

560-238AX-00 Bill No. CS/CS/CS/SB 852 & others, 2nd Eng.
Amendment No. ____ (for drafter's use only)

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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Representative(s) Lynn offered the following:

Amendment (with title amendment)

Remove from the bill: Everything after the enacting clause
and insert in lieu thereof:

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

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

(25) SUSPENSION.--

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

~~(b) In-school Suspension is the temporary removal of a student from the student's regular school program and remanding of the student to the custody of the student's~~

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1 parent or guardian with specific homework assignments for the
2 student to complete, or placement of the student in an
3 alternative program, such as that provided in s. 230.2316,
4 under the supervision of school district personnel during
5 regular school hours, for a period not to exceed 10 school
6 days.

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

9 229.57 Student assessment program.--

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

13 (a) Timeframes.--

14 1. School performance grade category designations
15 shall be based on one school year of performance.

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

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

29 4. Beginning with the 2001-2002 school year and
30 thereafter, a school's performance grade category designation
31 shall be based on student learning gains as measured by annual

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1 FCAT assessments in grades 3 through 10, and on other
2 appropriate performance data, including, but not limited to,
3 ~~attendance, dropout rate, school discipline data, cohort~~
4 graduation rate, and student readiness for college.

5
6 ~~For the purpose of implementing ss. 229.0535 and 229.0537, if~~
7 ~~any of the four schools that were identified as critically low~~
8 ~~performing, based on both 1996-1997 and 1997-1998 school~~
9 ~~performance data and state board adopted criteria, receives a~~
10 ~~performance grade category designation of "F," based on~~
11 ~~1998-1999 school performance data, that school shall be~~
12 ~~considered as having failed to make adequate progress for 2~~
13 ~~years in a 4-year period. All other schools that receive a~~
14 ~~performance grade category designation of "F," based on~~
15 ~~1998-1999 school performance data, shall be considered as~~
16 ~~having failed to make adequate progress for 1 year.~~

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

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

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

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- 1 (c) Control of students ~~pupils~~.--
- 2 1. Adopt rules and regulations for the control,
- 3 discipline, ~~in-school suspension~~, suspension, and expulsion of
- 4 students ~~pupils~~ and decide all cases recommended for
- 5 expulsion. Suspension hearings are exempted from the
- 6 provisions of chapter 120. Expulsion hearings shall be
- 7 governed by ss. 120.569 and 120.57(2) and are exempt from s.
- 8 286.011. However, the student's ~~pupil's~~ parent or legal
- 9 guardian must be given notice of the provisions of s. 286.011
- 10 and may elect to have the hearing held in compliance with that
- 11 section. The district school board shall have the authority
- 12 to prohibit the use of corporal punishment, provided that the
- 13 district school board adopts or has adopted a written program
- 14 of alternative control or discipline.
- 15 2. Have the authority as the district school board of
- 16 a receiving school district to honor the final order of
- 17 expulsion or dismissal of a student by any in-state or
- 18 out-of-state public school board or private school, or
- 19 developmental research school, for an act which would have
- 20 been grounds for expulsion according to the receiving school
- 21 district's code of student conduct, in accordance with the
- 22 following procedures:
- 23 a. A final order of expulsion shall be recorded in the
- 24 records of the receiving school district.
- 25 b. The expelled student applying for admission to the
- 26 receiving school district shall be advised of the final order
- 27 of expulsion.
- 28 c. The superintendent of schools of the receiving
- 29 school district may recommend to the district school board
- 30 that the final order of expulsion be waived and the student be
- 31 admitted to the school district, or that the final order of

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1 expulsion be honored and the student not be admitted to the
2 school district. If the student is admitted by the district
3 school board, with or without the recommendation of the
4 superintendent of schools, the student may be placed in an
5 appropriate educational program at the direction of the
6 district school board.

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

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

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

30 3. An explanation of the responsibilities and rights
31 of students with regard to attendance, respect for persons and

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1 property, knowledge and observation of rules of conduct, the
2 right to learn, free speech and student publications,
3 assembly, privacy, and participation in school programs and
4 activities.

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

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

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

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

29 8. Notice that violation of the district school
30 board's sexual harassment policy by a student is grounds for
31 ~~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

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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 procedures.--

11 1. 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 2. The district school board shall establish model
 21 emergency management and emergency preparedness procedures for
 22 the following life-threatening emergencies:

23 a. Weapon-use and hostage situations.

