 students ~~pupils~~ and decide all cases recommended for
4 expulsion. Suspension hearings are exempted from the
5 provisions of chapter 120. Expulsion hearings shall be
6 governed by ss. 120.569 and 120.57(2) and are exempt from s.
7 286.011. However, the student's ~~pupil's~~ parent or legal
8 guardian must be given notice of the provisions of s. 286.011
9 and may elect to have the hearing held in compliance with that
10 section. The district school board shall have the authority
11 to prohibit the use of corporal punishment, provided that the
12 district school board adopts or has adopted a written program
13 of alternative control or discipline.

14 2. Have the authority as the district school board of
15 a receiving school district to honor the final order of
16 expulsion or dismissal of a student by any in-state or
17 out-of-state public school board or private school, or
18 developmental research school, for an act which would have
19 been grounds for expulsion according to the receiving school
20 district's code of student conduct, in accordance with the
21 following procedures:

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

24 b. The expelled student applying for admission to the
25 receiving school district shall be advised of the final order
26 of expulsion.

27 c. The superintendent of schools of the receiving
28 school district may recommend to the district school board
29 that the final order of expulsion be waived and the student be
30 admitted to the school district, or that the final order of
31 expulsion be honored and the student not be admitted to the

1 school district. If the student is admitted by the district
2 school board, with or without the recommendation of the
3 superintendent of schools, the student may be placed in an
4 appropriate educational program at the direction of the
5 district school board.

6 (d) Code of student conduct.--Adopt a code of student
7 conduct for elementary schools and a code of student conduct
8 for secondary schools and distribute the appropriate code to
9 all teachers, school personnel, students, and parents or
10 guardians, at the beginning of every school year. Each code
11 shall be organized and written in language that ~~which~~ is
12 understandable to students and parents and shall be discussed
13 at the beginning of every school year in student classes,
14 school advisory council meetings ~~councils~~, and parent and
15 teacher association meetings ~~associations~~. Each code shall be
16 based on the rules governing student conduct and discipline
17 adopted by the district school board and shall be made
18 available in the student handbook or similar publication. Each
19 code shall include, but not be limited to:

20 1. Consistent policies and specific grounds for
21 disciplinary action, including ~~in-school suspension,~~
22 ~~out-of-school~~ suspension, and any disciplinary
23 action that may be imposed for the possession or use of
24 alcohol on school property or while attending a school
25 function or for the illegal use, sale, or possession of
26 controlled substances as defined in chapter 893.

27 2. Procedures to be followed for acts requiring
28 discipline, including corporal punishment.

29 3. An explanation of the responsibilities and rights
30 of students with regard to attendance, respect for persons and
31 property, knowledge and observation of rules of conduct, the

1 right to learn, free speech and student publications,
2 assembly, privacy, and participation in school programs and
3 activities.

4 4. Notice that illegal use, possession, or sale of
5 controlled substances, as defined in chapter 893, or
6 possession of electronic telephone pagers, by any student
7 while such student is upon school property or in attendance at
8 a school function is grounds for disciplinary action by the
9 school and may also result in criminal penalties being
10 imposed.

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

16 6. Notice that violence against any school district
17 personnel by a student is grounds for ~~in-school suspension,~~
18 ~~out-of-school~~ suspension, expulsion, or imposition of other
19 disciplinary action by the school and may also result in
20 criminal penalties being imposed.

21 7. Notice that violation of district school board
22 transportation policies, including disruptive behavior on a
23 school bus or at a school bus stop, by a student is grounds
24 for suspension of the student's privilege of riding on a
25 school bus and may be grounds for disciplinary action by the
26 school and may also result in criminal penalties being
27 imposed.

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

3 9. Policies to be followed for the assignment of
4 violent or disruptive students to an alternative educational
5 program.

6 10. Notice that any student who is determined to have
7 brought a firearm or weapon, as defined in chapter 790 ~~18~~
8 ~~U.S.C. s. 921~~, to school, to any school function, or onto ~~on~~
9 any school-sponsored transportation will be expelled, with or
10 without continuing educational services, from the student's
11 regular school for a period of not less than 1 full year and
12 referred for criminal prosecution. District school boards may
13 assign the student to a disciplinary program or second chance
14 school for the purpose of continuing educational services
15 during the period of expulsion. Superintendents may consider
16 the 1-year expulsion requirement on a case-by-case basis and
17 request the district school board to modify the requirement by
18 assigning the student to a disciplinary program or second
19 chance school if it is determined to be in the best interest
20 of the student and the school system.

