

CHAPTER 97-190

Committee Substitute for House Bill No. 137

An act relating to education; amending s. 230.03, F.S., relating to management of the district school system; correcting a cross reference; repealing s. 230.105(9), F.S., relating to ballot proposition wording for single-member representation for district school boards; amending s. 230.22, F.S.; revising provisions relating to general powers of school boards; amending s. 230.23, F.S.; revising provisions relating to powers and duties of school boards; amending s. 230.2301, F.S.; revising provisions relating to parent meetings with school district personnel; amending s. 230.2305, F.S.; revising provisions relating to the prekindergarten early intervention program; repealing s. 230.23135, F.S., relating to the Florida Council on Student Services; amending s. 230.2316, F.S.; revising provisions relating to dropout prevention; deleting definitions, certain program criteria, and provisions requiring program plans and staff development; amending s. 230.23161, F.S.; correcting a cross reference; amending s. 230.2317, F.S.; revising provisions relating to multi-agency services for students with severe emotional disturbance; amending s. 230.2318, F.S.; authorizing school resource officer programs; deleting program purposes and plan requirements; amending s. 230.303, F.S.; deleting obsolete language; amending s. 230.33, F.S.; revising provisions relating to duties and responsibilities of superintendents; amending s. 230.331, F.S., relating to reproduction and destruction of district school records; amending s. 230.35, F.S., relating to schools under the control of the school board and superintendent; repealing ss. 230.59, 230.655, and 230.71, F.S., relating to educational communications systems, education programs in correctional facilities, and intergenerational school volunteer programs; amending s. 232.01, F.S., and repealing ss. 232.04 and 232.045, F.S.; combining provisions relating to school attendance requirements; amending s. 232.021, F.S.; conforming provisions; amending s. 232.0225, F.S.; revising provisions relating to absence for religious instruction or holidays; repealing s. 232.023, F.S., relating to falsification of attendance records; amending s. 232.03, F.S.; correcting cross references; repealing s. 232.032(2) and 232.034, F.S., relating to an investigation of tuberculosis incidence and a medical exemption for transporting students; amending s. 232.06, F.S.; revising provisions relating to school attendance certificates of exemption; amending s. 232.09, F.S.; correcting a cross reference; repealing ss. 232.10, 232.13, and 232.165, F.S., relating to explanation of student absence, reports of exceptional children, and nonissuance or suspension of driver's license based on student enrollment; amending s. 232.17, F.S.; revising provisions relating to enforcement of school attendance; deleting reference to attendance assistants; amending s. 232.19, F.S.; conforming provisions; repealing ss. 232.245(2) and (3) and 232.2452, F.S., relating to requirements for school district programs for pupil progression and report cards; repealing s. 232.2461, F.S., relating to model curriculum standards; amending

s. 232.2462, F.S.; deleting attendance requirements for receipt of high school credit; amending s. 232.2468, F.S., and repealing subsections (2) and (3), relating to graduation, habitual truancy, and dropout rates; repealing ss. 232.257 and 232.258, F.S., relating to the School Safety Program and school and community resource grants; amending s. 232.271, F.S.; conforming provisions; repealing ss. 232.276, 232.3015, 232.303, and 232.304, F.S., relating to parenting workshops, outreach programs, interagency student services, and multiagency coordinating councils; repealing s. 233.011, F.S., relating to accountability in curriculum, instructional materials, and testing; amending s. 233.061, F.S.; revising provisions relating to required instruction; creating s. 233.0612, F.S.; providing authorized instruction; repealing ss. 233.0615, 233.06411, 233.0645, 233.065, 233.0661, 233.0662, 233.0663(2), (3), (4), (5), (6), and (7), 233.067, 233.0671, and 233.068(3) and (4), F.S., relating to a character development and law education program, a free enterprise and consumer education program, voting instruction, patriotic programs, certain requirements of the drug abuse and resistance education program, comprehensive health education and substance abuse prevention, courses of study in the care of nursing home patients, and planning and implementation of a career development and applied technology program; amending s. 233.07, F.S.; deleting obsolete language; renumbering s. 234.041, F.S., relating to school buses; repealing s. 234.0515, F.S., relating to transportation of students by private transportation companies; repealing ss. 234.061 and 234.091, F.S., relating to designation of routes and school bus driver qualifications, to conform; amending and renumbering s. 234.302, F.S., relating to school crossing guards; amending ss. 24.121, 39.01, 228.053, 228.061, 229.0535, 229.565, 229.58, 229.592, 229.594, 229.8055, 231.085, 231.095, 231.1725, 236.013, 236.081, 236.0811, 236.0812, 236.1228, 239.101, 239.229, 397.405, 402.22, 415.5015, 450.121, 493.6102, and 561.025, F.S.; correcting cross references, conforming language, and deleting obsolete language; amending s. 236.24, F.S.; clarifying language relating to school board securities transactions; repealing s. 236.0842, F.S., relating to approval for dropout prevention programs, to conform; transferring certain functions from the State Board of Education to the Commissioner of Education; amending s. 11.42, F.S., relating to the Auditor General; conforming a cross-reference; amending s. 20.15, F.S.; revising duties of the State Board of Education; providing for the Commissioner of Education rather than the State Board of Education to head the Department of Education; providing for the appointment of a Deputy Commissioner for Educational Programs; providing for the appointment of a Deputy Commissioner for Planning, Budgeting, and Management; providing for the Commissioner of Education rather than the State Board of Education to appoint the councils and committees within the Department of Education; amending s. 228.03, F.S., relating to the scope of the state school system; amending s. 228.041, F.S.; granting the Commissioner of Education rulemaking authority for certain programs; amending s. 228.062, F.S.; requiring the commissioner to adopt rules to implement the migrant education

program; amending s. 228.081, F.S.; requiring the State Board of Education and the department to provide certain assistance for educational programs of the Department of Juvenile Justice; amending s. 228.086, F.S., relating to regional centers of excellence in mathematics, science, computers, technology, and global awareness; deleting certain requirements; amending s. 228.088, F.S.; requiring the commissioner to adopt rules relating to utilization of security programs; amending s. 228.092, F.S., relating to retention of records of nonpublic school students; amending s. 228.195, F.S.; requiring the commissioner to prescribe rules for school food service programs; amending s. 228.301, F.S.; providing for security of tests administered by commissioner; amending s. 228.502, F.S.; requiring the commissioner to adopt rules for administration of Education Success Incentive program; amending s. 229.011, F.S.; revising certain functions of the state with respect to public education; amending s. 229.053, F.S.; revising the powers and duties of the State Board of Education; requiring the State Board of Education to establish a clearinghouse for information on economic development; amending s. 229.085, F.S., relating to the custody of educational funds; amending s. 229.111, F.S.; providing for the Commissioner of Education to assume the duties of the State Board of Education with respect to the acceptance of gifts; amending s. 229.512, F.S.; revising the duties of the Commissioner of Education; creating s. 229.515, F.S.; authorizing the commissioner to adopt rules having the effect of law; amending s. 229.559, F.S., relating to the use of student's social security numbers; deleting obsolete provisions; amending s. 229.565, F.S.; deleting a requirement that the State Board of Education approve standards of excellence; deleting requirements for an evaluation of the Florida Primary Education Program; amending s. 229.57, F.S.; revising requirements of the student assessment program; amending s. 229.59, F.S.; requiring the commissioner to adopt rules relating to submission of educational improvement projects; amending s. 229.591, F.S.; deleting the name "Blueprint 2000"; amending s. 229.592, F.S., relating to school improvement and education accountability; deleting obsolete provisions; revising provisions relating to exceptions to law; amending s. 229.593, F.S., relating to the Florida Commission on Education Reform and Accountability; amending s. 229.594, F.S.; deleting obsolete provisions; providing the commissioner's role in reviewing components of school improvement and accountability; amending s. 229.602, F.S.; replacing the term "career education" with the term "vocational education"; amending ss. 229.75, 229.76, F.S.; revising duties of the State Board of Education to conform to changes made by the act; amending s. 229.771, F.S.; providing for removal from office by the State Board of Education; amending s. 229.805, F.S.; requiring provision of educational television in accordance with rules adopted by the commissioner; amending s. 229.8051, F.S.; requiring the commissioner to adopt rules for administration of the state public broadcasting system; amending s. 230.03, F.S.; providing commissioner's rule-making authority regarding the district school system; amending s. 230.22, F.S.; providing commissioner's rulemaking authority regarding the operation of school districts; amending s. 230.23, F.S.;

requiring the commissioner to prescribe rules for various programs of school districts; amending s. 230.2305, F.S., relating to the pre-kindergarten early intervention program; deleting a cross reference; amending s. 230.2316, F.S.; providing for rules of the commissioner relating to second chance schools and add-on certification programs; amending s. 230.23166, F.S.; requiring the commissioner to adopt rules to implement teenage parent program; amending s. 230.2318, F.S.; requiring the commissioner to adopt rules to implement the school resource officer program; amending s. 230.32, F.S.; providing commissioner's authority to adopt rules and to set minimum standards for school operational programs; amending s. 230.321, F.S.; providing commissioner's authority to prescribe duties of superintendents; amending s. 230.33, F.S.; providing commissioner's authority over superintendents; amending s. 230.64, F.S.; requiring the commissioner to prescribe minimum standards for area technical centers; amending s. 230.71, F.S.; requiring the commissioner to adopt rules implementing intergenerational school volunteer programs; amending s. 232.01, F.S.; requiring rules of the commissioner relating to school attendance; amending s. 232.23, F.S.; providing that procedures for maintenance and transfer of pupil records shall be as prescribed by rules of the commissioner; amending s. 232.2468, F.S.; authorizing the commissioner to adopt rules relating to graduation, habitual truancy, and dropout rates; amending s. 232.247, F.S.; requiring rules of the commissioner relating to special high school graduation requirements for exceptional students; amending s. 232.25, F.S.; requiring rules of the commissioner relating to pupils subject to the control of the school; amending s. 232.303, F.S.; authorizing the commissioner to adopt rules relating to interagency student services; amending s. 232.435, F.S.; requiring the commissioner to approve courses relating to athletic trainers; amending s. 233.011, F.S.; authorizing the commissioner to develop rules to implement accountability provisions; amending s. 233.015, F.S.; requiring the commissioner to adopt rules for conducting purges of courses; amending s. 233.056, F.S.; requiring rules of the commissioner relating to operation of instructional programs for visually impaired students and deaf or hard-of-hearing students; amending s. 233.058, F.S.; requiring the commissioner to adopt rules for English language instruction for limited English proficient students; amending s. 233.061, F.S.; providing the commissioner and the state board authority to adopt rules prescribing required instruction; amending s. 233.067, F.S.; providing that administration of the comprehensive health education and substance abuse prevention program be pursuant to rules adopted by the commissioner; amending s. 233.115, F.S.; providing for adoption of instructional materials by the commissioner; amending s. 233.17, F.S.; authorizing the commissioner to approve by rule certain terms of adoption; amending s. 233.37, F.S.; providing for rules of the commissioner regarding the disposal of instructional materials; amending s. 233.39, F.S.; requiring the commissioner to prescribe rules for the renovation and repair of textbooks; amending s. 234.01, F.S.; providing for transportation of students pursuant to rules adopted by the commissioner; amending s. 234.02, F.S.; providing for rules of the commissioner for the

safety and health of pupils being transported by the school district; amending s. 234.03, F.S.; providing for rules of the commissioner relating to tort liability; amending s. 234.051, F.S.; requiring the commissioner to prescribe safety specifications for school buses; amending s. 234.091, F.S.; requiring the commissioner to prescribe general qualifications for school bus drivers; amending s. 234.101, F.S.; requiring the commissioner to adopt requirements for school bus drivers; amending s. 234.301, F.S.; authorizing the commissioner to adopt rules for school bus pool purchases; amending s. 235.01, F.S.; requiring the commissioner to adopt rules for implementation of the Educational Facilities Act; amending s. 235.04, F.S.; requiring the commissioner to adopt rules for the disposal of real property; amending s. 235.056, F.S.; providing for commissioner's requirements for educational facilities; amending s. 235.06, F.S.; directing the commissioner to adopt and administer rules prescribing safety and health standards for occupants of educational facilities; amending s. 235.19, F.S.; directing the commissioner to adopt rules for site planning and selection; amending s. 235.211, F.S.; providing for the commissioner to set standards for educational facilities; amending s. 235.26, F.S.; requiring the commissioner to adopt the uniform building code for public educational facilities construction and granting the commissioner final review of questions, disputes, or interpretations of the uniform code; amending s. 235.31, F.S.; providing for rules of the commissioner relating to prequalification of bidders; amending s. 235.32, F.S.; providing for rules of the commissioner relating to building specifications; amending s. 236.02, F.S.; providing for rules of the commissioner relating to reports, minimum term of operation of schools, employment of personnel, salary schedules, and budgets; amending s. 236.0801, F.S.; providing for commissioner approval of education goal; amending s. 236.081, F.S.; requiring rules of the commissioner relating to funding of public schools; amending s. 236.0811, F.S.; requiring rules of the commissioner relating to a school board's master plan for inservice educational training; amending s. 236.083, F.S.; requiring rules of the commissioner for determination of annual allocation for student transportation; amending s. 236.0841, F.S.; providing for rules of the commissioner regarding employment of certain personnel; amending s. 236.1225, F.S.; providing for rules of the commissioner for governing the gifted education grants program; amending s. 236.13, F.S.; providing for rules of the commissioner governing the expenditure of funds by school boards; amending s. 236.685, F.S.; providing for rules of the commissioner relating to teacher-to-student ratio or class size; amending s. 237.211, F.S.; requiring the commissioner to adopt rules prescribing minimum security standards for the direct deposit of funds; amending s. 237.40, F.S.; providing for rules of the commissioner relating to annual audit of direct-support organizations; amending s. 316.615, F.S.; providing for rules of the commissioner relating to physical examination requirements for school bus operators; providing that certain rules of the state board in effect June 30, 1997, shall remain in effect until amended or revoked; amending s. 228.121, F.S.; correcting a cross-reference;

repealing s. 228.0617, F.S., relating to the school age childcare incentives program; repealing s. 228.085, F.S., relating to the state comprehensive plan for mathematics, science, and computer education; providing an effective date.

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

Section 1. Subsections (2) and (4) of section 230.03, Florida Statutes, are amended to read:

230.03 Management, control, operation, administration, and supervision.—The district school system shall be managed, controlled, operated, administered, and supervised as follows:

(4) ~~PRINCIPAL OR HEAD OF SCHOOL.~~—Responsibility for the administration of any school or schools at a given school center, for the supervision of instruction therein, and for providing leadership in the development or revision and implementation of a school improvement plan required pursuant to s. 230.23(16)(48) shall be delegated to the principal or head of the school or schools as hereinafter set forth and in accordance with rules established by the school board.

Section 2. Subsection (9) of section 230.105, Florida Statutes, is hereby repealed.

Section 3. Section 230.22, Florida Statutes, is amended to read:

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

(1) ~~DETERMINE POLICIES AND PROGRAMS.~~—~~The school board shall Determine and adopt such policies and programs as are deemed necessary by it for the efficient operation and general improvement of the district school system.~~

(2) ~~ADOPT RULES AND REGULATIONS.~~—~~The school board shall Adopt such rules and regulations to supplement those prescribed by the state board as in its opinion will contribute to the more orderly and efficient operation of the district school system.~~

(3) ~~PRESCRIBE MINIMUM STANDARDS.~~—~~Prescribe and The school board shall adopt such minimum standards as are considered desirable by it for improving the district school system.~~

(4) ~~CONTRACT, SUE, AND BE SUED.~~—~~Contract, sue, and be sued.~~ The school board shall constitute the contracting agent for the district school system. It may, when acting as a body, make contracts, also sue and be sued in the name of the school board; provided, that in any suit, a change in personnel of the school board shall not abate the suit, which shall proceed as if such change had not taken place.

(5) ~~PERFORM DUTIES AND EXERCISE RESPONSIBILITY.~~—~~The school board may Perform those duties and exercise those responsibilities~~

which are assigned to it by law or by rules regulations of the state board and, in addition thereto, those which it may find to be necessary for the improvement of the district school system in carrying out the purposes and objectives of the school code. ~~The Legislature recognizes the necessity for well informed school board members and the benefits to education that may be obtained through board member participation in professional development and training seminars and related activities at the district, state, and national levels.~~

(6) ~~ASSIGNMENT OF STUDENTS TO SCHOOLS.—Assign~~ The school board shall provide for the proper assignment of students to schools and other educational programs administered by the school district or by another agency or private provider through contract with the school board, taking into consideration control of students at school, student safety, placement of students in an appropriate educational program, and maintenance of an educational environment conducive to learning.

Section 4. Section 230.23, Florida Statutes, 1996 Supplement, is amended to read:

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

(1) REQUIRE MINUTES AND RECORDS TO BE KEPT.—Require the superintendent, as secretary, to keep such minutes and records as are necessary to set forth clearly all actions and proceedings of the school board.

(a) Minutes, recording.—The typed minutes of each meeting shall be reviewed, corrected if necessary, and approved at the next regular meeting; provided, that this action may be taken at an intervening special meeting if the board desires. The minutes shall be signed by the chair and superintendent after approval and shall be kept as a public record in a permanent location, bound book in the superintendent's office.

(b) Minutes, contents.—The minutes shall show the vote of each member present on all matters on which the board takes action. It shall be the duty of each member to see to it that both the matter and his or her vote thereon are properly recorded in the minutes. Unless otherwise shown by the minutes, it shall be presumed that the vote of each member present supported any action taken by the board in either the exercise of, violation of, or neglect of the powers and duties imposed upon the board by law or legal regulation, whether such action is recorded in the minutes or is otherwise established. It shall also be presumed that the policies, appointments, programs, and expenditures not recorded in the minutes but made and actually in effect in the district school system were made and put into effect at the direction of the school board, unless it can be shown that they were done without the actual or constructive knowledge of the members of the board.

(2) CONTROL PROPERTY.—Subject to rules regulations of the state board, ~~control retain possession of all property to which title is now held by the school board and to obtain possession of and accept and hold under proper title as a body corporate by the name of "The School Board of County, Florida,"~~ all property which may at any time be acquired by the

school board for educational purposes in the district; manage and dispose of such property to the best interests of education; contract, sue, receive, purchase, acquire by the institution of condemnation proceedings if necessary, lease, sell, hold, transmit, and convey the title to real and personal property; all contracts to be based on resolutions previously adopted and spread upon the minutes of the school board; receive, hold in trust, and administer for the purpose designated, money, real and personal property, or other things of value granted, conveyed, devised, or bequeathed for the benefit of the schools of the district or of any one of them.

