

By the Committees on Fiscal Policy, Criminal Justice,
Education and Senators Dyer, Carlton, Cowin, Saunders,
Campbell, Latvala and Mitchell

309-1731-00

1 A bill to be entitled
2 An act relating to school safety and security;
3 amending s. 229.57, F.S.; revising criteria for
4 determining a school's performance grade
5 category for specified school years; creating
6 s. 229.8347, F.S.; establishing the Partnership
7 for School Safety and Security; providing
8 responsibilities of the partnership; assigning
9 the partnership to the Department of Education
10 for administrative purposes; providing for
11 membership, meetings, and reimbursement for
12 expenses; providing for the partnership to be
13 funded through the General Appropriations Act;
14 providing for staff support and technical
15 assistance; requiring that the partnership
16 prepare annual reports; requiring the
17 Department of Education to develop an
18 individualized school safety and environment
19 assessment instrument; requiring that the
20 department expand performance standards for
21 school safety; amending s. 230.23025, F.S.;
22 requiring that safety and security be included
23 as part of the factors reviewed as best
24 financial management practices for school
25 districts; amending s. 230.235, F.S.; requiring
26 each district school board to review its
27 zero-tolerance policy and ensure the inclusion
28 of specific offenses; creating s. 231.0851,
29 F.S.; requiring that school principals report
30 and verify data concerning school safety and
31 discipline; requiring that the State Board of

1 Education adopt a form for such reports;
2 requiring the Department of Education to
3 improve reporting concerning school safety;
4 requiring that the department develop
5 indicators of safe schools; amending s.
6 232.24521, F.S.; prohibiting the use of a
7 student's attendance record as the basis of an
8 exemption from academic performance
9 requirements; amending s. 232.26, F.S.;
10 requiring that any suspension of a student with
11 disabilities be in accordance with rules of the
12 State Board of Education; creating s. 235.192,
13 F.S.; requiring school districts and community
14 colleges to provide blueprints of educational
15 facilities to certain agencies; requiring that
16 school districts and community colleges provide
17 a revised blueprint following modification of a
18 facility; requiring the Department of Education
19 to assess safety and security initiatives and
20 make certain reports; establishing a pilot
21 program to assess teams that meet the optimal
22 ratios of certain school professionals to
23 students; requiring that the school district
24 evaluate the program and make certain reports;
25 requiring a plan for school transportation
26 safety; amending s. 232.17, F.S.; prohibiting
27 students referred to a child study team from
28 enrolling in a home education program;
29 providing exceptions; providing an appeals
30 process; amending s. 414.125, F.S.; revising
31 criteria for reduction of temporary cash

1 assistance; amending s. 984.03, F.S.; revising
2 the definitions of the terms "habitually
3 truant" and "truancy petition"; amending s.
4 984.151, F.S.; revising requirements for filing
5 a truancy petition; providing an appropriation;
6 providing an effective date.

7
8 Be It Enacted by the Legislature of the State of Florida:

9
10 Section 1. Subsection (8) of section 229.57, Florida
11 Statutes, is amended to read:

12 229.57 Student assessment program.--

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

16 (a) Timeframes.--

17 1. School performance grade category designations
18 shall be based on one school year of performance.

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

26 3. In school year 1999-2000, a school's performance
27 grade category designation shall be determined by the student
28 achievement levels on the FCAT and on other appropriate
29 performance data, including, but not limited to, attendance,
30 dropout rate, and student readiness for college, in accordance
31 with state board rule.

1 4.3. Beginning with the 2000-2001 school year, a
2 school's performance grade category designation shall be based
3 on a combination of student achievement scores as measured by
4 the FCAT, on the degree of measured learning gains of the
5 students, and on other appropriate performance data,
6 including, but not limited to, attendance, dropout rate,
7 ~~school discipline data~~, and student readiness for college.

