

1 A bill to be entitled
2 An act relating to school safety and student
3 discipline; amending s. 228.041, F.S.; revising
4 the definition of suspension; amending s.
5 229.57, F.S.; revising data used to determine a
6 school's performance grade category; creating
7 s. 229.8347, F.S.; relating to a Partnership
8 for School Safety and Security; creating an
9 electronic clearinghouse; providing for
10 membership; providing for a report; amending s.
11 230.23, F.S.; revising information required to
12 be included in the student code of conduct;
13 combining and clarifying provisions relating to
14 student possession of a weapon; requiring the
15 district code of student conduct to include
16 certain notice relating to expulsion for making
17 a threat or false report; defining the term
18 "school-within-a-school"; requiring district
19 school boards to address the availability of
20 specified student support services
21 professionals; amending and redesignating s.
22 235.14, F.S.; specifying types of drills and
23 emergencies for which district school boards
24 are required to develop procedures; requiring
25 district school boards to establish model
26 emergency management and emergency preparedness
27 procedures; amending s. 230.23015, F.S.,
28 relating to disciplinary action for violation
29 of s. 784.081, F.S.; providing a
30 cross-reference; amending s. 230.23025, F.S.;
31 requiring best financial management practices

1 to address school safety and security; creating
2 s. 230.23145, F.S.; establishing a pilot
3 program to provide clerical assistance to
4 guidance counselors; providing eligibility
5 requirements for district participation;
6 providing for the selection of districts to
7 participate; amending s. 230.235, F.S.;
8 specifying offenses for which a student will be
9 expelled for 1 year, and referred for criminal
10 prosecution, under district school board zero
11 tolerance for crime policies; authorizing
12 assignment to certain alternative programs;
13 providing a cross reference relating to
14 students with disabilities; creating s.
15 231.0851, F.S., relating to reports of school
16 safety and discipline; requiring principals to
17 use standardized forms and develop a plan;
18 requiring the state board to adopt a form by
19 rule; requiring the department to establish a
20 safety mechanism; requiring the department to
21 establish a safety instrument; amending s.
22 232.17, F.S.; requiring principals to notify
23 certain persons that specified students are
24 exhibiting a pattern of nonattendance;
25 clarifying authorization for intervention
26 through a truancy petition; providing for
27 procedures of portfolio review by a home
28 education review committee of a parent whose
29 child has been identified as exhibiting a
30 pattern of nonattendance who enrolls in a home
31 education program; providing penalties for

1 noncompliance; amending s. 232.24521, F.S.;
2 prohibiting attendance from being used to
3 provide an exemption from any academic
4 requirement; amending s. 232.25, F.S., relating
5 to control of pupils; amending s. 232.26, F.S.;
6 specifying that expulsion of a student with a
7 disability must be made pursuant to state board
8 rule; amending s. 232.27, F.S.; authorizing
9 teachers or other instructional personnel to
10 have disobedient and disrespectful students
11 temporarily removed from the classroom and to
12 have certain students directed for information
13 or assistance from appropriate personnel;
14 amending s. 232.271, F.S.; revising the
15 behavior considered to be cause for teacher
16 removal of students; removing obsolete language
17 relating to a study and a report; amending s.
18 232.275, F.S.; prohibiting certain school
19 personnel from being held civilly or criminally
20 liable for the exercise of authority provided
21 by certain provisions of law; creating s.
22 234.0215, F.S.; requiring a school safety
23 transportation plan; creating s. 235.192, F.S.,
24 relating to the coordination of school safety
25 information; requiring the provision of copies
26 of educational facility floorplans and other
27 relevant documents to specific agencies;
28 creating s. 235.2157, F.S.; providing
29 legislative findings; defining the term "small
30 school"; requiring the construction of only
31 small schools after a certain date; requiring

1 small schools to comply with racial balance
2 requirements; providing an exception; amending
3 s. 984.03, F.S.; revising the definition of
4 "truancy petition"; amending s. 984.13, F.S.;
5 enabling a law enforcement officer to take into
6 custody a child who is suspended or expelled
7 and who is not in the presence of his or her
8 parent or legal guardian; revising the
9 definition of "school system"; amending s.
10 984.151, F.S.; revising requirements for filing
11 a truancy petition; requiring the issuance of a
12 summons; providing for use of contempt powers;
13 amending s. 414.125, F.S.; revising criteria
14 for reduction of temporary cash assistance;
15 amending s. 234.01, F.S.; authorizing
16 transportation of additional students subjected
17 to hazardous walking conditions; amending s.
18 234.021, F.S., relating to hazardous walking
19 conditions; requiring a hazardous walking
20 condition to be inspected by a representative
21 of the county sheriff and a representative of
22 the local safety council, if a safety council
23 exists in the county; providing for a walking
24 condition to be determined hazardous based on
25 the guidelines of this section or based on
26 findings upon inspection; revising guidelines
27 for determining hazardous walking conditions;
28 amending s. 236.083, F.S.; providing funds for
29 the transportation of additional students
30 transported by reason of being subjected to
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1 hazardous walking conditions; providing an
2 effective date.

