

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; directing the  
11 Governor to appoint a validity panel to make  
12 recommendations on the impacts of specific  
13 accommodations; repealing s. 229.5701, F.S.,  
14 relating to monitoring and reporting on the  
15 methodology for identifying student learning  
16 gains; amending s. 229.59, F.S.; replacing the  
17 reference to rulemaking by the Commissioner of  
18 Education with the State Board of Education;  
19 reenacting and amending s. 229.592, F.S.,  
20 relating to implementation of the state system  
21 of school improvement and education  
22 accountability; revising the waiver process;  
23 providing for the State Board of Education to  
24 authorize the commissioner to waive certain  
25 board rules; removing the requirement for the  
26 commissioner to bring pending waivers to the  
27 board; revising the status of provisions for  
28 schools designated with certain performance  
29 grade categories; repealing s. 229.601, F.S.,  
30 relating to the Florida Career Education Act;  
31 amending s. 229.602, F.S.; removing reference

1 to an obsolete date; transferring and  
2 renumbering s. 229.604, F.S., relating to the  
3 transition to teaching program; transferring  
4 and renumbering s. 229.6041, F.S., relating to  
5 grants for career changing professionals;  
6 transferring and renumbering s. 229.6042, F.S.,  
7 relating to training program implementation;  
8 transferring and renumbering s. 229.6043, F.S.,  
9 relating to requirements for teacher  
10 preparation programs; amending s. 229.805,  
11 F.S., relating to educational television;  
12 replacing rulemaking by the Commissioner of  
13 Education with the State Board of Education;  
14 extending the Department of Education's  
15 educational television and other media services  
16 to universities; amending s. 229.8051, F.S.,  
17 relating to the public broadcasting system;  
18 replacing rulemaking by the Commissioner of  
19 Education with the State Board of Education;  
20 creating s. 229.8076, F.S.; establishing the  
21 Office of Nonpublic Schools and Home Education  
22 Programs within the Department of Education;  
23 specifying the responsibilities of the office;  
24 requiring the Commissioner of Education to  
25 appoint an executive director for the office;  
26 specifying duties; amending s. 229.8333, F.S.;  
27 replacing rulemaking by the Department of  
28 Education with the State Board of Education;  
29 reenacting s. 229.8341, F.S.; allowing regional  
30 diagnostic and learning resource centers to  
31 provide services for infants and preschool

1 children; repealing s. 229.8343, F.S.,  
2 requiring the Department of Education to  
3 develop a model rule for denying participation  
4 in sports or other extracurricular activities  
5 to certain persons who were delinquent in  
6 paying a child support obligation; amending ss.  
7 233.015, 233.056, F.S.; replacing rulemaking by  
8 the Commissioner of Education with the State  
9 Board of Education; revising the reference to  
10 the Division of Public Schools and Community  
11 Education with the Division of Public Schools;  
12 amending s. 233.058, F.S.; replacing rulemaking  
13 by the Commissioner of Education with the State  
14 Board of Education; amending ss. 233.39,  
15 236.02, F.S.; replacing rulemaking by the  
16 Commissioner of Education with the State Board  
17 of Education; amending s. 236.025, F.S.;  
18 replacing rulemaking of the Department of  
19 Education with the State Board of Education;  
20 amending s. 236.081, F.S.; replacing rulemaking  
21 by the commissioner with the State Board of  
22 Education; removing an obsolete reference;  
23 amending ss. 236.1225, 237.081, 237.211,  
24 237.40, 316.615, F.S.; replacing rulemaking by  
25 the Commissioner of Education with the State  
26 Board of Education; amending ss. 411.224,  
27 446.609, F.S.; replacing rulemaking by the  
28 Department of Education with the State Board of  
29 Education; amending s. 489.125, F.S.; replacing  
30 rulemaking by the commissioner with the State  
31 Board of Education; amending ss. 937.023,

1 984.05, F.S.; replacing rulemaking by the  
2 Department of Education with the State Board of  
3 Education; repealing s. 229.0074(3), F.S.,  
4 relating to the Commission for Independent  
5 Education; amending s. 228.041, F.S.; revising  
6 definitions in the school code; correcting  
7 references; replacing references to rulemaking;  
8 amending s. 228.055, F.S.; replacing rulemaking  
9 by the Department of Education with the State  
10 Board of Education; amending ss. 228.062,  
11 228.195, 230.23, F.S.; replacing rulemaking by  
12 the Commissioner with the State Board of  
13 Education; amending s. 230.2316, F.S.;  
14 eliminating the eligibility for waivers of law  
15 by second chance schools; providing for  
16 programs to operate under rules adopted by the  
17 state board; providing general rulemaking  
18 authority for the state board; amending s.  
19 230.23161, F.S.; providing rulemaking authority  
20 to the State Board of Education rather than the  
21 Department of Education; amending ss.  
22 230.23166, 231.700, 232.01, F.S.; providing for  
23 the adoption of rules by the State Board of  
24 Education rather than the Commissioner of  
25 Education; amending s. 232.0315, F.S.;  
26 providing rulemaking authority to the State  
27 Board of Education rather than the Department  
28 of Education; amending ss. 232.23, 232.245,  
29 232.25, 234.02, 234.301, F.S.; providing  
30 rulemaking authority to the State Board of  
31 Education rather than the Commissioner of

1 Education; amending s. 229.567, F.S.; providing  
2 for school readiness uniform screening;  
3 amending s. 229.0074, F.S.; eliminating the  
4 Division of Independent Education and the  
5 appointment of members to the Commission for  
6 Independent Education; amending s. 229.58,  
7 F.S.; requiring the establishment of technical  
8 center school advisory councils; amending s.  
9 229.8075, F.S.; requiring the Department of  
10 Education to use certain data; allowing the use  
11 of certain data; providing for rules; repealing  
12 s. 229.8052, F.S., relating to the state  
13 satellite network; repealing s. 229.008, F.S.,  
14 relating to the boards of trustees of the state  
15 universities; repealing s. 229.0081, F.S.,  
16 relating to the powers and duties of university  
17 boards of trustees; repealing s. 229.0082,  
18 F.S., relating to the powers and duties of  
19 university presidents; repealing s. 229.76,  
20 F.S., relating to functions of the Department  
21 of Education; eliminating the requirement for  
22 the Department of Education to be located in  
23 the Office of the Commissioner of Education and  
24 statutory duties for the department; repealing  
25 s. 229.8065, F.S., relating to expenditures for  
26 Knott Data Center and projects, contracts, and  
27 grants programs; amending s. 233.17, F.S.;  
28 conforming a statutory cross-reference;  
29 requiring the Secretary for the Florida Board  
30 of Education to make recommendations; requiring  
31 a report; creating s. 229.136, F.S.; providing



1 for the preservation of rules of the State  
2 Board of Education, the Commissioner of  
3 Education, and the Department of Education;  
4 specifying those rules of the Department of  
5 Education and the Commissioner of Education  
6 that become rules of the State Board of  
7 Education and those rules of the elected State  
8 Board of Education that become the rules of the  
9 appointed State Board of Education;  
10 transferring rules of the State Board of  
11 Education, the Commissioner of Education, and  
12 the Department of Education to the appointed  
13 State Board of Education; providing for the  
14 preservation of validity of judicial or  
15 administrative actions; providing for the  
16 substitution of parties; creating the  
17 "Education Investment Act"; providing  
18 definitions; providing legislative intent for  
19 certain investments and enhancements;  
20 authorizing certain programs; authorizing  
21 improved curriculum; requiring improved  
22 counseling ratios in certain schools;  
23 authorizing academic preparation tools,  
24 including test preparation study skills and  
25 advanced writing programs for certain students;  
26 authorizing the development of programs through  
27 the Internet; providing for separation of open  
28 enrollment programs within schools for certain  
29 purposes; authorizing expanded student  
30 assistance programs at universities;  
31 authorizing fee waivers for students and former

1 students of certain schools; authorizing rules  
2 of the Board of Education; authorizing  
3 state-funded test-preparation courses for  
4 certain students; requiring school districts to  
5 develop a plan for a foreign-language  
6 curriculum; requiring the Department of  
7 Education to prepare a summary of the plans;  
8 prohibiting a district school board official  
9 from employing or appointing a relative;  
10 authorizing a demonstration program to be  
11 called Learning Gateway; creating a steering  
12 committee; providing for membership and  
13 appointment of steering committee members;  
14 establishing duties of the steering committee;  
15 authorizing demonstration projects in specified  
16 counties; authorizing designated agencies to  
17 provide confidential information to such  
18 program; providing for funding; amending s.  
19 229.05371, F.S.; specifying notification  
20 requirements for parents of students receiving  
21 John M. McKay Scholarships; eliminating a date  
22 for notification by private schools; amending  
23 s. 229.05371, F.S.; providing for an  
24 alternative calculation of the matrix level for  
25 a scholarship for a limited time; providing  
26 that district school boards and county  
27 supervisors of elections should jointly provide  
28 a program of voter education for high-school  
29 seniors; providing guidelines for the content  
30 of the educational program; repealing s. 3(7),  
31 ch. 2000-321, L.O.F., relating to repeal of

1 certain sections of the Florida Statutes;  
2 providing effective dates.

3  
4 Be It Enacted by the Legislature of the State of Florida:

5  
6 Section 1. Subsection (6) of section 39.0015, Florida  
7 Statutes, is amended to read:

8 39.0015 Child abuse prevention training in the  
9 district school system.--

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

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

16 112.19 Law enforcement, correctional, and correctional  
17 probation officers; death benefits.--

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

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

23 112.191 Firefighters; death benefits.--

24 (5) The State Board ~~Department~~ of Education is  
25 directed to promulgate rules and procedures as are necessary  
26 to administer ~~implement~~ the educational benefits provisions of  
27 this section.

28 Section 4. Paragraph (e) of subsection (6) of section  
29 220.187, Florida Statutes, is amended to read:

30 220.187 Credits for contributions to nonprofit  
31 scholarship-funding organizations.--

1 (6) ADMINISTRATION; RULES.--

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

7 Section 5. Section 229.001, Florida Statutes, is  
8 repealed.

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

11 229.002 Declaration of policy and guiding  
12 principles.--

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

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

19 (b) To promote enhanced academic success and funding  
20 efficiency ~~by centralizing the governance of~~ educational  
21 delivery systems by ~~and~~ aligning responsibility with  
22 accountability.

23 (c) To provide consistent education policy ~~vertically~~  
24 ~~and horizontally~~ across all educational delivery systems,  
25 focusing on students.

26 (d) To provide substantially improved ~~vertical and~~  
27 ~~horizontal~~ articulation across all educational delivery  
28 systems.