8 5.4. Beginning with the 2001-2002 school year and
9 thereafter, a school's performance grade category designation
10 shall be based on student learning gains as measured by annual
11 FCAT assessments in grades 3 through 10, and on other
12 appropriate performance data, including, but not limited to,
13 attendance, dropout rate, ~~school discipline data~~, cohort
14 graduation rate, and student readiness for college.

15
16 For the purpose of implementing ss. 229.0535 and 229.0537, if
17 any of the four schools that were identified as critically low
18 performing, based on both 1996-1997 and 1997-1998 school
19 performance data and state board adopted criteria, receives a
20 performance grade category designation of "F," based on
21 1998-1999 school performance data, that school shall be
22 considered as having failed to make adequate progress for 2
23 years in a 4-year period. All other schools that receive a
24 performance grade category designation of "F," based on
25 1998-1999 school performance data, shall be considered as
26 having failed to make adequate progress for 1 year.

27 (b) Student assessment data.--Student assessment data
28 used in determining school performance grade categories shall
29 include:

30 1. The median scores of all eligible students enrolled
31 in the school who have been assessed on the FCAT.

1 2. The median scores of all eligible students enrolled
2 in the school who have been assessed on the FCAT and who have
3 scored at or in the lowest 25th percentile of the state in the
4 previous school year.

5
6 The Department of Education shall study the effects of
7 mobility on the performance of highly mobile students and
8 recommend programs to improve the performance of such
9 students. The state board shall adopt appropriate criteria for
10 each school performance grade category. The criteria must also
11 give added weight to student achievement in reading. Schools
12 designated as performance grade category "C," making
13 satisfactory progress, shall be required to demonstrate that
14 adequate progress has been made by students who have scored
15 among the lowest 25 percent of students in the state as well
16 as by the overall population of students in the school.

17 Section 2. Section 229.8347, Florida Statutes, is
18 created to read:

19 229.8347 Partnership for School Safety and Security.--

20 (1) CREATION AND DUTIES.--There is created a
21 Partnership for School Safety and Security to perform the
22 following responsibilities:

23 (a) Evaluate school safety and security programs and
24 strategies, based on controlled scientific research; recommend
25 information to be included in the electronic clearinghouse of
26 safety and security information; and make recommendations for
27 inclusion in the clearinghouse of safety and security
28 information and to the Legislature for funding school safety
29 and security programs.

30 (b) Create an electronic clearinghouse of safety and
31 security information that includes best practices, model

1 programs, and construction prototypes that are compatible with
2 the requirements for frugal schools.

3 (c) Assess the extent to which best practices for
4 school safety and security are being followed, including, but
5 not limited to, best practices for schools with student
6 participation in planning and implementing violence prevention
7 and other student efforts that contribute to school safety;
8 placing and training new teachers; providing incentives for
9 teachers of demonstrated mastery to remain in or transfer to
10 low-performing schools; providing incentives for teachers
11 based on their willingness to teach at schools that serve
12 low-income areas; and providing support systems, such as
13 mentors or specialized training, for teachers who are willing
14 to teach in schools that serve large populations of students
15 from low-income families.

16 (d) Train and offer technical assistance to school
17 district staff and others on how to create a safe school
18 environment.

19 (e) Foster coordination among schools, law enforcement
20 personnel, and crisis-management teams.

21 (2) ORGANIZATION; MEMBERSHIP; MEETINGS; COMPENSATION
22 AND TRAVEL EXPENSES; BUDGET.--The partnership is an
23 independent, nonpartisan body that is assigned to the
24 Department of Education for administrative purposes. The
25 partnership shall be composed of 11 members who are appointed
26 by the Governor and confirmed by the Senate. Three members
27 must be consumers who are not, and never have been, providers
28 of school safety or security services.

29 (a) Members shall be appointed to 4-year, staggered
30 terms of office.

31

1 (b) The partnership shall annually elect a chairperson
2 and vice chairperson from among its members.

