



207316

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/21/2015	.	
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	.	
	.	

The Committee on Fiscal Policy (Legg) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Subsection (8) is added to section 1001.41,
Florida Statutes, to read:

1001.41 General powers of district school board.—The
district school board, after considering recommendations
submitted by the district school superintendent, shall exercise
the following general powers:

(8) Adopt a strategic plan consistent with the school



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12 board's mission and long-term goals.

13 Section 2. Subsection (6) and paragraphs (a) and (b) of
14 subsection (18) of section 1001.42, Florida Statutes, are
15 amended to read:

16 1001.42 Powers and duties of district school board.—The
17 district school board, acting as a board, shall exercise all
18 powers and perform all duties listed below:

19 (6) STANDARDS OF ETHICAL CONDUCT FOR INSTRUCTIONAL
20 PERSONNEL, ADMINISTRATIVE PERSONNEL, AND SCHOOL OFFICERS
21 ADMINISTRATORS.—Adopt policies establishing standards of ethical
22 conduct for instructional personnel, administrative personnel,
23 and school officers administrators. The policies must require
24 all instructional personnel, administrative personnel, and
25 school officers administrators, as defined in s. 1012.01, to
26 complete training on the standards; establish the duty of
27 instructional personnel, administrative personnel, and school
28 officers administrators to report, and procedures for reporting,
29 alleged misconduct by other instructional or administrative
30 personnel and school officers school administrators which
31 affects the health, safety, or welfare of a student; and include
32 an explanation of the liability protections provided under ss.
33 39.203 and 768.095. A district school board, or any of its
34 employees, may not enter into a confidentiality agreement
35 regarding terminated or dismissed instructional or
36 administrative personnel or school officers administrators, or
37 instructional or administrative personnel or school officers
38 administrators who resign in lieu of termination, based in whole
39 or in part on misconduct that affects the health, safety, or
40 welfare of a student, and may not provide instructional or



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41 administrative personnel or school officers ~~administrators~~ with
42 employment references or discuss the instructional or
43 administrative personnel's or school officers' ~~administrators'~~
44 performance with prospective employers in another educational
45 setting, without disclosing the instructional or administrative
46 personnel's or school officers' ~~administrators'~~ misconduct. Any
47 part of an agreement or contract that has the purpose or effect
48 of concealing misconduct by instructional or administrative
49 personnel or school officers ~~administrators~~ which affects the
50 health, safety, or welfare of a student is void, is contrary to
51 public policy, and may not be enforced.

52 (18) IMPLEMENT SCHOOL IMPROVEMENT AND ACCOUNTABILITY.—
53 Maintain a system of school improvement and education
54 accountability as provided by statute and State Board of
55 Education rule. This system of school improvement and education
56 accountability shall be consistent with, and implemented
57 through, the district's continuing system of planning and
58 budgeting required by this section and ss. 1008.385, 1010.01,
59 and 1011.01. This system of school improvement and education
60 accountability shall comply with the provisions of ss. 1008.33,
61 1008.34, 1008.345, and 1008.385 and include the following:

62 (a) *School improvement plans.*—

63 1. The district school board shall annually approve and
64 require implementation of a new, amended, or continuation school
65 improvement plan for each school in the district. If a school
66 has a significant gap in achievement on statewide, standardized
67 assessments administered pursuant to s. 1008.22 by one or more
68 student subgroups, as defined in the federal Elementary and
69 Secondary Education Act (ESEA), 20 U.S.C. s.



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70 6311(b)(2)(C)(v)(II); has not significantly increased the
71 percentage of students passing statewide, standardized
72 assessments; has not significantly increased the percentage of
73 students demonstrating Learning Gains, as defined in s. 1008.34
74 and as calculated under s. 1008.34(3)(b), who passed statewide,
75 standardized assessments; or has significantly lower graduation
76 rates for a subgroup when compared to the state's graduation
77 rate, that school's improvement plan shall include strategies
78 for improving these results. The state board shall adopt rules
79 establishing thresholds and for determining compliance with this
80 subparagraph.

