

By the Committee on Education; and Senator Villalobos

304-1906-02

1 A bill to be entitled
2 An act relating to education governance;
3 amending s. 39.0015, F.S.; authorizing the
4 State Board of Education to adopt rules
5 relating to child abuse prevention training;
6 amending s. 112.19, F.S.; providing for the
7 State Board of Education to adopt rules and
8 procedures relating to educational benefits
9 provisions for officers killed in the line of
10 duty; amending s. 112.191, F.S.; providing for
11 the State Board of Education to adopt rules and
12 procedures relating to educational benefits
13 provisions for firefighters killed in the line
14 of duty; amending s. 220.187, F.S., relating to
15 corporate tax credit contributions; providing
16 for the State Board of Education to adopt
17 rules; repealing s. 229.001, F.S., which
18 provides for a short title; amending s.
19 229.002, F.S., relating to the policy and
20 guiding principles for education; removing
21 references to the changes in education
22 governance; establishing legislative policy for
23 decentralized authority to the schools,
24 community colleges, universities, and other
25 institutions; repealing s. 229.003(1), (2), (3),
26 (4), F.S., relating to education governance
27 reorganization; amending s. 229.0031, F.S.;
28 replacing references to the Florida Board of
29 Education with references to the State Board of
30 Education; repealing s. 229.004, F.S., relating
31 to the Florida Board of Education, Commissioner

1 of Education and Secretary of Education;
2 repealing s. 229.005, F.S., relating to
3 governance officers and others; repealing s.
4 229.006, F.S., relating to the Education
5 Governance Reorganization Transition Task
6 Force; repealing s. 229.0061, F.S., relating to
7 guidelines for implementing Florida's K-20
8 education system; amending s. 229.007, F.S.;
9 replacing references to the Florida Board of
10 Education with the State Board of Education;
11 eliminating references to the Chancellors;
12 repealing s. 229.0072, F.S., relating to the
13 education reorganization implementation
14 process; repealing s. 229.0073, F.S., relating
15 to the reorganization of the Department of
16 Education; amending s. 229.011, F.S.; providing
17 that public education is a function of the
18 state; reenacting and amending s. 229.012,
19 F.S.; deleting references to the composition
20 and organization of the elected State Board of
21 Education; establishing the composition and
22 organization of the appointed board; reenacting
23 and amending s. 229.053, F.S.; providing
24 changes to the powers and duties of the State
25 Board of Education; providing for the removal
26 of a member of the State Board of Education for
27 cause; providing additional penalties for
28 violations of s. 286.011, F.S.; providing for
29 the appointment of a new member; repealing s.
30 229.133, F.S., relating to rulemaking by the
31 State Board of Education for career education

1 programs; reenacting and amending s. 229.512,
2 F.S.; revising the powers and duties of the
3 Commissioner of Education; eliminating certain
4 duties; providing responsibilities for
5 community college, college, and university
6 boards of trustees; repealing s. 229.513, F.S.,
7 relating to the Commissioner of Education's
8 review of rules and statutes for school
9 district facilities and related matters;
10 repealing s. 229.515, F.S., relating to
11 rulemaking authority to implement certain
12 provisions of the school code; creating s.
13 229.516, F.S.; providing for additional duties
14 for the Commissioner; reenacting and amending
15 s. 229.551, F.S., relating to educational
16 management; providing references to the K-20
17 education system and colleges and state
18 universities; eliminating references to the
19 State University System and the Board of
20 Regents and obsolete dates; providing the State
21 Board of Education and the commissioner with
22 specific functions; providing a technical
23 reference for the public records exemption for
24 tests and related documents developed by the
25 Department of Education; changing references
26 from the common course designation and
27 numbering system to the statewide course
28 numbering system; establishing the Articulation
29 Coordinating Committee; providing for the
30 appointment of members; providing for the
31 adoption of rules; amending s. 229.555, F.S.;

1 providing requirements for postsecondary
2 institutions and boards of trustees for
3 community colleges, colleges, and universities;
4 providing responsibilities for the
5 commissioner; amending s. 229.565, F.S.;
6 eliminating references to commissioner's rules;
7 amending s. 229.57, F.S., relating to the
8 student assessment program; eliminating the
9 high school competency test requirement;
10 removing obsolete references; repealing s.
11 229.5701, F.S., relating to monitoring and
12 reporting on the methodology for identifying
13 student learning gains; amending s. 229.59,
14 F.S.; replacing the reference to rulemaking by
15 the Commissioner of Education with the State
16 Board of Education; reenacting and amending s.
17 229.592, F.S., relating to implementation of
18 the state system of school improvement and
19 education accountability; revising the waiver
20 process; providing for the State Board of
21 Education to authorize the commissioner to
22 waive certain board rules; removing the
23 requirement for the commissioner to bring
24 pending waivers to the board; revising the
25 status of provisions for schools designated
26 with certain performance grade categories;
27 repealing s. 229.601, F.S., relating to the
28 Florida Career Education Act; amending s.
29 229.602, F.S.; removing reference to an
30 obsolete date; transferring and renumbering s.
31 229.604, F.S., relating to the transition to

1 teaching program; transferring and renumbering
2 s. 229.6041, F.S., relating to grants for
3 career changing professionals; transferring and
4 renumbering s. 229.6042, F.S., relating to
5 training program implementation; transferring
6 and renumbering s. 229.6043, F.S., relating to
7 requirements for teacher preparation programs;
8 amending s. 229.805, F.S., relating to
9 educational television; replacing rulemaking by
10 the Commissioner of Education with the State
11 Board of Education; extending the Department of
12 Education's educational television and other
13 media services to universities; amending s.
14 229.8051, F.S., relating to the public
15 broadcasting system; replacing rulemaking by
16 the Commissioner of Education with the State
17 Board of Education; creating s. 229.8076, F.S.;
18 establishing the Office of Nonpublic Schools
19 and Home Education Programs within the
20 Department of Education; specifying the
21 responsibilities of the office; requiring the
22 Commissioner of Education to appoint an
23 executive director for the office; specifying
24 duties; amending s. 229.8333, F.S.; replacing
25 rulemaking by the Department of Education with
26 the State Board of Education; reenacting s.
27 229.8341, F.S.; allowing regional diagnostic
28 and learning resource centers to provide
29 services for infants and preschool children;
30 repealing s. 229.8343, F.S., requiring the
31 Department of Education to develop a model rule

1 for denying participation in sports or other
2 extracurricular activities to certain persons
3 who were delinquent in paying a child support
4 obligation; amending ss. 233.015, 233.056,
5 F.S.; replacing rulemaking by the Commissioner
6 of Education with the State Board of Education;
7 revising the reference to the Division of
8 Public Schools and Community Education with the
9 Division of Public Schools; amending s.
10 233.058, F.S.; replacing rulemaking by the
11 Commissioner of Education with the State Board
12 of Education; amending ss. 233.39, 236.02,
13 F.S.; replacing rulemaking by the Commissioner
14 of Education with the State Board of Education;
15 amending s. 236.025, F.S.; replacing rulemaking
16 of the Department of Education with the State
17 Board of Education; amending s. 236.081, F.S.;
18 replacing rulemaking by the commissioner with
19 the State Board of Education; removing an
20 obsolete reference; amending ss. 236.1225,
21 237.081, 237.211, 237.40, 316.615, F.S.;
22 replacing rulemaking by the Commissioner of
23 Education with the State Board of Education;
24 amending ss. 411.224, 446.609, F.S.; replacing
25 rulemaking by the Department of Education with
26 the State Board of Education; amending s.
27 489.125, F.S.; replacing rulemaking by the
28 commissioner with the State Board of Education;
29 amending ss. 937.023, 984.05, F.S.; replacing
30 rulemaking by the Department of Education with
31 the State Board of Education; repealing s.

1 229.0074(3), F.S., relating to the Commission
2 for Independent Education; amending s. 228.041,
3 F.S.; revising definitions in the school code;
4 correcting references; replacing references to
5 rulemaking; amending s. 228.055, F.S.;
6 replacing rulemaking by the Department of
7 Education with the State Board of Education;
8 amending ss. 228.062, 228.195, 230.23, F.S.;
9 replacing rulemaking by the Commissioner with
10 the State Board of Education; amending s.
11 230.2316, F.S.; eliminating the eligibility for
12 waivers of law by second chance schools;
13 providing for programs to operate under rules
14 adopted by the state board; providing general
15 rulemaking authority for the state board;
16 amending s. 230.23161, F.S.; providing
17 rulemaking authority to the State Board of
18 Education rather than the Department of
19 Education; amending ss. 230.23166, 231.700,
20 232.01, F.S.; providing for the adoption of
21 rules by the State Board of Education rather
22 than the Commissioner of Education; amending s.
23 232.0315, F.S.; providing rulemaking authority
24 to the State Board of Education rather than the
25 Department of Education; amending ss. 232.23,
26 232.245, 232.25, 234.02, 234.301, F.S.;
27 providing rulemaking authority to the State
28 Board of Education rather than the Commissioner
29 of Education; amending s. 229.567, F.S.;
30 providing for school readiness uniform
31 screening; amending s. 229.0074, F.S.;

1 eliminating the Division of Independent
2 Education and the appointment of members to the
3 Commission for Independent Education; amending
4 s. 229.58, F.S.; requiring the establishment of
5 technical center school advisory councils;
6 amending s. 229.8075, F.S.; requiring the
7 Department of Education to use certain data;
8 allowing the use of certain data; providing for
9 rules; repealing s. 229.8052, F.S., relating to
10 the state satellite network; repealing s.
11 229.008, F.S., relating to the boards of
12 trustees of the state universities; repealing
13 s. 229.0081, F.S., relating to the powers and
14 duties of university boards of trustees;
15 repealing s. 229.0082, F.S., relating to the
16 powers and duties of university presidents;
17 repealing s. 229.76, F.S., relating to
18 functions of the Department of Education;
19 eliminating the requirement for the Department
20 of Education to be located in the Office of the
21 Commissioner of Education and statutory duties
22 for the department; repealing s. 229.8065,
23 F.S., relating to expenditures for Knott Data
24 Center and projects, contracts, and grants
25 programs; amending s. 233.17, F.S.; conforming
26 a statutory cross-reference; requiring the
27 Commissioner of Education to make
28 recommendations; requiring a report; creating
29 s. 229.136, F.S.; providing for the
30 preservation of rules of the State Board of
31 Education, the Commissioner of Education, and

1 the Department of Education; specifying those
2 rules of the Department of Education and the
3 Commissioner of Education that become rules of
4 the State Board of Education and those rules of
5 the elected State Board of Education that
6 become the rules of the appointed State Board
7 of Education; transferring rules of the State
8 Board of Education, the Commissioner of
9 Education, and the Department of Education to
10 the appointed State Board of Education;
11 providing for the preservation of validity of
12 judicial or administrative actions; providing
13 for the substitution of parties; providing
14 effective dates.

15
16 Be It Enacted by the Legislature of the State of Florida:

17
18 Section 1. Subsection (6) of section 39.0015, Florida
19 Statutes, is amended to read:

20 39.0015 Child abuse prevention training in the
21 district school system.--

22 (6) The department shall administer this section and
23 the State Board of Education may ~~in so doing is authorized to~~
24 adopt rules and standards necessary to administer ~~implement~~
25 the specific provisions of this section.

26 Section 2. Subsection (5) of section 112.19, Florida
27 Statutes, is amended to read:

28 112.19 Law enforcement, correctional, and correctional
29 probation officers; death benefits.--

30
31

1 (5) The State Board ~~Department~~ of Education shall
2 adopt rules and procedures as are necessary to administer
3 ~~implement~~ the educational benefits provisions of this section.

4 Section 3. Subsection (5) of section 112.191, Florida
5 Statutes, is amended to read:

6 112.191 Firefighters; death benefits.--

7 (5) The State Board ~~Department~~ of Education is
8 directed to promulgate rules and procedures as are necessary
9 to administer ~~implement~~ the educational benefits provisions of
10 this section.

11 Section 4. Paragraph (e) of subsection (6) of section
12 220.187, Florida Statutes, is amended to read:

13 220.187 Credits for contributions to nonprofit
14 scholarship-funding organizations.--

15 (6) ADMINISTRATION; RULES.--

16 (e) The State Board ~~Department~~ of Education shall
17 adopt rules necessary to determine eligibility of nonprofit
18 scholarship-funding organizations as defined in paragraph
19 (2)(d) and according to the provisions of subsection (4) and
20 identify qualified students as defined in paragraph (2)(e).

21 Section 5. Section 229.001, Florida Statutes, is
22 repealed.

23 Section 6. Subsection (1) of section 229.002, Florida
24 Statutes, is amended to read:

25 229.002 Declaration of policy and guiding
26 principles.--

27 (1) It is the policy of the Legislature:

28 (a) To achieve within existing resources ~~true systemic~~
29 ~~change in education governance by establishing~~ a seamless
30 academic educational system that fosters an integrated
31

1 continuum of kindergarten through graduate school education
2 for Florida's residents ~~citizens~~.

3 (b) To promote enhanced academic success and funding
4 efficiency ~~by centralizing the governance of~~ educational
5 delivery systems by ~~and~~ aligning responsibility with
6 accountability.

7 (c) To provide consistent education policy ~~vertically~~
8 ~~and horizontally~~ across all educational delivery systems,
9 focusing on students.

10 (d) To provide substantially improved ~~vertical and~~
11 ~~horizontal~~ articulation across all educational delivery
12 systems.

13 (e) To provide for the decentralization ~~devolution~~ of
14 authority to the schools, community colleges, universities,
15 and other education institutions that deliver ~~are the actual~~
16 ~~deliverers of~~ educational services to the public ~~in order to~~
17 ~~provide student-centered education services within the clear~~
18 ~~parameters of the overarching education policy established by~~
19 ~~the Legislature~~.

20 (f) To ensure that independent education institutions
21 and home education programs maintain their independence,
22 autonomy, and nongovernmental status.

23 Section 7. Subsections (1), (2), (3), and (4) of
24 section 229.003, Florida Statutes, are repealed.

25 Section 8. Paragraphs (c), (d), (f), (g), (i), and (l)
26 of subsection (4) of section 229.0031, Florida Statutes, are
27 amended to read:

28 229.0031 Council for Education Policy Research and
29 Improvement.--Effective July 1, 2001, the Council for
30 Education Policy Research and Improvement is created as an
31 independent office under the Office of Legislative Services,

1 pursuant to s. 11.147. The council shall conduct and review
2 education research, provide independent analysis on education
3 progress, and provide independent evaluation of education
4 issues of statewide concern. The Office of Legislative
5 Services shall provide administrative functions of the
6 council, pursuant to joint policies of the Legislature.

7 (4) The council shall:

8 (c) Prepare and submit to the State ~~Florida~~ Board of
9 Education a long-range master plan for education. The plan
10 must include consideration of the promotion of quality,
11 fundamental educational goals, programmatic access, needs for
12 remedial education, regional and state economic development,
13 international education programs, demographic patterns,
14 student demand for programs, needs of particular subgroups of
15 the population, implementation of innovative educational
16 techniques and technology, and requirements of the labor
17 market. The plan must evaluate the capacity of existing
18 programs in public and independent institutions to respond to
19 identified needs, and the council shall recommend efficient
20 alternatives to address unmet needs. The council shall update
21 the master plan at least every 5 years.

22 (d) Prepare and submit for approval by the State
23 ~~Florida~~ Board of Education a long-range performance plan for
24 K-20 education in Florida, and annually review and recommend
25 improvement in the implementation of the plan.

26 (f) Recommend to the Legislature and the State ~~Florida~~
27 Board of Education legislation and rules for the educational
28 accountability system that support the policies and guiding
29 principles of s. 229.002.

30
31

1 (g) Recommend to the State ~~Florida~~ Board of Education
2 revisions and new initiatives to further improve the K-20
3 education accountability system.

4 (i) On its own initiative or in response to the
5 Governor, the Legislature, the State ~~Florida~~ Board of
6 Education, or the Commissioner of Education, issue reports and
7 recommendations on matters relating to any education sector.

8 (1) Assist the State ~~Florida~~ Board of Education in the
9 conduct of its educational responsibilities in such capacities
10 as the board considers appropriate.

11 Section 9. Section 229.004, Florida Statutes, is
12 repealed.

13 Section 10. Section 229.005, Florida Statutes, is
14 repealed.

15 Section 11. Effective March 1, 2003, section 229.006,
16 Florida Statutes, is repealed.

17 Section 12. Section 229.0061, Florida Statutes, is
18 repealed.

19 Section 13. Paragraphs (b) and (c) of subsection (1)
20 and subsection (2) of section 229.007, Florida Statutes, are
21 amended to read:

22 229.007 Florida's K-20 education performance
23 accountability system; legislative intent; performance-based
24 funding; mission, goals, and systemwide measures.--

25 (1) LEGISLATIVE INTENT.--It is the intent of the
26 Legislature that:

27 (b) The State ~~Florida~~ Board of Education recommend to
28 the Legislature systemwide performance standards; the
29 Legislature establish systemwide performance measures and
30 standards; and the systemwide measures and standards provide
31 Floridians with information on what the public is getting in

1 return for the funds it invests in education and how well the
2 K-20 system educates its students.

3 (c) The State Florida Board of Education establish
4 performance measures and set performance standards for
5 individual components of the public education system,
6 including individual schools and postsecondary education
7 institutions, which measures and standards are based primarily
8 on student achievement.

9 (2) PERFORMANCE-BASED FUNDING.--The State Florida
10 Board of Education shall work with ~~the chancellors~~ and each
11 delivery system to develop proposals for performance-based
12 funding, using performance measures established by the
13 Legislature. The proposals must provide that at least 10
14 percent of the state funds appropriated for the K-20 education
15 system are conditional upon meeting or exceeding established
16 performance standards. The State Florida Board of Education
17 must submit the recommendations to the Legislature in the
18 following sequence:

19 (a) By December 1, 2002, recommendations for state
20 universities, for consideration by the 2003 Legislature and
21 implementation in the 2003-2004 fiscal year.

22 (b) By December 1, 2003, recommendations for public
23 schools and workforce education, for consideration by the 2004
24 Legislature and implementation in the 2004-2005 fiscal year.

25 (c) By December 1, 2004, recommendations for community
26 colleges, for consideration by the 2005 Legislature and
27 implementation in the 2005-2006 fiscal year.

28 (d) By December 1, 2005, recommendations for all other
29 programs that receive state funds within the Department of
30 Education.