(3) ADOPT SCHOOL PROGRAM.—~~Adopt a school program for the entire school district. Authorize the assembling of all data and the making of school surveys essential to the development of a school program for the entire district and to adopt such a program as the basis for operating the schools, one phase of the program to be a 5-year program and another phase to constitute the annual program.~~

(4) ESTABLISHMENT, ORGANIZATION, AND OPERATION OF SCHOOLS.—Adopt and provide for the execution of plans for the establishment, organization, and operation of the schools of the district, including, but not limited to, the following as follows:

(a) Schools and enrollment plans attendance areas.—~~Establish schools and adopt enrollment plans that may include school attendance areas and open enrollment provisions. After considering recommendations of the superintendent, to authorize schools to be located and maintained in those communities in the district where they are needed to accommodate, as far as practicable and without unnecessary expense, all the youths who should be entitled to the facilities of such schools and to approve the area from which children are to attend each such school.~~

(b) Elimination of school centers and consolidation of schools.—Provide for the elimination of school centers ~~within the district~~ and for the consolidation of schools whenever the needs of pupils can better and more economically be served at other school centers than those which they have been attending.

(c) Adequate educational facilities for all children without tuition.—~~Provide~~ See that adequate educational facilities are provided through the uniform system of schools for all children without payment of tuition of school age in the district, these facilities to be provided with due regard to the needs of the children on the one hand and to economy on the other.

(d) Cooperate with boards of adjoining districts in maintaining schools.—Approve plans for cooperating with school boards of adjoining districts in this state or in adjoining states for establishing school attendance areas composed of territory lying within the districts and for the joint maintenance of district-line schools or other schools which are to serve those attendance areas. The conditions of such cooperation shall be as follows:

1. Establishment.—The establishment of a school to serve attendance areas lying in more than one district and the plans for maintaining the school and providing educational services to pupils shall be effected by

annual resolutions spread upon the minutes of each school board concerned, which resolutions shall set out the territorial limits of the areas from which children are to attend the school and the plan to be followed in maintaining and operating the school.

2. Control.—Control of the school or schools involved shall be vested in the school board of the district in which the school or schools are located unless otherwise agreed by the school boards.

3. Settlement of disagreements.—In the event an agreement cannot be reached relating to such attendance areas or to the school or schools therein, the matter may be referred jointly by the cooperating school boards or by either school board to the Department of Education for decision under regulations of the state board, and its decision shall be binding on both school boards.

(e) Classification and standardization of schools.—Provide for the classification and standardization of schools ~~Adopt plans and regulations for determining those school centers at which work is to be restricted to the elementary grades, school centers at which work is to be offered only in the high school grades, and school centers at which work is to be offered in any or all grades, and in accordance with such plans and regulations to determine the grade or grades in which work is to be offered at each school center; approve standards and regulations for classifying and standardizing the various schools of the district on such basis as to furnish incentive for the improvement of all schools.~~

(f) Opening and closing of schools; fixing uniform date.—Adopt policies ~~Fix, insofar as possible, a uniform date each year for the opening and closing of all schools and fix uniform dates, under its control, on which date, unless otherwise authorized by the school board, all schools shall open, in order that the keeping of records, the making of reports, the payment of salaries, and the supervision of instruction may be facilitated; and fix the closing date for all schools in the district, these dates to be so determined as to assure, as far as practicable, uniform terms for all schools in the district; adopt rules for the closing of schools during an emergency and to provide for the payment of salaries to the members of the instructional staff on such occasions. However, notwithstanding any of the foregoing, any school board may in its discretion operate any or all of the district schools on an extended term basis, provided the board notifies the Commissioner of Education of its plans for an extended school year on or before January 1 preceding the extended school term. However, notwithstanding any of the foregoing, any school board may, in its discretion, operate any of the district schools on a quarterly basis; provided that:~~

1.—All educational requirements required by law are complied with.

2.—Any school board so instituting a 12-month school program shall have full authority in the assignment of pupils to equalize the number of pupils attending the schools during any student attendance period, in order to utilize school facilities to the maximum extent on a year-round basis, and shall also have full authority to enter into contracts with principals, teach-

ers, and other school personnel for employment on a 12-month basis at the same rate of monthly compensation.

3.—Such school board, when classroom facilities and teacher availability permit, may allow the parents or guardian of any child the choice of such child attending all or any particular three out of the four quarters during the year or, if a quinmester plan is operational, all or any four out of five quinesters.

4.—Any school board planning a 12-month school program shall notify the Department of Education of such plans on or before January 1 preceding the school year in which the plan is to become operative.

(g) Observance of school holidays and vacation periods.—Approve and Designate the observance of school holidays to be observed during the year, except for emergencies, and approve and designate the school vacation periods.

(h) Vocational classes and schools.—Provide for the establishment and maintenance of vocational schools, departments, or classes, giving instruction in career education as defined by regulations of the state board, and use any moneys raised by public taxation in the same manner as moneys for other school purposes are used for the maintenance and support of public schools or classes.

(i) School boards authorized to establish public evening schools.—Have the authority to ~~The school boards in the state may establish and maintain, in the respective districts, public evening schools, elementary or high, as a branch of the public school system of the district; and such evening schools, when so maintained, shall be available to all residents of the state, native or foreign born, who, for any satisfactory cause, have been unable to attend any day public school of the district; and all evening schools so maintained shall be under the direction and control of the school board and the superintendent and shall be subject to the same laws, rules, and regulations prescribed for the conduct of day schools in the district in which such evening schools are maintained; and the expense thereof shall be paid out of the district school fund.~~

(j) Cooperate with other agencies in joint projects.—Cooperate with other agencies in joint projects. ~~Adopt plans for cooperating with school boards of other districts in this state or in adjoining states or with other governmental agencies or with nonprofit corporations as provided in this act for such joint projects or activities as may be authorized by regulations of the state board. The conditions of such cooperation shall be as follows:~~

1.—Establishment.—~~The project or activity shall be initiated by resolutions spread upon the minutes of each school board concerned.~~

2.—Control.—~~The control and ownership of any physical property and the control and administration of any project or activity engaged in under the provisions of this section shall be vested in the school board of the district of location unless otherwise agreed by the school boards or unless the project or activity is undertaken as authorized in subparagraph 3.~~

~~3. Other agencies.—The school board may, by rule, engage in a contractual relationship with other school districts, with governmental agencies, with other agencies that provide services to youth involved in the juvenile justice system pursuant to chapter 39, or with nonprofit corporations which have been formed and incorporated for the purpose of providing a cooperative educational service to the districts.~~

~~4. Settlement of disagreements.—In the event an agreement cannot be reached relating to any phase of the project or activity, the matter may be referred jointly by the cooperating school boards, or by any individual school board of the cooperating districts, to the Department of Education for decision under regulations of the state board, and its decision shall be binding on all school boards of the cooperating districts.~~

(k) Planning time for teachers.—The board may adopt plans and regulations which will make provisions for teachers to have time for lunch and some planning time when they will not be directly responsible for the children; provided that some adult supervision will be furnished for the students during such periods.

~~(l) Comprehensive program of staff development.—Establish Develop a comprehensive program of staff development. Such program shall include all services provided under the direction of the board and shall make adequate provision for the proper funding of such program. Such program shall make adequate provision for personnel exchange programs to encourage staff in technical and vocational programs to periodically update their skills through employment experience in government and industry. The salary and benefits of district and state personnel participating in an exchange program shall be continued during the period of time they participate in the exchange program. Such personnel shall have no break in creditable or continuous state service or employment during the period of time in which they participate in an exchange program. The salary and benefits of all persons participating in such exchange programs who are not employed by the district shall be paid by the originating employers of those participants. The duties and responsibilities of a person participating in an exchange program shall be the same as those of the person he or she replaces.~~

(m) Exceptional students.—Provide for an appropriate program of special instruction, facilities, and services for exceptional students as prescribed by the state board as acceptable, including provisions that:

1. The school board provide the necessary professional services for diagnosis and evaluation of exceptional students.

2. The school board provide the special instruction, classes, and services, either within the district school system, in cooperation with other district school systems, or through contractual arrangements with approved non-public schools or community facilities which meet standards established by the state board.

3. The school board annually provide information describing the Florida School for the Deaf and the Blind and all other programs and methods of

instruction available to the parent or guardian of a sensory-impaired student.

4. The school board, once every 3 years, submit to the department its proposed procedures for the provision of special instruction and services for exceptional students.

5. No student be given special instruction or services as an exceptional student until after he or she has been properly evaluated, classified, and placed in the manner prescribed by rules of the state board. The parent or guardian of an exceptional student evaluated and placed or denied placement in a program of special education shall be notified of each such evaluation and placement or denial. Such notice shall contain a statement informing the parent or guardian that he or she is entitled to a due process hearing on the identification, evaluation, and placement, or lack thereof. Such hearings shall be exempt from the provisions of ss. 120.569, 120.57, and 286.011, and any records created as a result of such hearings shall be confidential and exempt from the provisions of s. 119.07(1), to the extent that the state board adopts rules establishing other procedures. The hearing shall be conducted by an administrative law judge from the Division of Administrative Hearings of the Department of Management Services. The decision of the administrative law judge shall be final, except that any party aggrieved by the finding and decision rendered by the administrative law judge shall have the right to bring a civil action in the circuit court. In such an action, the court shall receive the records of the administrative hearing and shall hear additional evidence at the request of either party. In the alternative, any party aggrieved by the finding and decision rendered by the administrative law judge shall have the right to request an impartial review of the administrative law judge's order by the district court of appeal as provided by s. 120.68. Notwithstanding any law to the contrary, during the pendency of any proceeding conducted pursuant to this section, unless the district school board and the parents or guardian otherwise agree, the child shall remain in his or her then-current educational assignment or, if applying for initial admission to a public school, shall be assigned, with the consent of the parents or guardian, in the public school program until all such proceedings have been completed.

6. In providing for the education of exceptional students, the superintendent, principals, and teachers shall utilize the regular school facilities and adapt them to the needs of exceptional students to the maximum extent appropriate. Segregation of exceptional students shall occur only if the nature or severity of the exceptionality is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily.

~~7. The principal of the school in which the student is taught shall keep a written record of the case history of each exceptional student showing the reason for the student's withdrawal from the regular class in the public school and his or her enrollment in or withdrawal from a special class for exceptional students. This record shall be available for inspection by school officials at any time.~~

~~8.—The district school board shall establish the amount to be paid by the district school board for each individual exceptional student contract with a nonpublic school.~~

(n) Alternative education programs for students in residential care facilities.—Provide educational programs according to rules of the state board to students who reside in residential care facilities operated by the Department of Health and Rehabilitative Services, ~~to include:~~

~~1.—An appropriate program of instruction and special education services by the district school board of the county in which the residential care facility is located. The district school board shall make provision for each student to participate in basic, vocational, and exceptional student programs as appropriate. Each program shall be conducted according to applicable statutes providing for the operation of public schools and rules of the state board. Special programs for exceptional students shall be governed by the school board under the provisions of paragraph (m).~~

~~2.—Cooperative planning by the district school board and the Department of Health and Rehabilitative Services for the facilities to house these programs.~~

~~a.—All facilities and furnishings within Department of Health and Rehabilitative Services residential care facilities used for education programs for school-age students during the 1978-1979 fiscal year shall be made available to the district school board for housing programs of instruction and special education services.~~

~~1. The district school board shall not be charged any rent, maintenance, utilities, or overhead on such facilities. Maintenance, repairs, and remodeling of existing facilities shall be provided by the Department of Health and Rehabilitative Services.~~

~~2.b. If additional facilities are required, the district school board and the Department of Health and Rehabilitative Services shall agree on the appropriate site based on the instructional needs of the students. When the most appropriate site for instruction is on district school board property, a special capital outlay request shall be made by the commissioner in accordance with s. 235.41. When the most appropriate site is on state property, state capital outlay funds shall be requested by the Department of Health and Rehabilitative Services as provided by s. 216.043 and shall be submitted as specified by s. 216.023. Any instructional facility to be built on state property shall have educational specifications jointly developed by the school district and the Department of Health and Rehabilitative Services and approved by the Department of Education. The size of space and occupant design capacity criteria as provided by state board rules shall be used for remodeling or new construction whether facilities are provided on state property or district school board property.~~

~~e. The planning of such additional facilities shall incorporate current Department of Health and Rehabilitative Services deinstitutionalization plans.~~

3. ~~The school board shall have full and complete authority of each such school board in the matter of the assignment and placement of such students in educational programs. The parent or guardian of exceptional students shall have the due process rights provided for in subparagraph (m)54.~~

4. ~~The school board shall have a written agreement with between the district school board and the Department of Health and Rehabilitative Services outlining the respective duties and responsibilities of each party.~~

Notwithstanding the provisions herein, the educational programs at the Arthur Dozier School for Boys, the Marianna Sunland Center in Jackson County, and the Florida School for Boys at Okeechobee in Okeechobee County shall be operated by the Department of Education, either directly or through grants or contractual agreements with other public or duly accredited educational agencies approved by the Department of Education.

(o) ~~Early childhood and basic skills development.—Provide for early childhood and an individualized diagnostic approach to instruction in the primary grades, kindergarten, and grades one through three which shall permit every child to achieve that level of mastery of the basic skills development, including, but not limited to, reading, writing, language arts, arithmetic, measurement, and problem solving, which the child's physical, mental, and emotional capacities permit.~~

(p) ~~Teacher aides.—Appoint teacher aides to assist members of the instructional staff in the primary grades, kindergarten, and grades one through three, to the extent feasible as determined by the school board.~~

(q) ~~Full school utilization program monitoring and evaluation.—Monitor and evaluate full school utilization programs. Each district receiving state funding for a full school utilization program shall submit an annual report to the Department of Education by July 1 following implementation of the program, documenting the extent to which the program meets outcome objectives.~~

(5) PERSONNEL.—Designate positions to be filled, prescribe qualifications for those positions, and provide for the appointment, compensation, promotion, suspension, and dismissal of employees as follows, subject to the requirements of chapter 231:

(a) Positions, qualifications, and appointments.—Act upon written recommendations submitted by the superintendent for positions to be filled and for minimum qualifications for personnel for the various positions and act upon written nominations of persons to fill such positions. The school board may reject for good cause any employee nominated. If the third nomination by the superintendent for any position is rejected for good cause, if the superintendent fails to submit a nomination for initial employment within a reasonable time as prescribed by the school board, or if the superintendent fails to submit a nomination for reemployment within the time prescribed by law, the school board may proceed on its own motion to fill such position. The school board's decision to reject a person's nomination does not give that person a right of action to sue over the rejection and may not be used as a cause of action by the nominated employee.

(b) Action on nominations.—Act not later than 3 weeks after the end of the regular legislative session on the nominations by the superintendent of supervisors, principals, and members of the instructional staff.

(c) Compensation and salary schedules.—~~Adopt a salary schedule or salary schedules to be used as a basis for paying all school employees, such schedules to be arranged, insofar as practicable, so as to furnish incentive for improvement in training and for continued and efficient service and fix and authorize the compensation of school employees on the basis of such schedules. A district school board, in determining the salary schedule for instructional personnel, shall consider the prior teaching experience of a person who has been designated state teacher of the year by any state in the United States.~~

(d) Contracts and terms of service.—~~Provide written contracts for all regular members of the instructional staff. All contracts with members of the instructional staff shall be in accordance with the salary schedule adopted by the school board, shall be in writing for definite amounts and for definite terms of service, and shall specify the number of monthly payments to be made. All such contracts shall be executed in duplicate, and a true signed copy shall be retained by the board in the office of the superintendent. The school board is prohibited from paying any salary to any member of the instructional staff, except when this provision has been observed.~~

(e) Transfer and promotion.—Act on recommendations of the superintendent regarding transfer and promotion of any employee.

(f) Suspension and dismissal and return to annual contract status.—Suspend, dismiss, or return to annual contract members of the instructional staff and other school employees; however, no administrative assistant, supervisor, principal, teacher, or other member of the instructional staff may be discharged, removed, or returned to annual contract except as provided in chapter 231.

(g) Awards and incentives.—~~Provide for recognition of district employees, students, school volunteers, or advisory committee members who have contributed outstanding and meritorious service in their fields or service areas. After considering recommendations of the superintendent, the board shall adopt rules establishing and regulating the meritorious service awards necessary for the efficient operation of the program. Monetary awards shall be limited to persons who propose procedures or ideas which are adopted by the board and which will result in eliminating or reducing school board expenditures or improving district or school center operations. Nonmonetary awards shall include, but need not be limited to, certificates, plaques, medals, ribbons, and photographs. The school board is authorized to expend funds for such recognition and awards. No award granted under the provisions of this paragraph shall exceed \$2,000 or 10 percent of the first year's gross savings, whichever is greater.~~

(h) ~~Recruitment of instructional personnel.—Establish policies for the effective recruitment of quality instructional personnel. Such policies may provide for appropriate expenses related thereto and may include, but are~~

~~not limited to, moving expenses for teachers in areas of critical need as determined by action of the school board.~~

(6) CHILD WELFARE.—Provide for the proper accounting for all children of school age, for the attendance and control of pupils at school, and for proper attention to health, safety, and other matters relating to the welfare of children in the following fields, as prescribed in chapter 232.