3 (c) The partnership shall meet at least once each year
4 and the chairperson or a quorum of the members of the
5 partnership may call additional meetings as often as necessary
6 to transact business. A majority of the membership constitutes
7 a quorum, and the vote of a majority of the quorum is
8 necessary to take official action or conduct official business
9 of the partnership. The position of any member who has three
10 consecutive, unexcused absences or who is absent for 50
11 percent or more of the partnership's meetings within any
12 12-month period shall be considered vacant.

13 (d) A vacancy on the partnership shall be filled in
14 the same manner as the original appointment. Any appointment
15 to fill a vacancy shall be only for the remainder of the
16 unexpired term.

17 (e) Members of the partnership shall serve without
18 compensation, but are entitled to reimbursement for per diem
19 and travel expenses incurred in the performance of their
20 duties as provided in s. 112.061, and are entitled to
21 reimbursement for other reasonable, necessary, and actual
22 expenses.

23 (3) BUDGET.--The partnership shall have a budget and
24 shall be funded to the extent provided for in the General
25 Appropriations Act.

26 (4) ANNUAL REPORT.--The partnership shall submit an
27 annual report to the Governor, the President of the Senate,
28 the Speaker of the House of Representatives, the minority
29 leaders of the Senate and House of Representatives, and the
30 Commissioner of Education. The report must contain an
31 independent analysis of best practices for school safety and

1 security in the state; a summary of programs evaluated; a
2 summary of progress made in developing, maintaining, and
3 refining the electronic clearinghouse of safety and security
4 information; and recommendations for legislative changes or
5 budget requests.

6 (5) STAFF AND TECHNICAL ASSISTANCE.--The Department of
7 Education shall provide or contract for staff support and
8 technical assistance for the partnership.

9 Section 3. By December 1, 2000, the Department of
10 Education shall develop an individualized school safety and
11 environment assessment instrument that each school may use to
12 assess its needs with respect to the state education goal for
13 safety specified in section 229.591(3)(e), Florida Statutes.
14 In addition, by December 1, 2000, the Department of Education
15 shall expand the current performance standards for the state
16 education goal for safety to comprehensively address district
17 and school safety.

18 Section 4. Subsection (1) of section 230.23025,
19 Florida Statutes, is amended to read:

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

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

1 OPPAGA, and the Auditor General. The best financial management
2 practices, at a minimum, must instill public confidence by
3 addressing the following areas:

4 (a) Efficient use of resources, use of lottery
5 proceeds, student transportation and food service operations,
6 management structures, ~~and~~ personnel systems and benefits, and
7 safety and security;

8 (b) Compliance with generally accepted accounting
9 principles and state and federal laws relating to financial
10 management;

11 (c) Performance accountability systems, including
12 performance measurement reports to the public, internal
13 auditing, financial auditing, and information made available
14 to support decisionmaking; and

15 (d) Cost control systems, including asset, risk, and
16 financial management; ~~;~~ purchasing; ~~;~~ and information system
17 controls.

18 Section 5. Subsection (3) is added to section 230.235,
19 Florida Statutes, to read:

20 230.235 Policy of zero tolerance for crime.--

21 (3) Each district school board shall review the
22 zero-tolerance policy required by this section and by rule of
23 the State Board of Education. The board shall ensure that
24 there is a uniform policy for the discipline of students at
25 each school for the following offenses:

26 (a) Possession of a firearm, a knife, a weapon, or an
27 item that can be used as a weapon by any student while the
28 student is on school property, on school transportation, or in
29 attendance at a school function; or

30 (b) Bringing a firearm, as defined in 18 U.S.C. s.
31 921, to school, to any school function, or onto any

1 school-sponsored transportation; and making a threat, as
2 defined in s. 790.162, involving school property, school
3 transportation, or a school-sponsored activity.

