

By Senator Diaz

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1 A bill to be entitled
2 An act relating to education; amending s. 1003.01,
3 F.S.; defining and revising terms; amending s.
4 1003.02, F.S.; requiring school districts to provide
5 for live remote operation of all public schools as
6 free schools for a term of 180 days or the equivalent
7 on an hourly basis as specified by rules of the State
8 Board of Education; amending s. 1003.03, F.S.;
9 providing that the number of students attending
10 classes through live remote attendance counts toward
11 class size maximums as equally as the number of
12 students attending in person; amending s. 1003.21,
13 F.S.; including live remote attendance pursuant to
14 rules adopted by the state board as a manner in which
15 students may satisfy the requirement to attend school
16 regularly; requiring the state board to adopt rules;
17 specifying requirements to be included in the rules;
18 amending s. 1003.23, F.S.; requiring the actual or
19 live remote attendance of all public K-12 school
20 students to be checked by each school; providing that
21 students may be counted in attendance if they are
22 attending school through live remote attendance;
23 requiring specified persons to keep records of the
24 actual or live remote attendance of certain persons;
25 requiring enrollment registers to show the actual or
26 live remote attendance of each student enrolled for
27 each school day of the year; amending s. 1003.24,
28 F.S.; providing that a parent is not responsible for a
29 student's nonattendance if the absence was due to

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30 software, connectivity, or other computer or technical
31 problems beyond the parent's control or connivance;
32 amending s. 1003.31, F.S.; requiring each student
33 enrolled in a school to be under the control and
34 direction of specified persons during the time the
35 student is in actual or live remote attendance at
36 school; amending s. 1011.60, F.S.; requiring each
37 district that participates in the state appropriations
38 for the Florida Education Finance Program to operate
39 all schools for a term of 180 actual or live remote
40 teaching days or the equivalent; requiring, rather
41 than authorizing, the state board to prescribe certain
42 procedures; amending s. 1011.61, F.S.; revising the
43 definition of the term "full-time student" to include
44 one student on the membership roll of one or a
45 combination of school programs for the school year or
46 the equivalent for live remote instruction; amending
47 s. 1012.98, F.S.; revising the entities that may
48 develop professional development systems; providing an
49 effective date.

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

52
53 Section 1. Subsections (17) and (18) are added to section
54 1003.01, Florida Statutes, and subsection (13) of that section
55 is amended, to read:

56 1003.01 Definitions.—As used in this chapter, the term:

57 (13) "Regular school attendance" means the actual or live
58 remote attendance of a student during the school day as defined

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59 by law and rules of the State Board of Education. Regular
60 attendance within the intent of s. 1003.21 may be achieved by
61 actual or live remote attendance in:

62 (a) A public school supported by public funds;

63 (b) A parochial, religious, or denominational school;

64 (c) A private school supported in whole or in part by
65 tuition charges or by endowments or gifts;

66 (d) A home education program that meets the requirements of
67 chapter 1002; or

68 (e) A private tutoring program that meets the requirements
69 of chapter 1002.

70 (17) "Actual attendance" means in-person attendance in
71 accordance with the rules of the State Board of Education.

72 (18) "Live remote attendance" means attendance using audio-
73 video technology that allows for a student to be identified in
74 accordance with the rules of the State Board of Education.

75 Section 2. Paragraph (g) of subsection (1) of section
76 1003.02, Florida Statutes, is amended to read:

77 1003.02 District school board operation and control of
78 public K-12 education within the school district.—As provided in
79 part II of chapter 1001, district school boards are
80 constitutionally and statutorily charged with the operation and
81 control of public K-12 education within their school districts.
82 The district school boards must establish, organize, and operate
83 their public K-12 schools and educational programs, employees,
84 and facilities. Their responsibilities include staff
85 development, public K-12 school student education including
86 education for exceptional students and students in juvenile
87 justice programs, special programs, adult education programs,

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88 and career education programs. Additionally, district school
89 boards must:

90 (1) Provide for the proper accounting for all students of
91 school age, for the attendance and control of students at
92 school, and for proper attention to health, safety, and other
93 matters relating to the welfare of students in the following
94 areas:

95 (g) *School operation.*—

96 1. Provide for the operation, including live remote
97 operation, of all public schools as free schools for a term of
98 180 days or the equivalent on an hourly basis as specified by
99 rules of the State Board of Education; determine district school
100 funds necessary in addition to state funds to operate all
101 schools for the minimum term; and arrange for the levying of
102 district school taxes necessary to provide the amount needed
103 from district sources.

104 2. Prepare, adopt, and timely submit to the Department of
105 Education, as required by law and by rules of the State Board of
106 Education, the annual school budget, so as to promote the
107 improvement of the district school system.

