

By the Committee on Fiscal Policy; and Senator Ring

594-04423-15

2015530c1

1 A bill to be entitled
2 An act relating to school district policy; amending s.
3 1001.41, F.S.; requiring district school boards to
4 adopt a strategic plan; amending s. 1001.42, F.S.;
5 revising provisions relating to standards of ethical
6 conduct to apply to administrative personnel and
7 school officers; requiring a school to monitor and
8 evaluate its instructional practices and intervention
9 strategies relating to the early warning system;
10 amending s. 1006.147, F.S.; requiring school districts
11 to review and revise their bullying and harassment
12 policy at specified intervals; specifying that a
13 school district policy requires a school to implement
14 the policy in a certain manner and integrate it with
15 the school's bullying prevention and intervention
16 program; requiring such a policy to include mandatory
17 reporting procedures and a list of authorized programs
18 that provide bullying and harassment identification,
19 prevention, and response instruction; requiring each
20 school district to maintain an online portal
21 accessible by a student's parent to anonymously report
22 incidents of bullying or harassment; requiring a
23 student's school to investigate reported incidents;
24 deleting provisions relating to safe schools funds and
25 data reporting requirements; amending s. 1006.283,
26 F.S.; requiring school districts to notify parents of
27 their ability to access homework assignments through a
28 local instructional improvement system; providing an
29 effective date.

594-04423-15

2015530c1

30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58

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

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 board's mission and long-term goals.

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

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

(6) STANDARDS OF ETHICAL CONDUCT FOR INSTRUCTIONAL PERSONNEL, ADMINISTRATIVE PERSONNEL, AND SCHOOL OFFICERS ~~ADMINISTRATORS~~.—Adopt policies establishing standards of ethical conduct for instructional personnel, administrative personnel, and school officers ~~administrators~~. The policies must require all instructional personnel, administrative personnel, and school officers ~~administrators~~, as defined in s. 1012.01, to complete training on the standards; establish the duty of instructional personnel, administrative personnel, and school officers ~~administrators~~ to report, and procedures for reporting, alleged misconduct by other instructional or administrative personnel and school officers ~~school administrators~~ which

594-04423-15

2015530c1

59 affects the health, safety, or welfare of a student; and include
60 an explanation of the liability protections provided under ss.
61 39.203 and 768.095. A district school board, or any of its
62 employees, may not enter into a confidentiality agreement
63 regarding terminated or dismissed instructional or
64 administrative personnel or school officers ~~administrators~~, or
65 instructional or administrative personnel or school officers
66 ~~administrators~~ who resign in lieu of termination, based in whole
67 or in part on misconduct that affects the health, safety, or
68 welfare of a student, and may not provide instructional or
69 administrative personnel or school officers ~~administrators~~ with
70 employment references or discuss the instructional or
71 administrative personnel's or school officers' ~~administrators'~~
72 performance with prospective employers in another educational
73 setting, without disclosing the instructional or administrative
74 personnel's or school officers' ~~administrators'~~ misconduct. Any
75 part of an agreement or contract that has the purpose or effect
76 of concealing misconduct by instructional or administrative
77 personnel or school officers ~~administrators~~ which affects the
78 health, safety, or welfare of a student is void, is contrary to
79 public policy, and may not be enforced.

80 (18) IMPLEMENT SCHOOL IMPROVEMENT AND ACCOUNTABILITY.—
81 Maintain a system of school improvement and education
82 accountability as provided by statute and State Board of
83 Education rule. This system of school improvement and education
84 accountability shall be consistent with, and implemented
85 through, the district's continuing system of planning and
86 budgeting required by this section and ss. 1008.385, 1010.01,
87 and 1011.01. This system of school improvement and education

594-04423-15

2015530c1

88 accountability shall comply with the provisions of ss. 1008.33,
89 1008.34, 1008.345, and 1008.385 and include the following:

90 (a) *School improvement plans.*—

91 1. The district school board shall annually approve and
92 require implementation of a new, amended, or continuation school
93 improvement plan for each school in the district. If a school
94 has a significant gap in achievement on statewide, standardized
95 assessments administered pursuant to s. 1008.22 by one or more
96 student subgroups, as defined in the federal Elementary and
97 Secondary Education Act (ESEA), 20 U.S.C. s.
98 6311(b) (2) (C) (v) (II); has not significantly increased the
99 percentage of students passing statewide, standardized
100 assessments; has not significantly increased the percentage of
101 students demonstrating Learning Gains, as defined in s. 1008.34
102 and as calculated under s. 1008.34(3) (b), who passed statewide,
103 standardized assessments; or has significantly lower graduation
104 rates for a subgroup when compared to the state's graduation
105 rate, that school's improvement plan shall include strategies
106 for improving these results. The state board shall adopt rules
107 establishing thresholds and for determining compliance with this
108 subparagraph.