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

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6 Section 1. Paragraph (a) of subsection (25) of section
7 228.041, Florida Statutes, is amended to read:

8 228.041 Definitions.--Specific definitions shall be as
9 follows, and wherever such defined words or terms are used in
10 the Florida School Code, they shall be used as follows:

11 (25) SUSPENSION.--

12 (a) Suspension, also referred to as out-of-school
13 suspension, is the temporary removal of a student from all
14 classes of instruction on public school grounds and all other
15 school-sponsored activities, except as authorized by the
16 principal or the principal's designee, for a period not to
17 exceed 10 school days and remanding of the student to the
18 custody of the student's parent with specific homework
19 assignments for the student to complete.

20 Section 2. Paragraph (a) of subsection (8) of section
21 229.57, Florida Statutes, is amended to read:

22 229.57 Student assessment program.--

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

26 (a) Timeframes.--

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

29 2. In school years 1998-1999 and 1999-2000, a school's
30 performance grade category designation shall be determined by
31 the student achievement levels on the FCAT, and on other

1 appropriate performance data, including, but not limited to,
2 attendance, dropout rate, school discipline data, and student
3 readiness for college, in accordance with state board rule.

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

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

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

30 Section 3. Section 229.8347, Florida Statutes, is
31 created to read:

1 229.8347 Partnership for School Safety and Security.--

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

5 (a) Evaluate school safety and security programs and
6 strategies, based on controlled scientific research; recommend
7 information to be included in the electronic clearinghouse of
8 safety and security information; and make recommendations for
9 inclusion in the clearinghouse of safety and security
10 information and to the Legislature for funding school safety
11 and security programs.

12 (b) Create an electronic clearinghouse of safety and
13 security information that includes best practices, model
14 programs, and construction prototypes that are compatible with
15 the requirements for frugal schools.

16 (c) Assess the extent to which best practices for
17 school safety and security are being followed, including, but
18 not limited to, best practices for schools with student
19 participation in planning and implementing violence prevention
20 and other student efforts that contribute to school safety;
21 placing and training new teachers; providing incentives for
22 teachers of demonstrated mastery to remain in or transfer to
23 low-performing schools; providing incentives for teachers
24 based on their willingness to teach at schools that serve
25 low-income areas; and providing support systems, such as
26 mentors or specialized training, for teachers who are willing
27 to teach in schools that serve large populations of students
28 from low-income families.

29 (d) Train and offer technical assistance to school
30 district staff and others on how to create a safe school
31 environment.

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

3 (2) ORGANIZATION; MEMBERSHIP; MEETINGS; COMPENSATION
4 AND TRAVEL EXPENSES; BUDGET.--The partnership is an
5 independent, nonpartisan body that is assigned to the
6 Department of Education for administrative purposes. The
7 partnership shall be composed of 11 members who are appointed
8 by the Governor and confirmed by the Senate. Three members
9 must be consumers who are not, and never have been, providers
10 of school safety or security services.

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

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

15 (c) The partnership shall meet at least once each year
16 and the chairperson or a quorum of the members of the
17 partnership may call additional meetings as often as necessary
18 to transact business. A majority of the membership constitutes
19 a quorum, and the vote of a majority of the quorum is
20 necessary to take official action or conduct official business
21 of the partnership. The position of any member who has three
22 consecutive, unexcused absences or who is absent for 50
23 percent or more of the partnership's meetings within any
24 12-month period shall be considered vacant.

25 (d) A vacancy on the partnership shall be filled in
26 the same manner as the original appointment. Any appointment
27 to fill a vacancy shall be only for the remainder of the
28 unexpired term.

29 (e) Members of the partnership shall serve without
30 compensation, but are entitled to reimbursement for per diem
31 and travel expenses incurred in the performance of their

1 duties as provided in s. 112.061, and are entitled to
2 reimbursement for other reasonable, necessary, and actual
3 expenses.