29 (e) To provide for the decentralization ~~devolution~~ of  
30 authority to the schools, community colleges, universities,  
31 and other education institutions that deliver ~~are the actual~~

1 ~~deliverers of educational services to the public in order to~~  
2 ~~provide student-centered education services within the clear~~  
3 ~~parameters of the overarching education policy established by~~  
4 ~~the Legislature.~~

5 (f) To ensure that independent education institutions  
6 and home education programs maintain their independence,  
7 autonomy, and nongovernmental status.

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

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

13 229.0031 Council for Education Policy Research and  
14 Improvement.--Effective July 1, 2001, the Council for  
15 Education Policy Research and Improvement is created as an  
16 independent office under the Office of Legislative Services,  
17 pursuant to s. 11.147. The council shall conduct and review  
18 education research, provide independent analysis on education  
19 progress, and provide independent evaluation of education  
20 issues of statewide concern. The Office of Legislative  
21 Services shall provide administrative functions of the  
22 council, pursuant to joint policies of the Legislature.

23 (4) The council shall:

24 (c) Prepare and submit to the State ~~Florida~~ Board of  
25 Education a long-range master plan for education. The plan  
26 must include consideration of the promotion of quality,  
27 fundamental educational goals, programmatic access, needs for  
28 remedial education, regional and state economic development,  
29 international education programs, demographic patterns,  
30 student demand for programs, needs of particular subgroups of  
31 the population, implementation of innovative educational

1 techniques and technology, and requirements of the labor  
2 market. The plan must evaluate the capacity of existing  
3 programs in public and independent institutions to respond to  
4 identified needs, and the council shall recommend efficient  
5 alternatives to address unmet needs. The council shall update  
6 the master plan at least every 5 years.

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

11 (f) Recommend to the Legislature and the State ~~Florida~~  
12 Board of Education legislation and rules for the educational  
13 accountability system that support the policies and guiding  
14 principles of s. 229.002.

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

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

22 (l) Assist the State ~~Florida~~ Board of Education in the  
23 conduct of its educational responsibilities in such capacities  
24 as the board considers appropriate.

25 Section 9. Section 229.004, Florida Statutes, is  
26 repealed.

27 Section 10. Section 229.005, Florida Statutes, is  
28 repealed.

29 Section 11. Effective March 1, 2003, section 229.006,  
30 Florida Statutes, is repealed.

31

1           Section 12. Section 229.0061, Florida Statutes, is  
2 repealed.

3           Section 13. Paragraphs (b) and (c) of subsection (1)  
4 and subsection (2) of section 229.007, Florida Statutes, are  
5 amended to read:

6           229.007 Florida's K-20 education performance  
7 accountability system; legislative intent; performance-based  
8 funding; mission, goals, and systemwide measures.--

9           (1) LEGISLATIVE INTENT.--It is the intent of the  
10 Legislature that:

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

18           (c) The State ~~Florida~~ Board of Education establish  
19 performance measures and set performance standards for  
20 individual components of the public education system,  
21 including individual schools and postsecondary education  
22 institutions, which measures and standards are based primarily  
23 on student achievement.

24           (2) PERFORMANCE-BASED FUNDING.--The State ~~Florida~~  
25 Board of Education shall work with ~~the chancellors and~~ each  
26 delivery system to develop proposals for performance-based  
27 funding, using performance measures established by the  
28 Legislature. The proposals must provide that at least 10  
29 percent of the state funds appropriated for the K-20 education  
30 system are conditional upon meeting or exceeding established  
31 performance standards. The State ~~Florida~~ Board of Education

1 must submit the recommendations to the Legislature in the  
2 following sequence:

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

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

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

12 (d) By December 1, 2005, recommendations for all other  
13 programs that receive state funds within the Department of  
14 Education.

15 Section 14. Section 229.0072, Florida Statutes, is  
16 repealed.

17 Section 15. Section 229.0073, Florida Statutes, is  
18 repealed.

19 Section 16. Section 229.011, Florida Statutes, is  
20 amended to read:

21 229.011 State functions.--Public education is  
22 basically a function of the state. The state retains ~~and~~  
23 ~~responsibility of the state. The responsibility~~ for  
24 establishing standards and regulations to assure efficient  
25 operation of a K through 20 system of public education at  
26 ~~schools~~ and adequate educational opportunities for all  
27 individuals ~~children is retained by the state.~~

28 Section 17. Notwithstanding subsection (7) of section  
29 3 of chapter 2000-321, Laws of Florida, section 229.012,  
30 Florida Statutes, is not repealed on January 7, 2003, as  
31



1 provided in that act, but that section is reenacted and  
2 amended to read:

3           229.012 Composition of the State Board of Education.--

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

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

23           Section 18. Notwithstanding subsection (7) of section  
24 3 of chapter 2000-321, Laws of Florida, section 229.053,  
25 Florida Statutes, is not repealed on January 7, 2003, as  
26 provided in that act, but that section is reenacted and  
27 amended to read:

28           229.053 General powers of state board.--

29           (1) The State Board of Education is the chief  
30 policymaking and coordinating body of public education in  
31 Florida and it shall focus on high-level policy decisions. It

1 has authority to adopt rules pursuant to ss. 120.536(1) and  
2 120.54 to implement the provisions of law conferring duties  
3 upon it for the improvement of the state system of public  
4 education. Except as otherwise provided herein, it may, as it  
5 shall find appropriate, delegate its general powers to the  
6 Commissioner of Education or the directors of the divisions of  
7 the department.

8 (2) The board has the following duties:

9 (a) To adopt comprehensive educational objectives for  
10 public education.

11 (b) To adopt comprehensive long-range plans and  
12 short-range programs for the development of the state system  
13 of public education.

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

22 (d) To adopt for public universities, colleges, and  
23 community colleges, and from time to time modify, minimum and  
24 uniform standards of college-level communication and  
25 computation skills generally associated with successful  
26 performance and progression through the baccalaureate level  
27 and to identify college-preparatory high school coursework and  
28 postsecondary-level coursework that prepares students with the  
29 academic skills necessary to succeed in postsecondary  
30 education.

31

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

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

17           (g) To approve plans for cooperating with the Federal  
18 Government.

19           (h) To approve plans for cooperating with other public  
20 agencies in the development of regulations and in the  
21 enforcement of laws for which the state board and such  
22 agencies are jointly responsible.

23           (i) To review plans for cooperating with appropriate  
24 nonpublic agencies for the improvement of conditions relating  
25 to the welfare of schools.

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

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

31

1           (l) To assist in the economic development of the state  
2 by developing a state-level planning process to identify  
3 future training needs for industry, especially high-technology  
4 industry.

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

8           (n) To adopt cohesive rules pursuant to ss. 120.536(1)  
9 and 120.54, within statutory authority, for education  
10 systemwide issues.

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

13           

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

22           

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

25           (r) To enforce systemwide education goals and  
26 policies.

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

30           (t) To establish accountability standards for existing  
31 legislative performance goals, standards, and measures, and

1 order the development of mechanisms to implement new  
2 legislative goals, standards, and measures.

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

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

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

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

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

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

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

23 (3) The State Board of Education shall adopt rules to  
24 establish the criteria for assigning, reviewing, and removing  
25 limited-access status to an educational program. The State  
26 Board of Education shall monitor the extent of limited-access  
27 programs within the state universities and colleges and report  
28 to the Legislature admissions and enrollment data for  
29 limited-access programs. Such report shall be submitted  
30 annually by December 1 and shall assist in determining the  
31 potential need for academic-program contracts with independent

1 institutions pursuant to s. 229.053. The report must specify,  
2 for each limited-access program within each institution, the  
3 following categories, by race and gender:

- 4 1. The number of applicants.
- 5 2. The number of applicants granted admission.
- 6 3. The number of applicants who are granted admission  
7 and enroll.
- 8 4. The number of applicants denied admission.
- 9 5. The number of applicants neither granted admission  
10 nor denied admission.

11  
12 Each category must be reported for each term. Each category  
13 must be reported by type of student, including the following  
14 subcategories: native student, community college  
15 associate-in-arts-degree transfer students, and other  
16 students. Each category and subcategory must further be  
17 reported according to the number of students who meet or  
18 exceed the minimum eligibility requirements for admission to  
19 the program and the number of students who do not meet or  
20 exceed the minimum eligibility requirements for admission to  
21 the program.

22 (4) The State Board of Education shall review, and  
23 approve or disapprove, baccalaureate-degree programs that  
24 exceed 120 semester hours, after considering accreditation  
25 requirements, employment and earnings of graduates,  
26 comparative program lengths nationally, and comparisons with  
27 similar programs offered by independent institutions. By  
28 December 31 of each year, the State Board of Education must  
29 report to the Legislature any degrees in the state  
30 universities and colleges which require more than 120 hours,  
31 along with appropriate evidence of need. At least every 5

1 years, the State Board of Education must determine whether the  
2 programs still require more than the standard length of 120  
3 hours.

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

26 (6) The State Board of Education shall coordinate the  
27 programs with the Council for Education Policy Research and  
28 Improvement, including doctoral programs. The programs shall  
29 be reviewed every 5 years or whenever the State Board of  
30 Education determines that the effectiveness or efficiency of a  
31 program is jeopardized. The State Board of Education shall

1 define the indicators of quality and the criteria for program  
2 review for every program. Such indicators include need,  
3 student demand, industry-driven competencies for advanced  
4 technology and related programs, and resources available to  
5 support continuation. The results of the program reviews must  
6 be tied to the university and college budget requests.

7 (7) The State Board of Education shall:

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

11 (b) Specify, by rule, procedures to be used by the  
12 boards of trustees in the annual evaluations of presidents and  
13 formally review the evaluations of presidents by the boards of  
14 trustees.

15 (c) Establish an effective information system that  
16 will provide composite data concerning the community colleges  
17 and assure that special analyses and studies concerning the  
18 colleges are conducted, as necessary, for provision of  
19 accurate and cost-effective information concerning the  
20 colleges and the community college system as a whole.

21 (d) Establish criteria for making recommendations for  
22 modifying district boundary lines and for making  
23 recommendations concerning all proposals for the establishment  
24 of additional centers or campuses for community colleges.

25 (e) Examine the annual administrative review of each  
26 community college.

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

30  
31



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

4           (a) Establish the matriculation and tuition fees for  
5 college-preparatory instruction and for credit instruction  
6 that may be counted toward an associate-in-arts degree, an  
7 associate-in-applied-science degree, or an  
8 associate-in-science degree.

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

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

17           (a) Personnel.

18           (b) Contracting.

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

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

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

1           2. Require all of the credits accepted for the  
2 associate-in-arts degree to be in the common course numbering  
3 and designation system as credits towards a baccalaureate  
4 degree offered by a college or university as defined in s.  
5 240.2011.

6           3. Require no more than 36 semester credit hours in  
7 general education courses in the subject areas of  
8 communication, mathematics, social sciences, humanities, and  
9 natural sciences.

