

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

1                                   A bill to be entitled  
2           An act relating to rulemaking authority with  
3           respect to education (RAB); amending s.  
4           229.555, F.S.; authorizing the State Board of  
5           Education to adopt rules to administer the  
6           educational planning and information system of  
7           the Department of Education; amending s.  
8           229.565, F.S.; requiring the Commissioner of  
9           Education to develop course descriptions for  
10          specified courses; amending s. 232.022, F.S.;  
11          requiring the State Board of Education to adopt  
12          rules with respect to student attendance;  
13          amending s. 232.0225, F.S.; requiring that a  
14          school board's policy authorizing absences for  
15          religious instruction or holidays be in  
16          accordance with rules of the State Board of  
17          Education; amending s. 236.081, F.S.; providing  
18          additional requirements for determining the  
19          annual allocation for school districts under  
20          the Florida Education Finance Program; amending  
21          s. 240.1201, F.S.; requiring the State Board of  
22          Education to designate by rule certain  
23          categories or classifications under which an  
24          alien is eligible to be classified as a  
25          resident for tuition purposes; providing an  
26          effective date.

27  
28   Be It Enacted by the Legislature of the State of Florida:

29  
30           Section 1.   Section 229.555, Florida Statutes, is  
31   amended to read:

1           229.555 Educational planning and information  
2 systems.--  
3           (1) EDUCATIONAL PLANNING.--  
4           (a) The commissioner shall be responsible for all  
5 planning functions for the department, including collection,  
6 analysis, and interpretation of all data, information, test  
7 results, evaluations, and other indicators that are used to  
8 formulate policy, identify areas of concern and need, and  
9 serve as the basis for short-range and long-range planning.  
10 Such planning shall include assembling data, conducting  
11 appropriate studies and surveys, and sponsoring research and  
12 development activities designed to provide information about  
13 educational needs and the effect of alternative educational  
14 practices.  
15           (b) Each district school board shall maintain a  
16 continuing system of planning and budgeting designed to aid in  
17 identifying and meeting the educational needs of students and  
18 the public. Provision shall be made for coordination between  
19 district school boards and community college district boards  
20 of trustees concerning the planning for vocational and adult  
21 educational programs. The major emphasis of the system shall  
22 be upon locally determined goals and objectives, the state  
23 plan for education, and the Sunshine State Standards developed  
24 by the Department of Education and adopted by the State Board  
25 of Education. The district planning and budgeting system must  
26 include consideration of student achievement data obtained  
27 pursuant to s. 229.57. The system shall be structured to meet  
28 the specific management needs of the district and to align the  
29 budget adopted by the district school board with the plan the  
30 board has also adopted. Each district school board shall  
31 utilize its system of planning and budgeting to emphasize a

1 system of school-based management in which individual school  
2 centers become the principal planning units and to integrate  
3 planning and budgeting at the school level.

4 (2) COMPREHENSIVE MANAGEMENT INFORMATION SYSTEMS.--The  
5 commissioner shall develop and implement an integrated  
6 information system for educational management. The system must  
7 be designed to collect, via electronic transfer, all student  
8 and school performance data required to ascertain the degree  
9 to which schools and school districts are meeting state  
10 performance standards, and must be capable of producing data  
11 for a comprehensive annual report on school and district  
12 performance. In addition, the system shall support, as  
13 feasible, the management decisions to be made in each division  
14 of the department and at the individual school and district  
15 levels. Similar data elements among divisions and levels  
16 shall be compatible. The system shall be based on an overall  
17 conceptual design; the information needed for such decisions,  
18 including fiscal, student, program, personnel, facility,  
19 community, evaluation, and other relevant data; and the  
20 relationship between cost and effectiveness. The system shall  
21 be managed and administered by the commissioner and shall  
22 include a district subsystem component to be administered at  
23 the district level, with input from the reports-and-forms  
24 control management committees. Each district school system  
25 with a unique management information system shall assure that  
26 compatibility exists between its unique system and the  
27 district component of the state system so that all data  
28 required as input to the state system is made available via  
29 electronic transfer and in the appropriate input format.

