

By the Committees on Appropriations; Education; and Senator
Villalobos

309-2285-02

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 Secretary for the Florida Board of Education to
28 make recommendations; requiring a report;
29 creating 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; creating the
14 "Education Investment Act"; providing
15 definitions; providing legislative intent for
16 certain investments and enhancements;
17 authorizing certain programs; authorizing
18 improved curriculum; requiring improved
19 counseling ratios in certain schools;
20 authorizing academic preparation tools,
21 including test preparation study skills and
22 advanced writing programs for certain students;
23 authorizing the development of programs through
24 the Internet; providing for separation of open
25 enrollment programs within schools for certain
26 purposes; authorizing expanded student
27 assistance programs at universities;
28 authorizing fee waivers for students and former
29 students of certain schools; authorizing rules
30 of the Board of Education; authorizing
31 state-funded test-preparation courses for

1 certain students; requiring school districts to
2 develop a plan for a foreign-language
3 curriculum; requiring the Department of
4 Education to prepare a summary of the plans;
5 providing effective dates.
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7 Be It Enacted by the Legislature of the State of Florida:
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9 Section 1. Subsection (6) of section 39.0015, Florida
10 Statutes, is amended to read:

11 39.0015 Child abuse prevention training in the
12 district school system.--

13 (6) The department shall administer this section and
14 the State Board of Education may ~~in so doing is authorized to~~
15 adopt rules and standards necessary to administer ~~implement~~
16 the specific provisions of this section.

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

19 112.19 Law enforcement, correctional, and correctional
20 probation officers; death benefits.--

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

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

26 112.191 Firefighters; death benefits.--

27 (5) The State Board ~~Department~~ of Education is
28 directed to promulgate rules and procedures as are necessary
29 to administer ~~implement~~ the educational benefits provisions of
30 this section.
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1 Section 4. Paragraph (e) of subsection (6) of section
2 220.187, Florida Statutes, is amended to read:

3 220.187 Credits for contributions to nonprofit
4 scholarship-funding organizations.--

5 (6) ADMINISTRATION; RULES.--

6 (e) The State Board ~~Department~~ of Education shall
7 adopt rules necessary to determine eligibility of nonprofit
8 scholarship-funding organizations as defined in paragraph
9 (2)(d) and according to the provisions of subsection (4) and
10 identify qualified students as defined in paragraph (2)(e).

11 Section 5. Section 229.001, Florida Statutes, is
12 repealed.

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

15 229.002 Declaration of policy and guiding
16 principles.--

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

18 (a) To achieve within existing resources ~~true systemic~~
19 ~~change in education governance by establishing~~ a seamless
20 academic educational system that fosters an integrated
21 continuum of kindergarten through graduate school education
22 for Florida's residents ~~citizens~~.

23 (b) To promote enhanced academic success and funding
24 efficiency ~~by centralizing the governance~~ of educational
25 delivery systems by ~~and~~ aligning responsibility with
26 accountability.

27 (c) To provide consistent education policy ~~vertically~~
28 ~~and horizontally~~ across all educational delivery systems,
29 focusing on students.

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1 (d) To provide substantially improved ~~vertical and~~
2 ~~horizontal~~ articulation across all educational delivery
3 systems.

4 (e) To provide for the decentralization ~~devolution~~ of
5 authority to the schools, community colleges, universities,
6 and other education institutions that deliver ~~are the actual~~
7 ~~deliverers of~~ educational services to the public ~~in order to~~
8 ~~provide student-centered education services within the clear~~
9 ~~parameters of the overarching education policy established by~~
10 ~~the Legislature.~~

11 (f) To ensure that independent education institutions
12 and home education programs maintain their independence,
13 autonomy, and nongovernmental status.

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

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

19 229.0031 Council for Education Policy Research and
20 Improvement.--Effective July 1, 2001, the Council for
21 Education Policy Research and Improvement is created as an
22 independent office under the Office of Legislative Services,
23 pursuant to s. 11.147. The council shall conduct and review
24 education research, provide independent analysis on education
25 progress, and provide independent evaluation of education
26 issues of statewide concern. The Office of Legislative
27 Services shall provide administrative functions of the
28 council, pursuant to joint policies of the Legislature.

29 (4) The council shall:

30 (c) Prepare and submit to the State ~~Florida~~ Board of
31 Education a long-range master plan for education. The plan

1 must include consideration of the promotion of quality,
2 fundamental educational goals, programmatic access, needs for
3 remedial education, regional and state economic development,
4 international education programs, demographic patterns,
5 student demand for programs, needs of particular subgroups of
6 the population, implementation of innovative educational
7 techniques and technology, and requirements of the labor
8 market. The plan must evaluate the capacity of existing
9 programs in public and independent institutions to respond to
10 identified needs, and the council shall recommend efficient
11 alternatives to address unmet needs. The council shall update
12 the master plan at least every 5 years.

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

17 (f) Recommend to the Legislature and the State ~~Florida~~
18 Board of Education legislation and rules for the educational
19 accountability system that support the policies and guiding
20 principles of s. 229.002.

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

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

28 (l) Assist the State ~~Florida~~ Board of Education in the
29 conduct of its educational responsibilities in such capacities
30 as the board considers appropriate.

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1 Section 9. Section 229.004, Florida Statutes, is
2 repealed.

3 Section 10. Section 229.005, Florida Statutes, is
4 repealed.

5 Section 11. Effective March 1, 2003, section 229.006,
6 Florida Statutes, is repealed.

7 Section 12. Section 229.0061, Florida Statutes, is
8 repealed.

9 Section 13. Paragraphs (b) and (c) of subsection (1)
10 and subsection (2) of section 229.007, Florida Statutes, are
11 amended to read:

12 229.007 Florida's K-20 education performance
13 accountability system; legislative intent; performance-based
14 funding; mission, goals, and systemwide measures.--

15 (1) LEGISLATIVE INTENT.--It is the intent of the
16 Legislature that:

17 (b) The State ~~Florida~~ Board of Education recommend to
18 the Legislature systemwide performance standards; the
19 Legislature establish systemwide performance measures and
20 standards; and the systemwide measures and standards provide
21 Floridians with information on what the public is getting in
22 return for the funds it invests in education and how well the
23 K-20 system educates its students.

24 (c) The State ~~Florida~~ Board of Education establish
25 performance measures and set performance standards for
26 individual components of the public education system,
27 including individual schools and postsecondary education
28 institutions, which measures and standards are based primarily
29 on student achievement.

30 (2) PERFORMANCE-BASED FUNDING.--The State ~~Florida~~
31 Board of Education shall work with ~~the chancellors~~ and each

1 delivery system to develop proposals for performance-based
2 funding, using performance measures established by the
3 Legislature. The proposals must provide that at least 10
4 percent of the state funds appropriated for the K-20 education
5 system are conditional upon meeting or exceeding established
6 performance standards. The State ~~Florida~~ Board of Education
7 must submit the recommendations to the Legislature in the
8 following sequence:

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

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

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

18 (d) By December 1, 2005, recommendations for all other
19 programs that receive state funds within the Department of
20 Education.

21 Section 14. Section 229.0072, Florida Statutes, is
22 repealed.

23 Section 15. Section 229.0073, Florida Statutes, is
24 repealed.

25 Section 16. Section 229.011, Florida Statutes, is
26 amended to read:

27 229.011 State functions.--Public education is
28 basically a function of the state. The state retains and
29 responsibility of the state. ~~The responsibility~~ for
30 establishing standards and regulations to assure efficient
31 operation of a K through 20 system of public education ~~at~~

1 ~~schools~~ and adequate educational opportunities for all
2 ~~individuals children is retained by the state.~~

3 Section 17. Notwithstanding subsection (7) of section
4 3 of chapter 2000-321, Laws of Florida, section 229.012,
5 Florida Statutes, is not repealed on January 7, 2003, as
6 provided in that act, but that section is reenacted and
7 amended to read:

8 229.012 Composition of the State Board of Education.--

9 (1)(a) The State Board of Education is established as
10 a body corporate. The board shall be a citizen board
11 consisting of seven members who are residents of the state
12 appointed by the Governor to staggered 4-year terms, subject
13 to confirmation by the Senate. Members of the board shall
14 serve without compensation, but shall be entitled to
15 reimbursement of travel and per diem expenses in accordance
16 with s. 112.061. Members may be reappointed by the Governor
17 for additional terms not to exceed 8 years of consecutive
18 service.

19 (b) The State Board of Education shall select a chair
20 and a vice chair from its appointed members. The chair shall
21 serve a 2-year term and may be reselected for one additional
22 consecutive term.~~The State Board of Education shall consist~~
23 ~~of the Governor, the Secretary of State, the Attorney General,~~
24 ~~the Comptroller, the Treasurer, the Commissioner of~~
25 ~~Agriculture, and the Commissioner of Education. The Governor~~
26 ~~shall be the chair of the board, and the Commissioner of~~
27 ~~Education shall be its secretary and executive officer.~~

28 Section 18. Notwithstanding subsection (7) of section
29 3 of chapter 2000-321, Laws of Florida, section 229.053,
30 Florida Statutes, is not repealed on January 7, 2003, as
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1 provided in that act, but that section is reenacted and
2 amended to read:

3 229.053 General powers of state board.--

4 (1) The State Board of Education is the chief
5 policymaking and coordinating body of public education in
6 Florida and it shall focus on high-level policy decisions. It
7 has authority to adopt rules pursuant to ss. 120.536(1) and
8 120.54 to implement the provisions of law conferring duties
9 upon it for the improvement of the state system of public
10 education. Except as otherwise provided herein, it may, as it
11 shall find appropriate, delegate its general powers to the
12 Commissioner of Education or the directors of the divisions of
13 the department.

14 (2) The board has the following duties:

15 (a) To adopt comprehensive educational objectives for
16 public education.

17 (b) To adopt comprehensive long-range plans and
18 short-range programs for the development of the state system
19 of public education.

20 (c) To exercise general supervision over the divisions
21 of the Department of Education as necessary to ensure
22 coordination of educational plans and programs and resolve
23 controversies and to minimize problems of articulation and
24 student transfers, to assure that students moving from one
25 level of education to the next have acquired competencies
26 necessary for satisfactory performance at that level, and to
27 ensure maximum utilization of facilities.

28 (d) To adopt for public universities, colleges, and
29 community colleges, and from time to time modify, minimum and
30 uniform standards of college-level communication and
31 computation skills generally associated with successful

1 performance and progression through the baccalaureate level
2 and to identify college-preparatory high school coursework and
3 postsecondary-level coursework that prepares students with the
4 academic skills necessary to succeed in postsecondary
5 education.

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

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

22 (g) To approve plans for cooperating with the Federal
23 Government.

24 (h) To approve plans for cooperating with other public
25 agencies in the development of regulations and in the
26 enforcement of laws for which the state board and such
27 agencies are jointly responsible.

28 (i) To review plans for cooperating with appropriate
29 nonpublic agencies for the improvement of conditions relating
30 to the welfare of schools.

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

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

6 (l) To assist in the economic development of the state
7 by developing a state-level planning process to identify
8 future training needs for industry, especially high-technology
9 industry.

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

13 (n) To adopt cohesive rules pursuant to ss. 120.536(1)
14 and 120.54, within statutory authority, for education
15 systemwide issues.

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

18 (p)~~(n)~~ To contract with independent institutions
19 accredited by an agency whose standards are comparable to the
20 minimum standards required to operate a postsecondary
21 education institution at that level in the state. The purpose
22 of the contract is to provide holding membership in the
23 ~~Commission on Recognition of Postsecondary Accreditation for~~
24 ~~the provision of~~ those educational programs and facilities
25 which will meet needs unfulfilled by the state system of
26 public postsecondary education.

27 (q)~~(o)~~ To recommend that a district school board take
28 action consistent with the state board's decision relating to
29 an appeal of a charter school application.

30 (r) To enforce systemwide education goals and
31 policies.

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

4 (t) To establish accountability standards for existing
5 legislative performance goals, standards, and measures, and
6 order the development of mechanisms to implement new
7 legislative goals, standards, and measures.

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

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

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

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

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

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

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

28 (3) The State Board of Education shall adopt rules to
29 establish the criteria for assigning, reviewing, and removing
30 limited-access status to an educational program. The State
31 Board of Education shall monitor the extent of limited-access

1 programs within the state universities and colleges and report
2 to the Legislature admissions and enrollment data for
3 limited-access programs. Such report shall be submitted
4 annually by December 1 and shall assist in determining the
5 potential need for academic-program contracts with independent
6 institutions pursuant to s. 229.053. The report must specify,
7 for each limited-access program within each institution, the
8 following categories, by race and gender:

- 9 1. The number of applicants.
- 10 2. The number of applicants granted admission.
- 11 3. The number of applicants who are granted admission
12 and enroll.
- 13 4. The number of applicants denied admission.
- 14 5. The number of applicants neither granted admission
15 nor denied admission.

16
17 Each category must be reported for each term. Each category
18 must be reported by type of student, including the following
19 subcategories: native student, community college
20 associate-in-arts-degree transfer students, and other
21 students. Each category and subcategory must further be
22 reported according to the number of students who meet or
23 exceed the minimum eligibility requirements for admission to
24 the program and the number of students who do not meet or
25 exceed the minimum eligibility requirements for admission to
26 the program.

27 (4) The State Board of Education shall review, and
28 approve or disapprove, baccalaureate-degree programs that
29 exceed 120 semester hours, after considering accreditation
30 requirements, employment and earnings of graduates,
31 comparative program lengths nationally, and comparisons with

1 similar programs offered by independent institutions. By
2 December 31 of each year, the State Board of Education must
3 report to the Legislature any degrees in the state
4 universities and colleges which require more than 120 hours,
5 along with appropriate evidence of need. At least every 5
6 years, the State Board of Education must determine whether the
7 programs still require more than the standard length of 120
8 hours.

9 (5) The State Board of Education shall adopt a
10 systemwide strategic plan that specifies goals and objectives
11 for the state universities and colleges. In developing this
12 plan, the State Board of Education shall consider the role of
13 individual public and independent institutions within the
14 state. The plan shall provide for the roles of the
15 universities and colleges to be coordinated to best meet state
16 needs and reflect cost-effective use of state resources. The
17 strategic plan must clarify mission statements and identify
18 degree programs to be offered at each university and college
19 in accordance with the objectives provided in this subsection.
20 The systemwide strategic plan must cover a period of 5 years,
21 with modification of the program lists after 2 years.
22 Development of each 5-year plan must be coordinated with and
23 initiated after completion of the master plan. The systemwide
24 and university and college strategic plans must specifically
25 include programs and procedures for responding to the
26 educational needs of teachers and students in the public
27 schools of this state. The State Board of Education shall
28 submit a report to the President of the Senate and the Speaker
29 of the House of Representatives upon modification of the
30 system plan.

31

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

13 (7) The State Board of Education shall:

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

17 (b) Specify, by rule, procedures to be used by the
18 boards of trustees in the annual evaluations of presidents and
19 formally review the evaluations of presidents by the boards of
20 trustees.

21 (c) Establish an effective information system that
22 will provide composite data concerning the community colleges
23 and assure that special analyses and studies concerning the
24 colleges are conducted, as necessary, for provision of
25 accurate and cost-effective information concerning the
26 colleges and the community college system as a whole.

27 (d) Establish criteria for making recommendations for
28 modifying district boundary lines and for making
29 recommendations concerning all proposals for the establishment
30 of additional centers or campuses for community colleges.

31

1 (e) Examine the annual administrative review of each
2 community college.

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

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

9 (a) Establish the matriculation and tuition fees for
10 college-preparatory instruction and for credit instruction
11 that may be counted toward an associate-in-arts degree, an
12 associate-in-applied-science degree, or an
13 associate-in-science degree.

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

16 (9) The State Board of Education shall prescribe
17 minimum standards, definitions, and guidelines for community
18 colleges which will assure the quality of education,
19 coordination among the community colleges, and efficient
20 progress toward accomplishing the community college mission.
21 At a minimum, these rules must address:

22 (a) Personnel.

23 (b) Contracting.

24 (c) Program offerings and classification, including
25 college-level communication and computation skills associated
26 with successful performance in college, with tests and other
27 assessment procedures that measure student achievement of
28 those skills. The performance measures must provide that
29 students moving from one level of education to the next
30 acquire the necessary competencies for that level.