21 11. Notice that any student who is determined to have
22 made a threat or false report, as defined by ss. 790.162 and
23 790.163, respectively, involving school or school personnel's
24 property, school transportation, or a school-sponsored
25 activity will be expelled, with or without continuing
26 educational services, from the student's regular school for a
27 period of not less than 1 full year and referred for criminal
28 prosecution. District school boards may assign the student to
29 a disciplinary program or second chance school for the purpose
30 of continuing educational services during the period of
31 expulsion. Superintendents of schools may consider the 1-year

1 expulsion requirement on a case-by-case basis and request the
2 district school board to modify the requirement by assigning
3 the student to a disciplinary program or second chance school
4 if it is determined to be in the best interest of the student
5 and the school system.

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

10 (f)~~235.14~~ Emergency drills; emergency
11 procedures.--The district school board shall formulate and
12 prescribe policies and procedures for emergency drills and for
13 actual emergencies, including, but not limited to, fires,
14 natural disasters, and bomb threats,for all the public
15 schools of the district ~~state~~ which comprise grades K-12.
16 District policies shall include commonly used alarm system
17 responses for specific types of emergencies and verification
18 by each school that drills have been provided as required by
19 law and fire protection codes.

20 (20) SCHOOL-WITHIN-A-SCHOOL.--In order to reduce the
21 anonymity of students in large schools, the district school
22 board shall adopt policies effective for the 2001-2002 school
23 year, and thereafter, to require any school that does not meet
24 the definition of a small school, as established by s.
25 235.2157(2), to subdivide into schools-within-a-school, which
26 shall operate within existing resources. A
27 "school-within-a-school" means an operational program that
28 uses flexible scheduling, team planning, and curricular and
29 instructional innovation to organize groups of students with
30 groups of teachers as smaller units, so as to functionally

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1 operate as a smaller school. Examples of this include, but are
2 not limited to:

3 (a) An organizational arrangement assigning both
4 students and teachers to smaller units in which the students
5 take some or all of their coursework with their fellow grouped
6 students and from the teachers assigned to the smaller unit. A
7 unit may be grouped together for 1 year or on a vertical,
8 multiyear basis.

9 (b) An organizational arrangement similar to that
10 described in paragraph (a) with additional variations in
11 instruction and curriculum. The smaller unit usually seeks to
12 maintain a program different from that of the larger school,
13 or of other smaller units. It may be vertically organized, but
14 is dependent upon the school principal for its existence,
15 budget, and staff.

16 (c) A separate and autonomous smaller unit formally
17 authorized by the district school board or superintendent of
18 schools. The smaller unit plans and runs its own program, has
19 its own staff and students, and receives its own separate
20 budget. The smaller unit must negotiate the use of common
21 space with the larger school and defer to the building
22 principal on matters of safety and building operation.

23 (21) TEACHER SUPPORT.--District school boards shall
24 address the availability of qualified and experienced support
25 services professionals who are trained in substance abuse or
26 mental health to support teachers who identify students with
27 potential problems. The district school board may address the
28 availability of these qualified and experienced support
29 services professionals through the use of in-school or local
30 private providers.

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1 Section 4. Section 230.23003, Florida Statutes, is
2 created to read:

3 230.23003 Safety incident reporting.--

4 (1) Each district school board shall require all
5 kindergarten through grade 12 principals within its
6 jurisdiction to document all public school grounds, public
7 school student, and public school staff related incidents of
8 crime, delinquency, disorder, and disruption. Documentable
9 incidents shall include:

10 (a) Incidents requiring student referrals for
11 disciplinary action;

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

14 (c) Reportable incidents as defined pursuant to s.
15 230.235.

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

24 (3) Each school in every district shall be required to
25 report all documented incidents to the appropriate school
26 district personnel responsible for collecting and reporting
27 school safety data to the Department of Education.

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

1 (5) By December 31, 2000, the Department of Education
2 shall develop a statewide uniform safety incident reporting
3 form.

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

6 230.23015 Students violating s. 784.081; expulsion or
7 placement in alternative school setting.--Except as otherwise
8 provided in s. 232.251 ~~Notwithstanding any other provision of~~
9 ~~law~~, each district school board shall adopt rules providing
10 that any student found to have committed a violation of s.
11 784.081(1), (2), or (3) shall be expelled or placed in an
12 alternative school setting or other youth services or justice
13 program, as appropriate. Upon being charged with the offense,
14 the student shall be removed from the classroom immediately
15 and placed in an alternative school setting pending
16 disposition.

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

19 230.23025 Best financial management practices;
20 standards; reviews; designation of districts.--

21 (1) The Office of Program Policy Analysis and
22 Government Accountability (OPPAGA) and the Office of the
23 Auditor General are directed to develop a system for reviewing
24 the financial management practices of school districts. In
25 this system, OPPAGA and the Auditor General shall jointly
26 examine district operations to determine whether they meet
27 "best financial management practices." The best financial
28 management practices adopted by the Commissioner of Education
29 may be updated periodically after consultation with the
30 Legislature, the Governor, the SMART Schools Clearinghouse,
31 OPPAGA, and the Auditor General. The best financial management

1 practices, at a minimum, must instill public confidence by
2 addressing the following areas:

3 (a) Efficient use of resources, use of lottery
4 proceeds, student transportation and food service operations,
5 management structures, and personnel systems and benefits.†

6 (b) Compliance with generally accepted accounting
7 principles and state and federal laws relating to financial
8 management.†

9 (c) Performance accountability systems, including
10 performance measurement reports to the public, internal
11 auditing, financial auditing, and information made available
12 to support decisionmaking.†

13 (d) Cost control systems, including asset, risk, and
14 financial management, purchasing, and information system
15 controls.