(a) Admission, classification, promotion, and graduation of pupils.—~~Adopt rules and regulations for admitting, classifying, promoting, and graduating pupils to or from the various schools of the district. Such rules shall provide for the verification of a student's prior attendance and grade level, within or without this state, at the time of admission to a school in this state. Such verification is required prior to a student's progression to the next grade level. In the absence of any verification, the child shall be administered the standard test used in the district to determine at what grade level the child is functioning; and the child shall be placed in the appropriate program as indicated by the test results. In addition, each school board shall adopt policies relating to the assessment and reporting of students' classroom performance. These policies shall clearly assign initial and primary authority for such assessment and reporting to the classroom teacher. The review, modification, or appeal of a classroom teacher's assessment and reporting of a student's classroom performance can be effected only through established policies of the school board.~~

(b) Enforcement of attendance laws.—~~Provide for the enforcement of all laws and regulations relating to the attendance of pupils at school and for employing such assistants to the superintendent as may be needed to enforce these laws effectively. Each school district shall establish policies and procedures designed to assist students in improving their attendance and attaining a high school diploma.~~

(c) Control of pupils.—

1. ~~Adopt rules and regulations for the control, discipline, in-school suspension, suspension, and expulsion of pupils and decide all cases recommended for expulsion. Such rules shall clearly specify disciplinary action that shall be imposed if a student possesses alcoholic beverages or electronic telephone pagers or is involved in the illegal use, sale, or possession of controlled substances, as defined in chapter 893, on school property or while attending a school function. School boards are encouraged to include in these provisions alternatives to expulsion and suspension such as in-school suspension, assignment to second chance schools, and guidelines on identification and referral of students to alcohol and substance abuse treatment agencies. To the extent that funding is available, it is the intent of the Legislature that all persons of compulsory school age who have not received a high school diploma be placed in an appropriate program which may include, but not be limited to, traditional schools, second chance schools jointly provided by the district school board and the Department of Juvenile Justice, disciplinary schools, and other alternatives to expulsion programs. Suspension hearings are exempted from the provisions of chapter 120. Expulsion hearings shall be governed by ss. 120.569 and 120.57(2) and are~~

exempt from s. 286.011. However, the pupil's parent or legal guardian must be given notice of the provisions of s. 286.011 and may elect to have the hearing held in compliance with that section. The school board shall have the authority to prohibit the use of corporal punishment, provided that the school board adopts or has adopted a written program of alternative control or discipline, ~~which may include, but is not limited to, timeout rooms, in-school suspension, student peer review, parental involvement, and other forms of positive reinforcement, such as classes on appropriate classroom behavior.~~

2. Have the authority as the school board of a receiving school district to honor the final order of expulsion or dismissal of a student by any in-state or out-of-state public school board or private school, or developmental research school, for an act which would have been grounds for expulsion according to the receiving school district's code of student conduct, in accordance with the following procedures:

a. A final order of expulsion shall be recorded in the records of the receiving school district.

b. The expelled student applying for admission to the receiving school district shall be advised of the final order of expulsion.

c. The superintendent of schools of the receiving school district may recommend to the school board that the final order of expulsion be waived and the student be admitted to the school district, or that the final order of expulsion be honored and the student not be admitted to the school district. If the student is admitted by the school board, with or without the recommendation of the superintendent, the student may be placed in an appropriate educational program at the direction of the school board.

(d) Code of student conduct.—Adopt a code of student conduct for elementary schools and a code of student conduct for secondary schools and distribute the appropriate code to all teachers, school personnel, students, and parents or guardians, at the beginning of every school year. ~~A district may compile the code of student conduct for elementary schools and the code of student conduct for secondary schools in one publication and distribute the combined codes to all teachers, school personnel, students, and parents or guardians at the beginning of every school year. Each code of student conduct shall be developed by the school board; elementary or secondary school teachers and other school personnel, including school administrators; students; and parents or guardians. The code of student conduct for elementary schools shall parallel the code for secondary schools. Each code shall be organized and written in language which is understandable to students and parents and shall be discussed at the beginning of every school year in student classes, school advisory councils, and parent and teacher associations. Each code shall be based on the rules governing student conduct and discipline adopted by the school board and be made available in the student handbook or similar publication. Each code shall include, but not be limited to:~~

1. Consistent policies and specific grounds for disciplinary action, including in-school suspension, out-of-school suspension, expulsion, any disciplin-

ary action that may be imposed for the possession or use of alcohol on school property or while attending a school function or for the illegal use, sale, or possession of controlled substances as defined in chapter 893.

2. Procedures to be followed for acts requiring discipline, including corporal punishment.

3. An explanation of the responsibilities and rights of students with regard to attendance, respect for persons and property, knowledge and observation of rules of conduct, the right to learn, free speech and student publications, assembly, privacy, and participation in school programs and activities.

4. Notice that illegal use, possession, or sale of controlled substances, as defined in chapter 893, or possession of electronic telephone pagers, by any student while such student is upon school property or in attendance at a school function is grounds for ~~in-school suspension, out-of-school suspension, expulsion, or imposition of other~~ disciplinary action by the school and may also result in criminal penalties being imposed.

5. Notice that the possession of a firearm, a knife, a weapon, or an item which can be used as a weapon by any student while the student is on school property or in attendance at a school function is grounds for disciplinary action and may also result in criminal prosecution.

6. Notice that violence against any school district personnel by a student is grounds for in-school suspension, out-of-school suspension, expulsion, or imposition of other disciplinary action by the school and may also result in criminal penalties being imposed.

7. Notice that violation of school board transportation policies, including disruptive behavior on a school bus or at a school bus stop, by a student is grounds for suspension of the student's privilege of riding on a school bus and may be grounds for ~~in-school suspension, out-of-school suspension, expulsion, or imposition of other~~ disciplinary action by the school and may also result in criminal penalties being imposed.

8. Notice that violation of the school board's sexual harassment policy by a student is grounds for in-school suspension, out-of-school suspension, expulsion, or imposition of other disciplinary action by the school and may also result in criminal penalties being imposed.

9. Policies to be followed for the assignment of violent or disruptive students to an alternative educational program.

10. Notice that any student who is determined to have brought a firearm, as defined in 18 U.S.C. s. 921, to school, any school function, or on any school-sponsored transportation will be expelled, with or without continuing educational services, from the student's regular school for a period of not less than 1 full year and referred for criminal prosecution. School boards may assign the student to a disciplinary program or second chance school for the purpose of continuing educational services during the period of expulsion. Superintendents may consider the 1-year expulsion requirement on a case-

by-case basis and request the school board to modify the requirement if determined to be in the best interest of the student and the school system.

(e) Student crime watch program.—By resolution of the school board, implement a student crime watch program to promote responsibility among students and to assist in the control of criminal behavior within the schools.

(7) COURSES OF STUDY AND OTHER INSTRUCTIONAL AIDS.—Provide adequate instructional aids for all children as follows and in accordance with the requirements of chapter 233.

(a) Courses of study; adoption.—Adopt courses of study for use in the schools of the district; ~~provided, that such courses shall comprise materials needed to supplement minimum courses of study prescribed by the state board for all schools.~~

(b) Textbooks.—Provide for proper requisitioning, distribution, accounting, storage, care, and use of all textbooks and other books furnished by the state and furnish such other textbooks and library books as may be needed. The school board is responsible for assuring that instructional materials used in the district are consistent with the district goals and objectives and the curriculum frameworks approved by the State Board of Education, as well as with the state and district performance standards provided for in ss. 229.565 and 232.2454.

(c) Other instructional aids.—Provide such other teaching accessories and aids as are needed to carry out the program.

(d) School library media services; establishment and maintenance.—Establish and maintain school library media centers, or school library media centers open to the public, and, in addition thereto, such traveling or circulating libraries as may be needed for the proper operation of the district school system. Establish and maintain a program of school library media services for all public schools ~~school students which shall be designed to ensure effective use of available resources and to avoid unnecessary duplication and shall include, but not be limited to, basic skills development, instructional design, media collection development, media program management, media production, staff development, and consultation and information services.~~

(8) TRANSPORTATION OF PUPILS.—After considering recommendations of the superintendent, make provision for the transportation of pupils to the public schools or school activities they are required or expected to attend; authorize transportation routes arranged efficiently and economically; provide the necessary transportation facilities, and, when authorized under regulations of the state board and if more economical to do so, provide limited subsistence in lieu thereof; and adopt the necessary rules and regulations to ensure safety, economy, and efficiency in the operation of all buses, as prescribed in chapter 234.

(9) SCHOOL PLANT.—Approve plans for locating, planning, constructing, sanitating, insuring, maintaining, protecting, and condemning school property as prescribed in chapter 235 and as follows:

(a) ~~School building program.—Approve and adopt a districtwide school building program, indicating the centers at which school work is to be offered on the various levels; the type, size, and location of schools to be established; and the steps to be taken to carry out the program. This program shall be a part of the 5-year program for the district and, insofar as practicable, shall be based on the recommendations of a survey made or approved under the direction of the Department of Education.~~

(b) Sites, buildings, and equipment.—

1. Select and purchase school sites, playgrounds, and recreational areas located at centers at which schools are to be constructed, of adequate size to meet the needs of projected pupils to be accommodated.;

2. Approve the proposed purchase of any site, playground, or recreational area for which district funds are to be used.;

3. Expand existing sites.;

4. Rent buildings when necessary.;

5. Enter into leases or lease-purchase arrangements, in accordance with the requirements and conditions provided in s. 235.056(2), with private individuals or corporations for the rental of necessary grounds and educational facilities for school purposes or of educational facilities to be erected for school purposes. Current or other funds authorized by law may be used to make payments under a lease-purchase agreement. Notwithstanding any other statutes, if the rental is to be paid from funds received from ad valorem taxation and the agreement is for a period greater than 12 months, an approving referendum must be held. The provisions of such contracts, including building plans, shall be subject to approval by the Department of Education, and no such contract shall be entered into without such approval. As used in this section, “educational facilities” means the buildings and equipment which are built, installed, or established to serve educational purposes and which may lawfully be used. The State Board of Education is authorized to promulgate such rules as it deems necessary to implement the provisions hereof.;

6. Provide for the proper supervision of construction.;

7. Make or contract for additions, alterations, and repairs on buildings and other school properties.;

8. Ensure that all plans and specifications for buildings provide adequately for the safety and well-being of pupils, as well as for economy of construction ~~by having such plans and specifications submitted to the Department of Education for approval; and~~

9. ~~Provide furniture, books, apparatus, and other equipment necessary for the proper conduct of the work of the schools.~~

(c) Maintenance and upkeep of school plant.—Provide adequately for the proper maintenance and upkeep of school plants, so that children may at-

tend school without sanitary or physical hazards, and provide for the necessary heat, lights, water, power, and other supplies and utilities necessary for the operation of the schools.

(d) Insurance of school property.—Carry insurance on every school building in all school plants including contents, boilers, and machinery, except buildings of three classrooms or less which are of frame construction and located in a tenth class public protection zone as defined by the Florida Inspection and Rating Bureau, and on all school buses and other property under the control of the school board or title to which is vested in the school board, except as exceptions may be authorized under regulations of the state board.

(e) Condemnation of buildings.—Condemn and prohibit the use for public school purposes of any building which can be shown for sanitary or other reasons to be no longer suitable for such use and, when any building is condemned by any state or other government agency as authorized in chapter 235, see that it is no longer used for school purposes.

(10) FINANCE.—Take steps to assure children adequate educational facilities through the financial procedure authorized in chapters 236 and 237 and as prescribed below:

(a) Provide for all schools to operate at least 180 days.—Provide for the operation of all public schools, both elementary and secondary, as free schools for a term of at least 180 days or the equivalent on an hourly basis as specified by regulations of the State Board of Education; determine district school funds necessary in addition to state funds to operate all schools for such minimum term; arrange for the levying of district school taxes necessary to provide the amount needed from district sources.

(b) Annual budget.—Cause to be prepared, adopt, and have submitted to the Department of Education as required by law and by regulations of the state board, the annual school budget, such budget to be so prepared and executed as to promote the improvement of the district school system.

(c) Tax levies.—Adopt and spread on its minutes a resolution fixing the district school tax levy, provided for under s. 9, Art. VII of the State Constitution, necessary to carry on the school program adopted for the district for the next ensuing fiscal year as required by law, and fixing the district bond interest and sinking fund tax levy necessary for districts against which bonds are outstanding; adopt and spread on its minutes a resolution suggesting the tax levy provided for in s. 9, Art. VII of the State Constitution, found necessary to carry on the school program adopted for the district for the next ensuing fiscal year.

(d) School funds.—Require that an accurate account is kept of all funds which should be transmitted to the school board for school purposes at various periods during the year from all sources and, if any funds are not transmitted promptly, take the necessary steps to have such funds made available.

(e) Borrow money.—Borrow money, as prescribed in ss. 237.141-237.171, when necessary in anticipation of funds reasonably to be expected during the year as shown by the budget.

(f) Financial records and accounts.—Provide for keeping of accurate records of all financial transactions, ~~including records of school and student activity funds, and school lunch programs, and have these records kept under the various classifications commonly used in school financial accounting; authorize and compensate such trained assistants to the superintendent as may be needed to maintain adequate records.~~

(g) Approval and payment of accounts.—Implement a system of accounting and budgetary control to ensure that payments do not exceed amounts budgeted, as required by law; make available all records for proper audit by state officials; and have prepared required periodic statements ~~showing receipts, balances, and expenditures to date and require a copy of each such statement~~ to be filed with the Department of Education as provided by rules of the state board.

(h) Bonds of employees.—Fix and prescribe the bonds, and pay the premium on all such bonds, of all school employees who are responsible for school funds in order to provide reasonable safeguards for all such funds or property.

(i) Contracts for materials, supplies, and services.—Contract for materials, supplies, and services needed for the district school system. No contract for supplying these needs shall be made with any member of the school board, with the superintendent, or with any business organization in which any school board member or the superintendent has any financial interest whatsoever.

(j) Purchasing regulations to be secured from Department of Management Services.—Secure purchasing regulations and amendments and changes thereto from the Division of Purchasing of the Department of Management Services and prior to any purchase have reported to it by its staff, and give consideration to the lowest price available to it under such regulations, provided a regulation applicable to the item or items being purchased has been adopted by the Division of Purchasing. The Division of Purchasing should meet with educational administrators to expand the inventory of standard items for common usage in all schools and higher education institutions.

(k) Investment policies.—

1. Adopt policies pertaining to the investment of school funds not needed for immediate expenditures, after considering the recommendations of the superintendent. The adopted policies shall make provisions for investing or placing on deposit all such funds in order to earn the maximum possible yield under the circumstances from such investments or deposits. The method of determining the maximum yield on investments or deposits shall include, but not necessarily be limited to, bids from qualified depositories, yields from certificates of deposit, yields from time deposits, yields from

securities guaranteed by the Government of the United States, or other forms of investments authorized by law.

2. Part of the funds available for investment may be set aside to invest in time deposits or savings accounts in banks or savings and loan associations on the federal list of minority financial institutions designated as authorized depositories. The investment of such funds must be competitively bid among such minority financial institutions located within the school district boundaries and must be in compliance with s. 236.24 and chapter 280. The amount of funds designated for such investment shall be determined by the school board and may be based on the percentage of minorities within the population of the school district.

(l) Protection against loss.—Provide for adequate protection against any loss or damage to school property or loss resulting from any liability for which the board or its officers, agents, or employees may be responsible under law. In fulfilling this responsibility, the board is authorized and empowered to purchase insurance, to be self-insured, to enter into risk management programs managed by district school boards, school-related associations, or insurance companies, or to have any combination thereof in any area to the extent the board is either authorized or required by law to contract for insurance. Any risk management program entered into pursuant to this subsection shall provide for strict accountability of all funds to the member school boards and an annual audit by an independent certified public accountant of all receipts and disbursements.

(11) RECORDS AND REPORTS.—Provide for the keeping of all necessary records and the making of all needed or required reports, as follows:

(a) Forms, blanks, and reports.—Require all employees to keep accurately all records and to make promptly in the proper form all reports required by law or by regulations of the state board.

(b) Reports to the department.—Require that the superintendent prepare all reports to the Department of Education that may be required by law or regulations of the state board; see that all such reports are promptly transmitted to the department; withhold the further payment of salary to the superintendent or employee when notified by the department that he or she has failed to file any report within the time or in the manner prescribed; and continue to withhold the salary until the school board is notified by the department that such report has been received and accepted; provided, that when any report has not been received by the date due and after due notice has been given to the school board of that fact, the department, if it deems necessary, may require the report to be prepared by a member of its staff, and the school board shall pay all expenses connected therewith. Any member of the school board who is responsible for the violation of this provision is subject to suspension and removal.

(c) Reports to parents.—At regular intervals reports shall be made by principals or teachers in public schools to parents or those having parental authority over the children enrolled and in attendance upon their schools, apprising them of the progress being made by the pupils in their studies and giving other needful information.

(12) COOPERATION WITH OTHER DISTRICT SCHOOL BOARDS.— May establish and participate in educational consortia which are designed to provide joint programs and services to cooperating school districts, consistent with the provisions of s. 4(b), Art. IX of the State Constitution. The State Board of Education shall adopt rules providing for the establishment, funding, administration, and operation of such consortia.

~~(13) COOPERATION WITH OTHER AGENCIES.—~~

~~(a) Cooperate with federal, state, county, and municipal agencies in all matters relating to education and child welfare. District superintendents and school boards may initiate policy meetings with such agencies to promote joint planning and provide effective programs in matters relating to discipline, truancy, and dropouts.~~

~~(b) Cooperate with public and private community agencies and with the local service district of the Department of Health and Rehabilitative Services to achieve the first state education goal, readiness to start school.~~

~~(c) Cooperate with the Department of Education in identifying each child in the school district who is a migratory child as defined in Pub. L. No. 95-561 and cooperate with the department in providing such other information as the department deems necessary.~~

~~(13)(14) ENFORCEMENT OF LAW AND RULES AND REGULATIONS.—~~Require that all laws and rules and regulations of the state board or of the school board are properly enforced.

~~(15) COOPERATE WITH SUPERINTENDENT.—~~Cooperate with the superintendent at all times to the end that the district school system may constantly be improved.

~~(14)(16) SCHOOL LUNCH PROGRAM.—~~Assume such responsibilities and exercise such powers and perform such duties as may be assigned to it by law or as may be required by regulations of the state board or as in the opinion of the school board are necessary to assure school lunch services, consistent with needs of pupils; effective and efficient operation of the program; and the proper articulation of the school lunch program with other phases of education in the district.

~~(15)(17) PUBLIC INFORMATION PROGRAM.—~~Adopt procedures whereby the general public can be adequately informed of the educational programs, needs, and objectives of public education within the district.

~~(16)(18) IMPLEMENT SCHOOL IMPROVEMENT AND ACCOUNTABILITY.—~~Maintain a system of school improvement and education accountability as provided by statute and State Board of Education rule. This system of school improvement and education accountability shall be consistent with, and implemented through, the district's continuing system of planning and budgeting required by this section and ss. 229.555 and 237.041. This system of school improvement and education accountability shall include, but not be limited to, the following:

(a) School improvement plans.—Annually approve and require implementation of a new, amended, or continuation school improvement plan for each school in the district. Such plan shall be designed to achieve the state education goals and student performance standards pursuant to ss. 229.591(3) and 229.592, ~~shall be based on a needs assessment, and shall include school progress, goals, indicators of student progress, strategies, and evaluation procedures, including adequate measures of individual student performance. Each school shall develop its initial individual school improvement plan to be submitted for approval during the 1992-1993 school year and shall implement the initial plan as approved beginning with the 1993-1994 school year.~~

(b) Approval process.—Develop a process for approval of a school improvement plan presented by an individual school and its advisory council. In the event a board does not approve a school improvement plan after exhausting this process, the Florida Commission on Education Reform and Accountability shall be notified of the need for assistance.

