

Bill No. CS for SB 772

Barcode 081748

CHAMBER ACTION

Senate

House

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The Committee on Education Appropriations (Constantine)
recommended the following amendment:

Senate Amendment (with title amendment)

Delete everything after the enacting clause

and insert:

Section 1. Section 1001.47, Florida Statutes, is
amended to read:

1001.47 District school superintendent; salary.--

(1) Each elected district school superintendent shall
receive as salary the amount indicated pursuant to this
section. However, a district school board, by majority vote,
may approve a salary in excess of the amount specified in this
section.

(2) Each elected district school superintendent shall
receive a base salary, the amounts indicated in this
subsection, based on the population of the county the elected
superintendent serves. In addition, compensation shall be made
for population increments over the minimum for each population
group, which shall be determined by multiplying the population

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1 in excess of the minimum for the group times the group rate.
 2 The product of such calculation shall be added to the base
 3 salary to determine the adjusted base salary. Laws that
 4 increase the base salary provided in this subsection shall
 5 contain provisions on no other subject.

7 Pop. Group	8 County Pop. Range	9 Base Salary	10 Group Rate
	11 Minimum	12 Maximum	
13 I	14 -0-	15 49,999	16 \$21,250
17 II	18 50,000	19 99,999	20 24,400
21 III	22 100,000	23 199,999	24 27,550
25 IV	26 200,000	27 399,999	28 30,175
29 V	30 400,000	31 999,999	0.00525
VI	1,000,000		36,475

16 (3) The adjusted base salaries of elected district
 17 school superintendents shall be increased annually as provided
 18 for in s. 145.19. Any salary previously paid to elected
 19 superintendents, including the salary calculated for fiscal
 20 years 2002-2003 and 2003-2004, which was consistent with
 21 chapter 145 and s. 230.303, Florida Statutes (2001), is hereby
 22 ratified and validated.

23 ~~(4) This section does not apply to a district school~~
 24 ~~superintendent appointed pursuant to the terms of s. 1001.50.~~

25 (4)(5)(a) There shall be an additional \$2,000 per year
 26 special qualification salary paid by district school boards
 27 for each elected district school superintendent who has met
 28 the certification requirements established by the Department
 29 of Education. Any elected district school superintendent who
 30 is certified during a calendar year shall receive in that year
 31 a pro rata share of the special qualification salary based on

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1 the remaining period of the year.

2 (b) In order to qualify for the special qualification
3 salary provided by paragraph (a), the elected district school
4 superintendent must complete the requirements established by
5 the Department of Education within 6 years after first taking
6 office.

7 (c) After an elected a district school superintendent
8 meets the requirements of paragraph (a), in order to remain
9 certified the district school superintendent shall thereafter
10 be required to complete each year a course of continuing
11 education as prescribed by the Department of Education.

12 ~~(5)~~(6)(a) The Department of Education shall provide a
13 leadership development and performance compensation program
14 for elected district school superintendents, comparable to
15 chief executive officer development programs for corporate
16 executive officers, to include:

17 1. A content-knowledge-and-skills phase consisting of:
18 creative leadership models and theory, demonstration of
19 effective practice, simulation exercises and personal skills
20 practice, and assessment with feedback, taught in a
21 professional training setting under the direction of
22 experienced, successful trainers.

23 2. A competency-acquisition phase consisting of
24 on-the-job application of knowledge and skills for a period of
25 not less than 6 months following the successful completion of
26 the content-knowledge-and-skills phase. The
27 competency-acquisition phase shall be supported by adequate
28 professional technical assistance provided by experienced
29 trainers approved by the department. Competency acquisition
30 shall be demonstrated through assessment and feedback.

31 (b) Upon the successful completion of both phases and

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1 demonstrated successful performance, as determined by the
 2 department, an elected a district school superintendent shall
 3 be issued a Chief Executive Officer Leadership Development
 4 Certificate, and the department shall pay ~~and shall be given~~
 5 an annual performance salary incentive of not less than \$3,000
 6 nor more than \$7,500 based upon his or her performance
 7 evaluation.