4 Section 6. Section 231.0851, Florida Statutes, is
5 created to read:

6 231.0851 Reports of school safety and
7 discipline.--Each principal must ensure that standardized
8 forms prescribed by rule of the State Board of Education are
9 used to report data concerning school safety and discipline to
10 the Department of Education. The principal must develop a plan
11 to verify the accuracy of reported incidents.

12 Section 7. The State Board of Education shall adopt by
13 rule a standardized form to be used by each school to report
14 data concerning school safety and discipline.

15 Section 8. By October 1, 2000, the Department of
16 Education shall establish a mechanism to improve the
17 reliability and accuracy of reports concerning school safety,
18 including a means for improving the reliability and accuracy
19 of the School Environmental Safety Incident Reporting System.

20 Section 9. By December 1, 2000, the Department of
21 Education shall develop additional indicators of safe schools,
22 including indicators based on the number of students involved
23 in extracurricular activities; the effectiveness of
24 student-developed plans for school safety; the number of
25 students and extent of student involvement in developing and
26 implementing school safety, crime watch, violence prevention,
27 drug abuse prevention, crime reporting, and other programs
28 that contribute to school safety; and an optimal school
29 psychologist-to-student ratio, guidance-counselor-to-student
30 ratio, and school social-worker-to-student ratio. The
31 department shall use the National Standards for School

1 Counseling Programs in developing the
2 guidance-counselor-to-student ratio.

3 Section 10. Section 232.24521, Florida Statutes, is
4 amended to read:

5 232.24521 Report cards; end-of-the-year status.--

6 (1) Each school district shall establish and publish
7 policies requiring the content and regular issuance of student
8 report cards for all elementary school, middle school, and
9 high school students. These report cards must clearly depict
10 and grade:

11 (a) The student's academic performance in each class
12 or course, which in grades 1 through 12 must be based upon
13 examinations as well as written papers, class participation,
14 and other academic performance criteria.

15 (b) The student's conduct and behavior.

16 (c) The student's attendance, including absences and
17 tardiness.

18 (2) A student's final report card for a school year
19 shall contain a statement indicating end-of-the-year status
20 regarding performance or nonperformance at grade level,
21 acceptable or unacceptable behavior and attendance, and
22 promotion or nonpromotion.

23
24 School districts shall not allow schools to exempt students
25 from academic performance requirements based on practices or
26 policies designed to encourage student attendance. A student's
27 attendance record may not be used in whole or in part to
28 provide an exemption from any academic performance
29 requirement.

1 Section 11. Paragraph (b) of subsection (1) and
2 subsection (4) of section 232.26, Florida Statutes, are
3 amended to read:

4 232.26 Authority of principal.--

5 (1)

6 (b) The principal or the principal's designee may
7 suspend a student only in accordance with the rules of the
8 district school board. The principal or the principal's
9 designee shall make a good faith effort to immediately inform
10 a student's parent or guardian by telephone of a student's
11 suspension and the reasons for the suspension. Each suspension
12 and the reasons for the suspension shall be reported in
13 writing within 24 hours to the student's parent or guardian by
14 United States mail. Each suspension and the reasons for the
15 suspension shall also be reported in writing within 24 hours
16 to the superintendent. A good faith effort shall be made by
17 the principal or the principal's designee to employ parental
18 assistance or other alternative measures prior to suspension,
19 except in the case of emergency or disruptive conditions which
20 require immediate suspension or in the case of a serious
21 breach of conduct as defined by rules of the district school
22 board. Such rules shall require oral and written notice to the
23 student of the charges and an explanation of the evidence
24 against him or her prior to the suspension. Each student shall
25 be given an opportunity to present his or her side of the
26 story. No student shall be suspended for unexcused tardiness,
27 lateness, absence, or truancy. The principal or the
28 principal's designee may suspend any student transported to or
29 from school at the public expense from the privilege of riding
30 on a school bus for violation of school board transportation
31 policies, which shall include a policy regarding behavior at

1 school bus stops, and the principal or the principal's
2 designee shall give notice in writing to the student's parent
3 or guardian and to the superintendent within 24 hours. School
4 personnel shall not be held legally responsible for
5 suspensions of students made in good faith. Any suspension of
6 a student with disabilities, as defined in s. 228.041(18),
7 must be in accordance with rules adopted by the State Board of
8 Education.