109 2. A school that includes any of grades 6, 7, or 8 shall
110 include annually in its school improvement plan information and
111 data on the school's early warning system required under
112 paragraph (b), including a list of the early warning indicators
113 used in the system, the number of students identified by the
114 system as exhibiting two or more early warning indicators, the
115 number of students by grade level that exhibit each early
116 warning indicator, and a description of all intervention

594-04423-15

2015530c1

117 strategies employed by the school to improve the academic
118 performance of students identified by the early warning system.
119 In addition, a school that includes any of grades 6, 7, or 8
120 shall describe in its school improvement plan the strategies
121 used by the school to implement and evaluate the instructional
122 practices for middle grades emphasized by the district's
123 professional development system pursuant to s. 1012.98(4)(b)9.

124 (b) *Early warning system.*—

125 1. A school that includes any of grades 6, 7, or 8 shall
126 implement an early warning system to identify students in grades
127 6, 7, and 8 who need additional support to improve academic
128 performance and stay engaged in school. The early warning system
129 must include the following early warning indicators:

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

132 b. One or more suspensions, whether in school or out of
133 school.

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

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

137
138 A school district may identify additional early warning
139 indicators for use in a school's early warning system.

140 2. A school-based team responsible for implementing the
141 requirements of this paragraph shall monitor the data from the
142 early warning system in subparagraph (a)2. When a student
143 exhibits two or more early warning indicators, the team must ~~the~~
144 ~~school's child study team under s. 1003.02 or a school-based~~
145 ~~team formed for the purpose of implementing the requirements of~~

594-04423-15

2015530c1

146 ~~this paragraph shall~~ convene to determine appropriate
147 intervention strategies for the student unless the student is
148 already being served by an intervention program. The school
149 shall provide at least 10 days' written notice of the meeting to
150 the student's parent, indicating the meeting's purpose, time,
151 and location, and provide the parent the opportunity to
152 participate. Data and information relating to the indicators
153 must be used to inform any intervention strategies provided to a
154 student identified under this paragraph.

155 Section 3. Subsections (4) through (9) of section 1006.147,
156 Florida Statutes, are amended to read:

157 1006.147 Bullying and harassment prohibited.—

158 (4) Each school district shall adopt, review, and revise at
159 least every 3 years a policy prohibiting bullying and harassment
160 of a student or employee of a public K-12 educational
161 institution. Each school district's policy shall be in
162 substantial conformity with the Department of Education's model
163 policy. The school district bullying and harassment policy shall
164 afford all students the same protection regardless of their
165 status under the law. The school district may establish separate
166 discrimination policies that include categories of students. The
167 school district shall involve students, parents, teachers,
168 administrators, school staff, school volunteers, community
169 representatives, and local law enforcement agencies in the
170 process of adopting, reviewing, and revising the policy. The
171 school district policy must be implemented by each school
172 principal in a manner that is ongoing throughout the school year
173 and integrated with the ~~a~~ school's curriculum, bullying
174 prevention and intervention program, ~~a school's~~ discipline

594-04423-15

2015530c1

175 policies, and other violence prevention efforts. The school
176 district policy must contain, at a minimum, the following
177 components:

178 (a) A statement prohibiting bullying and harassment.

179 (b) A definition of bullying and a definition of harassment
180 that include the definitions listed in this section.

181 (c) A description of the type of behavior expected from
182 each student and employee of a public K-12 educational
183 institution.

184 (d) The consequences for a student or employee of a public
185 K-12 educational institution who commits an act of bullying or
186 harassment.

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

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

196 (g) A procedure for the prompt investigation of a report of
197 bullying or harassment and the persons responsible for the
198 investigation. The investigation of a reported act of bullying
199 or harassment is deemed to be a school-related activity and
200 begins with a report of such an act. Incidents that require a
201 reasonable investigation when reported to appropriate school
202 authorities shall include alleged incidents of bullying or
203 harassment allegedly committed against a child while the child

594-04423-15

2015530c1

204 is en route to school aboard a school bus or at a school bus
205 stop.

206 (h) A process to investigate whether a reported act of
207 bullying or harassment is within the scope of the district
208 school system and, if not, a process for referral of such an act
209 to the appropriate jurisdiction. Computers without web-filtering
210 software or computers with web-filtering software that is
211 disabled shall be used when complaints of cyberbullying are
212 investigated.

213 (i) A procedure for providing immediate notification to the
214 parents of a victim of bullying or harassment and the parents of
215 the perpetrator of an act of bullying or harassment, as well as
216 notification to all local agencies where criminal charges may be
217 pursued against the perpetrator.

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

220 (k) A procedure for including incidents of bullying or
221 harassment in the school's report of data concerning school
222 safety and discipline required under s. 1006.09(6). The report
223 must include each incident of bullying or harassment and the
224 resulting consequences, including discipline and referrals. The
225 report must include in a separate section each alleged ~~reported~~
226 incident of bullying or harassment that does not meet the
227 criteria of a prohibited act under this section with
228 recommendations regarding such incidents. The Department of
229 Education shall aggregate information contained in the reports.