81 2. A school that includes any of grades 6, 7, or 8 shall
82 include annually in its school improvement plan information and
83 data on the school's early warning system required under
84 paragraph (b), including a list of the early warning indicators
85 used in the system, the number of students identified by the
86 system as exhibiting two or more early warning indicators, the
87 number of students by grade level that exhibit each early
88 warning indicator, and a description of all intervention
89 strategies employed by the school to improve the academic
90 performance of students identified by the early warning system.
91 In addition, a school that includes any of grades 6, 7, or 8
92 shall describe in its school improvement plan the strategies
93 used by the school to implement and evaluate the instructional
94 practices for middle grades emphasized by the district's
95 professional development system pursuant to s. 1012.98(4)(b)9.

96 (b) *Early warning system.*—

97 1. A school that includes any of grades 6, 7, or 8 shall
98 implement an early warning system to identify students in grades



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99 6, 7, and 8 who need additional support to improve academic
100 performance and stay engaged in school. The early warning system
101 must include the following early warning indicators:

102 a. Attendance below 90 percent, regardless of whether
103 absence is excused or a result of out-of-school suspension.

104 b. One or more suspensions, whether in school or out of
105 school.

106 c. Course failure in English Language Arts or mathematics.

107 d. A Level 1 score on the statewide, standardized
108 assessments in English Language Arts or mathematics.

109

110 A school district may identify additional early warning
111 indicators for use in a school's early warning system.

112 2. A school-based team responsible for implementing the
113 requirements of this paragraph shall monitor the data from the
114 early warning system in subparagraph (a)2. When a student
115 exhibits two or more early warning indicators, the team must ~~the~~
116 ~~school's child study team under s. 1003.02 or a school-based~~
117 ~~team formed for the purpose of implementing the requirements of~~
118 ~~this paragraph shall~~ convene to determine appropriate
119 intervention strategies for the student unless the student is
120 already being served by an intervention program. The school
121 shall provide at least 10 days' written notice of the meeting to
122 the student's parent, indicating the meeting's purpose, time,
123 and location, and provide the parent the opportunity to
124 participate. Data and information relating to the indicators
125 must be used to inform any intervention strategies provided to a
126 student identified under this paragraph.

127 Section 3. Subsections (4) through (9) of section 1006.147,



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128 Florida Statutes, are amended to read:
129 1006.147 Bullying and harassment prohibited.—
130 (4) Each school district shall adopt, review, and revise at
131 least every 3 years a policy prohibiting bullying and harassment
132 of a student or employee of a public K-12 educational
133 institution. Each school district's policy shall be in
134 substantial conformity with the Department of Education's model
135 policy. The school district bullying and harassment policy shall
136 afford all students the same protection regardless of their
137 status under the law. The school district may establish separate
138 discrimination policies that include categories of students. The
139 school district shall involve students, parents, teachers,
140 administrators, school staff, school volunteers, community
141 representatives, and local law enforcement agencies in the
142 process of adopting, reviewing, and revising the policy. The
143 school district policy must be implemented by each school
144 principal in a manner that is ongoing throughout the school year
145 and integrated with the a school's curriculum, bullying
146 prevention and intervention program, a school's discipline
147 policies, and other violence prevention efforts. The school
148 district policy must contain, at a minimum, the following
149 components:
150 (a) A statement prohibiting bullying and harassment.
151 (b) A definition of bullying and a definition of harassment
152 that include the definitions listed in this section.
153 (c) A description of the type of behavior expected from
154 each student and employee of a public K-12 educational
155 institution.
156 (d) The consequences for a student or employee of a public



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157 K-12 educational institution who commits an act of bullying or
158 harassment.

159 (e) The consequences for a student or employee of a public
160 K-12 educational institution who is found to have wrongfully and
161 intentionally accused another of an act of bullying or
162 harassment.

163 (f) A procedure for receiving mandatory reports of
164 ~~reporting~~ an alleged act of bullying or harassment, including
165 provisions that permit a person to anonymously report such an
166 act. However, this paragraph does not permit formal disciplinary
167 action to be based solely on an anonymous report.