9 (4) Any recommendation for the expulsion of a student
10 with disabilities, as defined in s. 228.041(18),~~handicapped~~
11 ~~student~~ shall be made in accordance with the rules adopted
12 ~~promulgated~~ by the State Board of Education.

13 Section 12. Section 235.192, Florida Statutes, is
14 created to read:

15 235.192 Coordination of school safety information.--

16 (1) Beginning October 1, 2000, each district school
17 superintendent must provide to the Department of Education,
18 the State Board of Education, and the law enforcement agency
19 that has jurisdiction over each educational facility a copy of
20 the blueprint for each educational facility in the district,
21 as defined in s. 235.011(6). After the initial submission of
22 the blueprint, the district school superintendent shall
23 submit, by October 1 of each year, a revised blueprint for
24 each district educational facility that was modified during
25 the preceding year.

26 (2) Beginning October 1, 2000, each community college
27 president must provide to the Department of Education, the
28 State Board of Education, and the law enforcement agency that
29 has jurisdiction over the community college a copy of the
30 blueprint for each educational facility as defined in s.
31 235.011(6). After the initial submission of the blueprint, the

1 community college president shall submit, by October 1 of each
2 year, a revised blueprint for each educational facility that
3 was modified during the preceding year.

4 Section 13. By October 1, 2000, the Department of
5 Education shall assess the effectiveness of current school
6 safety and security initiatives, including the impact of state
7 funding for safe schools in this state, and shall provide a
8 report to the Governor, the President of the Senate, the
9 Speaker of the House of Representatives, the minority leaders
10 of the Senate and House of Representatives, and the
11 Partnership for School Safety and Security.

12 Section 14. Pilot program to assess teams that meet
13 optimal ratios.--

14 (1) An elementary school, middle school, junior high
15 school, and a high school within each school district in
16 Sarasota, St. Johns, Broward, Okaloosa, Lake, Miami-Dade,
17 Pinellas, and Duval counties, from funds provided for this
18 purpose in the 2000-2001 General Appropriations Act, shall
19 establish a 3-year pilot program to assess the use of a team
20 composed of school psychologists, guidance counselors, and
21 school social workers which meets the optimal school
22 psychologist-to-student ratio, guidance-counselor-to-student
23 ratio, and school social-worker-to-student ratio.

24 (2) To be eligible to participate in the pilot
25 program, each school district must ensure that each school
26 participating in the pilot program meets the optimal ratio of
27 school psychologists, guidance counselors, and school social
28 workers to students which is developed by the Department of
29 Education.

30
31

1 (3) Each school that participates in the pilot program
2 must have a plan that is based on national standards and must
3 agree to achieve and document the outcomes for:

4 (a) Truancy.

5 (b) School disciplinary referrals.

6 (c) Academic performance.

7 (d) Parent, teacher, and school administration
8 satisfaction.

9 (4) The school district shall evaluate the
10 consequences of achieving the optimal ratio of school
11 psychologists, guidance counselors, and school social workers
12 to students for each school that participates in the pilot
13 program. By August 1 following each school year during which
14 the pilot program is operated, the school district shall
15 report its findings to the Governor, the President of the
16 Senate, the Speaker of the House of Representatives, the
17 minority leaders of the Senate and the House of
18 Representatives, the Commissioner of Education, and the
19 Partnership for School Safety and Security. The annual report
20 must include, for each school participating in the pilot
21 program, information about the types and frequency of
22 referrals made of children and adolescents to private
23 providers and professionals in the community who provide
24 mental health treatment and support services.

