By the Committees on Education Appropriations; Children and Families; and Senators Constantine and Wilson

602-2433-06

1	A bill to be entitled			
2	An act relating to schools; amending s.			
3	1001.47, F.S.; clarifying the applicability of			
4	the salary formula and certification programs			
5	to elected district school superintendents;			
6	amending s. 1001.50, F.S.; authorizing			
7	participation by appointed district school			
8	superintendents in certification programs			
9	established by the Department of Education;			
10	amending s. 1003.02, F.S.; authorizing district			
11	school board attendance policies to allow			
12	accumulated tardies and early departures to be			
13	recorded as unexcused absences; authorizing			
14	district school board policies for student			
15	referral to a child study team under certain			
16	circumstances; amending s. 1003.21, F.S.;			
17	providing that students who have attained 16			
18	years of age and have not graduated are subject			
19	to compulsory school attendance under certain			
20	circumstances; requiring student exit			
21	interviews prior to terminating school			
22	enrollment; amending s. 1003.26, F.S.;			
23	providing district school superintendent's			
24	responsibility to support local law enforcement			
25	agencies in enforcing school attendance;			
26	providing required and authorized child study			
27	team interventions; authorizing visits by			
28	school representatives; transferring and			
29	amending s. 1013.721, F.S.; renaming the			
30	Florida Business and Education in School			
31	Together Program as "A Business-Community (ABC)			

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School Program"; defining the term "A Business-Community School"; requiring each school board to submit certain documentation to the Department of Education; requiring each school board to designate a school program liaison; requiring each school district to establish an evaluation committee; requiring each school board to provide to the department information about each member of the committee; requiring the committee to submit an annual report to the school board and the superintendent; providing for the committee's responsibilities; providing for admissions of students to the school program; authorizing a school district and a business to enter into a contract for operation of the school program; amending s. 1013.502, F.S.; providing for facilities for the school program; providing an effective date. Be It Enacted by the Legislature of the State of Florida: Section 1. Section 1001.47, Florida Statutes, is amended to read: 1001.47 District school superintendent; salary.--(1) Each <u>elected</u> 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 in excess of the minimum for the group times the group rate. The product of such calculation shall be added to the base salary to determine the adjusted base salary. Laws that increase the base salary provided in this subsection shall contain provisions on no other subject.

13	Pop. Group	County Pop.	Range	Base Salary	Group Rate
14		Minimum	Maximum		
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16	I	-0-	49,999	\$21,250	\$0.07875
17	II	50,000	99,999	24,400	0.06300
18	III	100,000	199,999	27,550	0.02625
19	IV	200,000	399,999	30,175	0.01575
20	V	400,000	999,999	33,325	0.00525
21	VI	1,000,000		36,475	0.00400

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

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

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

- (b) In order to qualify for the special qualification salary provided by paragraph (a), the <u>elected</u> district school superintendent must complete the requirements established by the Department of Education within 6 years after first taking office.
- (c) After <u>an elected</u> a district school superintendent meets the requirements of paragraph (a), in order to remain certified the district school superintendent shall thereafter be required to complete each year a course of continuing education as prescribed by the Department of Education.
- (5)(6)(a) The Department of Education shall provide a leadership development and performance compensation program for <u>elected</u> district school superintendents, comparable to chief executive officer development programs for corporate executive officers, to include:
- 1. A content-knowledge-and-skills phase consisting of: creative leadership models and theory, demonstration of effective practice, simulation exercises and personal skills practice, and assessment with feedback, taught in a professional training setting under the direction of experienced, successful trainers.
- 2. A competency-acquisition phase consisting of on-the-job application of knowledge and skills for a period of

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not less than 6 months following the successful completion of the content-knowledge-and-skills phase. The competency-acquisition phase shall be supported by adequate professional technical assistance provided by experienced trainers approved by the department. Competency acquisition shall be demonstrated through assessment and feedback.

- (b) Upon the successful completion of both phases and demonstrated successful performance, as determined by the department, an elected a district school superintendent shall be issued a Chief Executive Officer Leadership Development Certificate, and the department shall pay and shall be given an annual performance salary incentive of not less than \$3,000 nor more than \$7,500 based upon his or her performance evaluation.
- (c) An elected A district school superintendent's eligibility to continue receiving the annual performance salary incentive is contingent upon his or her continued performance assessment and followup training prescribed by the department.
- Section 2. Subsection (4) is added to section 1001.50, Florida Statutes, to read:
- 1001.50 Superintendents employed under Art. IX of the State Constitution.--
- (4) A district school superintendent employed under the terms of this section may participate in the courses of continuing professional education provided in the special qualification certification program pursuant to s. 1001.47(4) and the leadership development and performance compensation program pursuant to s. 1001.47(5), as established by the department. Upon successful completion of the certification

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school board may use such certification or certifications as a factor in determining the amount of compensation to be paid.