31

1 Section 14. Section 229.0072, Florida Statutes, is
2 repealed.

3 Section 15. Section 229.0073, Florida Statutes, is
4 repealed.

5 Section 16. Section 229.011, Florida Statutes, is
6 amended to read:

7 229.011 State functions.--Public education is
8 basically a function of the state. The state retains and
9 responsibility of the state. ~~The responsibility~~ for
10 establishing standards and regulations to assure efficient
11 operation of a K through 20 system of public education all
12 ~~schools~~ and adequate educational opportunities for all
13 individuals ~~children is retained by the state.~~

14 Section 17. Notwithstanding subsection (7) of section
15 3 of chapter 2000-321, Laws of Florida, section 229.012,
16 Florida Statutes, is not repealed on January 7, 2003, as
17 provided in that act, but that section is reenacted and
18 amended to read:

19 229.012 Composition of the State Board of Education.--

20 (1)(a) The State Board of Education is established as
21 a body corporate. The board shall be a citizen board
22 consisting of seven members who are residents of the state
23 appointed by the Governor to staggered 4-year terms, subject
24 to confirmation by the Senate. Members of the board shall
25 serve without compensation, but shall be entitled to
26 reimbursement of travel and per diem expenses in accordance
27 with s. 112.061. Members may be reappointed by the Governor
28 for additional terms not to exceed 8 years of consecutive
29 service.

30 (b) The State Board of Education shall select a chair
31 and a vice chair from its appointed members. The chair shall

1 serve a 2-year term and may be reselected for one additional
2 consecutive term.~~The State Board of Education shall consist~~
3 ~~of the Governor, the Secretary of State, the Attorney General,~~
4 ~~the Comptroller, the Treasurer, the Commissioner of~~
5 ~~Agriculture, and the Commissioner of Education. The Governor~~
6 ~~shall be the chair of the board, and the Commissioner of~~
7 ~~Education shall be its secretary and executive officer.~~

8 Section 18. Notwithstanding subsection (7) of section
9 3 of chapter 2000-321, Laws of Florida, section 229.053,
10 Florida Statutes, is not repealed on January 7, 2003, as
11 provided in that act, but that section is reenacted and
12 amended to read:

13 229.053 General powers of state board.--

14 (1) The State Board of Education is the chief
15 policymaking and coordinating body of public education in
16 Florida and it shall focus on high-level policy decisions. It
17 has authority to adopt rules pursuant to ss. 120.536(1) and
18 120.54 to implement the provisions of law conferring duties
19 upon it for the improvement of the state system of public
20 education. Except as otherwise provided herein, it may, as it
21 shall find appropriate, delegate its general powers to the
22 Commissioner of Education or the directors of the divisions of
23 the department.

24 (2) The board has the following duties:

25 (a) To adopt comprehensive educational objectives for
26 public education.

27 (b) To adopt comprehensive long-range plans and
28 short-range programs for the development of the state system
29 of public education.

30 (c) To exercise general supervision over the divisions
31 of the Department of Education as necessary to ensure

1 coordination of educational plans and programs and resolve
2 controversies and to minimize problems of articulation and
3 student transfers, to assure that students moving from one
4 level of education to the next have acquired competencies
5 necessary for satisfactory performance at that level, and to
6 ensure maximum utilization of facilities.

7 (d) To adopt for public universities, colleges, and
8 community colleges, and from time to time modify, minimum and
9 uniform standards of college-level communication and
10 computation skills generally associated with successful
11 performance and progression through the baccalaureate level
12 and to identify college-preparatory high school coursework and
13 postsecondary-level coursework that prepares students with the
14 academic skills necessary to succeed in postsecondary
15 education.

16 (e) To adopt and submit ~~transmit~~ to the Governor and
17 Legislature ~~as chief budget officer of the state on official~~
18 ~~forms furnished for such purposes,~~ on or before September 1 of
19 each year, a coordinated K-20 education budget that estimates
20 the of expenditure requirements for the State Board of
21 Education, including the Department of Education, the
22 Commissioner of Education, and all of the boards,
23 institutions, agencies, and services under the general
24 supervision of the State Board of Education for the ensuing
25 fiscal year. Any program recommended by the State Board of
26 Education which will require increases in state funding for
27 more than 1 year must be presented in a multiyear budget plan.

28 (f) To hold meetings, transact business, keep records,
29 adopt a seal, and perform such other duties as may be
30 necessary for the enforcement of all laws and regulations
31 relating to the state system of public education.

1 (g) To approve plans for cooperating with the Federal
2 Government.

3 (h) To approve plans for cooperating with other public
4 agencies in the development of regulations and in the
5 enforcement of laws for which the state board and such
6 agencies are jointly responsible.

7 (i) To review plans for cooperating with appropriate
8 nonpublic agencies for the improvement of conditions relating
9 to the welfare of schools.

10 (j) To create such subordinate advisory bodies as are
11 required by law or as it finds necessary for the improvement
12 of education.

13 (k) To constitute the State Board for Career Education
14 or other structures as required by federal law.

15 (l) To assist in the economic development of the state
16 by developing a state-level planning process to identify
17 future training needs for industry, especially high-technology
18 industry.

19 (m) To assist in the planning and economic development
20 of the state by establishing a clearinghouse for information
21 on educational programs of value to economic development.

22 (n) To adopt cohesive rules pursuant to ss. 120.536(1)
23 and 120.54, within statutory authority, for education
24 systemwide issues.

25 (o) To authorize the allocation of resources in
26 accordance with law and rule.

27 (p)~~(n)~~ To contract with independent institutions
28 accredited by an agency whose standards are comparable to the
29 minimum standards required to operate a postsecondary
30 education institution at that level in the state. The purpose
31 of the contract is to provide holding membership in the

1 ~~Commission on Recognition of Postsecondary Accreditation for~~
2 ~~the provision of~~ those educational programs and facilities
3 which will meet needs unfulfilled by the state system of
4 public postsecondary education.

5 (g)(o) To recommend that a district school board take
6 action consistent with the state board's decision relating to
7 an appeal of a charter school application.

8 (r) To enforce systemwide education goals and
9 policies.

10 (s) To establish a detailed procedure for the
11 implementation and operation of a systemwide K-20 technology
12 plan that is based on a common set of data definitions.

13 (t) To establish accountability standards for existing
14 legislative performance goals, standards, and measures, and
15 order the development of mechanisms to implement new
16 legislative goals, standards, and measures.

17 (u) To adopt criteria and implementation plans for
18 future growth issues, such as new colleges and universities
19 and campus mergers and to provide for cooperative agreements
20 between and within public and private education sectors.

21 (v) To develop, and periodically review for
22 adjustment, a coordinated 5-year plan for postsecondary
23 enrollment and annually submit the plan to the Legislature.

24 (w) To approve a new program at the doctoral level and
25 beyond, if:

26 1. The university has taken into account the need and
27 demand for the program, the university's mission, and similar
28 program offerings by public and nonpublic counterparts.

29 2. The addition of the program will not alter the
30 university's emphasis on undergraduate education.

31

1 (x) To review, and approve or disapprove, degree
2 programs identified by the Articulation Coordinating Committee
3 as unique pursuant to s. 229.551(1)(f)5.

4 (y) To recommend to the Legislature a plan for
5 implementing block tuition programs and providing other
6 incentives to encourage students to graduate within 4 years.

7 (3) The State Board of Education shall adopt rules to
8 establish the criteria for assigning, reviewing, and removing
9 limited-access status to an educational program. The State
10 Board of Education shall monitor the extent of limited-access
11 programs within the state universities and colleges and report
12 to the Legislature admissions and enrollment data for
13 limited-access programs. Such report shall be submitted
14 annually by December 1 and shall assist in determining the
15 potential need for academic-program contracts with independent
16 institutions pursuant to s. 229.053. The report must specify,
17 for each limited-access program within each institution, the
18 following categories, by race and gender:

- 19 1. The number of applicants.
20 2. The number of applicants granted admission.
21 3. The number of applicants who are granted admission
22 and enroll.
23 4. The number of applicants denied admission.
24 5. The number of applicants neither granted admission
25 nor denied admission.

26
27 Each category must be reported for each term. Each category
28 must be reported by type of student, including the following
29 subcategories: native student, community college
30 associate-in-arts-degree transfer students, and other
31 students. Each category and subcategory must further be

1 reported according to the number of students who meet or
2 exceed the minimum eligibility requirements for admission to
3 the program and the number of students who do not meet or
4 exceed the minimum eligibility requirements for admission to
5 the program.

6 (4) The State Board of Education shall review, and
7 approve or disapprove, baccalaureate-degree programs that
8 exceed 120 semester hours, after considering accreditation
9 requirements, employment and earnings of graduates,
10 comparative program lengths nationally, and comparisons with
11 similar programs offered by independent institutions. By
12 December 31 of each year, the State Board of Education must
13 report to the Legislature any degrees in the state
14 universities and colleges which require more than 120 hours,
15 along with appropriate evidence of need. At least every 5
16 years, the State Board of Education must determine whether the
17 programs still require more than the standard length of 120
18 hours.

19 (5) The State Board of Education shall adopt a
20 systemwide strategic plan that specifies goals and objectives
21 for the state universities and colleges. In developing this
22 plan, the State Board of Education shall consider the role of
23 individual public and independent institutions within the
24 state. The plan shall provide for the roles of the
25 universities and colleges to be coordinated to best meet state
26 needs and reflect cost-effective use of state resources. The
27 strategic plan must clarify mission statements and identify
28 degree programs to be offered at each university and college
29 in accordance with the objectives provided in this subsection.
30 The systemwide strategic plan must cover a period of 5 years,
31 with modification of the program lists after 2 years.

1 Development of each 5-year plan must be coordinated with and
2 initiated after completion of the master plan. The systemwide
3 and university and college strategic plans must specifically
4 include programs and procedures for responding to the
5 educational needs of teachers and students in the public
6 schools of this state. The State Board of Education shall
7 submit a report to the President of the Senate and the Speaker
8 of the House of Representatives upon modification of the
9 system plan.

10 (6) The State Board of Education shall coordinate the
11 programs with the Council for Education Policy Research and
12 Improvement, including doctoral programs. The programs shall
13 be reviewed every 5 years or whenever the State Board of
14 Education determines that the effectiveness or efficiency of a
15 program is jeopardized. The State Board of Education shall
16 define the indicators of quality and the criteria for program
17 review for every program. Such indicators include need,
18 student demand, industry-driven competencies for advanced
19 technology and related programs, and resources available to
20 support continuation. The results of the program reviews must
21 be tied to the university and college budget requests.

22 (7) The State Board of Education shall:

23 (a) Provide for each community college to offer
24 educational training and service programs designed to meet the
25 needs of both students and the communities served.

26 (b) Specify, by rule, procedures to be used by the
27 boards of trustees in the annual evaluations of presidents and
28 formally review the evaluations of presidents by the boards of
29 trustees.

30 (c) Establish an effective information system that
31 will provide composite data concerning the community colleges

1 and assure that special analyses and studies concerning the
2 colleges are conducted, as necessary, for provision of
3 accurate and cost-effective information concerning the
4 colleges and the community college system as a whole.

5 (d) Establish criteria for making recommendations for
6 modifying district boundary lines and for making
7 recommendations concerning all proposals for the establishment
8 of additional centers or campuses for community colleges.

9 (e) Examine the annual administrative review of each
10 community college.

11 (f) Specify, by rule, the degree program courses that
12 may be taken by students concurrently enrolled in
13 college-preparatory instruction.

14 (8) The State Board of Education is responsible for
15 reviewing and administering the state program of support for
16 the community colleges and, subject to existing law, shall:

17 (a) Establish the matriculation and tuition fees for
18 college-preparatory instruction and for credit instruction
19 that may be counted toward an associate-in-arts degree, an
20 associate-in-applied-science degree, or an
21 associate-in-science degree.

22 (b) Adopt and submit to the Legislature a 3-year list
23 of priorities for fixed-capital-outlay projects.

24 (9) The State Board of Education shall prescribe
25 minimum standards, definitions, and guidelines for community
26 colleges which will assure the quality of education,
27 coordination among the community colleges, and efficient
28 progress toward accomplishing the community college mission.

29 At a minimum, these rules must address:

30 (a) Personnel.

31 (b) Contracting.

1 (c) Program offerings and classification, including
2 college-level communication and computation skills associated
3 with successful performance in college, with tests and other
4 assessment procedures that measure student achievement of
5 those skills. The performance measures must provide that
6 students moving from one level of education to the next
7 acquire the necessary competencies for that level.

8 (d) Provisions for curriculum development, graduation
9 requirements, college calendars, and program service areas.
10 These provisions must include rules that:

11 1. Provide for the award of an associate-in-arts
12 degree to a student who successfully completes 60 semester
13 credit hours at the community college.

14 2. Require all of the credits accepted for the
15 associate-in-arts degree to be in the common course numbering
16 and designation system as credits towards a baccalaureate
17 degree offered by a college or university as defined in s.
18 240.2011.

19 3. Require no more than 36 semester credit hours in
20 general education courses in the subject areas of
21 communication, mathematics, social sciences, humanities, and
22 natural sciences.

23
24 The rules should encourage community colleges to enter into
25 agreements with state universities and colleges which allow
26 community college students to complete upper-division-level
27 courses at a community college. An agreement may provide for
28 concurrent enrollment at the community college and the
29 university or college and may authorize the community college
30 to offer an upper-division-level course or distance learning.

31

1 (e) Student admissions, conduct and discipline,
2 nonclassroom activities, and fees.

3 (f) Budgeting.

4 (g) Business and financial matters.

5 (h) Student services.

6 (i) Reports, surveys, and information systems,
7 including forms and dates of submission.

8 (10) Upon a determination by a court of a second
9 violation of s. 286.011 by a member of the State Board of
10 Education, the member is subject to removal for cause. Upon a
11 determination by a court that a member has knowingly violated
12 s. 286.011, the member shall be removed. The Governor shall
13 appoint a new member of the board pursuant to s. 229.012. The
14 penalties imposed by this subsection are cumulative to the
15 penalties imposed under s. 286.011. Violations of s. 286.011
16 prior to the effective date of this subsection shall not
17 constitute violations for purposes of this subsection.

18 Section 19. Section 229.133, Florida Statutes, is
19 repealed.

20 Section 20. Notwithstanding subsection (7) of section
21 3 of chapter 2000-321, Laws of Florida, section 229.512,
22 Florida Statutes, is not repealed on January 7, 2003, as
23 provided in that act, but that section is reenacted and
24 amended to read:

25 229.512 Commissioner of Education; general powers and
26 duties.--The Commissioner of Education is the chief
27 educational officer of the state, and is responsible for
28 enforcing compliance with the mission and goals of the
29 seamless K-20 education system. The commissioner has the
30 following general powers and duties:

31

1 (1) To appoint staff necessary to carry out his or her
2 powers and duties.

3 ~~(2) To suspend, for cause, with the approval of the~~
4 ~~State Board of Education, a public community college~~
5 ~~president. Such suspension shall be acted upon expeditiously~~
6 ~~by the local community college board of trustees.~~

7 (2)~~(3)~~ To advise and counsel with the State Board of
8 Education on all matters pertaining to education; to recommend
9 to the State Board of Education actions and policies as, in
10 the commissioner's opinion, should be acted upon or adopted;
11 and to execute or provide for the execution of all acts and
12 policies as are approved.

13 ~~(4) To call such special meetings of the State Board~~
14 ~~of Education as the commissioner deems necessary.~~

15 (3)~~(5)~~ To keep such records as are necessary to set
16 forth clearly all acts and proceedings of the state board.

17 (4)~~(6)~~ To have a seal for his or her office with
18 which, in connection with his or her own signature, the
19 commissioner shall authenticate true copies of decisions,
20 acts, or documents.

21 (5)~~(7)~~ To assemble all data relative to the
22 preparation of the long-range plan for the development of the
23 state system of ~~public~~ education, taking into consideration
24 the contributions of all providers of education; to propose
25 for adoption by the State Board of Education such a plan; and
26 to propose revisions in the plan as may be necessary.

27 (6)~~(8)~~ To recommend to the State Board of Education
28 policies and steps designed to protect and preserve the
29 principal of the State School Fund; to provide an assured and
30 stable income from the fund; to execute such policies and
31

1 actions as are approved; and to administer the State School
2 Fund.

3 ~~(7)(9)~~ To take action on the release of mineral rights
4 based upon the recommendations of the Board of Trustees of the
5 Internal Improvement Trust Fund.

6 ~~(8)(10)~~ To submit to the State Board of Education, on
7 or before August 1 of each year ~~at least 30 days prior to the~~
8 ~~date fixed herein~~, recommendations for a coordinated K-20
9 education budget that estimates the ~~of~~ expenditures for the
10 State Board of Education, including the Department of
11 Education, the Commissioner of Education, and all of the
12 boards, institutions, agencies, and services under the general
13 supervision of the State Board of Education for the ensuing
14 fiscal year. Any program recommended to the State Board of
15 Education which will require increases in state funding for
16 more than 1 year must be presented in a multiyear budget plan.

17 ~~(9)(11)~~ To develop and implement a plan for
18 cooperating with the Federal Government in carrying out any or
19 all phases of the educational program and to recommend
20 policies for administering funds that are appropriated by
21 Congress and apportioned to the state for any or all
22 educational purposes.

23 ~~(10)(12)~~ To develop and implement policies for
24 cooperating with other public agencies in carrying out those
25 phases of the program in which such cooperation is required by
26 law or is deemed by the commissioner to be desirable and to
27 cooperate with public and nonpublic agencies in planning and
28 bringing about improvements in the educational program.

29 ~~(11)(13)~~ To prepare forms and procedures as are
30 necessary to be used by district school boards and all other
31 educational agencies to assure uniformity, accuracy, and

1 efficiency in the keeping of records, the execution of
2 contracts, the preparation of budgets, or the submission of
3 reports; to furnish at state expense, when deemed advisable by
4 the commissioner, those forms that can more economically and
5 efficiently be provided.

6 (12)~~(14)~~ To implement a program of school improvement
7 and education accountability designed to provide all students
8 the opportunity to make adequate learning gains in each year
9 of school as provided by statute and State Board of Education
10 rule based upon the achievement of the state education goals,
11 recognizing the following:

12 (a) The State Board of Education as the body corporate
13 responsible for the supervision of the system of public
14 education;~~;~~

15 (b) The school board as responsible for school and
16 student performance;~~;~~~~and~~

17 (c) The individual school as the unit for education
18 accountability.

19 (d) The community college board of trustees is
20 responsible for community college and student performance; and

21 (e) The university or college board of trustees is
22 responsible for university or college performance and student
23 performance.