10  
11 The rules should encourage community colleges to enter into  
12 agreements with state universities and colleges which allow  
13 community college students to complete upper-division-level  
14 courses at a community college. An agreement may provide for  
15 concurrent enrollment at the community college and the  
16 university or college and may authorize the community college  
17 to offer an upper-division-level course or distance learning.

18           (e) Student admissions, conduct and discipline,  
19 nonclassroom activities, and fees.

20           (f) Budgeting.

21           (g) Business and financial matters.

22           (h) Student services.

23           (i) Reports, surveys, and information systems,  
24 including forms and dates of submission.

25           (10) Upon a determination by a court of a second  
26 violation of s. 286.011 by a member of the State Board of  
27 Education, the member is subject to removal for cause. Upon a  
28 determination by a court that a member has knowingly violated  
29 s. 286.011, the member shall be removed. The Governor shall  
30 appoint a new member of the board pursuant to s. 229.012. The  
31 penalties imposed by this subsection are cumulative to the

1 penalties imposed under s. 286.011. Violations of s. 286.011  
2 prior to the effective date of this subsection shall not  
3 constitute violations for purposes of this subsection.

4 Section 19. Section 229.133, Florida Statutes, is  
5 repealed.

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

11 229.512 Commissioner of Education; general powers and  
12 duties.--The Commissioner of Education is the chief  
13 educational officer of the state, and is responsible for  
14 enforcing compliance with the mission and goals of the  
15 seamless K-20 education system. The commissioner has the  
16 following general powers and duties:

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

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

23 (2)(3) To advise and counsel with the State Board of  
24 Education on all matters pertaining to education; to recommend  
25 to the State Board of Education actions and policies as, in  
26 the commissioner's opinion, should be acted upon or adopted;  
27 and to execute or provide for the execution of all acts and  
28 policies as are approved.

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

31

1           ~~(3)(5)~~ To keep such records as are necessary to set  
2 forth clearly all acts and proceedings of the state board.

3           ~~(4)(6)~~ To have a seal for his or her office with  
4 which, in connection with his or her own signature, the  
5 commissioner shall authenticate true copies of decisions,  
6 acts, or documents.

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

13           ~~(6)(8)~~ To recommend to the State Board of Education  
14 policies and steps designed to protect and preserve the  
15 principal of the State School Fund; to provide an assured and  
16 stable income from the fund; to execute such policies and  
17 actions as are approved; and to administer the State School  
18 Fund.

19           ~~(7)(9)~~ To take action on the release of mineral rights  
20 based upon the recommendations of the Board of Trustees of the  
21 Internal Improvement Trust Fund.

22           ~~(8)(10)~~ To submit to the State Board of Education, on  
23 or before August 1 of each year ~~at least 30 days prior to the~~  
24 ~~date fixed herein~~, recommendations for a coordinated K-20  
25 education budget that estimates the ~~of~~ expenditures for the  
26 State Board of Education, including the Department of  
27 Education, the Commissioner of Education, and all of the  
28 boards, institutions, agencies, and services under the general  
29 supervision of the State Board of Education for the ensuing  
30 fiscal year. Any program recommended to the State Board of  
31

1 Education which will require increases in state funding for  
2 more than 1 year must be presented in a multiyear budget plan.

3 (9)~~(11)~~ To develop and implement a plan for  
4 cooperating with the Federal Government in carrying out any or  
5 all phases of the educational program and to recommend  
6 policies for administering funds that are appropriated by  
7 Congress and apportioned to the state for any or all  
8 educational purposes.

9 (10)~~(12)~~ To develop and implement policies for  
10 cooperating with other public agencies in carrying out those  
11 phases of the program in which such cooperation is required by  
12 law or is deemed by the commissioner to be desirable and to  
13 cooperate with public and nonpublic agencies in planning and  
14 bringing about improvements in the educational program.

15 (11)~~(13)~~ To prepare forms and procedures as are  
16 necessary to be used by district school boards and all other  
17 educational agencies to assure uniformity, accuracy, and  
18 efficiency in the keeping of records, the execution of  
19 contracts, the preparation of budgets, or the submission of  
20 reports; to furnish at state expense, when deemed advisable by  
21 the commissioner, those forms that can more economically and  
22 efficiently be provided.

23 (12)~~(14)~~ To implement a program of school improvement  
24 and education accountability designed to provide all students  
25 the opportunity to make adequate learning gains in each year  
26 of school as provided by statute and State Board of Education  
27 rule based upon the achievement of the state education goals,  
28 recognizing the following:

29 (a) The State Board of Education as the body corporate  
30 responsible for the supervision of the system of public  
31 education;~~7~~

1           (b) The school board as responsible for school and  
2 student performance; ~~and~~

3           (c) The individual school as the unit for education  
4 accountability.

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

7           (e) The university or college board of trustees is  
8 responsible for university or college performance and student  
9 performance.

10           ~~(13)(15)~~ To establish a Citizen Information Center  
11 responsible for ~~arrange for~~ the preparation, publication, and  
12 distribution of materials relating to the seamless K-20 state  
13 system of public education ~~which supply information concerning~~  
14 ~~needs, problems, plans, and possibilities.~~

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

18           (14)(b) To prepare and publish annually reports giving  
19 statistics and other useful information pertaining to the  
20 Opportunity Scholarship Program.

21           ~~(15)(17)~~ To have printed copies of school laws, forms,  
22 instruments, instructions, and regulations of the State Board  
23 of Education and provide for their distribution.

24           ~~(16)(18)~~ To develop criteria for use by state  
25 instructional materials committees in evaluating materials  
26 submitted for adoption consideration. The criteria shall, as  
27 appropriate, be based on instructional expectations reflected  
28 in curriculum frameworks and student performance standards.  
29 The criteria for each subject or course shall be made  
30 available to publishers of instructional materials at least 24  
31 months prior to the date on which bids are due as provided by

1 s. 233.14, except as otherwise permitted under s. 233.17(2).  
2 It is the intent of the Legislature that publishers have ample  
3 time to develop instructional materials designed to meet  
4 requirements in this state.

5 ~~(17)(19)~~ To prescribe procedures for evaluating  
6 instructional materials submitted by publishers and  
7 manufacturers in each adoption.

8  
9 The commissioner's office shall operate all statewide  
10 functions necessary to support the State Board of Education  
11 and the K-20 education system, including strategic planning  
12 and budget development, general administration, and assessment  
13 and accountability.

14 Section 21. Section 229.513, Florida Statutes, is  
15 repealed.

16 Section 22. Section 229.515, Florida Statutes, is  
17 repealed.

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

20 229.516 Commissioner of Education; other duties.--

21 (1) The Commissioner of Education must independently  
22 perform the following duties:

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

25 (b) Serve as the primary source of information to the  
26 Legislature, including the President of the Senate and the  
27 Speaker of the House of Representatives, concerning the State  
28 Board of Education and the K-20 education system;

29 (c) Develop and implement a process for receiving and  
30 processing requests, in conjunction with the Legislature, for  
31

1 the allocation of PECO funds for qualified postsecondary  
2 education projects;

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

5 (e) Monitor the activities of the State Board of  
6 Education and provide information related to current and  
7 pending policies to the members of the boards of trustees of  
8 the community colleges and universities; and

9 (f) Ensure the timely provision of information  
10 requested by the Legislature from the State Board of  
11 Education, the Commissioner's office, and the Department of  
12 Education.

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

30 (b) Prior to the regular legislative session, the  
31 Commissioner of Education shall present to the Legislature a



1 plan for correcting any deficiencies identified in the report  
2 card.

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

9 (a) Growth at the institutions;

10 (b) Need for specific skills statewide; and

11 (c) Need for maintaining and repairing existing  
12 facilities.

13 Section 24. Notwithstanding subsection (7) of section  
14 3 of chapter 200-321, Laws of Florida, section 229.551,  
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:

18 229.551 Educational management.--

19 (1) The department is directed to identify all  
20 functions which under the provisions of this act contribute  
21 to, or comprise a part of, the state K-20 system of  
22 educational accountability and to establish within the  
23 department the necessary organizational structure, policies,  
24 and procedures for effectively coordinating such functions.  
25 Such policies and procedures shall clearly fix and delineate  
26 responsibilities for various aspects of the system and for  
27 overall coordination of the total system. The commissioner  
28 shall ~~perform the following duties and functions:~~

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

1           (b) Coordinate ~~Coordination of~~ management information  
2 system development for all levels of education and for all  
3 divisions of the department, to include the development and  
4 utilization of cooperative education computing networks for  
5 the state system of public education;

6           (c) Develop ~~Development of~~ database definitions and  
7 all other items necessary for full implementation of a  
8 comprehensive management information system as required by s.  
9 229.555;

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

12           (e) Coordinate ~~Coordination of~~ all cost accounting and  
13 cost reporting activities for all levels of education,  
14 including public schools, vocational programs, community  
15 colleges, colleges, and universities ~~and institutions in the~~  
16 ~~State University System~~;

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

30           (g) Expand and maintain the statewide course numbering  
31 system to include the numbering and designation of

1 postsecondary vocational courses and facilitate the transfer  
2 of credits between public schools, community colleges,  
3 colleges, and state universities.

4 (h) Develop common definitions necessary for managing  
5 a uniform coordinated system of career education for all  
6 levels of the state system of public education.

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

18 (3) The Articulation Coordinating Committee shall be  
19 composed of the following 17 members appointed by the  
20 commissioner:

21 (a) One member representing the nonpublic K-12  
22 schools;

23 (b) One member representing home education programs;

24 (c) Two members representing the state universities;

25 (d) Two members representing the state community  
26 colleges;

27 (e) Two members representing the public schools;

28 (f) Two members representing the nonpublic  
29 postsecondary institutions;

30 (g) One member representing students;  
31

1           (h) One member representing the school district career  
2 and technical centers;

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

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

6           1. A representative for the Division of Colleges and  
7 Universities;

8           2. A representative for the Division of Community  
9 Colleges;

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

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

14           (4) The Articulation Coordinating Committee, whose  
15 membership represents public and nonpublic institutions,  
16 shall:

17           (a)1- Identify the highest demand degree programs  
18 within the state universities ~~University System~~.

19           (b)2- Conduct a study of courses offered by  
20 universities and accepted for credit toward a degree. The  
21 study shall identify courses designated as either general  
22 education or required as a prerequisite for a degree. The  
23 study shall also identify these courses as upper-division  
24 level or lower-division level.