(c) Assistance and intervention.—Develop a 3-year plan of increasing individualized assistance and intervention for each school that does not meet or make adequate progress, based upon the recommendations of the commission, as defined pursuant to statute and State Board of Education rule, toward meeting the goals and standards of its approved school improvement plan.

(d) After 3 years.—Notify the Florida Commission on Education Reform and Accountability and the State Board of Education in the event any school does not make adequate progress toward meeting the goals and standards of a school improvement plan by the end of 3 consecutive years of district assistance and intervention and proceed according to guidelines developed pursuant to statute and State Board of Education rule.

(e) Public disclosure.—Provide information regarding performance of students and educational programs as required pursuant to s. 229.555, and, ~~beginning with the 1994-1995 school year, implement a new system of school reports as required by statute and State Board of Education rule.~~

(f) School improvement funds.—Provide funds to schools for developing and implementing school improvement plans. Such funds shall include those funds appropriated for the purpose of school improvement pursuant to s. 24.121(5)(c).

~~(g) Feedback report.—Develop a “feedback report” on the progress of implementing and maintaining a system of school improvement and education accountability established in s. 229.592(2). The report shall be submitted to the Florida Commission on Education Reform and Accountability by July 1, 1992, and annually thereafter. The report shall include, but not be limited to, information pertaining to the accuracy of data collection and analysis, the ability of the Department of Education to assist school boards in emphasizing reporting on individual school improvement and progress while minimizing comparisons between schools, the effectiveness of training and technical assistance provided by the Department of Education, and the~~

effectiveness of the waiver process established in s. 229.592(6); and recommendation for improvement.

Section 5. Section 230.2301, Florida Statutes, is amended to read:

230.2301 Parents may be accompanied.—At any meeting with school district personnel regarding the assignment of staff to an exceptional student or at a conference regarding the discipline of a student, ~~a~~ the student's parent or guardian may be accompanied by another adult of his or her choice to assist the parent or guardian in communicating with school district personnel.

Section 6. Section 230.2305, Florida Statutes, 1996 Supplement, is amended to read:

230.2305 Prekindergarten early intervention program.—

(1) LEGISLATIVE INTENT; PURPOSE.—The Legislature recognizes that high-quality prekindergarten education programs increase children's chances of achieving future educational success and becoming productive members of society. It is the intent of the Legislature that such programs be developmental, serve as preventive measures for children at risk of future school failure, enhance the educational readiness of all children, and support family education and the involvement of parents in their child's educational progress. Each prekindergarten early intervention program shall provide the elements necessary to prepare children for school, including health screening and referral and a developmentally appropriate educational program and opportunities for parental involvement in the program. It is the legislative intent that the prekindergarten early intervention program not exist as an isolated program, but build upon existing services and work in cooperation with other programs for young children. It is intended that procedures such as, but not limited to, contracting, collocation, mainstreaming, and cooperative funding be used to coordinate the program with Head Start, public and private providers of child care, preschool programs for children with disabilities, programs for migrant children, Chapter I, subsidized child care, adult literacy programs, and other services. It is further the intent of the Legislature that the Commissioner of Education seek the advice of the Secretary of Health and Rehabilitative Services in the development and implementation of the prekindergarten early intervention program and the coordination of services to young children. The purpose of the prekindergarten early intervention program is to assist local communities in implementing programs that will enable all the families and children in the school district to be prepared for the children's success in school.

(2) ELIGIBILITY.—There is hereby created the prekindergarten early intervention program for children who are 3 and 4 years of age. A prekindergarten early intervention program shall be administered by a district school board and shall receive state funds pursuant to subsection (5)(9). Each public school district shall make reasonable efforts to accommodate the needs of children for extended-day and extended-year services without compromising the quality of the 6-hour, 180-day program. The school district shall report on such efforts. ~~Prekindergarten early intervention programs shall be implemented and conducted by school districts pursuant to a plan~~

~~developed and approved as provided in this section.~~ School district participation in the prekindergarten early intervention program shall be at the discretion of each school district.

(a) At least 75 percent of the children projected to be served by the district program shall be economically disadvantaged 4-year-old children of working parents, including migrant children or children whose parents participate in the WAGES Program. Other children projected to be served by the district program may include any of the following up to a maximum of 25 percent of the total number of children served:

1. Three-year-old and four-year-old children who are referred to the school system who may not be economically disadvantaged but who are abused, prenatally exposed to alcohol or harmful drugs, or from foster homes, or who are marginal in terms of Exceptional Student Education placement.

2. Three-year-old children and four-year-old children who may not be economically disadvantaged but who are eligible students with disabilities and served in a specific part-time or combination of part-time exceptional student education programs with required special services, aids, or equipment and who are reported for funding part-time in the Florida Education Finance Program as exceptional students. These students may be funded from prekindergarten early intervention program funds the portion of the time not funded by the Florida Education Finance Program for the actual instructional time or one full-time equivalent student membership, whichever is the lesser. These part-time students with disabilities shall be counted toward the 25-percent student limit based on full-time equivalent student membership funded part-time by prekindergarten early intervention program funds. Also, 3-year-old or 4-year-old eligible students with disabilities who are reported for funding in the Florida Education Finance Program in a full-time or an authorized combination of full-time and part-time exceptional student programs as provided in s. 236.081(1)(c) may be mainstreamed in the prekindergarten early intervention program if such programming is reflected in the student's individual educational plan; if required special services, aids, or equipment are provided; and if there is no operational cost to prekindergarten early intervention program funds. These full-time exceptional students shall not count against the 75-percent or 25-percent student limit as stated in this paragraph.

3. Economically disadvantaged 3-year-old children.

4. Economically disadvantaged children, children with disabilities, and children at risk of future school failure, from birth to age four, who are served at home through home visitor programs and intensive parent education programs such as the Florida First Start Program.

5. Children who meet federal and state requirements for eligibility for the migrant preschool program but who do not meet the criteria of "economically disadvantaged" as defined in paragraph (b), who shall not pay a fee.

6. After the groups listed in subparagraphs 1., 2., 3., and 4. have been served, 3-year-old and 4-year-old children who are not economically disadvantaged and for whom a fee is paid for the children's participation.

(b) An “economically disadvantaged” child shall be defined as a child eligible to participate in the free lunch program. Notwithstanding any change in a family’s economic status or in the federal eligibility requirements for free lunch, a child who meets the eligibility requirements upon initial registration for the program shall be considered eligible until the child reaches kindergarten age. In order to assist the school district in establishing the priority in which children shall be served, and to increase the efficiency in the provision of child care services in each district, the district shall enter into a written collaborative agreement with other publicly funded early education and child care programs within the district. Such agreement shall be facilitated by the interagency coordinating council and shall set forth, among other provisions, the measures to be undertaken to ensure the programs’ achievement and compliance with the performance standards established in subsection (3) and for maximizing the public resources available to each program. In addition, the central agency for state-subsidized child care or the local service district of the Department of Health and Rehabilitative Services shall provide the school district with an updated list of 3-year-old and 4-year-old children residing in the school district who are on the waiting list for state-subsidized child care.

(3) STANDARDS.—

(a) Publicly supported preschool programs, including prekindergarten early intervention, subsidized child care, teen parent programs, Head Start, migrant programs, and Chapter I programs shall employ a simplified point of entry to the child care services system in every community. These programs shall share the waiting lists for unserved children in the community so that a count of eligible children is maintained without duplications.

(b) The Department of Education and the Department of Health and Rehabilitative Services, in consultation with the Legislature, shall develop a minimum set of performance standards for publicly funded early education and child care programs and a method for measuring the progress of local school districts and central agencies in meeting a desired set of outcomes based on these performance measures. The defined outcomes must be consistent with the state’s first education goal, readiness to start school, and must also consider efficiency measures such as the employment of a simplified point of entry to the child care services system, coordinated staff development programs, and other efforts within the state to increase the opportunity for welfare recipients to become self-sufficient. Performance standards shall be developed for all levels of administration of the programs, including individual programs and providers, and must incorporate appropriate expectations for the type of program and the setting in which care is provided.

~~(4) PLANS.—Each district school board that chooses to participate in the prekindergarten early intervention program shall, in consultation with the interagency coordinating council, submit to the Commissioner of Education a plan for implementing and conducting a prekindergarten early intervention program for approval. A district school board shall submit a plan or amended plan for planning and evaluating prekindergarten programs, implementing new services, enhancing existing early childhood, prekindergarten, or child care programs provided by public or nonpublic entities, or~~

~~contracting for the provision of services or facilities. The plans shall include an explanation of the role of the prekindergarten early intervention program in the school district's effort to meet the first state education goal, readiness to start school, and the plan must include the utilization of public and private programs already in existence in the district, business-education partnerships, and preschool programs operated by vocational-technical schools, community colleges, and universities. A plan shall identify the locations where services will be provided and may include public school property or other sites that meet state and local licensing requirements for child care facilities or State Board of Education rules, except that sites shall be located to the maximum extent practicable so as to provide easy access by parents, especially working parents of economically disadvantaged children. When a district uses nonschool facilities or nonschool facility staff for the provision of services, a contract is required; when a district uses nonschool facilities and provides district instructional staff, a cooperative agreement is required.~~

~~(5) PLAN APPROVAL.—To be considered for approval, each plan, or amendment to a plan, must be prepared according to instructions issued by the Commissioner of Education and must include, without limitation:~~

~~(c)(a) A description of the program curriculum and assurances that The program curriculum must will be developmentally appropriate according to current nationally recognized recommendations for high-quality prekindergarten programs.~~

~~(b) The estimated number of children who will participate in the program based upon a needs assessment that considers existing services and unmet needs.~~

~~(c) The projected percentage of children who will participate in the program and who are economically disadvantaged.~~

~~(d) School districts may The criteria used by the district to establish a sliding fee scale for participants who are not economically disadvantaged, and a description of the sliding scale.~~

~~(e) A description of the program's administrative and supervisory structure.~~

~~(e)(f) The ratio of direct instructional staff to children. The ratio must be 1 adult to 10 children, or a lower ratio. Upon written request from a school district, the commissioner may grant permission for a ratio of up to 1 adult to 15 children for individual schools or centers for which a 1-to-10 ratio would not be feasible.~~

~~(f)(g) Information on the training and qualifications of program staff, including an assurance that All staff must meet will have met the following minimum requirements:~~

1. The minimum level of training is to be the completion of a 30-clock-hour training course planned jointly by the Department of Education and the Department of Health and Rehabilitative Services to include the following areas: state and local rules that govern child care, health, safety, and

nutrition; identification and report of child abuse and neglect; child growth and development; use of developmentally appropriate early childhood curricula; and avoidance of income-based, race-based, and gender-based stereotyping.

2. When individual classrooms are staffed by certified teachers, those teachers must be certified for the appropriate grade levels under s. 231.17 and State Board of Education rules. Teachers who are not certified for the appropriate grade levels must obtain proper certification within 2 years. However, the commissioner may make an exception on an individual basis when the requirements are not met because of serious illness, injury, or other extraordinary, extenuating circumstance.

3. When individual classrooms are staffed by noncertified teachers, there must be a program director or lead teacher who is eligible for certification or certified for the appropriate grade levels pursuant to s. 231.17 and State Board of Education rules in regularly scheduled direct contact with each classroom. Notwithstanding s. 231.15, such classrooms must be staffed by at least one person who has, at a minimum, a child development associate credential (CDA) or an amount of training determined by the commissioner to be equivalent to or to exceed the minimum, such as an associate in science degree in the area of early childhood education.

4. Beginning October 1, 1994, principals and other school district administrative and supervisory personnel with direct responsibility for the program must demonstrate knowledge of prekindergarten education programs that increase children's chances of achieving future educational success and becoming productive members of society in a manner established by the State Board of Education by rule.

~~5. To be eligible for state funding, all program plans must include a requirement that~~ All personnel who are not certified under s. 231.17 must comply with screening requirements under ss. 231.02 and 231.1713.

~~(h) A description of proposed staff development activities, including arrangements for staff access to training in child growth and development and developmentally appropriate early childhood curriculum and integration with district master inservice plans required under s. 236.0811.~~

~~(i) A description of the number and location of all program sites and how each site is considered easily accessible to the population to be served and to coordinated services.~~

~~(j) A description of the arrangements for transporting children to and from the program sites and their homes, if appropriate.~~

~~(g)(k) A requirement that Student participation must be contingent upon parental involvement, and a description of The parental involvement activities integral to the program, which must include program site-based parental activities designed to fully involve parents in the program and which may include parenting education, home visitor activities, family support services coordination, and other activities.~~

~~(l) A description of the interagency coordinating council and efforts made to coordinate and maximize use of existing funds and community facilities, equipment, medical, educational, and social services, including coordination with adult literacy and vocational programs.~~

~~(h)(m) Identification of the days and hours when Services are to be provided during, including a school day and school year equal to or exceeding the requirements for kindergarten under ss. 228.041 and 236.013, and Strategies to provide care before school, after school, and 12 months a year, when needed. The strategies specified by this paragraph must be developed by the school district in cooperation with the central agency for state-subsidized child care or the local service district of the Department of Health and Rehabilitative Services and must be approved by the district interagency coordinating council established under subsection (11). Programs may be provided on Saturdays and through other innovative scheduling arrangements.~~

~~(n) A description of the developmental and health screening and referral services to be provided each child in the program and assurances that needed developmental and health services will be provided through interagency coordination to the extent possible.~~

~~(i)(o) A written description of the role of the program in The school district must make efforts district's effort to meet the first state education goal, readiness to start school, including the involvement of a description of the plan to involve nonpublic schools, public and private providers of day care and early education, and other community agencies that provide services to young children. This may include private child care programs, subsidized child care programs, and Head Start programs. A written description of these efforts must be provided to the district interagency coordinating council on early childhood services. The written description of the plan to involve the groups listed above must be submitted annually.~~

~~(p) A description of how the program will be coordinated with the district program for grades K through 3 and with district preschool programs for children with disabilities and migrant children, the teen parent program, and Chapter I programs.~~

~~(q) A tentative budget.~~

~~(j)(r) Parents must be provided an Strategies to allow for parental option regarding a child's participation at a school-based site or among contracted sites, when such an option is appropriate and within the school district. The school district may consider availability of sites, transportation, staffing ratios, costs, and other factors in determining the assignment and setting district guidelines. Parents may request and be assigned a site other than one first assigned by the district, provided the parents pay the cost of transporting the child to the site of the parents' choice.~~

~~(k)(s) The Strategies for school district must coordinate coordination with the central agency for state-subsidized child care or the local service district of the Department of Health and Rehabilitative Services to verify~~

family participation in the WAGES Program, thus ensuring accurate reporting and full utilization of federal funds available through the Family Support Act, and for the agency's or service district's sharing of the waiting list for state-subsidized child care under paragraph (3)(a).

~~(6) PLAN APPROVAL.—The Commissioner of Education has the final authority to approve or disapprove plans and amended plans.~~

~~(4)(7) EVALUATION.—~~Each school district shall conduct an evaluation of the effectiveness of the prekindergarten early intervention program. This evaluation shall include measures of the following:

(a) The children's achievement as measured by assessments upon entry into the program and upon completion of the program; and

(b) The children's readiness for kindergarten as measured by the instrument the district uses to assess the school readiness of all children entering kindergarten. The results of this evaluation must be maintained by the school district and made available to the public upon request.

~~(8) MONITORING AND TECHNICAL ASSISTANCE.—Pursuant to s. 229.565(5), the Commissioner of Education shall monitor each district pre-kindergarten early intervention program at least annually to determine compliance with the district plan and the provisions of this section. If a program is not brought into compliance within 3 months after the commissioner's evaluation citing specific deficiencies, the commissioner must withhold such funds as have been allocated to the school board for its pre-kindergarten early intervention program and which have not yet been released. The department shall develop manuals and guidelines for the development of district plans and shall provide ongoing technical assistance to ensure that each district program maintains high standards of quality and effectiveness.~~

~~(5)(9) ANNUAL REPORT.—~~Each prekindergarten early intervention program under this section shall, ~~through the district interagency coordinating council on early childhood services,~~ submit an annual report of its program to the district interagency coordinating council on early childhood services ~~Commissioner of Education~~. The report must describe the overall program operations; activities of the district interagency coordinating council on early childhood services; expenditures; the number of students served; ratio of staff to children; staff qualifications; evaluation findings, including identification of program components that were most successful; and other information required by the council ~~Commissioner of Education~~ or the state advisory council.

~~(6)(40) FUNDING.—~~

(a) This section shall be implemented only to the extent that funding is available. State funds appropriated for the prekindergarten early intervention program ~~may only be used pursuant to the plan developed in consultation with the interagency coordinating council on early childhood services~~ and may not be used for the construction of new facilities, the transportation

of students, or the purchase of buses, but may be used for educational field trips which enhance the curriculum.

1. At least 70 percent of the total funds allocated to each school district under this section must be used for implementing and conducting a pre-kindergarten early intervention program or contracting with other public or nonpublic entities for programs to serve eligible children. The maximum amount to be spent per child for this purpose is to be designated annually in the General Appropriations Act.

2. No more than 30 percent of the funds allocated to each school district pursuant to this section may be used to enhance existing public and nonpublic programs for eligible children, to provide before-school and after-school care for children served under this section, to remodel or renovate existing facilities under chapter 235, to lease or lease-purchase facilities ~~in accordance with subsection (4) of this section~~, to purchase classroom equipment to allow the implementation of the prekindergarten early intervention program, and to provide training for program teachers and administrative personnel employed by the school district and by agencies with which the school district contracts for the provision of prekindergarten services.

3. Funds may also be used pursuant to subparagraphs 1. and 2. to provide the prekindergarten early intervention program for more than 180 school days.

(b) A minimum grant for each district is to be determined annually in the General Appropriations Act. The funds remaining after allocating the minimum grants must be prorated based on an allocation factor for each district and must be added to each district's minimum grant. The allocation factor is to be calculated as follows:

$$\begin{array}{l} \text{District percentage of} \\ \text{state 3-year-old and 4-} \\ \text{year-old children} \end{array} \quad \times \frac{1}{4} \quad + \quad \begin{array}{l} \text{District percentage} \\ \text{of state total free} \\ \text{lunches served} \end{array} \quad \times \frac{3}{4}$$

The calculation of each district's allocation factor is to be based upon the official estimate of the total number of 3-year-old and 4-year-old children by school district and the official record of the Department of Education for K-12 student total free lunches served by school district for the prior fiscal year.