16 (e) Compliance with safety and security requirements
17 as provided by law.

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

20 230.2316 Dropout prevention.--

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

22 (c) A student shall be identified as being eligible to
23 receive services funded through the dropout prevention and
24 academic intervention program based upon one of the following
25 criteria:

26 1. The student is academically unsuccessful as
27 evidenced by low test scores, retention, failing grades, low
28 grade point average, falling behind in earning credits, or not
29 meeting the state or district proficiency levels in reading,
30 mathematics, or writing.

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1 2. The student has a pattern of excessive absenteeism
2 or has been identified as a habitual truant.

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

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

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

16 (d)1. "Second chance schools" means school district
17 programs provided through cooperative agreements between the
18 Department of Juvenile Justice, private providers, state or
19 local law enforcement agencies, or other state agencies for
20 students who have been disruptive or violent or who have
21 committed serious offenses. As partnership programs, second
22 chance schools are eligible for waivers by the Commissioner of
23 Education from chapters 230-235 and 239 and State Board of
24 Education rules that prevent the provision of appropriate
25 educational services to violent, severely disruptive, or
26 delinquent students in small nontraditional settings or in
27 court-adjudicated settings.

28 2. School districts seeking to enter into a
29 partnership with a private entity or public entity to operate
30 a second chance school for disruptive students may apply to
31 the Department of Education for startup grants from the

1 Department of Education. These grants must be available for 1
2 year and must be used to offset the startup costs for
3 implementing such programs off public school campuses. General
4 operating funds must be generated through the appropriate
5 programs of the Florida Education Finance Program. Grants
6 approved under this program shall be for the full operation of
7 the school by a private nonprofit or for-profit provider or
8 the public entity. This program must operate under rules
9 adopted by the Department of Education and must be implemented
10 to the extent funded by the Legislature.

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

14 a. The student is a habitual truant as defined in s.
15 228.041(28).

16 b. The student's excessive absences have detrimentally
17 affected the student's academic progress and the student may
18 have unique needs that a traditional school setting may not
19 meet.

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

22 d. The student has been identified as at risk of
23 dropping out of school.

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

29 5. A student may be assigned to a second chance school
30 if the school district in which the student resides has a
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1 second chance school and if the student meets one of the
2 following criteria:

3 a. The student habitually exhibits disruptive behavior
4 in violation of the code of student conduct adopted by the
5 school board.

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

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

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

18 (II) Includes violence;

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

20 (IV) Is harassment or verbal abuse of school personnel
21 or other students.

22 6. Prior to assignment of students to second chance
23 schools, district school boards are encouraged to use
24 alternative programs, such as ~~in-school~~ suspension, which
25 provide instruction and counseling leading to improved student
26 behavior, a reduction in the incidence of truancy, and the
27 development of more effective interpersonal skills.

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

3 8. Students who exhibit academic and social progress
4 and who wish to return to a traditional school shall complete
5 a character development and law education program, as provided
6 in s. 233.0612, and demonstrate preparedness to reenter the
7 regular school setting prior to reentering a traditional
8 school.

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

12 230.235 Policy of zero tolerance for crime.--

13 (2) The policy shall require students found to have
14 committed one of the following offenses to be expelled, with
15 or without continuing educational services, from the student's
16 regular school for a period of not less than 1 full year, and
17 to be referred for criminal prosecution:

18 (a) Bringing a firearm or weapon, as defined in
19 chapter 790, to school, to any school function, or onto any
20 school-sponsored transportation.

21 (b) Making a threat or false report, as defined by ss.
22 790.162 and 790.163, respectively, involving school or school
23 personnel's property, school transportation, or a
24 school-sponsored activity.

25
26 District school boards may assign the student to a
27 disciplinary program or second chance school for the purpose
28 of continuing educational services during the period of
29 expulsion. Superintendents may consider the 1-year expulsion
30 requirement on a case-by-case basis and request the district
31 school board to modify the requirement by assigning the

1 student to a disciplinary program or second chance school if
2 it is determined to be in the best interest of the student and
3 the school system. If a student committing any of the offenses
4 in this subsection is a student with a disability, the school
5 district shall comply with procedures pursuant to s. 232.251
6 and any applicable state board rule.