31

1 (d) Provisions for curriculum development, graduation
2 requirements, college calendars, and program service areas.

3 These provisions must include rules that:

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

7 2. Require all of the credits accepted for the
8 associate-in-arts degree to be in the common course numbering
9 and designation system as credits towards a baccalaureate
10 degree offered by a college or university as defined in s.
11 240.2011.

12 3. Require no more than 36 semester credit hours in
13 general education courses in the subject areas of
14 communication, mathematics, social sciences, humanities, and
15 natural sciences.

16
17 The rules should encourage community colleges to enter into
18 agreements with state universities and colleges which allow
19 community college students to complete upper-division-level
20 courses at a community college. An agreement may provide for
21 concurrent enrollment at the community college and the
22 university or college and may authorize the community college
23 to offer an upper-division-level course or distance learning.

24 (e) Student admissions, conduct and discipline,
25 nonclassroom activities, and fees.

26 (f) Budgeting.

27 (g) Business and financial matters.

28 (h) Student services.

29 (i) Reports, surveys, and information systems,
30 including forms and dates of submission.

31

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

11 Section 19. Section 229.133, Florida Statutes, is
12 repealed.

13 Section 20. Notwithstanding subsection (7) of section
14 3 of chapter 2000-321, Laws of Florida, section 229.512,
15 Florida Statutes, is not repealed on January 7, 2003, as
16 provided in that act, but that section is reenacted and
17 amended to read:

18 229.512 Commissioner of Education; general powers and
19 duties.--The Commissioner of Education is the chief
20 educational officer of the state, and is responsible for
21 enforcing compliance with the mission and goals of the
22 seamless K-20 education system. The commissioner has the
23 following general powers and duties:

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

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

30 (2)(3) To advise and counsel with the State Board of
31 Education on all matters pertaining to education; to recommend

1 to the State Board of Education actions and policies as, in
2 the commissioner's opinion, should be acted upon or adopted;
3 and to execute or provide for the execution of all acts and
4 policies as are approved.

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

7 (3)~~(5)~~ To keep such records as are necessary to set
8 forth clearly all acts and proceedings of the state board.

9 (4)~~(6)~~ To have a seal for his or her office with
10 which, in connection with his or her own signature, the
11 commissioner shall authenticate true copies of decisions,
12 acts, or documents.

13 (5)~~(7)~~ To assemble all data relative to the
14 preparation of the long-range plan for the development of the
15 state system of public education, taking into consideration
16 the contributions of all providers of education; to propose
17 for adoption by the State Board of Education such a plan; and
18 to propose revisions in the plan as may be necessary.

19 (6)~~(8)~~ To recommend to the State Board of Education
20 policies and steps designed to protect and preserve the
21 principal of the State School Fund; to provide an assured and
22 stable income from the fund; to execute such policies and
23 actions as are approved; and to administer the State School
24 Fund.

25 (7)~~(9)~~ To take action on the release of mineral rights
26 based upon the recommendations of the Board of Trustees of the
27 Internal Improvement Trust Fund.

28 (8)~~(10)~~ To submit to the State Board of Education, on
29 or before August 1 of each year at least 30 days prior to the
30 date fixed herein, recommendations for a coordinated K-20
31 education budget that estimates the ~~of~~ expenditures for the

1 State Board of Education, including the Department of
2 Education, the Commissioner of Education, and all of the
3 boards, institutions, agencies, and services under the general
4 supervision of the State Board of Education for the ensuing
5 fiscal year. Any program recommended to the State Board of
6 Education which will require increases in state funding for
7 more than 1 year must be presented in a multiyear budget plan.

8 (9)~~(11)~~ To develop and implement a plan for
9 cooperating with the Federal Government in carrying out any or
10 all phases of the educational program and to recommend
11 policies for administering funds that are appropriated by
12 Congress and apportioned to the state for any or all
13 educational purposes.

14 (10)~~(12)~~ To develop and implement policies for
15 cooperating with other public agencies in carrying out those
16 phases of the program in which such cooperation is required by
17 law or is deemed by the commissioner to be desirable and to
18 cooperate with public and nonpublic agencies in planning and
19 bringing about improvements in the educational program.

20 (11)~~(13)~~ To prepare forms and procedures as are
21 necessary to be used by district school boards and all other
22 educational agencies to assure uniformity, accuracy, and
23 efficiency in the keeping of records, the execution of
24 contracts, the preparation of budgets, or the submission of
25 reports; to furnish at state expense, when deemed advisable by
26 the commissioner, those forms that can more economically and
27 efficiently be provided.

28 (12)~~(14)~~ To implement a program of school improvement
29 and education accountability designed to provide all students
30 the opportunity to make adequate learning gains in each year
31 of school as provided by statute and State Board of Education

1 rule based upon the achievement of the state education goals,
2 recognizing the following:

3 (a) The State Board of Education as the body corporate
4 responsible for the supervision of the system of public
5 education;~~;~~

6 (b) The school board as responsible for school and
7 student performance;~~;~~ ~~and~~

8 (c) The individual school as the unit for education
9 accountability.

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

12 (e) The university or college board of trustees is
13 responsible for university or college performance and student
14 performance.

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

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

23 ~~(14)(b)~~ To prepare and publish annually reports giving
24 statistics and other useful information pertaining to the
25 Opportunity Scholarship Program.

26 ~~(15)(17)~~ To have printed copies of school laws, forms,
27 instruments, instructions, and regulations of the State Board
28 of Education and provide for their distribution.

29 ~~(16)(18)~~ To develop criteria for use by state
30 instructional materials committees in evaluating materials
31 submitted for adoption consideration. The criteria shall, as

1 appropriate, be based on instructional expectations reflected
2 in curriculum frameworks and student performance standards.
3 The criteria for each subject or course shall be made
4 available to publishers of instructional materials at least 24
5 months prior to the date on which bids are due as provided by
6 s. 233.14, except as otherwise permitted under s. 233.17(2).
7 It is the intent of the Legislature that publishers have ample
8 time to develop instructional materials designed to meet
9 requirements in this state.

10 (17)~~(19)~~ To prescribe procedures for evaluating
11 instructional materials submitted by publishers and
12 manufacturers in each adoption.

13

14 The commissioner's office shall operate all statewide
15 functions necessary to support the State Board of Education
16 and the K-20 education system, including strategic planning
17 and budget development, general administration, and assessment
18 and accountability.

19 Section 21. Section 229.513, Florida Statutes, is
20 repealed.

21 Section 22. Section 229.515, Florida Statutes, is
22 repealed.

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

25 229.516 Commissioner of Education; other duties.--

26 (1) The Commissioner of Education must independently
27 perform the following duties:

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

30 (b) Serve as the primary source of information to the
31 Legislature, including the President of the Senate and the

1 Speaker of the House of Representatives, concerning the State
2 Board of Education and the K-20 education system;

3 (c) Develop and implement a process for receiving and
4 processing requests, in conjunction with the Legislature, for
5 the allocation of PECO funds for qualified postsecondary
6 education projects;

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

9 (e) Monitor the activities of the State Board of
10 Education and provide information related to current and
11 pending policies to the members of the boards of trustees of
12 the community colleges and universities; and

13 (f) Ensure the timely provision of information
14 requested by the Legislature from the State Board of
15 Education, the Commissioner's office, and the Department of
16 Education.

17 (2)(a) The Commissioner of Education shall recommend
18 to the State Board of Education performance goals addressing
19 the educational needs of the state for the K-20 education
20 system. The Council for Education Policy Research and
21 Improvement, as an independent entity, shall develop a report
22 card assigning grades to indicate Florida's progress toward
23 meeting those goals. The annual report card shall contain
24 information showing Florida's performance relative to other
25 states on selected measures, as well as Florida's ability to
26 meet the need for postsecondary degrees and programs and how
27 well the Legislature has provided resources to meet this need.
28 The information shall include the results of the National
29 Assessment of Educational Progress or a similar national
30 assessment program administered to students in Florida. By
31 January 1 of each year, the Council for Education Policy

1 Research and Improvement shall submit the report card to the
2 Legislature, the Governor, and the public.

3 (b) Prior to the regular legislative session, the
4 Commissioner of Education shall present to the Legislature a
5 plan for correcting any deficiencies identified in the report
6 card.

7 (3) Notwithstanding any other provision of law to the
8 contrary, the Commissioner of Education, in conjunction with
9 the Legislature, must recommend funding priorities for the
10 distribution of capital outlay funds for postsecondary
11 institutions, based on priorities that include, but are not
12 limited to, the following criteria:

- 13 (a) Growth at the institutions;
14 (b) Need for specific skills statewide; and
15 (c) Need for maintaining and repairing existing
16 facilities.

17 Section 24. Notwithstanding subsection (7) of section
18 3 of chapter 200-321, Laws of Florida, section 229.551,
19 Florida Statutes, is not repealed on January 7, 2003, as
20 provided in that act, but that section is reenacted and
21 amended to read:

22 229.551 Educational management.--

23 (1) The department is directed to identify all
24 functions which under the provisions of this act contribute
25 to, or comprise a part of, the state K-20 system of
26 educational accountability and to establish within the
27 department the necessary organizational structure, policies,
28 and procedures for effectively coordinating such functions.
29 Such policies and procedures shall clearly fix and delineate
30 responsibilities for various aspects of the system and for
31

1 overall coordination of the total system. The commissioner
2 shall ~~perform the following duties and functions:~~

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

6 (b) Coordinate ~~Coordination of~~ management information
7 system development for all levels of education and for all
8 divisions of the department, to include the development and
9 utilization of cooperative education computing networks for
10 the state system of public education;

11 (c) Develop ~~Development of~~ database definitions and
12 all other items necessary for full implementation of a
13 comprehensive management information system as required by s.
14 229.555;

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

17 (e) Coordinate ~~Coordination of~~ all cost accounting and
18 cost reporting activities for all levels of education,
19 including public schools, vocational programs, community
20 colleges, colleges, and universities ~~and institutions in the~~
21 ~~State University System;~~

22 (f) Develop ~~Development and~~ coordinate ~~coordination of~~
23 a statewide ~~common~~ course ~~designation and~~ numbering system for
24 postsecondary and dual enrollment education in school
25 districts, community colleges, participating nonpublic
26 postsecondary education institutions, colleges, and state
27 universities ~~the State University System~~ which will improve
28 program planning, increase communication among all delivery
29 systems, and facilitate student acceleration and the transfer
30 of students. The system shall not encourage or require course
31 content prescription or standardization or uniform course

1 testing, and the continuing maintenance of the system shall be
2 accomplished by appropriate faculty committees representing
3 public and participating nonpublic institutions.

4 (g) Expand and maintain the statewide course numbering
5 system to include the numbering and designation of
6 postsecondary vocational courses and facilitate the transfer
7 of credits between public schools, community colleges,
8 colleges, and state universities.

9 (h) Develop common definitions necessary for managing
10 a uniform coordinated system of career education for all
11 levels of the state system of public education.

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

23 (3) The Articulation Coordinating Committee shall be
24 composed of the following 17 members appointed by the
25 commissioner:

26 (a) One member representing the nonpublic K-12
27 schools;

28 (b) One member representing home education programs;

29 (c) Two members representing the state universities;

30 (d) Two members representing the state community
31 colleges;

- 1 (e) Two members representing the public schools;
2 (f) Two members representing the nonpublic
3 postsecondary institutions;
4 (g) One member representing students;
5 (h) One member representing the school district career
6 and technical centers;
7 (i) One member of the commissioner's staff, who shall
8 serve as the chairperson; and
9 (j) Four voting ex officio members as follows:
10 1. A representative for the Division of Colleges and
11 Universities;
12 2. A representative for the Division of Community
13 Colleges;
14 3. A representative for the Division of Public Schools
15 who is responsible for K-12 education; and
16 4. A representative for the Division of Public Schools
17 who is responsible for applied and career technical programs.
18 (4) The Articulation Coordinating Committee, whose
19 membership represents public and nonpublic institutions,
20 shall:
21 (a)1- Identify the highest demand degree programs
22 within the state universities ~~University System~~.
23 (b)2- Conduct a study of courses offered by
24 universities and accepted for credit toward a degree. The
25 study shall identify courses designated as either general
26 education or required as a prerequisite for a degree. The
27 study shall also identify these courses as upper-division
28 level or lower-division level.
29 (c)3- Appoint faculty committees representing both
30 community college and university faculties to recommend a
31 single level for each course included in the statewide ~~common~~

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

22 (d)4. Appoint faculty committees representing both
23 community college and university faculties to recommend those
24 courses identified to meet general education requirements
25 within the subject areas of communication, mathematics, social
26 sciences, humanities, and natural sciences. The Articulation
27 Coordinating Committee shall recommend to the State Board of
28 Education those courses identified to meet these general
29 education requirements by their common course ~~code~~ number. All
30 community colleges, colleges, and state universities shall
31 accept these general education courses.

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

20 (f)6- Appoint faculty committees representing public
21 school, community college, college, and university faculties
22 to identify postsecondary courses that meet the high school
23 graduation requirements of s. 232.246, and to establish the
24 number of postsecondary semester credit hours of instruction
25 and equivalent high school credits earned through dual
26 enrollment pursuant to s. 240.116 that are necessary to meet
27 high school graduation requirements. Such equivalencies shall
28 be determined solely on comparable course content and not on
29 seat time traditionally allocated to such courses in high
30 school. The Articulation Coordinating Committee shall
31 recommend to the State Board of Education those courses

1 identified to meet high school graduation requirements, based
2 on mastery of course outcomes, by their common course ~~code~~
3 number, and all high schools shall accept these postsecondary
4 education courses toward meeting the requirements of s.
5 232.246.

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

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

11 1. Recommending to the commissioner plans for school
12 district articulation relationships with community colleges,
13 colleges, and universities; and

14 2. Coordinating cooperative plans required by s.
15 229.814(5).

16 (b) Recommend to the commissioner statewide
17 articulation accountability measures.

18 (c) Develop suggested guidelines for
19 interinstitutional agreements among schools, school districts,
20 community colleges, colleges, and universities to facilitate
21 interaction, articulation, acceleration, and the efficient use
22 of faculty, equipment, and facilities.

23 (d) Establish groups of representatives from
24 universities, colleges, community colleges, and school
25 districts to facilitate articulation in specific academic
26 subject areas.

27 (e) Conduct a continuing review of rules pertaining to
28 articulation.

29 (f) Review instances of student transfer and
30 admissions difficulties among universities, colleges,
31

1 community colleges, public schools, and independent
2 educational institutions.

3 (g) Recommend policies and procedures to improve
4 articulation statewide.

5 (h) Recommend the priority to be given to research
6 conducted by the divisions of the Department of Education and
7 individual institutions and encourage this research to be
8 conducted in areas including admissions, grading practices,
9 curriculum design, and followup of transfer students.

10 (i) Review and make recommendations to institutions
11 for experimental programs that vary from official transfer
12 policy.

13 (j) Collect and disseminate information concerning
14 successful cooperative articulation programs.

15 (k) Perform any other duties as assigned by law or by
16 the commissioner.

17 ~~(6)(g) Expansion and ongoing maintenance of the common~~
18 ~~course designation and numbering system to include the~~
19 ~~numbering and designation of postsecondary vocational courses~~
20 ~~and facilitate the transfer of credits between public schools,~~
21 ~~community colleges, and state universities. The Articulation~~
22 ~~Coordinating Committee shall:~~

23 (a)†. Adopt guidelines for the participation of public
24 school districts and community colleges in offering courses
25 that may be transferred to a certificate, diploma, or degree
26 program. These guidelines shall establish standards addressing
27 faculty qualifications, admissions, program curricula,
28 participation in the statewide ~~common course designation and~~
29 numbering system, and other issues identified by the Task
30 Force on Workforce Development and the Commissioner of
31 Education. Guidelines should also address the role of

1 accreditation in the designation of courses as transferable
2 credit. Such guidelines must not jeopardize the accreditation
3 status of educational institutions and must be based on data
4 related to the history of credit transfer among institutions
5 in this state and others.

6 b.2. Identify postsecondary vocational programs
7 offered by community colleges and public school districts. The
8 list shall also identify vocational courses designated as
9 college credit courses applicable toward a vocational diploma
10 or degree. Such courses must be identified within the
11 statewide common course numbering ~~and designation~~ system.