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

7 (4) ANNUAL REPORT.--The partnership shall submit an
8 annual report to the Governor, the President of the Senate,
9 the Speaker of the House of Representatives, the minority
10 leaders of the Senate and House of Representatives, and the
11 Commissioner of Education. The report must contain an
12 independent analysis of best practices for school safety and
13 security in the state; a summary of programs evaluated; a
14 summary of progress made in developing, maintaining, and
15 refining the electronic clearinghouse of safety and security
16 information; and recommendations for legislative changes or
17 budget requests.

18 Section 4. Paragraphs (d) and (e) of subsection (6) of
19 section 230.23, Florida Statutes, are amended, subsection (20)
20 of said section is renumbered as subsection (22), and new
21 subsections (20) and (21) are added to said section, and
22 section 235.14, Florida Statutes, is redesignated as paragraph
23 (f) of subsection (6) of said section and 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.

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

15 1. Consistent policies and specific grounds for
16 disciplinary action, including in-school suspension,
17 out-of-school suspension, expulsion, and any disciplinary
18 action that may be imposed for the possession or use of
19 alcohol on school property or while attending a school
20 function or for the illegal use, sale, or possession of
21 controlled substances as defined in chapter 893.

22 2. Procedures to be followed for acts requiring
23 discipline, including corporal punishment.

24 3. An explanation of the responsibilities and rights
25 of students with regard to attendance, respect for persons and
26 property, knowledge and observation of rules of conduct, the
27 right to learn, free speech and student publications,
28 assembly, privacy, and participation in school programs and
29 activities.

30 4. Notice that illegal use, possession, or sale of
31 controlled substances, as defined in chapter 893, or

1 possession of electronic telephone pagers, by any student
2 while such student is upon school property or in attendance at
3 a school function is grounds for disciplinary action by the
4 school and may also result in criminal penalties being
5 imposed.

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

11 6. Notice that violence against any school district
12 personnel by a student is grounds for in-school suspension,
13 out-of-school suspension, expulsion, or imposition of other
14 disciplinary action by the school and may also result in
15 criminal penalties being imposed.

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

23 8. Notice that violation of the district school
24 board's sexual harassment policy by a student is grounds for
25 in-school suspension, out-of-school suspension, expulsion, or
26 imposition of other disciplinary action by the school and may
27 also result in criminal penalties being imposed.

28 9. Policies to be followed for the assignment of
29 violent or disruptive students to an alternative educational
30 program.

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

16 11. Notice that any student who is determined to have
17 made a threat or false report, as defined by ss. 790.162 and
18 790.163, respectively, involving school or school personnel's
19 property, school transportation, or a school-sponsored
20 activity will be expelled, with or without continuing
21 educational services, from the student's regular school for a
22 period of not less than 1 full year and referred for criminal
23 prosecution. District school boards may assign the student to
24 a disciplinary program or second chance school for the purpose
25 of continuing educational services during the period of
26 expulsion. Superintendents of schools may consider the 1-year
27 expulsion requirement on a case-by-case basis and request the
28 district school board to modify the requirement by assigning
29 the student to a disciplinary program or second chance school
30 if it is determined to be in the best interest of the student
31 and the school system.

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

5 ~~(f)235.14~~ Emergency drills; emergency procedures.--

6 1. The district school board shall formulate and
7 prescribe policies and procedures for emergency drills and for
8 actual emergencies, including, but not limited to, fires,
9 natural disasters, and bomb threats,for all the public
10 schools of the district state which comprise grades K-12.
11 District policies shall include commonly used alarm system
12 responses for specific types of emergencies and verification
13 by each school that drills have been provided as required by
14 law and fire protection codes.

15 2. The district school board shall establish model
16 emergency management and emergency preparedness procedures for
17 the following life-threatening emergencies:

18 a. Weapon-use and hostage situations.

19 b. Hazardous materials or toxic chemical spills.

20 c. Weather emergencies, including hurricanes,
21 tornadoes, and severe storms.

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

23 (20) SCHOOL-WITHIN-A-SCHOOL.--In order to reduce the
24 anonymity of students in large schools, the district school
25 board shall adopt policies effective for the 2002-2003 school
26 year, and thereafter, to encourage any school that does not
27 meet the definition of a small school, as established by s.
28 235.2157(2), to subdivide into schools-within-a-school, which
29 shall operate within existing resources. A
30 "school-within-a-school" means an operational program that
31 uses flexible scheduling, team planning, and curricular and

1 instructional innovation to organize groups of students with
2 groups of teachers as smaller units, so as to functionally
3 operate as a smaller school. Examples of this include, but are
4 not limited to:

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

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

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

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

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1 services professionals through the use of in-school or local
2 private providers.