(7)(44) DISTRICT INTERAGENCY COORDINATING COUNCILS.—

(a) To be eligible for a prekindergarten early intervention program, each school district must develop, implement, and evaluate its prekindergarten program in cooperation with a district interagency coordinating council on early childhood services.

(b) Each district coordinating council must consist of at least 12 members to be appointed by the district school board, the county commission for the county in which participating schools are located, and the Department of Health and Rehabilitative Services' district administrator and must include at least the following:

1. One member who is a parent of a child enrolled in, or intending to enroll in, the public school prekindergarten program, appointed by the school board.
2. One member who is a director or designated director of a prekindergarten program in the district, appointed by the school board.
3. One member who is a member of a district school board, appointed by the school board.
4. One member who is a representative of an agency serving children with disabilities, appointed by the Department of Health and Rehabilitative Services' district administrator.
5. Four members who are representatives of organizations providing prekindergarten educational services, one of whom is a representative of a Head Start Program, appointed by the Department of Health and Rehabilitative Services' district administrator; one of whom is a representative of a Title XX subsidized child day care program, if such programs exist within the county, appointed by the Department of Health and Rehabilitative Services' district administrator; and two of whom are private providers of pre-school care and education to 3-year-old and 4-year-old children, one appointed by the county commission and one appointed by the Department of Health and Rehabilitative Services' district administrator. If there is no Head Start Program or Title XX program operating within the county, these two members must represent community interests in prekindergarten education.
6. Two members who are representatives of agencies responsible for providing social, medical, dental, adult literacy, or transportation services, one of whom represents the county public health unit, both appointed by the county commission.
7. One member to represent a local child advocacy organization, appointed by the Department of Health and Rehabilitative Services' district administrator.
8. One member to represent the district K-3 program, appointed by the school board.

(c) Each district interagency coordinating council shall:

1. Assist district school boards in developing a plan or an amended plan to implement a prekindergarten early intervention program. The plan and all amendments must be signed by the council chair, the chair of the district school board, and the district school superintendent ~~before being submitted to the Commissioner of Education for approval.~~
2. Coordinate the delivery of educational, social, medical, child care, and other services.

Section 7. Section 230.23135, Florida Statutes, as amended by chapters 94-232 and 95-147, Laws of Florida, is hereby repealed.

Section 8. Section 230.2316, Florida Statutes, 1996 Supplement, is amended to read:

230.2316 Dropout prevention.—

(1) **SHORT TITLE.**—This act may be cited as the “Dropout Prevention Act.”

(2) **INTENT.**—The Legislature recognizes that a growing proportion of young people are not making successful transitions to productive adult lives. The Legislature further recognizes that traditional education programs which do not meet certain students’ educational needs and interests may cause these students to become unmotivated, fail, be truant, be disruptive, or drop out of school. The Legislature finds that a child who does not complete his or her education is greatly limited in obtaining gainful employment, achieving his or her full potential, and becoming a productive member of society. Therefore, it is the intent of the Legislature to authorize and encourage district school boards throughout the state to establish comprehensive dropout prevention programs. These programs shall be designed to meet the needs of students who are not effectively served by conventional education programs in the public school system. It is further the intent of the Legislature that cooperative agreements be developed among school districts, other governmental and private agencies, and community resources in order to implement innovative exemplary programs aimed at reducing the number of students who do not complete their education and increasing the number of students who have a positive experience in school and obtain a high school diploma.

(3) **DEFINITIONS.**—As used in this section, the term:

(a) ~~“Educational alternatives programs” means educational programs which are designed to offer variations of traditional instructional programs and strategies for the purpose of increasing the likelihood that grade 4 through grade 12 students who are unmotivated, or deemed habitually truant as defined in s. 228.041(28), or unsuccessful in traditional programs, remain in school and enroll in a program of study that leads to a high school diploma or its equivalent.~~

(b) ~~“Substance abuse programs” means agency-based or school-based educational programs which are designed to meet the needs of students with drug or alcohol-related problems.~~

(c) ~~“Disciplinary programs” means programs designed to provide a safe learning environment for the general school population, increase the safety of the school and the community, and provide positive intervention for students who are disruptive in the traditional school environment.~~

(d) ~~“Youth services programs” means educational programs, including conflict resolution training, provided by the school district to students participating in Department of Health and Rehabilitative Services or other state or community youth residential or day services programs.~~

(e) ~~“Second chance schools” means school district programs provided through cooperative agreements between the Department of Juvenile Jus-~~

lice, private providers, state or local law enforcement agencies, or other state agencies for students deemed habitual truants as defined in s. 228.041(28), or for students who have been disruptive or violent or who have committed serious offenses. As partnership programs, second chance schools are eligible for waivers from the Commissioner of Education to chapters 230-235 and 239 and State Board of Education rules that prevent the provision of appropriate educational services to violent, severely disruptive, and delinquent students in small nontraditional settings and in court-adjudicated settings.

(3)(4) **STUDENT ELIGIBILITY AND PROGRAM CRITERIA.**—All programs funded pursuant to the provisions of this section shall be positive and shall reflect strong parental and community involvement. In addition, specific programs shall meet the following criteria:

(a) **Educational alternatives programs.**—

(a)1. Dropout prevention programs shall differ The program differs from traditional education programs and schools in scheduling, administrative structure, philosophy, curriculum, or setting and shall employ employs alternative teaching methodologies, curricula, learning activities, or diagnostic and assessment procedures in order to meet the needs, interests, abilities, and talents of eligible students. The educational program shall provide curricula and related services which support the program goals and lead to completion of a high school diploma. Student participation in such programs shall be voluntary. Districts may, however, assign students to a program for disruptive students. The minimum period of time during which the student participates in the program shall be equivalent to two instructional periods per day unless the program utilizes a student support and assistance component rather than regularly scheduled courses.

(b)2. Students in grades 4-12 shall be eligible for drop-out prevention programs. Eligible dropout prevention students shall be reported for dropout prevention full-time equivalent student membership in the Florida Education Finance Program in standard dropout prevention classes or A student support and assistance components which component may be used to provide academic assistance and coordination of support services to students enrolled full time in a regular classroom who are eligible for educational alternative programs. The student support and assistance This component shall include auxiliary services provided to students or teachers, or both. Students participating in this model shall generate funding only for the time that they receive extra services or auxiliary help.

(c)3. A The student shall be ~~has been~~ identified as being a potential dropout based upon one of the following criteria:

1.a. The student has shown a lack of motivation in school through grades which are not commensurate with documented ability levels or high absenteeism or habitual truancy as defined in s. 228.041(28).;

2.b. The student has not been successful in school as determined by retentions, failing grades, or low achievement test scores and has needs and interests that cannot be met through traditional programs.;

~~3.c. The student has been identified as a potential school dropout by student services personnel using district criteria. District criteria that are used as a basis for student referral to an educational alternatives program shall identify specific student performance indicators that the educational alternative program seeks to address.;~~

~~d. The student has performed successfully in the educational alternatives program and wishes to remain enrolled in such program.~~

~~4. The remedial compensatory program must be coordinated in a manner which permits the exclusion of instructional staff members employed through the use of funds in this program from the comparability requirements of the Federal Compensatory Education Program.~~

~~(b) Substance abuse programs.—~~

~~1. The program shall provide basic educational instruction for students participating in non-school-based residential or day substance abuse treatment programs. Such educational programs shall provide curricula and related services which support the program goals and lead to completion of a high school diploma or its equivalent; or~~

~~4.2. The student has~~ The program shall provide school-based programs which serve students who have documented drug-related or alcohol-related problems, or has students whose immediate family members with have documented drug-related or alcohol-related problems that adversely affect the student's performance in school, ~~and shall include instruction designed to prevent substance abuse.~~

~~(c) Disciplinary programs.—~~

~~5.1. The student has a history of disruptive behavior in school or has committed an offense that warrants out-of-school suspension or expulsion from school according to the district code of student conduct. For the purposes of this program, "disruptive behavior" is behavior that:~~

a. Interferes with the student's own learning or the educational process of others and requires attention and assistance beyond that which the traditional program can provide or results in frequent conflicts of a disruptive nature while the student is under the jurisdiction of the school either in or out of the classroom; or

b. Severely threatens the general welfare of students or others with whom the student comes into contact.

6. The student is assigned to a program provided pursuant to chapter 39 which is sponsored by a state-based or community-based agency or is operated or contracted for by the Department of Children and Family Services.

~~2. The program includes but is not necessarily limited to in-school suspension, alternatives to expulsion, counseling centers, and crisis intervention centers. The program may be planned and operated in collaboration with local law enforcement or other community agencies.~~

~~3.—In-school suspension programs shall provide instruction and counseling leading to improved student behavior and the development of more effective interpersonal skills. Such programs shall be positive alternatives to out-of-school suspension programs and shall emphasize, but not be limited to, the following: enhancement of student self-esteem; improved attendance; prevention of behavior that might cause a student to enter a juvenile delinquency program; reduction in the number of discipline referrals; reduction in the number of student dropouts; and reduction in the number of out-of-school suspensions. After providing assistance, school boards shall disapprove school-based, in-school suspension programs that continually fail to directly reduce the school's expulsion or out-of-school suspension rate. The principal of each school shall prepare an annual report which delineates the number of students suspended in in-school and out-of-school suspension, the proportionate populations represented by such students, and the bases for such suspensions. The report shall include an analysis of such data and recommendations for increasing student success through the program. The report shall be distributed to all members of the school advisory council for consideration in the annual school improvement plan.~~

~~4.—A student who has been placed in detention or a court-adjudicated commitment program shall be evaluated by school district personnel upon completion of such program prior to placement of the student in an educational program. Such student shall not be automatically assigned to a disciplinary program upon reentering the school system.~~

~~5.—Prior to assigning a student to a disciplinary program of more than 10 days' duration, the district shall attempt a variety of education and student services to identify the causes of the disruptive behavior, to modify the behavior, or to provide more appropriate educational services to the student; however, a student who has committed an offense that warrants expulsion according to the district code of student conduct may be assigned to a disciplinary program without attempting a variety of services.~~

~~6.—In-school suspension programs shall be funded at the dropout prevention program weight pursuant to s. 236.081(1)(c) if the school district program provides the following in addition to the academic component:~~

~~a.—Individual and group counseling as a daily activity.~~

~~b.—A parent conference while a student is in the in-school suspension program for all suspensions of 4 days or longer or whenever a student incurs a second or subsequent suspension in the same school year.~~

~~c.—Reports regarding the specific misconduct for each student placed in in-school suspension.~~

~~If such criteria are not met, in-school suspension programs shall be funded at the basic program weight for the grade level at which the program is provided pursuant to s. 236.081.~~

~~(d)—Educational services in Department of Health and Rehabilitative Services programs.—~~

~~1.—The student is assigned to a rehabilitation program provided pursuant to chapter 39 which is sponsored by a state or community-based agency or is operated or contracted for by the Department of Health and Rehabilitative Services.~~

~~2.—Programs shall provide intensive counseling, behavior modification, and therapy in order to meet the student's individual needs. Programs may be residential or nonresidential.~~

~~3.—Any student served in a Department of Health and Rehabilitative Services program shall be provided the equivalent of instruction provided for the definition of a "school day" pursuant to s. 228.041. However, the educational services may be provided at times of the day most appropriate for the program.~~

~~4.—A program is provided which shall consist of appropriate basic academic, vocational, or exceptional curricula and related services which support the rehabilitation program goals and which may lead to completion of the requirements for receipt of a high school diploma or its equivalent, provided that the educational component of youth services programs of less than 40 days' duration which take place in a park or wilderness setting may be limited to tutorial activities and vocational employability skills.~~

~~5.—Participation in the program by students of compulsory school attendance age as provided for in s. 232.01 shall be mandatory.~~

~~6.—Districts are encouraged to implement programs that assist students in the transition between dismissal from Department of Health and Rehabilitative Services programs and school reentry.~~

~~7.—A school district may contract with a private nonprofit entity or a state or local government agency for the provision of educational programs to clients of the Department of Health and Rehabilitative Services and may generate state funding through the Florida Education Finance Program for such students.~~

(d)1. "Second chance schools" means school district programs provided through cooperative agreements between the Department of Juvenile Justice, private providers, state or local law enforcement agencies, or other state agencies for students who have been disruptive or violent or who have committed serious offenses. As partnership programs, second chance schools are eligible for waivers by the Commissioner of Education from chapters 230-235 and 239 and State Board of Education rules that prevent the provision of appropriate educational services to violent, severely disruptive, or delinquent students in small nontraditional settings or in court-adjudicated settings.

~~(e)—Second chance schools.—~~

2.1. A student enrolled in a sixth, seventh, eighth, ninth, or tenth grade class may be assigned to a second chance school if the student meets the following criteria:

a. The student is a habitual truant as defined in s. 228.041(28).

b. The student's excessive absences have detrimentally affected the student's academic progress and the student may have unique needs that a traditional school setting may not meet.

c. The student's high incidences of truancy have been directly linked to a lack of motivation.

d. The student has been identified as at risk of dropping out of school.

3.2. A student who is habitually truant may be assigned to a second chance school only if the case staffing committee, established pursuant to s. 39.426, determines that such placement could be beneficial to the student and the criteria included in subparagraph 2. 4. are met.

4.3. A student may ~~shall~~ be assigned to a second chance school if the school district in which the student resides has a second chance school and if the student meets one of the following criteria:

a. The student habitually exhibits disruptive behavior in violation of the code of student conduct adopted by the school board.

b. The student interferes with the student's own learning or the educational process of others and requires attention and assistance beyond that which the traditional program can provide, or, while the student is under the jurisdiction of the school either in or out of the classroom, frequent conflicts of a disruptive nature occur.

c. The student has committed a serious offense which warrants suspension or expulsion from school according to the district code of student conduct. For the purposes of this program, "serious offense" is behavior which:

(I) Threatens the general welfare of students or others with whom the student comes into contact;

(II) Includes violence;

(III) Includes possession of weapons or drugs; or

(IV) Is harassment or verbal abuse of school personnel or other students.

5.4. Prior to assignment of students to second chance schools, school boards are encouraged to use alternative programs, such as in-school suspension, which provide instruction and counseling leading to improved student behavior, a reduction in the incidence of truancy, and the development of more effective interpersonal skills.

6.5. Students assigned to second chance schools must be evaluated by the school's local child study team before placement in a second chance school. The study team shall ensure that students are not eligible for placement in a program for emotionally disturbed children.

7.6. Students who exhibit academic and social progress and who wish to return to a traditional school shall be evaluated by school district personnel prior to reentering a traditional school.

8.7. Second chance schools shall be funded at the dropout prevention program weight pursuant to s. 236.081 and may receive school safety funds or other funds as appropriate.

~~(4)(5) PROGRAM PLANNING AND IMPLEMENTATION.—~~

(a) Each district may establish one or more alternative programs for dropout prevention at the elementary, middle, junior high school, or high school level. Programs designed to eliminate habitual truancy shall emphasize academic performance and may provide specific instruction in the areas of vocational education, preemployment training, and behavioral management. Such programs shall utilize instructional teaching methods appropriate to the specific needs of the student.

~~(b) Any school district desiring to receive state funding for a dropout prevention program pursuant to the provisions of s. 236.081(1)(c) shall develop a comprehensive dropout prevention program plan which describes all of the programs and services which the district will make available to students pursuant to subsection (4).~~

~~(c) For each program to be provided by the district pursuant to subsection (4), the following information shall be provided in the program plan:~~

- ~~1.— Student eligibility criteria.~~
- ~~2.— Student admission procedures.~~
- ~~3.— Operating procedures.~~
- ~~4.— Program goals and outcome objectives. Measurable outcome objectives shall provide a framework for the evaluation of each dropout prevention program, which shall specify, at a minimum, the outcome to be produced, the time period during which the outcome will be produced, and to what degree the outcome will be produced.~~
- ~~5.— Qualifications of program personnel.~~
- ~~6.— A schedule for staff development activities.~~
- ~~7.— Evaluation procedures which describe how outcome objectives will be achieved and measured.~~

~~(d) Beginning with the 1994-1995 school year, district plans or amended plans may be submitted to the Department of Education dropout prevention regional offices for technical assistance and review prior to approval by the local school board.~~

~~(e) The Department of Education shall provide technical assistance upon request of the school or school district.~~

~~(b)(f)~~ Each school that establishes or continues a dropout prevention program at that school site shall reflect that program in the school improvement plan as required under s. 230.23(16)(18).

~~(c)(g)~~ Districts may modify courses listed in the State Course Code Directory for the purpose of providing dropout prevention programs pursuant to the provisions of this section. Such modifications must be approved by the commissioner and may include lengthening or shortening of the time allocated for in-class study, alternate methods of assessment of student performance, the integration of curriculum frameworks or student performance standards to produce interdisciplinary units of instruction, and activities conducted within the student support and assistance component of education alternatives.

~~(5)(6)~~ EVALUATION.—The Department of Education shall establish a set of minimum objective criteria for each program type under this section. In establishing the criteria, the department shall solicit school district input. Each school district receiving state funding for dropout prevention programs through the Florida Education Finance Program as provided for in subsection ~~(5)~~ shall submit information through an annual report to the Department of Education's database ~~Education~~ documenting the extent to which each of the district's dropout prevention programs has been successful in meeting the outcome objectives established by the district for the program. At a minimum, school districts shall develop outcome objectives for each objective criteria established by the Department of Education. Such outcome objectives shall be included in the annual report required under this subsection. The department shall develop specific review measures, pursuant to s. 229.555, to ensure that district program outcome objectives are measurable and include the number and proportion of students in dropout prevention programs who later drop out of high school, thereby assuring that these objectives will provide an accurate basis for evaluating the effectiveness of dropout prevention programs. This information shall be reported to parents pursuant to s. 230.23(18). The department shall compile this information into an annual report which shall be submitted to the presiding officers of the Legislature by February 15.

(7) STAFF DEVELOPMENT.—

(a) Each school district shall establish procedures for ensuring that teachers assigned to dropout prevention programs possess the affective, pedagogical, and content-related skills necessary to meet the needs of at-risk students. Each school board shall also ensure that adequate staff development activities are available for dropout prevention staff and that dropout prevention staff participate in these activities.