12 ~~(c)3.~~ Appoint faculty committees representing both
13 community college and public school faculties to recommend a
14 standard program length and appropriate occupational
15 completion points for each postsecondary vocational
16 certificate program, diploma, and degree. ~~and~~

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

20 (7)(2) It is the intent of the Legislature that the
21 commissioner, as appropriate, draw upon the expertise and the
22 staff of all appropriate departments and agencies of the state
23 in assuring that the system of educational accountability is
24 administered in the most effective and efficient manner
25 possible.

26 (8)(3) As a part of the system of educational
27 accountability, the department shall:

28 (a) Develop minimum performance standards for various
29 grades and subject areas, as required in ss. 229.565 and
30 229.57.

31

1 (b) Administer the statewide assessment testing
2 program created by s. 229.57.

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

5 (d) Conduct the program evaluations required by s.
6 229.565.

7 (e) Maintain a listing of college-level communication
8 and computation skills defined by the Articulation
9 Coordinating Committee as being associated with successful
10 student performance through the baccalaureate level and submit
11 the same to the State Board of Education for approval.

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

16 (g) Maintain for the information of the State Board of
17 Education and the Legislature a file of data compiled by the
18 Articulation Coordinating Committee to reflect achievement of
19 college-level communication and computation competencies by
20 students in state universities and community colleges.

21 (h) Develop or contract for, and submit to the State
22 Board of Education for approval, tests which measure and
23 diagnose student achievement of college-level communication
24 and computation skills. Any tests and related documents
25 developed are exempt from the provisions of s. 119.07(1) and
26 s. 24(a), Art. I of the State Constitution. The commissioner
27 shall maintain statewide responsibility for the administration
28 of such tests and may assign administrative responsibilities
29 for the tests to any public university or community college.
30 The state board, upon recommendation of the commissioner, is
31 authorized to enter into contracts for such services beginning

1 in one fiscal year and continuing into the next year which are
2 paid from the appropriation for either or both fiscal years.

3 (i) Perform any other functions that may be involved
4 in educational planning, research, and evaluation or that may
5 be required by the commissioner, the State Board of Education,
6 or law.

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

10 229.555 Educational planning and information
11 systems.--

12 (1) EDUCATIONAL PLANNING.--

13 (c) Each community college, college, and university
14 board of trustees shall maintain a continuing system of
15 planning and budgeting designed to aid in identifying and
16 meeting the educational needs of students and the public.
17 Provision must be made for coordination between institutions.
18 The major emphasis of the system must be upon institutionally
19 planned goals and objectives and the state plan for education.
20 The system must be structured to meet the specific management
21 needs of the institution and to align the budget adopted by
22 the board of trustees with the plan the board has also
23 adopted.

24 (2) COMPREHENSIVE MANAGEMENT INFORMATION SYSTEMS.--The
25 commissioner shall develop and implement an integrated K-20
26 information system for educational management. The system must
27 be designed to collect, via electronic transfer, all ~~student~~
28 ~~and school~~ performance data required to ascertain the degree
29 to which schools, and school districts, and postsecondary
30 institutions are meeting state performance standards. The
31 system, and must be capable of producing data for a

1 comprehensive annual reports ~~report~~ on ~~school and district~~
2 performance. In addition, the system shall support, as
3 feasible, the management decisions to be made in each division
4 of the department and at the individual school, ~~and district,~~
5 and institution levels. Similar data elements among divisions
6 and levels shall be compatible. The system shall be based on
7 an overall conceptual design; the information needed for such
8 decisions, including fiscal, student, program, personnel,
9 facility, community, evaluation, and other relevant data; and
10 the relationship between cost and effectiveness. The system
11 shall be managed and administered by the commissioner and
12 shall include a district subsystem component to be
13 administered at the district level, with input from the
14 district reports-and-forms control management committees.
15 Each district school system, community college, college, and
16 university with a unique management information system shall
17 assure that compatibility exists between its unique system and
18 the ~~district component of the~~ state system so that all data
19 required as input to the state system is made available via
20 electronic transfer and in the appropriate input format.

21 (a) The specific responsibilities of the commissioner
22 shall include:

23 1. Consulting with school district, community college,
24 college, and university representatives in the development of
25 the system design model, data warehouse, and implementation
26 plans for the management information system for public ~~school~~
27 education management;

28 2. Providing operational definitions for the proposed
29 system;

30 3. Determining the information and specific data
31 elements required for the management decisions made at each

1 educational level, ~~recognizing that the primary unit for~~
2 ~~information input is the individual school and recognizing~~
3 ~~that time and effort of instructional personnel expended in~~
4 ~~collection and compilation of data should be minimized;~~

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

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

9 6. Developing appropriate computer programs to assure
10 integration of the various information components dealing with
11 students, personnel, facilities, fiscal, program, community,
12 and evaluation data;

13 7. Developing the necessary programs to provide
14 statistical analysis of the integrated data provided in
15 subparagraph 6. in such a way that required reports may be
16 disseminated, comparisons may be made, and relationships may
17 be determined in order to provide the necessary information
18 for making management decisions at all levels;

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

22 9. Developing a phased plan for distributing computer
23 services equitably among all public education systems ~~schools~~
24 ~~and school districts~~ in the state as rapidly as possible. The
25 plan shall describe alternatives available to the state in
26 providing such computing services and shall contain estimates
27 of the cost of each alternative, together with a
28 recommendation for action. In developing the plan, the
29 feasibility of shared use of computing hardware and software
30 by school districts, community colleges, colleges, and
31 universities shall be examined. Laws or administrative rules

1 regulating procurement of data processing equipment,
2 communication services, or data processing services by state
3 agencies shall not be construed to apply to local agencies
4 which share computing facilities with state agencies;

5 10. Assisting the district school systems in
6 establishing their subsystem components and assuring
7 compatibility with current district systems;

8 11. Establishing procedures for continuous evaluation
9 of system efficiency and effectiveness;

10 12. Initiating a reports-management and
11 forms-management system to ascertain that duplication in
12 collection of data does not exist and that forms and reports
13 for reporting under state and federal requirements and other
14 forms and reports are prepared in a logical and uncomplicated
15 format, resulting in a reduction in the number and complexity
16 of required reports, ~~particularly at the school level~~; and

17 13. Initiating such other actions as are necessary to
18 carry out the intent of the Legislature that a management
19 information system for public education ~~school~~ management
20 needs be implemented. Such other actions shall be based on
21 criteria including, but not limited to:

- 22 a. The purpose of the reporting requirement;
23 b. The origination of the reporting requirement;
24 c. The date of origin of the reporting requirement;
25 and
26 d. The date of repeal of the reporting requirement.

27 (b) The specific responsibilities of each district
28 school system shall include:

- 29 1. Establishing, at the district level, a
30 reports-control and forms-control management system committee
31 composed of school administrators and classroom teachers. The

1 district school board shall appoint school administrator
2 members and classroom teacher members; or, in school districts
3 where appropriate, the classroom teacher members shall be
4 appointed by the bargaining agent. Teachers shall constitute a
5 majority of the committee membership. The committee shall
6 periodically recommend procedures to the district school board
7 for eliminating, reducing, revising, and consolidating
8 paperwork and data collection requirements and shall submit to
9 the district school board an annual report of its findings.

10 2. With assistance from the commissioner, developing
11 systems compatibility between the state management information
12 system and unique local systems.

13 3. Providing, with the assistance of the department,
14 inservice training dealing with management information system
15 purposes and scope, a method of transmitting input data, and
16 the use of output report information.

17 4. Establishing a plan for continuous review and
18 evaluation of local management information system needs and
19 procedures.

20 5. Advising the commissioner of all district
21 management information needs.

22 6. Transmitting required data input elements to the
23 appropriate processing locations in accordance with guidelines
24 established by the commissioner.

25 7. Determining required reports, comparisons, and
26 relationships to be provided to district school systems by the
27 system output reports, continuously reviewing these reports
28 for usefulness and meaningfulness, and submitting recommended
29 additions, deletions, and change requirements in accordance
30 with the guidelines established by the commissioner.

31

1 8. Being responsible for the accuracy of all data
2 elements transmitted to the department.

3 (c) It is the intent of the Legislature that the
4 expertise in the state system of public education, as well as
5 contracted services, be utilized to hasten the plan for full
6 implementation of a comprehensive management information
7 system.

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

10 229.565 Educational evaluation procedures.--

11 (2) EDUCATION EVALUATION.--The Commissioner of
12 Education, or the Auditor General as provided in paragraph
13 (a), shall periodically examine and evaluate procedures,
14 records, and programs in each district to determine compliance
15 with law and rules established by the state board, ~~or by the~~
16 ~~Commissioner of Education,~~ and in each correctional
17 institution operated by the Department of Corrections to
18 determine compliance with law and rules established by the
19 Department of Corrections for the Correctional Education
20 Program pursuant to s. 944.801. Such evaluations must include,
21 but need not be limited to:

22 (a) Reported full-time equivalent membership in each
23 program category. This evaluation must be conducted by the
24 Auditor General for the Florida Education Finance Program
25 full-time enrollment verification function.

26 (b) The organization of all special programs to ensure
27 compliance with law and the criteria established and approved
28 by the state board pursuant to the provisions of this section
29 and s. 230.23(4)(m).

30 (c) The procedures for identification and placement of
31 students in educational alternative programs for students who

1 are disruptive or unsuccessful in a normal school environment
2 and for diagnosis and placement of students in special
3 programs for exceptional students, to determine that the
4 district is following the criteria for placement established
5 by rules of the state board ~~and of the Commissioner of~~
6 ~~Education~~ and the procedures for placement established by that
7 district school board and by the Commissioner of Education.

8 (d) An evaluation of the standards by which the school
9 district evaluates basic and special programs for quality,
10 efficiency, and effectiveness.

11 (e) Determination of the ratio of administrators to
12 teachers in each school district.

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

16 (g) Clearly defined data collection and documentation
17 requirements, including specifications of which records and
18 information need to be kept and how long the records need to
19 be retained. The information and documentation needs for
20 evaluation must be presented to the school districts and
21 explained well in advance of the actual audit date.

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

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

27 229.57 Student assessment program.--

28 (3) STATEWIDE ASSESSMENT PROGRAM.--The commissioner
29 shall design and implement a statewide program of educational
30 assessment that provides information for the improvement of
31 the operation and management of the public schools, including

1 schools operating for the purpose of providing educational
2 services to youth in Department of Juvenile Justice programs.
3 Pursuant to the statewide assessment program, the commissioner
4 shall:

5 (c) Develop and implement a student achievement
6 testing program as part of the statewide assessment program,
7 to be administered annually in grades 3 through 10 to measure
8 reading, writing, science, and mathematics. The testing
9 program must be designed so that:

10 1. The tests measure student skills and competencies
11 adopted by the state board as specified in paragraph (a). The
12 tests must measure and report student proficiency levels in
13 reading, writing, and mathematics. Science proficiency must be
14 measured statewide beginning in 2003. Other content areas may
15 be included as directed by the commissioner. The commissioner
16 shall provide for the tests to be developed or obtained, as
17 appropriate, through contracts and project agreements with
18 private vendors, public vendors, public agencies,
19 postsecondary institutions, or school districts. The
20 commissioner shall obtain input with respect to the design and
21 implementation of the testing program from state educators and
22 the public.

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

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

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

5 ~~5. Except as provided in subparagraph 6., all 11th~~
6 ~~grade students take a high school competency test developed by~~
7 ~~the state board to test minimum student performance skills and~~
8 ~~competencies in reading, writing, and mathematics. The test~~
9 ~~must be based on the skills and competencies adopted by the~~
10 ~~state board pursuant to paragraph (a). Upon recommendation of~~
11 ~~the commissioner, the state board shall designate a passing~~
12 ~~score for each part of the high school competency test. In~~
13 ~~establishing passing scores, the state board shall consider~~
14 ~~any possible negative impact of the test on minority students.~~
15 ~~The commissioner may establish criteria whereby a student who~~
16 ~~successfully demonstrates proficiency in either reading or~~
17 ~~mathematics or both may be exempted from taking the~~
18 ~~corresponding section of the high school competency test or~~
19 ~~the college placement test. A student must earn a passing~~
20 ~~score or have been exempted from each part of the high school~~
21 ~~competency test in order to qualify for a regular high school~~
22 ~~diploma. The school districts shall provide appropriate~~
23 ~~remedial instruction to students who do not pass part of the~~
24 ~~competency test.~~

25 5.6. ~~Students who enroll in grade 9 in the fall of~~
26 ~~1999 and thereafter must earn a passing score on the grade 10~~
27 ~~assessment test described in this paragraph instead of the~~
28 ~~high school competency test described in subparagraph 5. Such~~
29 ~~Students must earn a passing score on the grade 10 assessment~~
30 ~~test in reading, writing, and mathematics to qualify for a~~
31 ~~regular high school diploma. Upon recommendation of the~~

1 commissioner, the state board shall designate a passing score
2 for each part of the grade 10 assessment test. In establishing
3 passing scores, the state board shall consider any possible
4 negative impact of the test on minority students.

5 6.7. Participation in the testing program is mandatory
6 for all students, including students served in Department of
7 Juvenile Justice programs, except as otherwise prescribed by
8 the commissioner. The commissioner shall recommend rules to
9 the state board for the provision of test adaptations and
10 modifications of procedures as necessary for students in
11 exceptional education programs and for students who have
12 limited English proficiency.

13 7.8. A student seeking an adult high school diploma
14 must meet the same testing requirements that a regular high
15 school student must meet.

16 8.9. School districts must provide instruction to
17 prepare students to demonstrate proficiency in the skills and
18 competencies necessary for successful grade-to-grade
19 progression and high school graduation. The commissioner shall
20 conduct studies as necessary to verify that the required
21 skills and competencies are part of the district instructional
22 programs.

23 9.10. By January 1, 2000, the Department of Education
24 must develop, or select, and implement a common battery of
25 assessment tools which will be used in all juvenile justice
26 programs in the state. These tools must accurately reflect
27 criteria established in the Florida Sunshine State Standards.

28
29 The commissioner may design and implement student testing
30 programs for any grade level and subject area, based on
31

1 procedures designated by the commissioner to monitor
2 educational achievement in the state.

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

6 (a) Criteria Timeframes.--

7 ~~1. School performance grade category designations~~
8 ~~shall be based on the school's current year performance and~~
9 ~~the school's annual learning gains.~~

10 ~~2. In the 2000-2001 school year, a school's~~
11 ~~performance grade category designation shall be based on a~~
12 ~~combination of student achievement scores as measured by the~~
13 ~~FCAT, on the degree of measured learning gains of the~~
14 ~~students, and on other appropriate performance data,~~
15 ~~including, but not limited to, dropout rate and student~~
16 ~~readiness for college.~~

17 ~~3. Beginning with the 2001-2002 school year and~~
18 ~~thereafter, A school's performance grade category designation~~
19 ~~shall be based on a combination of student achievement scores,~~
20 ~~student learning gains as measured by annual FCAT assessments~~
21 ~~in grades 3 through 10, and improvement of the lowest 25th~~
22 ~~percentile of students in the school in reading, math, or~~
23 ~~writing on the FCAT, including Florida Writes, unless these~~
24 ~~students are performing above satisfactory performance.~~

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

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

30 2. The aggregate scores of all eligible students
31 enrolled in the school who have been assessed on the FCAT,

1 including Florida Writes, and who have scored at or in the
2 lowest 25th percentile of students in the school in reading,
3 math, or writing, unless these students are performing above
4 satisfactory performance.

5
6 The Department of Education shall study the effects of
7 mobility on the performance of highly mobile students and
8 recommend programs to improve the performance of such
9 students. The state board shall adopt appropriate criteria for
10 each school performance grade category. The criteria must also
11 give added weight to student achievement in reading. Schools
12 designated as performance grade category "C," making
13 satisfactory progress, shall be required to demonstrate that
14 adequate progress has been made by students in the school who
15 are in the lowest 25th percentile in reading, math, or writing
16 on the FCAT, including Florida Writes, unless these students
17 are performing above satisfactory performance.