108 Section 3. Subsection (1) of section 1003.03, Florida
109 Statutes, is amended to read:

110 1003.03 Maximum class size.—

111 (1) CLASS SIZE MAXIMUMS.—Each year, on or before the
112 October student membership survey, the following class size
113 maximums shall be satisfied:

114 (a) The maximum number of students assigned to each teacher
115 who is teaching core-curricula courses in public school
116 classrooms for prekindergarten through grade 3 may not exceed 18

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117 students.

118 (b) The maximum number of students assigned to each teacher
119 who is teaching core-curricula courses in public school
120 classrooms for grades 4 through 8 may not exceed 22 students.
121 The maximum number of students assigned to a core-curricula high
122 school course in which a student in grades 4 through 8 is
123 enrolled shall be governed by the requirements in paragraph (c).

124 (c) The maximum number of students assigned to each teacher
125 who is teaching core-curricula courses in public school
126 classrooms for grades 9 through 12 may not exceed 25 students.

127
128 These maximums shall be maintained after the October student
129 membership survey, except as provided in paragraph (2) (b) or due
130 to an extreme emergency beyond the control of the district
131 school board. The number of students attending via live remote
132 attendance counts toward these maximums as equally as the number
133 of students attending through actual in-person attendance.

134 Section 4. Paragraph (g) is added to subsection (1) of
135 section 1003.21, Florida Statutes, and paragraph (a) of that
136 subsection is amended, to read:

137 1003.21 School attendance.—

138 (1) (a) 1. All children who have attained the age of 6 years
139 or who will have attained the age of 6 years by February 1 of
140 any school year or who are older than 6 years of age but who
141 have not attained the age of 16 years, except as otherwise
142 provided, are required to attend school regularly, including
143 through live remote attendance pursuant to rules adopted by the
144 State Board of Education, during the entire school term.

145 2. Children who will have attained the age of 5 years on or

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146 before September 1 of the school year are eligible for admission
147 to public kindergartens during that school year under rules
148 adopted by the district school board.

149 (g) The State Board of Education shall adopt rules allowing
150 a student to achieve regular attendance within the intent of
151 this section by live remote attendance. The rules must include
152 methods to monitor the progress of students attending school
153 through live remote attendance and to intervene and provide
154 additional support to a student failing to make adequate
155 progress.

156 Section 5. Section 1003.23, Florida Statutes, is amended to
157 read:

158 1003.23 Attendance records and reports.—

159 (1) The actual or live remote attendance of all public K-12
160 school students shall be checked each school day in the manner
161 prescribed by rules of the State Board of Education and recorded
162 in the teacher's register or by some approved system of
163 recording attendance. Students may be counted in attendance only
164 if they are actually present at school, are attending school
165 through live remote attendance, or are away from school on a
166 school day and are engaged in an educational activity which
167 constitutes a part of the school-approved instructional program
168 for the student.

169 (2) All officials, teachers, and other employees in public,
170 parochial, religious, denominational, and private K-12 schools,
171 including private tutors, shall keep all records and shall
172 prepare and submit promptly all reports that may be required by
173 law and by rules of the State Board of Education and district
174 school boards. Such records shall include a register of

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175 enrollment and actual or live remote attendance and all persons
176 described above shall make these reports therefrom as may be
177 required by the State Board of Education. The enrollment
178 register shall show the absence or actual or live remote
179 attendance of each student enrolled for each school day of the
180 year in a manner prescribed by the State Board of Education. The
181 register shall be open for the inspection by the designated
182 school representative or the district school superintendent of
183 the district in which the school is located. Violation of the
184 provisions of this section shall be a misdemeanor of the second
185 degree, punishable as provided by law. This section shall not
186 apply to home education programs provided in s. 1002.41.

187 Section 6. Subsection (5) is added to section 1003.24,
188 Florida Statutes, to read:

189 1003.24 Parents responsible for attendance of children;
190 attendance policy.—Each parent of a child within the compulsory
191 attendance age is responsible for the child's school attendance
192 as required by law. The absence of a student from school is
193 prima facie evidence of a violation of this section; however,
194 criminal prosecution under this chapter may not be brought
195 against a parent until the provisions of s. 1003.26 have been
196 complied with. A parent of a student is not responsible for the
197 student's nonattendance at school under any of the following
198 conditions:

199 (5) REMOTE LEARNING.—The absence was due to software,
200 connectivity, or other computer or technical problems beyond the
201 parent's control or connivance.

202
203 Each district school board shall establish an attendance policy

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204 that includes, but is not limited to, the required number of
205 days each school year that a student must be in attendance and
206 the number of absences and tardinesses after which a statement
207 explaining such absences and tardinesses must be on file at the
208 school. Each school in the district must determine if an absence
209 or tardiness is excused or unexcused according to criteria
210 established by the district school board.