3 Section 5. Subsection (1) of section 230.23025,
4 Florida Statutes, is amended to read:

5 230.23025 Best financial management practices;
6 standards; reviews; designation of districts.--

7 (1) The Office of Program Policy Analysis and
8 Government Accountability (OPPAGA) and the Office of the
9 Auditor General are directed to develop a system for reviewing
10 the financial management practices of school districts. In
11 this system, OPPAGA and the Auditor General shall jointly
12 examine district operations to determine whether they meet
13 "best financial management practices." The best financial
14 management practices adopted by the Commissioner of Education
15 may be updated periodically after consultation with the
16 Legislature, the Governor, the SMART Schools Clearinghouse,
17 OPPAGA, and the Auditor General. The best financial management
18 practices, at a minimum, must instill public confidence by
19 addressing the following areas:

20 (a) Efficient use of resources, use of lottery
21 proceeds, student transportation and food service operations,
22 management structures, and personnel systems and benefits.†

23 (b) Compliance with generally accepted accounting
24 principles and state and federal laws relating to financial
25 management.†

26 (c) Performance accountability systems, including
27 performance measurement reports to the public, internal
28 auditing, financial auditing, and information made available
29 to support decisionmaking.†

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1 (d) Cost control systems, including asset, risk, and
2 financial management, purchasing, and information system
3 controls.

4 (e) Safety and security practices at the district and
5 school levels.

6 Section 6. Section 230.23145, Florida Statutes, is
7 created to read:

8 230.23145 Student support services pilot program.--

9 (1) From the funds provided in the 2000-2001 General
10 Appropriations Act, there is established a pilot program for
11 Sarasota, Lake, and Miami-Dade school districts to assess the
12 use of and assist student support services personnel in public
13 schools.

14 (2) Each participating school district must provide:

15 (a) Information relating to the current use of student
16 support services personnel within the district. The
17 department's reporting form must require a breakdown of the
18 percentage of time spent on activities including, but not
19 limited to: clerical work not related to counseling, school
20 social work services, psychological services, or evaluation,
21 clerical work related to counseling, school social work
22 services, psychological services, or evaluation, direct
23 student services, and student evaluation.

24 (b) A plan outlining the proposed use of part-time or
25 nondegreed personnel to provide clerical assistance, so that
26 the major focus of the student support services personnel will
27 be services through direct student contact, other appropriate
28 contact, or student evaluation.

29 (3) Each participating school district shall report to
30 the Department of Education on improved student performance,
31 reduced school discipline problems, increased direct time with

1 students or other significant outcome measures by August 1,
2 2001.

3 Section 7. Subsection (2) of section 230.235, Florida
4 Statutes, is redesignated as subsection (3), and a new
5 subsection (2) is added to said section, to read:

6 230.235 Policy of zero tolerance for crime.--

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

12 (a) Bringing a firearm or weapon, as defined in
13 chapter 790, to school, to any school function, or onto any
14 school-sponsored transportation.

15 (b) Making a threat or false report, as defined by ss.
16 790.162 and 790.163, respectively, involving school or school
17 personnel's property, school transportation, or a
18 school-sponsored activity.

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20 District school boards may assign the student to a
21 disciplinary program or second chance school for the purpose
22 of continuing educational services during the period of
23 expulsion. Superintendents may consider the 1-year expulsion
24 requirement on a case-by-case basis and request the district
25 school board to modify the requirement by assigning the
26 student to a disciplinary program or second chance school if
27 it is determined to be in the best interest of the student and
28 the school system. If a student committing any of the offenses
29 in this subsection is a student with a disability, the school
30 district shall comply with procedures pursuant to s. 232.251
31 and any applicable state board rule.

1 Section 8. Section 231.0851, Florida Statutes, is
2 created to read:

3 231.0851 Reports of school safety and
4 discipline.--Each principal must ensure that standardized
5 forms prescribed by rule of the State Board of Education are
6 used to report data concerning school safety and discipline to
7 the Department of Education. The principal must develop a plan
8 to verify the accuracy of reported incidents.

9 Section 9. The State Board of Education shall adopt by
10 rule a standardized form to be used by each school to report
11 data concerning school safety and discipline.

12 Section 10. By October 1, 2000, the Department of
13 Education shall establish a mechanism to improve the
14 reliability and accuracy of reports concerning school safety,
15 including a means for improving the reliability and accuracy
16 of the School Environmental Safety Incident Reporting System.