24 (13)~~(15)~~ To establish a Citizen Information Center
25 responsible for ~~arrange for~~ the preparation, publication, and
26 distribution of materials relating to the seamless K-20 state
27 system of public education ~~which supply information concerning~~
28 ~~needs, problems, plans, and possibilities.~~

29 ~~(16)(a) To prepare and publish annually reports giving~~
30 ~~statistics and other useful information pertaining to the~~
31 ~~state system of public education; and~~

1 ~~(14)(b)~~ To prepare and publish annually reports giving
2 statistics and other useful information pertaining to the
3 Opportunity Scholarship Program.

4 ~~(15)(17)~~ To have printed copies of school laws, forms,
5 instruments, instructions, and regulations of the State Board
6 of Education and provide for their distribution.

7 ~~(16)(18)~~ To develop criteria for use by state
8 instructional materials committees in evaluating materials
9 submitted for adoption consideration. The criteria shall, as
10 appropriate, be based on instructional expectations reflected
11 in curriculum frameworks and student performance standards.
12 The criteria for each subject or course shall be made
13 available to publishers of instructional materials at least 24
14 months prior to the date on which bids are due as provided by
15 s. 233.14, except as otherwise permitted under s. 233.17(2).
16 It is the intent of the Legislature that publishers have ample
17 time to develop instructional materials designed to meet
18 requirements in this state.

19 ~~(17)(19)~~ To prescribe procedures for evaluating
20 instructional materials submitted by publishers and
21 manufacturers in each adoption.

22
23 The commissioner's office shall operate all statewide
24 functions necessary to support the State Board of Education
25 and the K-20 education system, including strategic planning
26 and budget development, general administration, and assessment
27 and accountability.

28 Section 21. Section 229.513, Florida Statutes, is
29 repealed.

30 Section 22. Section 229.515, Florida Statutes, is
31 repealed.

1 Section 23. Section 229.516, Florida Statutes, is
2 created to read:

3 229.516 Commissioner of Education; other duties.--

4 (1) The Commissioner of Education must independently
5 perform the following duties:

6 (a) Cooperate with and coordinate responses to
7 requests from the members of the Legislature;

8 (b) Serve as the primary source of information to the
9 Legislature, including the President of the Senate and the
10 Speaker of the House of Representatives, concerning the State
11 Board of Education and the K-20 education system;

12 (c) Develop and implement a process for receiving and
13 processing requests, in conjunction with the Legislature, for
14 the allocation of PECO funds for qualified postsecondary
15 education projects;

16 (d) Integrally work with the boards of trustees of the
17 universities, colleges, and community colleges;

18 (e) Monitor the activities of the State Board of
19 Education and provide information related to current and
20 pending policies to the members of the boards of trustees of
21 the community colleges and universities; and

22 (f) Ensure the timely provision of information
23 requested by the Legislature from the State Board of
24 Education, the Commissioner's office, and the Department of
25 Education.

26 (2)(a) The Commissioner of Education shall recommend
27 to the State Board of Education performance goals addressing
28 the educational needs of the state for the K-20 education
29 system. The Council for Education Policy Research and
30 Improvement, as an independent entity, shall develop a report
31 card assigning grades to indicate Florida's progress toward

1 meeting those goals. The annual report card shall contain
2 information showing Florida's performance relative to other
3 states on selected measures, as well as Florida's ability to
4 meet the need for postsecondary degrees and programs and how
5 well the Legislature has provided resources to meet this need.
6 The information shall include the results of the National
7 Assessment of Educational Progress or a similar national
8 assessment program administered to students in Florida. By
9 January 1 of each year, the Council for Education Policy
10 Research and Improvement shall submit the report card to the
11 Legislature, the Governor, and the public.

12 (b) Prior to the regular legislative session, the
13 Commissioner of Education shall present to the Legislature a
14 plan for correcting any deficiencies identified in the report
15 card.

16 (3) Notwithstanding any other provision of law to the
17 contrary, the Commissioner of Education, in conjunction with
18 the Legislature, must recommend funding priorities for the
19 distribution of capital outlay funds for postsecondary
20 institutions, based on priorities that include, but are not
21 limited to, the following criteria:

22 (a) Growth at the institutions;

23 (b) Need for specific skills statewide; and

24 (c) Need for maintaining and repairing existing
25 facilities.

26 Section 24. Notwithstanding subsection (7) of section
27 3 of chapter 200-321, Laws of Florida, section 229.551,
28 Florida Statutes, is not repealed on January 7, 2003, as
29 provided in that act, but that section is reenacted and
30 amended to read:

31 229.551 Educational management.--

1 (1) The department is directed to identify all
2 functions which under the provisions of this act contribute
3 to, or comprise a part of, the state K-20 system of
4 educational accountability and to establish within the
5 department the necessary organizational structure, policies,
6 and procedures for effectively coordinating such functions.
7 Such policies and procedures shall clearly fix and delineate
8 responsibilities for various aspects of the system and for
9 overall coordination of the total system. The commissioner
10 shall ~~perform the following duties and functions:~~

11 (a) Coordinate ~~Coordination of~~ department plans for
12 meeting educational needs and for improving the quality of
13 education provided by the state system of public education;

14 (b) Coordinate ~~Coordination of~~ management information
15 system development for all levels of education and for all
16 divisions of the department, to include the development and
17 utilization of cooperative education computing networks for
18 the state system of public education;

19 (c) Develop ~~Development of~~ database definitions and
20 all other items necessary for full implementation of a
21 comprehensive management information system as required by s.
22 229.555;

23 (d) Coordinate ~~Coordination of~~ all planning functions
24 for all levels and divisions within the department;

25 (e) Coordinate ~~Coordination of~~ all cost accounting and
26 cost reporting activities for all levels of education,
27 including public schools, vocational programs, community
28 colleges, colleges, and universities ~~and institutions in the~~
29 ~~State University System;~~

30 (f) Develop ~~Development~~ and coordinate ~~coordination of~~
31 a statewide ~~common~~ course ~~designation and~~ numbering system for

1 postsecondary and dual enrollment education in school
2 districts, community colleges, participating nonpublic
3 postsecondary education institutions, colleges, and state
4 universities ~~the State University System~~ which will improve
5 program planning, increase communication among all delivery
6 systems, and facilitate student acceleration and the transfer
7 of students. The system shall not encourage or require course
8 content prescription or standardization or uniform course
9 testing, and the continuing maintenance of the system shall be
10 accomplished by appropriate faculty committees representing
11 public and participating nonpublic institutions.

12 (g) Expand and maintain the statewide course numbering
13 system to include the numbering and designation of
14 postsecondary vocational courses and facilitate the transfer
15 of credits between public schools, community colleges,
16 colleges, and state universities.

17 (h) Develop common definitions necessary for managing
18 a uniform coordinated system of career education for all
19 levels of the state system of public education.

20 (2) There is established an Articulation Coordinating
21 Committee whose mission is to ensure articulation and the
22 seamless integration of the K-20 education system by building
23 and sustaining relationships among K-20 public organizations,
24 between public and private organizations, and between the
25 educational system as a whole and communities in the state.
26 The purpose of building and sustaining these relationships is
27 to facilitate the efficient and effective movement of each
28 student among educational institutions and agencies and to
29 allow each student to achieve his or her educational
30 objectives as rapidly as his or her circumstances permit.

31

1 (3) The Articulation Coordinating Committee shall be
2 composed of the following 17 members appointed by the
3 commissioner:

4 (a) One member representing the nonpublic K-12
5 schools;

6 (b) One member representing home education programs;

7 (c) Two members representing the state universities;

8 (d) Two members representing the state community
9 colleges;

10 (e) Two members representing the public schools;

11 (f) Two members representing the nonpublic
12 postsecondary institutions;

13 (g) One member representing students;

14 (h) One member representing the school district career
15 and technical centers;

16 (i) One member of the commissioner's staff, who shall
17 serve as the chairperson; and

18 (j) Four voting ex officio members as follows:

19 1. A representative for the Division of Colleges and
20 Universities;

21 2. A representative for the Division of Community
22 Colleges;

23 3. A representative for the Division of Public Schools
24 who is responsible for K-12 education; and

25 4. A representative for the Division of Public Schools
26 who is responsible for applied and career technical programs.

27 (4) The Articulation Coordinating Committee, whose
28 membership represents public and nonpublic institutions,
29 shall:

30 (a)†. Identify the highest demand degree programs
31 within the state universities ~~University System.~~

1 **(b)2**. Conduct a study of courses offered by
2 universities and accepted for credit toward a degree. The
3 study shall identify courses designated as either general
4 education or required as a prerequisite for a degree. The
5 study shall also identify these courses as upper-division
6 level or lower-division level.

7 **(c)3**. Appoint faculty committees representing both
8 community college and university faculties to recommend a
9 single level for each course included in the statewide common
10 course numbering ~~and designation~~ system. Any course designated
11 as an upper-division level course must be characterized by a
12 need for advanced academic preparation and skills that a
13 student would be unlikely to achieve without significant prior
14 coursework. A course that is offered as part of an associate
15 in science degree program and as an upper-division course for
16 a baccalaureate degree shall be designated for both the lower
17 and upper division. Of the courses required for each
18 baccalaureate degree, at least half of the credit hours
19 required for the degree shall be achievable through courses
20 designated as lower-division courses, except in degree
21 programs approved by the State Board of Education Regents
22 ~~pursuant to s. 240.209(5)(e)~~. A course designated as
23 lower-division may be offered by any community college. The
24 Articulation Coordinating Committee shall recommend to the
25 State Board of Education the levels for the courses. The
26 statewide common course numbering ~~and designation~~ system shall
27 include the courses at the recommended levels, and, ~~by fall~~
28 ~~semester of 1996~~, the registration process at each state
29 university, college, and community college shall include the
30 courses at their designated levels and common course numbers.

31

1 (d)4. Appoint faculty committees representing both
2 community college and university faculties to recommend those
3 courses identified to meet general education requirements
4 within the subject areas of communication, mathematics, social
5 sciences, humanities, and natural sciences. The Articulation
6 Coordinating Committee shall recommend to the State Board of
7 Education those courses identified to meet these general
8 education requirements by their common course ~~code~~ number. All
9 community colleges, colleges, and state universities shall
10 accept these general education courses.

11 (e)5. Appoint faculty committees representing both
12 community colleges, colleges, and universities to recommend
13 common prerequisite courses and identify course substitutions
14 when common prerequisites cannot be established for degree
15 programs across all institutions. Faculty work groups shall
16 adopt a strategy for addressing significant differences in
17 prerequisites, including course substitutions. The State Board
18 of Education Regents shall be notified by the Articulation
19 Coordinating Committee when significant differences remain.
20 Common degree program prerequisites shall be offered and
21 accepted by all state universities, colleges, and community
22 colleges, except in cases approved by the State Board of
23 Education Regents pursuant to s. ~~240.209(5)(f)~~. The
24 ~~Commissioner Board of Regents~~ shall work with the community
25 colleges, colleges and universities ~~State Board of Community~~
26 ~~Colleges~~ on the development of a centralized database
27 containing the list of courses and course substitutions that
28 meet the prerequisite requirements for each baccalaureate
29 degree program.

30 (f)6. Appoint faculty committees representing public
31 school, community college, college, and university faculties

1 to identify postsecondary courses that meet the high school
2 graduation requirements of s. 232.246, and to establish the
3 number of postsecondary semester credit hours of instruction
4 and equivalent high school credits earned through dual
5 enrollment pursuant to s. 240.116 that are necessary to meet
6 high school graduation requirements. Such equivalencies shall
7 be determined solely on comparable course content and not on
8 seat time traditionally allocated to such courses in high
9 school. The Articulation Coordinating Committee shall
10 recommend to the State Board of Education those courses
11 identified to meet high school graduation requirements, based
12 on mastery of course outcomes, by their common course ~~code~~
13 number, and all high schools shall accept these postsecondary
14 education courses toward meeting the requirements of s.
15 232.246.

16 (5) The State Board of Education may adopt rules
17 providing for the Articulation Coordinating Committee to:

18 (a) Function as the statewide K-20 entity that is
19 responsible for relationships among the school districts,
20 community colleges, colleges, and universities, including:

21 1. Recommending to the commissioner plans for school
22 district articulation relationships with community colleges,
23 colleges, and universities; and

24 2. Coordinating cooperative plans required by s.
25 229.814(5).

26 (b) Recommend to the commissioner statewide
27 articulation accountability measures.

28 (c) Develop suggested guidelines for
29 interinstitutional agreements among schools, school districts,
30 community colleges, colleges, and universities to facilitate
31

1 interaction, articulation, acceleration, and the efficient use
2 of faculty, equipment, and facilities.

3 (d) Establish groups of representatives from
4 universities, colleges, community colleges, and school
5 districts to facilitate articulation in specific academic
6 subject areas.

7 (e) Conduct a continuing review of rules pertaining to
8 articulation.

9 (f) Review instances of student transfer and
10 admissions difficulties among universities, colleges,
11 community colleges, public schools, and independent
12 educational institutions.

13 (g) Recommend policies and procedures to improve
14 articulation statewide.

15 (h) Recommend the priority to be given to research
16 conducted by the divisions of the Department of Education and
17 individual institutions and encourage this research to be
18 conducted in areas including admissions, grading practices,
19 curriculum design, and followup of transfer students.

20 (i) Review and make recommendations to institutions
21 for experimental programs that vary from official transfer
22 policy.

23 (j) Collect and disseminate information concerning
24 successful cooperative articulation programs.

25 (k) Perform any other duties as assigned by law or by
26 the commissioner.

27 ~~(6)(g) Expansion and ongoing maintenance of the common~~
28 ~~course designation and numbering system to include the~~
29 ~~numbering and designation of postsecondary vocational courses~~
30 ~~and facilitate the transfer of credits between public schools,~~
31

1 ~~community colleges, and state universities.~~The Articulation
2 Coordinating Committee shall:

3 (a)1. Adopt guidelines for the participation of public
4 school districts and community colleges in offering courses
5 that may be transferred to a certificate, diploma, or degree
6 program. These guidelines shall establish standards addressing
7 faculty qualifications, admissions, program curricula,
8 participation in the statewide ~~common~~ course ~~designation and~~
9 numbering system, and other issues identified by the Task
10 Force on Workforce Development and the Commissioner of
11 Education. Guidelines should also address the role of
12 accreditation in the designation of courses as transferable
13 credit. Such guidelines must not jeopardize the accreditation
14 status of educational institutions and must be based on data
15 related to the history of credit transfer among institutions
16 in this state and others.

17 b.2. Identify postsecondary vocational programs
18 offered by community colleges and public school districts. The
19 list shall also identify vocational courses designated as
20 college credit courses applicable toward a vocational diploma
21 or degree. Such courses must be identified within the
22 statewide ~~common~~ course numbering ~~and designation~~ system.

23 (c)3. Appoint faculty committees representing both
24 community college and public school faculties to recommend a
25 standard program length and appropriate occupational
26 completion points for each postsecondary vocational
27 certificate program, diploma, and degree. ~~and~~

28 ~~(h) Development of common definitions necessary for~~
29 ~~managing a uniform coordinated system of career education for~~
30 ~~all levels of the state system of public education.~~

31

1 (7)~~(2)~~ It is the intent of the Legislature that the
2 commissioner, as appropriate, draw upon the expertise and the
3 staff of all appropriate departments and agencies of the state
4 in assuring that the system of educational accountability is
5 administered in the most effective and efficient manner
6 possible.

7 (8)~~(3)~~ As a part of the system of educational
8 accountability, the department shall:

9 (a) Develop minimum performance standards for various
10 grades and subject areas, as required in ss. 229.565 and
11 229.57.

12 (b) Administer the statewide assessment testing
13 program created by s. 229.57.

14 (c) Review the school advisory councils of each
15 district as required by s. 229.58.

16 (d) Conduct the program evaluations required by s.
17 229.565.

18 (e) Maintain a listing of college-level communication
19 and computation skills defined by the Articulation
20 Coordinating Committee as being associated with successful
21 student performance through the baccalaureate level and submit
22 the same to the State Board of Education for approval.

23 (f) Maintain a listing of tests and other assessment
24 procedures which measure and diagnose student achievement of
25 college-level communication and computation skills and submit
26 the same to the State Board of Education for approval.

27 (g) Maintain for the information of the State Board of
28 Education and the Legislature a file of data compiled by the
29 Articulation Coordinating Committee to reflect achievement of
30 college-level communication and computation competencies by
31 students in state universities and community colleges.

1 (h) Develop or contract for, and submit to the State
2 Board of Education for approval, tests which measure and
3 diagnose student achievement of college-level communication
4 and computation skills. Any tests and related documents
5 developed are exempt from the provisions of s. 119.07(1) and
6 s. 24(a), Art. I of the State Constitution. The commissioner
7 shall maintain statewide responsibility for the administration
8 of such tests and may assign administrative responsibilities
9 for the tests to any public university or community college.
10 The state board, upon recommendation of the commissioner, is
11 authorized to enter into contracts for such services beginning
12 in one fiscal year and continuing into the next year which are
13 paid from the appropriation for either or both fiscal years.

14 (i) Perform any other functions that may be involved
15 in educational planning, research, and evaluation or that may
16 be required by the commissioner, the State Board of Education,
17 or law.

18 Section 25. Paragraph (c) is added to subsection (1)
19 of section 229.555, Florida Statutes, and subsection (2) of
20 that section is amended to read:

21 229.555 Educational planning and information
22 systems.--

23 (1) EDUCATIONAL PLANNING.--

24 (c) Each community college, college, and university
25 board of trustees shall maintain a continuing system of
26 planning and budgeting designed to aid in identifying and
27 meeting the educational needs of students and the public.
28 Provision must be made for coordination between institutions.
29 The major emphasis of the system must be upon institutionally
30 planned goals and objectives and the state plan for education.
31 The system must be structured to meet the specific management

1 needs of the institution and to align the budget adopted by
2 the board of trustees with the plan the board has also
3 adopted.