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

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

1 student learning and achievement. Each public school shall
2 implement the following steps to enforce regular school
3 attendance:

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

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

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

24
25 If the child study team finds that a pattern of nonattendance
26 is developing, whether the absences are excused or not, a
27 meeting with the parent must be scheduled to identify
28 potential remedies, and the principal shall notify the
29 superintendent of schools and the school district contact for
30 home education programs that the referred student is
31 exhibiting a pattern of nonattendance.

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

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

17 (d) The child study team shall be diligent in
18 facilitating intervention services and shall report the case
19 to the superintendent only when all reasonable efforts to
20 resolve the nonattendance behavior are exhausted.

21 (e) If the parent, guardian, or other person in charge
22 of the child refuses to participate in the remedial strategies
23 because he or she believes that those strategies are
24 unnecessary or inappropriate, the parent, guardian, or other
25 person in charge of the child may appeal to the school board.
26 The school board may provide a hearing officer, and the
27 hearing officer shall make a recommendation for final action
28 to the board. If the board's final determination is that the
29 strategies of the child study team are appropriate, and the
30 parent, guardian, or other person in charge of the child still
31 refuses to participate or cooperate, the superintendent may

1 seek criminal prosecution for noncompliance with compulsory
2 school attendance.

3 (f)1. If the parent or guardian of a child who has
4 been identified as exhibiting a pattern of nonattendance
5 enrolls the child in a home education program pursuant to s.
6 232.0201, the superintendent of schools shall provide the
7 parent a copy of s. 232.0201 and the accountability
8 requirements of this paragraph. The superintendent of schools
9 shall also refer the parent to a home education review
10 committee composed of the district contact for home education
11 programs and at least two home educators selected by the
12 parent from a district list of all home educators who have
13 conducted a home education program for at least 3 years and
14 who have indicated a willingness to serve on the committee.
15 The home education review committee shall review the portfolio
16 of the student, as defined by s. 232.0201, every 30 days
17 during the district's regular school terms until the committee
18 is satisfied that the home education program is in compliance
19 with s. 232.0201(1)(b). The first portfolio review must occur
20 within the first 30 calendar days of the establishment of the
21 program. The provisions of subparagraph 2. do not apply once
22 the committee determines the home education program is in
23 compliance with s. 232.0201(1)(b).

24 2. If the parent fails to provide a portfolio to the
25 committee, the committee shall notify the superintendent of
26 schools. The superintendent of schools shall then terminate
27 the home education program and require the parent to enroll
28 the child in an attendance option provided under s. 232.02(1),
29 (2), (3), or (5), within 3 days. Upon termination of a home
30 education program pursuant to this subparagraph, the parent or
31 guardian shall not be eligible to reenroll the child in a home

1 education program for 180 calendar days. Failure of a parent
2 or guardian to enroll the child in a public or private school
3 after termination of the home education program pursuant to
4 this subparagraph shall constitute noncompliance with the
5 compulsory attendance requirements of s. 232.01 and may result
6 in criminal prosecution under s. 232.19(2). Nothing contained
7 herein shall restrict the ability of the superintendent of
8 schools, or the ability of his or her designee, to review the
9 portfolio pursuant to s. 232.0201(1)(b).

10 (g)~~(f)~~ If a child subject to compulsory school
11 attendance will not comply with attempts to enforce school
12 attendance, the parent, the guardian, or the superintendent or
13 his or her designee shall refer the case to the case staffing
14 committee pursuant to s. 984.12, and the superintendent or his
15 or her designee may file a truancy petition pursuant to the
16 procedures in s. 984.151.

17 Section 10. Paragraph (b) of subsection (2) of section
18 232.19, Florida Statutes, is amended to read:

19 232.19 Court procedure and penalties.--The court
20 procedure and penalties for the enforcement of the provisions
21 of this chapter, relating to compulsory school attendance,
22 shall be as follows:

23 (2) NONENROLLMENT AND NONATTENDANCE CASES.--

24 (b) Each public school principal or the principal's
25 designee shall notify the district school board of each minor
26 under its jurisdiction who accumulates 15 unexcused absences
27 in a period of 90 calendar days. Each designee of the
28 governing body of each private school, and each parent whose
29 child is enrolled in a home education program, may provide the
30 Department of Highway Safety and Motor Vehicles with the legal
31 name, sex, date of birth, and social security number of each

1 minor under his or her jurisdiction who fails to satisfy
2 relevant attendance requirements and who fails to otherwise
3 satisfy the requirements of s. 322.091. The superintendent
4 must provide the Department of Highway Safety and Motor
5 Vehicles the legal name, sex, date of birth, and social
6 security number of each minor who has been reported under this
7 paragraph and who fails to otherwise satisfy the requirements
8 of s. 322.091. The Department of Highway Safety and Motor
9 Vehicles may not issue a driver's license or learner's
10 driver's license to, and shall suspend any previously issued
11 driver's license or learner's driver's license of, any such
12 minor, pursuant to the provisions of s. 322.091. The district
13 school board shall withhold further payment of salary to the
14 superintendent of schools when notified by the Department of
15 Education that he or she has failed to provide the Department
16 of Highway Safety and Motor Vehicles the required student
17 information, and shall continue to withhold payment of salary
18 until the district school board is notified by the Department
19 of Education that such information has been provided. Any
20 member of the district school board who is responsible for
21 violation of the provisions of this paragraph is subject to
22 suspension and removal.