17 Section 11. By December 1, 2000, the Department of
18 Education shall develop an individualized school safety and
19 environment assessment instrument that each school may use to
20 assess its needs with respect to the state education goal for
21 safety specified in section 229.591(3)(e), Florida Statutes.
22 In addition, by December 1, 2000, the Department of Education
23 shall expand the current performance standards for the state
24 education goal for safety to comprehensively address district
25 and school safety and security.

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

28 232.17 Enforcement of school attendance.--The
29 Legislature finds that poor academic performance is associated
30 with nonattendance and that schools must take an active role
31 in enforcing attendance as a means of improving the

1 performance of many students. It is the policy of the state
2 that the superintendent of each school district be responsible
3 for enforcing school attendance of all children and youth
4 subject to the compulsory school age in the school district.
5 The responsibility includes recommending to the school board
6 policies and procedures to ensure that schools respond in a
7 timely manner to every unexcused absence, or absence for which
8 the reason is unknown, of students enrolled in the schools.
9 School board policies must require each parent or guardian of
10 a student to justify each absence of the student, and that
11 justification will be evaluated based on adopted school board
12 policies that define excused and unexcused absences. The
13 policies must provide that schools track excused and unexcused
14 absences and contact the home in the case of an unexcused
15 absence from school, or an absence from school for which the
16 reason is unknown, to prevent the development of patterns of
17 nonattendance. The Legislature finds that early intervention
18 in school attendance matters is the most effective way of
19 producing good attendance habits that will lead to improved
20 student learning and achievement. Each public school shall
21 implement the following steps to enforce regular school
22 attendance:

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

24 (a) Upon each unexcused absence, or absence for which
25 the reason is unknown, the school principal or his or her
26 designee shall contact the student's parent or guardian to
27 determine the reason for the absence. If the absence is an
28 excused absence, as defined by school board policy, the school
29 shall provide opportunities for the student to make up
30 assigned work and not receive an academic penalty unless the
31 work is not made up within a reasonable time.

1 (b) If a student has had at least five unexcused
2 absences, or absences for which the reasons are unknown,
3 within a calendar month or 10 unexcused absences, or absences
4 for which the reasons are unknown, within a 90-calendar-day
5 period, the student's primary teacher shall report to the
6 school principal or his or her designee that the student may
7 be exhibiting a pattern of nonattendance. The principal shall,
8 unless there is clear evidence that the absences are not a
9 pattern of nonattendance, refer the case to the school's child
10 study team to determine if early patterns of truancy are
11 developing.

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13 If the child study team finds that a pattern of nonattendance
14 is developing, whether the absences are excused or not, a
15 meeting with the parent must be scheduled to identify
16 potential remedies, and the principal shall notify the
17 superintendent of schools and the school district contact for
18 home education programs that the referred student is
19 exhibiting a pattern of nonattendance.

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

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1. Frequent communication between the teacher and the
25 family;

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2. Changes in the learning environment;

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3. Mentoring;

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4. Student counseling;

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5. Tutoring, including peer tutoring;

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6. Placement into different classes;

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7. Evaluation for alternative education programs;

- 1 8. Attendance contracts;
2 9. Referral to other agencies for family services; or
3 10. Other interventions, including, but not limited
4 to, a truancy petition pursuant to s. 984.151.

5 (d) The child study team shall be diligent in
6 facilitating intervention services and shall report the case
7 to the superintendent only when all reasonable efforts to
8 resolve the nonattendance behavior are exhausted.

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

22 (f)1. If the parent or guardian of a child who has
23 been identified as exhibiting a pattern of nonattendance
24 enrolls the child in a home education program pursuant to s.
25 232.0201, the superintendent of schools shall provide the
26 parent a copy of s. 232.0201 and the accountability
27 requirements of this paragraph. The superintendent of schools
28 shall also refer the parent to a home education review
29 committee composed of the district contact for home education
30 programs and at least two home educators selected by the
31 parent from a district list of all home educators who have

1 conducted a home education program for at least 3 years and
2 who have indicated a willingness to serve on the committee.
3 The home education review committee shall review the portfolio
4 of the student, as defined by s. 232.0201, every 30 days
5 during the district's regular school terms until the committee
6 is satisfied that the home education program is in compliance
7 with s. 232.0201(1)(b). The first portfolio review must occur
8 within the first 30 calendar days of the establishment of the
9 program. The provisions of subparagraph 2. do not apply once
10 the committee determines the home education program is in
11 compliance with s. 232.0201(1)(b).