18 (16) DISTRICT PERFORMANCE GRADE.--~~Beginning with the~~
19 ~~2000-2001 school year's student and school performance data,~~
20 The annual report required by subsection (6) shall include
21 district performance grades, which shall consist of weighted
22 district average grades, by level, for all elementary schools,
23 middle schools, and high schools in the district. A district's
24 weighted average grade shall be calculated by weighting
25 individual school grades determined pursuant to subsection (7)
26 by school enrollment.

27 Section 28. Section 229.5701, Florida Statutes, is
28 repealed.

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

31 229.59 Educational improvement projects.--

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

- 8 (a) The improvement of school management;
9 (b) The improvement of the district and school
10 advisory councils;
11 (c) School volunteers;
12 (d) The professional development of teachers;
13 (e) The restructuring of educational programs to meet
14 the needs of diverse students; and
15 (f) Global awareness.

16
17 Such projects may also address any other educational area
18 which would be improved through the encouragement of closer
19 working relationships among the school principal, the
20 teachers, and the parents and other members of the community.
21 Priority shall be given to proposals which provide for the
22 inclusion of existing resources, such as district educational
23 training funds, in the implementation of an educational
24 improvement project.

25 Section 30. Notwithstanding subsection (7) of section
26 3 of chapter 2000-321, Laws of Florida, section 229.592, is
27 not repealed on January 7, 2003, as provided in that act, but
28 that section is reenacted and amended to read:

29 229.592 Implementation of state system of school
30 improvement and education accountability.--

31

1 (1) DEVELOPMENT.--It is the intent of the Legislature
2 that every public school in the state, including schools
3 operating for the purpose of providing educational services to
4 youth in Department of Juvenile Justice programs, shall have a
5 school improvement plan, as required by s. 230.23(16).
6 Vocational standards considered pursuant to s. 239.229 shall
7 be incorporated into the school improvement plan for each area
8 technical center operated by a school board, and area
9 technical centers shall prepare school report cards
10 incorporating such standards, pursuant to s. 230.23(16). In
11 order to accomplish this, the Commissioner of Education and
12 the school districts and schools shall carry out the duties
13 assigned to them by s. 230.23(16).

14 (2) COMMISSIONER.--The commissioner shall be
15 responsible for implementing and maintaining a system of
16 intensive school improvement and stringent education
17 accountability, which shall include policies and programs to
18 implement the following:

19 (a) A system of data collection and analysis that will
20 improve information about the educational success of
21 individual students and schools, including schools operating
22 for the purpose of providing educational services to youth in
23 Department of Juvenile Justice programs. The information and
24 analyses must be capable of identifying educational programs
25 or activities in need of improvement, and reports prepared
26 pursuant to this paragraph shall be distributed to the
27 appropriate school boards prior to distribution to the general
28 public. This provision shall not preclude access to public
29 records as provided in chapter 119.

30 (b) A program of school improvement that will analyze
31 information to identify schools, including schools operating

1 for the purpose of providing educational services to youth in
2 Department of Juvenile Justice programs, educational programs,
3 or educational activities in need of improvement.

4 (c) A method of delivering services to assist school
5 districts and schools to improve, including schools operating
6 for the purpose of providing educational services to youth in
7 Department of Juvenile Justice programs.

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

11 (3) The commissioner shall be held responsible for the
12 implementation and maintenance of the system of school
13 improvement and education accountability outlined in this
14 section. There shall be an annual determination of whether
15 adequate progress is being made toward implementing and
16 maintaining a system of school improvement and education
17 accountability.

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

20 (5) The commissioner shall review each school board's
21 feedback report and submit findings to the State Board of
22 Education. If adequate progress is not being made toward
23 implementing and maintaining a system of school improvement
24 and education accountability, the State Board of Education
25 shall direct the commissioner to prepare and implement a
26 corrective action plan. The commissioner and State Board of
27 Education shall monitor the development and implementation of
28 the corrective action plan.

29 (6) The commissioner shall report to the Legislature
30 and recommend changes in state policy necessary to foster
31 school improvement and education accountability. Included in

1 the report shall be a list of the schools, including schools
2 operating for the purpose of providing educational services to
3 youth in Department of Juvenile Justice programs, for which
4 school boards have developed assistance and intervention plans
5 and an analysis of the various strategies used by the school
6 boards. School reports shall be distributed pursuant to this
7 subsection and s. 230.23(16)(e) according to guidelines
8 adopted by the State Board of Education.

9 (7) DEPARTMENT.--

10 (a) The Department of Education shall implement a
11 training program to develop among state and district educators
12 a cadre of facilitators of school improvement. These
13 facilitators shall assist schools and districts to conduct
14 needs assessments and develop and implement school improvement
15 plans to meet state goals.

16 (b) Upon request, the department shall provide
17 technical assistance and training to any school, including any
18 school operating for the purpose of providing educational
19 services to youth in Department of Juvenile Justice programs,
20 school advisory council, district, or school board for
21 conducting needs assessments, developing and implementing
22 school improvement plans, developing and implementing
23 assistance and intervention plans, or implementing other
24 components of school improvement and accountability. Priority
25 for these services shall be given to schools designated as
26 performance grade category "D" or "F" and school districts in
27 rural and sparsely populated areas of the state.

28 (c) Pursuant to s. 24.121(5)(d), the department shall
29 not release funds from the Educational Enhancement Trust Fund
30 to any district in which a school, including schools operating
31 for the purpose of providing educational services to youth in

1 Department of Juvenile Justice programs, does not have an
2 approved school improvement plan, pursuant to s. 230.23(16),
3 after 1 full school year of planning and development, or does
4 not comply with school advisory council membership composition
5 requirements pursuant to s. 229.58(1). The department shall
6 send a technical assistance team to each school without an
7 approved plan to develop such school improvement plan or to
8 each school without appropriate school advisory council
9 membership composition to develop a strategy for corrective
10 action. The department shall release the funds upon approval
11 of the plan or upon establishment of a plan of corrective
12 action. Notice shall be given to the public of the
13 department's intervention and shall identify each school
14 without a plan or without appropriate school advisory council
15 membership composition.

16 (d) The department shall assign a community assessment
17 team to each school district with a school designated as
18 performance grade category "D" or "F" to review the school
19 performance data and determine causes for the low performance.
20 The team shall make recommendations to the school board, to
21 the department, and to the State Board of Education for
22 implementing an assistance and intervention plan that will
23 address the causes of the school's low performance. The
24 assessment team shall include, but not be limited to, a
25 department representative, parents, business representatives,
26 educators, and community activists, and shall represent the
27 demographics of the community from which they are appointed.

28 (8) STATE BOARD.--The State Board of Education shall
29 adopt rules pursuant to ss. 120.536(1) and 120.54 to implement
30 a state system of school improvement and education
31

1 accountability and shall specify required annual reports by
2 schools and school districts.

3 (9) EXCEPTIONS TO STATE BOARD OF EDUCATION RULES

4 ~~LAW.~~--To facilitate innovative practices and to allow local
5 selection of educational methods, the State Board of Education
6 may authorize the commissioner to ~~may~~ waive, upon the request
7 of a school board, State Board of Education rules requirements
8 ~~of chapters 230-239 of the Florida School Code~~ that relate to
9 instruction and school operations, except those rules
10 pertaining to civil rights, and student health, safety, and
11 welfare. The Commissioner of Education is not authorized to
12 grant waivers for any provisions in rule ~~of law~~ pertaining to
13 the allocation and appropriation of state and local funds for
14 public education; the election, compensation, and organization
15 of school board members and superintendents; graduation and
16 state accountability standards; financial reporting
17 requirements; reporting of out-of-field teaching assignments
18 under s. 231.095; public meetings; public records; or due
19 process hearings governed by chapter 120. ~~Prior to approval,~~
20 ~~the commissioner shall report pending waiver requests to the~~
21 ~~state board on a monthly basis, and shall, upon request of any~~
22 ~~state board member, bring a waiver request to the state board~~
23 ~~for consideration. If, within 2 weeks of receiving the report,~~
24 ~~no member requests that a waiver be considered by the state~~
25 ~~board, the commissioner may act on the original waiver~~
26 ~~request.~~No later than January 1 of each year, the
27 commissioner shall report to the President and Minority Leader
28 of the Senate, and the Speaker and Minority Leader of the
29 House of Representatives, and the State Board of Education all
30 approved waiver requests in the preceding year.

31

1 (a) Graduation requirements in s. 232.246 must be met
2 by demonstrating performance of intended outcomes for any
3 course in the Course Code Directory unless a waiver is
4 approved by the commissioner. In developing procedures for
5 awarding credits based on performance outcomes, districts may
6 request waivers from State Board of Education rules relating
7 to curriculum frameworks and credits for courses and programs
8 in the Course Code Directory. Credit awarded for a course or
9 program beyond that allowed by the Course Code Directory
10 counts as credit for electives. Upon request by any school
11 district, the commissioner shall evaluate and establish
12 procedures for variations in academic credits awarded toward
13 graduation by a high school offering six periods per day
14 compared to those awarded by high schools operating on other
15 schedules.

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

19 2. A school board may submit a request to the
20 commissioner for a waiver if such request is presented to the
21 school board by a school advisory council established pursuant
22 to s. 229.58 and if such a waiver is required to implement a
23 school improvement plan required by s. 230.23(16). The school
24 board shall report annually to the Commissioner of Education,
25 in conjunction with the feedback report required pursuant to
26 this section, the number of waivers requested by school
27 advisory councils, the number of such waiver requests approved
28 and submitted to the commissioner, and the number of such
29 waiver requests not approved and not submitted to the
30 commissioner. For each waiver request not approved, the school
31 board shall report the ~~statute or~~ rule for which the waiver

1 was requested, the rationale for the school advisory council
2 request, and the reason the request was not approved.

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

6 (b) Notwithstanding the provisions of chapter 120 and
7 for the purpose of implementing this subsection, the
8 commissioner may waive State Board of Education rules if the
9 school board has submitted a written request to the
10 commissioner for approval pursuant to this subsection.

11 (c) The written request for waiver of ~~statute~~ or rule
12 must indicate at least how granting the waiver will assist
13 schools in improving student outcomes related to the student
14 performance standards adopted by the state board, and how
15 student improvement will be evaluated and reported. The
16 commissioner shall not grant any waiver that would impair the
17 protection of the health, safety, welfare, or civil rights of
18 the students or the protection of the public interest.

19 (d) Upon denying a request for a waiver, the
20 commissioner must state with particularity the grounds or
21 basis for the denial. The commissioner shall report the
22 specific ~~statutes~~ and rules for which waivers are requested
23 and the number and disposition of such requests to the
24 Legislature and the State Board of Education for use in
25 determining which ~~statutes~~ and rules stand in the way of
26 school improvement.

27 (10) EXCEPTIONS TO LAW.--

28 (a)~~(e)~~1. Schools designated in performance grade
29 category "A," making excellent progress, shall, if requested
30 by the school, be given deregulated status as specified in s.
31 228.0565(5), (7), (8), (9), and (10).

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

6 Section 31. Section 229.601, Florida Statutes, is
7 repealed.

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

10 229.602 Florida private sector and education
11 partnerships.--

12 (4) ~~Beginning January 1, 1989,~~The commissioner shall
13 make an annual report to the Legislature within 60 days prior
14 to the beginning of the regular legislative session. The
15 report shall include:

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

19 (b) Recommendations to improve the efficiency and
20 promote the growth of private sector and education
21 partnerships.

22 Section 33. Section 229.604, Florida Statutes, is
23 transferred and renumbered as section 231.425, Florida
24 Statutes.

25 Section 34. Section 229.6041, Florida Statutes, is
26 transferred and renumbered as section 231.426, Florida
27 Statutes.

28 Section 35. Section 229.6042, Florida Statutes, is
29 transferred and renumbered as section 231.427, Florida
30 Statutes.

31

1 Section 36. Section 229.6043, Florida Statutes, is
2 transferred and renumbered as section 231.428, Florida
3 Statutes.

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

6 229.805 Educational television.--

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

8 (a) The Department of Education is authorized to
9 encourage:

10 1. The extension of educational television network
11 facilities;

12 2. The coordination of Florida's educational
13 television with that of other states and with the Federal
14 Government; and

15 3. The further development of educational television
16 within the state.

17 (b) The department shall provide through educational
18 television and other electronic media a means of extending
19 educational services to all the state system of public
20 education, ~~except the State University System as defined in s.~~
21 ~~240.2011, which provision by the department shall be limited~~
22 ~~by paragraph (c) and by s. 229.8051(1).~~ The department shall
23 recommend to the State Board ~~Commissioner~~ of Education rules
24 and regulations necessary to provide such services.

25 (c) The department is authorized to provide equipment,
26 funds, and other services to extend and update both the
27 existing and the proposed educational television and radio
28 systems of tax-supported and nonprofit, corporate-owned
29 facilities. All stations funded must be qualified by the
30 Corporation for Public Broadcasting. New stations eligible
31 for funding shall provide a first service to an audience that

1 is not currently receiving a broadcast signal or provide a
2 significant new program service as defined by State Board
3 ~~Commissioner~~ of Education rules. Funds appropriated to the
4 department for educational television and funds appropriated
5 to the department for educational radio may be used by the
6 department for either educational television or educational
7 radio, or for both.

8 (5) DUTY OF DEPARTMENT OF EDUCATION.--The Department
9 of Education is responsible for identifying the needs of the
10 state system of public education as they relate to the
11 development and production of materials used in instruction.
12 When such identified needs are considered to be best satisfied
13 by the production of new materials, the department may
14 commission or contract for the production of such materials.
15 The State Board ~~Commissioner~~ of Education shall adopt and
16 prescribe rules ~~and regulations~~ for the proper enforcement and
17 carrying out of these provisions.

18 Section 38. Subsections (1) and (3) of section
19 229.8051, Florida Statutes, are amended to read:

20 229.8051 Public broadcasting program system.--

21 (1) There is created a public broadcasting program
22 system for the state. The Department of Education shall
23 administer this program system pursuant to policies adopted by
24 the State Board ~~Commissioner~~ of Education. This program system
25 must complement and share resources with the instructional
26 programming service of the Department of Education and
27 educational UHF, VHF, ITFS, and FM stations in the state. The
28 program system must include:

29 (a) Support for existing Corporation for Public
30 Broadcasting qualified program system educational radio and
31 television stations and new stations meeting Corporation for

1 Public Broadcasting qualifications and providing a first
2 service to an audience that does not currently receive a
3 broadcast signal or providing a significant new program
4 service as defined by rule by the State Board ~~Commissioner~~ of
5 Education.

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

8 (c) Interconnection of all educational stations that
9 are part of the program system for simultaneous broadcast and
10 of such stations with all universities and other institutions
11 as necessary for sharing of resources and delivery of
12 programming.

13 (d) Establishment and maintenance of a capability for
14 statewide program distribution with facilities and staff,
15 provided such facilities and staff complement and strengthen
16 existing or future educational television and radio stations
17 in accordance with paragraph (a) and s. 229.805(3)(c).

18 (e) Provision of both statewide programming funds and
19 station programming support for educational television and
20 educational radio to meet statewide priorities. Priorities for
21 station programming need not be the same as priorities for
22 programming to be used statewide. Station programming may
23 include, but shall not be limited to, citizens' participation
24 programs, music and fine arts programs, coverage of public
25 hearings and governmental meetings, equal air time for
26 political candidates, and other public interest programming.

27 (3) The State Board ~~Commissioner~~ of Education shall
28 adopt rules for the proper enforcement and carrying out of
29 these provisions.

30 Section 39. Section 229.8076, Florida Statutes, is
31 created to read:

1 229.8076 Office of Nonpublic Schools and Home
2 Education Programs.--

3 (1) The state recognizes the contributions of
4 nonpublic schools and home education programs in providing
5 alternatives to public school education. These nongovernmental
6 educational systems serve the public, but are not considered
7 to be a part of the public system of education.

8 (a) The Office of Nonpublic Schools and Home Education
9 Programs is established within the Department of Education.
10 The Department of Education and the Commissioner of Education
11 have no authority over the institutions or students served by
12 the office. The office shall:

- 13 1. Serve the interests of students and the parents of
14 students in nonpublic schools and home education programs;
15 2. Serve the interests of nonpublic institutions; and
16 3. Provide general information to the public about
17 nonpublic and home education delivery systems.