24 b. Hazardous materials or toxic chemical spills.

25 c. Weather emergencies, including hurricanes,
 26 tornadoes, and severe storms.

27 d. Exposure as a result of a manmade emergency.

28 (20) SCHOOL-WITHIN-A-SCHOOL.--In order to reduce the
 29 anonymity of students in large schools, the district school
 30 board shall adopt policies effective for the 2001-2002 school
 31 year, and thereafter, to require any school that does not meet

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

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1 services professionals who are trained in substance abuse or
2 mental health to support teachers who identify students with
3 potential problems. The district school board may address the
4 availability of these qualified and experienced support
5 services professionals through the use of in-school or local
6 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

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1 district personnel responsible for collecting and reporting
2 school safety data to the Department of Education.

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

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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) Safety and security practices at the district and
23 school levels.

24 Section 7. Section 230.23145, Florida Statutes, is
25 created to read:

26 230.23145 Student support services pilot program.--

27 (1) From the funds provided in the 2000-2001 General
28 Appropriations Act, there is established a pilot program to
29 assess the use of and assist guidance counselors in public
30 schools. The Department of Education shall develop a
31 standardized reporting form for districts to apply to

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1 participate in the pilot program.

2 (2) To be eligible to participate, each school
3 district must provide:

4 (a) Information relating to the current use of
5 guidance counselors within the district. The department's
6 reporting form must require a breakdown of the percentage of
7 time district guidance counselors spend on activities
8 including, but not limited to: clerical work not related to
9 counseling or evaluation, clerical work related to counseling
10 or evaluation, direct student counseling, and student
11 evaluation.

12 (b) A plan outlining the proposed use of part-time or
13 nondegreed personnel to provide clerical assistance to school
14 guidance counselors, so that the major focus of the guidance
15 counselors will be direct student contact, student counseling,
16 or student evaluation.

17 (3) The Commissioner of Education shall choose a
18 small, medium, and large district to participate in the pilot
19 program based upon the comprehensiveness of the district
20 report and innovative strategies outlined in the district
21 plan. Each school district chosen to participate in the pilot
22 program shall report to the Department of Education on
23 improved student performance, reduced school discipline
24 problems, or other significant outcome measures by August 1,
25 2001.

26 Section 8. Paragraphs (c) and (d) of subsection (3) of
27 section 230.2316, Florida Statutes, are amended to read:

28 230.2316 Dropout prevention.--

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

30 (c) A student shall be identified as being eligible to
31 receive services funded through the dropout prevention and

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1 academic intervention program based upon one of the following
2 criteria:

3 1. The student is academically unsuccessful as
4 evidenced by low test scores, retention, failing grades, low
5 grade point average, falling behind in earning credits, or not
6 meeting the state or district proficiency levels in reading,
7 mathematics, or writing.

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

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

15 a. Interferes with the student's own learning or the
16 educational process of others and requires attention and
17 assistance beyond that which the traditional program can
18 provide or results in frequent conflicts of a disruptive
19 nature while the student is under the jurisdiction of the
20 school either in or out of the classroom; or

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

23 (d)1. "Second chance schools" means school district
24 programs provided through cooperative agreements between the
25 Department of Juvenile Justice, private providers, state or
26 local law enforcement agencies, or other state agencies for
27 students who have been disruptive or violent or who have
28 committed serious offenses. As partnership programs, second
29 chance schools are eligible for waivers by the Commissioner of
30 Education from chapters 230-235 and 239 and State Board of
31 Education rules that prevent the provision of appropriate

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1 educational services to violent, severely disruptive, or
2 delinquent students in small nontraditional settings or in
3 court-adjudicated settings.

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

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

21 a. The student is a habitual truant as defined in s.
22 228.041(28).

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

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

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

31 4. A student who is habitually truant may be assigned

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1 to a second chance school only if the case staffing committee,
2 established pursuant to s. 984.12, determines that such
3 placement could be beneficial to the student and the criteria
4 included in subparagraph 2. are met.