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

25 232.25 Pupils subject to control of school.--

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

30
31

1 (a) The student is found to have committed a
2 delinquent act which would be a felony if committed by an
3 adult;

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

7 (c) The student has been found guilty of a felony.
8

9 However, if the student is a student with a disability, the
10 disciplinary action must comply with the procedures set forth
11 in s. 232.251 and state board rule.

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

14 232.251 Disciplinary actions against students with
15 disabilities.--In accordance with the requirements of the
16 federal Individuals with Disabilities Education Act Amendments
17 of 1997:

18 (1) AUTHORITY OF SCHOOL PERSONNEL.--

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

21 1. To an appropriate interim alternative educational
22 setting, another setting, or suspension, for not more than 10
23 school days, to the extent that such alternatives would also
24 be applied to students without disabilities; or

25 2. To an appropriate interim alternative educational
26 setting for the same amount of time that a student without a
27 disability would be subject to discipline, but for not more
28 than 45 days if:

29 a. The student carries a weapon to school or to a
30 school function under the jurisdiction of a school district;
31 or

1 b. The student knowingly possesses or uses illegal
2 drugs or sells or solicits the sale of a controlled substance
3 while at school or a school function under the jurisdiction of
4 a school district.

5 (b) Not later than 10 days after taking a disciplinary
6 action described in paragraph (a):

7 1. If the school district did not conduct a functional
8 behavioral assessment and implement a behavioral intervention
9 plan for the student before the behavior that resulted in the
10 suspension described in paragraph (a), the school district
11 shall convene an individual education plan (IEP) meeting to
12 develop an assessment plan to address that behavior; or

13 2. If the student already has a behavioral
14 intervention plan, the IEP Team shall review the plan and
15 modify it, as necessary, to address the behavior.

16 (2) AUTHORITY OF AN ADMINISTRATIVE LAW JUDGE.--An
17 administrative law judge from the Division of Administrative
18 Hearings may order a change in the placement of a student with
19 a disability under this section, to an appropriate interim
20 alternative educational setting for not more than 45 days if
21 the hearing officer:

22 (a) Determines that the school district has
23 demonstrated by substantial evidence that maintaining the
24 current placement of the student is substantially likely to
25 result in injury to the student or to others.

26 (b) Considers the appropriateness of the student's
27 current placement.

28 (c) Considers whether the school district has made
29 reasonable efforts to minimize the risk of harm in the
30 student's current placement, including the use of
31 supplementary aids and services.

1 (d) Determines that the interim alternative
2 educational setting meets the requirements of paragraph (3).
3 (3) DETERMINATION OF SETTING.--
4 (a) The alternative educational setting described in
5 subparagraph (1)(a)2. shall be determined by the IEP Team.
6 (b) Any interim alternative educational setting in
7 which a student is placed under subsection (1) or subsection
8 (2) shall:
9 1. Be selected so as to enable the student to continue
10 to participate in the general curriculum, although in another
11 setting, and to continue to receive those services and
12 modifications, including those described in the student's
13 current IEP, that will enable the student to meet the goals
14 set out in that IEP.
15 2. Include services and modifications designed to
16 address the behavior described in subsection (1) or subsection
17 (2) so that it does not recur.
18 (4) MANIFESTATION DETERMINATION REVIEW.--
19 (a) If a disciplinary action is contemplated as
20 described in subsection (1) or subsection (2) for a behavior
21 of a student with a disability described in either of those
22 subsections, or if a disciplinary action involving a change of
23 placement for more than 10 days is contemplated for a student
24 with a disability who has engaged in other behavior that
25 violated any rule or code of conduct of the school district
26 that applies to all students:
27 1. Not later than the date on which the decision to
28 take that action is made, the parents shall be notified of
29 that decision and of all procedural safeguards accorded under
30 this section.
31

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

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

8 (c) In carrying out a review required by paragraph
9 (a), the IEP Team may determine that the behavior of the
10 student was not a manifestation of the student's disability
11 only if the IEP Team:

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

14 a. Evaluation and diagnostic results, including such
15 results or other relevant information supplied by the parents
16 of the student;

17 b. Observations of the student; and

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

19 2. Then determines that:

20 a. In relationship to the behavior subject to
21 disciplinary action, the student's IEP and placement were
22 appropriate and the special education services, supplementary
23 aids and services, and behavior intervention strategies were
24 provided consistent with the student's IEP and placement;

25 b. The student's disability did not impair the ability
26 of the student to understand the impact and consequences of
27 the behavior subject to disciplinary action; and

28 c. The student's disability did not impair the ability
29 of the student to control the behavior subject to disciplinary
30 action.