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

1 (a) The specific responsibilities of the commissioner
2 shall include:

3 1. Consulting with school district, community college,
4 college, and university representatives in the development of
5 the system design model, data warehouse, and implementation
6 plans for the management information system for public ~~school~~
7 education management;

8 2. Providing operational definitions for the proposed
9 system;

10 3. Determining the information and specific data
11 elements required for the management decisions made at each
12 educational level, ~~recognizing that the primary unit for~~
13 ~~information input is the individual school and recognizing~~
14 ~~that time and effort of instructional personnel expended in~~
15 ~~collection and compilation of data should be minimized;~~

16 4. Developing standardized terminology and procedures
17 to be followed at all levels of the system;

18 5. Developing a standard transmittal format to be used
19 for collection of data from the various levels of the system;

20 6. Developing appropriate computer programs to assure
21 integration of the various information components dealing with
22 students, personnel, facilities, fiscal, program, community,
23 and evaluation data;

24 7. Developing the necessary programs to provide
25 statistical analysis of the integrated data provided in
26 subparagraph 6. in such a way that required reports may be
27 disseminated, comparisons may be made, and relationships may
28 be determined in order to provide the necessary information
29 for making management decisions at all levels;

30
31

1 8. Developing output report formats which will provide
2 ~~district school~~ systems with information for making management
3 decisions at the various educational levels;

4 9. Developing a phased plan for distributing computer
5 services equitably among all public education systems ~~schools~~
6 ~~and school districts~~ in the state as rapidly as possible. The
7 plan shall describe alternatives available to the state in
8 providing such computing services and shall contain estimates
9 of the cost of each alternative, together with a
10 recommendation for action. In developing the plan, the
11 feasibility of shared use of computing hardware and software
12 by school districts, community colleges, colleges, and
13 universities shall be examined. Laws or administrative rules
14 regulating procurement of data processing equipment,
15 communication services, or data processing services by state
16 agencies shall not be construed to apply to local agencies
17 which share computing facilities with state agencies;

18 10. Assisting the district school systems in
19 establishing their subsystem components and assuring
20 compatibility with current district systems;

21 11. Establishing procedures for continuous evaluation
22 of system efficiency and effectiveness;

23 12. Initiating a reports-management and
24 forms-management system to ascertain that duplication in
25 collection of data does not exist and that forms and reports
26 for reporting under state and federal requirements and other
27 forms and reports are prepared in a logical and uncomplicated
28 format, resulting in a reduction in the number and complexity
29 of required reports, ~~particularly at the school level~~; and

30 13. Initiating such other actions as are necessary to
31 carry out the intent of the Legislature that a management

1 information system for public education ~~school~~ management
2 needs be implemented. Such other actions shall be based on
3 criteria including, but not limited to:
4 a. The purpose of the reporting requirement;
5 b. The origination of the reporting requirement;
6 c. The date of origin of the reporting requirement;
7 and
8 d. The date of repeal of the reporting requirement.
9 (b) The specific responsibilities of each district
10 school system shall include:
11 1. Establishing, at the district level, a
12 reports-control and forms-control management system committee
13 composed of school administrators and classroom teachers. The
14 district school board shall appoint school administrator
15 members and classroom teacher members; or, in school districts
16 where appropriate, the classroom teacher members shall be
17 appointed by the bargaining agent. Teachers shall constitute a
18 majority of the committee membership. The committee shall
19 periodically recommend procedures to the district school board
20 for eliminating, reducing, revising, and consolidating
21 paperwork and data collection requirements and shall submit to
22 the district school board an annual report of its findings.
23 2. With assistance from the commissioner, developing
24 systems compatibility between the state management information
25 system and unique local systems.
26 3. Providing, with the assistance of the department,
27 inservice training dealing with management information system
28 purposes and scope, a method of transmitting input data, and
29 the use of output report information.
30
31

1 4. Establishing a plan for continuous review and
2 evaluation of local management information system needs and
3 procedures.

4 5. Advising the commissioner of all district
5 management information needs.

6 6. Transmitting required data input elements to the
7 appropriate processing locations in accordance with guidelines
8 established by the commissioner.

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

15 8. Being responsible for the accuracy of all data
16 elements transmitted to the department.

17 (c) It is the intent of the Legislature that the
18 expertise in the state system of public education, as well as
19 contracted services, be utilized to hasten the plan for full
20 implementation of a comprehensive management information
21 system.

22 Section 26. Subsection (2) of section 229.565, Florida
23 Statutes, is amended to read:

24 229.565 Educational evaluation procedures.--

25 (2) EDUCATION EVALUATION.--The Commissioner of
26 Education, or the Auditor General as provided in paragraph
27 (a), shall periodically examine and evaluate procedures,
28 records, and programs in each district to determine compliance
29 with law and rules established by the state board, ~~or by the~~
30 ~~Commissioner of Education,~~ and in each correctional
31 institution operated by the Department of Corrections to

1 determine compliance with law and rules established by the
2 Department of Corrections for the Correctional Education
3 Program pursuant to s. 944.801. Such evaluations must include,
4 but need not be limited to:

5 (a) Reported full-time equivalent membership in each
6 program category. This evaluation must be conducted by the
7 Auditor General for the Florida Education Finance Program
8 full-time enrollment verification function.

9 (b) The organization of all special programs to ensure
10 compliance with law and the criteria established and approved
11 by the state board pursuant to the provisions of this section
12 and s. 230.23(4)(m).

13 (c) The procedures for identification and placement of
14 students in educational alternative programs for students who
15 are disruptive or unsuccessful in a normal school environment
16 and for diagnosis and placement of students in special
17 programs for exceptional students, to determine that the
18 district is following the criteria for placement established
19 by rules of the state board ~~and of the Commissioner of~~
20 ~~Education~~ and the procedures for placement established by that
21 district school board and by the Commissioner of Education.

22 (d) An evaluation of the standards by which the school
23 district evaluates basic and special programs for quality,
24 efficiency, and effectiveness.

25 (e) Determination of the ratio of administrators to
26 teachers in each school district.

27 (f) Compliance with the cost accounting and reporting
28 requirements of s. 237.34 and the extent to which the
29 percentage expenditure requirements therein are being met.

30 (g) Clearly defined data collection and documentation
31 requirements, including specifications of which records and

1 information need to be kept and how long the records need to
2 be retained. The information and documentation needs for
3 evaluation must be presented to the school districts and
4 explained well in advance of the actual audit date.

5 (h) Determination of school district achievement in
6 meeting the performance standards specified in s. 232.2454.

7 Section 27. Paragraph (c) of subsection (3) and
8 subsections (8) and (16) of section 229.57, Florida Statutes,
9 are amended to read:

10 229.57 Student assessment program.--

11 (3) STATEWIDE ASSESSMENT PROGRAM.--The commissioner
12 shall design and implement a statewide program of educational
13 assessment that provides information for the improvement of
14 the operation and management of the public schools, including
15 schools operating for the purpose of providing educational
16 services to youth in Department of Juvenile Justice programs.
17 Pursuant to the statewide assessment program, the commissioner
18 shall:

19 (c) Develop and implement a student achievement
20 testing program as part of the statewide assessment program,
21 to be administered annually in grades 3 through 10 to measure
22 reading, writing, science, and mathematics. The testing
23 program must be designed so that:

24 1. The tests measure student skills and competencies
25 adopted by the state board as specified in paragraph (a). The
26 tests must measure and report student proficiency levels in
27 reading, writing, and mathematics. Science proficiency must be
28 measured statewide beginning in 2003. Other content areas may
29 be included as directed by the commissioner. The commissioner
30 shall provide for the tests to be developed or obtained, as
31 appropriate, through contracts and project agreements with

1 private vendors, public vendors, public agencies,
2 postsecondary institutions, or school districts. The
3 commissioner shall obtain input with respect to the design and
4 implementation of the testing program from state educators and
5 the public.

6 2. The tests are a combination of norm-referenced and
7 criterion-referenced and include, to the extent determined by
8 the commissioner, items that require the student to produce
9 information or perform tasks in such a way that the skills and
10 competencies he or she uses can be measured.

11 3. Each testing program, whether at the elementary,
12 middle, or high school level, includes a test of writing in
13 which students are required to produce writings which are then
14 scored by appropriate methods.

15 4. A score is designated for each subject area tested,
16 below which score a student's performance is deemed
17 inadequate. The school districts shall provide appropriate
18 remedial instruction to students who score below these levels.

19 ~~5. Except as provided in subparagraph 6., all 11th~~
20 ~~grade students take a high school competency test developed by~~
21 ~~the state board to test minimum student performance skills and~~
22 ~~competencies in reading, writing, and mathematics. The test~~
23 ~~must be based on the skills and competencies adopted by the~~
24 ~~state board pursuant to paragraph (a). Upon recommendation of~~
25 ~~the commissioner, the state board shall designate a passing~~
26 ~~score for each part of the high school competency test. In~~
27 ~~establishing passing scores, the state board shall consider~~
28 ~~any possible negative impact of the test on minority students.~~
29 ~~The commissioner may establish criteria whereby a student who~~
30 ~~successfully demonstrates proficiency in either reading or~~
31 ~~mathematics or both may be exempted from taking the~~

1 ~~corresponding section of the high school competency test or~~
2 ~~the college placement test. A student must earn a passing~~
3 ~~score or have been exempted from each part of the high school~~
4 ~~competency test in order to qualify for a regular high school~~
5 ~~diploma. The school districts shall provide appropriate~~
6 ~~remedial instruction to students who do not pass part of the~~
7 ~~competency test.~~

8 ~~5.6. Students who enroll in grade 9 in the fall of~~
9 ~~1999 and thereafter must earn a passing score on the grade 10~~
10 ~~assessment test described in this paragraph instead of the~~
11 ~~high school competency test described in subparagraph 5. Such~~
12 Students must earn a passing score on the grade 10 assessment
13 test in reading, writing, and mathematics to qualify for a
14 regular high school diploma. Upon recommendation of the
15 commissioner, the state board shall designate a passing score
16 for each part of the grade 10 assessment test. In establishing
17 passing scores, the state board shall consider any possible
18 negative impact of the test on minority students.

19 ~~6.7. Participation in the testing program is mandatory~~
20 ~~for all students, including students served in Department of~~
21 ~~Juvenile Justice programs, except as otherwise prescribed by~~
22 ~~the commissioner. The commissioner shall recommend rules to~~
23 ~~the state board for the provision of test adaptations and~~
24 ~~modifications of procedures as necessary for students in~~
25 ~~exceptional education programs and for students who have~~
26 ~~limited English proficiency.~~

27 ~~7.8. A student seeking an adult high school diploma~~
28 ~~must meet the same testing requirements that a regular high~~
29 ~~school student must meet.~~

30 ~~8.9. School districts must provide instruction to~~
31 ~~prepare students to demonstrate proficiency in the skills and~~

1 competencies necessary for successful grade-to-grade
2 progression and high school graduation. The commissioner shall
3 conduct studies as necessary to verify that the required
4 skills and competencies are part of the district instructional
5 programs.

6 9.10. By January 1, 2000, the Department of Education
7 must develop, or select, and implement a common battery of
8 assessment tools which will be used in all juvenile justice
9 programs in the state. These tools must accurately reflect
10 criteria established in the Florida Sunshine State Standards.

11
12 The commissioner may design and implement student testing
13 programs for any grade level and subject area, based on
14 procedures designated by the commissioner to monitor
15 educational achievement in the state.

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

19 (a) Criteria Timeframes.--

20 ~~1. School performance grade category designations~~
21 ~~shall be based on the school's current year performance and~~
22 ~~the school's annual learning gains.~~

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

30 ~~3. Beginning with the 2001-2002 school year and~~
31 ~~thereafter, A school's performance grade category designation~~

1 shall be based on a combination of student achievement scores,
2 student learning gains as measured by annual FCAT assessments
3 in grades 3 through 10, and improvement of the lowest 25th
4 percentile of students in the school in reading, math, or
5 writing on the FCAT, including Florida Writes, unless these
6 students are performing above satisfactory performance.

7 (b) Student assessment data.--Student assessment data
8 used in determining school performance grade categories shall
9 include:

10 1. The aggregate scores of all eligible students
11 enrolled in the school who have been assessed on the FCAT.

12 2. The aggregate scores of all eligible students
13 enrolled in the school who have been assessed on the FCAT,
14 including Florida Writes, and who have scored at or in the
15 lowest 25th percentile of students in the school in reading,
16 math, or writing, unless these students are performing above
17 satisfactory performance.

18
19 The Department of Education shall study the effects of
20 mobility on the performance of highly mobile students and
21 recommend programs to improve the performance of such
22 students. The state board shall adopt appropriate criteria for
23 each school performance grade category. The criteria must also
24 give added weight to student achievement in reading. Schools
25 designated as performance grade category "C," making
26 satisfactory progress, shall be required to demonstrate that
27 adequate progress has been made by students in the school who
28 are in the lowest 25th percentile in reading, math, or writing
29 on the FCAT, including Florida Writes, unless these students
30 are performing above satisfactory performance.

31

1 (16) DISTRICT PERFORMANCE GRADE.--~~Beginning with the~~
2 ~~2000-2001 school year's student and school performance data,~~
3 The annual report required by subsection (6) shall include
4 district performance grades, which shall consist of weighted
5 district average grades, by level, for all elementary schools,
6 middle schools, and high schools in the district. A district's
7 weighted average grade shall be calculated by weighting
8 individual school grades determined pursuant to subsection (7)
9 by school enrollment.

10 Section 28. Section 229.5701, Florida Statutes, is
11 repealed.

12 Section 29. Subsection (1) of section 229.59, Florida
13 Statutes, is amended to read:

14 229.59 Educational improvement projects.--

15 (1) Pursuant to rules adopted by the State Board
16 ~~Commissioner~~ of Education, each district school board, or each
17 principal through the district school board, may submit to the
18 commissioner for approval a proposal for implementing an
19 educational improvement project. Such proposals shall be
20 developed with the assistance of district and school advisory
21 councils and may address any or all of the following areas:

22 (a) The improvement of school management;

23 (b) The improvement of the district and school
24 advisory councils;

25 (c) School volunteers;

26 (d) The professional development of teachers;

27 (e) The restructuring of educational programs to meet
28 the needs of diverse students; and

29 (f) Global awareness.
30
31

1 Such projects may also address any other educational area
2 which would be improved through the encouragement of closer
3 working relationships among the school principal, the
4 teachers, and the parents and other members of the community.
5 Priority shall be given to proposals which provide for the
6 inclusion of existing resources, such as district educational
7 training funds, in the implementation of an educational
8 improvement project.

9 Section 30. Notwithstanding subsection (7) of section
10 3 of chapter 2000-321, Laws of Florida, section 229.592, is
11 not repealed on January 7, 2003, as provided in that act, but
12 that section is reenacted and amended to read:

13 229.592 Implementation of state system of school
14 improvement and education accountability.--

15 (1) DEVELOPMENT.--It is the intent of the Legislature
16 that every public school in the state, including schools
17 operating for the purpose of providing educational services to
18 youth in Department of Juvenile Justice programs, shall have a
19 school improvement plan, as required by s. 230.23(16).
20 Vocational standards considered pursuant to s. 239.229 shall
21 be incorporated into the school improvement plan for each area
22 technical center operated by a school board, and area
23 technical centers shall prepare school report cards
24 incorporating such standards, pursuant to s. 230.23(16). In
25 order to accomplish this, the Commissioner of Education and
26 the school districts and schools shall carry out the duties
27 assigned to them by s. 230.23(16).

28 (2) COMMISSIONER.--The commissioner shall be
29 responsible for implementing and maintaining a system of
30 intensive school improvement and stringent education

31

1 accountability, which shall include policies and programs to
2 implement the following:

3 (a) A system of data collection and analysis that will
4 improve information about the educational success of
5 individual students and schools, including schools operating
6 for the purpose of providing educational services to youth in
7 Department of Juvenile Justice programs. The information and
8 analyses must be capable of identifying educational programs
9 or activities in need of improvement, and reports prepared
10 pursuant to this paragraph shall be distributed to the
11 appropriate school boards prior to distribution to the general
12 public. This provision shall not preclude access to public
13 records as provided in chapter 119.

14 (b) A program of school improvement that will analyze
15 information to identify schools, including schools operating
16 for the purpose of providing educational services to youth in
17 Department of Juvenile Justice programs, educational programs,
18 or educational activities in need of improvement.

19 (c) A method of delivering services to assist school
20 districts and schools to improve, including schools operating
21 for the purpose of providing educational services to youth in
22 Department of Juvenile Justice programs.

23 (d) A method of coordinating with the state
24 educational goals and school improvement plans any other state
25 program that creates incentives for school improvement.

26 (3) The commissioner shall be held responsible for the
27 implementation and maintenance of the system of school
28 improvement and education accountability outlined in this
29 section. There shall be an annual determination of whether
30 adequate progress is being made toward implementing and
31

1 maintaining a system of school improvement and education
2 accountability.

3 (4) The annual feedback report shall be developed by
4 the Department of Education.

5 (5) The commissioner shall review each school board's
6 feedback report and submit findings to the State Board of
7 Education. If adequate progress is not being made toward
8 implementing and maintaining a system of school improvement
9 and education accountability, the State Board of Education
10 shall direct the commissioner to prepare and implement a
11 corrective action plan. The commissioner and State Board of
12 Education shall monitor the development and implementation of
13 the corrective action plan.

14 (6) The commissioner shall report to the Legislature
15 and recommend changes in state policy necessary to foster
16 school improvement and education accountability. Included in
17 the report shall be a list of the schools, including schools
18 operating for the purpose of providing educational services to
19 youth in Department of Juvenile Justice programs, for which
20 school boards have developed assistance and intervention plans
21 and an analysis of the various strategies used by the school
22 boards. School reports shall be distributed pursuant to this
23 subsection and s. 230.23(16)(e) according to guidelines
24 adopted by the State Board of Education.

25 (7) DEPARTMENT.--

26 (a) The Department of Education shall implement a
27 training program to develop among state and district educators
28 a cadre of facilitators of school improvement. These
29 facilitators shall assist schools and districts to conduct
30 needs assessments and develop and implement school improvement
31 plans to meet state goals.

1 (b) Upon request, the department shall provide
2 technical assistance and training to any school, including any
3 school operating for the purpose of providing educational
4 services to youth in Department of Juvenile Justice programs,
5 school advisory council, district, or school board for
6 conducting needs assessments, developing and implementing
7 school improvement plans, developing and implementing
8 assistance and intervention plans, or implementing other
9 components of school improvement and accountability. Priority
10 for these services shall be given to schools designated as
11 performance grade category "D" or "F" and school districts in
12 rural and sparsely populated areas of the state.

13 (c) Pursuant to s. 24.121(5)(d), the department shall
14 not release funds from the Educational Enhancement Trust Fund
15 to any district in which a school, including schools operating
16 for the purpose of providing educational services to youth in
17 Department of Juvenile Justice programs, does not have an
18 approved school improvement plan, pursuant to s. 230.23(16),
19 after 1 full school year of planning and development, or does
20 not comply with school advisory council membership composition
21 requirements pursuant to s. 229.58(1). The department shall
22 send a technical assistance team to each school without an
23 approved plan to develop such school improvement plan or to
24 each school without appropriate school advisory council
25 membership composition to develop a strategy for corrective
26 action. The department shall release the funds upon approval
27 of the plan or upon establishment of a plan of corrective
28 action. Notice shall be given to the public of the
29 department's intervention and shall identify each school
30 without a plan or without appropriate school advisory council
31 membership composition.