~~(b)~~ The district school boards and the department may establish a summer inservice training program for teachers and administrators which may be provided by district school boards or individual schools and which shall include, but not be limited to, instruction focusing on treating students with respect and enhancing student self-esteem, developing positive in-school intervention methods for misbehaving students, establishing strategies to involve students in classroom and school management and in reducing student misconduct, conducting student and parent conferences, and creating "student-friendly" environments at schools. Instructional personnel may use successful participation in a summer inservice training program established pursuant to this paragraph for certification extension or for adding a new

~~certification area if the district has an approved add-on certification program, pursuant to State Board of Education rules.~~

~~(6)(8) RECORDS.—Each district providing a program for dropout prevention pursuant to the provisions of this section shall maintain for each participating student for whom funding is generated through the Florida Education Finance Program records documenting the student's eligibility, the length of participation, the type of program to which the student was assigned, and an evaluation of the student's academic and behavioral performance while in the program. The parents or guardians of a student assigned to such a dropout prevention program shall be notified in writing and entitled to an administrative review of any action by school personnel relating to such placement pursuant to the provisions of chapter 120. However, for educational alternatives of choice, which are voluntary and for which a student's parent or guardian has requested participation, such notification of administrative review shall not be required.~~

~~(7)(9) COORDINATION WITH OTHER AGENCIES.—School district dropout prevention programs shall be coordinated with social service, law enforcement, prosecutorial, and juvenile justice agencies in the school district. School districts shall inventory community services and programs relevant to implementation of their comprehensive dropout prevention program plans. Notwithstanding the provisions of s. 228.093, these agencies are authorized to exchange information contained in student records and juvenile justice records. Such information is confidential and exempt from the provisions of s. 119.07(1). School districts and other agencies receiving such information shall use the information only for official purposes connected with the certification of students for admission to and for the administration of the dropout prevention program, and shall maintain the confidentiality of such information unless otherwise provided by law or rule.~~

~~(8)(40) RULES.—The Department of Education shall have the authority to adopt any rules necessary to implement the provisions of this section; such rules shall require the minimum amount of paperwork and reporting necessary to comply with this act. By January 1, 1995, current rules regarding this section shall be revised.~~

Section 9. Subsection (15) of section 230.23161, Florida Statutes, 1996 Supplement, is amended to read:

230.23161 Educational services in Department of Juvenile Justice programs.—

(15) Department of Juvenile Justice detention and commitment programs may be designated as second chance schools pursuant to s. 230.2316(3)(d)(e). Admission to such programs shall be governed by part II of chapter 39.

Section 10. Section 230.2317, Florida Statutes, is amended to read:

230.2317 Educational multiagency services for students with severe emotional disturbance ~~severely emotionally disturbed students.~~—

(1)(a) To enable ~~severely emotionally disturbed~~ students with severe emotional disturbance to develop appropriate behaviors and demonstrate academic and vocational skills, the Legislature finds that it is necessary to have an intensive, integrated educational program; a continuum of mental health treatment services; and, when needed, residential services. The Legislature finds further that the small incidence of severe emotional disturbance in the total school population requires multiagency programs to provide access to appropriate services for all ~~severely emotionally disturbed~~ students with severe emotional disturbance to ~~appropriate services~~, that local school boards should provide educational programs, and that state departments and agencies administering children's mental health funds ~~the Department of Health and Rehabilitative Services~~ should provide mental health treatment and residential services when needed. Therefore, it is the intent of the Legislature that ~~by 1985-1986~~ there be a multiagency network to provide education; mental health treatment; and, when needed, residential services for ~~severely emotionally disturbed~~ students with severe emotional disturbance.

(b) The program goals for each component of the network are to enable ~~severely emotionally disturbed~~ students with severe emotional disturbance to learn appropriate behaviors, reduce dependency, and fully participate in all aspects of school and community living; to develop individual programs for ~~severely emotionally disturbed~~ students with severe emotional disturbance, which programs include necessary educational, residential, and mental health treatment services; to provide programs and services as close as possible to the child's home in the least restrictive manner consistent with the child's needs; and to integrate a wide range of services which are necessary to support ~~severely emotionally disturbed~~ students with severe emotional disturbance and their families.

(2)(a) The Commissioner of Education, ~~and the Secretary of Children and Family Services, and the Secretary of Juvenile Justice~~ the Department of Health and Rehabilitative Services shall appoint an equal number of members to the Advisory Board for the Multiagency Service Network for ~~Severely Emotionally Disturbed~~ Students with Severe Emotional Disturbance. The duties and responsibilities of the advisory board shall include oversight of the multiagency service network to provide a continuum of education, mental health treatment, and, when needed, residential services for ~~severely emotionally disturbed~~ students with severe emotional disturbance and to assess the impact of regional projects.

(b) ~~The terms of the present members shall be extended as follows: positions 8, 10, 11, 16, and 20 shall be extended through June 30, 1995; positions 3, 9, 15, 18, and 19 shall be extended through June 30, 1996; positions 2, 5, 7, 13, and 17 shall be extended through June 30, 1997; and positions 1, 4, 6, 12, and 14 shall be extended through June 30, 1998. Following expiration of the extended terms, the Commissioner of Education and the secretary of the Department of Health and Rehabilitative Services shall appoint members to 4-year terms which shall run from July 1 through June 30. Appointments shall be made by June 1 preceding commencement of the term. A vacancy shall be filled for the remainder of the unexpired term in the same~~

manner as an initial appointment. Such appointments shall be made within 60 days after creation of the vacancy.

(c) ~~By December 31 of each year beginning in 1992, the advisory board shall prepare and submit to the Commissioner of Education, the secretary of the Department of Health and Rehabilitative Services, and the appropriate standing committees in the Senate and the House of Representatives a report detailing its findings and making specific program, legislative, and funding recommendations, and any other recommendations it deems appropriate.~~

(3) ~~The Department of Education is authorized to award grants to district school boards to develop in a rural district and in an urban district a pilot multiagency network component for severely emotionally disturbed students. The pilot grants shall allow for further statewide planning and development of a complete multiagency network for severely emotionally disturbed students with severe emotional disturbance in the state. The educational services shall be provided in a manner consistent with the requirements of ss. 230.23(4)(m) and 402.22.~~

(4) ~~State departments and agencies are~~ The Department of Health and Rehabilitative Services is authorized to use appropriate community mental health service funds for the pilot multiagency network components for severely emotionally disturbed students with severe emotional disturbance. ~~The mental health treatment services and residential services shall be provided in a manner that is consistent with chapter 394 and s. 402.22.~~

(5) ~~The network components for severely emotionally disturbed students shall be funded from the Florida Education Finance Program, Department of Health and Rehabilitative Services funds for the emotionally disturbed, and the pilot grant program from the Department of Education.~~

(6) ~~A written agreement between the district school board or boards and the Department of Health and Rehabilitative Services outlining the respective duties and responsibilities of each party shall be developed for implementation of a component of the multiagency network for severely emotionally disturbed students.~~

(7) ~~The State Board of Education and the Department of Health and Rehabilitative Services are authorized to adopt rules to carry out the intent of this section.~~

Section 11. Section 230.2318, Florida Statutes, 1996 Supplement, is amended to read:

230.2318 School resource officer program.—

(1) SCHOOL RESOURCE OFFICER PROGRAM.—School boards may establish school resource officer programs, through a cooperative agreement with law enforcement agencies or in accordance with s. 230.23175. There is hereby created a statewide school resource officer program. It is the intent of the Legislature in establishing this program that the state provide assistance to local school boards in the form of matching grants for the establish-

ment, continuation, or expansion of cooperative programs with law enforcement and community agencies for the following purposes:

- (a) ~~To perform law enforcement functions within the school setting.~~
- (b) ~~To identify and prevent, through counseling and referral, delinquent behavior, including substance abuse.~~
- (c) ~~To foster a better understanding of the law enforcement function.~~
- (d) ~~To develop positive concepts of law enforcement.~~
- (e) ~~To develop a better appreciation of citizen rights, obligations, and responsibilities.~~
- (f) ~~To provide information about crime prevention, and to promote student crime watch programs in the schools.~~
- (g) ~~To provide assistance and support for crime victims identified within the school setting, including abused children.~~
- (h) ~~To promote positive relations between students and law enforcement officers.~~
- (i) ~~To enhance knowledge of the fundamental concepts and structure of law.~~

~~(2) LOCAL SCHOOL RESOURCE OFFICER PROGRAM PLANS; APPROVAL BY COMMISSIONER; CRITERIA AND RESTRICTIONS.—~~

~~(a) Each school district desiring to establish a local school resource officer program, in conjunction with one or more law enforcement and community agencies, shall submit a proposed school resource officer program plan to the Commissioner of Education for review. Two or more districts may submit a joint plan to maximize benefits as desirable. Each plan shall contain a detailed description of the proposed local school resource officer program, including, but not limited to, the following:~~

- ~~1. An agreement between the school board and each participating law enforcement and community agency specifying the financial and other responsibilities of each party.~~
- ~~2. Program objectives and guidelines.~~
- ~~3. A provision for and description of a preservice training program for school resource officers. Each preservice training program shall be either modeled after a program jointly designed by the department, district school personnel, and law enforcement agencies, or an alternate approved by the department.~~
- ~~4. The criteria used by the employing law enforcement agency and the district in the selection of school resource officers.~~
- ~~5. Any other information required by the commissioner.~~

~~6. An agreement between the school board and the law enforcement agency regarding the school resource officer's uniform.~~

~~(b) The commissioner shall review all proposed local school resource officer program plans and shall approve those plans which meet the purposes, intent, and requirements of this section and the rules adopted by the State Board of Education pursuant to this section.~~

~~(c) If a plan is approved, the commissioner shall provide one-third of the funds for its operation from those funds appropriated by the Legislature for the operation of this program.~~

~~(d) The State Board of Education shall have the authority to promulgate rules to implement the statewide school resource officer program as established in this section.~~

~~(e) The Department of Education shall provide technical assistance to school boards desiring to establish local school resource officer programs.~~

~~(2)(3) SCHOOL RESOURCE OFFICER CERTIFICATION; DUTIES AND RESPONSIBILITIES.—~~

(a) School resource officers shall be certified law enforcement officers, as defined in s. 943.10(1), who are employed by a law enforcement agency as defined in s. 943.10(4). The powers and duties of a law enforcement officer shall continue throughout the employee's tenure as a school resource officer.

(b) School resource officers shall abide by school board policies and shall consult with and coordinate activities through the school principal, but shall be responsible to the law enforcement agency in all matters relating to employment, subject to agreements between a school board and a law enforcement agency pursuant to subparagraph (2)(a)1. Activities conducted by the school resource officer which are part of the regular instructional program of the school shall be under the direction of the principal.

~~(3)(4) APPLICATION FOR FEDERAL FUNDS.—~~The Department of Education is authorized to apply for funds from, and to submit all necessary forms to, any federal agency which may provide assistance to programs similar to the school resource officer program.

Section 12. Paragraph (b) of subsection (5) of section 230.303, Florida Statutes, is amended to read:

230.303 Superintendent of schools.—

(5)

(b) In order to qualify for the special qualification salary provided by paragraph (a), the superintendent must complete the requirements established by the Department of Education within 6 years after first taking office, ~~except that those superintendents holding office on July 1, 1980, shall have until July 1, 1986, to complete such requirements.~~

Section 13. Section 230.33, Florida Statutes, 1996 Supplement, is amended to read:

230.33 Duties and responsibilities of superintendent.—The superintendent shall exercise all powers and perform all duties listed below and elsewhere in the law; provided, that in so doing he or she shall advise and counsel with the school board. The superintendent shall perform all tasks necessary to make sound recommendations, nominations, proposals, and reports required by law to be acted upon by and rule to be made to the school board. All such recommendations, nominations, proposals, and reports by the superintendent shall be either recorded in the minutes or shall be made in writing, noted in the minutes, and filed in the public records of the board. It shall be presumed that, in the absence of the record required in this paragraph, the recommendations, nominations, and proposals required of the superintendent were not contrary to the action taken by the school board in such matters.

(1) ASSIST IN ORGANIZATION OF BOARD.—Preside at the organization meeting of the school board and transmit to the Department of Education, within 2 weeks following such meeting, a certified copy of the proceedings of organization, including the schedule of regular meetings, and the names and addresses of district school officials.

(2) REGULAR AND SPECIAL MEETINGS OF THE BOARD.—Attend all regular meetings of the school board, call special meetings when emergencies arise, and advise, but not vote, on questions under consideration.

(3) RECORDS FOR THE BOARD.—Keep minutes of all official actions and proceedings of the school board and keep such other records, including records of property held or disposed of by the school board, as may be necessary to provide complete information regarding the district school system.

(4) SCHOOL PROPERTY.—Act for the school board as custodian of school property.

~~(a) Recommend purchase and plans for control.—Recommend to the school board plans for contracting, receiving, purchasing, acquiring by the institution of condemnation proceedings if necessary, leasing, selling, holding, transmitting, and conveying title to real and personal property.~~

~~(b) Property held in trust.—Recommend to the school board plans for holding in trust and administering property, real and personal, money, or other things of value, granted, conveyed, devised, or bequeathed for the benefit of the schools of the district or of any one of them.~~

(5) SCHOOL PROGRAM; PREPARE 5-YEAR AND ANNUAL PLANS FOR.—Supervise the assembling of data and sponsor studies and surveys essential to the development of a planned school program for the entire district and prepare and recommend such a program to the school board as the basis for operating the district school system.

(6) ESTABLISHMENT, ORGANIZATION, AND OPERATION OF SCHOOLS, CLASSES, AND SERVICES.—Recommend the establishment,

organization, and operation of such schools, classes, and services as are needed to provide adequate educational opportunities for all children in the district, including:

~~(a) Schools and attendance areas.—Recommend the location of schools needed to accommodate the pupils of the district and the area from which children should attend each school.~~

~~(b) Recommend adequate facilities for all children.—Recommend plans and procedures necessary to provide adequate educational facilities for all children of the district.~~

~~(c) Elimination of school centers and consolidation of schools.—Determine when the needs of pupils can better be served by eliminating school centers and by consolidating schools; recommend to the school board plans for the elimination of such school centers as should be eliminated and for the consolidation of such schools as should be consolidated.~~

~~(d) Cooperation with other districts in maintaining schools.—Recommend plans and procedures for cooperating with school boards of adjoining districts, in this state or in bordering states, in establishing school attendance areas composed of territory lying within the districts and for the joint maintenance of district line or other schools which should serve such attendance areas, and carry out such plans and administer such schools for which his or her district is to be responsible under any agreement which is effected.~~

~~(e) Classification and standardization of schools.—Recommend plans and regulations for determining those school centers at which work should be restricted to the elementary grades, school centers at which work should be offered only in the high school grades, and school centers at which work should be offered in any or in all grades; recommend the grade or grades in which work should be offered at each school center; recommend bases for classifying and standardizing the various schools of the district in order to provide proper incentive for the improvement of all schools.~~

~~(f) Opening and closing dates of schools.—Recommend and arrange for a uniform date each year for the opening of all schools in the district, unless other dates shall be found necessary and desirable; recommend and arrange the closing dates for all schools in the district, these dates to be so determined as to assure, as far as practicable, uniform terms for all schools in the district. Recommend regulations for the closing of any or all schools during an emergency and when emergencies arise to close any or all schools in the district and immediately notify the school board of the action taken and the reason therefor.~~

~~(g) School holidays and vacation periods.—Recommend school holidays to be observed and the manner of such observance by the schools and see that such holidays as are approved by the school board are properly observed; also recommend school vacation periods.~~

~~(h) Vocational classes and schools.—Recommend plans for the establishment and maintenance of vocational schools, departments, or classes, giving instruction in career education as defined in regulations of the state board,~~

and administer and supervise instruction in such schools, departments, or classes as are established by the school board.

~~(i) Cooperation with other districts in special projects or activities.—Recommend plans and procedures for cooperating with other district school boards or with other agencies, in this state or in bordering states, in special projects or activities which can be more economically or advantageously provided by such cooperation.~~

~~(j) School lunches.—Recommend plans for the establishment, maintenance, and operation of a school lunch program consistent with state laws and regulations of the state board, and to administer and supervise such services.~~

~~(k) Exceptional education.—Recommend plans for the provision of special education classes, instruction, facilities, equipment, and related services for exceptional children.~~

(7) PERSONNEL.—Be responsible, as required herein, for directing the work of the personnel, subject to the requirements of chapter 231, and in addition the superintendent shall have the following duties:

(a) Positions, qualifications, and nominations.—Recommend to the school board duties and responsibilities which need to be performed and positions which need to be filled to make possible the development of an adequate school program in the district; recommend minimum qualifications of personnel for these various positions; and nominate in writing persons to fill such positions. ~~All nominations for reappointment of supervisors and principals shall be submitted to the school board not later than 1 week after the end of the regular legislative session. All nominations for reappointment of members of the instructional staff shall be made after conferring with the principals and shall be submitted in writing to the school board not later than 1 week after the end of the regular legislative session.~~

(b) Compensation and salary schedules.—Prepare and recommend to the school board for adoption a salary schedule or salary schedules ~~to be used as the basis for paying school employees, arranging such schedules, insofar as practicable, so as to furnish incentive for improvement in training and for continued and efficient service.~~

(c) Contracts and terms of service.—Recommend to the school board terms for contracting with employees and prepare such contracts as are approved. ~~Contracts with the members of the instructional staff are to be prepared, recommended, and executed as hereinbefore prescribed. Authority is given to make appointments to approved positions and to approve compensation therefor at the rate provided in the currently established salary schedule, pending action by the local board at its next regular or special meeting.~~

(d) Transfer and promotions.—Recommend employees for transfer and transfer any employee during any emergency and report the transfer to the school board at its next regular meeting.

(e) Suspension and dismissal.—Suspend members of the instructional staff and other school employees during emergencies for a period extending to and including the day of the next regular or special meeting of the school board and notify the school board immediately of such suspension. When authorized to do so, serve notice on the suspended member of the instructional staff of charges made against him or her and of the date of hearing. Recommend employees for dismissal under the terms prescribed herein.

(f) Direct work of employees and supervise instruction.—Direct or arrange for the proper direction and improvement, under regulations of the school board, of the work of all members of the instructional staff and other employees of the district school system and supervise or arrange under rules of the school board for the supervision of instruction in the district and take such steps as are necessary to bring about continuous improvement.