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

1003.02 District school board operation and control of public K-12 education within the school district.--As provided in part II of chapter 1001, district school boards are constitutionally and statutorily charged with the operation and control of public K-12 education within their school district. The district school boards must establish, organize, and operate their public K-12 schools and educational programs, employees, and facilities. Their responsibilities include staff development, public K-12 school student education including education for exceptional students and students in juvenile justice programs, special programs, adult education programs, and career education programs.

Additionally, district school boards must:

- (1) Provide for the proper accounting for all students of school age, for the attendance and control of students at school, and for proper attention to health, safety, and other matters relating to the welfare of students in the following fields:
- (b) Enforcement of attendance laws.--Provide for the enforcement of all laws and rules relating to the attendance of students at school. District school boards are authorized to establish policies that allow accumulated unexcused tardies, regardless of when they occur during the school day, and early departures from school to be recorded as unexcused absences. District school boards are also authorized to establish policies that require referral to a school's child

study team for students who have fewer absences than the 2 number required by s. 1003.26(1)(b). Section 4. Paragraph (c) of subsection (1) of section 3 1003.21, Florida Statutes, is amended to read: 4 5 1003.21 School attendance.--6 (1)7 (c) A student who attains the age of 16 years during 8 the school year is not subject to compulsory school attendance beyond the date upon which he or she attains that age if the 9 student files a formal declaration of intent to terminate 10 school enrollment with the district school board. Public 11 12 school students who have attained the age of 16 years and who 13 have not graduated are subject to compulsory school attendance until the formal declaration of intent is filed with the 14 district school board. The declaration must acknowledge that 15 terminating school enrollment is likely to reduce the 16 17 student's earning potential and must be signed by the student 18 and the student's parent. The school district must notify the student's parent of receipt of the student's declaration of 19 intent to terminate school enrollment. The student's quidance 2.0 21 counselor or other school personnel must conduct an exit interview with the student to determine the reasons for the 22 23 student's decision to terminate school enrollment and actions that could be taken to keep the student in school. The student 2.4 must be informed of opportunities to continue his or her 2.5 education in a different environment, including, but not 26 27 limited to, adult education and GED test preparation. 2.8 Additionally, the student must complete a survey in a format prescribed by the Department of Education to provide data on 29 student reasons for terminating enrollment and actions taken 30 by schools to keep students enrolled. 31

Section 5. Section 1003.26, Florida Statutes, is 2 amended to read: 1003.26 Enforcement of school attendance.--The 3 Legislature finds that poor academic performance is associated 4 with nonattendance and that school districts schools must take 5 an active role in promoting and enforcing attendance as a means of improving student the performance of many students. 8 It is the policy of the state that each district school superintendent be responsible for enforcing school attendance 9 of all students subject to the compulsory school age in the 10 school district and supporting enforcement of school 11 12 attendance by local law enforcement agencies. The 13 responsibility includes recommending policies and procedures to the district school board policies and procedures to ensure 14 that <u>require public</u> schools <u>to</u> respond in a timely manner to 15 16 every unexcused absence, and every or absence for which the reason is unknown, of students enrolled in the schools. 18 District school board policies shall must require the each parent of a student to justify each absence of the student, 19 and that justification will be evaluated based on adopted 20 21 district school board policies that define excused and 22 unexcused absences. The policies must provide that public 23 schools track excused and unexcused absences and contact the home in the case of an unexcused absence from school, or an 2.4 absence from school for which the reason is unknown, to 25 26 prevent the development of patterns of nonattendance. The 27 Legislature finds that early intervention in school attendance 2.8 matters is the most effective way of producing good attendance 29 habits that will lead to improved student learning and achievement. Each public school shall implement the following 30 steps to promote and enforce regular school attendance:

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- (1) CONTACT, REFER, AND ENFORCE. --
- (a) Upon each unexcused absence, or absence for which the reason is unknown, the school principal or his or her designee shall contact the student's parent to determine the reason for the absence. If the absence is an excused absence, as defined by district school board policy, the school shall provide opportunities for the student to make up assigned work and not receive an academic penalty unless the work is not made up within a reasonable time.
- (b) If a student has had at least five unexcused absences, or absences for which the reasons are unknown, within a calendar month or 10 unexcused absences, or absences for which the reasons are unknown, within a 90-calendar-day period, the student's primary teacher shall report to the school principal or his or her designee that the student may be exhibiting a pattern of nonattendance. The principal shall, unless there is clear evidence that the absences are not a pattern of nonattendance, refer the case to the school's child study team to determine if early patterns of truancy are developing. If the child study team finds that a pattern of nonattendance is developing, whether the absences are excused or not, a meeting with the parent must be scheduled to identify potential remedies, and the principal shall notify the district school superintendent and the school district contact for home education programs that the referred student is exhibiting a pattern of nonattendance.
- (c) If an initial meeting does not resolve the problem, the child study team shall implement the following interventions that best address the problem. The interventions may include, but need not be limited to:

1	1. Frequent <u>attempts at</u> communication between the
2	teacher and the family. $\dot{\tau}$
3	2. Changes in the learning environment;
4	3. Mentoring;
5	4. Student counseling;
6	5. Tutoring, including peer tutoring;
7	6. Placement into different classes;
8	2.7. Evaluation for alternative education programs.
9	3.8. Attendance contracts.÷
10	9. Referral to other agencies for family services; or
11	10. Other interventions, including, but not limited
12	to, a truancy petition pursuant to s. 984.151.
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14	The child study team may, but is not required to, implement
15	other interventions, including referral to other agencies for
16	family services or recommendation for filing a truancy
17	petition pursuant to s. 984.151.
18	(d) The child study team shall be diligent in
19	facilitating intervention services and shall report the case
20	to the district school superintendent only when all reasonable
21	efforts to resolve the nonattendance behavior are exhausted.
22	(e) If the parent refuses to participate in the
23	remedial strategies because he or she believes that those
24	strategies are unnecessary or inappropriate, the parent may
25	appeal to the district school board. The district school board
26	may provide a hearing officer, and the hearing officer shall
27	make a recommendation for final action to the district school
28	board. If the district school board's final determination is
29	that the strategies of the child study team are appropriate,
30	and the parent still refuses to participate or cooperate, the
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district school superintendent may seek criminal prosecution for noncompliance with compulsory school attendance.

(f)1. If the parent of a child who has been identified as exhibiting a pattern of nonattendance enrolls the child in a home education program pursuant to chapter 1002, the district school superintendent shall provide the parent a copy of s. 1002.41 and the accountability requirements of this paragraph. The district school superintendent shall also refer the parent to a home education review committee composed of the district contact for home education programs and at least two home educators selected by the parent from a district list of all home educators who have conducted a home education program for at least 3 years and who have indicated a willingness to serve on the committee. The home education review committee shall review the portfolio of the student, as defined by s. 1002.41, every 30 days during the district's regular school terms until the committee is satisfied that the home education program is in compliance with s. 1002.41(1)(b). The first portfolio review must occur within the first 30 calendar days of the establishment of the program. The provisions of subparagraph 2. do not apply once the committee determines the home education program is in compliance with s. 1002.41(1)(b).

2. If the parent fails to provide a portfolio to the committee, the committee shall notify the district school superintendent. The district school superintendent shall then terminate the home education program and require the parent to enroll the child in an attendance option that meets the definition of "regular school attendance" under s. 1003.01(13)(a), (b), (c), or (e), within 3 days. Upon termination of a home education program pursuant to this

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- subparagraph, the parent shall not be eligible to reenroll the 2 child in a home education program for 180 calendar days. Failure of a parent to enroll the child in an attendance 3 option as required by this subparagraph after termination of 4 5 the home education program pursuant to this subparagraph shall constitute noncompliance with the compulsory attendance 7 requirements of s. 1003.21 and may result in criminal 8 prosecution under s. 1003.27(2). Nothing contained herein shall restrict the ability of the district school 9 superintendent, or the ability of his or her designee, to 10 review the portfolio pursuant to s. 1002.41(1)(b). 11
  - (g) If a student subject to compulsory school attendance will not comply with attempts to enforce school attendance, the parent or the district school superintendent or his or her designee shall refer the case to the case staffing committee pursuant to s. 984.12, and the district school superintendent or his or her designee may file a truancy petition pursuant to the procedures in s. 984.151.
    - (2) GIVE WRITTEN NOTICE.--
  - superintendent, a designated school representative shall give written notice that requires enrollment or attendance within 3 days after the date of notice, in person or by return-receipt mail, to the parent when no valid reason is found for a student's nonenrollment in school. If the notice and requirement are ignored, the designated school representative shall report the case to the district school superintendent, and may refer the case to the case staffing committee, established pursuant to s. 984.12. The district school superintendent shall take such steps as are necessary to bring criminal prosecution against the parent.