30 (a) The specific responsibilities of the commissioner  
31 shall include:

- 1           1. Consulting with school district representatives in  
2 the development of the system design model and implementation  
3 plans for the management information system for public school  
4 education management;
- 5           2. Providing operational definitions for the proposed  
6 system;
- 7           3. Determining the information and specific data  
8 elements required for the management decisions made at each  
9 educational level, recognizing that the primary unit for  
10 information input is the individual school and recognizing  
11 that time and effort of instructional personnel expended in  
12 collection and compilation of data should be minimized;
- 13           4. Developing standardized terminology and procedures  
14 to be followed at all levels of the system;
- 15           5. Developing a standard transmittal format to be used  
16 for collection of data from the various levels of the system;
- 17           6. Developing appropriate computer programs to assure  
18 integration of the various information components dealing with  
19 students, personnel, facilities, fiscal, program, community,  
20 and evaluation data;
- 21           7. Developing the necessary programs to provide  
22 statistical analysis of the integrated data provided in  
23 subparagraph 6. in such a way that required reports may be  
24 disseminated, comparisons may be made, and relationships may  
25 be determined in order to provide the necessary information  
26 for making management decisions at all levels;
- 27           8. Developing output report formats which will provide  
28 district school systems with information for making management  
29 decisions at the various educational levels;
- 30           9. Developing a phased plan for distributing computer  
31 services equitably among all public schools and school

1 districts in the state as rapidly as possible. The plan shall  
2 describe alternatives available to the state in providing such  
3 computing services and shall contain estimates of the cost of  
4 each alternative, together with a recommendation for action.  
5 In developing the plan, the feasibility of shared use of  
6 computing hardware and software by school districts, community  
7 colleges, and universities shall be examined. Laws or  
8 administrative rules regulating procurement of data processing  
9 equipment, communication services, or data processing services  
10 by state agencies shall not be construed to apply to local  
11 agencies which share computing facilities with state agencies;

12       10. Assisting the district school systems in  
13 establishing their subsystem components and assuring  
14 compatibility with current district systems;

15       11. Establishing procedures for continuous evaluation  
16 of system efficiency and effectiveness;

17       12. Initiating a reports-management and  
18 forms-management system to ascertain that duplication in  
19 collection of data does not exist and that forms and reports  
20 for reporting under state and federal requirements and other  
21 forms and reports are prepared in a logical and uncomplicated  
22 format, resulting in a reduction in the number and complexity  
23 of required reports, particularly at the school level; and

24       13. Initiating such other actions as are necessary to  
25 carry out the intent of the Legislature that a management  
26 information system for public school management needs be  
27 implemented. Such other actions shall be based on criteria  
28 including, but not limited to:

29           a. The purpose of the reporting requirement;

30           b. The origination of the reporting requirement;

31

1           c. The date of origin of the reporting requirement;  
2 and  
3           d. The date of repeal of the reporting requirement.  
4           (b) The specific responsibilities of each district  
5 school system shall include:  
6           1. Establishing, at the district level, a  
7 reports-control and forms-control management system committee  
8 composed of school administrators and classroom teachers. The  
9 district school board shall appoint school administrator  
10 members and classroom teacher members; or, in school districts  
11 where appropriate, the classroom teacher members shall be  
12 appointed by the bargaining agent. Teachers shall constitute a  
13 majority of the committee membership. The committee shall  
14 periodically recommend procedures to the district school board  
15 for eliminating, reducing, revising, and consolidating  
16 paperwork and data collection requirements and shall submit to  
17 the district school board an annual report of its findings.  
18           2. With assistance from the commissioner, developing  
19 systems compatibility between the state management information  
20 system and unique local systems.  
21           3. Providing, with the assistance of the department,  
22 inservice training dealing with management information system  
23 purposes and scope, a method of transmitting input data, and  
24 the use of output report information.  
25           4. Establishing a plan for continuous review and  
26 evaluation of local management information system needs and  
27 procedures.  
28           5. Advising the commissioner of all district  
29 management information needs.  
30  
31

1           6. Transmitting required data input elements to the  
2 appropriate processing locations in accordance with guidelines  
3 established by the commissioner.

4           7. Determining required reports, comparisons, and  
5 relationships to be provided to district school systems by the  
6 system output reports, continuously reviewing these reports  
7 for usefulness and meaningfulness, and submitting recommended  
8 additions, deletions, and change requirements in accordance  
9 with the guidelines established by the commissioner.

10          8. Being responsible for the accuracy of all data  
11 elements transmitted to the department.

12          (c) It is the intent of the Legislature that the  
13 expertise in the state system of public education, as well as  
14 contracted services, be utilized to hasten the plan for full  
15 implementation of a comprehensive management information  
16 system.

17          (3) RULES.--The State Board of Education shall adopt  
18 rules to administer this section.