12 2. If the parent fails to provide a portfolio to the
13 committee, the committee shall notify the superintendent of
14 schools. The superintendent of schools shall then terminate
15 the home education program and require the parent to enroll
16 the child in an attendance option provided under s. 232.02(1),
17 (2), (3), or (5), within 3 days. Upon termination of a home
18 education program pursuant to this subparagraph, the parent or
19 guardian shall not be eligible to reenroll the child in a home
20 education program for 180 calendar days. Failure of a parent
21 or guardian to enroll the child in an attendance option
22 provided under s. 232.02(1), (2), (3), or (5) after
23 termination of the home education program pursuant to this
24 subparagraph shall constitute noncompliance with the
25 compulsory attendance requirements of s. 232.01 and may result
26 in criminal prosecution under s. 232.19(2). Nothing contained
27 herein shall restrict the ability of the superintendent of
28 schools, or the ability of his or her designee, to review the
29 portfolio pursuant to s. 232.0201(1)(b).

30 (g)(f) If a child subject to compulsory school
31 attendance will not comply with attempts to enforce school

1 attendance, the parent, the guardian, or the superintendent or
2 his or her designee shall refer the case to the case staffing
3 committee pursuant to s. 984.12, and the superintendent or his
4 or her designee may file a truancy petition pursuant to the
5 procedures in s. 984.151.

6 Section 13. Section 232.24521, Florida Statutes, is
7 amended to read:

8 232.24521 Report cards; end-of-the-year status.--

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

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

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

19 (c) The student's attendance, including absences and
20 tardiness.

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

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

31

1 provide an exemption from any academic performance
2 requirement.

3 Section 14. Subsection (3) of section 232.25, Florida
4 Statutes, is amended to read:

5 232.25 Pupils subject to control of school.--

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

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

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

16 (c) The student has been found guilty of a felony.
17

18 However, if the student is a student with a disability, the
19 disciplinary action must comply with the procedures set forth
20 in state board rule.

21 Section 15. Subsection (4) of section 232.26, Florida
22 Statutes, is amended to read:

23 232.26 Authority of principal.--

24 (4) Any recommendation for the suspension or expulsion
25 of a ~~handicapped~~ student with a disability shall be made in
26 accordance with ~~the rules~~ adopted ~~promulgated~~ by the State
27 Board of Education.

28 Section 16. Paragraph (c) of subsection (1) of section
29 232.27, Florida Statutes, is amended, paragraphs (d) through
30 (j) of said subsection are redesignated as paragraphs (e)
31

1 through (k), respectively, and a new paragraph (d) is added to
2 said subsection, to read:

3 232.27 Authority of teacher; responsibility for
4 control of students; school district duties.--Subject to law
5 and to the rules of the district school board, each teacher or
6 other member of the staff of any school shall have such
7 authority for the control and discipline of students as may be
8 assigned to him or her by the principal or the principal's
9 designated representative and shall keep good order in the
10 classroom and in other places in which he or she is assigned
11 to be in charge of students.

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

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

20 (d) Have violent, abusive, uncontrollable, or
21 disruptive students directed for information or assistance
22 from appropriate school or district personnel.

23 Section 17. Subsections (2) and (5) of section
24 232.271, Florida Statutes, are amended to read:

25 232.271 Removal by teacher.--

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

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

31

1 ~~(b)~~ whose behavior the teacher determines ~~is so~~
2 ~~unruly, disruptive, or abusive that it seriously~~ interferes
3 with the teacher's ability to communicate effectively with the
4 students in the class or with the ability of the student's
5 classmates to learn.

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

14 Section 18. Section 232.275, Florida Statutes, is
15 amended to read:

16 232.275 Liability of teacher or principal.--Except in
17 the case of excessive force or cruel and unusual punishment, a
18 teacher or other member of the instructional staff, a
19 principal or the principal's designated representative, or a
20 bus driver shall not be civilly or criminally liable for any
21 action carried out in conformity with the state board and
22 district school board rules regarding the control, discipline,
23 suspension, and expulsion of students, including, but not
24 limited to, any exercise of authority under s. 232.26, s.
25 232.27, or s. 232.271.

26 Section 19. Section 234.0215, Florida Statutes, is
27 created to read:

28 234.0215 School Safety Transportation Plan.--Each
29 school district and the state or local governmental entity
30 having jurisdiction shall develop a school safety
31 transportation plan. Each school district shall include

1 charter schools in its school safety transportation plan. The
2 plan shall be submitted to the Department of Education by
3 December 31, 2000.