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- (b) Subsequent to the activities required under subsection (1), the district school superintendent or his or her designee shall give written notice in person or by return-receipt mail to the parent that criminal prosecution is being sought for nonattendance. The district school superintendent may file a truancy petition, as defined in s. 984.03, following the procedures outlined in s. 984.151.
- representative may shall visit the home or place of residence of a student and any other place in which he or she is likely to find any student who is required to attend school when the student is not enrolled or is absent from school during school hours without an excuse, and, when the student is found, shall return the student to his or her parent or to the principal or teacher in charge of the school, or to the private tutor from whom absent, or to the juvenile assessment center or other location established by the district school board to receive students who are absent from school. Upon receipt of the student, the parent shall be immediately notified.
- (4) REPORT TO APPROPRIATE AUTHORITY.--A designated school representative shall report to the appropriate authority designated by law to receive such notices, all violations of the Child Labor Law that may come to his or her knowledge.
- (5) RIGHT TO INSPECT.--A designated school representative shall have the right of access to, and inspection of, establishments where minors may be employed or detained only for the purpose of ascertaining whether students of compulsory school age are actually employed there and are actually working there regularly. The designated school representative shall, if he or she finds unsatisfactory

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working conditions or violations of the Child Labor Law, report his or her findings to the appropriate authority.

Section 6. Section 1013.501, Florida Statutes, is transferred, renumbered, as section 1013.721, Florida Statutes, and amended to read:

1013.721 1013.501 A Business-Community (ABC) School
Florida Business and Education in School Together (Florida
BEST) Program.--

- (1) In order to increase business partnerships in education, to reduce school and classroom overcrowding throughout the state, and to offset the high costs of educational facilities construction, and to use due diligence and sound business practices in using available educational space, the Legislature intends to encourage the formation of partnerships between business and education by creating A Business-Community (ABC) School the Florida Business and Education in School Together (Florida BEST) Program.
- (2) "A Business-Community (ABC) School" means a public school that offers instruction to students from kindergarten through third grade. The school may offer instruction in any single grade level or for multiple grade levels. ABC schools shall comply with the constitutional class size requirements.

(3)(2) Each school board shall, through advertisements in local media and other means, request proposals from area businesses to allow the operation of a business and education partnership school in facilities owned or operated by the business. The Department of Education shall require each school board to submit documentation to the department which demonstrates the board's compliance with this advertisement requirement. Each school board shall designate a school district employee as the district's ABC program liaison and

1	shall provide the name and contact information of the liaison				
2	to the department by September 1 of each year.				
3	(4) <del>(3)</del> Each school district shall establish <u>an ABC</u> <del>a</del>				
4	Florida BEST school evaluation committee.				
5	(a) The committee shall be appointed by the school				
6	board and be composed of one school district administrator, at				
7	least one member of the business community, and at least one				
8	member of a local chamber of commerce. The school board shall				
9	provide the department with the names and contact information				
10	for each member of the committee and notify the department				
11	upon any change in membership or contact information.				
12	(b) The committee shall meet at least quarterly and				
13	shall provide an annual report to the school board and the				
14	superintendent regarding its activities during the preceding				
15	school year.				
16	(c) The committee's responsibilities shall include,				
17	but need not be limited to:				
18	1. Creating and implementing a strategic marketing				
19	plan to inform businesses about the benefits of the ABC school				
20	program.				
21	2. Providing technical assistance to businesses				
22	seeking to implement an ABC school.				
23	3. Informing the public of the benefits of business				
24	and education partnerships.				
25	4. Obtaining feedback from potential business partners				
26	on how the ABC program could be improved.				
27	5. Identifying local barriers that preclude this				
28	program from operating.				
29	6. Developing proposal evaluation criteria and				
30	processes.				
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7. Sharing information on effective ABC school programs with the department and local communities.

(d)(b) The committee shall evaluate the feasibility of each proposal, including the operating cost, number of students to be served, proposed student-to-teacher ratio, proposed number of years the satellite school would operate, and any other operational or facilities considerations the school board or committee deems appropriate.