25           (c)3- Appoint faculty committees representing both  
26 community college and university faculties to recommend a  
27 single level for each course included in the statewide common  
28 course numbering and designation system. Any course designated  
29 as an upper-division level course must be characterized by a  
30 need for advanced academic preparation and skills that a  
31 student would be unlikely to achieve without significant prior

1 coursework. A course that is offered as part of an associate  
2 in science degree program and as an upper-division course for  
3 a baccalaureate degree shall be designated for both the lower  
4 and upper division. Of the courses required for each  
5 baccalaureate degree, at least half of the credit hours  
6 required for the degree shall be achievable through courses  
7 designated as lower-division courses, except in degree  
8 programs approved by the State Board of Education Regents  
9 ~~pursuant to s. 240.209(5)(e)~~. A course designated as  
10 lower-division may be offered by any community college. The  
11 Articulation Coordinating Committee shall recommend to the  
12 State Board of Education the levels for the courses. The  
13 statewide common course numbering ~~and designation~~ system shall  
14 include the courses at the recommended levels, and, ~~by fall~~  
15 ~~semester of 1996~~, the registration process at each state  
16 university, college, and community college shall include the  
17 courses at their designated levels and common course numbers.

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

28 (e)5. Appoint faculty committees representing both  
29 community colleges, colleges, and universities to recommend  
30 common prerequisite courses and identify course substitutions  
31 when common prerequisites cannot be established for degree

1 programs across all institutions. Faculty work groups shall  
2 adopt a strategy for addressing significant differences in  
3 prerequisites, including course substitutions. The State Board  
4 of Education Regents shall be notified by the Articulation  
5 Coordinating Committee when significant differences remain.  
6 Common degree program prerequisites shall be offered and  
7 accepted by all state universities, colleges, and community  
8 colleges, except in cases approved by the State Board of  
9 Education Regents pursuant to s. 240.209(5)(f). The  
10 Commissioner Board of Regents shall work with the community  
11 colleges, colleges and universities State Board of Community  
12 Colleges on the development of a centralized database  
13 containing the list of courses and course substitutions that  
14 meet the prerequisite requirements for each baccalaureate  
15 degree program.

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

1 education courses toward meeting the requirements of s.  
2 232.246.

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

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

8 1. Recommending to the commissioner plans for school  
9 district articulation relationships with community colleges,  
10 colleges, and universities; and

11 2. Coordinating cooperative plans required by s.  
12 229.814(5).

13 (b) Recommend to the commissioner statewide  
14 articulation accountability measures.

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

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

24 (e) Conduct a continuing review of rules pertaining to  
25 articulation.

26 (f) Review instances of student transfer and  
27 admissions difficulties among universities, colleges,  
28 community colleges, public schools, and independent  
29 educational institutions.

30 (g) Recommend policies and procedures to improve  
31 articulation statewide.

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

6           (i) Review and make recommendations to institutions  
7 for experimental programs that vary from official transfer  
8 policy.

9           (j) Collect and disseminate information concerning  
10 successful cooperative articulation programs.

11           (k) Perform any other duties as assigned by law or by  
12 the commissioner.

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

19           (a)1. Adopt guidelines for the participation of public  
20 school districts and community colleges in offering courses  
21 that may be transferred to a certificate, diploma, or degree  
22 program. These guidelines shall establish standards addressing  
23 faculty qualifications, admissions, program curricula,  
24 participation in the statewide ~~common~~ ~~course designation and~~  
25 ~~numbering system,~~ and other issues identified by the Task  
26 Force on Workforce Development and the Commissioner of  
27 Education. Guidelines should also address the role of  
28 accreditation in the designation of courses as transferable  
29 credit. Such guidelines must not jeopardize the accreditation  
30 status of educational institutions and must be based on data  
31



1 related to the history of credit transfer among institutions  
2 in this state and others.

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

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

14 ~~(h) Development of common definitions necessary for~~  
15 ~~managing a uniform coordinated system of career education for~~  
16 ~~all levels of the state system of public education.~~

17 ~~(7)(2)~~ It is the intent of the Legislature that the  
18 commissioner, as appropriate, draw upon the expertise and the  
19 staff of all appropriate departments and agencies of the state  
20 in assuring that the system of educational accountability is  
21 administered in the most effective and efficient manner  
22 possible.

23 ~~(8)(3)~~ As a part of the system of educational  
24 accountability, the department shall:

25 (a) Develop minimum performance standards for various  
26 grades and subject areas, as required in ss. 229.565 and  
27 229.57.

28 (b) Administer the statewide assessment testing  
29 program created by s. 229.57.

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

1 (d) Conduct the program evaluations required by s.  
2 229.565.

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

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

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

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

30 (i) Perform any other functions that may be involved  
31 in educational planning, research, and evaluation or that may

1 be required by the commissioner, the State Board of Education,  
2 or law.

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

6 229.555 Educational planning and information  
7 systems.--

8 (1) EDUCATIONAL PLANNING.--

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

20 (2) COMPREHENSIVE MANAGEMENT INFORMATION SYSTEMS.--The  
21 commissioner shall develop and implement an integrated K-20  
22 information system for educational management. The system must  
23 be designed to collect, via electronic transfer, all ~~student~~  
24 ~~and school~~ performance data required to ascertain the degree  
25 to which schools, ~~and~~ school districts, and postsecondary  
26 institutions are meeting state performance standards. The  
27 system, ~~and~~ must be capable of producing data for a  
28 comprehensive annual reports ~~report~~ on ~~school and district~~  
29 performance. In addition, the system shall support, as  
30 feasible, the management decisions to be made in each division  
31 of the department and at the individual school, ~~and~~ district,

1 and institution levels. Similar data elements among divisions  
2 and levels shall be compatible. The system shall be based on  
3 an overall conceptual design; the information needed for such  
4 decisions, including fiscal, student, program, personnel,  
5 facility, community, evaluation, and other relevant data; and  
6 the relationship between cost and effectiveness. The system  
7 shall be managed and administered by the commissioner and  
8 shall include a district subsystem component to be  
9 administered at the district level, with input from the  
10 district reports-and-forms control management committees.

11 Each district school system, community college, college, and  
12 university with a unique management information system shall  
13 assure that compatibility exists between its unique system and  
14 the ~~district component of the~~ state system so that all data  
15 required as input to the state system is made available via  
16 electronic transfer and in the appropriate input format.

17 (a) The specific responsibilities of the commissioner  
18 shall include:

19 1. Consulting with school district, community college,  
20 college, and university representatives in the development of  
21 the system design model, data warehouse, and implementation  
22 plans for the management information system for public ~~school~~  
23 education management;

24 2. Providing operational definitions for the proposed  
25 system;

26 3. Determining the information and specific data  
27 elements required for the management decisions made at each  
28 educational level, ~~recognizing that the primary unit for~~  
29 ~~information input is the individual school and recognizing~~  
30 ~~that time and effort of instructional personnel expended in~~  
31 ~~collection and compilation of data should be minimized;~~

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

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

5           6. Developing appropriate computer programs to assure  
6 integration of the various information components dealing with  
7 students, personnel, facilities, fiscal, program, community,  
8 and evaluation data;

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

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

18           9. Developing a phased plan for distributing computer  
19 services equitably among all public education systems ~~schools~~  
20 ~~and school districts~~ in the state as rapidly as possible. The  
21 plan shall describe alternatives available to the state in  
22 providing such computing services and shall contain estimates  
23 of the cost of each alternative, together with a  
24 recommendation for action. In developing the plan, the  
25 feasibility of shared use of computing hardware and software  
26 by school districts, community colleges, colleges, and  
27 universities shall be examined. Laws or administrative rules  
28 regulating procurement of data processing equipment,  
29 communication services, or data processing services by state  
30 agencies shall not be construed to apply to local agencies  
31 which share computing facilities with state agencies;

1           10. Assisting the district school systems in  
2 establishing their subsystem components and assuring  
3 compatibility with current district systems;

4           11. Establishing procedures for continuous evaluation  
5 of system efficiency and effectiveness;

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

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

- 18           a. The purpose of the reporting requirement;  
19           b. The origination of the reporting requirement;  
20           c. The date of origin of the reporting requirement;

21 and

- 22           d. The date of repeal of the reporting requirement.

23           (b) The specific responsibilities of each district  
24 school system shall include:

- 25           1. Establishing, at the district level, a  
26 reports-control and forms-control management system committee  
27 composed of school administrators and classroom teachers. The  
28 district school board shall appoint school administrator  
29 members and classroom teacher members; or, in school districts  
30 where appropriate, the classroom teacher members shall be  
31 appointed by the bargaining agent. Teachers shall constitute a

1 majority of the committee membership. The committee shall  
2 periodically recommend procedures to the district school board  
3 for eliminating, reducing, revising, and consolidating  
4 paperwork and data collection requirements and shall submit to  
5 the district school board an annual report of its findings.

6         2. With assistance from the commissioner, developing  
7 systems compatibility between the state management information  
8 system and unique local systems.

9         3. Providing, with the assistance of the department,  
10 inservice training dealing with management information system  
11 purposes and scope, a method of transmitting input data, and  
12 the use of output report information.

13         4. Establishing a plan for continuous review and  
14 evaluation of local management information system needs and  
15 procedures.

16         5. Advising the commissioner of all district  
17 management information needs.

18         6. Transmitting required data input elements to the  
19 appropriate processing locations in accordance with guidelines  
20 established by the commissioner.

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

27         8. Being responsible for the accuracy of all data  
28 elements transmitted to the department.

29         (c) It is the intent of the Legislature that the  
30 expertise in the state system of public education, as well as  
31 contracted services, be utilized to hasten the plan for full

1 implementation of a comprehensive management information  
2 system.

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

5 229.565 Educational evaluation procedures.--

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

17 (a) Reported full-time equivalent membership in each  
18 program category. This evaluation must be conducted by the  
19 Auditor General for the Florida Education Finance Program  
20 full-time enrollment verification function.

21 (b) The organization of all special programs to ensure  
22 compliance with law and the criteria established and approved  
23 by the state board pursuant to the provisions of this section  
24 and s. 230.23(4)(m).

25 (c) The procedures for identification and placement of  
26 students in educational alternative programs for students who  
27 are disruptive or unsuccessful in a normal school environment  
28 and for diagnosis and placement of students in special  
29 programs for exceptional students, to determine that the  
30 district is following the criteria for placement established  
31 by rules of the state board ~~and of the Commissioner of~~



1 ~~Education~~ and the procedures for placement established by that  
2 district school board and by the Commissioner of Education.

3 (d) An evaluation of the standards by which the school  
4 district evaluates basic and special programs for quality,  
5 efficiency, and effectiveness.

6 (e) Determination of the ratio of administrators to  
7 teachers in each school district.