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

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

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

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

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

24 (II) Includes violence;

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

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

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

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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 9. 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, and
22 to be referred for criminal prosecution:

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

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

30

31 District school boards may assign the student to a

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1 disciplinary program or second chance school for the purpose
2 of continuing educational services during the period of
3 expulsion. Superintendents may consider the 1-year expulsion
4 requirement on a case-by-case basis and request the district
5 school board to modify the requirement by assigning the
6 student to a disciplinary program or second chance school if
7 it is determined to be in the best interest of the student and
8 the school system. If a student committing any of the offenses
9 in this subsection is a student with a disability, the school
10 district shall comply with procedures pursuant to s. 232.251
11 and any applicable state board rule.

12 Section 10. Subsection (1) of section 232.17, Florida
13 Statutes, is amended to read:

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

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1 absence from school, or an absence from school for which the
2 reason is unknown, to prevent the development of patterns of
3 nonattendance. The Legislature finds that early intervention
4 in school attendance matters is the most effective way of
5 producing good attendance habits that will lead to improved
6 student learning and achievement. Each public school shall
7 implement the following steps to enforce regular school
8 attendance:

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

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

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

29
30 If the child study team finds that a pattern of nonattendance
31 is developing, whether the absences are excused or not, a

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1 meeting with the parent must be scheduled to identify
2 potential remedies, and the principal shall notify the
3 superintendent of schools and the school district contact for
4 home education programs that the referred student is
5 exhibiting a pattern of nonattendance.

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

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

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

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

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

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

29 2. If the parent fails to provide a portfolio to the
30 committee, the committee shall notify the superintendent of
31 schools. The superintendent of schools shall then terminate

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1 the home education program and require the parent to enroll
2 the child in an attendance option provided under s. 232.02(1),
3 (2), (3), or (5), within 3 days. Upon termination of a home
4 education program pursuant to this subparagraph, the parent or
5 guardian shall not be eligible to reenroll the child in a home
6 education program for 180 calendar days. Failure of a parent
7 or guardian to enroll the child in an attendance option
8 provided under s. 232.02(1), (2), (3), or (5) after
9 termination of the home education program pursuant to this
10 subparagraph shall constitute noncompliance with the
11 compulsory attendance requirements of s. 232.01 and may result
12 in criminal prosecution under s. 232.19(2). Nothing contained
13 herein shall restrict the ability of the superintendent of
14 schools, or the ability of his or her designee, to review the
15 portfolio pursuant to s. 232.0201(1)(b).

16 (g)(f) If a child subject to compulsory school
17 attendance will not comply with attempts to enforce school
18 attendance, the parent, the guardian, or the superintendent or
19 his or her designee shall refer the case to the case staffing
20 committee pursuant to s. 984.12, and the superintendent or his
21 or her designee may file a truancy petition pursuant to the
22 procedures in s. 984.151.

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 (a) The student is found to have committed a
31 delinquent act which would be a felony if committed by an

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1 adult;

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

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

6

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

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

12 232.251 Disciplinary actions against students with
13 disabilities.--In accordance with the requirements of the
14 federal Individuals with Disabilities Education Act Amendments
15 of 1997:

16 (1) AUTHORITY OF SCHOOL PERSONNEL.--

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

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

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

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

30 b. The student knowingly possesses or uses illegal
31 drugs or sells or solicits the sale of a controlled substance

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- 1 while at school or a school function under the jurisdiction of
2 a school district.
- 3 (b) Not later than 10 days after taking a disciplinary
4 action described in paragraph (a):
- 5 1. If the school district did not conduct a functional
6 behavioral assessment and implement a behavioral intervention
7 plan for the student before the behavior that resulted in the
8 suspension described in paragraph (a), the school district
9 shall convene an individual education plan (IEP) meeting to
10 develop an assessment plan to address that behavior; or
- 11 2. If the student already has a behavioral
12 intervention plan, the IEP Team shall review the plan and
13 modify it, as necessary, to address the behavior.
- 14 (2) AUTHORITY OF AN ADMINISTRATIVE LAW JUDGE.--An
15 administrative law judge from the Division of Administrative
16 Hearings may order a change in the placement of a student with
17 a disability under this section, to an appropriate interim
18 alternative educational setting for not more than 45 days if
19 the hearing officer:
- 20 (a) Determines that the school district has
21 demonstrated by substantial evidence that maintaining the
22 current placement of the student is substantially likely to
23 result in injury to the student or to others.
- 24 (b) Considers the appropriateness of the student's
25 current placement.
- 26 (c) Considers whether the school district has made
27 reasonable efforts to minimize the risk of harm in the
28 student's current placement, including the use of
29 supplementary aids and services.
- 30 (d) Determines that the interim alternative
31 educational setting meets the requirements of paragraph (3).