31

1 (5) DEFINITIONS.--For purposes of this section, the
2 following definitions shall apply:
3 (a) The term "controlled substance" means a drug or
4 other substance identified under schedules I, II, III, IV, or
5 V in section 202(c) of the Controlled Substances Act, 21
6 U.S.C. 812(c).
7 (b) The term "illegal drug":
8 1. Means a controlled substance; but
9 2. Does not include such a substance that is legally
10 possessed or used under the supervision of a licensed health
11 care professional or that is legally possessed or used under
12 any other authority under the Controlled Substances Act or
13 under any other provision of federal law.
14 (c) The term "substantial evidence" means beyond a
15 preponderance of the evidence.
16 (d) The term "weapon" has the meaning given the term
17 "dangerous weapon" under paragraph (2) of the first subsection
18 (g) of section 930 of Title 18, United States Code.
19
20 Procedures for compliance with the determination that the
21 student's behavior was not a manifestation of a disability,
22 parental appeal, placement during appeals, protection for
23 students not yet eligible for special education and related
24 services, and referral to an action by law enforcement and
25 judicial authorities shall be pursuant to the Individuals with
26 Disabilities Education Act Amendments of 1997 and state board
27 rule.
28 Section 13. Subsections (2) and (4) of section 232.26,
29 Florida Statutes, are amended to read:
30 232.26 Authority of principal.--
31

1 (2) Suspension proceedings, pursuant to rules of the
2 State Board of Education, may be initiated against any ~~pupil~~
3 ~~enrolled as a~~ student who is formally charged with a felony,
4 or with a delinquent act which would be a felony if committed
5 by an adult, by a proper prosecuting attorney for an incident
6 which allegedly occurred on property other than public school
7 property, if that incident is shown, in an administrative
8 hearing with notice provided to the parents or legal guardian
9 or custodian of such student ~~pupil~~ by the principal of the
10 school pursuant to rules adopted ~~promulgated~~ by the State
11 Board of Education and to rules developed pursuant to s.
12 231.085, to have an adverse impact on the educational program,
13 discipline, or welfare in the school in which the student is
14 enrolled. Any student ~~pupil~~ who is suspended as the result of
15 such proceedings shall be immediately enrolled in an
16 alternative education program during regular school hours. The
17 suspension may exceed 10 days, as determined by the
18 superintendent of schools.~~may be suspended from all classes~~
19 ~~of instruction on public school grounds during regular~~
20 ~~classroom hours for a period of time, which may exceed 10~~
21 ~~days, as determined by the superintendent. Such suspension~~
22 ~~shall not affect the delivery of educational services to the~~
23 ~~pupil, and the pupil shall be immediately enrolled in a~~
24 ~~daytime alternative education program, or an evening~~
25 ~~alternative education program, where appropriate. If the~~
26 court determines that the student ~~pupil~~ did commit the felony
27 or delinquent act which would have been a felony if committed
28 by an adult, the district school board shall have the
29 authority to expel the student, provided that expulsion under
30 this subsection shall not affect the delivery of educational
31 services to the student ~~pupil~~ in any residential,

1 nonresidential, alternative, daytime, or evening program
2 outside of the regular school setting. Any student ~~pupil~~ who
3 is subject to discipline or expulsion for unlawful possession
4 or use of any substance controlled under chapter 893 may be
5 entitled to a waiver of the discipline or expulsion:

6 (a) If the student ~~pupil~~ divulges information leading
7 to the arrest and conviction of the person who supplied such
8 controlled substance to him or her, or if the student ~~pupil~~
9 voluntarily discloses his or her unlawful possession of such
10 controlled substance prior to his or her arrest. Any
11 information divulged which leads to such arrest and conviction
12 is not admissible in evidence in a subsequent criminal trial
13 against the student ~~pupil~~ divulging such information.

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

18 (4) Any recommendation for the suspension or expulsion
19 of a ~~handicapped~~ student with a disability shall be made in
20 accordance with s. 232.251 and ~~the rules adopted~~ promulgated
21 by the State Board of Education.

22 Section 14. Paragraph (c) of subsection (1) of section
23 232.27, Florida Statutes, is amended, paragraphs (d) through
24 (j) of said subsection are redesignated as paragraphs (e)
25 through (k), respectively, and a new paragraph (d) is added to
26 said subsection, to read:

27 232.27 Authority of teacher; responsibility for
28 control of students; school district duties.--Subject to law
29 and to the rules of the district school board, each teacher or
30 other member of the staff of any school shall have such
31 authority for the control and discipline of students as may be

1 assigned to him or her by the principal or the principal's
2 designated representative and shall keep good order in the
3 classroom and in other places in which he or she is assigned
4 to be in charge of students.