1 (d) The department shall assign a community assessment
2 team to each school district with a school designated as
3 performance grade category "D" or "F" to review the school
4 performance data and determine causes for the low performance.
5 The team shall make recommendations to the school board, to
6 the department, and to the State Board of Education for
7 implementing an assistance and intervention plan that will
8 address the causes of the school's low performance. The
9 assessment team shall include, but not be limited to, a
10 department representative, parents, business representatives,
11 educators, and community activists, and shall represent the
12 demographics of the community from which they are appointed.

13 (8) STATE BOARD.--The State Board of Education shall
14 adopt rules pursuant to ss. 120.536(1) and 120.54 to implement
15 a state system of school improvement and education
16 accountability and shall specify required annual reports by
17 schools and school districts.

18 (9) EXCEPTIONS TO STATE BOARD OF EDUCATION RULES
19 ~~LAW~~.--To facilitate innovative practices and to allow local
20 selection of educational methods, the State Board of Education
21 may authorize the commissioner to ~~may~~ waive, upon the request
22 of a school board, State Board of Education rules requirements
23 ~~of chapters 230-239 of the Florida School Code~~ that relate to
24 instruction and school operations, except those rules
25 pertaining to civil rights, and student health, safety, and
26 welfare. The Commissioner of Education is not authorized to
27 grant waivers for any provisions in rule of law pertaining to
28 the allocation and appropriation of state and local funds for
29 public education; the election, compensation, and organization
30 of school board members and superintendents; graduation and
31 state accountability standards; financial reporting

1 requirements; reporting of out-of-field teaching assignments
2 under s. 231.095; public meetings; public records; or due
3 process hearings governed by chapter 120. ~~Prior to approval,~~
4 ~~the commissioner shall report pending waiver requests to the~~
5 ~~state board on a monthly basis, and shall, upon request of any~~
6 ~~state board member, bring a waiver request to the state board~~
7 ~~for consideration. If, within 2 weeks of receiving the report,~~
8 ~~no member requests that a waiver be considered by the state~~
9 ~~board, the commissioner may act on the original waiver~~
10 ~~request.~~No later than January 1 of each year, the
11 commissioner shall report to the President and Minority Leader
12 of the Senate,and the Speaker and Minority Leader of the
13 House of Representatives, and the State Board of Education all
14 approved waiver requests in the preceding year.

15 (a) Graduation requirements in s. 232.246 must be met
16 by demonstrating performance of intended outcomes for any
17 course in the Course Code Directory unless a waiver is
18 approved by the commissioner. In developing procedures for
19 awarding credits based on performance outcomes, districts may
20 request waivers from State Board of Education rules relating
21 to curriculum frameworks and credits for courses and programs
22 in the Course Code Directory. Credit awarded for a course or
23 program beyond that allowed by the Course Code Directory
24 counts as credit for electives. Upon request by any school
25 district, the commissioner shall evaluate and establish
26 procedures for variations in academic credits awarded toward
27 graduation by a high school offering six periods per day
28 compared to those awarded by high schools operating on other
29 schedules.

30
31

1 1. A school board may originate a request for waiver
2 and submit the request to the commissioner if such a waiver is
3 required to implement districtwide improvements.

4 2. A school board may submit a request to the
5 commissioner for a waiver if such request is presented to the
6 school board by a school advisory council established pursuant
7 to s. 229.58 and if such a waiver is required to implement a
8 school improvement plan required by s. 230.23(16). The school
9 board shall report annually to the Commissioner of Education,
10 in conjunction with the feedback report required pursuant to
11 this section, the number of waivers requested by school
12 advisory councils, the number of such waiver requests approved
13 and submitted to the commissioner, and the number of such
14 waiver requests not approved and not submitted to the
15 commissioner. For each waiver request not approved, the school
16 board shall report the ~~statute or~~ rule for which the waiver
17 was requested, the rationale for the school advisory council
18 request, and the reason the request was not approved.

19 3. When approved by the commissioner, a waiver
20 requested under this paragraph is effective for a 5-year
21 period.

22 (b) Notwithstanding the provisions of chapter 120 and
23 for the purpose of implementing this subsection, the
24 commissioner may waive State Board of Education rules if the
25 school board has submitted a written request to the
26 commissioner for approval pursuant to this subsection.

27 (c) The written request for waiver of ~~statute or~~ rule
28 must indicate at least how granting the waiver will assist
29 schools in improving student outcomes related to the student
30 performance standards adopted by the state board, and how
31 student improvement will be evaluated and reported. The

1 commissioner shall not grant any waiver that would impair the
2 protection of the health, safety, welfare, or civil rights of
3 the students or the protection of the public interest.

4 (d) Upon denying a request for a waiver, the
5 commissioner must state with particularity the grounds or
6 basis for the denial. The commissioner shall report the
7 specific ~~statutes and~~ rules for which waivers are requested
8 and the number and disposition of such requests to the
9 Legislature and the State Board of Education for use in
10 determining which ~~statutes and~~ rules stand in the way of
11 school improvement.

12 (10) EXCEPTIONS TO LAW.--

13 (a)~~(e)1~~. Schools designated in performance grade
14 category "A," making excellent progress, shall, if requested
15 by the school, be given deregulated status as specified in s.
16 228.0565(5), (7), (8), (9), and (10).

17 (b)2. Schools that have improved at least two
18 performance grade categories and that meet the criteria of the
19 Florida School Recognition Program pursuant to s. 231.2905 may
20 be given deregulated status as specified in s. 228.0565(5),
21 (7), (8), (9), and (10).

22 Section 31. Section 229.601, Florida Statutes, is
23 repealed.

24 Section 32. Subsection (4) of section 229.602, Florida
25 Statutes, is amended to read:

26 229.602 Florida private sector and education
27 partnerships.--

28 (4) ~~Beginning January 1, 1989,~~The commissioner shall
29 make an annual report to the Legislature within 60 days prior
30 to the beginning of the regular legislative session. The
31 report shall include:

1 (a) A summary of the status of private sector and
2 education partnership programs including the Florida public
3 schools challenge grants program and other grant programs.

4 (b) Recommendations to improve the efficiency and
5 promote the growth of private sector and education
6 partnerships.

7 Section 33. Section 229.604, Florida Statutes, is
8 transferred and renumbered as section 231.425, Florida
9 Statutes.

10 Section 34. Section 229.6041, Florida Statutes, is
11 transferred and renumbered as section 231.426, Florida
12 Statutes.

13 Section 35. Section 229.6042, Florida Statutes, is
14 transferred and renumbered as section 231.427, Florida
15 Statutes.

16 Section 36. Section 229.6043, Florida Statutes, is
17 transferred and renumbered as section 231.428, Florida
18 Statutes.

19 Section 37. Subsections (3) and (5) of section
20 229.805, Florida Statutes, are amended to read:

21 229.805 Educational television.--

22 (3) POWERS OF DEPARTMENT OF EDUCATION.--

23 (a) The Department of Education is authorized to
24 encourage:

25 1. The extension of educational television network
26 facilities;

27 2. The coordination of Florida's educational
28 television with that of other states and with the Federal
29 Government; and

30 3. The further development of educational television
31 within the state.

1 (b) The department shall provide through educational
2 television and other electronic media a means of extending
3 educational services to all the state system of public
4 education, ~~except the State University System as defined in s.~~
5 ~~240.2011, which provision by the department shall be limited~~
6 ~~by paragraph (c) and by s. 229.8051(1).~~ The department shall
7 recommend to the State Board ~~Commissioner~~ of Education rules
8 and regulations necessary to provide such services.

9 (c) The department is authorized to provide equipment,
10 funds, and other services to extend and update both the
11 existing and the proposed educational television and radio
12 systems of tax-supported and nonprofit, corporate-owned
13 facilities. All stations funded must be qualified by the
14 Corporation for Public Broadcasting. New stations eligible
15 for funding shall provide a first service to an audience that
16 is not currently receiving a broadcast signal or provide a
17 significant new program service as defined by State Board
18 ~~Commissioner~~ of Education rules. Funds appropriated to the
19 department for educational television and funds appropriated
20 to the department for educational radio may be used by the
21 department for either educational television or educational
22 radio, or for both.

23 (5) DUTY OF DEPARTMENT OF EDUCATION.--The Department
24 of Education is responsible for identifying the needs of the
25 state system of public education as they relate to the
26 development and production of materials used in instruction.
27 When such identified needs are considered to be best satisfied
28 by the production of new materials, the department may
29 commission or contract for the production of such materials.
30 The State Board ~~Commissioner~~ of Education shall adopt and
31

1 prescribe rules ~~and regulations~~ for the proper enforcement and
2 carrying out of these provisions.

3 Section 38. Subsections (1) and (3) of section
4 229.8051, Florida Statutes, are amended to read:

5 229.8051 Public broadcasting program system.--

6 (1) There is created a public broadcasting program
7 system for the state. The Department of Education shall
8 administer this program system pursuant to policies adopted by
9 the State Board ~~Commissioner~~ of Education. This program system
10 must complement and share resources with the instructional
11 programming service of the Department of Education and
12 educational UHF, VHF, ITFS, and FM stations in the state. The
13 program system must include:

14 (a) Support for existing Corporation for Public
15 Broadcasting qualified program system educational radio and
16 television stations and new stations meeting Corporation for
17 Public Broadcasting qualifications and providing a first
18 service to an audience that does not currently receive a
19 broadcast signal or providing a significant new program
20 service as defined by rule by the State Board ~~Commissioner~~ of
21 Education.

22 (b) Maintenance of quality broadcast capability for
23 educational stations that are part of the program system.

24 (c) Interconnection of all educational stations that
25 are part of the program system for simultaneous broadcast and
26 of such stations with all universities and other institutions
27 as necessary for sharing of resources and delivery of
28 programming.

29 (d) Establishment and maintenance of a capability for
30 statewide program distribution with facilities and staff,
31 provided such facilities and staff complement and strengthen

1 existing or future educational television and radio stations
2 in accordance with paragraph (a) and s. 229.805(3)(c).

3 (e) Provision of both statewide programming funds and
4 station programming support for educational television and
5 educational radio to meet statewide priorities. Priorities for
6 station programming need not be the same as priorities for
7 programming to be used statewide. Station programming may
8 include, but shall not be limited to, citizens' participation
9 programs, music and fine arts programs, coverage of public
10 hearings and governmental meetings, equal air time for
11 political candidates, and other public interest programming.

12 (3) The State Board ~~Commissioner~~ of Education shall
13 adopt rules for the proper enforcement and carrying out of
14 these provisions.

15 Section 39. Section 229.8076, Florida Statutes, is
16 created to read:

17 229.8076 Office of Nonpublic Schools and Home
18 Education Programs.--

19 (1) The state recognizes the contributions of
20 nonpublic schools and home education programs in providing
21 alternatives to public school education. These nongovernmental
22 educational systems serve the public, but are not considered
23 to be a part of the public system of education.

24 (a) The Office of Nonpublic Schools and Home Education
25 Programs is established within the Department of Education.
26 The Department of Education and the Commissioner of Education
27 have no authority over the institutions or students served by
28 the office. The office shall:

29 1. Serve the interests of students and the parents of
30 students in nonpublic schools and home education programs;

31 2. Serve the interests of nonpublic institutions; and

1 3. Provide general information to the public about
2 nonpublic and home education delivery systems.

3 (b) The Commissioner of Education shall appoint an
4 executive director for the office who shall:

5 1. Serve as a source of communication between
6 nonpublic schools, home education programs, the Commissioner
7 of Education, and the State Board of Education.

8 2. Evaluate pending policy to ensure that the policy
9 does not subject nonpublic schools and home education programs
10 to additional regulation or mandates;

11 3. Establish a clearinghouse of information for the
12 public;

13 4. Foster a collaborative spirit and working
14 relationship among nonpublic schools, home education programs,
15 and the public sector; and

16 5. Identify and convey the best practices of nonpublic
17 schools and home education programs for the benefit of the
18 public and nonpublic education delivery sectors.

19 Section 40. Section 229.8333, Florida Statutes, is
20 amended to read:

21 229.8333 School-Related Employee of the Year Program;
22 duties of State Board ~~Department~~ of Education.--The State
23 Board ~~Department~~ of Education shall, by rule, provide for a
24 School-Related Employee of the Year Program. In addition to
25 any other provision, the board ~~department~~ shall include in
26 such rules that:

27 (1) The program shall apply to school-related
28 employees.

29 (2) The program shall be modeled after the Teacher of
30 the Year Program.

31

1 (3) One school-related employee of the year shall be
2 nominated by each district school board in the state.

3 (4) A selection process shall be instituted to select
4 the school-related employee of the year so that the top five
5 finalists receive awards under the program.

6 Section 41. Notwithstanding subsection (7) of section
7 3 of chapter 2000-321, Laws of Florida, section 229.8341,
8 Florida Statutes, is not repealed on January 7, 2003, as
9 provided in that act, but that section is reenacted to read:

10 229.8341 Services for infants and preschool
11 children.--

12 (1) Diagnostic and learning resource centers are
13 authorized to assist districts in providing testing and
14 evaluation services for high-risk or handicapped infants and
15 preschool children.

16 (2) Such centers are authorized to assist districts in
17 providing interdisciplinary training and resources to parents
18 of high-risk or handicapped infants and preschool children and
19 to day care and preschool programs.

20 Section 42. Section 229.8343, Florida Statutes, is
21 repealed.

22 Section 43. Section 233.015, Florida Statutes, is
23 amended to read:

24 233.015 Purge of listed courses not taught for 5
25 years; rules.--The State Board ~~Commissioner~~ of Education shall
26 adopt rules that provide for the conduct of regularly
27 scheduled purges of courses that are listed in the statewide
28 course numbering system or institutional catalog but have not
29 been taught at the institution for the preceding 5 years.
30 These rules must include waiver provisions that allow course
31 continuation if an institution has reasonable cause for having

1 not offered a course within the 5-year limit and an
2 expectation that the course will be offered again within the
3 following 5 years.

4 Section 44. Section 233.056, Florida Statutes, is
5 amended to read:

6 233.056 Instructional programs for visually impaired
7 students and deaf or hard-of-hearing students.--

8 (1) The Division of Public Schools ~~and Community~~
9 ~~Education~~ of the Department of Education is authorized to
10 establish a coordinating unit and instructional materials
11 center for visually impaired children and youth and deaf or
12 hard-of-hearing children and youth to provide staff and
13 resources for the coordination, cataloging, standardizing,
14 producing, procuring, storing, and distributing of braille,
15 large print, tangible apparatus, captioned films and video
16 tapes, and other specialized educational materials needed by
17 these students and other exceptional students. The
18 coordinating unit shall have as its major purpose the
19 improvement of instructional programs for visually impaired
20 students and deaf or hard-of-hearing students and may, as a
21 second priority, extend appropriate services to other
22 exceptional students, consistent with provisions and criteria
23 established, to the extent that resources are available.

24 (2) The unit shall be operated either directly by the
25 Division of Public Schools ~~and Community Education~~ or through
26 a contractual agreement with a local education agency, under
27 rules adopted by the State Board ~~Commissioner~~ of Education.

28 Section 45. Subsection (6) of section 233.058, Florida
29 Statutes, is amended to read:

30 233.058 English language instruction for limited
31 English proficient students.--

1 (6) The State Board ~~Commissioner~~ of Education shall
2 adopt rules for the purpose of administering ~~implementing~~ this
3 section.

4 Section 46. Section 233.39, Florida Statutes, is
5 amended to read:

6 233.39 Renovation and repair of textbooks.--The State
7 Board ~~Commissioner~~ of Education shall prescribe rules and
8 regulations under which the Department of Education shall,
9 whenever requested to do so by any superintendent, make
10 necessary arrangements for the renovation and repair of books
11 that could thereby be put into serviceable condition. All
12 proper expense in connection with such renovation and repair
13 is declared to be a proper charge against the appropriation
14 for the purchase of instructional materials by the school
15 district. The State Board of Education ~~commissioner~~, in order
16 to assist district school boards in obtaining the most
17 economical services, shall formulate and prescribe such rules
18 and regulations for the letting of contracts for the
19 renovation and repair of books used in the public schools of
20 the state as in its judgment are practicable and economically
21 feasible. The Department of Education shall enter into such
22 contracts upon the basis of competitive sealed bids from
23 responsible firms who must, prior to contract award, have on
24 hand in their plants the equipment necessary to perform the
25 work of rebinding specified by the department. For the
26 purpose of rebinding, textbooks must be classified by the
27 department as to size, and such classification must be the
28 basis for bids from rebinding firms. Bids from rebinding firms
29 must be on the basis of minimum quantities of 100 books in
30 each classification. Such a contract for the renovation and
31 repair of books used in the public schools of this state may

1 not be entered when the cost of renovation and repair exceeds
2 the original acquisition cost of such books or the cost of
3 replacing such books, whichever is the lesser. However, this
4 section does not prohibit the inmates of the state prison from
5 repairing and renovating any public school textbooks or
6 library books. Any suit that is instituted under this section
7 must be brought in the name of the state, and any amount
8 recovered by reason of such a suit must be deposited in the
9 General Revenue Fund.

10 Section 47. Subsections (2), (4), and (5) and
11 paragraphs (a) and (f) of subsection (3) of section 236.02,
12 Florida Statutes, are amended to read:

13 236.02 Minimum requirements of the Florida Education
14 Finance Program.--Each district which participates in the
15 state appropriations for the Florida Education Finance Program
16 shall provide evidence of its effort to maintain an adequate
17 school program throughout the district and shall meet at least
18 the following requirements:

19 (2) MINIMUM TERM.--Operate all schools for a term of
20 at least 180 actual teaching days as prescribed in s.
21 228.041(13) or the equivalent on an hourly basis as specified
22 by rules of the State Board ~~Commissioner~~ of Education each
23 school year. The commissioner may prescribe procedures for
24 altering, and, upon written application, may alter, this
25 requirement during a national, state, or local emergency as it
26 may apply to an individual school or schools in any district
27 or districts if, in the opinion of the board, it is not
28 feasible to make up lost days, and the apportionment may, at
29 the discretion of the Commissioner of Education and if the
30 board determines that the reduction of school days is caused
31 by the existence of a bona fide emergency, be reduced for such

1 district or districts in proportion to the decrease in the
2 length of term in any such school or schools. A strike, as
3 defined in s. 447.203(6), by employees of the school district
4 may not be considered an emergency.

5 (3) EMPLOYMENT POLICIES.--Adopt rules relating to the
6 appointment, promotion, transfer, suspension, and dismissal of
7 personnel.

8 (a) Such rules must conform to applicable law and
9 rules of the State Board of Education ~~commissioner~~ and must
10 include the duties and responsibilities of the superintendent
11 and school board pertaining to these and other personnel
12 matters.