25 Section 15. Each school district and the state or
26 local governmental entity having jurisdiction shall develop a
27 school safety transportation plan. Each school district shall
28 include charter schools in its school safety transportation
29 plan. The plan shall be submitted to the Department of
30 Education by December 31, 2000.

31

1 (1) Each school district and the state or local
2 governmental entity having jurisdiction shall jointly develop
3 a priority list of hazardous-walking-conditions projects that
4 have not yet been corrected. Each school district shall use
5 this part of the plan to monitor school transportation safety.
6 The plan must include the following for the hazardous walking
7 conditions determined under the provisions of section 234.021,
8 Florida Statutes:

9 (a) The number of hazardous walking conditions which
10 have not been corrected by the state or local governmental
11 entity having jurisdiction within 5 years after identification
12 of the hazard and a fiscal impact of the cost to correct each
13 hazard; and

14 (b) For each hazardous walking condition that has not
15 been corrected, a statement of the reason given for the
16 deficiency by the state or local governmental entity having
17 jurisdiction.

18 (2) The plan must also include recommendations and
19 fiscal estimates for:

20 (a) Any changes to current law for expanding the
21 definition of a student in section 234.021(1), Florida
22 Statutes, to include students in grades kindergarten through
23 12.

24 (b) Any changes to current law for identifying
25 hazardous walking conditions for walkways parallel to the
26 road, including, but not limited to:

27 1. Increasing the size of the walk area adjacent to
28 the road from 4 feet or making changes to the walk area
29 surface;

30 2. Increasing the size of the current set-off
31 requirement for uncurbed walkways to at least 6 feet or

1 decreasing the qualifying posted speed limit of 55 miles per
2 hour; or

3 3. Amending the current exceptions to the criteria for
4 determining hazardous walking conditions for certain
5 residential areas and roads that have a certain volume of
6 traffic and a posted speed limit of 30 miles per hour or less.

7 (c) Any changes to current law for identifying
8 hazardous walking conditions for walkways perpendicular to the
9 road, including, but not limited to:

10 1. Limitations in the volume of traffic for the road
11 or the direction of traffic; and

12 2. The definition of an uncontrolled crossing site.

13 3. The identification of any hazards associated with
14 multi-lane crossings.

15 (d) Any other recommendations, including, but not
16 limited to, the consideration of additional criteria for
17 determining hazardous walking conditions, such as crime,
18 construction, adjacent bodies of water, or other risks,
19 procedures for identifying hazardous walking conditions,
20 procedures for locating bus stops, required level of auditing
21 claims for funding, and identification of responsibilities of
22 parents or guardians for the safety of their children when
23 transportation is not required and is not provided by the
24 school district or charter school.

25 (3) The plan must also identify, by district, the
26 number of schools that:

27 (a) Separate the school bus loading and departure
28 locations from the loading and departure locations for
29 parents, guardians, or others who provide transportation to
30 children.

31

1 (b) Provide transportation to students for whom
2 transportation is not currently required under state law,
3 including data on the numbers of students and their grade
4 levels.

5
6 The identification of schools under this subsection may be
7 used as a basis for providing incentive funds to specific
8 school districts in the 2000-2001 legislative session.

9 Section 16. Subsection (1) of section 232.17, Florida
10 Statutes, is amended to read:

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

1 in school attendance matters is the most effective way of
2 producing good attendance habits that will lead to improved
3 student learning and achievement. Each public school shall
4 implement the following steps to enforce regular school
5 attendance:

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

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

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

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

31

1 2. Enrollment in the home education program is
2 authorized after the appeals process established by paragraph
3 (f).

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

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

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

27 (d) The child study team shall be diligent in
28 facilitating intervention services and shall report the case
29 to the superintendent only when all reasonable efforts to
30 resolve the nonattendance behavior are exhausted.