5 (1) Within the framework of the school district code
6 of student conduct, teachers and other instructional personnel
7 shall have the authority to undertake any of the following
8 actions in managing student behavior and ensuring the safety
9 of all students in their classes and school:

10 (c) Have disobedient, disrespectful, violent, abusive,
11 uncontrollable, or disruptive students temporarily removed
12 from the classroom for behavior management intervention.

13 (d) Have violent, abusive, uncontrollable, or
14 disruptive students directed for information or assistance
15 from appropriate school or district personnel.

16 Section 15. Subsections (2), (3), and (5) of section
17 232.271, Florida Statutes, are amended to read:

18 232.271 Removal by teacher.--

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

20 ~~(a) Who has been documented by the teacher to~~
21 ~~repeatedly interfere with the teacher's ability to communicate~~
22 ~~effectively with the students in the class or with the ability~~
23 ~~of the student's classmates to learn; or~~

24 ~~(b) whose behavior the teacher determines is so~~
25 ~~unruly, disruptive, or abusive that it seriously interferes~~
26 with the teacher's ability to communicate effectively with the
27 students in the class or with the ability of the student's
28 classmates to learn.

29 (3) If a teacher removes a student from class under
30 subsection (2), the principal may place the student in another
31 appropriate classroom, ~~in in-school suspension, or in a~~

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

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

21 Section 16. Section 232.275, Florida Statutes, is
22 amended to read:

23 232.275 Liability of teacher or principal.--Except in
24 the case of excessive force or cruel and unusual punishment, a
25 teacher or other member of the instructional staff, a
26 principal or the principal's designated representative, or a
27 bus driver shall not be civilly or criminally liable for any
28 action carried out in conformity with the state board and
29 district school board rules regarding the control, discipline,
30 suspension, and expulsion of students, including any exercise
31 of authority under s. 232.26, s. 232.27, or s. 232.271.

1 Section 17. Section 235.192, Florida Statutes, is
2 created to read:

3 235.192 Coordination of school safety information;
4 construction design documents.--

5 (1) Beginning October 1, 2000, each district
6 superintendent of schools must provide to the law enforcement
7 agency and fire department that has jurisdiction over each
8 educational facility a copy of the floorplans and other
9 relevant documents for each educational facility in the
10 district, as defined in s. 235.011(6). After the initial
11 submission of the floorplans and other relevant documents, the
12 district superintendent of schools shall submit, by October 1
13 of each year, revised floorplans and other relevant documents
14 for each educational facility in the district that was
15 modified during the preceding year.

16 (2) Beginning October 1, 2000, each community college
17 president must provide to the law enforcement agency and fire
18 department that has jurisdiction over the community college a
19 copy of the floorplans and other relevant documents for each
20 educational facility as defined in s. 235.011(6). After the
21 initial submission of the floorplans and other relevant
22 documents, the community college president shall submit, by
23 October 1 of each year, revised floorplans and other relevant
24 documents for each educational facility that was modified
25 during the preceding year.

26 (3) Beginning October 1, 2000, the Board of Regents
27 must provide to the law enforcement agency and fire department
28 that has jurisdiction over each state university a copy of the
29 floorplans and other relevant documents for each state
30 university. After the initial submission of the floorplans and
31 other relevant documents, the Board of Regents shall submit,

1 by October 1 of each year, revised floorplans and other
2 relevant documents for each state university facility that was
3 modified during the preceding year.

4 Section 18. Section 235.2157, Florida Statutes, is
5 created to read:

6 235.2157 Small school requirement.--

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

8 (a) Florida's schools are among the largest in the
9 nation.

10 (b) Smaller schools provide benefits of reduced
11 discipline problems and crime, reduced truancy and gang
12 participation, reduced dropout rates, improved teacher and
13 student attitudes, improved student self-perception, student
14 academic achievement equal to or superior to that of students
15 at larger schools, and increased parental involvement.

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

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

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

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

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

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

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

30
31

1 A school on a single campus which operates as a
2 school-within-a-school, as defined by s. 230.23(20), shall be
3 considered a small school if each smaller unit located on the
4 single campus meets the requirements of this subsection.
5 (3) REQUIREMENTS.--
6 (a) Beginning July 1, 2003, all plans for new
7 educational facilities to be constructed within a school
8 district and reflected in the 5-year school district
9 facilities work plan shall be plans for small schools in order
10 to promote increased learning and more effective use of school
11 facilities.
12 (b) Small schools shall comply with all laws, rules,
13 and court orders relating to racial balance.
14 (4) EXCEPTIONS.--This section does not apply to plans
15 for new educational facilities already under architectural
16 contract on July 1, 2003.
17 Section 19. Subsections (29) and (57) of section
18 984.03, Florida Statutes, are amended to read:
19 984.03 Definitions.--When used in this chapter, the
20 term:
21 (29) "Habitually truant" means that:
22 (a) The child has 15 unexcused absences within 90
23 calendar days with or without the knowledge or justifiable
24 consent of the child's parent or legal guardian, is subject to
25 compulsory school attendance under s. 232.01, and is not
26 exempt under s. 232.06, s. 232.09, or any other exemptions
27 specified by law or the rules of the State Board of Education.
28 (b) Activities to determine the cause, and to attempt
29 the remediation, of the child's truant behavior under ss.
30 232.17 and 232.19(3), have been completed.
31