168 (g) A procedure for the prompt investigation of a report of
169 bullying or harassment and the persons responsible for the
170 investigation. The investigation of a reported act of bullying
171 or harassment is deemed to be a school-related activity and
172 begins with a report of such an act. Incidents that require a
173 reasonable investigation when reported to appropriate school
174 authorities shall include alleged incidents of bullying or
175 harassment allegedly committed against a child while the child
176 is en route to school aboard a school bus or at a school bus
177 stop.

178 (h) A process to investigate whether a reported act of
179 bullying or harassment is within the scope of the district
180 school system and, if not, a process for referral of such an act
181 to the appropriate jurisdiction. Computers without web-filtering
182 software or computers with web-filtering software that is
183 disabled shall be used when complaints of cyberbullying are
184 investigated.

185 (i) A procedure for providing immediate notification to the



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186 parents of a victim of bullying or harassment and the parents of
187 the perpetrator of an act of bullying or harassment, as well as
188 notification to all local agencies where criminal charges may be
189 pursued against the perpetrator.

190 (j) A procedure to refer victims and perpetrators of
191 bullying or harassment for counseling.

192 (k) A procedure for including incidents of bullying or
193 harassment in the school's report of data concerning school
194 safety and discipline required under s. 1006.09(6). The report
195 must include each incident of bullying or harassment and the
196 resulting consequences, including discipline and referrals. The
197 report must include in a separate section each alleged ~~reported~~
198 incident of bullying or harassment that does not meet the
199 criteria of a prohibited act under this section with
200 recommendations regarding such incidents. The Department of
201 Education shall aggregate information contained in the reports.

202 (l) A list of programs authorized by the school district
203 that provide ~~procedure for providing~~ instruction to students,
204 parents, teachers, school administrators, counseling staff, and
205 school volunteers on identifying, preventing, and responding to
206 bullying or harassment, including instruction on recognizing
207 behaviors that lead to bullying and harassment and taking
208 appropriate preventive action based on those observations.

209 (m) A procedure for regularly reporting to a victim's
210 parents the actions taken to protect the victim.

211 (n) A procedure for publicizing the policy, which must
212 include its publication in the code of student conduct required
213 under s. 1006.07(2) and in all employee handbooks.

214 (o) A procedure for investigating anonymous reports of



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215 bullying or harassment made by parents through the school
216 district's online portal maintained pursuant to subsection (5).

217 (5) Each school district shall maintain an online portal
218 accessible by a student's parent for the purpose of anonymously
219 reporting alleged incidents of bullying or harassment. The
220 parent is not required to leave his or her name and contact
221 information, but may do so if he or she chooses. The student's
222 school shall investigate the reported incident and, if the
223 parent's name and contact information are included, notify the
224 parent regarding the progress of the investigation.

225 (6)-(5) A school employee, school volunteer, student, or
226 parent who promptly reports in good faith an act of bullying or
227 harassment to the appropriate school official designated in the
228 school district's policy and who makes this report in compliance
229 with the procedures set forth in the policy is immune from a
230 cause of action for damages arising out of the reporting itself
231 or any failure to remedy the reported incident.

232 (7)-(6) (a) The physical location or time of access of a
233 computer-related incident cannot be raised as a defense in any
234 disciplinary action initiated under this section.

235 (b) This section does not apply to any person who uses data
236 or computer software that is accessed through a computer,
237 computer system, or computer network when acting within the
238 scope of his or her lawful employment or investigating a
239 violation of this section in accordance with school district
240 policy.

241 ~~(7) Distribution of safe schools funds provided to a school~~
242 ~~district shall be contingent upon and payable to the school~~
243 ~~district upon the school district's compliance with all~~



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244 ~~reporting procedures contained in this section.~~

245 ~~(8) On or before January 1 of each year, the Commissioner~~
246 ~~of Education shall report to the Governor, the President of the~~
247 ~~Senate, and the Speaker of the House of Representatives on the~~
248 ~~implementation of this section. The report shall include data~~
249 ~~collected pursuant to paragraph (4) (k).~~

250 ~~(8)~~ (9) Nothing in this section shall be construed to
251 abridge the rights of students or school employees that are
252 protected by the First Amendment to the Constitution of the
253 United States.