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

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

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

21 (2) The plan must also include recommendations and
22 fiscal estimates for:

23 (a) Any changes to current law for expanding the
24 definition of a student in section 234.021(1), Florida
25 Statutes, to include students in grades kindergarten through
26 12.

27 (b) Any changes to current law for identifying
28 hazardous walking conditions for walkways parallel to the
29 road, including, but not limited to:

30
31

1 1. Increasing the size of the walk area adjacent to
2 the road from 4 feet or making changes to the walk area
3 surface;

4 2. Increasing the size of the current set-off
5 requirement for uncurbed walkways to at least 6 feet or
6 decreasing the qualifying posted speed limit of 55 miles per
7 hour; or

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

12 (c) Any changes to current law for identifying
13 hazardous walking conditions for walkways perpendicular to the
14 road, including, but not limited to:

15 1. Limitations in the volume of traffic for the road
16 or the direction of traffic; and

17 2. The definition of an uncontrolled crossing site.

18 3. The identification of any hazards associated with
19 multi-lane crossings.

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

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

1 (a) Separate the school bus loading and departure
2 locations from the loading and departure locations for
3 parents, guardians, or others who provide transportation to
4 children.

5 (b) Provide transportation to students for whom
6 transportation is not currently required under state law,
7 including data on the numbers of students and their grade
8 levels.

9
10 The identification of schools under this subsection may be
11 used as a basis for providing incentive funds to specific
12 school districts in the 2000-2001 legislative session.

13 Section 20. Section 235.192, Florida Statutes, is
14 created to read:

15 235.192 Coordination of school safety information;
16 construction design documents.--

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

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

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

7 Section 21. Section 235.2157, Florida Statutes, is
8 created to read:

9 235.2157 Small school requirement.--

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

11 (a) Florida's schools are among the largest in the
12 nation.

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

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

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

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

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

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

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

31

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

3
4 A school on a single campus which operates as a
5 school-within-a-school, as defined by s. 230.23(20), shall be
6 considered a small school if each smaller unit located on the
7 single campus meets the requirements of this subsection.

8 (3) REQUIREMENTS.--

9 (a) Beginning July 1, 2003, all plans for new
10 educational facilities to be constructed within a school
11 district and reflected in the 5-year school district
12 facilities work plan shall be plans for small schools in order
13 to promote increased learning and more effective use of school
14 facilities.

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

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

20 Section 22. Subsections (29) and (57) of section
21 984.03, Florida Statutes, are amended to read:

22 984.03 Definitions.--When used in this chapter, the
23 term:

24 (29) "Habitually truant" means that:

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

31

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

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

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

30 (d) The failure or refusal of the parent or legal
31 guardian or the child to participate, or make a good faith

1 effort to participate, in the activities prescribed to remedy
2 the truant behavior, or the failure or refusal of the child to
3 return to school after participation in activities required by
4 this subsection, or the failure of the child to stop the
5 truant behavior after the school administration and the
6 Department of Juvenile Justice have worked with the child as
7 described in ss. 232.17 and s. 232.19(3) and (4) shall be
8 handled as prescribed in s. 232.19.

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

18 Section 23. Paragraph (b) of subsection (1) of section
19 984.13, Florida Statutes, is amended to read:

20 984.13 Taking into custody a child alleged to be from
21 a family in need of services or to be a child in need of
22 services.--

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

24 (b) By a law enforcement officer when the officer has
25 reasonable grounds to believe that the child is absent from
26 school without authorization or is suspended or expelled and
27 is not in the presence of his or her parent or legal guardian,
28 for the purpose of delivering the child without unreasonable
29 delay to the appropriate school system site. For the purpose
30 of this paragraph, "school system site" includes, but is not
31 limited to, a center approved by the superintendent of schools

1 for the purpose of counseling students and referring them back
2 to the school system or an approved alternative to a
3 suspension or expulsion program. If a student is suspended or
4 expelled from school without assignment to an alternative
5 school placement, the law enforcement officer shall deliver
6 the child to the parent or legal guardian, to a location
7 determined by the parent or guardian, or to a designated
8 truancy interdiction site until the parent or guardian can be
9 located.

10 Section 24. Subsections (1) and (3) of section
11 984.151, Florida Statutes, are amended, and a new subsection
12 (9) is added to said section, to read:

13 984.151 Truancy petition; prosecution; disposition.--

14 (1) If the school determines that a student subject to
15 compulsory school attendance 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 pursuant to s. 232.17(1)(b), or has had more than 15
20 unexcused absences in a 90-calendar-day period, the
21 superintendent of schools may file a truancy petition.