13 (f) Such rules must require 12 calendar months of
14 service for such principals as prescribed by rules ~~regulations~~
15 of the State Board of Education ~~commissioner~~ and must require
16 10 months to include not less than 196 days of service,
17 excluding Sundays and other holidays, for all members of the
18 instructional staff, with any such service on a 12-month basis
19 to include reasonable allowance for vacation or further study
20 as rules prescribed by the school board in accordance with
21 rules ~~regulations~~ of the State Board of Education
22 ~~commissioner~~.

23 (4) SALARY SCHEDULES.--Expend funds for salaries in
24 accordance with a salary schedule or schedules adopted by the
25 school board in accordance with the provisions of law and
26 rules ~~regulations~~ of the State Board of Education
27 ~~commissioner~~. Expenditures for salaries of instructional
28 personnel must include compensation based on employee
29 performance demonstrated under s. 231.29.

30 (5) BUDGETS.--Observe fully at all times all
31 requirements of law and rules ~~regulations~~ of the State Board

1 of Education ~~commissioner~~ relating to the preparation,
2 adoption, and execution of budgets for the district school
3 system.

4 Section 48. Subsection (5) of section 236.025, Florida
5 Statutes, is amended to read:

6 236.025 Revised funding model for exceptional student
7 education programs.--

8 (5) The State Board ~~Department~~ of Education shall
9 adopt rules necessary to administer ~~implement~~ the revised
10 funding model.

11 Section 49. Paragraph (a) of subsection (1) and
12 paragraph (d) of subsection (3) of section 236.081, Florida
13 Statutes, are amended to read:

14 236.081 Funds for operation of schools.--If the annual
15 allocation from the Florida Education Finance Program to each
16 district for operation of schools is not determined in the
17 annual appropriations act or the substantive bill implementing
18 the annual appropriations act, it shall be determined as
19 follows:

20 (1) COMPUTATION OF THE BASIC AMOUNT TO BE INCLUDED FOR
21 OPERATION.--The following procedure shall be followed in
22 determining the annual allocation to each district for
23 operation:

24 (a) Determination of full-time equivalent
25 membership.--During each of several school weeks, including
26 scheduled intersessions of a year-round school program during
27 the fiscal year, a program membership survey of each school
28 shall be made by each district by aggregating the full-time
29 equivalent student membership of each program by school and by
30 district. The department shall establish the number and
31 interval of membership calculations, except that for basic and

1 special programs such calculations shall not exceed nine for
2 any fiscal year. The district's full-time equivalent
3 membership shall be computed and currently maintained in
4 accordance with rules ~~regulations~~ of the State Board of
5 Education ~~commissioner~~. ~~Beginning with the 1999-2000 school~~
6 ~~year,~~ Each school district shall also document the daily
7 attendance of each student in membership by school and by
8 district. An average daily attendance factor shall be computed
9 by dividing the total daily attendance of all students by the
10 total number of students in membership and then by the number
11 of days in the regular school year. Beginning with the
12 2002-2003 school year, the district's full-time equivalent
13 membership shall be adjusted by multiplying by the average
14 daily attendance factor.

15 (3) INSERVICE EDUCATIONAL PERSONNEL TRAINING
16 EXPENDITURE.--Of the amount computed in subsections (1) and
17 (2), a percentage of the base student allocation per full-time
18 equivalent student shall be expended for educational training
19 programs as determined by the district school board as
20 provided in s. 231.600. This percentage shall remain constant
21 and shall be calculated by dividing \$6 by the 1990-1991 base
22 student allocation. At least two-thirds of the funds so
23 determined shall be expended as provided in s. 231.600, and
24 such funds may be used for implementation of the demonstration
25 of professional education competence program as provided in s.
26 231.17. Funds as provided herein may be expended only for the
27 direct support of inservice training activities as prescribed
28 below:

29 (d) Funds may be expended to pay tuition or
30 registration fees for college courses provided the course is
31 identified in the district's approved master plan and the

1 employee does not receive college credit. However, an employee
2 may be awarded college credit for successful participation in
3 exempted inservice programs that are identified by the
4 Department of Education in State Board of Education rule and
5 for which the employee shall pay the regular tuition and
6 registration fees assessed by the credit-granting institution.
7 Courses for these exempted programs shall be arranged and
8 conducted in compliance with procedures that are developed
9 ~~cooperatively~~ by the Department of Education ~~and the Board of~~
10 ~~Regents~~ and are also included in State Board of Education
11 rule. Provision for payment of tuition and registration fees
12 for such credit-earning courses shall be contained in State
13 Board of Education rule.

14 Section 50. Subsections (2) and (3) of section
15 236.1225, Florida Statutes, are amended to read:

16 236.1225 Gifted education exemplary program grants.--

17 (2) There is hereby created a grant program for
18 education for the gifted which shall be administered by the
19 Commissioner of Education in cooperation and consultation with
20 appropriate organizations and associations concerned with
21 education for the gifted and pursuant to rules adopted by the
22 State Board ~~Commissioner~~ of Education. The program may be
23 implemented in any public school.

24 (3) Pursuant to policies and rules to be adopted by
25 the State Board ~~Commissioner~~ of Education, each district
26 school board, two or more district school boards in
27 cooperation, or a public school principal through the district
28 school board may submit to the commissioner a proposed program
29 designed to effectuate an exemplary program for education for
30 the gifted in a school, district, or group of districts.
31 Consideration for funding shall be given to proposed programs

1 of district school boards that are developed with the
2 cooperation of a community college, public or private college,
3 or university for the purpose of providing advanced
4 accelerated instruction for public school students pursuant to
5 s. 229.814. In order to be approved, a program proposal must
6 include:

7 (a) Clearly stated goals and objectives expressed, to
8 the maximum extent possible, in measurable terms;

9 (b) Information concerning the number of students,
10 teachers, and other personnel to be involved in the program;

11 (c) The estimated cost of the program and the number
12 of years for which it is to be funded;

13 (d) Provisions for evaluation of the program and for
14 its integration into the general curriculum and financial
15 program of the school district or districts at the end of the
16 funded period; and

17 (e) Such other information and provisions as the
18 commissioner requires.

19 Section 51. Subsection (4) of section 237.081, Florida
20 Statutes, is amended to read:

21 237.081 Public hearings; budgets to be submitted to
22 Department of Education.--

23 (4) The advertisement shall appear adjacent to the
24 advertisement required pursuant to s. 200.065. The State Board
25 ~~Commissioner~~ of Education may adopt rules necessary to provide
26 specific requirements for the format of the advertisement.

27 Section 52. Subsection (5) of section 237.211, Florida
28 Statutes, is amended to read:

29 237.211 School depositories; payments into and
30 withdrawals from depositories.--

31

1 (5) FORM OF WARRANTS; DIRECT DEPOSIT OF FUNDS.--The
2 school board is authorized to establish the form or forms of
3 warrants, which are to be signed by the chair or, in his or
4 her absence, the vice chair of the school board and
5 countersigned by the superintendent, for payment or
6 disbursement of moneys out of the school depository and to
7 change the form thereof from time to time as the school board
8 deems appropriate. If authorized in writing by the payee,
9 such school board warrants may provide for the direct deposit
10 of funds to the account of the payee in any financial
11 institution that is designated in writing by the payee and
12 that has lawful authority to accept such deposits. The written
13 authorization of the payee must be filed with the school
14 board. Direct deposit of funds may be by any electronic or
15 other medium approved by the school board for such purpose.
16 The State Board ~~Commissioner~~ of Education shall adopt rules
17 prescribing minimum security measures that must be implemented
18 by any school board before establishing the system authorized
19 in this subsection.

20 Section 53. Subsection (4) of section 237.40, Florida
21 Statutes, is amended to read:

22 237.40 Direct-support organization; use of property;
23 board of directors; audit.--

24 (4) ANNUAL AUDIT.--Each direct-support organization
25 shall provide for an annual financial audit of its accounts
26 and records, to be conducted by an independent certified
27 public accountant in accordance with rules adopted by the
28 Auditor General pursuant to s. 11.45(8) and the State Board
29 ~~Commissioner~~ of Education. The annual audit report shall be
30 submitted within 9 months after the fiscal year's end to the
31 district school board and the Auditor General. The

1 Commissioner of Education, the Auditor General, and the Office
2 of Program Policy Analysis and Government Accountability have
3 the authority to require and receive from the organization or
4 the district auditor any records relative to the operation of
5 the organization. The identity of donors and all information
6 identifying donors and prospective donors are confidential and
7 exempt from the provisions of s. 119.07(1), and that anonymity
8 shall be maintained in the auditor's report. All other records
9 and information shall be considered public records for the
10 purposes of chapter 119.

11 Section 54. Subsection (3) of section 316.615, Florida
12 Statutes, is amended to read:

13 316.615 School buses; physical requirements of
14 drivers.--

15 (3) A person may not operate or cause to be operated a
16 motor vehicle covered by subsection (1) or subsection (2) when
17 transporting school children unless the operator has met the
18 physical examination requirements established by law and by
19 rule adopted by the State Board ~~Commissioner~~ of Education.
20 The operator of such a motor vehicle shall pass an annual
21 physical examination and have posted in the vehicle a
22 certificate to drive the vehicle.

23 Section 55. Subsection (10) of section 411.224,
24 Florida Statutes, is amended to read:

25 411.224 Family support planning process.--The
26 Legislature establishes a family support planning process to
27 be used by the Department of Children and Family Services as
28 the service planning process for targeted individuals,
29 children, and families under its purview.

30 (10) The Department of Children and Family Services,
31 the Department of Health, and the State Board ~~Department~~ of

1 Education shall adopt rules necessary to administer ~~implement~~
2 this act.

3 Section 56. Subsections (4), (7), and (12) of section
4 446.609, Florida Statutes, are amended to read:

5 446.609 Jobs for Florida's Graduates Act.--

6 (4) PROGRAM.--There is hereby created a school-to-work
7 program to be known as Jobs for Florida's Graduates which
8 shall, except as otherwise provided by law or by rule of the
9 State Board ~~Department~~ of Education, be operated in accordance
10 with the process and outcome standards of Jobs for America's
11 Graduates, Inc. To that end, the board shall enter into a
12 sponsoring agreement with Jobs for America's Graduates, Inc.,
13 to carry out the Jobs for America's Graduates model within the
14 state.

15 (a) The goal of the program shall be to have a minimum
16 of 300 high schools participating in the program.

17 (b) The schools chosen by the board to participate in
18 the program must represent a demographically balanced sample
19 population, include both urban and rural schools, and be
20 comprised of schools, including charter schools, in all
21 geographic areas of the state. Each school selected to
22 participate shall enter into a formal written agreement with
23 the board which, at a minimum, details the responsibilities of
24 each party and the process and outcome goals of the Jobs for
25 Florida's Graduates Program.

26 (c) Students shall be selected and approved for
27 participation in the program by the educational institutions
28 in which they are enrolled, and such selection and approval
29 shall be based on their being classified as at-risk students
30 pursuant to the Jobs for America's Graduates model.

31

1 (7) ORGANIZATION, POWERS, AND DUTIES.--Within the
2 limits prescribed in this section or by rule of the State
3 Board of Education ~~department~~:

4 (a) Upon appointment, the board shall meet and
5 organize. Thereafter, the board shall hold such meetings as
6 are necessary to implement the provisions of this section and
7 shall conduct its business in accordance with rules
8 promulgated by the State Board of Education ~~department~~.

9 (b) The board may solicit and receive bequests, gifts,
10 grants, donations, goods, and services. When gifts are
11 restricted as to purpose, they may be used only for the
12 purpose or purposes stated by the donor.

13 (c) The board may enter into contracts with the
14 Federal Government, state or local agencies, private entities,
15 or individuals to carry out the purposes of this section.

16 (d) The board may identify, initiate, and fund Jobs
17 for Florida's Graduates programs to carry out the purposes of
18 this section.

19 (e) The board may make gifts or grants:

20 1. To the state, or any political subdivision thereof,
21 or any public agency of state or local government.

22 2. To a corporation, trust, association, or foundation
23 organized and operated exclusively for charitable,
24 educational, or scientific purposes.

25 3. To the department for purposes of program
26 recognition and marketing, public relations and education,
27 professional development, and technical assistance and
28 workshops for grant applicants and recipients and the business
29 community.

30
31

1 (f) The board may advertise and solicit applications
2 for funding and shall evaluate applications and program
3 proposals submitted thereto.

4 (g) The board shall monitor, review, and annually
5 evaluate funded programs to determine whether funding should
6 be continued, terminated, reduced, or increased.

7 (h) The board shall establish an operating account for
8 the deposit of funds to be used in carrying out the purposes
9 of this section.

10 (i) The board shall operate the Jobs for Florida's
11 Graduates Program in such a way, and shall recommend to the
12 State Board ~~Department~~ of Education the adoption of such rules
13 as may be necessary, to ensure that the following outcome
14 goals are met:

15 1. In year 1:

16 a. The statewide graduation rates, or GED test
17 completion rates, of participants in the Jobs for Florida's
18 Graduates Program shall be at least 82 percent by June 30 of
19 the year following the end of the academic year in which the
20 participants' respective high school classes graduated.

21 b. By June 30 of the year following the end of the
22 academic year in which the participants' respective high
23 school classes graduated, 70 to 75 percent of graduated
24 working participants in the Jobs for Florida's Graduates
25 Program shall be employed full time in the civilian sector or
26 the military or enrolled in postsecondary training education,
27 or any combination of these that together are equivalent to
28 full time.

29 c. By June 30 of the year following the end of the
30 academic year in which the participants' respective high
31 school classes graduated, the average wage of graduated

1 participants in the Jobs for Florida's Graduates Program who
2 are working shall be at or above the national average wage for
3 all participants in programs affiliated with Jobs for
4 America's Graduates, Inc.

5 2. In year 2:

6 a. The statewide graduation rates, or GED test
7 completion rates, of participants in the Jobs for Florida's
8 Graduates Program shall be at least 85 percent by June 30 of
9 the year following the end of the academic year in which the
10 participants' respective high school classes graduated.

11 b. By June 30 of the year following the end of the
12 academic year in which the participants' respective high
13 school classes graduated, 75 to 78 percent of graduated
14 working participants in the Jobs for Florida's Graduates
15 Program shall be employed full time in the civilian sector or
16 the military or enrolled in postsecondary training education,
17 or any combination of these that together are equivalent to
18 full time.

19 c. By June 30 of the year following the end of the
20 academic year in which the participants' respective high
21 school classes graduated, the average wage of graduated
22 participants in the Jobs for Florida's Graduates Program who
23 are working shall be at or above the national average wage for
24 all participants in programs affiliated with Jobs for
25 America's Graduates, Inc.

26 3. In years 3 through 5:

27 a. The statewide graduation rates, or GED test
28 completion rates, of participants in the Jobs for Florida's
29 Graduates Program shall be at least 90 percent by June 30 of
30 the year following the end of the academic year in which the
31 participants' respective high school classes graduated.

1 b. By June 30 of the year following the end of the
2 academic year in which the participants' respective high
3 school classes graduated, 80 percent of graduated working
4 participants in the Jobs for Florida's Graduates Program shall
5 be employed full time in the civilian sector or the military
6 or enrolled in postsecondary training education, or any
7 combination of these that together are equivalent to full
8 time.

9 c. By June 30 of the year following the end of the
10 academic year in which the participants' respective high
11 school classes graduated, the average wage of graduated
12 participants in the Jobs for Florida's Graduates Program who
13 are working shall be at or above the national average wage for
14 all participants in programs affiliated with Jobs for
15 America's Graduates, Inc.

16 (j) The board may take such additional actions,
17 including independently organizing and conducting hiring
18 practices, as are deemed necessary and appropriate to
19 administer the provisions of this section. To the maximum
20 extent possible, the board shall hire Jobs for Florida's
21 Graduates Program staff who operate in selected schools to
22 fill necessary staff positions and shall provide for salary,
23 benefits, discipline, evaluation, or discharge according to a
24 contractual agreement. These positions shall not be state
25 employee positions.

26 (12) RULES.--The State Board of Education ~~department~~
27 shall adopt rules to administer ~~implement~~ this section.

28 Section 57. Section 489.125, Florida Statutes, is
29 amended to read:

30 489.125 Prequalification of certificateholders.--Any
31 person holding a certificate shall be prequalified to bid by a

1 district school board pursuant to uniform prequalification of
2 contractors criteria adopted by rule of the State Board
3 ~~Commissioner~~ of Education. This section does not supersede any
4 small, woman-owned or minority-owned business enterprise
5 preference program adopted by a district school board. A
6 district school board may not modify or supplement the uniform
7 prequalification criteria adopted by rule. A person holding a
8 certificate must apply to each board for prequalification
9 consideration.

10 Section 58. Subsection (1) of section 937.023, Florida
11 Statutes, is amended to read:

12 937.023 Department of Education to compile list of
13 missing Florida school children; forms; notification; State
14 Board of Education rules.--

15 (1) The State Board ~~Department~~ of Education shall
16 provide by rule for a program to identify and locate missing
17 Florida school children who are enrolled in Florida public
18 school districts in kindergarten through grade 12. A "missing
19 Florida school child" is defined for the purposes of this
20 section as a child 18 years of age or younger whose
21 whereabouts are unknown. Pursuant to such program, the
22 Department of Education shall:

23 (a) Collect each month a list of missing Florida
24 school children as provided by the Florida Crime Information
25 Center. The list shall be designed to include such
26 information as the department deems necessary for the
27 identification of the missing school child.

28 (b) Compile from the information collected pursuant to
29 paragraph (a) a list of missing Florida school children, which
30 list shall be distributed monthly to all public school
31 districts admitting children to kindergarten through grade 12.

1 The list shall include the names of all such missing children,
2 together with such other information as the department deems
3 necessary. Each school district shall distribute this
4 information to the public schools in the district by whatever
5 manner it deems appropriate.

6 (c) Notify the appropriate local, state, or federal
7 law enforcement authority as soon as any additional
8 information is obtained or contact is made with respect to a
9 missing Florida school child.

10 Section 59. Section 984.05, Florida Statutes, is
11 amended to read:

12 984.05 Rules relating to habitual truants; adoption by
13 State Board ~~Department~~ of Education and Department of Juvenile
14 Justice.--The Department of Juvenile Justice and the State
15 Board ~~Department~~ of Education shall work together on the
16 development of, and shall adopt, rules as necessary to
17 administer ~~for the implementation of~~ ss. 232.19, 984.03(27),
18 and 985.03(25).

19 Section 60. Effective January 7, 2003, subsection (5)
20 of section 229.003, Florida Statutes, and subsection (3) of
21 section 229.0074, Florida Statutes, are repealed.