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

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

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

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

22 229.57 Student assessment program.--

23 (3) STATEWIDE ASSESSMENT PROGRAM.--The commissioner  
24 shall design and implement a statewide program of educational  
25 assessment that provides information for the improvement of  
26 the operation and management of the public schools, including  
27 schools operating for the purpose of providing educational  
28 services to youth in Department of Juvenile Justice programs.  
29 Pursuant to the statewide assessment program, the commissioner  
30 shall:

31

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

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

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

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

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

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

21           ~~5.6. Students who enroll in grade 9 in the fall of~~  
22 ~~1999 and thereafter must earn a passing score on the grade 10~~  
23 ~~assessment test described in this paragraph instead of the~~  
24 ~~high school competency test described in subparagraph 5. Such~~  
25 ~~Students must earn a passing score on the grade 10 assessment~~  
26 ~~test in reading, writing, and mathematics to qualify for a~~  
27 ~~regular high school diploma. Upon recommendation of the~~  
28 ~~commissioner, the state board shall designate a passing score~~  
29 ~~for each part of the grade 10 assessment test. In establishing~~  
30 ~~passing scores, the state board shall consider any possible~~  
31 ~~negative impact of the test on minority students.~~

1           6.7. Participation in the testing program is mandatory  
2 for all students, including students served in Department of  
3 Juvenile Justice programs, except as otherwise prescribed by  
4 the commissioner. The commissioner shall recommend rules to  
5 the state board for the provision of test adaptations and  
6 modifications of procedures as necessary for students in  
7 exceptional education programs and for students who have  
8 limited English proficiency. The Governor shall convene a  
9 validity panel to make comprehensive recommendations on the  
10 impacts of specific accommodations on statewide assessments to  
11 the Florida Board of Education by October 1, 2002. These  
12 recommendations must be based on an evaluation and analysis of  
13 the types of accommodations that are used for instructional  
14 purposes as identified in the student's Individual Education  
15 Plan or 504 plan. The recommendations must include a review of  
16 the impact of these accommodations on the validity of the  
17 statewide assessments and must be based on proven research and  
18 evidence. The panel shall consist of 11 members appointed by  
19 the Governor, and shall include 3 advocates, 3 parents of  
20 students with disabilities, 3 professional educators with  
21 expertise in programs for students with disabilities, and 2  
22 assessment and testing experts. Based on the recommendations  
23 by the panel, the Florida Board of Education shall develop a  
24 list of specific accommodations scientifically determined to  
25 have a negative impact on the validity of statewide  
26 assessments. The determinations must be made by February 1,  
27 2003.

28           7.8. A student seeking an adult high school diploma  
29 must meet the same testing requirements that a regular high  
30 school student must meet.  
31

1           8.9. School districts must provide instruction to  
2 prepare students to demonstrate proficiency in the skills and  
3 competencies necessary for successful grade-to-grade  
4 progression and high school graduation. The commissioner shall  
5 conduct studies as necessary to verify that the required  
6 skills and competencies are part of the district instructional  
7 programs.

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

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

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

21           (a) Criteria Timeframes.--

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

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

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

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

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

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

20  
21 The Department of Education shall study the effects of  
22 mobility on the performance of highly mobile students and  
23 recommend programs to improve the performance of such  
24 students. The state board shall adopt appropriate criteria for  
25 each school performance grade category. The criteria must also  
26 give added weight to student achievement in reading. Schools  
27 designated as performance grade category "C," making  
28 satisfactory progress, shall be required to demonstrate that  
29 adequate progress has been made by students in the school who  
30 are in the lowest 25th percentile in reading, math, or writing  
31

1 on the FCAT, including Florida Writes, unless these students  
2 are performing above satisfactory performance.

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

12 Section 28. Section 229.5701, Florida Statutes, is  
13 repealed.

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

16 229.59 Educational improvement projects.--

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

24 (a) The improvement of school management;

25 (b) The improvement of the district and school  
26 advisory councils;

27 (c) School volunteers;

28 (d) The professional development of teachers;

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

31 (f) Global awareness.

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

25 (7) DEPARTMENT.--

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

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

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

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

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

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

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

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

30  
31

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

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

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

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

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

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

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

12 (10) EXCEPTIONS TO LAW.--

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

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

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

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

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

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

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

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

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

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

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

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

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

21 229.805 Educational television.--

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

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

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

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

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



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

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

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

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

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

5 229.8051 Public broadcasting program system.--

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

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

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

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

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

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

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

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

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

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

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

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

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

31 2. Serve the interests of nonpublic institutions; and

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

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

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

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

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

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

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

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

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

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

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

31

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

16 236.1225 Gifted education exemplary program grants.--

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

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

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

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

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

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

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

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

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

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

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

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

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

31

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

31



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

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

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

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

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

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

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

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

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

30  
31

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

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

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

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

15 1. In year 1:

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

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

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

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

5 2. In year 2:

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

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

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

26 3. In years 3 through 5:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

3           228.055 Regional autism centers.--

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

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

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

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

22           228.195 School food service programs.--

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

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

31

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

24           3. Expand existing sites.

25           4. Rent buildings when necessary.

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

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

14 6. Provide for the proper supervision of construction.

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

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

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

30  
31

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

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

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

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

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

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

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

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

19 230.2316 Dropout prevention.--

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

23           (II) Includes violence;

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

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

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

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

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

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

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

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

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

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

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

1           230.23166 Teenage parent programs.--

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

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

7           231.700 Florida Mentor Teacher School Pilot Program.--

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

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

15           232.01 School attendance.--

16           (1)

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

31

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

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

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

9 232.0315 School-entry health examinations.--

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

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

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

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

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

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

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

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

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

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

10           232.25 Pupils subject to control of school.--

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

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

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

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

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

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

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

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

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

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

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

4 (12)

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

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

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

24 234.301 Pool purchase of school buses.--

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

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

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



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

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

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

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

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

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

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

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

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

31

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

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

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

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

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

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

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

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

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

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

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

31

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

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

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

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

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

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

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

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

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

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

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

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

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

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

30 229.58 District and school advisory councils.--

31 (1) ESTABLISHMENT.--

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

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

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

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

1           Section 81. Section 229.8052, Florida Statutes, is  
2 repealed.

3           Section 82. Section 229.008, Florida Statutes, is  
4 repealed.

5           Section 83. Section 229.0081, Florida Statutes, is  
6 repealed.

7           Section 84. Section 229.0082, Florida Statutes, is  
8 repealed.

9           Section 85. Section 229.76, Florida Statutes, is  
10 repealed.

11           Section 86. Effective June 30, 2002, section 229.8065,  
12 Florida Statutes, is repealed.

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

15           233.17 Term of adoption for instructional materials.--  
16           (2) The department shall publish annually an official  
17 schedule of subject areas to be called for adoption for each  
18 of the succeeding 2 years, and a tentative schedule for years  
19 3, 4, 5, and 6. If extenuating circumstances warrant, the  
20 Commissioner of Education may order the department to add one  
21 or more subject areas to the official schedule, in which event  
22 the commissioner shall develop criteria for such additional  
23 subject area or areas pursuant to s. 229.512(16)~~s.~~  
24 ~~229.512(18)~~and make them available to publishers as soon as  
25 practicable. Notwithstanding the provisions of s. 229.512(16)  
26 ~~s. 229.512(18)~~, the criteria for such additional subject area  
27 or areas may be provided to publishers less than 24 months  
28 before the date on which bids are due. The schedule shall be  
29 developed so as to promote balance among the subject areas so  
30 that the required expenditure for new instructional materials  
31

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

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

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

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

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



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

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

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

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

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

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

26           Section 95. The Legislature finds that low-performing  
27 high schools are those that receive students from  
28 low-performing elementary and middle schools. Even the top  
29 graduates from those high schools are likely to experience  
30 difficulty in university education. Therefore, the Legislature  
31 intends to invest academic resources in students attending

1 low-performing schools at all levels. An adequate return on  
2 the investment will be earned if the top 20 percent of each  
3 high school's graduating class gains academic skills  
4 sufficient to experience success in postsecondary education.

5 (1) To identify the schools that will benefit from the  
6 resource investments provided in this act, the Board of  
7 Education shall determine which schools with a grade  
8 designation of "C" are at risk of falling beneath that  
9 designation. As used in this act, the term "low-performing  
10 school" means a "C" school at risk of earning a lower grade,  
11 as determined by the Board of Education, and each school with  
12 a grade designation of "D" or "F."

13 (2) The Board of Education shall determine which  
14 elementary and middle schools provide the majority of students  
15 to low-performing high schools. As used in this act, the term  
16 "feeder-pattern school" refers to any elementary or middle  
17 school whose former students predominantly enroll in a  
18 low-performing high school, as determined by the Board of  
19 Education.

20 Section 96. The Legislature intends to invest  
21 resources in low-performing high schools and their  
22 feeder-pattern elementary and middle schools in the core  
23 disciplines of mathematics, language arts, and writing.

24 (1) For a high school, these enhancements may consist  
25 of providing:

26 (a) A longer school day,

27 (b) A longer school year,

28 (c) Consultants or mentors to assist teachers to  
29 improve or adapt curriculum to better meet the needs of  
30 students,

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

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

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

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

8           (b) Enhanced instruction in mathematics, reading, and  
9 writing skills.

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

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

17  
18 The Board of Education, in collaboration with colleges and  
19 universities, shall oversee any program of curriculum  
20 enhancement for low-performing high schools and their  
21 feeder-pattern schools and shall adopt measures of  
22 productivity and accountability to judge the success of the  
23 program. For instance, the board should assure that, in a high  
24 school with such a program, a teacher in the core subject  
25 areas does not have responsibility for more than 150 students  
26 per day.

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

30           (4) Annually the board shall report to the Legislature  
31 the number of programs implemented with funds provided for

1 this act, the types of assistance provided, and the results of  
2 the productivity and accountability measures established.

3 Section 97. The Board of Education shall evaluate the  
4 ability of low-performing high schools and their  
5 feeder-pattern schools adequately to counsel students who  
6 would benefit from enrollment in honors courses, Advanced  
7 Placement courses, dual enrollment courses, and the college  
8 preparatory courses required for university admission to the  
9 freshman class.

10 (1) Each school district that contains a  
11 low-performing high school must annually report to the board  
12 the college preparatory, Advanced Placement, honors, or dual  
13 enrollment courses completed by students who have a  
14 cumulative, unweighted grade point average of 2.5 or greater.  
15 The board shall analyze the reports and determine which  
16 districts require intervention in the form of technical  
17 assistance or an enhanced allocation to employ or contract for  
18 the services of additional counselors.

19 (2) If a low-performing high school has a greater  
20 ratio of students per counselor than another high school in  
21 the district, the ratio must be lowered by employing  
22 additional counselors. In a district with only one high  
23 school, the comparison must be made with adjacent districts.  
24 The ratio of students per counselor at a low-performing high  
25 school may be no higher than the ratio at the highest  
26 performing high school in the district or adjacent district.

27 (3) Beginning in the 2002-2003 school year, each  
28 school district that contains a low-performing high school  
29 shall compute and report to the Board of Education the  
30 following accountability measures related to college  
31 preparatory courses:

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

4           (b) The percent increase in the numbers of students in  
5 grades 6-12 who received a college-preparation curriculum  
6 audit and the number of students in grades 6 through 12 who  
7 received a 7-year plan for courses needed to satisfy the  
8 19-credit admission standard and high school graduation  
9 requirements.