8 (c) An elected A district school superintendent's
 9 eligibility to continue receiving the annual performance
 10 salary incentive is contingent upon his or her continued
 11 performance assessment and followup training prescribed by the
 12 department.

13 Section 2. Subsection (4) is added to section 1001.50,
 14 Florida Statutes, to read:

15 1001.50 Superintendents employed under Art. IX of the
 16 State Constitution.--

17 (4) A district school superintendent employed under
 18 the terms of this section may participate in the courses of
 19 continuing professional education provided in the special
 20 qualification certification program pursuant to s. 1001.47(4)
 21 and the leadership development and performance compensation
 22 program pursuant to s. 1001.47(5), as established by the
 23 department. Upon successful completion of the certification
 24 requirements for one or both of these programs, the district
 25 school board may use such certification or certifications as a
 26 factor in determining the amount of compensation to be paid.

27 Section 3. Paragraph (b) of subsection (1) of section
 28 1003.02, Florida Statutes, is amended to read:

29 1003.02 District school board operation and control of
 30 public K-12 education within the school district.--As provided
 31 in part II of chapter 1001, district school boards are

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1 constitutionally and statutorily charged with the operation
 2 and control of public K-12 education within their school
 3 district. The district school boards must establish, organize,
 4 and operate their public K-12 schools and educational
 5 programs, employees, and facilities. Their responsibilities
 6 include staff development, public K-12 school student
 7 education including education for exceptional students and
 8 students in juvenile justice programs, special programs, adult
 9 education programs, and career education programs.

10 Additionally, district school boards must:

11 (1) Provide for the proper accounting for all students
 12 of school age, for the attendance and control of students at
 13 school, and for proper attention to health, safety, and other
 14 matters relating to the welfare of students in the following
 15 fields:

16 (b) Enforcement of attendance laws.--Provide for the
 17 enforcement of all laws and rules relating to the attendance
 18 of students at school. District school boards are authorized
 19 to establish policies that allow accumulated unexcused
 20 tardies, regardless of when they occur during the school day,
 21 and early departures from school to be recorded as unexcused
 22 absences. District school boards are also authorized to
 23 establish policies that require referral to a school's child
 24 study team for students who have fewer absences than the
 25 number required by s. 1003.26(1)(b).

26 Section 4. Paragraph (c) of subsection (1) of section
27 1003.21, Florida Statutes, is amended to read:

28 1003.21 School attendance.--

29 (1)

30 (c) A student who attains the age of 16 years during
 31 the school year is not subject to compulsory school attendance

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1 beyond the date upon which he or she attains that age if the
 2 student files a formal declaration of intent to terminate
 3 school enrollment with the district school board. Public
 4 school students who have attained the age of 16 years and who
 5 have not graduated are subject to compulsory school attendance
 6 until the formal declaration of intent is filed with the
 7 district school board. The declaration must acknowledge that
 8 terminating school enrollment is likely to reduce the
 9 student's earning potential and must be signed by the student
 10 and the student's parent. The school district must notify the
 11 student's parent of receipt of the student's declaration of
 12 intent to terminate school enrollment. The student's guidance
 13 counselor or other school personnel must conduct an exit
 14 interview with the student to determine the reasons for the
 15 student's decision to terminate school enrollment and actions
 16 that could be taken to keep the student in school. The student
 17 must be informed of opportunities to continue his or her
 18 education in a different environment, including, but not
 19 limited to, adult education and GED test preparation.
 20 Additionally, the student must complete a survey in a format
 21 prescribed by the Department of Education to provide data on
 22 student reasons for terminating enrollment and actions taken
 23 by schools to keep students enrolled.