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

- 20 1. Serve as a source of communication between
21 nonpublic schools, home education programs, the Commissioner
22 of Education, and the State Board of Education.
23 2. Evaluate pending policy to ensure that the policy
24 does not subject nonpublic schools and home education programs
25 to additional regulation or mandates;
26 3. Establish a clearinghouse of information for the
27 public;
28 4. Foster a collaborative spirit and working
29 relationship among nonpublic schools, home education programs,
30 and the public sector; and

31

1 5. Identify and convey the best practices of nonpublic
2 schools and home education programs for the benefit of the
3 public and nonpublic education delivery sectors.

4 Section 40. Section 229.8333, Florida Statutes, is
5 amended to read:

6 229.8333 School-Related Employee of the Year Program;
7 duties of State Board ~~Department~~ of Education.--The State
8 Board ~~Department~~ of Education shall, by rule, provide for a
9 School-Related Employee of the Year Program. In addition to
10 any other provision, the board ~~department~~ shall include in
11 such rules that:

12 (1) The program shall apply to school-related
13 employees.

14 (2) The program shall be modeled after the Teacher of
15 the Year Program.

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

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

21 Section 41. Notwithstanding subsection (7) of section
22 3 of chapter 2000-321, Laws of Florida, section 229.8341,
23 Florida Statutes, is not repealed on January 7, 2003, as
24 provided in that act, but that section is reenacted to read:

25 229.8341 Services for infants and preschool
26 children.--

27 (1) Diagnostic and learning resource centers are
28 authorized to assist districts in providing testing and
29 evaluation services for high-risk or handicapped infants and
30 preschool children.

31

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

5 Section 42. Section 229.8343, Florida Statutes, is
6 repealed.

7 Section 43. Section 233.015, Florida Statutes, is
8 amended to read:

9 233.015 Purge of listed courses not taught for 5
10 years; rules.--The State Board ~~Commissioner~~ of Education shall
11 adopt rules that provide for the conduct of regularly
12 scheduled purges of courses that are listed in the statewide
13 course numbering system or institutional catalog but have not
14 been taught at the institution for the preceding 5 years.
15 These rules must include waiver provisions that allow course
16 continuation if an institution has reasonable cause for having
17 not offered a course within the 5-year limit and an
18 expectation that the course will be offered again within the
19 following 5 years.

20 Section 44. Section 233.056, Florida Statutes, is
21 amended to read:

22 233.056 Instructional programs for visually impaired
23 students and deaf or hard-of-hearing students.--

24 (1) The Division of Public Schools ~~and Community~~
25 ~~Education~~ of the Department of Education is authorized to
26 establish a coordinating unit and instructional materials
27 center for visually impaired children and youth and deaf or
28 hard-of-hearing children and youth to provide staff and
29 resources for the coordination, cataloging, standardizing,
30 producing, procuring, storing, and distributing of braille,
31 large print, tangible apparatus, captioned films and video

1 tapes, and other specialized educational materials needed by
2 these students and other exceptional students. The
3 coordinating unit shall have as its major purpose the
4 improvement of instructional programs for visually impaired
5 students and deaf or hard-of-hearing students and may, as a
6 second priority, extend appropriate services to other
7 exceptional students, consistent with provisions and criteria
8 established, to the extent that resources are available.

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

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

15 233.058 English language instruction for limited
16 English proficient students.--

17 (6) The State Board ~~Commissioner~~ of Education shall
18 adopt rules for the purpose of administering ~~implementing~~ this
19 section.

20 Section 46. Section 233.39, Florida Statutes, is
21 amended to read:

22 233.39 Renovation and repair of textbooks.--The State
23 Board ~~Commissioner~~ of Education shall prescribe rules and
24 regulations under which the Department of Education shall,
25 whenever requested to do so by any superintendent, make
26 necessary arrangements for the renovation and repair of books
27 that could thereby be put into serviceable condition. All
28 proper expense in connection with such renovation and repair
29 is declared to be a proper charge against the appropriation
30 for the purchase of instructional materials by the school
31 district. The State Board of Education ~~commissioner~~, in order

1 to assist district school boards in obtaining the most
2 economical services, shall formulate and prescribe such rules
3 and regulations for the letting of contracts for the
4 renovation and repair of books used in the public schools of
5 the state as in its judgment are practicable and economically
6 feasible. The Department of Education shall enter into such
7 contracts upon the basis of competitive sealed bids from
8 responsible firms who must, prior to contract award, have on
9 hand in their plants the equipment necessary to perform the
10 work of rebinding specified by the department. For the
11 purpose of rebinding, textbooks must be classified by the
12 department as to size, and such classification must be the
13 basis for bids from rebinding firms. Bids from rebinding firms
14 must be on the basis of minimum quantities of 100 books in
15 each classification. Such a contract for the renovation and
16 repair of books used in the public schools of this state may
17 not be entered when the cost of renovation and repair exceeds
18 the original acquisition cost of such books or the cost of
19 replacing such books, whichever is the lesser. However, this
20 section does not prohibit the inmates of the state prison from
21 repairing and renovating any public school textbooks or
22 library books. Any suit that is instituted under this section
23 must be brought in the name of the state, and any amount
24 recovered by reason of such a suit must be deposited in the
25 General Revenue Fund.

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

29 236.02 Minimum requirements of the Florida Education
30 Finance Program.--Each district which participates in the
31 state appropriations for the Florida Education Finance Program

1 shall provide evidence of its effort to maintain an adequate
2 school program throughout the district and shall meet at least
3 the following requirements:

4 (2) MINIMUM TERM.--Operate all schools for a term of
5 at least 180 actual teaching days as prescribed in s.
6 228.041(13) or the equivalent on an hourly basis as specified
7 by rules of the State Board ~~Commissioner~~ of Education each
8 school year. The commissioner may prescribe procedures for
9 altering, and, upon written application, may alter, this
10 requirement during a national, state, or local emergency as it
11 may apply to an individual school or schools in any district
12 or districts if, in the opinion of the board, it is not
13 feasible to make up lost days, and the apportionment may, at
14 the discretion of the Commissioner of Education and if the
15 board determines that the reduction of school days is caused
16 by the existence of a bona fide emergency, be reduced for such
17 district or districts in proportion to the decrease in the
18 length of term in any such school or schools. A strike, as
19 defined in s. 447.203(6), by employees of the school district
20 may not be considered an emergency.

21 (3) EMPLOYMENT POLICIES.--Adopt rules relating to the
22 appointment, promotion, transfer, suspension, and dismissal of
23 personnel.

24 (a) Such rules must conform to applicable law and
25 rules of the State Board of Education ~~commissioner~~ and must
26 include the duties and responsibilities of the superintendent
27 and school board pertaining to these and other personnel
28 matters.

29 (f) Such rules must require 12 calendar months of
30 service for such principals as prescribed by rules ~~regulations~~
31 of the State Board of Education ~~commissioner~~ and must require

1 10 months to include not less than 196 days of service,
2 excluding Sundays and other holidays, for all members of the
3 instructional staff, with any such service on a 12-month basis
4 to include reasonable allowance for vacation or further study
5 as rules prescribed by the school board in accordance with
6 rules regulations of the State Board of Education
7 ~~commissioner~~.

8 (4) SALARY SCHEDULES.--Expend funds for salaries in
9 accordance with a salary schedule or schedules adopted by the
10 school board in accordance with the provisions of law and
11 rules regulations of the State Board of Education
12 ~~commissioner~~. Expenditures for salaries of instructional
13 personnel must include compensation based on employee
14 performance demonstrated under s. 231.29.

15 (5) BUDGETS.--Observe fully at all times all
16 requirements of law and rules regulations of the State Board
17 of Education ~~commissioner~~ relating to the preparation,
18 adoption, and execution of budgets for the district school
19 system.

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

22 236.025 Revised funding model for exceptional student
23 education programs.--

24 (5) The State Board ~~Department~~ of Education shall
25 adopt rules necessary to administer ~~implement~~ the revised
26 funding model.

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

30 236.081 Funds for operation of schools.--If the annual
31 allocation from the Florida Education Finance Program to each

1 district for operation of schools is not determined in the
2 annual appropriations act or the substantive bill implementing
3 the annual appropriations act, it shall be determined as
4 follows:

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

9 (a) Determination of full-time equivalent
10 membership.--During each of several school weeks, including
11 scheduled intersessions of a year-round school program during
12 the fiscal year, a program membership survey of each school
13 shall be made by each district by aggregating the full-time
14 equivalent student membership of each program by school and by
15 district. The department shall establish the number and
16 interval of membership calculations, except that for basic and
17 special programs such calculations shall not exceed nine for
18 any fiscal year. The district's full-time equivalent
19 membership shall be computed and currently maintained in
20 accordance with rules ~~regulations~~ of the State Board of
21 Education ~~commissioner~~. ~~Beginning with the 1999-2000 school~~
22 ~~year,~~Each school district shall also document the daily
23 attendance of each student in membership by school and by
24 district. An average daily attendance factor shall be computed
25 by dividing the total daily attendance of all students by the
26 total number of students in membership and then by the number
27 of days in the regular school year. Beginning with the
28 2002-2003 school year, the district's full-time equivalent
29 membership shall be adjusted by multiplying by the average
30 daily attendance factor.

31

1 (3) INSERVICE EDUCATIONAL PERSONNEL TRAINING
2 EXPENDITURE.--Of the amount computed in subsections (1) and
3 (2), a percentage of the base student allocation per full-time
4 equivalent student shall be expended for educational training
5 programs as determined by the district school board as
6 provided in s. 231.600. This percentage shall remain constant
7 and shall be calculated by dividing \$6 by the 1990-1991 base
8 student allocation. At least two-thirds of the funds so
9 determined shall be expended as provided in s. 231.600, and
10 such funds may be used for implementation of the demonstration
11 of professional education competence program as provided in s.
12 231.17. Funds as provided herein may be expended only for the
13 direct support of inservice training activities as prescribed
14 below:

15 (d) Funds may be expended to pay tuition or
16 registration fees for college courses provided the course is
17 identified in the district's approved master plan and the
18 employee does not receive college credit. However, an employee
19 may be awarded college credit for successful participation in
20 exempted inservice programs that are identified by the
21 Department of Education in State Board of Education rule and
22 for which the employee shall pay the regular tuition and
23 registration fees assessed by the credit-granting institution.
24 Courses for these exempted programs shall be arranged and
25 conducted in compliance with procedures that are developed
26 ~~cooperatively~~ by the Department of Education ~~and the Board of~~
27 ~~Regents~~ and are also included in State Board of Education
28 rule. Provision for payment of tuition and registration fees
29 for such credit-earning courses shall be contained in State
30 Board of Education rule.

31

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

3 236.1225 Gifted education exemplary program grants.--

4 (2) There is hereby created a grant program for
5 education for the gifted which shall be administered by the
6 Commissioner of Education in cooperation and consultation with
7 appropriate organizations and associations concerned with
8 education for the gifted and pursuant to rules adopted by the
9 State Board ~~Commissioner~~ of Education. The program may be
10 implemented in any public school.

11 (3) Pursuant to policies and rules to be adopted by
12 the State Board ~~Commissioner~~ of Education, each district
13 school board, two or more district school boards in
14 cooperation, or a public school principal through the district
15 school board may submit to the commissioner a proposed program
16 designed to effectuate an exemplary program for education for
17 the gifted in a school, district, or group of districts.
18 Consideration for funding shall be given to proposed programs
19 of district school boards that are developed with the
20 cooperation of a community college, public or private college,
21 or university for the purpose of providing advanced
22 accelerated instruction for public school students pursuant to
23 s. 229.814. In order to be approved, a program proposal must
24 include:

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

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

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

31

1 (d) Provisions for evaluation of the program and for
2 its integration into the general curriculum and financial
3 program of the school district or districts at the end of the
4 funded period; and

5 (e) Such other information and provisions as the
6 commissioner requires.

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

9 237.081 Public hearings; budgets to be submitted to
10 Department of Education.--

11 (4) The advertisement shall appear adjacent to the
12 advertisement required pursuant to s. 200.065. The State Board
13 ~~Commissioner~~ of Education may adopt rules necessary to provide
14 specific requirements for the format of the advertisement.

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

17 237.211 School depositories; payments into and
18 withdrawals from depositories.--

19 (5) FORM OF WARRANTS; DIRECT DEPOSIT OF FUNDS.--The
20 school board is authorized to establish the form or forms of
21 warrants, which are to be signed by the chair or, in his or
22 her absence, the vice chair of the school board and
23 countersigned by the superintendent, for payment or
24 disbursement of moneys out of the school depository and to
25 change the form thereof from time to time as the school board
26 deems appropriate. If authorized in writing by the payee,
27 such school board warrants may provide for the direct deposit
28 of funds to the account of the payee in any financial
29 institution that is designated in writing by the payee and
30 that has lawful authority to accept such deposits. The written
31 authorization of the payee must be filed with the school

1 board. Direct deposit of funds may be by any electronic or
2 other medium approved by the school board for such purpose.
3 The State Board ~~Commissioner~~ of Education shall adopt rules
4 prescribing minimum security measures that must be implemented
5 by any school board before establishing the system authorized
6 in this subsection.

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

9 237.40 Direct-support organization; use of property;
10 board of directors; audit.--

11 (4) ANNUAL AUDIT.--Each direct-support organization
12 shall provide for an annual financial audit of its accounts
13 and records, to be conducted by an independent certified
14 public accountant in accordance with rules adopted by the
15 Auditor General pursuant to s. 11.45(8) and the State Board
16 ~~Commissioner~~ of Education. The annual audit report shall be
17 submitted within 9 months after the fiscal year's end to the
18 district school board and the Auditor General. The
19 Commissioner of Education, the Auditor General, and the Office
20 of Program Policy Analysis and Government Accountability have
21 the authority to require and receive from the organization or
22 the district auditor any records relative to the operation of
23 the organization. The identity of donors and all information
24 identifying donors and prospective donors are confidential and
25 exempt from the provisions of s. 119.07(1), and that anonymity
26 shall be maintained in the auditor's report. All other records
27 and information shall be considered public records for the
28 purposes of chapter 119.

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

31

1 316.615 School buses; physical requirements of
2 drivers.--

3 (3) A person may not operate or cause to be operated a
4 motor vehicle covered by subsection (1) or subsection (2) when
5 transporting school children unless the operator has met the
6 physical examination requirements established by law and by
7 rule adopted by the State Board ~~Commissioner~~ of Education.
8 The operator of such a motor vehicle shall pass an annual
9 physical examination and have posted in the vehicle a
10 certificate to drive the vehicle.

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

13 411.224 Family support planning process.--The
14 Legislature establishes a family support planning process to
15 be used by the Department of Children and Family Services as
16 the service planning process for targeted individuals,
17 children, and families under its purview.

18 (10) The Department of Children and Family Services,
19 the Department of Health, and the State Board ~~Department~~ of
20 Education shall adopt rules necessary to administer ~~implement~~
21 this act.

22 Section 56. Subsections (4), (7), and (12) of section
23 446.609, Florida Statutes, are amended to read:

24 446.609 Jobs for Florida's Graduates Act.--

25 (4) PROGRAM.--There is hereby created a school-to-work
26 program to be known as Jobs for Florida's Graduates which
27 shall, except as otherwise provided by law or by rule of the
28 State Board ~~Department~~ of Education, be operated in accordance
29 with the process and outcome standards of Jobs for America's
30 Graduates, Inc. To that end, the board shall enter into a
31 sponsoring agreement with Jobs for America's Graduates, Inc.,

1 to carry out the Jobs for America's Graduates model within the
2 state.

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

5 (b) The schools chosen by the board to participate in
6 the program must represent a demographically balanced sample
7 population, include both urban and rural schools, and be
8 comprised of schools, including charter schools, in all
9 geographic areas of the state. Each school selected to
10 participate shall enter into a formal written agreement with
11 the board which, at a minimum, details the responsibilities of
12 each party and the process and outcome goals of the Jobs for
13 Florida's Graduates Program.

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

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

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

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

31

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

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

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

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

10 2. To a corporation, trust, association, or foundation
11 organized and operated exclusively for charitable,
12 educational, or scientific purposes.

13 3. To the department for purposes of program
14 recognition and marketing, public relations and education,
15 professional development, and technical assistance and
16 workshops for grant applicants and recipients and the business
17 community.