19          Section 2. Paragraph (c) is added to subsection (1) of  
20 section 229.565, Florida Statutes, to read:

21           229.565 Educational evaluation procedures.--

22           (1) STUDENT PERFORMANCE STANDARDS.--

23           (c) The Commissioner of Education shall develop a  
24 course description that provides the essential content and  
25 course requirements for each course in grades 6 through 12  
26 which are contained in the Course Code Directory and  
27 Instructional Personnel Assignments. When appropriate and  
28 feasible, the course descriptions must incorporate the  
29 approved student performance standards.

30          Section 3. Section 232.022, Florida Statutes, is  
31 amended to read:

1           232.022 Attendance defined.--

2           (1) The attendance of all public school pupils shall  
3 be checked each school day in the manner prescribed by  
4 regulations of the state board and recorded in the teacher's  
5 register or by some approved system of recording attendance.  
6 Pupils may be counted in attendance only if they are actually  
7 present at school or are away from school on a school day and  
8 are engaged in an educational activity which constitutes a  
9 part of the school-approved instructional program for the  
10 pupil.

11           (2) The State Board of Education shall adopt rules to  
12 administer this section.

13           Section 4. Section 232.0225, Florida Statutes, is  
14 amended to read:

15           232.0225 Absence for religious instruction or  
16 holidays.--Each school board, in accordance with rules of the  
17 State Board of Education, shall adopt a policy that ~~which~~  
18 authorizes a parent or guardian to request and be granted  
19 permission for absence of a student from school for religious  
20 instruction or religious holidays.

21           Section 5. Paragraph (q) is added to subsection (1) of  
22 section 236.081, Florida Statutes, to read:

23           236.081 Funds for operation of schools.--If the annual  
24 allocation from the Florida Education Finance Program to each  
25 district for operation of schools is not determined in the  
26 annual appropriations act or the substantive bill implementing  
27 the annual appropriations act, it shall be determined as  
28 follows:

29           (1) COMPUTATION OF THE BASIC AMOUNT TO BE INCLUDED FOR  
30 OPERATION.--The following procedure shall be followed in

31

1 determining the annual allocation to each district for  
2 operation:

3 (q) Computation for funding through the Florida  
4 Education Finance Program.--For student membership in a  
5 program or course to generate funding through the Florida  
6 Education Finance Program and for students in grades 9 through  
7 12 to receive elective or required credit toward high school  
8 graduation for such a program or course, the following  
9 conditions must be met:

10 1. The course or program in which the student is in  
11 membership must be an educational activity that constitutes a  
12 part of the instructional program approved by the district  
13 school board.

14 2. The course or program must be listed in the Course  
15 Code Directory and Instructional Personnel Assignments  
16 developed by the Department of Education for the year in which  
17 the student is in membership. The Commissioner of Education  
18 may publish the directory in appropriate and useful formats,  
19 such as a printed copy, an electronic database, or an  
20 electronic disc. The Commissioner of Education may approve  
21 additional courses for which funding could be generated  
22 through the Florida Educational Finance Program.

23 Section 6. Subsection (11) is added to section  
24 240.1201, Florida Statutes, to read:

25 240.1201 Determination of resident status for tuition  
26 purposes.--Students shall be classified as residents or  
27 nonresidents for the purpose of assessing tuition fees in  
28 public community colleges and universities.

29 (11) An alien who possesses any category of  
30 nonresident visa or other classification from the United  
31 States Immigration and Naturalization Service must provide

1 proof of permanent status to be classified as a resident for  
2 tuition purposes. An eligible alien may be classified as a  
3 state resident 12 months after the time he or she establishes  
4 legal state residence for tuition purposes. An alien who  
5 possesses a visa of a category issued for purposes of  
6 attending a postsecondary institution in the United States  
7 must be classified as a nonresident for tuition purposes. The  
8 State Board of Education shall designate by rule which  
9 categories of a visa or other classifications from the United  
10 States Immigration and Naturalization Service authorize an  
11 alien to be classified as a resident for tuition purposes.

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

14  
15 \*\*\*\*\*

16 SENATE SUMMARY

17 Authorizes the State Board of Education to adopt rules  
18 governing the planning and information system of the  
19 Department of Education, school attendance, and the  
20 classification of aliens as residents for tuition  
21 purposes. Authorizes the Commissioner of Education to  
22 adopt rules providing course descriptions. Requires that  
23 a school board's policy authorizing absences for  
24 religious instruction or holidays be in accordance with  
25 rules of the State Board of Education. Revises  
26 requirements for determining the annual allocation for  
27 school districts under the Florida Education Finance  
28 Program. (See bill for details.)  
29  
30  
31