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- 1 (3) DETERMINATION OF SETTING.--
2 (a) The alternative educational setting described in
3 subparagraph (1)(a)2. shall be determined by the IEP Team.
4 (b) Any interim alternative educational setting in
5 which a student is placed under subsection (1) or subsection
6 (2) shall:
7 1. Be selected so as to enable the student to continue
8 to participate in the general curriculum, although in another
9 setting, and to continue to receive those services and
10 modifications, including those described in the student's
11 current IEP, that will enable the student to meet the goals
12 set out in that IEP.
13 2. Include services and modifications designed to
14 address the behavior described in subsection (1) or subsection
15 (2) so that it does not recur.
16 (4) MANIFESTATION DETERMINATION REVIEW.--
17 (a) If a disciplinary action is contemplated as
18 described in subsection (1) or subsection (2) for a behavior
19 of a student with a disability described in either of those
20 subsections, or if a disciplinary action involving a change of
21 placement for more than 10 days is contemplated for a student
22 with a disability who has engaged in other behavior that
23 violated any rule or code of conduct of the school district
24 that applies to all students:
25 1. Not later than the date on which the decision to
26 take that action is made, the parents shall be notified of
27 that decision and of all procedural safeguards accorded under
28 this section.
29 2. Immediately, if possible, but in no case later than
30 10 school days after the date on which the decision to take
31 that action is made, a review shall be conducted of the

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1 relationship between the student's disability and the behavior
2 subject to the disciplinary action.

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

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

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

11 a. Evaluation and diagnostic results, including such
12 results or other relevant information supplied by the parents
13 of the student;

14 b. Observations of the student; and

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

16 2. Then determines that:

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

22 b. The student's disability did not impair the ability
23 of the student to understand the impact and consequences of
24 the behavior subject to disciplinary action; and

25 c. The student's disability did not impair the ability
26 of the student to control the behavior subject to disciplinary
27 action.

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

30 (a) The term "controlled substance" means a drug or
31 other substance identified under schedules I, II, III, IV, or

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1 V in section 202(c) of the Controlled Substances Act, 21
2 U.S.C. 812(c).

3 (b) The term "illegal drug":
4 1. Means a controlled substance; but
5 2. Does not include such a substance that is legally
6 possessed or used under the supervision of a licensed health
7 care professional or that is legally possessed or used under
8 any other authority under the Controlled Substances Act or
9 under any other provision of federal law.

10 (c) The term "substantial evidence" means beyond a
11 preponderance of the evidence.

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

15
16 Procedures for compliance with the determination that the
17 student's behavior was not a manifestation of a disability,
18 parental appeal, placement during appeals, protection for
19 students not yet eligible for special education and related
20 services, and referral to an action by law enforcement and
21 judicial authorities shall be pursuant to the Individuals with
22 Disabilities Education Act Amendments of 1997 and state board
23 rule.

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

26 232.26 Authority of principal.--

27 (2) Suspension proceedings, pursuant to rules of the
28 State Board of Education, may be initiated against any ~~pupil~~
29 ~~enrolled as a~~ student who is formally charged with a felony,
30 or with a delinquent act which would be a felony if committed
31 by an adult, by a proper prosecuting attorney for an incident

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1 which allegedly occurred on property other than public school
2 property, if that incident is shown, in an administrative
3 hearing with notice provided to the parents or legal guardian
4 or custodian of such student pupil by the principal of the
5 school pursuant to rules adopted promulgated by the State
6 Board of Education and to rules developed pursuant to s.
7 231.085, to have an adverse impact on the educational program,
8 discipline, or welfare in the school in which the student is
9 enrolled. Any student pupil who is suspended as the result of
10 such proceedings shall be immediately enrolled in an
11 alternative education program during regular school hours. The
12 suspension may exceed 10 days, as determined by the
13 superintendent of schools.~~may be suspended from all classes~~
14 ~~of instruction on public school grounds during regular~~
15 ~~classroom hours for a period of time, which may exceed 10~~
16 ~~days, as determined by the superintendent. Such suspension~~
17 ~~shall not affect the delivery of educational services to the~~
18 ~~pupil, and the pupil shall be immediately enrolled in a~~
19 ~~daytime alternative education program, or an evening~~
20 ~~alternative education program, where appropriate. If the~~
21 court determines that the student pupil did commit the felony
22 or delinquent act which would have been a felony if committed
23 by an adult, the district school board shall have the
24 authority to expel the student, provided that expulsion under
25 this subsection shall not affect the delivery of educational
26 services to the student pupil in any residential,
27 nonresidential, alternative, daytime, or evening program
28 outside of the regular school setting. Any student pupil who
29 is subject to discipline or expulsion for unlawful possession
30 or use of any substance controlled under chapter 893 may be
31 entitled to a waiver of the discipline or expulsion:

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

9 (b) If the student pupil commits himself or herself,
10 or is referred by the court in lieu of sentence, to a
11 state-licensed drug abuse program and successfully completes
12 the program.

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

17 Section 14. Paragraph (c) of subsection (1) of section
18 232.27, Florida Statutes, is amended, paragraphs (d) through
19 (j) of said subsection are redesignated as paragraphs (e)
20 through (k), respectively, and a new paragraph (d) is added to
21 said subsection, to read:

22 232.27 Authority of teacher; responsibility for
23 control of students; school district duties.--Subject to law
24 and to the rules of the district school board, each teacher or
25 other member of the staff of any school shall have such
26 authority for the control and discipline of students as may be
27 assigned to him or her by the principal or the principal's
28 designated representative and shall keep good order in the
29 classroom and in other places in which he or she is assigned
30 to be in charge of students.

31 (1) Within the framework of the school district code

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1 of student conduct, teachers and other instructional personnel
2 shall have the authority to undertake any of the following
3 actions in managing student behavior and ensuring the safety
4 of all students in their classes and school:

5 (c) Have disobedient, disrespectful, violent, abusive,
6 uncontrollable, or disruptive students temporarily removed
7 from the classroom for behavior management intervention.

8 (d) Have violent, abusive, uncontrollable, or
9 disruptive students directed for information or assistance
10 from appropriate school or district personnel.

11 Section 15. Subsections (2), (3), and (5) of section
12 232.271, Florida Statutes, are amended to read:

13 232.271 Removal by teacher.--

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

15 ~~(a) Who has been documented by the teacher to~~
16 ~~repeatedly interfere with the teacher's ability to communicate~~
17 ~~effectively with the students in the class or with the ability~~
18 ~~of the student's classmates to learn; or~~

19 ~~(b) whose behavior the teacher determines is so~~
20 ~~unruly, disruptive, or abusive that it seriously interferes~~
21 ~~with the teacher's ability to communicate effectively with the~~
22 ~~students in the class or with the ability of the student's~~
23 ~~classmates to learn.~~

24 (3) If a teacher removes a student from class under
25 subsection (2), the principal may place the student in another
26 appropriate classroom, ~~in in-school suspension, or in a~~
27 dropout prevention and academic intervention program as
28 provided by s. 230.2316; or the principal may recommend the
29 student for ~~out-of-school~~ suspension or expulsion, as
30 appropriate. The student may be prohibited from attending or
31 participating in school-sponsored or school-related

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1 activities. The principal may not return the student to that
2 teacher's class without the teacher's consent unless the
3 committee established under s. 232.272 determines that such
4 placement is the best or only available alternative. The
5 teacher and the placement review committee must render
6 decisions within 5 days of the removal of the student from the
7 classroom.

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

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

18 232.275 Liability of teacher or principal.--Except in
19 the case of excessive force or cruel and unusual punishment, a
20 teacher or other member of the instructional staff, a
21 principal or the principal's designated representative, or a
22 bus driver shall not be civilly or criminally liable for any
23 action carried out in conformity with the state board and
24 district school board rules regarding the control, discipline,
25 suspension, and expulsion of students, including any exercise
26 of authority under s. 232.26, s. 232.27, or s. 232.271.

27 Section 17. Section 235.192, Florida Statutes, is
28 created to read:

29 235.192 Coordination of school safety information;
30 construction design documents.--

31 (1) Beginning October 1, 2000, each district

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

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

21 Section 18. Section 235.2157, Florida Statutes, is
22 created to read:

23 235.2157 Small school requirement.--

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

25 (a) Florida's schools are among the largest in the
26 nation.