18 (f) The board may advertise and solicit applications
19 for funding and shall evaluate applications and program
20 proposals submitted thereto.

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

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

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

1 1. In year 1:

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

7 b. By June 30 of the year following the end of the
8 academic year in which the participants' respective high
9 school classes graduated, 70 to 75 percent of graduated
10 working participants in the Jobs for Florida's Graduates
11 Program shall be employed full time in the civilian sector or
12 the military or enrolled in postsecondary training education,
13 or any combination of these that together are equivalent to
14 full time.

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

22 2. In year 2:

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

28 b. By June 30 of the year following the end of the
29 academic year in which the participants' respective high
30 school classes graduated, 75 to 78 percent of graduated
31 working participants in the Jobs for Florida's Graduates

1 Program shall be employed full time in the civilian sector or
2 the military or enrolled in postsecondary training education,
3 or any combination of these that together are equivalent to
4 full time.

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

12 3. In years 3 through 5:

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

18 b. By June 30 of the year following the end of the
19 academic year in which the participants' respective high
20 school classes graduated, 80 percent of graduated working
21 participants in the Jobs for Florida's Graduates Program shall
22 be employed full time in the civilian sector or the military
23 or enrolled in postsecondary training education, or any
24 combination of these that together are equivalent to full
25 time.

26 c. By June 30 of the year following the end of the
27 academic year in which the participants' respective high
28 school classes graduated, the average wage of graduated
29 participants in the Jobs for Florida's Graduates Program who
30 are working shall be at or above the national average wage for
31

1 all participants in programs affiliated with Jobs for
2 America's Graduates, Inc.

3 (j) The board may take such additional actions,
4 including independently organizing and conducting hiring
5 practices, as are deemed necessary and appropriate to
6 administer the provisions of this section. To the maximum
7 extent possible, the board shall hire Jobs for Florida's
8 Graduates Program staff who operate in selected schools to
9 fill necessary staff positions and shall provide for salary,
10 benefits, discipline, evaluation, or discharge according to a
11 contractual agreement. These positions shall not be state
12 employee positions.

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

15 Section 57. Section 489.125, Florida Statutes, is
16 amended to read:

17 489.125 Prequalification of certificateholders.--Any
18 person holding a certificate shall be prequalified to bid by a
19 district school board pursuant to uniform prequalification of
20 contractors criteria adopted by rule of the State Board
21 ~~Commissioner~~ of Education. This section does not supersede any
22 small, woman-owned or minority-owned business enterprise
23 preference program adopted by a district school board. A
24 district school board may not modify or supplement the uniform
25 prequalification criteria adopted by rule. A person holding a
26 certificate must apply to each board for prequalification
27 consideration.

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

30
31

1 937.023 Department of Education to compile list of
2 missing Florida school children; forms; notification; State
3 Board of Education rules.--

4 (1) The State Board ~~Department~~ of Education shall
5 provide by rule for a program to identify and locate missing
6 Florida school children who are enrolled in Florida public
7 school districts in kindergarten through grade 12. A "missing
8 Florida school child" is defined for the purposes of this
9 section as a child 18 years of age or younger whose
10 whereabouts are unknown. Pursuant to such program, the
11 Department of Education shall:

12 (a) Collect each month a list of missing Florida
13 school children as provided by the Florida Crime Information
14 Center. The list shall be designed to include such
15 information as the department deems necessary for the
16 identification of the missing school child.

17 (b) Compile from the information collected pursuant to
18 paragraph (a) a list of missing Florida school children, which
19 list shall be distributed monthly to all public school
20 districts admitting children to kindergarten through grade 12.
21 The list shall include the names of all such missing children,
22 together with such other information as the department deems
23 necessary. Each school district shall distribute this
24 information to the public schools in the district by whatever
25 manner it deems appropriate.

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

30 Section 59. Section 984.05, Florida Statutes, is
31 amended to read:

1 984.05 Rules relating to habitual truants; adoption by
2 State Board ~~Department~~ of Education and Department of Juvenile
3 Justice.--The Department of Juvenile Justice and the State
4 Board ~~Department~~ of Education shall work together on the
5 development of, and shall adopt, rules as necessary to
6 administer ~~for the implementation of~~ ss. 232.19, 984.03(27),
7 and 985.03(25).

8 Section 60. Effective January 7, 2003, subsection (5)
9 of section 229.003, Florida Statutes, and subsection (3) of
10 section 229.0074, Florida Statutes, are repealed.

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

14 228.041 Definitions.--Specific definitions shall be as
15 follows, and wherever such defined words or terms are used in
16 the Florida School Code, they shall be used as follows:

17 (1) STATE SYSTEM OF PUBLIC EDUCATION.--The state
18 system of public education shall consist of such publicly
19 supported and controlled schools, institutions of higher
20 education, other educational institutions, and other
21 educational services as may be provided or authorized by the
22 Constitution and laws of this state.

23 (a) Public schools.--The public schools shall consist
24 of kindergarten classes; elementary and secondary school
25 grades and special classes; adult, part-time, vocational, and
26 evening schools, courses, or classes authorized by law to be
27 operated under the control of school boards; and developmental
28 research schools to be operated under the control of ~~the~~ state
29 universities ~~University System~~.

30 (b) Community colleges.--Community colleges shall
31 consist of all educational institutions which are operated by

1 local community college district boards of trustees under
2 specific authority and regulations of the State Board of
3 Education and which offer courses and programs of general and
4 academic education parallel to that of the first and second
5 years of work in colleges and universities ~~institutions in the~~
6 ~~State University System~~, of career education, and of adult
7 continuing education.

8 (6) SCHOOL CENTER.--A school center is a place of
9 location of any school or schools on the same or on adjacent
10 sites or on a site under the control of the principal and
11 within a reasonable distance of the main center as prescribed
12 by rule ~~regulations~~ of the State Board ~~Commissioner~~ of
13 Education.

14 (13) SCHOOL DAY.--A school day for any group of
15 students is that portion of the day in which school is
16 actually in session and shall comprise not less than 5 net
17 hours, excluding intermissions, for all grades above the
18 third; not less than 4 net hours for the first three grades;
19 and not less than 3 net hours for kindergarten or
20 prekindergarten students with disabilities, or the equivalent
21 as calculated on a weekly basis. The net hours specified in
22 this subsection shall consist only of instruction in an
23 approved course of study and shall exclude all
24 noninstructional activities as defined by rules of the State
25 Board ~~Commissioner~~ of Education. Three of the last days of the
26 90-day term, and of the 180-day term, may be designated by the
27 district school board as final examination days for secondary
28 school students. These final examination days shall consist of
29 no less than 4 net hours, excluding intermissions. The minimum
30 length of the school day herein specified may be decreased
31 under rules which shall be adopted by the state board for

1 double session schools or programs, experimental schools, or
2 schools operating under emergency conditions.

3 (18) EXCEPTIONAL STUDENT.--The term "exceptional
4 student" means any child or youth who has been determined
5 eligible for a special program in accordance with rules of ~~the~~
6 ~~Commissioner of Education or~~ the State Board of Education. The
7 term "exceptional students" includes students who are gifted
8 and students with disabilities who are mentally handicapped,
9 speech and language impaired, deaf or hard of hearing,
10 visually impaired, dual sensory impaired, physically impaired,
11 emotionally handicapped, specific learning disabled, hospital
12 and homebound, autistic, developmentally delayed children,
13 ages birth through 5 years, or children with established
14 conditions, ages birth through 2 years.

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

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

23 228.055 Regional autism centers.--

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

27 Section 63. Section 228.062, Florida Statutes, is
28 amended to read:

29 228.062 Migrant education program.--The State Board
30 ~~Commissioner~~ of Education shall prescribe such rules as are
31 necessary to provide for the participation of the state in the

1 federal migratory child compensatory education program, which
2 may be funded from federal or other lawful sources. The
3 Department of Education is authorized to plan, fund, and
4 administer educational programs for migrant children in the
5 state, beginning for such children at age 3. Such programs
6 shall be operated through grants to local school districts or
7 through contracts with other public agencies or nonprofit
8 corporations.

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

11 228.195 School food service programs.--

12 (2) STATE RESPONSIBILITY.--The State Board
13 ~~Commissioner~~ of Education shall prescribe rules and standards
14 covering all phases of the administration and operation of the
15 school food service programs.

16 Section 65. Paragraph (m) of subsection (4),
17 paragraphs (b) and (d) of subsection (9), paragraphs (a) and
18 (b) of subsection (11) and subsections (12), (13), and (14) of
19 section 230.23, Florida Statutes, are amended to read:

20 230.23 Powers and duties of school board.--The school
21 board, acting as a board, shall exercise all powers and
22 perform all duties listed below:

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

27 (m) Exceptional students.--Provide for an appropriate
28 program of special instruction, facilities, and services for
29 exceptional students as prescribed by the state board as
30 acceptable, including provisions that:

31

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

3 2. The school board provide the special instruction,
4 classes, and services, either within the district school
5 system, in cooperation with other district school systems, or
6 through contractual arrangements with approved nonpublic
7 schools or community facilities which meet standards
8 established by the commissioner.

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

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

16 5. No student be given special instruction or services
17 as an exceptional student until after he or she has been
18 properly evaluated, classified, and placed in the manner
19 prescribed by rules of the State Board of Education
20 ~~commissioner~~. The parent or guardian of an exceptional student
21 evaluated and placed or denied placement in a program of
22 special education shall be notified of each such evaluation
23 and placement or denial. Such notice shall contain a statement
24 informing the parent or guardian that he or she is entitled to
25 a due process hearing on the identification, evaluation, and
26 placement, or lack thereof. Such hearings shall be exempt from
27 the provisions of ss. 120.569, 120.57, and 286.011, and any
28 records created as a result of such hearings shall be
29 confidential and exempt from the provisions of s. 119.07(1),
30 to the extent that the State Board of Education ~~commissioner~~
31 adopts rules establishing other procedures. The hearing must

1 be conducted by an administrative law judge from the Division
2 of Administrative Hearings of the Department of Management
3 Services. The decision of the administrative law judge shall
4 be final, except that any party aggrieved by the finding and
5 decision rendered by the administrative law judge shall have
6 the right to bring a civil action in the circuit court. In
7 such an action, the court shall receive the records of the
8 administrative hearing and shall hear additional evidence at
9 the request of either party. In the alternative, any party
10 aggrieved by the finding and decision rendered by the
11 administrative law judge shall have the right to request an
12 impartial review of the administrative law judge's order by
13 the district court of appeal as provided by s. 120.68.
14 Notwithstanding any law to the contrary, during the pendency
15 of any proceeding conducted pursuant to this section, unless
16 the district school board and the parents or guardian
17 otherwise agree, the child shall remain in his or her
18 then-current educational assignment or, if applying for
19 initial admission to a public school, shall be assigned, with
20 the consent of the parents or guardian, in the public school
21 program until all such proceedings have been completed.

22 6. In providing for the education of exceptional
23 students, the superintendent, principals, and teachers shall
24 utilize the regular school facilities and adapt them to the
25 needs of exceptional students to the maximum extent
26 appropriate. Segregation of exceptional students shall occur
27 only if the nature or severity of the exceptionality is such
28 that education in regular classes with the use of
29 supplementary aids and services cannot be achieved
30 satisfactorily.

31

1 (9) SCHOOL PLANT.--Approve plans for locating,
2 planning, constructing, sanitating, insuring, maintaining,
3 protecting, and condemning school property as prescribed in
4 chapter 235 and as follows:

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

6 1. Select and purchase school sites, playgrounds, and
7 recreational areas located at centers at which schools are to
8 be constructed, of adequate size to meet the needs of
9 projected pupils to be accommodated.

10 2. Approve the proposed purchase of any site,
11 playground, or recreational area for which district funds are
12 to be used.

13 3. Expand existing sites.

14 4. Rent buildings when necessary.

15 5. Enter into leases or lease-purchase arrangements,
16 in accordance with the requirements and conditions provided in
17 s. 235.056(2), with private individuals or corporations for
18 the rental of necessary grounds and educational facilities for
19 school purposes or of educational facilities to be erected for
20 school purposes. Current or other funds authorized by law may
21 be used to make payments under a lease-purchase agreement.
22 Notwithstanding any other statutes, if the rental is to be
23 paid from funds received from ad valorem taxation and the
24 agreement is for a period greater than 12 months, an approving
25 referendum must be held. The provisions of such contracts,
26 including building plans, shall be subject to approval by the
27 Department of Education, and no such contract shall be entered
28 into without such approval. As used in this section,
29 "educational facilities" means the buildings and equipment
30 which are built, installed, or established to serve
31 educational purposes and which may lawfully be used. The State

1 Board ~~Commissioner~~ of Education may adopt such rules as are
2 necessary to implement the provisions hereof.

3 6. Provide for the proper supervision of construction.

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

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

9 (d) Insurance of school property.--Carry insurance on
10 every school building in all school plants including contents,
11 boilers, and machinery, except buildings of three classrooms
12 or less which are of frame construction and located in a tenth
13 class public protection zone as defined by the Florida
14 Inspection and Rating Bureau, and on all school buses and
15 other property under the control of the school board or title
16 to which is vested in the school board, except as exceptions
17 may be authorized under rules ~~regulations~~ of the State Board
18 of Education ~~commissioner~~.

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

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

26 (b) Reports to the department.--Require that the
27 superintendent prepare all reports to the Department of
28 Education that may be required by law or rules ~~regulations~~ of
29 the state board ~~or of the commissioner~~; see that all such
30 reports are promptly transmitted to the department; withhold
31 the further payment of salary to the superintendent or

1 employee when notified by the department that he or she has
2 failed to file any report within the time or in the manner
3 prescribed; and continue to withhold the salary until the
4 school board is notified by the department that such report
5 has been received and accepted; provided, that when any report
6 has not been received by the date due and after due notice has
7 been given to the school board of that fact, the department,
8 if it deems necessary, may require the report to be prepared
9 by a member of its staff, and the school board shall pay all
10 expenses connected therewith. Any member of the school board
11 who is responsible for the violation of this provision is
12 subject to suspension and removal.

13 (12) COOPERATION WITH OTHER DISTRICT SCHOOL
14 BOARDS.--May establish and participate in educational
15 consortia that are designed to provide joint programs and
16 services to cooperating school districts, consistent with the
17 provisions of s. 4(b), Art. IX of the State Constitution. The
18 State Board ~~Commissioner~~ of Education shall adopt rules
19 providing for the establishment, funding, administration, and
20 operation of such consortia.

21 (13) ENFORCEMENT OF LAW AND RULES AND
22 REGULATIONS.--Require that all laws and rules and regulations
23 of the state board, ~~of the commissioner,~~ or of the school
24 board are properly enforced.

25 (14) SCHOOL LUNCH PROGRAM.--Assume such
26 responsibilities and exercise such powers and perform such
27 duties as may be assigned to it by law or as may be required
28 by rules ~~regulations~~ of the State Board of Education
29 ~~commissioner~~ or as in the opinion of the school board are
30 necessary to assure school lunch services, consistent with
31 needs of pupils; effective and efficient operation of the

1 program; and the proper articulation of the school lunch
2 program with other phases of education in the district.

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

6 230.2316 Dropout prevention.--

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

8 (d)1. "Second chance schools" means school district
9 programs provided through cooperative agreements between the
10 Department of Juvenile Justice, private providers, state or
11 local law enforcement agencies, or other state agencies for
12 students who have been disruptive or violent or who have
13 committed serious offenses. As partnership programs, second
14 chance schools are eligible for waivers by the Commissioner of
15 Education from ~~chapters 230-235 and 239~~ and State Board of
16 Education rules that prevent the provision of appropriate
17 educational services to violent, severely disruptive, or
18 delinquent students in small nontraditional settings or in
19 court-adjudicated settings.

20 2. School districts seeking to enter into a
21 partnership with a private entity or public entity to operate
22 a second chance school for disruptive students may apply to
23 the Department of Education for startup grants from the
24 Department of Education. These grants must be available for 1
25 year and must be used to offset the startup costs for
26 implementing such programs off public school campuses. General
27 operating funds must be generated through the appropriate
28 programs of the Florida Education Finance Program. Grants
29 approved under this program shall be for the full operation of
30 the school by a private nonprofit or for-profit provider or
31 the public entity. This program must operate under rules

1 adopted by the State Board ~~Department~~ of Education and must be
2 implemented to the extent funded by the Legislature.