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

13           (d) A comparison of students in low-achieving high  
14 schools and their feeder-pattern schools with schools of  
15 comparable size that earned a grade of "A." The comparison  
16 shall include the percent change (increase or decrease) in the  
17 gap between students at each type of school who:

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

23           2. Enroll in and complete with a grade of "C" or  
24 better in honors, Advanced Placement, and dual enrollment  
25 courses.

26           3. Earn college credit by passing a dual enrollment  
27 course or passing an Advanced Placement test with a score of 3  
28 or better.

29           Section 98. (1) The Legislature intends to assist  
30 students whose initial sitting for the Preliminary Scholastic  
31

1 Assessment Test provides evidence of poor test-taking, study,  
2 or academic preparation skills.

3 (a) The Board of Education and each school district  
4 shall use PSAT or PLAN scores of students in low-performing  
5 high schools to adopt priorities for identifying students who  
6 could most benefit from a course designed to prepare students  
7 for taking the Scholastic Assessment Test of the College  
8 Entrance Examination or an equivalent test in the American  
9 College Testing Program.

10 (b) The board may adopt rules or policies to select  
11 students for a test-preparation and study skills program, and  
12 the policies may include financial need, teacher  
13 recommendations, or other measures of the student's ability to  
14 benefit.

15 (2) The board shall develop academic booster courses  
16 for students who attend low-performing high schools and whose  
17 scores on the PSAT or PLAN indicate that they could benefit  
18 from such preparation.

19 Section 99. Any self-contained public education  
20 program located within a low-performing high school is defined  
21 as a separate school for purposes of implementing the  
22 "Talented Twenty Percent" component of the state's policy for  
23 university admissions. An open-enrollment magnet program is,  
24 therefore, a school for purposes of this act and the  
25 identification of the "Talented Twenty Percent." Such a  
26 program must determine its top-ranked twenty percent in each  
27 graduating class, and the high school that contains the  
28 program shall separately identify its top-ranked graduates.  
29 Both groups of graduates are eligible for any benefits  
30 provided by policy, rule, or law because of their standing.

31

1           Section 100. The Legislature intends to improve the  
2 ability of public universities to expand undergraduate student  
3 recruitment, retention, and support services provided to  
4 students from low-performing high schools.

5           (1) If funded in the annual General Appropriations  
6 Act, each university that enrolls students from low-performing  
7 high schools because of the "Talented Twenty Percent"  
8 admissions policy shall develop student services to assist  
9 them. These services may include admitting students early for  
10 orientation programs, providing mentors or additional  
11 opportunities for personal advisement, and conducting meetings  
12 to identify additional opportunities for assistance.

13           (2) Any funds provided for this purpose must be used  
14 to enhance any similar program funded by the federal  
15 government or the university and must address the unique needs  
16 of students admitted because of the policy who would not have  
17 met the admissions standards prior to implementation of the  
18 policy.

19           Section 101. The Legislature intends to provide  
20 waivers of matriculation fees for Florida residents who begin  
21 a post-baccalaureate degree program within a public state  
22 university within 2 years after graduation from a Florida  
23 public or independent university and who received a Pell Grant  
24 or a subsidized Stafford Loan as an undergraduate student.

25           (1) Priority for the first 3 years of the fee waiver  
26 program must be for students who also graduated from a high  
27 school that was low-performing either when the student  
28 graduated from high school or when the student graduated from  
29 college.

30           (2) If funded in the annual General Appropriations  
31 Act, the fee waivers must be distributed to students

1 identified by the university in which the student wishes to  
2 enroll.

3 (3) The Board of Education shall adopt rules for  
4 allocating an equitable number of fee waivers to each  
5 university. If funds are not adequate to provide fee waivers  
6 to each student whose university makes a request on his or her  
7 behalf, the university shall base the selection of students to  
8 receive the waivers upon considerations that include the  
9 student's need and the low performance of the student's high  
10 school.

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

15 (1) If funds are provided for this program in the  
16 General Appropriations Act, each university shall identify and  
17 inform eligible students of this opportunity. Eligible  
18 students are students in each incoming group of admissions and  
19 in each graduating class who are graduates of a low-performing  
20 high school.

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

24 (3) A student is eligible if his or her former high  
25 school was low-performing either in the year the student  
26 graduated from high school or in the year the student  
27 graduated from college. However, a student who graduates from  
28 the university more than 6 years after graduation from high  
29 school is eligible only if his or her high school was  
30 low-performing in the year of the student's graduation from  
31 high school.



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

6           (a) An implementation strategy and timeline;

7           (b) A foreign-language professional-development  
8 program for instructional personnel; and

9           (c) An estimated program budget.

10  
11 Each school district must submit its plan to the Commissioner  
12 of Education by June 30, 2004.

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

15           (3) The commissioner shall prepare a summary of school  
16 district plans for submission to the Governor, the President  
17 of the Senate, and the Speaker of the House of Representatives  
18 which specifies:

19           (a) Progress made by school districts in implementing  
20 this section;

21           (b) Problems or difficulties encountered by school  
22 districts;

23           (c) The availability of instructional resources and  
24 personnel;

25           (d) A projected budget for the first year of program  
26 implementation.

27           Section 104. An elected district school board official  
28 may not employ or appoint a relative as defined in section  
29 112.3135, Florida Statutes.

30           Section 105. Learning Gateway.--

31

1           (1) PROGRAM GOALS.--The Legislature authorizes a  
2 3-year demonstration program, to be called the Learning  
3 Gateway, the purpose of which is to provide parents access to  
4 information, referral, and services to lessen the effects of  
5 learning disabilities in children from birth to age 9.  
6 Parental consent shall be required for initial contact and  
7 referral for evaluation and services provided through the  
8 Learning Gateway. Each pilot program must design and test an  
9 integrated, community-based system to help parents identify  
10 learning problems and access early-education and intervention  
11 services in order to minimize or prevent learning  
12 disabilities. The Learning Gateway must be available to  
13 parents in the settings where they and their children live,  
14 work, seek care, or study. The goals of the Learning Gateway  
15 are to:

16           (a) Improve community awareness and education of  
17 parents and practitioners about the warning signs or  
18 precursors of learning problems and learning disabilities,  
19 including disorders or delayed development in language,  
20 attention, behavior, and social-emotional functioning,  
21 including dyslexia and attention deficit hyperactivity  
22 disorder, in children from birth through age 9.

23           (b) Improve access for children who are experiencing  
24 early learning problems and their families to appropriate  
25 programs, services, and supports through improved outreach and  
26 referral processes among providers.

27           (c) Improve developmental monitoring and the  
28 availability to parents of appropriate screening resources,  
29 with emphasis on children from birth through age 9 who are at  
30 high risk of having learning problems.

31

1           (d) Improve the availability to parents of appropriate  
2 education and intervention programs, services, and supports to  
3 address learning problems and learning disabilities.

4           (e) Identify gaps in the array of services and  
5 supports so that an appropriate child-centered and  
6 family-centered continuum of education and support would be  
7 readily available in each community.

8           (f) Improve accountability of the system through  
9 improved planning, integration, and collaboration among  
10 providers and through outcome measurement in collaboration  
11 with parents.

12           (2) LEARNING GATEWAY STEERING COMMITTEE.--

13           (a) To ensure that parents of children with potential  
14 learning problems and learning disabilities have access to the  
15 appropriate necessary services and supports, an 18-member  
16 steering committee is created. The steering committee is  
17 assigned to the Department of Education for administrative  
18 purposes.

19           (b) The duties of the Learning Gateway Steering  
20 Committee are to provide policy development, consultation,  
21 oversight, and support for the implementation of three  
22 demonstration programs and to advise the agencies, the  
23 Legislature, and the Governor on statewide implementation of  
24 system components and issues and on strategies for continuing  
25 improvement to the system.

26           (c) The steering committee shall direct the  
27 administering agency of the Learning Gateway program to expend  
28 the funds appropriated for the steering committee's use to  
29 procure the products delineated in section 105 of this act  
30 through contracts or other means. The steering committee and  
31 the Learning Gateway pilot programs will provide information

1 and referral for services but will not provide direct services  
2 to parents or children.

3 (d) The steering committee must include parents,  
4 service providers, and representatives of the disciplines  
5 relevant to diagnosis of and intervention in early learning  
6 problems. The Governor shall appoint one member from the  
7 private sector who has expertise in communications, management  
8 or service provision, one member who has expertise in  
9 children's vision, one member who has expertise in learning  
10 disabilities, one member who has expertise in audiology, one  
11 member who is a parent of a child eligible for services by the  
12 Learning Gateway, and one provider of related diagnostic and  
13 intervention services. The President of the Senate shall  
14 appoint one member from the private sector who has expertise  
15 in communications, management or service provision, one member  
16 who has expertise in emergent literacy, one member who has  
17 expertise in pediatrics, one member who has expertise in brain  
18 development, one member who is a parent of a child eligible  
19 for services by the Learning Gateway, and one member who is a  
20 provider of related diagnostic and intervention services. The  
21 Speaker of the House of Representatives shall appoint one  
22 member from the private sector who has expertise in  
23 communications, management or service provision, one member  
24 who has expertise in environmental health and allergies, one  
25 member who has expertise in children's nutrition, one member  
26 who has expertise in family medicine, one parent of a child  
27 eligible for services by the Learning Gateway, and one member  
28 who is a school psychologist providing diagnostic and  
29 intervention services.

30 (e) To support and facilitate system improvements, the  
31 steering committee must consult with representatives from the

1 Department of Education, the Department of Health, the Florida  
2 Partnership for School Readiness, the Department of Children  
3 and Family Services, the Agency for Health Care  
4 Administration, the Department of Juvenile Justice, and the  
5 Department of Corrections and the director of the Learning  
6 Development and Evaluation Center of Florida Agricultural and  
7 Mechanical University.

8 (f) Steering committee appointments must be made, and  
9 the committee must hold its first meeting, within 90 days  
10 after this act takes effect. Steering committee members shall  
11 be appointed to serve a term of 3 years. The Governor shall  
12 designate the chairman of the steering committee.

13 (g) Steering committee members shall not receive  
14 compensation for their services, but may receive reimbursement  
15 for travel expenses incurred under section 112.061, Florida  
16 Statutes.

17 (3) LEARNING GATEWAY DEMONSTRATION PROJECTS.--

18 (a) Within 90 days after its initial meeting, the  
19 Learning Gateway Steering Committee shall accept proposals  
20 from interagency consortia in Orange, Manatee, and St. Lucie  
21 counties which comprise public and private providers,  
22 community agencies, business representatives, and the local  
23 school board in each county to serve as demonstration sites  
24 for design and development of a system that addresses the  
25 requirements in section 106 of this act. If there is no  
26 proposal from one of the designated counties, the steering  
27 committee may select another county to serve as a  
28 demonstration site by majority vote.