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

29 (9) The parent, guardian, or legal custodian and the
30 student shall participate, as required by court order, in any
31 sanctions or services required by the court under this

1 section, and the court shall enforce such participation
2 through its contempt power.

3 Section 25. 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 26. Paragraph (b) of subsection (1) of section
18 234.01, Florida Statutes, is amended to read:

19 234.01 Purpose; transportation; when provided.--

20 (1) School boards, after considering recommendations
21 of the superintendent:

22 (b) Shall provide transportation for public elementary
23 school students in membership whose grade level does not
24 exceed grade 6, and may provide transportation for public
25 school students in membership in grades 7 through 12, if such
26 students are subjected to hazardous walking conditions as
27 provided in s. 234.021 while en route to or from school.

28 Section 27. Paragraph (a) of subsection (2) and
29 paragraph (b) of subsection (3) of section 234.021, Florida
30 Statutes, are amended to read:

31 234.021 Hazardous walking conditions.--

1 (2) IDENTIFICATION.--
2 (a) When a request for review is made to the district
3 superintendent of schools or the district superintendent's
4 designee concerning a condition perceived to be hazardous to
5 students in that district who live within the 2-mile limit and
6 who walk to school, such condition shall be inspected by a
7 representative of the school district, a representative of the
8 county sheriff, a representative of the local safety council,
9 if a safety council exists in the county, and a representative
10 of the local governmental entity where the perceived hazardous
11 condition exists. If any of such representatives determines
12 that a shall determine whether or not the condition is
13 hazardous to such students according to the guidelines
14 established by subsection (3) or based upon his or her
15 findings upon inspection, he or she and shall report to the
16 Department of Education with respect thereto. Upon a
17 determination that a condition is hazardous to such students,
18 the district school board shall request a determination from
19 the state or local governmental entity having jurisdiction
20 regarding whether the hazard will be corrected and, if so,
21 regarding a projected completion date. State funds shall be
22 allocated for the transportation of students subjected to such
23 hazards, provided that such funding shall cease upon
24 correction of the hazard or upon the projected completion
25 date, whichever occurs first.

26 (3) GUIDELINES ~~CRITERIA~~ FOR DETERMINING HAZARDOUS
27 WALKING CONDITIONS.--

28 (b) Walkways perpendicular to the road.--It shall be
29 considered a hazardous walking condition with respect to any
30 road across which students must walk in order to walk to and
31 from school:

1 1. If the traffic volume on such road exceeds the rate
2 of 360 vehicles per hour, per direction (including all lanes),
3 during the time students walk to and from school and if the
4 crossing site is uncontrolled. For purposes of this
5 subsection, an "uncontrolled crossing site" is defined as an
6 intersection or other designated crossing site where no
7 crossing guard, traffic enforcement officer, or stop sign or
8 other traffic control signal is present during the times
9 students walk to and from school.

10 2. If the total traffic volume on such road exceeds
11 4,000 vehicles per hour through an intersection or other
12 crossing site controlled by a stop sign or other traffic
13 control signal, unless crossing guards or other traffic
14 enforcement officers are also present during the times
15 students walk to and from school.

16
17 Traffic volume shall be determined by the most current traffic
18 engineering study conducted by a state or local governmental
19 agency.

20 Section 28. Paragraph (e) of subsection (1) of section
21 236.083, Florida Statutes, is amended to read:

22 236.083 Funds for student transportation.--The annual
23 allocation to each district for transportation to public
24 school programs of students in membership in kindergarten
25 through grade 12, in migrant and exceptional student programs
26 below kindergarten, and in any other state-funded
27 prekindergarten program shall be determined as follows:

28 (1) Subject to the rules of the commissioner, each
29 district shall determine the membership of students who are
30 transported:

31

1 (e) With respect to elementary school students whose
2 grade level does not exceed grade 6, by reason of being
3 subjected to hazardous walking conditions en route to or from
4 school as provided in s. 234.021. Such rules shall, when
5 appropriate, provide for the determination of membership under
6 this paragraph for less than 1 year to accommodate the needs
7 of students who require transportation only until such
8 hazardous conditions are corrected. Any funds appropriated in
9 the 2001-2002 General Appropriations Act for student
10 transportation that are in addition to the funds provided in
11 the 2000-2001 General Appropriations Act for student
12 transportation and that are not designated in the 2001-2002
13 budget workpapers as funds provided for student enrollment
14 growth shall be used to fund students transported according to
15 s. 234.01(1)(b), including those transported by school
16 district option; and

17 Section 29. This act shall take effect July 1, 2000.
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