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

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

26 ~~(d)~~ The failure or refusal of the parent or legal
27 guardian or the child to participate, or make a good faith
28 effort to participate, in the activities prescribed to remedy
29 the truant behavior, or the failure or refusal of the child to
30 return to school after participation in activities required by
31 this subsection, or the failure of the child to stop the

1 truant behavior after the school administration and the
2 Department of Juvenile Justice have worked with the child as
3 described in ss. 232.17 and s. 232.19(3) and (4) shall be
4 handled as prescribed in s. 232.19.

5 (57) "Truancy petition" means a petition filed by the
6 ~~school~~ superintendent of schools alleging that a student
7 subject to compulsory school attendance has had at least five
8 unexcused absences, or absences for which the reasons are
9 unknown, within a calendar month or 10 unexcused absences, or
10 absences for which the reasons are unknown, within a
11 90-calendar-day period, or has had more than 15 unexcused
12 absences in a 90-calendar-day period. A truancy petition is
13 filed and processed under s. 984.151.

14 Section 20. Paragraph (b) of subsection (1) of section
15 984.13, Florida Statutes, is amended to read:

16 984.13 Taking into custody a child alleged to be from
17 a family in need of services or to be a child in need of
18 services.--

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

20 (b) By a law enforcement officer when the officer has
21 reasonable grounds to believe that the child is absent from
22 school without authorization or is suspended or expelled and
23 is not in the presence of his or her parent or legal guardian,
24 for the purpose of delivering the child without unreasonable
25 delay to the appropriate school system site. For the purpose
26 of this paragraph, "school system site" includes, but is not
27 limited to, a center approved by the superintendent of schools
28 for the purpose of counseling students and referring them back
29 to the school system or an approved alternative to a
30 suspension or expulsion program. If a student is suspended or
31 expelled from school without assignment to an alternative

1 school placement, the law enforcement officer shall deliver
2 the child to the parent or legal guardian or to a designated
3 truancy interdiction site until the parent or guardian can be
4 located.

5 Section 21. Subsections (1) and (3) of section
6 984.151, Florida Statutes, are amended, and a new subsection
7 (9) is added to said section, to read:

8 984.151 Truancy petition; prosecution; disposition.--

9 (1) If the school determines that a student subject to
10 compulsory school attendance has had at least five unexcused
11 absences, or absences for which the reasons are unknown,
12 within a calendar month or 10 unexcused absences, or absences
13 for which the reasons are unknown, within a 90-calendar-day
14 period pursuant to s. 232.17(1)(b), or has had more than 15
15 unexcused absences in a 90-calendar-day period, the
16 superintendent of schools may file a truancy petition.

17 (3) Original jurisdiction to hear a truancy petition
18 shall be in the circuit court; however, the circuit court may
19 use a general or special master pursuant to Supreme Court
20 rules. Upon the filing of the petition, the clerk shall issue
21 a summons to the parent, guardian, or legal custodian of the
22 student, directing that person and the student to appear for a
23 hearing at a time and place specified.

24 (9) The parent, guardian, or legal custodian and the
25 student shall participate, as required by court order, in any
26 sanctions or services required by the court under this
27 section, and the court shall enforce such participation
28 through its contempt power.

29 Section 22. Section 414.125, Florida Statutes, is
30 amended to read:

31 414.125 Learnfare program.--

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

15 (a) The student is expelled from school and
16 alternative schooling is not available.

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

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

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

23
24 Within 10 days after sanction notification, the participant
25 parent of a dependent child or the teenage participant may
26 file an internal fair hearings process review procedure
27 appeal, and no sanction shall be imposed until the appeal is
28 resolved.

29 (2) Each participant with a school-age child is
30 required to have a conference with an appropriate school
31 official of the child's school during each semester ~~grading~~

1 ~~period~~ to assure that the participant is involved in the
2 child's educational progress and is aware of any existing
3 attendance or academic problems. The conference must address
4 acceptable student attendance, grades, and behavior and must
5 be documented by the school and reported to the department.
6 The department shall notify a school of any student in
7 attendance at that school who is a participant in the
8 Learnfare program in order that the required conferences are
9 held. A participant who without good cause fails to attend a
10 conference with a school official is subject to the sanction
11 provided in subsection (1).

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

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