230 (l) A list of programs authorized by the school district
231 which provide ~~procedure for providing~~ instruction to students,
232 parents, teachers, school administrators, counseling staff, and

594-04423-15

2015530c1

233 school volunteers on identifying, preventing, and responding to
234 bullying or harassment, including instruction on recognizing
235 behaviors that lead to bullying and harassment and taking
236 appropriate preventive action based on those observations.

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

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

242 (o) A procedure for investigating anonymous reports of
243 bullying or harassment made by parents through the school
244 district's online portal maintained pursuant to subsection (5).

245 (5) Each school district shall maintain an online portal
246 accessible by a student's parent for the purpose of anonymously
247 reporting alleged incidents of bullying or harassment. The
248 parent is not required to leave his or her name and contact
249 information, but may do so if he or she chooses. The student's
250 school shall investigate the reported incident and, if the
251 parent's name and contact information are included, notify the
252 parent regarding the progress of the investigation.

253 (6)~~(5)~~ A school employee, school volunteer, student, or
254 parent who promptly reports in good faith an act of bullying or
255 harassment to the appropriate school official designated in the
256 school district's policy and who makes this report in compliance
257 with the procedures set forth in the policy is immune from a
258 cause of action for damages arising out of the reporting itself
259 or any failure to remedy the reported incident.

260 (7)~~(6)~~ (a) The physical location or time of access of a
261 computer-related incident cannot be raised as a defense in any

594-04423-15

2015530c1

262 disciplinary action initiated under this section.

263 (b) This section does not apply to any person who uses data
264 or computer software that is accessed through a computer,
265 computer system, or computer network when acting within the
266 scope of his or her lawful employment or investigating a
267 violation of this section in accordance with school district
268 policy.

269 ~~(7) Distribution of safe schools funds provided to a school~~
270 ~~district shall be contingent upon and payable to the school~~
271 ~~district upon the school district's compliance with all~~
272 ~~reporting procedures contained in this section.~~

273 ~~(8) On or before January 1 of each year, the Commissioner~~
274 ~~of Education shall report to the Governor, the President of the~~
275 ~~Senate, and the Speaker of the House of Representatives on the~~
276 ~~implementation of this section. The report shall include data~~
277 ~~collected pursuant to paragraph (4) (k).~~

278 (8) ~~(9)~~ Nothing in this section shall be construed to
279 abridge the rights of students or school employees that are
280 protected by the First Amendment to the Constitution of the
281 United States.

282 Section 4. Paragraph (b) of subsection (2) of section
283 1006.283, Florida Statutes, is amended to read:

284 1006.283 District school board instructional materials
285 review process.—

286 (2)

287 (b) District school board rules must also:

288 1. Identify, by subject area, a review cycle for
289 instructional materials.

290 2. Specify the qualifications for an instructional

594-04423-15

2015530c1

291 materials reviewer and the process for selecting reviewers; list
292 a reviewer's duties and responsibilities, including compliance
293 with the requirements of s. 1006.31; and provide that all
294 instructional materials recommended by a reviewer be accompanied
295 by the reviewer's statement that the materials align with the
296 state standards pursuant to s. 1003.41 and the requirements of
297 s. 1006.31.

298 3. State the requirements for an affidavit to be made by
299 each district instructional materials reviewer which
300 substantially meet the requirements of s. 1006.30.

301 4. Comply with s. 1006.32, relating to prohibited acts.

302 5. Establish a process that certifies the accuracy of
303 instructional materials.

304 6. Incorporate applicable requirements of s. 1006.31, which
305 relates to the duties of instructional materials reviewers.

306 7. Incorporate applicable requirements of s. 1006.38,
307 relating to the duties, responsibilities, and requirements of
308 publishers of instructional materials.

309 8. Establish the process by which instructional materials
310 are adopted by the district school board, which must include:

311 a. A process to allow student editions of recommended
312 instructional materials to be accessed and viewed online by the
313 public at least 20 calendar days before the school board hearing
314 and public meeting as specified in this subparagraph. This
315 process must include reasonable safeguards against the
316 unauthorized use, reproduction, and distribution of
317 instructional materials considered for adoption.

318 b. An open, noticed school board hearing to receive public
319 comment on the recommended instructional materials.

594-04423-15

2015530c1

320 c. An open, noticed public meeting to approve an annual
321 instructional materials plan to identify any instructional
322 materials that will be purchased through the district school
323 board instructional materials review process pursuant to this
324 section. This public meeting must be held on a different date
325 than the school board hearing.

326 d. Notice requirements for the school board hearing and the
327 public meeting that must specifically state which instructional
328 materials are being reviewed and the manner in which the
329 instructional materials can be accessed for public review.

330 9. Establish the process by which the district school board
331 shall receive public comment on, and review, the recommended
332 instructional materials.

333 10. Establish the process by which instructional materials
334 will be purchased, including advertising, bidding, and
335 purchasing requirements.

336 11. Establish the process by which the school district will
337 notify parents of their ability to access their children's
338 instructional materials and homework assignments through the
339 district's local instructional improvement system and by which
340 the school district will encourage parents to access the system.
341 This notification must be displayed prominently on the school
342 district's website and provided annually in written format to
343 all parents of enrolled students.

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