254 Section 4. Paragraph (b) of subsection (2) of section
255 1006.283, Florida Statutes, is amended to read:

256 1006.283 District school board instructional materials
257 review process.—

258 (2)

259 (b) District school board rules must also:

260 1. Identify, by subject area, a review cycle for
261 instructional materials.

262 2. Specify the qualifications for an instructional
263 materials reviewer and the process for selecting reviewers; list
264 a reviewer's duties and responsibilities, including compliance
265 with the requirements of s. 1006.31; and provide that all
266 instructional materials recommended by a reviewer be accompanied
267 by the reviewer's statement that the materials align with the
268 state standards pursuant to s. 1003.41 and the requirements of
269 s. 1006.31.

270 3. State the requirements for an affidavit to be made by
271 each district instructional materials reviewer which
272 substantially meet the requirements of s. 1006.30.



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- 273 4. Comply with s. 1006.32, relating to prohibited acts.
- 274 5. Establish a process that certifies the accuracy of
275 instructional materials.
- 276 6. Incorporate applicable requirements of s. 1006.31, which
277 relates to the duties of instructional materials reviewers.
- 278 7. Incorporate applicable requirements of s. 1006.38,
279 relating to the duties, responsibilities, and requirements of
280 publishers of instructional materials.
- 281 8. Establish the process by which instructional materials
282 are adopted by the district school board, which must include:
- 283 a. A process to allow student editions of recommended
284 instructional materials to be accessed and viewed online by the
285 public at least 20 calendar days before the school board hearing
286 and public meeting as specified in this subparagraph. This
287 process must include reasonable safeguards against the
288 unauthorized use, reproduction, and distribution of
289 instructional materials considered for adoption.
- 290 b. An open, noticed school board hearing to receive public
291 comment on the recommended instructional materials.
- 292 c. An open, noticed public meeting to approve an annual
293 instructional materials plan to identify any instructional
294 materials that will be purchased through the district school
295 board instructional materials review process pursuant to this
296 section. This public meeting must be held on a different date
297 than the school board hearing.
- 298 d. Notice requirements for the school board hearing and the
299 public meeting that must specifically state which instructional
300 materials are being reviewed and the manner in which the
301 instructional materials can be accessed for public review.



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302 9. Establish the process by which the district school board
303 shall receive public comment on, and review, the recommended
304 instructional materials.

305 10. Establish the process by which instructional materials
306 will be purchased, including advertising, bidding, and
307 purchasing requirements.

308 11. Establish the process by which the school district will
309 notify parents of their ability to access their children's
310 instructional materials and homework assignments through the
311 district's local instructional improvement system and by which
312 the school district will encourage parents to access the system.
313 This notification must be displayed prominently on the school
314 district's website and provided annually in written format to
315 all parents of enrolled students.

316 Section 5. This act shall take effect July 1, 2015.

317
318 ===== T I T L E A M E N D M E N T =====

319 And the title is amended as follows:

320 Delete everything before the enacting clause
321 and insert:

322 A bill to be entitled
323 An act relating to school district policy; amending s.
324 1001.41, F.S.; requiring district school boards to
325 adopt a strategic plan; amending s. 1001.42, F.S.;
326 revising provisions relating to standards of ethical
327 conduct to apply to administrative personnel and
328 school officers; requiring a school to monitor and
329 evaluate its instructional practices and intervention
330 strategies relating to the early warning system;



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331 amending s. 1006.147, F.S.; requiring school districts
332 to review and revise their bullying and harassment
333 policies at specified intervals; specifying that a
334 school district policy require a school to implement
335 the policy in a certain manner and integrate it with
336 the school's bullying prevention and intervention
337 program; requiring such a policy to include mandatory
338 reporting procedures and a list of authorized programs
339 that provide bullying and harassment identification,
340 prevention, and response instruction; requiring each
341 school district to maintain an online portal
342 accessible by a student's parent to anonymously report
343 incidents of bullying or harassment; deleting
344 provisions relating to safe schools funds and data
345 reporting requirements; amending s. 1006.283, F.S.;;
346 requiring school districts to notify parents of their
347 ability to access homework assignments through a local
348 instructional improvement system; providing an
349 effective date.