(8) CHILD WELFARE.—Recommend plans to the school board for the proper accounting for all children of school age, for the attendance and control of pupils at school, for the proper attention to health, safety, and other matters which will best promote the welfare of children in the following fields, as prescribed in chapter 232.:

~~(a) Admission, classification, promotion, and graduation of pupils.—Recommend rules and regulations for admitting, classifying, promoting, and graduating pupils to or from the various schools of the district.~~

~~(b) Enforcement of attendance laws.—Recommend plans and procedures for the enforcement of all laws and regulations relating to the attendance of pupils at school and for the employment of such qualified assistants as may be needed by the superintendent to enforce effectively those laws.~~

~~(c) Control of pupils.—Propose rules and regulations for the control, discipline, in-school suspension, suspension, and expulsion of pupils and review and modify recommendations for suspension and expulsion of pupils and transmit to the school board for action recommendations for expulsion of pupils. When the superintendent makes a recommendation for expulsion to the school board, he or she shall give written notice to the pupil and the pupil's parent or guardian of the recommendation, setting forth the charges against the pupil and advising the pupil and his or her parent or guardian of the pupil's right to due process as prescribed by ss. 120.569 and 120.57(2). When school board action on a recommendation for the expulsion of a pupil is pending, the superintendent may extend the suspension assigned by the principal beyond 10 school days if such suspension period expires before the next regular or special meeting of the school board.~~

(9) COURSES OF STUDY AND OTHER INSTRUCTIONAL AIDS.—Recommend such plans for improving, providing, distributing, accounting for, and caring for textbooks and other instructional aids as will result in general improvement of the district school system, as prescribed in chapter 233, and including the following:

~~(a) Courses of study.—Prepare and recommend for adoption, after consultation with teachers and principals and after considering any suggestions which may have been submitted by patrons of the schools, courses of study~~

for use in the schools of the district needed to supplement those prescribed by the state board.

(b) ~~Textbooks.~~—Require that all textbooks and library books furnished by the state and needed in the district are properly requisitioned, distributed, accounted for, stored, cared for, and used; and recommend such additional textbooks or library books as may be needed.

(c) ~~Other instructional aids.~~—Recommend plans for providing and facilitate the provision and proper use of such other teaching accessories and aids as are needed.

(d) ~~School library media services; establishment and maintenance.~~—Recommend plans for establishing and maintaining school library media centers, or school library media centers open to the public, and, in addition thereto, such circulating or traveling libraries as are needed for the proper operation of the district school system. Recommend plans for the establishment and maintenance of a program of school library media services for all public school students. The school library media services program shall be designed to ensure effective use of available resources and to avoid unnecessary duplication and shall include, but not be limited to, basic skills development, instructional design, media collection development, media program management, media production, staff development, and consultation and information services.

(10) TRANSPORTATION OF PUPILS.—Ascertain which pupils should be transported to school or to school activities, determine the most effective arrangement of transportation routes to accommodate these pupils; recommend such routing to the school board; recommend plans and procedures for providing facilities for the economical and safe transportation of pupils; recommend such rules and regulations as may be necessary and see that all rules and regulations relating to the transportation of pupils approved by the school board, as well as regulations of the state board, are properly carried into effect, as prescribed in chapter 234.

(11) SCHOOL PLANT.—Recommend plans, and execute such plans as are approved, regarding all phases of the school plant program, as prescribed in chapter 235, including the following:

(a) School building program.—Recommend plans and procedures for having a survey made under the direction of the department, or by some agency approved by the department, as a basis for developing a districtwide school building program as a phase of the 5-year program for the district and recommend such program when sufficient evidence is available, specifying the centers at which school work should be offered on the various levels; the type, size, and location of schools to be established; and the steps to be taken to carry out the program.

(b) Sites, buildings, and equipment.—Recommend the purchasing of school sites, playgrounds, and recreational areas located at centers at which schools are to be constructed and of adequate size to meet the need of pupils to be accommodated; or of additions to existing sites when needed; recommend the rental of buildings when necessary; recommend the erection of

buildings; recommend additions, alterations, and repairs to buildings and other school properties; ensure that all plans and specifications for buildings provide adequately for the safety of pupils as well as for economy of construction by submitting such plans and specifications to the Department of Education for approval; recommend the purchasing of furniture, books, apparatus, and other equipment necessary for the proper conduct of the work of the schools.

~~(c) Maintenance and upkeep of the school plant.—Propose plans for assuring proper maintenance and upkeep of the school plant and for the provision of the utilities and supplies for the operation of the schools; and when the plans are approved by the school board, take such steps as are necessary to see that buildings are kept in proper sanitary and physical condition and that heat, lights, water, and power and other supplies and utilities are adequate.~~

~~(d) Insurance of school property.—Propose plans and procedures for insuring economically every plant and its contents, boilers and machinery as well as school buses and other property, under the control of the school board and see that the proper records are kept of such insurance.~~

~~(e) Condemnation of buildings.—Inspect periodically all school buildings and surroundings to determine whether there are any unsanitary conditions or whether there are physical hazards which are likely to jeopardize the health or life of the pupils or instructional staff; request competent assistance from the state or other authorized agency, if necessary, to determine whether buildings found to be defective should be condemned and to recommend to the school board condemnation of buildings which should be abandoned.~~

(12) FINANCE.—Recommend measures to the school board to assure adequate educational facilities throughout the district, in accordance with the financial procedure authorized in chapters 236 and 237 and as prescribed below:

(a) Plan for operating all schools for minimum term.—Determine and recommend district funds necessary in addition to state funds to provide for at least a 180-day school term or the equivalent on an hourly basis as specified by rules which shall be adopted by the State Board of Education and recommend plans for ensuring the operation of all schools for the term authorized by the school board.

(b) Annual budget.—Prepare the annual school budget to be submitted to the school board for adoption according to law and submit this budget, when adopted by the school board, to the Department of Education on or before the date required by rules of the state board.

(c) Tax levies.—Recommend to the school board, on the basis of the needs shown by the budget, the amount of district school tax levy necessary to provide the district school funds needed for the maintenance of the public schools; recommend to the school board the tax levy required on the basis of the needs shown in the budget for the district bond interest and sinking fund of each district; and recommend to the school board to be included on

the ballot at each district millage election the school district tax levies necessary to carry on the school program.

(d) School funds.—Keep an accurate account of all funds which should be transmitted to the school board for school purposes at various periods during the year and see, insofar as possible, that these funds are transmitted promptly; report promptly to the school board any delinquencies or delays that occur in making available any funds that should be made available for school purposes.

(e) Borrowing money.—Recommend when necessary the borrowing of money as prescribed by law.

(f) Financial records and accounting.—Keep or have kept accurate records of all financial transactions.

(g) Payrolls and accounts.—Maintain accurate and current statements of accounts due to be paid by the school board; certify these statements as correct; liquidate board obligations in accordance with the official budget and rules of the school board; and prepare periodic reports as required by rules of the state board, showing receipts, balances, and disbursements to date, and file copies of such periodic reports with the Department of Education.

(h) Bonds for employees.—Recommend the bonds of all school employees who should be bonded in order to provide reasonable safeguards for all school funds or property.

(i) Contracts.—After study of the feasibility of contractual services with industry, recommend to the school board the desirable terms, conditions, and specifications for contracts for supplies, materials, or services to be rendered and see that materials, supplies, or services are provided according to contract.

(j) Investment policies.—The superintendent shall, after careful examination, recommend policies to the school board which will provide for the investment or deposit of school funds not needed for immediate expenditures which shall earn the maximum possible yield under the circumstances on such investments or deposits. The superintendent shall cause to be invested at all times all school moneys not immediately needed for expenditures pursuant to the policies of the school board.

(k) Protection against loss.—Recommend programs and procedures to the school board necessary to protect the school system adequately against loss or damage to school property or against loss resulting from any liability for which the board or its officers, agents, or employees may be responsible under law.

(l) Millage elections.—Recommend plans and procedures for holding and supervising all school district millage elections.

(m) Budgets and expenditures.—Prepare, after consulting with the principals of the various schools, tentative annual budgets for the expenditure of district funds for the benefit of public school pupils of the district.

(n) Bonds.—Recommend the amounts of bonds to be issued in the district and assist in the preparation of the necessary papers for an election to determine whether the proposed bond issue will be approved by the electors; if such bond issue be approved by the electors, recommend plans for the sale of bonds and for the proper expenditure of the funds derived therefrom.

(13) RECORDS AND REPORTS.—Recommend such records as should be kept in addition to those prescribed by rules of the state board or by the department; prepare forms for keeping such records as are approved by the school board; see that such records are properly kept; and make all reports that are needed or required, as follows:

(a) Forms, blanks, and reports.—Require that all employees keep accurately all records and make promptly in proper form all reports required by the school code or by rules of the state board; recommend the keeping of such additional records and the making of such additional reports as may be deemed necessary to provide data essential for the operation of the school system; and prepare such forms and blanks as may be required and see that these records and reports are properly prepared.

(b) Reports to the department.—Prepare, for the approval of the school board, all reports that may be required by law or rules of the state board to be made to the department and transmit promptly all such reports, when approved, to the department, as required by law. If any such reports are not transmitted at the time and in the manner prescribed by law or by state board rules, the salary of the superintendent shall be withheld until such report has been properly submitted. Unless otherwise provided by regulations of the state board, the annual report on attendance and personnel shall be due on or before July 1, and the annual school budget and the report on finance shall be due on the date prescribed by the state board.

(c) Failure to make reports; penalty.—Any superintendent who knowingly signs and transmits to any state official a false or incorrect report shall forfeit his or her right to any salary for the period of 1 year from that date.

(14) COOPERATION WITH OTHER AGENCIES.—

(a) Cooperation with governmental agencies in enforcement of laws and rules.—Recommend plans for cooperating with, and, on the basis of approved plans, cooperate with federal, state, county, and municipal agencies in the enforcement of laws and rules pertaining to all matters relating to education and child welfare.

(b) Cooperation with other local administrators to achieve the first state education goal.—Cooperate with the district administrator of the Department of Health and Rehabilitative Services and with administrators of other local public and private agencies to achieve the first state education goal, readiness to start school.

(c) Identifying and reporting names of migratory children, other information.—Recommend plans for identifying and reporting to the Department of Education the name of each child in the school district who qualifies according to the definition of a migratory child, based on Pub. L. No. 95-561, and

for reporting such other information as may be prescribed by the department.

(15) **ENFORCEMENT OF LAWS AND RULES.**—Require that all laws and rules of the state board, as well as supplementary rules of the school board, are properly observed and report to the school board any violation which the superintendent does not succeed in having corrected.

(16) **COOPERATE WITH SCHOOL BOARD.**—Cooperate with the school board in every manner practicable to the end that the district school system may continuously be improved.

(17) **VISITATION OF SCHOOLS.**—Visit the schools; observe the management and instruction; give suggestions for improvement; and advise with supervisors, principals, teachers, patrons, and other citizens with the view of promoting interest in education and improving the school conditions of the district.

(18) **CONFERENCES, INSTITUTES, AND STUDY COURSES.**—Call and conduct institutes and conferences with employees of the school board, school patrons, and other interested citizens; organize and direct study and extension courses for employees, advising them as to their professional studies; assist patrons and people generally in acquiring knowledge of the aims, services, and needs of the schools.

(19) **PROFESSIONAL AND GENERAL IMPROVEMENT.**—Attend such conferences for superintendents as may be called or scheduled by the Department of Education and avail himself or herself of means of professional and general improvement so that he or she may function most efficiently.

(20) **RECOMMEND REVOKING CERTIFICATES.**—Recommend in writing to the Department of Education the revoking of any certificate for good cause, including a full statement of the reason for the superintendent's recommendation.

(21) **MAKE RECORDS AVAILABLE TO SUCCESSOR.**—Leave with the school board and make available to his or her successor upon retiring from office a complete inventory of school equipment and other property, together with all official records and such other records as may be needed in supervising instruction and in administering the district school system.

(22) **RECOMMEND PROCEDURES FOR INFORMING GENERAL PUBLIC.**—Recommend to the school board procedures whereby the general public can be adequately informed of the educational programs, needs, and objectives of public education within the district.

(23) **SCHOOL IMPROVEMENT AND ACCOUNTABILITY.**—Recommend procedures for implementing and maintaining a system of school improvement and education accountability as provided by statute and State Board of Education rule.

(24) **OTHER DUTIES AND RESPONSIBILITIES.**—Perform such other duties as may be assigned to the superintendent by law or by rules of the state board.

Section 14. Subsection (2) of section 230.331, Florida Statutes, is amended to read:

230.331 Reproduction and destruction of district school records.—

(2) After complying with the provisions of s. 257.37, the superintendent is authorized to photograph, microphotograph, or reproduce ~~on film or prints~~, documents, records, data, and information of a permanent character which in his or her discretion he or she may select, and the superintendent is authorized to destroy any of the said documents after they have been reproduced ~~photographed~~ and after audit of the superintendent's office has been completed for the period embracing the dates of said instruments. Information Photographs or microphotographs in the form of film or prints made in compliance with the provisions of this section shall have the same force and effect as the originals thereof would have, and shall be treated as originals for the purpose of their admissibility in evidence. Duly certified or authenticated reproductions of such photographs or microphotographs shall be admitted in evidence equally with the originals original photographs or microphotographs.

Section 15. Section 230.35, Florida Statutes, is amended to read:

230.35 Schools under control of school board and superintendent.—~~Except as otherwise provided by law~~, all public schools conducted within the district shall be under the direction and control of the school board with the superintendent as executive officer.

Section 16. Sections 230.59 and 230.655, Florida Statutes, and section 230.71, Florida Statutes, as amended by chapters 95-147 and 95-376, Laws of Florida, are hereby repealed.

Section 17. Paragraph (a) of subsection (1) of section 232.01, Florida Statutes, is amended to read:

232.01 ~~Regular School attendance required between ages of 6 and 16; permitted at age of 5; exceptions.—~~

(1)(a)1. All children who have attained the age of 6 years or who will have attained the age of 6 years by February 1 of any school year or who are older than 6 years of age but who have not attained the age of 16 years, except as hereinafter provided, are required to attend school regularly during the entire school term.

2. Children who will have attained the age of 5 years on or before September 1 of the school year are eligible for admission to public kindergartens during that school year under rules prescribed by the school board.

3. Children who will have attained the age of 3 years on or before September 1 of the school year are eligible for admission to prekindergarten early intervention programs during that school year as provided in s. 230.2305 or a preschool program as provided in s. 228.061.

Section 18. Section 232.021, Florida Statutes, is amended to read:

232.021 Attendance records and reports required.—All officials, teachers, and other employees in public, parochial, denominational, and private schools, including private tutors, shall keep all records and shall prepare and submit promptly all reports that may be required by law and by regulations of state and district boards. Such records shall include a register of enrollment and attendance and all such persons named above shall make such reports therefrom as may be required by the state board. The enrollment register shall show the absence or attendance of each child enrolled for each school day of the year in a manner prescribed by the state board. The register shall be open for the inspection by the designated school representative or the superintendent or attendance assistant of the district in which the school is located. Violation of the provisions of this section shall be a misdemeanor of the second degree, punishable as provided by law.

Section 19. Section 232.0225, Florida Statutes, is amended to read:

(Substantial rewording of section. See s. 232.0225, F.S., for present text.)

232.0225 Absence for religious instruction or holidays.—Each school board shall adopt a policy which authorizes a parent or guardian to request and be granted permission for absence of a student from school for religious instruction or religious holidays.

Section 20. Section 232.023, Florida Statutes, as amended by chapter 95-147, Laws of Florida, is hereby repealed.

Section 21. Section 232.03, Florida Statutes, is amended to read:

232.03 Evidence of date of birth required.—Before admitting a child to prekindergarten or kindergarten, the principal shall require evidence that the child has attained the age at which he or she should be admitted in accordance with the provisions of s. 232.01, ~~s. 232.04, or s. 232.045~~. The superintendent may require evidence of the age of any child whom he or she believes to be within the limits of compulsory attendance as provided for by law. If the first prescribed evidence is not available, the next evidence obtainable in the order set forth below shall be accepted:

(1) A duly attested transcript of the child's birth record filed according to law with a public officer charged with the duty of recording births;

(2) A duly attested transcript of a certificate of baptism showing the date of birth and place of baptism of the child, accompanied by an affidavit sworn to by the parent;

(3) An insurance policy on the child's life which has been in force for at least 2 years;

(4) A bona fide contemporary Bible record of the child's birth accompanied by an affidavit sworn to by the parent;

(5) A passport or certificate of arrival in the United States showing the age of the child;

(6) A transcript of record of age shown in the child's school record of at least 4 years prior to application, stating date of birth; or

(7) If none of these evidences can be produced, an affidavit of age sworn to by the parent, accompanied by a certificate of age signed by a public health officer or by a public school physician, or, if neither of these shall be available in the county, by a licensed practicing physician designated by the school board, which certificate shall state that the health officer or physician has examined the child and believes that the age as stated in the affidavit is substantially correct.

Section 22. Subsection (2) of section 232.032, Florida Statutes, as created by chapter 94-320, Laws of Florida, section 232.034, Florida Statutes, as amended by chapter 95-147, Laws of Florida, and sections 232.04 and 232.045, Florida Statutes, are hereby repealed.