22 Section 61. Paragraphs (a) and (b) of subsection (1)
23 and subsections (6), (13), (18), and (33) of section 228.041,
24 Florida Statutes, are amended to read:

25 228.041 Definitions.--Specific definitions shall be as
26 follows, and wherever such defined words or terms are used in
27 the Florida School Code, they shall be used as follows:

28 (1) STATE SYSTEM OF PUBLIC EDUCATION.--The state
29 system of public education shall consist of such publicly
30 supported and controlled schools, institutions of higher
31 education, other educational institutions, and other

1 educational services as may be provided or authorized by the
2 Constitution and laws of this state.

3 (a) Public schools.--The public schools shall consist
4 of kindergarten classes; elementary and secondary school
5 grades and special classes; adult, part-time, vocational, and
6 evening schools, courses, or classes authorized by law to be
7 operated under the control of school boards; and developmental
8 research schools to be operated under the control of ~~the state~~
9 universities ~~University System~~.

10 (b) Community colleges.--Community colleges shall
11 consist of all educational institutions which are operated by
12 local community college district boards of trustees under
13 specific authority and regulations of the State Board of
14 Education and which offer courses and programs of general and
15 academic education parallel to that of the first and second
16 years of work in colleges and universities ~~institutions in the~~
17 ~~State University System~~, of career education, and of adult
18 continuing education.

19 (6) SCHOOL CENTER.--A school center is a place of
20 location of any school or schools on the same or on adjacent
21 sites or on a site under the control of the principal and
22 within a reasonable distance of the main center as prescribed
23 by rule ~~regulations~~ of the State Board ~~Commissioner~~ of
24 Education.

25 (13) SCHOOL DAY.--A school day for any group of
26 students is that portion of the day in which school is
27 actually in session and shall comprise not less than 5 net
28 hours, excluding intermissions, for all grades above the
29 third; not less than 4 net hours for the first three grades;
30 and not less than 3 net hours for kindergarten or
31 prekindergarten students with disabilities, or the equivalent

1 as calculated on a weekly basis. The net hours specified in
2 this subsection shall consist only of instruction in an
3 approved course of study and shall exclude all
4 noninstructional activities as defined by rules of the State
5 Board ~~Commissioner~~ of Education. Three of the last days of the
6 90-day term, and of the 180-day term, may be designated by the
7 district school board as final examination days for secondary
8 school students. These final examination days shall consist of
9 no less than 4 net hours, excluding intermissions. The minimum
10 length of the school day herein specified may be decreased
11 under rules which shall be adopted by the state board for
12 double session schools or programs, experimental schools, or
13 schools operating under emergency conditions.

14 (18) EXCEPTIONAL STUDENT.--The term "exceptional
15 student" means any child or youth who has been determined
16 eligible for a special program in accordance with rules of ~~the~~
17 ~~Commissioner of Education or~~ the State Board of Education. The
18 term "exceptional students" includes students who are gifted
19 and students with disabilities who are mentally handicapped,
20 speech and language impaired, deaf or hard of hearing,
21 visually impaired, dual sensory impaired, physically impaired,
22 emotionally handicapped, specific learning disabled, hospital
23 and homebound, autistic, developmentally delayed children,
24 ages birth through 5 years, or children with established
25 conditions, ages birth through 2 years.

26 (33) TUITION.--The additional fee for instruction
27 provided by a public postsecondary educational institution in
28 this state, which fee is charged to a non-Florida student as
29 defined in rules of the State Board of Education, ~~the State~~
30 ~~Board of Community Colleges, or the Board of Regents~~. A charge
31 for any other purpose shall not be included within this fee.

1 Section 62. Subsection (5) of section 228.055, Florida
2 Statutes, is amended to read:

3 228.055 Regional autism centers.--

4 (5) The State Board ~~Department~~ of Education, in
5 cooperation with the regional autism centers, shall adopt the
6 necessary rules to carry out the purposes of this section.

7 Section 63. Section 228.062, Florida Statutes, is
8 amended to read:

9 228.062 Migrant education program.--The State Board
10 ~~Commissioner~~ of Education shall prescribe such rules as are
11 necessary to provide for the participation of the state in the
12 federal migratory child compensatory education program, which
13 may be funded from federal or other lawful sources. The
14 Department of Education is authorized to plan, fund, and
15 administer educational programs for migrant children in the
16 state, beginning for such children at age 3. Such programs
17 shall be operated through grants to local school districts or
18 through contracts with other public agencies or nonprofit
19 corporations.

20 Section 64. Subsection (2) of section 228.195, Florida
21 Statutes, is amended to read:

22 228.195 School food service programs.--

23 (2) STATE RESPONSIBILITY.--The State Board
24 ~~Commissioner~~ of Education shall prescribe rules and standards
25 covering all phases of the administration and operation of the
26 school food service programs.

27 Section 65. Paragraph (m) of subsection (4),
28 paragraphs (b) and (d) of subsection (9), paragraphs (a) and
29 (b) of subsection (11) and subsections (12), (13), and (14) of
30 section 230.23, Florida Statutes, are amended to read:

31

1 230.23 Powers and duties of school board.--The school
2 board, acting as a board, shall exercise all powers and
3 perform all duties listed below:

4 (4) ESTABLISHMENT, ORGANIZATION, AND OPERATION OF
5 SCHOOLS.--Adopt and provide for the execution of plans for the
6 establishment, organization, and operation of the schools of
7 the district, including, but not limited to, the following:

8 (m) Exceptional students.--Provide for an appropriate
9 program of special instruction, facilities, and services for
10 exceptional students as prescribed by the state board as
11 acceptable, including provisions that:

12 1. The school board provide the necessary professional
13 services for diagnosis and evaluation of exceptional students.

14 2. The school board provide the special instruction,
15 classes, and services, either within the district school
16 system, in cooperation with other district school systems, or
17 through contractual arrangements with approved nonpublic
18 schools or community facilities which meet standards
19 established by the commissioner.

20 3. The school board annually provide information
21 describing the Florida School for the Deaf and the Blind and
22 all other programs and methods of instruction available to the
23 parent or guardian of a sensory-impaired student.

24 4. The school board, once every 3 years, submit to the
25 department its proposed procedures for the provision of
26 special instruction and services for exceptional students.

27 5. No student be given special instruction or services
28 as an exceptional student until after he or she has been
29 properly evaluated, classified, and placed in the manner
30 prescribed by rules of the State Board of Education
31 ~~commissioner~~. The parent or guardian of an exceptional student

1 evaluated and placed or denied placement in a program of
2 special education shall be notified of each such evaluation
3 and placement or denial. Such notice shall contain a statement
4 informing the parent or guardian that he or she is entitled to
5 a due process hearing on the identification, evaluation, and
6 placement, or lack thereof. Such hearings shall be exempt from
7 the provisions of ss. 120.569, 120.57, and 286.011, and any
8 records created as a result of such hearings shall be
9 confidential and exempt from the provisions of s. 119.07(1),
10 to the extent that the State Board of Education ~~commissioner~~
11 adopts rules establishing other procedures. The hearing must
12 be conducted by an administrative law judge from the Division
13 of Administrative Hearings of the Department of Management
14 Services. The decision of the administrative law judge shall
15 be final, except that any party aggrieved by the finding and
16 decision rendered by the administrative law judge shall have
17 the right to bring a civil action in the circuit court. In
18 such an action, the court shall receive the records of the
19 administrative hearing and shall hear additional evidence at
20 the request of either party. In the alternative, any party
21 aggrieved by the finding and decision rendered by the
22 administrative law judge shall have the right to request an
23 impartial review of the administrative law judge's order by
24 the district court of appeal as provided by s. 120.68.
25 Notwithstanding any law to the contrary, during the pendency
26 of any proceeding conducted pursuant to this section, unless
27 the district school board and the parents or guardian
28 otherwise agree, the child shall remain in his or her
29 then-current educational assignment or, if applying for
30 initial admission to a public school, shall be assigned, with
31

1 the consent of the parents or guardian, in the public school
2 program until all such proceedings have been completed.

3 6. In providing for the education of exceptional
4 students, the superintendent, principals, and teachers shall
5 utilize the regular school facilities and adapt them to the
6 needs of exceptional students to the maximum extent
7 appropriate. Segregation of exceptional students shall occur
8 only if the nature or severity of the exceptionality is such
9 that education in regular classes with the use of
10 supplementary aids and services cannot be achieved
11 satisfactorily.

12 (9) SCHOOL PLANT.--Approve plans for locating,
13 planning, constructing, sanitating, insuring, maintaining,
14 protecting, and condemning school property as prescribed in
15 chapter 235 and as follows:

16 (b) Sites, buildings, and equipment.--

17 1. Select and purchase school sites, playgrounds, and
18 recreational areas located at centers at which schools are to
19 be constructed, of adequate size to meet the needs of
20 projected pupils to be accommodated.

21 2. Approve the proposed purchase of any site,
22 playground, or recreational area for which district funds are
23 to be used.

24 3. Expand existing sites.

25 4. Rent buildings when necessary.

26 5. Enter into leases or lease-purchase arrangements,
27 in accordance with the requirements and conditions provided in
28 s. 235.056(2), with private individuals or corporations for
29 the rental of necessary grounds and educational facilities for
30 school purposes or of educational facilities to be erected for
31 school purposes. Current or other funds authorized by law may

1 be used to make payments under a lease-purchase agreement.
2 Notwithstanding any other statutes, if the rental is to be
3 paid from funds received from ad valorem taxation and the
4 agreement is for a period greater than 12 months, an approving
5 referendum must be held. The provisions of such contracts,
6 including building plans, shall be subject to approval by the
7 Department of Education, and no such contract shall be entered
8 into without such approval. As used in this section,
9 "educational facilities" means the buildings and equipment
10 which are built, installed, or established to serve
11 educational purposes and which may lawfully be used. The State
12 Board ~~Commissioner~~ of Education may adopt such rules as are
13 necessary to implement the provisions hereof.

14 6. Provide for the proper supervision of construction.

15 7. Make or contract for additions, alterations, and
16 repairs on buildings and other school properties.

17 8. Ensure that all plans and specifications for
18 buildings provide adequately for the safety and well-being of
19 pupils, as well as for economy of construction.

20 (d) Insurance of school property.--Carry insurance on
21 every school building in all school plants including contents,
22 boilers, and machinery, except buildings of three classrooms
23 or less which are of frame construction and located in a tenth
24 class public protection zone as defined by the Florida
25 Inspection and Rating Bureau, and on all school buses and
26 other property under the control of the school board or title
27 to which is vested in the school board, except as exceptions
28 may be authorized under rules ~~regulations~~ of the State Board
29 of Education ~~commissioner~~.

30
31

1 (11) RECORDS AND REPORTS.--Provide for the keeping of
2 all necessary records and the making of all needed or required
3 reports, as follows:

4 (a) Forms, blanks, and reports.--Require all employees
5 to keep accurately all records and to make promptly in the
6 proper form all reports required by law or by rule ~~regulations~~
7 of the state board ~~or of the commissioner~~.

8 (b) Reports to the department.--Require that the
9 superintendent prepare all reports to the Department of
10 Education that may be required by law or rules ~~regulations~~ of
11 the state board ~~or of the commissioner~~; see that all such
12 reports are promptly transmitted to the department; withhold
13 the further payment of salary to the superintendent or
14 employee when notified by the department that he or she has
15 failed to file any report within the time or in the manner
16 prescribed; and continue to withhold the salary until the
17 school board is notified by the department that such report
18 has been received and accepted; provided, that when any report
19 has not been received by the date due and after due notice has
20 been given to the school board of that fact, the department,
21 if it deems necessary, may require the report to be prepared
22 by a member of its staff, and the school board shall pay all
23 expenses connected therewith. Any member of the school board
24 who is responsible for the violation of this provision is
25 subject to suspension and removal.

26 (12) COOPERATION WITH OTHER DISTRICT SCHOOL
27 BOARDS.--May establish and participate in educational
28 consortia that are designed to provide joint programs and
29 services to cooperating school districts, consistent with the
30 provisions of s. 4(b), Art. IX of the State Constitution. The
31 State Board ~~Commissioner~~ of Education shall adopt rules

1 providing for the establishment, funding, administration, and
2 operation of such consortia.

3 (13) ENFORCEMENT OF LAW AND RULES AND
4 REGULATIONS.--Require that all laws and rules and regulations
5 of the state board, ~~of the commissioner,~~ or of the school
6 board are properly enforced.

7 (14) SCHOOL LUNCH PROGRAM.--Assume such
8 responsibilities and exercise such powers and perform such
9 duties as may be assigned to it by law or as may be required
10 by rules ~~regulations~~ of the State Board of Education
11 ~~commissioner~~ or as in the opinion of the school board are
12 necessary to assure school lunch services, consistent with
13 needs of pupils; effective and efficient operation of the
14 program; and the proper articulation of the school lunch
15 program with other phases of education in the district.

16 Section 66. Paragraph (d) of subsection (3) and
17 subsection (9) of section 230.2316, Florida Statutes, are
18 amended to read:

19 230.2316 Dropout prevention.--

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

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

1 delinquent students in small nontraditional settings or in
2 court-adjudicated settings.

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

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

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

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

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

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

30 4. A student who is habitually truant may be assigned
31 to a second chance school only if the case staffing committee,

1 established pursuant to s. 984.12, determines that such
2 placement could be beneficial to the student and the criteria
3 included in subparagraph 2. are met.

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

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

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

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

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

23 (II) Includes violence;

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

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

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

1 behavior, a reduction in the incidence of truancy, and the
2 development of more effective interpersonal skills.

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

8 8. Students who exhibit academic and social progress
9 and who wish to return to a traditional school shall complete
10 a character development and law education program, as provided
11 in s. 233.0612, and demonstrate preparedness to reenter the
12 regular school setting prior to reentering a traditional
13 school.

14 (9) RULES.--The State Board ~~Department~~ of Education
15 shall have the authority pursuant to ss. 120.536(1) and 120.54
16 to adopt any rules necessary to administer ~~implement the~~
17 ~~provisions of~~ this section; such rules shall require the
18 minimum amount of necessary paperwork and reporting to comply
19 with this act.

20 Section 67. Subsection (23) of section 230.23161,
21 Florida Statutes, is amended to read:

22 230.23161 Educational services in Department of
23 Juvenile Justice programs.--

24 (23) The State Board ~~Department~~ of Education shall
25 have the authority to adopt any rules necessary to administer
26 ~~implement the provisions of~~ this section, including rules
27 governing uniform curriculum, funding, and second chance
28 schools. Such rules shall require the minimum amount of
29 paperwork and reporting necessary to comply with this act.

30 Section 68. Subsection (6) of section 230.23166,
31 Florida Statutes, is amended to read:

1 230.23166 Teenage parent programs.--

2 (6) The State Board ~~Commissioner~~ of Education shall
3 adopt rules necessary to administer ~~implement the provisions~~
4 ~~of this section.~~

5 Section 69. Subsection (4) of section 231.700, Florida
6 Statutes, is amended to read:

7 231.700 Florida Mentor Teacher School Pilot Program.--

8 (4) The State Board ~~Commissioner~~ of Education may
9 adopt rules, pursuant to ss. 120.536(1) and 120.54, for the
10 administration ~~implementation~~ of this section and approval of
11 the mentor teacher school program.

12 Section 70. Paragraph (e) of subsection (1) and
13 subsection (2) of section 232.01, Florida Statutes, are
14 amended to read:

15 232.01 School attendance.--

16 (1)

17 (e) Beginning with the 1991-1992 school year and
18 consistent with rules adopted by the commissioner, children
19 with disabilities who have attained the age of 3 years shall
20 be eligible for admission to public special education programs
21 and for related services under rules adopted by the school
22 board. Exceptional children who are deaf or hard of hearing,
23 visually impaired, dual sensory impaired, severely physically
24 handicapped, trainable mentally handicapped, or profoundly
25 handicapped, or who have established conditions, or exhibit
26 developmental delays, below age 3 may be eligible for special
27 programs; or, if enrolled in other prekindergarten or day care
28 programs, they may be eligible for supplemental instruction.
29 Rules for the identification of established conditions for
30 children birth through 2 years of age and developmental delays

31

1 for children birth through 5 years of age must be adopted by
2 the State Board ~~Commissioner~~ of Education.

3 (2) The State Board ~~Commissioner~~ of Education may
4 adopt rules under which pupils not meeting the entrance age
5 may be transferred from another state if their parents or
6 guardians have been legal residents of that state.

7 Section 71. Subsection (2) of section 232.0315,
8 Florida Statutes, is amended to read:

9 232.0315 School-entry health examinations.--

10 (2) The State Board ~~Department~~ of Education, subject
11 to the concurrence of the Department of Health, shall adopt
12 rules to govern medical examinations performed under this
13 section.

14 Section 72. Section 232.23, Florida Statutes, is
15 amended to read:

16 232.23 Procedures for maintenance and transfer of
17 pupil records.--

18 (1) Each principal shall maintain a permanent
19 cumulative record for each pupil enrolled in a public school.
20 Such record shall be maintained in the form, and contain all
21 data, prescribed by rule by the State Board ~~Commissioner~~ of
22 Education. The cumulative record is confidential and exempt
23 from the provisions of s. 119.07(1) and is open to inspection
24 only as provided in s. 228.093.

25 (2) The procedure for transferring and maintaining
26 records of pupils who transfer from school to school shall be
27 prescribed by rules ~~regulations~~ of the State Board of
28 Education ~~commissioner~~.

29 (3) Procedures relating to the acceptance of transfer
30 work and credit for pupils shall be prescribed by rule by the
31 State Board ~~Commissioner~~ of Education.

1 Section 73. Subsection (6) of section 232.245,
2 Florida Statutes, is amended to read:

3 232.245 Pupil progression; remedial instruction;
4 reporting requirements.--

5 (6) The State Board ~~Commissioner~~ of Education shall
6 adopt rules pursuant to ss. 120.536(1) and 120.54 for the
7 administration of this section.

8 Section 74. Subsection (1) of section 232.25, Florida
9 Statutes, is amended to read:

10 232.25 Pupils subject to control of school.--

11 (1) Subject to law and rules and regulations of the
12 State Board of Education ~~commissioner~~ and of the school board,
13 each pupil enrolled in a school shall:

14 (a) During the time she or he is being transported to
15 or from school at public expense;

16 (b) During the time she or he is attending school;

17 (c) During the time she or he is on the school
18 premises participating with authorization in a
19 school-sponsored activity; and

20 (d) During a reasonable time before and after a pupil
21 is on the premises for attendance at school or for authorized
22 participation in a school-sponsored activity, and only when on
23 the premises,

24
25 be under the control and direction of the principal or teacher
26 in charge of the school, and under the immediate control and
27 direction of the teacher or other member of the instructional
28 staff or of the bus driver to whom such responsibility may be
29 assigned by the principal. However, the State Board of
30 Education ~~commissioner~~ or the district school board may, by
31 rules and regulations, subject each pupil to the control and

1 direction of the principal or teacher in charge of the school
2 during the time she or he is otherwise en route to or from
3 school or is presumed by law to be attending school.