211 Section 7. Subsection (1) of section 1003.31, Florida
212 Statutes, is amended to read:

213 1003.31 Students subject to control of school.—

214 (1) Subject to law and rules of the State Board of
215 Education and of the district school board, each student
216 enrolled in a school shall:

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

219 (b) During the time she or he is in actual or live remote
220 attendance at ~~attending~~ school;

221 (c) During the time she or he is on the school premises
222 participating with authorization in a school-sponsored activity;
223 and

224 (d) During a reasonable time before and after the student
225 is on the premises for attendance at school or for authorized
226 participation in a school-sponsored activity, and only when on
227 the premises,

228
229 be under the control and direction of the principal or teacher
230 in charge of the school, and under the immediate control and
231 direction of the teacher or other member of the instructional
232 staff or of the bus driver to whom such responsibility may be

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233 assigned by the principal. However, the State Board of Education
234 or the district school board may, by rules, subject each student
235 to the control and direction of the principal or teacher in
236 charge of the school during the time she or he is otherwise en
237 route to or from school or is presumed by law to be attending
238 school. Each district school board, each district school
239 superintendent, and each school principal shall fully support
240 the authority of teachers, according to s. 1003.32, and school
241 bus drivers to remove disobedient, disrespectful, violent,
242 abusive, uncontrollable, or disruptive students from the
243 classroom and the school bus and, when appropriate and
244 available, place such students in an alternative educational
245 setting.

246 Section 8. Subsection (2) of section 1011.60, Florida
247 Statutes, is amended to read:

248 1011.60 Minimum requirements of the Florida Education
249 Finance Program.—Each district which participates in the state
250 appropriations for the Florida Education Finance Program shall
251 provide evidence of its effort to maintain an adequate school
252 program throughout the district and shall meet at least the
253 following requirements:

254 (2) MINIMUM TERM.—Operate all schools for a term of 180
255 actual or live remote teaching days or the equivalent on an
256 hourly basis as specified by rules of the State Board of
257 Education each school year. The State Board of Education shall
258 ~~may~~ prescribe procedures for altering, ~~and, upon written~~
259 ~~application, may alter,~~ this requirement during a national,
260 state, or local emergency as it may apply to an individual
261 school or schools in any district or districts if, in the

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262 opinion of the board, it is not feasible to make up lost days or
263 hours, and the apportionment may, at the discretion of the
264 Commissioner of Education and if the board determines that the
265 reduction of school days or hours is caused by the existence of
266 a bona fide emergency, be reduced for such district or districts
267 in proportion to the decrease in the length of term in any such
268 school or schools. A strike, as defined in s. 447.203(6), by
269 employees of the school district may not be considered an
270 emergency.

271 Section 9. Paragraph (a) of subsection (1) of section
272 1011.61, Florida Statutes, is amended to read:

273 1011.61 Definitions.—Notwithstanding the provisions of s.
274 1000.21, the following terms are defined as follows for the
275 purposes of the Florida Education Finance Program:

276 (1) A “full-time equivalent student” in each program of the
277 district is defined in terms of full-time students and part-time
278 students as follows:

279 (a) A “full-time student” is one student on the membership
280 roll of one school program or a combination of school programs
281 listed in s. 1011.62(1)(c) for the school year or the equivalent
282 for:

283 1. Instruction in a standard school, including live remote
284 instruction, comprising not less than 900 net hours for a
285 student in or at the grade level of 4 through 12, or not less
286 than 720 net hours for a student in or at the grade level of
287 kindergarten through grade 3 or in an authorized prekindergarten
288 exceptional program; or

289 2. Instruction comprising the appropriate number of net
290 hours set forth in subparagraph 1. for students who, within the

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291 past year, have moved with their parents for the purpose of
292 engaging in the farm labor or fish industries, if a plan
293 furnishing such an extended school day or week, or a combination
294 thereof, has been approved by the commissioner. Such plan may be
295 approved to accommodate the needs of migrant students only or
296 may serve all students in schools having a high percentage of
297 migrant students. The plan described in this subparagraph is
298 optional for any school district and is not mandated by the
299 state.

300

301 The department shall determine and implement an equitable method
302 of equivalent funding for schools operating under emergency
303 conditions, which schools have been approved by the department
304 to operate for less than the minimum term as provided in s.
305 1011.60(2).

306 Section 10. Subsection (6) of section 1012.98, Florida
307 Statutes, is amended to read:

308 1012.98 School Community Professional Development Act.—

309 (6) An organization of private schools or consortium of
310 charter schools which has no fewer than 10 member schools in
311 this state, which publishes and files with the Department of
312 Education copies of its standards, and the member schools of
313 which comply with the provisions of part II of chapter 1003,
314 relating to compulsory school attendance, or a public or private
315 college or university with an approved teacher training program
316 pursuant to s. 1004.04, may also develop a professional
317 development system that includes a master plan for inservice
318 activities. The system and inservice plan must be submitted to
319 the commissioner for approval pursuant to state board rules.

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Section 11. This act shall take effect July 1, 2021.