(e)(c) The committee shall recommend to the school board those proposals for satellite schools which the committee deems viable and worthy of being established. The school board must take official action on the recommendation of the committee within 60 days after receipt of the recommendation.

(4) A "Florida Business and Education in School
Together (Florida BEST) school" is defined as a public school
offering instruction to students from kindergarten through
third grade. The school may offer instruction in any single
grade level or for multiple grade levels. Florida BEST schools
shall comply with the constitutional class size requirements.

<u>ABC</u> the Florida BEST school shall be given to the children of owners and employees of the host business. If additional student capacity remains after those children are admitted, the host business may <u>designate choose which</u> other neighboring businesses <u>whose owners or employees</u> may also participate to generate a viable number of students for the school. The school board shall make the necessary arrangements to accommodate students from other school districts whose parents are associated with the host business or business partners.

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- (b) Parents shall be responsible for providing transportation to and from school for the students.
- (6)(5) A school district and a host business may enter into a multiyear contract for operation of an ABC the Florida BEST school may be entered into between the school district and the host business. The contract must at least include provisions relating to any cost of facilities modifications, provide for the assignment or waiver of appropriate insurance costs, specify the number of students expected to be served, provide grounds for canceling the lease, and specify the advance notice required before the school may be closed.
- (a) The school board shall be responsible for providing the appropriate instructional, support, and administrative staff and textbooks, materials, and supplies. The school district may also agree to operate or contract for the operation of a before-school and after-school program using the donated facilities.
- (b) The host business shall provide the appropriate types of space for operating the school. If special facilities, such as restrooms or dining, recreational, or other areas are required, the district may contribute a part of the cost of the construction, remodeling, or renovation for such facilities from capital outlay funds of the district. A multiyear lease for operation of the facility must be agreed to if the school district contributes to the cost of such construction.
- Section 7. Section 1013.502, Florida Statutes, is 2.8 amended to read:
- 1013.502 A Business-Community (ABC) Florida BEST 29 school facilities; standards. -- Notwithstanding any local 30 government ordinance or regulation, any business or

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corporation may expand the square footage or floor area of its
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    current or proposed facility to accommodate an ABC a Florida
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   Business and Education in School Together (Florida BEST)
   School, as described under s. 1013.721. Facilities constructed
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    to house an ABC a Florida BEST school must comply with the
    State Uniform Building Code for Public Educational Facilities
    Construction adopted pursuant to s. 1013.37 and must meet
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    state and local health, environmental, and safety laws and
    codes.
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           Section 8. This act shall take effect July 1, 2006.
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1	STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN COMMITTEE SUBSTITUTE FOR			
2	<u>CS for Senate Bill 772</u>			
4	The committee substitute provides for the following:			
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6	Clarifies that the method of determining district school superintendents' compensation established in s. 1001.47, F.S., applies to elected superintendents only.			
7	Authorizes district school superintendents who are appointed			
8	by district school boards to participate in the professional education provided under s. 1001.47(4), F.S., and the leadership development and performance compensation program			
9	under s. 1001.47(5), F.S.			
10	Provides that school districts will pay special qualification salary for elected superintendents and the Department of Education will pay the performance salary incentive.			
12	Requires a 16-year old student who has not graduated to stay			
13	in school until a declaration of intent is filed with the district school board.			
14	Requires a student to complete an exit interview and a survey if the student intends to terminate school enrollment.			
15	Requires a student's guidance counselor to conduct the exit			
16	interview and inform the student of other educational opportunities.			
17 18	Revises the interventions that the child study team must use following a meeting with the student's parent and allows the child study team to implement other interventions.			
19	Allows rather than require a designated school representative			
20	to visit a student's residence or other place the student may be found when the student is not enrolled in school or has an unexcused absence.			
22	Changes the name of the Florida Business and Education in			
23	School Together (Florida Best) Program to A Business-Community (ABC) School Program, which provides for partnerships between			
24	business and education, and adds additional responsibilities to the evaluation committees and school districts.			
25	The committee substitute eliminates provisions from the bill			
26	that:			
27	Allow district school boards to increase the age of compulsory			
28	Require attendance records to include student tardiness			
29	information;			
30	Remove the exemption for parental responsibility for nonattendance or tardiness when the parent alleges a lack of knowledge of the nonattendance or tardiness; and			
31	Authorize the district school superintendent to file a truancy $19$			

CODING: Words stricken are deletions; words underlined are additions.

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