29 (b) The proposals for demonstration projects must  
30 provide a comprehensive and detailed description of the system  
31 of care. The description of the proposed system of care must

1 clearly indicate the point of access for parents, integration  
2 of services, linkages of providers, and additional array of  
3 services required to address the needs of children and  
4 families.

5 (c) The demonstration projects should ensure that the  
6 system of care appropriately includes existing services to the  
7 fullest extent possible and should determine additional  
8 programs, services, and supports that would be necessary to  
9 implement the requirements of this act.

10 (d) The projects, in conjunction with the steering  
11 committee, shall determine what portion of the system can be  
12 funded using existing funds, demonstration funds provided by  
13 this act, and other available private and community funds.

14 (e) The demonstration projects shall recommend to the  
15 steering committee the linking or combining of some or all of  
16 the local planning bodies, including school readiness  
17 coalitions, Healthy Start coalitions, Part C advisory  
18 councils, Department of Children and Family Services community  
19 alliances, and other boards or councils that have a primary  
20 focus on services for children from birth to age 9, to the  
21 extent allowed by federal regulations, if such changes would  
22 improve coordination and reduce unnecessary duplication of  
23 effort.

24 (f) Demonstration projects shall use public and  
25 private partnerships, partnerships with faith-based  
26 organizations, and volunteers, as appropriate, to enhance  
27 accomplishment of the goals of the system.

28 (g) Addressing system components delineated in section  
29 105 of this act, each demonstration project proposal must  
30 include, at a minimum:  
31

1           1. Protocols for requiring and receiving parental  
2 consent for Learning Gateway services.

3           2. A method for establishing communication with  
4 parents and coordination and planning processes within the  
5 community.

6           3. Action steps for making appropriate linkages to  
7 existing services within the community.

8           4. Procedures to determine gaps in services and  
9 identify appropriate providers.

10           5. A lead agency to serve as the system access point,  
11 or gateway.

12           (h) As authorized under the budget authority of the  
13 Department of Education, demonstration projects,  
14 representative of the diversity of the communities in this  
15 state, shall be established in Manatee, Orange, and St. Lucie  
16 counties as local Learning Gateway sites and shall be  
17 authorized to hire staff, establish office space, and contract  
18 for administrative services as needed to implement the project  
19 within the budget designated by the Legislature.

20           (i) The steering committee must approve, deny, or  
21 conditionally approve a Learning Gateway proposal within 60  
22 days after receipt of the proposal. If a proposal is  
23 conditionally approved, the steering committee must assist the  
24 Learning Gateway applicant to correct deficiencies in the  
25 proposal by December 1, 2002. Funds must be available to a  
26 pilot program 15 days after final approval of its proposal by  
27 the steering committee. Funds must be available to all pilot  
28 programs by January 1, 2003.

29           Section 106. Components of the Learning Gateway.--

30           (1) The Learning Gateway system consists of the  
31 following components:

1           (a) Community education strategies and family-oriented  
2 access.--

3           1. Each local demonstration project shall establish  
4 the system access point, or gateway, by which parents can  
5 receive information about available appropriate services. An  
6 existing public or private agency or provider or new provider  
7 may serve as the system gateway. The local Learning Gateway  
8 should provide parents and caretakers with a single point of  
9 access for screening, assessment, and referral for services  
10 for children from birth through age 9. The demonstration  
11 projects have the budgetary authority to hire appropriate  
12 personnel to perform administrative functions. These staff  
13 members must be knowledgeable about child development, early  
14 identification of learning problems and learning disabilities,  
15 family service planning, and services in the local area. Each  
16 demonstration project must arrange for the following services  
17 to be provided by existing service systems:

18           a. Conducting intake with families.

19           b. Conducting appropriate screening or referral for  
20 such services.

21           c. Conducting needs/strengths-based family assessment.

22           d. Developing family resource plans.

23           e. Making referrals for needed services and assisting  
24 families in the application process.

25           f. Providing service coordination as needed by  
26 families.

27           g. Assisting families in establishing a medical home.

28           h. Conducting case management and transition planning  
29 as necessary.

30           i. Monitoring performance of service providers against  
31 appropriate standards.



1           2. The Learning Gateway Steering Committee and  
2 demonstration projects shall designate a central information  
3 and referral access phone number for parents in each pilot  
4 community. This centralized phone number should be used to  
5 increase public awareness and to improve access to local  
6 supports and services for children from birth through age 9  
7 and their families. The number should be highly publicized as  
8 the primary source of information on services for young  
9 children. The telephone staff should be trained and supported  
10 to offer accurate and complete information and to make  
11 appropriate referrals to existing public and private community  
12 agencies.

13           3. In collaboration with local resources such as  
14 Healthy Start, the demonstration projects shall develop  
15 strategies for offering hospital visits or home visits by  
16 trained staff to new mothers. The Learning Gateway Steering  
17 Committee shall provide technical assistance to local  
18 demonstration projects in developing brochures and other  
19 materials to be distributed to parents of newborns.

20           4. In collaboration with other local resources, the  
21 demonstration projects shall develop public awareness  
22 strategies to disseminate information about developmental  
23 milestones, precursors of learning problems and other  
24 developmental delays, and the service system that is  
25 available. The information should target parents of children  
26 from birth through age 9 and should be distributed to parents,  
27 health care providers, and caregivers of children from birth  
28 through age 9. A variety of media should be used as  
29 appropriate, such as print, television, radio, and a  
30 community-based internet web site, as well as opportunities  
31 such as those presented by parent visits to physicians for

1 well-child check-ups. The Learning Gateway Steering Committee  
2 shall provide technical assistance to the local demonstration  
3 projects in developing and distributing educational materials  
4 and information.

5 a. Public awareness strategies targeting parents of  
6 children from birth through age 5 shall be designed to provide  
7 information to public and private preschool programs,  
8 childcare providers, pediatricians, parents, and local  
9 businesses and organizations. These strategies should include  
10 information on the school readiness performance standards for  
11 kindergarten adopted by the School Readiness Partnership  
12 Board.

13 b. Public awareness strategies targeting parents of  
14 children from ages 6 through 9 must be designed to disseminate  
15 training materials and brochures to parents and public and  
16 private school personnel, and must be coordinated with the  
17 local school board and the appropriate school advisory  
18 committees in the demonstration projects. The materials should  
19 contain information on state and district proficiency levels  
20 for grades K-3.

21 (b) Screening and developmental monitoring.--

22 1. In coordination with the Partnership for School  
23 Readiness, the Department of Education, and the Florida  
24 Pediatric Society, and using information learned from the  
25 local demonstration projects, the Learning Gateway Steering  
26 Committee shall establish guidelines for screening children  
27 from birth through age 9. The guidelines should incorporate  
28 recent research on the indicators most likely to predict early  
29 learning problems, mild developmental delays, child-specific  
30 precursors of school failure, and other related developmental  
31 indicators in the domains of cognition; communication;

1 attention; perception; behavior; and social, emotional,  
2 sensory, and motor functioning.

3 2. Based on the guidelines established by the steering  
4 committee and in cooperation with the Florida Pediatric  
5 Society, the steering committee shall adopt a comprehensive  
6 checklist for child healthcare checkups and a corresponding  
7 training package for physicians and other medical personnel in  
8 implementing more effective screening for precursors of  
9 learning problems, learning disabilities, and mild  
10 developmental delays.

11 3. Using the screening guidelines developed by the  
12 steering committee, local demonstration projects should engage  
13 local physicians and other medical professionals in enhancing  
14 the screening opportunities presented by immunization visits  
15 and other well-child appointments, in accordance with the  
16 American Academy of Pediatrics Periodicity Schedule.

17 4. Using the screening guidelines developed by the  
18 steering committee, the demonstration projects shall develop  
19 strategies to increase early identification of precursors to  
20 learning problems and learning disabilities through providing  
21 parents the option of improved screening and referral  
22 practices within public and private early care and education  
23 programs and K-3 public and private school settings.  
24 Strategies may include training and technical assistance teams  
25 to assist program providers and teachers. The program shall  
26 collaborate appropriately with the school readiness  
27 coalitions, local school boards, and other community resources  
28 in arranging training and technical assistance for early  
29 identification and screening with parental consent.

30 5. The demonstration project shall work with  
31 appropriate local entities to reduce the duplication of

1 cross-agency screening in each demonstration project area.  
2 Demonstration projects shall provide opportunities for public  
3 and private providers of screening and assessment at each age  
4 level to meet periodically to identify gaps or duplication of  
5 efforts in screening practices.

6 6. Based on technical assistance and support provided  
7 by the steering committee and in conjunction with the school  
8 readiness coalitions and other appropriate entities,  
9 demonstration projects shall develop a system to log the  
10 number of children screened, assessed, and referred for  
11 services. After development and testing, tracking should be  
12 supported by a standard electronic data system for screening  
13 and assessment information.

14 7. In conjunction with the technical assistance of the  
15 steering committee, demonstration projects shall develop a  
16 system for targeted screening. The projects should conduct a  
17 needs assessment of existing services and programs where  
18 targeted screening programs should be offered. Based on the  
19 results of the needs assessment, the project shall develop  
20 procedures within the demonstration community whereby periodic  
21 developmental screening could be offered to parents of  
22 children from birth through age 9 who are served by state  
23 intervention programs or whose parents or caregivers are in  
24 state intervention programs. Intervention programs for  
25 children, parents, and caregivers include those administered  
26 or funded by the:

- 27 a. Agency for Health Care Administration;  
28 b. Department of Children and Family Services;  
29 c. Department of Corrections and other criminal  
30 justice programs;  
31 d. Department of Education;

- 1           e. Department of Health; and  
2           f. Department of Juvenile Justice.
- 3           8. When results of screening suggest developmental  
4 problems, potential learning problems, or learning  
5 disabilities, the intervention program shall inform the  
6 child's parent of the results of the screening and shall offer  
7 to refer the child to the Learning Gateway for coordination of  
8 further assessment. If the parent chooses to have further  
9 assessment, the Learning Gateway shall make referrals to the  
10 appropriate entities within the service system.
- 11           9. The local Learning Gateway shall provide for  
12 followup contact to all families whose children have been  
13 found ineligible for services under Part B or Part C of the  
14 IDEA to inform them of other services available in the county.
- 15           10. Notwithstanding any law to the contrary, each  
16 agency participating in the Learning Gateway is authorized to  
17 provide to a Learning Gateway program confidential information  
18 exempt from disclosure under chapter 119, Florida Statutes,  
19 regarding a developmental screening on any child participating  
20 in the Learning Gateway who is or has been the subject of a  
21 developmental screening within the jurisdiction of each  
22 agency.
- 23           (c) Early education, services and supports.--
- 24           1. The demonstration projects shall develop a  
25 conceptual model system of care that builds upon, integrates,  
26 and fills the gaps in existing services. The model shall  
27 indicate how qualified providers of family-based or  
28 center-based interventions or public and private school  
29 personnel may offer services in a manner consistent with the  
30 standards established by their profession and by the standards  
31 and criteria adopted by the steering committee and consistent

1 with effective and proven strategies. The specific services  
2 and supports may include:

3 a. High-quality early education and care programs.