24 Section 5. Section 1003.26, Florida Statutes, is
 25 amended to read:

26 1003.26 Enforcement of school attendance.--The
 27 Legislature finds that poor academic performance is associated
 28 with nonattendance and that school districts ~~schools~~ must take
 29 an active role in promoting and enforcing attendance as a
 30 means of improving student ~~the performance of many students.~~
 31 It is the policy of the state that each district school

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

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

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

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1 made up within a reasonable time.

2 (b) If a student has had at least five unexcused
3 absences, or absences for which the reasons are unknown,
4 within a calendar month or 10 unexcused absences, or absences
5 for which the reasons are unknown, within a 90-calendar-day
6 period, the student's primary teacher shall report to the
7 school principal or his or her designee that the student may
8 be exhibiting a pattern of nonattendance. The principal shall,
9 unless there is clear evidence that the absences are not a
10 pattern of nonattendance, refer the case to the school's child
11 study team to determine if early patterns of truancy are
12 developing. If the child study team finds that a pattern of
13 nonattendance is developing, whether the absences are excused
14 or not, a meeting with the parent must be scheduled to
15 identify potential remedies, and the principal shall notify
16 the district school superintendent and the school district
17 contact for home education programs that the referred student
18 is exhibiting a pattern of nonattendance.

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

- 23 1. Frequent attempts at communication between the
24 teacher and the family.~~†~~
- 25 ~~2. Changes in the learning environment;†~~
- 26 ~~3. Mentoring;†~~
- 27 ~~4. Student counseling;†~~
- 28 ~~5. Tutoring, including peer tutoring;†~~
- 29 ~~6. Placement into different classes;†~~
- 30 ~~2.7. Evaluation for alternative education programs.†~~
- 31 ~~3.8. Attendance contracts.†~~

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

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 5 The child study team may, but is not required to, implement
 6 other interventions, including referral to other agencies for
 7 family services or recommendation for filing a truancy
 8 petition pursuant to s. 984.151.

9 (d) The child study team shall be diligent in
 10 facilitating intervention services and shall report the case
 11 to the district school superintendent only when all reasonable
 12 efforts to resolve the nonattendance behavior are exhausted.

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

24 (f)1. If the parent of a child who has been identified
 25 as exhibiting a pattern of nonattendance enrolls the child in
 26 a home education program pursuant to chapter 1002, the
 27 district school superintendent shall provide the parent a copy
 28 of s. 1002.41 and the accountability requirements of this
 29 paragraph. The district school superintendent shall also refer
 30 the parent to a home education review committee composed of
 31 the district contact for home education programs and at least

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1 two home educators selected by the parent from a district list
 2 of all home educators who have conducted a home education
 3 program for at least 3 years and who have indicated a
 4 willingness to serve on the committee. The home education
 5 review committee shall review the portfolio of the student, as
 6 defined by s. 1002.41, every 30 days during the district's
 7 regular school terms until the committee is satisfied that the
 8 home education program is in compliance with s. 1002.41(1)(b).
 9 The first portfolio review must occur within the first 30
 10 calendar days of the establishment of the program. The
 11 provisions of subparagraph 2. do not apply once the committee
 12 determines the home education program is in compliance with s.
 13 1002.41(1)(b).

14 2. If the parent fails to provide a portfolio to the
 15 committee, the committee shall notify the district school
 16 superintendent. The district school superintendent shall then
 17 terminate the home education program and require the parent to
 18 enroll the child in an attendance option that meets the
 19 definition of "regular school attendance" under s.
 20 1003.01(13)(a), (b), (c), or (e), within 3 days. Upon
 21 termination of a home education program pursuant to this
 22 subparagraph, the parent shall not be eligible to reenroll the
 23 child in a home education program for 180 calendar days.
 24 Failure of a parent to enroll the child in an attendance
 25 option as required by this subparagraph after termination of
 26 the home education program pursuant to this subparagraph shall
 27 constitute noncompliance with the compulsory attendance
 28 requirements of s. 1003.21 and may result in criminal
 29 prosecution under s. 1003.27(2). Nothing contained herein
 30 shall restrict the ability of the district school
 31 superintendent, or the ability of his or her designee, to

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1 review the portfolio pursuant to s. 1002.41(1)(b).