27 (b) Smaller schools provide benefits of reduced
28 discipline problems and crime, reduced truancy and gang
29 participation, reduced dropout rates, improved teacher and
30 student attitudes, improved student self-perception, student
31 academic achievement equal to or superior to that of students

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1 at larger schools, and increased parental involvement.

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

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

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

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

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

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

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

16
17 A school on a single campus which operates as a
18 school-within-a-school, as defined by s. 230.23(20), shall be
19 considered a small school if each smaller unit located on the
20 single campus meets the requirements of this subsection.

21 (3) REQUIREMENTS.--

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

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

30 (4) EXCEPTIONS.--This section does not apply to plans
31 for new educational facilities already under architectural

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1 contract on July 1, 2003.

2 Section 19. Subsections (29) and (57) of section
3 984.03, Florida Statutes, are amended to read:

4 984.03 Definitions.--When used in this chapter, the
5 term:

6 (29) "Habitually truant" means that:

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

13 (b) Activities to determine the cause, and to attempt
14 the remediation, of the child's truant behavior under ss.
15 232.17 and 232.19(3), have been completed.

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

29 ~~(c) A school representative, designated according to~~
30 ~~school board policy, and a juvenile probation officer of the~~
31 ~~Department of Juvenile Justice have jointly investigated the~~

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1 ~~truancy problem or, if that was not feasible, have performed~~
2 ~~separate investigations to identify conditions that may be~~
3 ~~contributing to the truant behavior; and if, after a joint~~
4 ~~staffing of the case to determine the necessity for services,~~
5 ~~such services were determined to be needed, the persons who~~
6 ~~performed the investigations met jointly with the family and~~
7 ~~child to discuss any referral to appropriate community~~
8 ~~agencies for economic services, family or individual~~
9 ~~counseling, or other services required to remedy the~~
10 ~~conditions that are contributing to the truant behavior.~~

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

21 (57) "Truancy petition" means a petition filed by the
22 ~~school~~ superintendent of schools alleging that a student
23 subject to compulsory school attendance has had at least five
24 unexcused absences, or absences for which the reasons are
25 unknown, within a calendar month or 10 unexcused absences, or
26 absences for which the reasons are unknown, within a
27 90-calendar-day period, or has had more than 15 unexcused
28 absences in a 90-calendar-day period. A truancy petition is
29 filed and processed under s. 984.151.

30 Section 20. Paragraph (b) of subsection (1) of section
31 984.13, Florida Statutes, is amended to read:

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1 984.13 Taking into custody a child alleged to be from
2 a family in need of services or to be a child in need of
3 services.--

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

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

21 Section 21. Subsections (1) and (3) of section
22 984.151, Florida Statutes, are amended, and a new subsection
23 (9) is added to said section, to read:

24 984.151 Truancy petition; prosecution; disposition.--

25 (1) If the school determines that a student subject to
26 compulsory school attendance has had at least five unexcused
27 absences, or absences for which the reasons are unknown,
28 within a calendar month or 10 unexcused absences, or absences
29 for which the reasons are unknown, within a 90-calendar-day
30 period pursuant to s. 232.17(1)(b), or has had more than 15
31 unexcused absences in a 90-calendar-day period, the

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1 superintendent of schools may file a truancy petition.

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

9 (9) The parent, guardian, or legal custodian and the
10 student shall participate, as required by court order, in any
11 sanctions or services required by the court under this
12 section, and the court shall enforce such participation
13 through its contempt power.

14 Section 22. Section 414.125, Florida Statutes, is
15 amended to read:

16 414.125 Learnfare program.--

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

31 (a) The student is expelled from school and

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1 alternative schooling is not available.

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

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

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

8
9 Within 10 days after sanction notification, the participant
10 parent of a dependent child or the teenage participant may
11 file an internal fair hearings process review procedure
12 appeal, and no sanction shall be imposed until the appeal is
13 resolved.