4 b. Assistance to parents and other caregivers, such as  
5 home-based modeling programs for parents and play programs to  
6 provide peer interactions.

7 c. Speech and language therapy that is  
8 age-appropriate.

9 d. Parent education and training.

10 e. Comprehensive medical screening and referral with  
11 biomedical interventions as necessary.

12 f. Referral as needed for family therapy, other mental  
13 health services, and treatment programs.

14 g. Family support services as necessary.

15 h. Therapy for learning differences in reading and  
16 math, and attention to subject material for children in grades  
17 K-3.

18 i. Referral for Part B or Part C services as required.

19 j. Expanded access to community-based services for  
20 parents.

21 k. Parental choice in the provision of services by  
22 public and private providers.

23  
24 The model shall include a statement of the cost of  
25 implementing the model.

26 2. Demonstration projects shall develop strategies to  
27 increase the use of appropriate intervention practices with  
28 children who have learning problems and learning disabilities  
29 within public and private early care and education programs  
30 and K-3 public and private school settings. Strategies may  
31 include training and technical assistance teams. Intervention

1 must be coordinated and must focus on providing effective  
2 supports to children and their families within their regular  
3 education and community environment. These strategies must  
4 incorporate, as appropriate, school and district activities  
5 related to the student's academic improvement plan and must  
6 provide parents with greater access to community-based  
7 services that should be available beyond the traditional  
8 school day. Academic expectations for public school students  
9 in grades K-3 must be based upon the local school board's  
10 adopted proficiency levels. When appropriate, school personnel  
11 shall consult with the local Learning Gateway to identify  
12 other community resources for supporting the child and the  
13 family.

14 3. The steering committee, in cooperation with the  
15 Department of Children and Family Services, the Department of  
16 Education, and the Florida Partnership for School Readiness,  
17 shall identify the elements of an effective research-based  
18 curriculum for early care and education programs.

19 4. The steering committee, in conjunction with the  
20 demonstration projects, shall develop processes for  
21 identifying and sharing promising practices and shall showcase  
22 these programs and practices at a dissemination conference.

23 5. The steering committee shall establish processes  
24 for facilitating state and local providers' ready access to  
25 information and training concerning effective instructional  
26 and behavioral practices and interventions based on advances  
27 in the field and for encouraging researchers to regularly  
28 guide practitioners in designing and implementing  
29 research-based practices. The steering committee shall assist  
30 the demonstration projects in conducting a conference for  
31 participants in the three demonstration projects for the

1 dissemination of information on best practices and new  
2 insights about early identification, education, and  
3 intervention for children from birth through age 9. The  
4 conference should be established so that continuing education  
5 credits may be awarded to medical professionals, teachers, and  
6 others for whom this is an incentive.

7 6. Demonstration projects shall investigate and may  
8 recommend to the steering committee more effective resource  
9 allocation and flexible funding strategies if such strategies  
10 are in the best interest of the children and families in the  
11 community. The Department of Education and other relevant  
12 agencies shall assist the demonstration projects in securing  
13 state and federal waivers as appropriate.

14 Section 107. Accountability.--

15 (1) The steering committee shall provide information  
16 to the School Readiness Estimating Conference and the  
17 Enrollment Conference for Public Schools regarding estimates  
18 of the population of children from birth through age 9 who are  
19 at risk of learning problems and learning disabilities.

20 (2) The steering committee, in conjunction with the  
21 demonstration projects, shall develop accountability  
22 mechanisms to ensure that the demonstration programs are  
23 effective and that resources are used as efficiently as  
24 possible. Accountability should be addressed through a  
25 multilevel evaluation system, including measurement of  
26 outcomes and operational indicators. Measurable outcomes must  
27 be developed to address improved child development, improved  
28 child health, and success in school. Indicators of system  
29 improvements must be developed to address quality of programs  
30 and integration of services. Agency monitoring of programs  
31 shall include a review of child and family outcomes and system



1 effectiveness indicators with a specific focus on elimination  
2 of unnecessary duplication of planning, screening, and  
3 services.

4 (3) The steering committee shall oversee a formative  
5 evaluation of the project during implementation, including  
6 reporting short-term outcomes and system improvements. By  
7 January 2005, the steering committee shall make  
8 recommendations to the Governor, the President of the Senate,  
9 the Speaker of the House of Representatives, and the  
10 Commissioner of Education related to the merits of expansion  
11 of the demonstration projects.

12 (4) By January 1, 2005, the steering committee, in  
13 conjunction with the demonstration projects, shall develop a  
14 model county-level strategic plan to formalize the goals,  
15 objectives, strategies, and intended outcomes of the  
16 comprehensive system, and to support the integration and  
17 efficient delivery of all services and supports for parents of  
18 children from birth through age 9 who have learning problems  
19 or learning disabilities. The model county-level strategic  
20 plan must include, but need not be limited to, strategies to:

21 (a) Establish a system whereby parents can access  
22 information about learning problems in young children and  
23 receive services at their discretion;

24 (b) Improve early identification of those who are at  
25 risk for learning problems and learning disabilities;

26 (c) Provide access to an appropriate array of services  
27 within the child's natural environment or regular classroom  
28 setting or specialized training in other settings;

29 (d) Improve and coordinate screening for children from  
30 birth through age 9;

31

1           (e) Improve and coordinate services for children from  
2 birth through age 9;

3           (f) Address training of professionals in effectively  
4 identifying factors, across all domains, which place children  
5 from birth through age 9 at risk of school failure and in  
6 appropriate interventions for the learning differences;

7           (g) Provide appropriate support to families;

8           (h) Share best practices with caregivers and referral  
9 sources;

10          (i) Address resource needs of the assessment and  
11 intervention system; and

12          (j) Address development of implementation plans to  
13 establish protocols for requiring and receiving parental  
14 consent for services; to identify action steps, responsible  
15 parties, and implementation schedules; and to ensure  
16 appropriate alignment with agency strategic plans.

17           Section 108. The Legislature shall appropriate a sum  
18 of money to fund the demonstration programs and shall  
19 authorize selected communities to blend funding from existing  
20 programs to the extent that this is advantageous to the  
21 community and is consistent with federal requirements.

22           Section 109. Effective upon becoming a law, paragraph  
23 (b) of subsection (2), paragraph (b) of subsection (4), and  
24 paragraph (a) of subsection (6) of section 229.05371, Florida  
25 Statutes, are amended to read:

26           229.05371 The John M. McKay Scholarships for Students  
27 with Disabilities Program.--There is established a program  
28 that is separate and distinct from the Opportunity Scholarship  
29 Program and is named the John M. McKay Scholarships for  
30 Students with Disabilities Program, pursuant to this section.  
31

1           (2) SCHOLARSHIP ELIGIBILITY.--The parent of a public  
2 school student with a disability who is dissatisfied with the  
3 student's progress may request and receive from the state a  
4 John M. McKay Scholarship for the child to enroll in and  
5 attend a private school in accordance with this section if:

6           (b) The parent has obtained acceptance for admission  
7 of the student to a private school that is eligible for the  
8 program under subsection (4) and has notified, ~~in writing,~~ the  
9 school district of the request for a scholarship at least 60  
10 days prior to the date of the first scholarship payment. The  
11 parental notification shall be through a communication  
12 directly to the district or through the Florida Department of  
13 Education to the district in a manner that creates a written  
14 or electronic record of the notification and the date of  
15 receipt of the notification.

16  
17 This section does not apply to a student who is enrolled in a  
18 school operating for the purpose of providing educational  
19 services to youth in Department of Juvenile Justice commitment  
20 programs. For purposes of continuity of educational choice,  
21 the scholarship shall remain in force until the student  
22 returns to a public school or graduates from high school.  
23 However, at any time, the student's parent may remove the  
24 student from the private school and place the student in  
25 another private school that is eligible for the program under  
26 subsection (4) or in a public school as provided in subsection  
27 (3).

28           (4) PRIVATE SCHOOL ELIGIBILITY.--To be eligible to  
29 participate in the John M. McKay Scholarships for Students  
30 with Disabilities Program, a private school must be a Florida  
31 private school, may be sectarian or nonsectarian, and must:

1           (b) Notify the Department of Education of its intent  
2 to participate in the program under this section ~~by May 1 of~~  
3 ~~the school year preceding the school year in which it intends~~  
4 ~~to participate~~. The notice must specify the grade levels and  
5 services that the private school has available for students  
6 with disabilities who are participating in the scholarship  
7 program.

8           (6) SCHOLARSHIP FUNDING AND PAYMENT.--

9           (a)1. The maximum scholarship granted for an eligible  
10 student with disabilities shall be a calculated amount  
11 equivalent to the base student allocation in the Florida  
12 Education Finance Program multiplied by the appropriate cost  
13 factor for the educational program that would have been  
14 provided for the student in the district school to which he or  
15 she was assigned, multiplied by the district cost  
16 differential.

17           2. In addition, a share of the guaranteed allocation  
18 for exceptional students shall be determined and added to the  
19 calculated amount. The calculation shall be based on the  
20 methodology and the data used to calculate the guaranteed  
21 allocation for exceptional students for each district in  
22 chapter 2000-166, Laws of Florida. Except as provided in  
23 subparagraph 3., the calculation shall be based on the  
24 student's grade, matrix level of services, and the difference  
25 between the 2000-2001 basic program and the appropriate level  
26 of services cost factor, multiplied by the 2000-2001 base  
27 student allocation and the 2000-2001 district cost  
28 differential for the sending district. Also, the calculated  
29 amount shall include the per-student share of supplemental  
30 academic instruction funds, instructional materials funds,  
31

1 technology funds, and other categorical funds as provided for  
2 such purposes in the General Appropriations Act.

3 3. Until the school district completes the matrix  
4 required by paragraph (3)(b), the calculation must be based on  
5 the matrix that assigns the student to support level I of  
6 service as it existed prior to the 2000-2001 school year. When  
7 the school district completes the matrix, the amount of the  
8 payment must be adjusted as needed.

9 Section 110. Each district school board and county  
10 supervisor of elections should cooperate to provide voter  
11 education to high-school students who are in grade 12. This  
12 educational effort should include instruction in the  
13 responsibilities of voters, how to vote, how and when to  
14 preregister, and how to use voting machines. Students who  
15 have satisfactorily completed the instruction should be  
16 allowed to preregister to vote. Such instruction should take  
17 place during school hours, for instance during a senior  
18 assembly or other such event, so as to facilitate focusing on  
19 12th-graders.

20 Section 111. Subsection (7) of section 3 of chapter  
21 2000-321, Laws of Florida, is repealed.

22 Section 112. Except as otherwise provided in this act,  
23 this act shall take effect January 7, 2003.

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