2 (g) If a student subject to compulsory school
3 attendance will not comply with attempts to enforce school
4 attendance, the parent or the district school superintendent
5 or his or her designee shall refer the case to the case
6 staffing committee pursuant to s. 984.12, and the district
7 school superintendent or his or her designee may file a
8 truancy petition pursuant to the procedures in s. 984.151.

9 (2) GIVE WRITTEN NOTICE.--

10 (a) Under the direction of the district school
11 superintendent, a designated school representative shall give
12 written notice that requires enrollment or attendance within 3
13 days after the date of notice, in person or by return-receipt
14 mail, to the parent when no valid reason is found for a
15 student's nonenrollment in school. If the notice and
16 requirement are ignored, the designated school representative
17 shall report the case to the district school superintendent,
18 and may refer the case to the case staffing committee,
19 established pursuant to s. 984.12. The district school
20 superintendent shall take such steps as are necessary to bring
21 criminal prosecution against the parent.

22 (b) Subsequent to the activities required under
23 subsection (1), the district school superintendent or his or
24 her designee shall give written notice in person or by
25 return-receipt mail to the parent that criminal prosecution is
26 being sought for nonattendance. The district school
27 superintendent may file a truancy petition, as defined in s.
28 984.03, following the procedures outlined in s. 984.151.

29 (3) RETURN STUDENT TO PARENT.--A designated school
30 representative may ~~shall~~ visit the home or place of residence
31 of a student and any other place in which he or she is likely

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1 to find any student who is required to attend school when the
 2 student is not enrolled or is absent from school during school
 3 hours without an excuse, and, when the student is found, shall
 4 return the student to his or her parent or to the principal or
 5 teacher in charge of the school, or to the private tutor from
 6 whom absent, or to the juvenile assessment center or other
 7 location established by the district school board to receive
 8 students who are absent from school. Upon receipt of the
 9 student, the parent shall be immediately notified.

10 (4) REPORT TO APPROPRIATE AUTHORITY.--A designated
 11 school representative shall report to the appropriate
 12 authority designated by law to receive such notices, all
 13 violations of the Child Labor Law that may come to his or her
 14 knowledge.

15 (5) RIGHT TO INSPECT.--A designated school
 16 representative shall have the right of access to, and
 17 inspection of, establishments where minors may be employed or
 18 detained only for the purpose of ascertaining whether students
 19 of compulsory school age are actually employed there and are
 20 actually working there regularly. The designated school
 21 representative shall, if he or she finds unsatisfactory
 22 working conditions or violations of the Child Labor Law,
 23 report his or her findings to the appropriate authority.

24 Section 6. This act shall take effect July 1, 2006.

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27 ===== T I T L E A M E N D M E N T =====

28 And the title is amended as follows:

29 Delete everything before the enacting clause

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31 and insert:

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A bill to be entitled
An act relating to schools; amending s.
1001.47, F.S.; clarifying the applicability of
the salary formula and certification programs
to elected district school superintendents;
amending s. 1001.50, F.S.; authorizing
participation by appointed district school
superintendents in certification programs
established by the Department of Education;
amending s. 1003.02, F.S.; authorizing district
school board attendance policies to allow
accumulated tardies and early departures to be
recorded as unexcused absences; authorizing
district school board policies for student
referral to a child study team under certain
circumstances; amending s. 1003.21, F.S.;
providing that students who have attained 16
years of age and have not graduated are subject
to compulsory school attendance under certain
circumstances; requiring student exit
interviews prior to terminating school
enrollment; amending s. 1003.26, F.S.;
providing district school superintendent's
responsibility to support local law enforcement
agencies in enforcing school attendance;
providing required and authorized child study
team interventions; authorizing visits by
school representatives; providing an effective
date.