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

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

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1 ===== T I T L E A M E N D M E N T =====

2 And the title is amended as follows:

3 Remove from the title of the bill: the entire title

4

5 and insert in lieu thereof:

6 A bill to be entitled

7 An act relating to school safety and student
8 discipline; amending s. 228.041, F.S.; revising
9 the definition of suspension; amending s.
10 229.57, F.S.; revising data used to determine a
11 school's performance grade category; amending
12 s. 230.23, F.S.; clarifying suspension options
13 for control of pupils; revising information
14 required to be included in the student code of
15 conduct; combining and clarifying provisions
16 relating to student possession of a weapon;
17 requiring the district code of student conduct
18 to include certain notice relating to expulsion
19 for making a threat or false report; defining
20 the term "school-within-a-school"; requiring
21 district school boards to address the
22 availability of specified student support
23 services professionals; amending and
24 redesignating s. 235.14, F.S.; specifying types
25 of drills and emergencies for which district
26 school boards are required to develop
27 procedures; requiring district school boards to
28 establish model emergency management and
29 emergency preparedness procedures; creating s.
30 230.23003, F.S.; providing requirements
31 relating to school safety incident data

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1 collection and reporting; requiring each school
2 principal to ensure that standardized forms are
3 used to report school safety and discipline
4 data; requiring the Department of Education to
5 develop a form; amending s. 230.23015, F.S.,
6 relating to disciplinary action for violation
7 of s. 784.081; providing a cross reference;
8 amending s. 230.23025, F.S.; requiring best
9 financial management practices to address
10 school safety and security; creating s.
11 230.23145, F.S.; establishing a pilot program
12 to provide clerical assistance to guidance
13 counselors; providing eligibility requirements
14 for district participation; providing for the
15 selection of districts to participate; amending
16 s. 230.2316, F.S.; clarifying criteria for
17 student eligibility for services; amending s.
18 230.235, F.S.; specifying offenses for which a
19 student will be expelled for 1 year, and
20 referred for criminal prosecution, under
21 district school board zero tolerance for crime
22 policies; authorizing assignment to certain
23 alternative programs; providing a cross
24 reference relating to students with
25 disabilities; amending s. 232.17, F.S.;
26 requiring principals to notify certain persons
27 that specified students are exhibiting a
28 pattern of nonattendance; clarifying
29 authorization for intervention through a
30 truancy petition; providing an appeals process;
31 providing for procedures of portfolio review by

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1 a home education review committee of a parent
2 whose child has been identified as exhibiting a
3 pattern of nonattendance who enrolls in a home
4 education program; providing penalties for
5 noncompliance; amending s. 232.25, F.S.,
6 relating to control of pupils; providing a
7 cross reference; creating s. 232.251, F.S.;
8 codifying federal requirements for disciplinary
9 actions against students with disabilities;
10 amending s. 232.26, F.S.; clarifying
11 requirements for suspension proceedings against
12 a student who is formally charged with a
13 felony; specifying that expulsion of a student
14 with a disability must be made pursuant to law
15 and state board rule; amending s. 232.27, F.S.;
16 authorizing teachers or other instructional
17 personnel to have disobedient and disrespectful
18 students temporarily removed from the classroom
19 and to have certain students directed for
20 information or assistance from appropriate
21 personnel; amending s. 232.271, F.S.; revising
22 the behavior considered to be cause for teacher
23 removal of students; revising placement of
24 students who are removed; removing obsolete
25 language relating to a study and a report;
26 amending s. 232.275, F.S.; prohibiting certain
27 school personnel from being held civilly or
28 criminally liable for the exercise of authority
29 provided by certain provisions of law; creating
30 s. 235.192, F.S., relating to the coordination
31 of school safety information; requiring the

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1 provision of copies of educational facility
2 floorplans and other relevant documents to
3 specific agencies; creating s. 235.2157, F.S.;
4 providing legislative findings; defining the
5 term "small school"; requiring the construction
6 of only small schools after a certain date;
7 requiring small schools to comply with racial
8 balance requirements; providing an exception;
9 amending s. 984.03, F.S.; revising the
10 definition of "truancy petition"; amending s.
11 984.13, F.S.; enabling a law enforcement
12 officer to take into custody a child who is
13 suspended or expelled and who is not in the
14 presence of his or her parent or legal
15 guardian; revising the definition of "school
16 system"; amending s. 984.151, F.S.; revising
17 requirements for filing a truancy petition;
18 requiring the issuance of a summons; providing
19 for use of contempt powers; amending s.
20 414.125, F.S.; revising criteria for reduction
21 of temporary cash assistance; providing an
22 effective date.

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