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

6 a. The student is a habitual truant as defined in s.
7 228.041(28).

8 b. The student's excessive absences have detrimentally
9 affected the student's academic progress and the student may
10 have unique needs that a traditional school setting may not
11 meet.

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

14 d. The student has been identified as at risk of
15 dropping out of school.

16 4. A student who is habitually truant may be assigned
17 to a second chance school only if the case staffing committee,
18 established pursuant to s. 984.12, determines that such
19 placement could be beneficial to the student and the criteria
20 included in subparagraph 2. are met.

21 5. A student may be assigned to a second chance school
22 if the school district in which the student resides has a
23 second chance school and if the student meets one of the
24 following criteria:

25 a. The student habitually exhibits disruptive behavior
26 in violation of the code of student conduct adopted by the
27 school board.

28 b. The student interferes with the student's own
29 learning or the educational process of others and requires
30 attention and assistance beyond that which the traditional
31 program can provide, or, while the student is under the

1 jurisdiction of the school either in or out of the classroom,
2 frequent conflicts of a disruptive nature occur.

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

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

9 (II) Includes violence;

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

11 (IV) Is harassment or verbal abuse of school personnel
12 or other students.

13 6. Prior to assignment of students to second chance
14 schools, school boards are encouraged to use alternative
15 programs, such as in-school suspension, which provide
16 instruction and counseling leading to improved student
17 behavior, a reduction in the incidence of truancy, and the
18 development of more effective interpersonal skills.

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

24 8. Students who exhibit academic and social progress
25 and who wish to return to a traditional school shall complete
26 a character development and law education program, as provided
27 in s. 233.0612, and demonstrate preparedness to reenter the
28 regular school setting prior to reentering a traditional
29 school.

30 (9) RULES.--The State Board ~~Department~~ of Education
31 shall have the authority pursuant to ss. 120.536(1) and 120.54

1 to adopt any rules necessary to administer ~~implement the~~
2 ~~provisions of~~ this section; such rules shall require the
3 minimum amount of necessary paperwork and reporting to comply
4 with this act.

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

7 230.23161 Educational services in Department of
8 Juvenile Justice programs.--

9 (23) The State Board ~~Department~~ of Education shall
10 have the authority to adopt any rules necessary to administer
11 ~~implement the provisions of~~ this section, including rules
12 governing uniform curriculum, funding, and second chance
13 schools. Such rules shall require the minimum amount of
14 paperwork and reporting necessary to comply with this act.

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

17 230.23166 Teenage parent programs.--

18 (6) The State Board ~~Commissioner~~ of Education shall
19 adopt rules necessary to administer ~~implement the provisions~~
20 ~~of~~ this section.

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

23 231.700 Florida Mentor Teacher School Pilot Program.--

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

28 Section 70. Paragraph (e) of subsection (1) and
29 subsection (2) of section 232.01, Florida Statutes, are
30 amended to read:

31 232.01 School attendance.--

1 (1)

2 (e) Beginning with the 1991-1992 school year and
3 consistent with rules adopted by the commissioner, children
4 with disabilities who have attained the age of 3 years shall
5 be eligible for admission to public special education programs
6 and for related services under rules adopted by the school
7 board. Exceptional children who are deaf or hard of hearing,
8 visually impaired, dual sensory impaired, severely physically
9 handicapped, trainable mentally handicapped, or profoundly
10 handicapped, or who have established conditions, or exhibit
11 developmental delays, below age 3 may be eligible for special
12 programs; or, if enrolled in other prekindergarten or day care
13 programs, they may be eligible for supplemental instruction.
14 Rules for the identification of established conditions for
15 children birth through 2 years of age and developmental delays
16 for children birth through 5 years of age must be adopted by
17 the State Board ~~Commissioner~~ of Education.

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

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

24 232.0315 School-entry health examinations.--

25 (2) The State Board ~~Department~~ of Education, subject
26 to the concurrence of the Department of Health, shall adopt
27 rules to govern medical examinations performed under this
28 section.

29 Section 72. Section 232.23, Florida Statutes, is
30 amended to read:

31

1 232.23 Procedures for maintenance and transfer of
2 pupil records.--

3 (1) Each principal shall maintain a permanent
4 cumulative record for each pupil enrolled in a public school.
5 Such record shall be maintained in the form, and contain all
6 data, prescribed by rule by the State Board ~~Commissioner~~ of
7 Education. The cumulative record is confidential and exempt
8 from the provisions of s. 119.07(1) and is open to inspection
9 only as provided in s. 228.093.

10 (2) The procedure for transferring and maintaining
11 records of pupils who transfer from school to school shall be
12 prescribed by rules ~~regulations~~ of the State Board of
13 Education ~~commissioner~~.

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

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

19 232.245 Pupil progression; remedial instruction;
20 reporting requirements.--

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

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

26 232.25 Pupils subject to control of school.--

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

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

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

2 (c) During the time she or he is on the school
3 premises participating with authorization in a
4 school-sponsored activity; and

5 (d) During a reasonable time before and after a pupil
6 is on the premises for attendance at school or for authorized
7 participation in a school-sponsored activity, and only when on
8 the premises,

9
10 be under the control and direction of the principal or teacher
11 in charge of the school, and under the immediate control and
12 direction of the teacher or other member of the instructional
13 staff or of the bus driver to whom such responsibility may be
14 assigned by the principal. However, the State Board of
15 Education ~~commissioner~~ or the district school board may, by
16 rules and regulations, subject each pupil to the control and
17 direction of the principal or teacher in charge of the school
18 during the time she or he is otherwise en route to or from
19 school or is presumed by law to be attending school.

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

23 234.02 Safety and health of pupils.--Maximum regard
24 for safety and adequate protection of health are primary
25 requirements that must be observed by school boards in routing
26 buses, appointing drivers, and providing and operating
27 equipment, in accordance with all requirements of law and
28 regulations of the commissioner in providing transportation
29 pursuant to s. 234.01:

30 (11) The superintendent shall notify the school board
31 of any school bus that does not meet all requirements of law

1 and rules ~~regulations~~ of the State Board of Education
2 ~~commissioner~~, and the school board shall, if the school bus is
3 in an unsafe condition, withdraw it from use as a school bus
4 until the bus meets the requirements. The Department of
5 Education may inspect or have inspected any school bus to
6 determine whether the bus meets requirements of law and rules
7 ~~regulations~~ of the State Board of Education ~~commissioner~~. The
8 department may, after due notice to a school board that any
9 school bus does not meet certain requirements of law and rules
10 ~~regulations~~ of the State Board of Education ~~commissioner~~, rule
11 that the bus must be withdrawn from use as a school bus, this
12 ruling to be effective forthwith or upon a date to be
13 specified therein, whereupon the school board shall withdraw
14 same from use as a school bus until the bus meets requirements
15 of law and rules ~~regulations~~ of the State Board of Education
16 ~~commissioner~~ and until the department has officially revoked
17 the pertinent ruling. Notwithstanding any other provisions of
18 this chapter, general purpose urban transit systems are
19 declared qualified to transport children to and from school.

20 (12)

21 (b) Each school board, after considering
22 recommendations from the superintendent, shall designate, by
23 map or otherwise, or shall provide by school board rule for
24 the designation of, nontransportation zones that are composed
25 of all areas in the district from which it is unnecessary or
26 impracticable to furnish transportation. Nontransportation
27 zones must be designated annually before the opening of school
28 and the designation of bus routes for the succeeding school
29 year. Each school board, after considering recommendations
30 from the superintendent, shall specifically designate, or
31 shall provide by school board rule for the designation of,

1 specific routes to be traveled regularly by school buses, and
2 each route must meet the requirements prescribed by rules of
3 the State Board of Education ~~commissioner~~.

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

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

9 234.301 Pool purchase of school buses.--

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

15 Section 77. Section 229.567, Florida Statutes, is
16 amended to read:

17 229.567 School readiness uniform screening.--

18 (1)(a) The Department of Education shall adopt the
19 school readiness uniform screening developed by the Florida
20 Partnership for School Readiness, ~~and shall require that all~~
21 ~~school districts administer the kindergarten uniform screening~~
22 ~~to each kindergarten student in the district school system~~
23 ~~upon the student's entry into kindergarten.~~

24 (b) The uniform screening shall provide objective data
25 regarding the following expectations for school readiness
26 which shall include, at a minimum:

27 1. The child's immunizations and other health
28 requirements as necessary, including appropriate vision and
29 hearing screening and examinations.

30 2. The child's physical development.

31

- 1 3. The child's compliance with rules, limitations, and
2 routines.
- 3 4. The child's ability to perform tasks.
4 5. The child's interactions with adults.
5 6. The child's interactions with peers.
6 7. The child's ability to cope with challenges.
7 8. The child's self-help skills.
8 9. The child's ability to express his or her needs.
9 10. The child's verbal communication skills.
10 11. The child's problem-solving skills.
11 12. The child's following of verbal directions.
12 13. The child's demonstration of curiosity,
13 persistence, and exploratory behavior.
- 14 14. The child's interest in books and other printed
15 materials.
- 16 15. The child's paying attention to stories.
17 16. The child's participation in art and music
18 activities.
- 19 17. The child's ability to identify colors, geometric
20 shapes, letters of the alphabet, numbers, and spatial and
21 temporal relationships.
- 22 (c) Children who enter public school for the first
23 time in first grade must undergo a uniform screening approved
24 by the partnership for use in first grade. Because children
25 with disabilities may not be able to meet all of the
26 identified expectations for school readiness, the plan for
27 measuring school readiness shall incorporate mechanisms for
28 recognizing the potential variations in expectations for
29 school readiness when serving children with disabilities and
30 shall provide for communities to serve children with
31 disabilities.

1 (2) The Department of Education shall implement a
2 school readiness uniform screening, including a pilot program
3 during the 2001-2002 school year, to validate the system
4 recommended by the Florida Partnership for School Readiness as
5 part of a comprehensive evaluation design. Beginning with the
6 2002-2003 school year, the department shall require that all
7 school districts administer the school readiness uniform
8 screening to each kindergarten student in the district school
9 system upon the student's entry into kindergarten. Children
10 who enter public school for the first time in first grade must
11 undergo a uniform screening adopted for use in first grade.
12 The department shall incorporate school readiness data into
13 the K-20 data warehouse for longitudinal tracking.

14 Section 78. Section 229.0074, Florida Statutes, is
15 amended to read:

16 229.0074 Commission for ~~Division of~~ Independent
17 Education.--

18 ~~(1) The mission of the Division of Independent~~
19 ~~Education is to enhance the opportunity to raise the~~
20 ~~educational attainment levels of students pursuing their~~
21 ~~education in nongovernment settings by representing their~~
22 ~~interests, and those of the institutions that serve them, in~~
23 ~~the Department of Education. The Division of Independent~~
24 ~~Education has no authority over the institutions or students~~
25 ~~in Florida's independent education sector. The Commission for~~
26 ~~Independent Education, administratively housed within the~~
27 ~~division, shall have such authority as specified in chapter~~
28 ~~246 relating to independent postsecondary education, except~~
29 ~~regarding those institutions described in s. 229.0073(4)(c).~~
30 ~~The division shall serve as the advocate for, and liaison to,~~
31 ~~independent education providers and institutions, including~~

1 ~~home education programs that meet the requirements of s.~~
2 ~~232.0201, private K-12 institutions as described in s.~~
3 ~~229.808, independent colleges and universities except as~~
4 ~~otherwise provided in s. 229.0073(4)(c), and private~~
5 ~~postsecondary career preparation/vocational training~~
6 ~~institutions.~~

7 ~~(2) The executive director of the division shall~~
8 ~~establish a mechanism for regular interaction and input from~~
9 ~~independent education providers in the development of policies~~
10 ~~that provide seamless articulation for all students. The~~
11 ~~executive director shall:~~

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

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

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

21 ~~(d) Monitor and participate in rulemaking and other~~
22 ~~activities relevant to the interests of the independent~~
23 ~~education sector.~~

24 ~~(e) Serve as a key spokesperson for the independent~~
25 ~~education sector.~~

26 ~~(f) Advocate for any necessary educational services~~
27 ~~and funds for independent education sector families and~~
28 ~~schools.~~

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

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1 ~~(h) Foster a collaborative spirit and working~~
2 ~~relationship among the institutions of the private and public~~
3 ~~sectors.~~

4 ~~(i) Identify and convey the best practices of the~~
5 ~~independent education sector for the benefit of the other~~
6 ~~education delivery sectors, and vice versa.~~

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

10 ~~(k) Facilitate the administration of education~~
11 ~~services provided by the Department of Education to the~~
12 ~~independent education sector, such as those relating to~~
13 ~~teacher certification and background checks.~~

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

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

18 ~~(n) Communicate relevant decisions to the independent~~
19 ~~education sector.~~

20 ~~(o) Establish and oversee the division staff necessary~~
21 ~~to carry out the division's functions in the most economical~~
22 ~~and effective manner.~~

23 ~~(p) Evaluate pending policies to ensure they do not~~
24 ~~place additional regulation or mandates on the independent~~
25 ~~education community.~~

26 ~~(3) The powers and duties of the State Board of~~
27 ~~Independent Colleges and Universities and the State Board of~~
28 ~~Nonpublic Career Education, except as relating to any~~
29 ~~independent nonprofit college or university whose students are~~
30 ~~eligible to receive the William L. Boyd, IV, Florida resident~~
31 ~~access grants pursuant to s. 240.605, shall be combined and~~

1 ~~transferred to a single board named the~~ Commission for
2 Independent Education, ~~which shall be administratively housed~~
3 ~~within the division. This single board shall authorize~~
4 ~~granting of certificates, diplomas, and degrees for~~
5 ~~independent postsecondary education institutions through~~
6 ~~exemption, registration, authorization, and licensing.~~

7 ~~(4) The Commission for Independent Education shall~~
8 ~~consist of six citizens who are residents of this state. The~~
9 ~~commission shall function in matters relating to independent~~
10 ~~postsecondary education institutions in consumer protection,~~
11 ~~program improvement, registration, authorization, licensure,~~
12 ~~and certificate of exemption from licensure for institutions~~
13 ~~under its purview, in keeping with the stated goals of the~~
14 ~~seamless K-20 education system. The commission shall appoint~~
15 ~~an executive director to serve as secretary of the commission~~
16 ~~and shall elect a chair and other officers as needed from~~
17 ~~among its membership. Members of the commission shall be~~
18 ~~appointed by the Governor and confirmed by the Senate. The~~
19 ~~commission shall be composed of six members, as follows:~~

20 ~~(a) One member from an independent college or~~
21 ~~university that enrolls students who receive state or federal~~
22 ~~financial aid.~~

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

26 ~~(c) One member from an independent nondegree granting~~
27 ~~school that enrolls students who receive state or federal~~
28 ~~financial aid.~~

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

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

3 ~~(5) The establishment of the Division of Independent~~
4 ~~Education shall not be construed to advance the extension or~~
5 ~~expansion of government regulation of independent or home~~
6 ~~education programs, and nothing contained in this act shall~~
7 ~~authorize the state or any school district to further~~
8 ~~regulate, control, or interfere with the autonomy of~~
9 ~~independent K-12 schools or home education programs, or their~~
10 ~~governance, curriculum, accreditation, testing, or other~~
11 ~~practices.~~

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

14 229.58 District and school advisory councils.--

15 (1) ESTABLISHMENT.--

16 (d) Each area technical center operated by a school
17 district shall establish a center advisory council. The
18 council shall assist in the preparation and evaluation of
19 center improvement plans required by s. 230.23(16) and may
20 provide assistance, upon the request of the center director,
21 in the preparation of the center's annual budget and plan as
22 required by s. 229.555(1).