4 Section 75. Subsection (11), paragraph (b) of
5 subsection (12), and subsection (13) of section 234.02,
6 Florida Statutes, are amended to read:

7 234.02 Safety and health of pupils.--Maximum regard
8 for safety and adequate protection of health are primary
9 requirements that must be observed by school boards in routing
10 buses, appointing drivers, and providing and operating
11 equipment, in accordance with all requirements of law and
12 regulations of the commissioner in providing transportation
13 pursuant to s. 234.01:

14 (11) The superintendent shall notify the school board
15 of any school bus that does not meet all requirements of law
16 and rules ~~regulations~~ of the State Board of Education
17 ~~commissioner~~, and the school board shall, if the school bus is
18 in an unsafe condition, withdraw it from use as a school bus
19 until the bus meets the requirements. The Department of
20 Education may inspect or have inspected any school bus to
21 determine whether the bus meets requirements of law and rules
22 ~~regulations~~ of the State Board of Education ~~commissioner~~. The
23 department may, after due notice to a school board that any
24 school bus does not meet certain requirements of law and rules
25 ~~regulations~~ of the State Board of Education ~~commissioner~~, rule
26 that the bus must be withdrawn from use as a school bus, this
27 ruling to be effective forthwith or upon a date to be
28 specified therein, whereupon the school board shall withdraw
29 same from use as a school bus until the bus meets requirements
30 of law and rules ~~regulations~~ of the State Board of Education
31 ~~commissioner~~ and until the department has officially revoked

1 the pertinent ruling. Notwithstanding any other provisions of
2 this chapter, general purpose urban transit systems are
3 declared qualified to transport children to and from school.

4 (12)

5 (b) Each school board, after considering
6 recommendations from the superintendent, shall designate, by
7 map or otherwise, or shall provide by school board rule for
8 the designation of, nontransportation zones that are composed
9 of all areas in the district from which it is unnecessary or
10 impracticable to furnish transportation. Nontransportation
11 zones must be designated annually before the opening of school
12 and the designation of bus routes for the succeeding school
13 year. Each school board, after considering recommendations
14 from the superintendent, shall specifically designate, or
15 shall provide by school board rule for the designation of,
16 specific routes to be traveled regularly by school buses, and
17 each route must meet the requirements prescribed by rules of
18 the State Board of Education ~~commissioner~~.

19 (13) The State Board ~~Commissioner~~ of Education may
20 adopt rules to implement this section as are necessary or
21 desirable in the interest of student health and safety.

22 Section 76. Subsection (6) of section 234.301, Florida
23 Statutes, is amended to read:

24 234.301 Pool purchase of school buses.--

25 (6) The State Board ~~Commissioner~~ of Education may
26 adopt any rule necessary to implement this section, maintain
27 the integrity of the school bus pool purchase program, and
28 ensure the best and lowest price for purchasing school buses
29 by the public school districts.

30 Section 77. Section 229.567, Florida Statutes, is
31 amended to read:

- 1 229.567 School readiness uniform screening.--
- 2 (1)(a) The Department of Education shall adopt the
- 3 school readiness uniform screening developed by the Florida
- 4 Partnership for School Readiness, ~~and shall require that all~~
- 5 ~~school districts administer the kindergarten uniform screening~~
- 6 ~~to each kindergarten student in the district school system~~
- 7 ~~upon the student's entry into kindergarten.~~
- 8 (b) The uniform screening shall provide objective data
- 9 regarding the following expectations for school readiness
- 10 which shall include, at a minimum:
- 11 1. The child's immunizations and other health
- 12 requirements as necessary, including appropriate vision and
- 13 hearing screening and examinations.
- 14 2. The child's physical development.
- 15 3. The child's compliance with rules, limitations, and
- 16 routines.
- 17 4. The child's ability to perform tasks.
- 18 5. The child's interactions with adults.
- 19 6. The child's interactions with peers.
- 20 7. The child's ability to cope with challenges.
- 21 8. The child's self-help skills.
- 22 9. The child's ability to express his or her needs.
- 23 10. The child's verbal communication skills.
- 24 11. The child's problem-solving skills.
- 25 12. The child's following of verbal directions.
- 26 13. The child's demonstration of curiosity,
- 27 persistence, and exploratory behavior.
- 28 14. The child's interest in books and other printed
- 29 materials.
- 30 15. The child's paying attention to stories.
- 31

1 16. The child's participation in art and music
2 activities.

3 17. The child's ability to identify colors, geometric
4 shapes, letters of the alphabet, numbers, and spatial and
5 temporal relationships.

6 (c) Children who enter public school for the first
7 time in first grade must undergo a uniform screening approved
8 by the partnership for use in first grade. Because children
9 with disabilities may not be able to meet all of the
10 identified expectations for school readiness, the plan for
11 measuring school readiness shall incorporate mechanisms for
12 recognizing the potential variations in expectations for
13 school readiness when serving children with disabilities and
14 shall provide for communities to serve children with
15 disabilities.

16 (2) The Department of Education shall implement a
17 school readiness uniform screening, including a pilot program
18 during the 2001-2002 school year, to validate the system
19 recommended by the Florida Partnership for School Readiness as
20 part of a comprehensive evaluation design. Beginning with the
21 2002-2003 school year, the department shall require that all
22 school districts administer the school readiness uniform
23 screening to each kindergarten student in the district school
24 system upon the student's entry into kindergarten. Children
25 who enter public school for the first time in first grade must
26 undergo a uniform screening adopted for use in first grade.
27 The department shall incorporate school readiness data into
28 the K-20 data warehouse for longitudinal tracking.

29 Section 78. Section 229.0074, Florida Statutes, is
30 amended to read:
31

1 229.0074 Commission for ~~Division of~~ Independent
2 Education.--

3 ~~(1) The mission of the Division of Independent~~
4 ~~Education is to enhance the opportunity to raise the~~
5 ~~educational attainment levels of students pursuing their~~
6 ~~education in nongovernment settings by representing their~~
7 ~~interests, and those of the institutions that serve them, in~~
8 ~~the Department of Education. The Division of Independent~~
9 ~~Education has no authority over the institutions or students~~
10 ~~in Florida's independent education sector. The Commission for~~
11 ~~Independent Education, administratively housed within the~~
12 ~~division, shall have such authority as specified in chapter~~
13 ~~246 relating to independent postsecondary education, except~~
14 ~~regarding those institutions described in s. 229.0073(4)(c).~~
15 ~~The division shall serve as the advocate for, and liaison to,~~
16 ~~independent education providers and institutions, including~~
17 ~~home education programs that meet the requirements of s.~~
18 ~~232.0201, private K-12 institutions as described in s.~~
19 ~~229.808, independent colleges and universities except as~~
20 ~~otherwise provided in s. 229.0073(4)(c), and private~~
21 ~~postsecondary career preparation/vocational training~~
22 ~~institutions.~~

23 ~~(2) The executive director of the division shall~~
24 ~~establish a mechanism for regular interaction and input from~~
25 ~~independent education providers in the development of policies~~
26 ~~that provide seamless articulation for all students. The~~
27 ~~executive director shall:~~

28 ~~(a) Learn the interests and concerns of the students~~
29 ~~and providers of independent education at all levels in order~~
30 ~~to strongly represent them in the Department of Education.~~

31

1 ~~(b) Articulate the interests and concerns of the~~
2 ~~students and providers of independent education at all levels~~
3 ~~in all relevant government settings, accurately reflecting the~~
4 ~~consensus or differences in opinion among those represented.~~

5 ~~(c) Participate with the other division heads in key~~
6 ~~education decisionmaking processes.~~

7 ~~(d) Monitor and participate in rulemaking and other~~
8 ~~activities relevant to the interests of the independent~~
9 ~~education sector.~~

10 ~~(e) Serve as a key spokesperson for the independent~~
11 ~~education sector.~~

12 ~~(f) Advocate for any necessary educational services~~
13 ~~and funds for independent education sector families and~~
14 ~~schools.~~

15 ~~(g) Establish a clearinghouse of information.~~

16 ~~(h) Foster a collaborative spirit and working~~
17 ~~relationship among the institutions of the private and public~~
18 ~~sectors.~~

19 ~~(i) Identify and convey the best practices of the~~
20 ~~independent education sector for the benefit of the other~~
21 ~~education delivery sectors, and vice versa.~~

22 ~~(j) Augment, where appropriate, the efforts of groups~~
23 ~~representing the students and providers of independent~~
24 ~~education to communicate their concerns to government.~~

25 ~~(k) Facilitate the administration of education~~
26 ~~services provided by the Department of Education to the~~
27 ~~independent education sector, such as those relating to~~
28 ~~teacher certification and background checks.~~

29 ~~(l) Encourage student-centered funding and the~~
30 ~~expansion of family choice in education.~~

31

1 ~~(m) Develop and propose courses of action to the~~
2 ~~representatives of the independent education sector.~~

3 ~~(n) Communicate relevant decisions to the independent~~
4 ~~education sector.~~

5 ~~(o) Establish and oversee the division staff necessary~~
6 ~~to carry out the division's functions in the most economical~~
7 ~~and effective manner.~~

8 ~~(p) Evaluate pending policies to ensure they do not~~
9 ~~place additional regulation or mandates on the independent~~
10 ~~education community.~~

11 ~~(3) The powers and duties of the State Board of~~
12 ~~Independent Colleges and Universities and the State Board of~~
13 ~~Nonpublic Career Education, except as relating to any~~
14 ~~independent nonprofit college or university whose students are~~
15 ~~eligible to receive the William L. Boyd, IV, Florida resident~~
16 ~~access grants pursuant to s. 240.605, shall be combined and~~
17 ~~transferred to a single board named the Commission for~~
18 ~~Independent Education, which shall be administratively housed~~
19 ~~within the division. This single board shall authorize~~
20 ~~granting of certificates, diplomas, and degrees for~~
21 ~~independent postsecondary education institutions through~~
22 ~~exemption, registration, authorization, and licensing.~~

23 ~~(4) The Commission for Independent Education shall~~
24 ~~consist of six citizens who are residents of this state. The~~
25 ~~commission shall function in matters relating to independent~~
26 ~~postsecondary education institutions in consumer protection,~~
27 ~~program improvement, registration, authorization, licensure,~~
28 ~~and certificate of exemption from licensure for institutions~~
29 ~~under its purview, in keeping with the stated goals of the~~
30 ~~seamless K-20 education system. The commission shall appoint~~
31 ~~an executive director to serve as secretary of the commission~~

1 ~~and shall elect a chair and other officers as needed from~~
2 ~~among its membership. Members of the commission shall be~~
3 ~~appointed by the Governor and confirmed by the Senate. The~~
4 ~~commission shall be composed of six members, as follows:~~

5 ~~(a) One member from an independent college or~~
6 ~~university that enrolls students who receive state or federal~~
7 ~~financial aid.~~

8 ~~(b) One member from an independent college or~~
9 ~~university that does not enroll students who receive state or~~
10 ~~federal financial aid excluding veteran's benefits.~~

11 ~~(c) One member from an independent nondegree-granting~~
12 ~~school that enrolls students who receive state or federal~~
13 ~~financial aid.~~

14 ~~(d) One member from a public school district or~~
15 ~~community college who is an administrator of~~
16 ~~vocational-technical education.~~

17 ~~(e) Two lay members who are not affiliated with an~~
18 ~~independent postsecondary education institution.~~

19 ~~(5) The establishment of the Division of Independent~~
20 ~~Education shall not be construed to advance the extension or~~
21 ~~expansion of government regulation of independent or home~~
22 ~~education programs, and nothing contained in this act shall~~
23 ~~authorize the state or any school district to further~~
24 ~~regulate, control, or interfere with the autonomy of~~
25 ~~independent K-12 schools or home education programs, or their~~
26 ~~governance, curriculum, accreditation, testing, or other~~
27 ~~practices.~~

28 Section 79. Paragraph (d) is added to subsection (1)
29 of section 229.58, Florida Statutes, to read:

30 229.58 District and school advisory councils.--

31 (1) ESTABLISHMENT.--

1 (d) Each area technical center operated by a school
2 district shall establish a center advisory council. The
3 council shall assist in the preparation and evaluation of
4 center improvement plans required by s. 230.23(16) and may
5 provide assistance, upon the request of the center director,
6 in the preparation of the center's annual budget and plan as
7 required by s. 229.555(1).

8 Section 80. Subsection (5) is added to section
9 229.8075, Florida Statutes, to read:

10 229.8075 Florida Education and Training Placement
11 Information Program.--

12 (5) To measure and report program enrollments and
13 completions, the Department of Education shall use data in the
14 automated student databases generated by the public schools
15 and community colleges. To measure and report placement rates
16 and amount of earnings at the time of placement, the
17 department shall use data in the reports produced by the
18 Florida Education and Training Placement Information Program.
19 If any placement information is not available from the Florida
20 Education and Training Placement Information Program, the
21 school district or the community college may provide placement
22 information collected by the school district or the community
23 college. However, this supplemental information must be
24 verifiable by the department and must not be commingled with
25 the database maintained by the Florida Education and Training
26 Placement Information Program. The State Board of Education
27 shall specify by rule the statistically valid, verifiable,
28 uniform procedures by which school districts and community
29 colleges may collect and report placement information to
30 supplement the reports from the Florida Education and Training
31 Placement Information Program.

1 Section 81. Section 229.8052, Florida Statutes, is
2 repealed.
3 Section 82. Section 229.008, Florida Statutes, is
4 repealed.
5 Section 83. Section 229.0081, Florida Statutes, is
6 repealed.
7 Section 84. Section 229.0082, Florida Statutes, is
8 repealed.
9 Section 85. Section 229.76, Florida Statutes, is
10 repealed.
11 Section 86. Effective June 30, 2002, section 229.8065,
12 Florida Statutes, is repealed.
13 Section 87. Subsection (2) of section 233.17, Florida
14 Statutes, is amended to read:
15 233.17 Term of adoption for instructional materials.--
16 (2) The department shall publish annually an official
17 schedule of subject areas to be called for adoption for each
18 of the succeeding 2 years, and a tentative schedule for years
19 3, 4, 5, and 6. If extenuating circumstances warrant, the
20 Commissioner of Education may order the department to add one
21 or more subject areas to the official schedule, in which event
22 the commissioner shall develop criteria for such additional
23 subject area or areas pursuant to s. 229.512(16)~~s.~~
24 ~~229.512(18)~~and make them available to publishers as soon as
25 practicable. Notwithstanding the provisions of s. 229.512(16)
26 ~~s. 229.512(18)~~, the criteria for such additional subject area
27 or areas may be provided to publishers less than 24 months
28 before the date on which bids are due. The schedule shall be
29 developed so as to promote balance among the subject areas so
30 that the required expenditure for new instructional materials
31

1 is approximately the same each year in order to maintain
2 curricular consistency.

3 Section 88. (1) The Commissioner of Education shall
4 recommend to the Florida Board of Education performance goals
5 for addressing the educational needs of the state for the K-20
6 education system. The Council for Education Policy Research
7 and Improvement, as an independent entity, shall develop a
8 report card assigning grades to indicate Florida's progress
9 toward meeting those goals. The annual report card shall
10 contain information showing Florida's performance relative to
11 other states on selected measures, as well as Florida's
12 ability to meet the need for postsecondary degrees and
13 programs and how well the Legislature has provided resources
14 to meet this need. The information shall include the results
15 of the National Assessment of Educational Progress or a
16 similar national assessment program administered to students
17 in Florida. By January 1, 2003, the Council for Education
18 Policy Research and Improvement shall submit the report card
19 to the Legislature, the Governor, and the public. Prior to the
20 regular legislative session, the Commissioner of Education
21 shall present to the Legislature a plan for correcting any
22 deficiencies identified in the report card.

23 (2) This section shall take effect July 1, 2002, and
24 expire January 7, 2003.

25 Section 89. Section 229.136, Florida Statutes, is
26 created to read:

27 229.136 Rules adopted pursuant to statutes amended by
28 this act; effect.--All rules of the State Board of Education,
29 the Commissioner of Education, and the Department of Education
30 adopted pursuant to the provisions of law amended by this act,
31 in effect on January 2, 2003, remain in effect until

1 specifically amended or repealed in the manner provided by
2 law.

3 Section 90. Effective January 7, 2003, the
4 administrative rules of the Department of Education and the
5 Commissioner of Education shall become the rules of the State
6 Board of Education.

7 Section 91. Effective January 7, 2003, the
8 administrative rules of the State Board of Education shall
9 become the rules of the appointed State Board of Education.

10 Section 92. All administrative rules of the State
11 Board of Education, the Commissioner of Education, and the
12 Department of Education are transferred by a type two
13 transfer, as defined in section 20.06(2), Florida Statutes, to
14 the appointed State Board of Education.

15 Section 93. This act shall not affect the validity of
16 any judicial or administrative action involving the Department
17 of Education, pending on January 7, 2003. This act shall not
18 affect the validity of any judicial or administrative action
19 involving the Commissioner of Education or the State Board of
20 Education, pending on January 7, 2003, and the appointed State
21 Board of Education shall be substituted as a party of interest
22 in any such action.

23 Section 94. Except as otherwise provided in this act,
24 this act shall take effect January 7, 2003.

25
26
27
28
29
30
31

1 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
2 COMMITTEE SUBSTITUTE FOR
3 Senate Bill 1586

4 Creates new duties for the Commissioner of Education,
5 including:

6 -serving as the primary source of information to the
7 Legislature about the K-20 system;

8 -developing and implementing a process related to requests for
9 the allocation of PECO funds for qualified postsecondary
10 projects;

11 -working with the boards of trustees of the universities,
12 colleges, and community colleges;

13 -recommending to the State Board of Education performance
14 goals; and

15 -working with the Legislature to recommend funding priorities
16 for the distribution of capital outlay funds for postsecondary
17 institutions.

18 The committee substitute also:

19 -requires the Council for Education Policy Research and
20 Improvement to develop an annual report card assigning grades
21 to reflect Florida's progress toward meeting performance goals
22 and requires a corrective plan from the Commissioner;

23 -requires the consideration of the contributions of all
24 education providers when developing the long range plan;

25 -expands the composition of the Articulation Coordinating
26 Committee to 17 members;

27 -subjects a member of the State Board of Education to removal
28 for cause upon a determination by a court that the member has
29 violated the public meetings laws for the second time and
30 requires removal for a knowing violation; and

31 -makes several technical changes.