31

1 (e) If the parent, guardian, or other person in charge
2 of the child refuses to participate in the remedial strategies
3 because he or she believes that those strategies are
4 unnecessary or inappropriate, the parent, guardian, or other
5 person in charge of the child may appeal to the school board.
6 The school board may provide a hearing officer, and the
7 hearing officer shall make a recommendation for final action
8 to the board. If the board's final determination is that the
9 strategies of the child study team are appropriate, and the
10 parent, guardian, or other person in charge of the child still
11 refuses to participate or cooperate, the superintendent may
12 seek criminal prosecution for noncompliance with compulsory
13 school attendance.

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

27 (g)~~(f)~~ If a child subject to compulsory school
28 attendance will not comply with attempts to enforce school
29 attendance, the parent, the guardian, or the superintendent or
30 his or her designee shall refer the case to the case staffing
31 committee pursuant to s. 984.12, and the superintendent or his

1 or her designee may file a truancy petition pursuant to the
2 procedures in s. 984.151.

3 Section 17. Section 414.125, Florida Statutes, is
4 amended to read:

5 414.125 Learnfare program.--

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

20 (a) The student is expelled from school and
21 alternative schooling is not available.

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

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

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

28
29 Within 10 days after sanction notification, the participant
30 parent of a dependent child or the teenage participant may
31 file an internal fair hearings process review procedure

1 appeal, and no sanction shall be imposed until the appeal is
2 resolved.

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

17 Section 18. 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 19. Subsections (1), (3), and (4) of section
15 984.151, Florida Statutes, are amended, and a new subsection
16 (9) is added to said section, to read:

17 984.151 Truancy petition; prosecution; disposition.--

18 (1) If the school determines that a student subject to
19 compulsory school attendance has had at least five unexcused
20 absences, or absences for which the reasons are unknown,
21 within a calendar month or 10 unexcused absences, or absences
22 for which the reasons are unknown, within a 90-calendar-day
23 period pursuant to s. 232.17(1)(b), or has had more than 15
24 unexcused absences in a 90-calendar-day period, the
25 superintendent of schools may file a truancy petition.

26 (3) Original jurisdiction to hear a truancy petition
27 shall be in the circuit court; however, the circuit court may
28 use a general or special master pursuant to Supreme Court
29 rules. Upon the filing of a petition containing allegations of
30 facts which, if true, constitute the child named therein being
31 absent from school pursuant to subsection (1) and s.

1 232.17(1)(b) and upon the request of the petitioner, the clerk
2 or deputy clerk shall issue a summons.

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

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

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

29 (9) The participation of the parent, guardian, or
30 legal custodian with the court-ordered sanctions and services
31

1 is mandatory. The court may use its contempt powers to enforce
2 its order.

3 Section 20. The sum of \$225,000 in nonrecurring
4 General Revenue is appropriated to the Department of Education
5 for implementation of this act.

6 Section 21. This act shall take effect July 1, 2000.

7
8 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
9 COMMITTEE SUBSTITUTE FOR
10 CS/CS for SB's 852, 2 & 46

11 Adds Miami-Dade and Pinellas school districts to the list of
12 those participating in the pilot program.

13 Clarifies that funds for the pilot program are to be provided
14 for that purpose in the General Appropriations Act.

15 Corrects the due date for the plan (December 31, 2000).
16 Requires each school district to include charter schools in
17 its plan. Clarifies the content of the plan.

18 Prohibits a student referred to a child study team for
19 nonattendance from registering in a home education program
20 unless certain conditions are met. An appeals process is
21 established.

22 Enables school districts to report a student for
23 non-compliance to Department of Children and Families based on
24 standard truancy criteria. Requires conference between parent
25 & school official each semester rather than each grading
26 period.

27 Allows districts to seek intervention through the truancy
28 court when a student has at least five unexcused absences
29 within a calendar month, rather than waiting until the student
30 has more than 15 unexcused absences in a 90-calendar-day
31 period.

32 Gives school districts earlier access to truancy court as a
33 child study team intervention strategy.

34 Provides an appropriation of \$225,000 to Department of
35 Education to implement this bill.