23 Section 80. Subsection (5) is added to section
24 229.8075, Florida Statutes, to read:

25 229.8075 Florida Education and Training Placement
26 Information Program.--

27 (5) To measure and report program enrollments and
28 completions, the Department of Education shall use data in the
29 automated student databases generated by the public schools
30 and community colleges. To measure and report placement rates
31 and amount of earnings at the time of placement, the

1 department shall use data in the reports produced by the
2 Florida Education and Training Placement Information Program.
3 If any placement information is not available from the Florida
4 Education and Training Placement Information Program, the
5 school district or the community college may provide placement
6 information collected by the school district or the community
7 college. However, this supplemental information must be
8 verifiable by the department and must not be commingled with
9 the database maintained by the Florida Education and Training
10 Placement Information Program. The State Board of Education
11 shall specify by rule the statistically valid, verifiable,
12 uniform procedures by which school districts and community
13 colleges may collect and report placement information to
14 supplement the reports from the Florida Education and Training
15 Placement Information Program.

16 Section 81. Section 229.8052, Florida Statutes, is
17 repealed.

18 Section 82. Section 229.008, Florida Statutes, is
19 repealed.

20 Section 83. Section 229.0081, Florida Statutes, is
21 repealed.

22 Section 84. Section 229.0082, Florida Statutes, is
23 repealed.

24 Section 85. Section 229.76, Florida Statutes, is
25 repealed.

26 Section 86. Effective June 30, 2002, section 229.8065,
27 Florida Statutes, is repealed.

28 Section 87. Subsection (2) of section 233.17, Florida
29 Statutes, is amended to read:

30 233.17 Term of adoption for instructional materials.--
31

1 (2) The department shall publish annually an official
2 schedule of subject areas to be called for adoption for each
3 of the succeeding 2 years, and a tentative schedule for years
4 3, 4, 5, and 6. If extenuating circumstances warrant, the
5 Commissioner of Education may order the department to add one
6 or more subject areas to the official schedule, in which event
7 the commissioner shall develop criteria for such additional
8 subject area or areas pursuant to s. 229.512(16)~~s.~~
9 ~~229.512(18)~~ and make them available to publishers as soon as
10 practicable. Notwithstanding the provisions of s. 229.512(16)
11 ~~s. 229.512(18)~~, the criteria for such additional subject area
12 or areas may be provided to publishers less than 24 months
13 before the date on which bids are due. The schedule shall be
14 developed so as to promote balance among the subject areas so
15 that the required expenditure for new instructional materials
16 is approximately the same each year in order to maintain
17 curricular consistency.

18 Section 88. (1) The Secretary for the Florida Board
19 of Education shall recommend to the Florida Board of Education
20 performance goals for addressing the educational needs of the
21 state for the K-20 education system. The Council for Education
22 Policy Research and Improvement, as an independent entity,
23 shall develop a report card assigning grades to indicate
24 Florida's progress toward meeting those goals. The annual
25 report card shall contain information showing Florida's
26 performance relative to other states on selected measures, as
27 well as Florida's ability to meet the need for postsecondary
28 degrees and programs and how well the Legislature has provided
29 resources to meet this need. The information shall include the
30 results of the National Assessment of Educational Progress or
31 a similar national assessment program administered to students

1 in Florida. By January 1, 2003, the Council for Education
2 Policy Research and Improvement shall submit the report card
3 to the Legislature, the Governor, and the public. Prior to the
4 regular legislative session, the Commissioner of Education
5 shall present to the Legislature a plan for correcting any
6 deficiencies identified in the report card.

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

9 Section 89. Section 229.136, Florida Statutes, is
10 created to read:

11 229.136 Rules adopted pursuant to statutes amended by
12 this act; effect.--All rules of the State Board of Education,
13 the Commissioner of Education, and the Department of Education
14 adopted pursuant to the provisions of law amended by this act,
15 in effect on January 2, 2003, remain in effect until
16 specifically amended or repealed in the manner provided by
17 law.

18 Section 90. Effective January 7, 2003, the
19 administrative rules of the Department of Education and the
20 Commissioner of Education shall become the rules of the State
21 Board of Education.

22 Section 91. Effective January 7, 2003, the
23 administrative rules of the State Board of Education shall
24 become the rules of the appointed State Board of Education.

25 Section 92. All administrative rules of the State
26 Board of Education, the Commissioner of Education, and the
27 Department of Education are transferred by a type two
28 transfer, as defined in section 20.06(2), Florida Statutes, to
29 the appointed State Board of Education.

30 Section 93. This act shall not affect the validity of
31 any judicial or administrative action involving the Department

1 of Education, pending on January 7, 2003. This act shall not
2 affect the validity of any judicial or administrative action
3 involving the Commissioner of Education or the State Board of
4 Education, pending on January 7, 2003, and the appointed State
5 Board of Education shall be substituted as a party of interest
6 in any such action.

7 Section 94. Sections 94-102 of this act may be cited
8 as the "Education Investment Act," and these sections shall
9 take effect July 1, 2002.

10 Section 95. The Legislature finds that low-performing
11 high schools are those that receive students from
12 low-performing elementary and middle schools. Even the top
13 graduates from those high schools are likely to experience
14 difficulty in university education. Therefore, the Legislature
15 intends to invest academic resources in students attending
16 low-performing schools at all levels. An adequate return on
17 the investment will be earned if the top 20 percent of each
18 high school's graduating class gains academic skills
19 sufficient to experience success in postsecondary education.

20 (1) To identify the schools that will benefit from the
21 resource investments provided in this act, the Board of
22 Education shall determine which schools with a grade
23 designation of "C" are at risk of falling beneath that
24 designation. As used in this act, the term "low-performing
25 school" means a "C" school at risk of earning a lower grade,
26 as determined by the Board of Education, and each school with
27 a grade designation of "D" or "F."

28 (2) The Board of Education shall determine which
29 elementary and middle schools provide the majority of students
30 to low-performing high schools. As used in this act, the term
31 "feeder-pattern school" refers to any elementary or middle

1 school whose former students predominantly enroll in a
2 low-performing high school, as determined by the Board of
3 Education.

4 Section 96. The Legislature intends to invest
5 resources in low-performing high schools and their
6 feeder-pattern elementary and middle schools in the core
7 disciplines of mathematics, language arts, and writing.

8 (1) For a high school, these enhancements may consist
9 of providing:

10 (a) A longer school day,

11 (b) A longer school year,

12 (c) Consultants or mentors to assist teachers to
13 improve or adapt curriculum to better meet the needs of
14 students,

15 (d) Additional teachers to reduce class size, and

16 (e) Electronic access to grades 6 through 12 career
17 information, postsecondary degree, and training programs
18 portal connected to the web-based FACTS system.

19 (2) For a feeder-pattern school for a low-performing
20 high school, these enhancements may include:

21 (a) Increased funding to expand special reading
22 instruction from grade levels 1-3 into grades 4-8.

23 (b) Enhanced instruction in mathematics, reading, and
24 writing skills.

25 (c) After-school programs to provide homework
26 assistance, recreational reading, or other activities that
27 will increase a student's association with adults or older
28 students as positive role models for learning.

29 (d) Electronic access to grades 6 through 12 career
30 information, postsecondary degree, and training programs
31 portal connected to the web-based FACTS system.

1
2 The Board of Education, in collaboration with colleges and
3 universities, shall oversee any program of curriculum
4 enhancement for low-performing high schools and their
5 feeder-pattern schools and shall adopt measures of
6 productivity and accountability to judge the success of the
7 program. For instance, the board should assure that, in a high
8 school with such a program, a teacher in the core subject
9 areas does not have responsibility for more than 150 students
10 per day.

11 (3) The board shall assist any school whose program is
12 not likely to produce an adequate return on the investment
13 provided in this act.

14 (4) Annually the board shall report to the Legislature
15 the number of programs implemented with funds provided for
16 this act, the types of assistance provided, and the results of
17 the productivity and accountability measures established.

18 Section 97. The Board of Education shall evaluate the
19 ability of low-performing high schools and their
20 feeder-pattern schools adequately to counsel students who
21 would benefit from enrollment in honors courses, Advanced
22 Placement courses, dual enrollment courses, and the college
23 preparatory courses required for university admission to the
24 freshman class.

25 (1) Each school district that contains a
26 low-performing high school must annually report to the board
27 the college preparatory, Advanced Placement, honors, or dual
28 enrollment courses completed by students who have a
29 cumulative, unweighted grade point average of 2.5 or greater.
30 The board shall analyze the reports and determine which
31 districts require intervention in the form of technical

1 assistance or an enhanced allocation to employ or contract for
2 the services of additional counselors.

3 (2) If a low-performing high school has a greater
4 ratio of students per counselor than another high school in
5 the district, the ratio must be lowered by employing
6 additional counselors. In a district with only one high
7 school, the comparison must be made with adjacent districts.
8 The ratio of students per counselor at a low-performing high
9 school may be no higher than the ratio at the highest
10 performing high school in the district or adjacent district.

11 (3) Beginning in the 2002-2003 school year, each
12 school district that contains a low-performing high school
13 shall compute and report to the Board of Education the
14 following accountability measures related to college
15 preparatory courses:

16 (a) The percent increase in the numbers of guidance
17 counselors at the middle and high school level who completed a
18 seminar on advising for college.

19 (b) The percent increase in the numbers of students in
20 grades 6-12 who received a college-preparation curriculum
21 audit and the number of students in grades 6 through 12 who
22 received a 7-year plan for courses needed to satisfy the
23 19-credit admission standard and high school graduation
24 requirements.

25 (c) The number of low-performing high schools and
26 their feeder-pattern schools that employ at least one
27 instructional coach per 500 students.

28 (d) A comparison of students in low-achieving high
29 schools and their feeder-pattern schools with schools of
30 comparable size that earned a grade of "A." The comparison
31

1 shall include the percent change (increase or decrease) in the
2 gap between students at each type of school who:

3 1. Enroll in and complete with a grade of "C" or
4 better gatekeeper courses by grade level. Gatekeeper courses
5 include pre-algebra in grade 8 and English, mathematics,
6 science, social studies, and foreign language in each of
7 grades 6 through 12.

8 2. Enroll in and complete with a grade of "C" or
9 better in honors, Advanced Placement, and dual enrollment
10 courses.

11 3. Earn college credit by passing a dual enrollment
12 course or passing an Advanced Placement test with a score of 3
13 or better.

14 Section 98. (1) The Legislature intends to assist
15 students whose initial sitting for the Preliminary Scholastic
16 Assessment Test provides evidence of poor test-taking, study,
17 or academic preparation skills.

18 (a) The Board of Education and each school district
19 shall use PSAT scores of students in low-performing high
20 schools to adopt priorities for identifying students who could
21 most benefit from a course designed to prepare students for
22 taking the Scholastic Assessment Test of the College Entrance
23 Examination or an equivalent test in the American College
24 Testing Program.

25 (b) The board may adopt rules or policies to select
26 students for a test-preparation and study skills program, and
27 the policies may include financial need, teacher
28 recommendations, or other measures of the student's ability to
29 benefit.

30 (2) The board shall develop academic booster courses
31 for students who attend low-performing high schools and whose

1 scores on the PSAT indicate that they could benefit from such
2 preparation.

3 Section 99. Any self-contained public education
4 program located within a low-performing high school is defined
5 as a separate school for purposes of implementing the
6 "Talented Twenty Percent" component of the state's policy for
7 university admissions. An open-enrollment magnet program is,
8 therefore, a school for purposes of this act and the
9 identification of the "Talented Twenty Percent." Such a
10 program must determine its top-ranked twenty percent in each
11 graduating class, and the high school that contains the
12 program shall separately identify its top-ranked graduates.
13 Both groups of graduates are eligible for any benefits
14 provided by policy, rule, or law because of their standing.

15 Section 100. The Legislature intends to improve the
16 ability of public universities to expand undergraduate student
17 recruitment, retention, and support services provided to
18 students from low-performing high schools.

19 (1) If funded in the annual General Appropriations
20 Act, each university that enrolls students from low-performing
21 high schools because of the "Talented Twenty Percent"
22 admissions policy shall develop student services to assist
23 them. These services may include admitting students early for
24 orientation programs, providing mentors or additional
25 opportunities for personal advisement, and conducting meetings
26 to identify additional opportunities for assistance.

27 (2) Any funds provided for this purpose must be used
28 to enhance any similar program funded by the federal
29 government or the university and must address the unique needs
30 of students admitted because of the policy who would not have
31

1 met the admissions standards prior to implementation of the
2 policy.

3 Section 101. The Legislature intends to provide
4 waivers of matriculation fees for Florida residents who begin
5 a post-baccalaureate degree program within a public state
6 university within 2 years after graduation from a Florida
7 public or independent university and who received a Pell Grant
8 or a subsidized Stafford Loan as an undergraduate student.

9 (1) Priority for the first 3 years of the fee waiver
10 program must be for students who also graduated from a high
11 school that was low-performing either when the student
12 graduated from high school or when the student graduated from
13 college.

14 (2) If funded in the annual General Appropriations
15 Act, the fee waivers must be distributed to students
16 identified by the university in which the student wishes to
17 enroll.

18 (3) The Board of Education shall adopt rules for
19 allocating an equitable number of fee waivers to each
20 university. If funds are not adequate to provide fee waivers
21 to each student whose university makes a request on his or her
22 behalf, the university shall base the selection of students to
23 receive the waivers upon considerations that include the
24 student's need and the low performance of the student's high
25 school.

26 Section 102. The Legislature intends to provide
27 Law-School-Admission-Test-preparation courses to aspiring
28 law-school students who graduate from a state university and
29 are also graduates of a low-performing high school.

30 (1) If funds are provided for this program in the
31 General Appropriations Act, each university shall identify and

1 inform eligible students of this opportunity. Eligible
2 students are students in each incoming group of admissions and
3 in each graduating class who are graduates of a low-performing
4 high school.

5 (2) First priority for a free course is for students
6 who enrolled in the university as freshmen, with other
7 graduates included if funds are available.

8 (3) A student is eligible if his or her former high
9 school was low-performing either in the year the student
10 graduated from high school or in the year the student
11 graduated from college. However, a student who graduates from
12 the university more than 6 years after graduation from high
13 school is eligible only if his or her high school was
14 low-performing in the year of the student's graduation from
15 high school.

16 Section 103. (1) Each district school board shall
17 develop a plan for a K-12 foreign-language curriculum to be
18 implemented in the 2006-2007 school year and thereafter. In
19 addition to curriculum design and content, each plan must
20 address the following:

21 (a) An implementation strategy and timeline;

22 (b) A foreign-language professional-development
23 program for instructional personnel; and

24 (c) An estimated program budget.

25
26 Each school district must submit its plan to the Commissioner
27 of Education by June 30, 2004.

28 (2) The Department of Education shall provide
29 technical assistance to the school districts upon request.

30 (3) The commissioner shall prepare a summary of school
31 district plans for submission to the Governor, the President

1 of the Senate, and the Speaker of the House of Representatives
2 which specifies:

3 (a) Progress made by school districts in implementing
4 this section;

5 (b) Problems or difficulties encountered by school
6 districts;

7 (c) The availability of instructional resources and
8 personnel;

9 (d) A projected budget for the first year of program
10 implementation.

11 Section 104. Except as otherwise provided in this act,
12 this act shall take effect January 7, 2003.

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1 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
2 COMMITTEE SUBSTITUTE FOR
3 CS/SB 1586

4 The Committee Substitute for CS/SB 1586 requires each district
5 to develop a plan for a K-12 foreign language curriculum to be
6 implemented in the 2006-07 school year.

7 This plan is submitted to the Commissioner of Education, who
8 will submit a summary to the Governor, President of the
9 Senate, and Speaker of the House.

10 The committee substitute also provides for the Secretary of
11 the Florida Board of Education rather than the Commission of
12 Education to recommend performance goals for the K-20
13 education system.

14 The committee substitute also includes the "Education
15 Investment Act" which seeks to invest resources in
16 low-performing high schools and those elementary and middle
17 schools identified as "feeder-pattern" schools to
18 low-performing high schools. The Board of Education is to
19 evaluate low-performing high schools and their feeder pattern
20 schools, using accountability measures reported by the school
21 districts for each low performing school. Legislative intent
22 is expressed to assist students in low performing schools
23 including those who have low Preliminary Scholastic Assessment
24 Test results. Intent is expressed to improve the university
25 undergraduate retention, and recruitment of students from
26 low-performing schools, and to provide waiver of matriculation
27 fees for graduate students who received a Pell Grant or
28 Stafford Loan as an undergraduate. Intent is also expressed to
29 provide Law School Admission Test preparation courses to
30 university graduates who are also graduates of low-performing
31 high schools.