Section 23. Section 232.06, Florida Statutes, is amended to read:

232.06 Certificates of exemptions authorized in certain cases.—Children within the compulsory attendance age limits who hold valid certificates of exemption which have been issued by the superintendent shall be exempt from attending school. A certificate of exemption shall cease to be valid at the end of the school year in which it is issued. ~~Children entitled to such certificates and the conditions upon which they may be issued are as follows:~~

~~(1) PHYSICAL AND MENTAL DISABILITY.—Any child whose physical, mental, or emotional condition is such as to prevent his or her successful participation in regular or special education programs for exceptional children; provided, that before issuing a certificate of exemption for physical, mental, or emotional disability, the superintendent shall require the submission of a statement from the county health officer, if a licensed physician, in counties having such an officer, and in other counties from a licensed practicing physician or qualified psychological examiner designated by the district certifying that the child is physically or mentally incapacitated for school attendance; provided, further, that if appropriate programs are not available within the school system, arrangements shall be made with adjoining districts or other appropriate agencies, residential schools, or approved nonpublic schools providing appropriate programs and services as determined by the Department of Education under regulations prescribed by the state board. Any child so exempt from educational provisions shall immediately be reported to the department.~~

~~(2) EMPLOYMENT EXEMPTION.—Children who have reached 14 years of age who hold employment certificates and are employed under provisions of the Child Labor Law.~~

~~(3) JUDICIAL EXEMPTIONS.—Upon the recommendation of a circuit judge and the agreement of the superintendent, any child within the compulsory attendance age limit may be granted a certificate of exemption.~~

~~(4) CHILD CARE EXEMPTION.—A parent who does not have access to child care, provided that:~~

(a) ~~The superintendent certifies that:~~

1. ~~Space is not available in any child care center which is operated by, or under contract with, the school district and is located within 1 hour from the student's home or 30 minutes from the student's school.~~

2. ~~The student's child has been placed on the waiting list for enrollment in the child care centers operated by, or under contract with, the school district.~~

3. ~~The student is not required to enroll in the district's teenage parent program as an eligibility requirement for enrollment of the student's child in a school district child care center.~~

4. ~~When child care is not available within the school system, the district has attempted to arrange child care through the Florida Subsidized Child Care Program.~~

(b) ~~In all cases, the certificate of exemption remains valid until the student's child is placed in a child care center operated by, or under contract with, the school district, until a Florida Subsidized Child Care Program enrollment is available, or until the end of the school year, whichever occurs sooner.~~

Section 24. Section 232.09, Florida Statutes, is amended to read:

232.09 Parents responsible for attendance of children.—Each parent of a child within the compulsory attendance age shall be responsible for such child's school attendance as required by law. The absence of a child from school shall be prima facie evidence of a violation of this section; however, no criminal prosecution shall be brought against a parent, guardian, or other person having control of the child until the provisions of s. 232.17(2)(e) have been complied with. No parent of a child shall be held responsible for such child's nonattendance at school under any of the following conditions:

(1) WITH PERMISSION.—The absence was with permission of the head of the school; or

(2) WITHOUT KNOWLEDGE.—The absence was without the parent's knowledge, consent, or connivance, in which case the child shall be dealt with as a dependent child; or

(3) FINANCIAL INABILITY.—The parent was unable financially to provide necessary clothes for the child, which inability was reported in writing to the superintendent prior to the opening of school or immediately after the beginning of such inability; provided, that the validity of any claim for exemption under this subsection shall be determined by the superintendent subject to appeal to the school board; or

(4) SICKNESS, INJURY, OR OTHER INSURMOUNTABLE CONDITION.—Attendance was impracticable or inadvisable on account of sickness or injury, attested to by a written statement of a licensed practicing physician, or was impracticable because of some other stated insurmountable condition as defined by rules regulations of the state board.

Section 25. Sections 232.10, 232.13, and 232.165, Florida Statutes, are hereby repealed.

Section 26. Section 232.17, Florida Statutes, 1996 Supplement, is amended to read:

~~232.17 Enforcement of school attendance assistants; qualifications; compensation; duties.—Provisions for the employment, qualifications, compensation, and duties of attendance assistants shall be as follows:~~

~~(1) EMPLOYMENT AND QUALIFICATIONS OF ATTENDANCE ASSISTANTS.—The school board, upon the recommendation of the superintendent, may employ and fix the compensation, including reimbursement for travel, of a sufficient number of qualified attendance assistants to guarantee regular attendance at school of all children of the district within compulsory school-age requirements who are not herein exempted from attendance.~~

~~(2) DUTIES AND RESPONSIBILITIES OF ATTENDANCE ASSISTANTS.—The duties and responsibilities of the attendance assistant shall be exercised under the direction of the superintendent and shall be as follows:~~

~~(a) Maintain records.—Pupil accounting records, unless maintained by others assigned by the superintendent, shall be kept by attendance assistants. These records shall be on forms approved pursuant to regulations of the state board.~~

~~(1)(b) INVESTIGATE NONENROLLMENT AND UNEXCUSED ABSENCES.—In accordance with procedure established by the state board, a designated school representative attendance assistants shall investigate cases of nonenrollment and unexcused absences from school of all children within the compulsory school age.~~

~~(2)(c) GIVE WRITTEN NOTICE.—Under the direction of the superintendent, a designated school representative the attendance assistant shall give written notice, either in person or by return receipt registered mail, to the parent, guardian, or other person having control when no valid reason is found for a child's nonenrollment in school or when the child has a minimum of 3 but fewer than 15 unexcused absences within 90 days, requiring enrollment or attendance within 3 days from the date of notice. If such notice and requirement are ignored, the school representative attendance assistant shall report the case to the superintendent, and may refer the case to the case staffing committee, established pursuant to s. 39.426, if the conditions of s. 232.19(3) have been met. The superintendent may take such steps as are necessary to bring criminal prosecution against the parent, guardian, or other person having control. No further written notice of the child's absence from school is required to be given to the parent, guardian, or other person having control unless the child, upon his or her return to school, remains in attendance for 10 consecutive days.~~

~~(3)(d) RETURN CHILD TO PARENT.—A designated school representative The attendance assistant shall visit the home or place of residence of a child and any other place in which he or she is likely to find any child who~~

is required to attend school when such child is absent from school during school hours, and, when such child has been found, shall return the child to his or her parent or to the principal or teacher in charge of the school, or to the private tutor from whom absent.

~~(e) Visit home.—The attendance assistant shall visit promptly the home of each child of school age in his or her attendance district not in attendance upon the school, and of any child who should attend the Florida State School for the Deaf and the Blind, and who is reported as not enrolled in that school or as absent without excuse. If no valid reason is found for such nonenrollment or absence from such school or schools the attendance assistant shall give written notice to the parent, requiring the child's enrollment or attendance as prescribed above. The attendance assistant shall secure the written approval of the president of the Florida State School for the Deaf and the Blind before he or she directs or requests the parents of any child to take or send such child to that school. Ten days' notice must be given in the case of a child who is ordered sent to that school. On refusal or failure of the parent to meet such requirement, the attendance assistant shall report the same to the superintendent, and that official shall proceed to take such action as is prescribed in s. 232.19(2).~~

(4)(f) REPORT TO THE DIVISION OF JOBS AND BENEFITS.—A designated school representative The attendance assistant shall report to the Division of Jobs and Benefits of the Department of Labor and Employment Security or to any person acting in similar capacity who may be designated by law to receive such notices, all violations of the Child Labor Law that may come to his or her knowledge.

(5)(g) RIGHT TO INSPECT.—A designated school representative The attendance assistant shall have the same right of access to, and inspection of, establishments where minors may be employed or detained as is given by law to the Division of Jobs and Benefits only for the purpose of ascertaining whether children of compulsory school age are actually employed there and are actually working there regularly. The school representative attendance assistant shall, if he or she finds unsatisfactory working conditions or violations of the Child Labor Law, report his or her findings to the Division of Jobs and Benefits or its agents.

~~(h) Record of visits.—The attendance assistant shall keep an accurate record of all children returned to schools or homes, of all cases prosecuted, and of all other service performed. A written report of all such activities shall be made quarterly to the school board and shall be filed in the office of the superintendent.~~

Section 27. Subsections (3) and (5) of section 232.19, Florida Statutes, 1996 Supplement, are amended to read:

232.19 Court procedure and penalties.—The court procedure and penalties for the enforcement of the provisions of this chapter, relating to compulsory school attendance, shall be as follows:

(3) HABITUAL TRUANCY CASES.—A designated school representative The school social worker, the attendance assistant, or the school superin-

tendent's designee ~~if there is no school social worker or attendance assistant~~ shall refer a student who is habitually truant and the student's family to the children-in-need-of-services and families-in-need-of-services provider or the case staffing committee, established pursuant to s. 39.426, as determined by the cooperative agreement required in this section. The case staffing committee may request the Department of Juvenile Justice or its designee to file a child-in-need-of-services petition based upon the report and efforts of the school district or other community agency or may seek to resolve the truancy behavior through the school or community-based organizations or agencies. Prior to and subsequent to the filing of a child-in-need-of-services petition due to habitual truancy, the appropriate governmental agencies must allow a reasonable time to complete actions required by this subsection to remedy the conditions leading to the truant behavior. The following criteria must be met and documented in writing prior to the filing of a petition:

(a) The child must have 15 unexcused absences within 90 days with or without the knowledge or consent of the child's parent or legal guardian and must not be exempt from attendance by virtue of being over the age of compulsory school attendance or by meeting the criteria in s. 232.06, s. 232.09, or any other exemption specified by law or the rules of the State Board of Education.

(b) In addition to the actions described in s. 232.17, the school administration must have completed the following activities to determine the cause, and to attempt the remediation, of the child's truant behavior:

1. After a minimum of 3 and prior to 15 unexcused absences within 90 days, one or more meetings must have been held, either in person or by phone, between a designated school representative ~~attendance assistant or school social worker~~, the child's parent or guardian, and the child, if necessary, to report and to attempt to solve the truancy problem. However, if the designated school representative ~~attendance assistant or school social worker~~ has documented the refusal of the parent or guardian to participate in the meetings, this requirement has been met.

2. Educational counseling must have been provided to determine whether curriculum changes would help solve the truancy problem, and, if any changes were indicated, such changes must have been instituted but proved unsuccessful in remedying the truant behavior. Such curriculum changes may include enrollment of the child in a dropout prevention an alternative education program that meets the specific educational and behavioral needs of the child, including a second chance school, as provided for in s. 230.2316, designed to resolve truant behavior.

3. Educational evaluation, which may include psychological evaluation, must have been provided to assist in determining the specific condition, if any, that is contributing to the child's nonattendance. The evaluation must have been supplemented by specific efforts by the school to remedy any diagnosed condition.

If a child within the compulsory school attendance age is responsive to the interventions described in this paragraph and has completed the necessary

requirements to pass the current grade as indicated in the district pupil progression plan, the child shall be passed.

(c) The district manager of the Department of Juvenile Justice or the district manager's designee and the superintendent of the local school district or the superintendent's designee must have developed a cooperative interagency agreement which clearly defines each department's role, responsibility, and function in working with habitual truants and their families. The interagency agreement shall specify that the participants address issues of streamlining service delivery, the appropriateness of legal intervention, case management, the role and responsibility of the case staffing committee, student and parental intervention and involvement, and community action plans. The interagency agreement shall delineate timeframes for implementation and identify a mechanism for reporting results by the district juvenile justice manager or the district manager's designee and the superintendent of schools or the superintendent's designee to the Department of Juvenile Justice and the Department of Education and other governmental entities as needed. The cooperative agreement may designate which agency shall be responsible for the intervention steps in s. 39.01(73), or this section, if such designation shall yield more effective and efficient intervention services.

(5) PROCEEDINGS AND PROSECUTIONS; WHO MAY BEGIN.—Proceedings or prosecutions under the provisions of this chapter may be begun by the superintendent, by a designated school representative ~~an attendance assistant~~, by the probation officer of the county, by the executive officer of any court of competent jurisdiction, or by an officer of any court of competent jurisdiction, or by a duly authorized agent of the Department of Education.

(6) PENALTIES.—The penalties for refusing or failing to comply with the provisions of this chapter shall be as follows:

(a) The parent.—A parent who refuses or fails to have a child who is under his or her control attend school regularly, or who refuses or fails to comply with the requirements in subsection (3), is guilty of a misdemeanor of the second degree, punishable as provided by law. The continued or habitual absence of a child without the consent of the principal or teacher in charge of the school he or she attends or should attend, or of the tutor who instructs or should instruct him or her, is prima facie evidence of a violation of this chapter; however, the court of the appropriate jurisdiction, upon finding that the parent has made a bona fide and diligent effort to control and keep the child in school, shall excuse the parent from any criminal liability prescribed herein and shall refer the parent and child for counseling, guidance, or other needed services.

(b) The principal or teacher.—A principal or teacher in charge of a school, public, parochial, denominational, or private, or a private tutor who willfully violates any provision of this chapter may, upon satisfactory proof of such violation, have his or her certificate revoked by the Department of Education.

(c) The employer.—An employer who fails to notify the superintendent when he or she ceases to employ a child is guilty of a misdemeanor of the second degree, punishable as provided by law.

Section 28. Subsections (2) and (3) of section 232.245, Florida Statutes, and section 232.2452, Florida Statutes, as amended by chapter 95-147, Laws of Florida, are hereby repealed.

Section 29. Section 232.2461, Florida Statutes, is hereby repealed.

Section 30. Section 232.2462, Florida Statutes, is amended to read:

232.2462 Attendance requirement for receipt of high school credit; Definition of "credit".—

(1)(a) For the purposes of requirements for high school graduation, one full credit means a minimum of 150 hours of bona fide instruction in a designated course of study which contains student performance standards as provided for in s. 232.2454. Six semester credit hours of instruction earned through enrollment pursuant to s. 240.116 shall also equal one full credit.

(b) The hourly requirements for one-half credit are one-half the requirements specified in paragraph (a).

~~(2) A student may not be awarded a credit if he or she has not been in for instruction for a minimum of 135 hours unless he or she has demonstrated mastery of the student performance standards in the course of study as provided by rules of the district school board. Excused absences as determined by the district school board and as carried out by the secondary school principal shall not be counted against the 135-hour minimum requirement. Criteria for determining excused absences shall be as provided in s. 232.0225, absence for religious instruction, or a religious holiday, and s. 232.09(4), absence due to sickness, injury, or other insurmountable condition, and absence due to participation in an academic class or program. Missed work shall be made up, as provided in the pupil progression plan established by the district school board by rule, for all excused absences. The difference between the 135-hour minimum requirement and the 150-hour definition of full credit established in this section may at the discretion of the secondary school principal be used for noninstructional extracurricular activities unless otherwise provided by district school board rule. In credit programs operated in the period beyond 180 school days, each full-credit course must be established for a minimum of 120 hours.~~

(2)(3) In awarding credit for high school graduation, each school district shall maintain a one-half credit earned system which shall include courses provided on a full-year basis. A student enrolled in a full-year course shall receive one-half credit if the student successfully completes either the first half or the second half of a full-year course but fails to successfully complete the other half of the course and the averaging of the grades obtained in each half would not result in a passing grade. A student enrolled in a full-year course shall receive a full credit if the student successfully completes either the first half or the second half of a full-year course but fails to successfully complete the other half of the course and the averaging of the grades obtained in each half would result in a passing grade, provided that such additional requirements specified in school board policies, such as class

attendance, homework, participation, and other indicators of performance, shall be successfully completed by the student.

Section 31. Subsections (2) and (3) of section 232.2468, Florida Statutes, as amended by chapters 96-221 and 96-406, Laws of Florida, are hereby repealed, and subsection (1) of said section is renumbered as subsections (41), (42), and (43) of section 228.041, Florida Statutes, 1996 Supplement, and amended to read:

228.041 Definitions.—Specific definitions shall be as follows, and wherever such defined words or terms are used in the Florida School Code, they shall be used as follows:

(1) ~~DEFINITION.~~—

(41)(a) GRADUATION RATE.—The term “graduation rate” means the percentage calculated by dividing the number of entering 9th graders into the number of students who receive, 4 years later, a high school diploma, a special diploma, or a certificate of completion, as provided for in s. 232.246, or who receive a special certificate of completion, as provided in s. 232.247, and students 19 years of age or younger who receive a general equivalency diploma, as provided in s. 229.814. The number of 9th grade students used in the calculation of a graduation rate for this state shall be students enrolling in the grade for the first time.

(42)(b) HABITUAL TRUANCY RATE.—The term “habitual truancy rate” means the annual percentage of students in membership within the age of compulsory school attendance pursuant to s. 232.01 who are classified as habitual truants as defined in subsection s. 228.041(28).

(43)(c) DROPOUT RATE.—The term “dropout rate” means the annual percentage calculated by dividing the number of students over the age of compulsory school attendance, pursuant to s. 232.01, at the time of the fall membership count, into the number of students who withdraw from school during a given school year and who are classified as dropouts pursuant to subsection s. 228.041(29).

~~The State Board of Education may adopt rules to implement this subsection.~~

Section 32. Section 232.257, Florida Statutes, as amended by chapters 95-147 and 95-376, Laws of Florida, and section 232.258, Florida Statutes, as created by chapter 94-209, Laws of Florida, are hereby repealed.

Section 33. Subsection (3) of section 232.271, Florida Statutes, 1996 Supplement, is amended to read:

232.271 Removal by teacher.—

(3) If a teacher removes a student from class under subsection (2), the principal may place the student in another appropriate classroom, in in-school suspension, or in a dropout prevention ~~an alternative education~~ program as provided by s. 230.2316; or the principal may recommend the student for out-of-school suspension or expulsion, as appropriate. The student

may be prohibited from attending or participating in school-sponsored or school-related activities. The principal may not return the student to that teacher's class without the teacher's consent unless the committee established under s. 232.272 determines that such placement is the best or only available alternative. The teacher and the placement review committee must render decisions within 5 days of the removal of the student from the classroom.

Section 34. Sections 232.276, 232.3015, and 232.303, Florida Statutes, and section 232.304, Florida Statutes, as amended by chapter 95-147, Laws of Florida, are hereby repealed.

Section 35. Section 233.011, Florida Statutes, as amended by chapter 95-147, Laws of Florida, is hereby repealed.

Section 36. Section 233.061, Florida Statutes, is amended to read:

233.061 Required instruction.—

(1) Each school district shall provide all courses required for high school graduation and appropriate instruction designed to ensure that students meet state board adopted standards in the following subject areas: reading and other language arts, mathematics, science, social studies, foreign languages, health and physical education, and the arts.

(2)(4) Members of the instructional staff of the public schools, subject to the rules and regulations of the state board and of the school board, shall teach efficiently and faithfully, using the books and materials required, following the prescribed courses of study, and employing approved methods of instruction, the following:

(a) The content of the Declaration of Independence and how it forms the philosophical foundation of our government.;

(b) The arguments in support of adopting our republican form of government, as they are embodied in the most important of the Federalist Papers.;

(c) The essentials of the United States Constitution and how it provides the structure of our government.;

(d) Flag education, including proper flag display and flag salute.;

(e) The elements of civil government.;

(f) The history of the Holocaust (1933-1945), the systematic, planned annihilation of European Jews and other groups by Nazi Germany, a watershed event in the history of humanity, to be taught in a manner that leads to an investigation of human behavior, an understanding of the ramifications of prejudice, racism, and stereotyping, and an examination of what it means to be a responsible and respectful person, for the purposes of encouraging tolerance of diversity in a pluralistic society and for nurturing and protecting democratic values and institutions.;

(g) The history of African-Americans, including the history of African peoples before the political conflicts that led to the development of slavery, the passage to America, the enslavement experience, abolition, and the contributions of African-Americans to society.;

(h) The elementary principles of agriculture.;

(i) The true effects of all alcoholic and intoxicating liquors and beverages and narcotics upon the human body and mind.;

(j) Kindness to animals.;

(k) The history of the state.;

(l) The conservation of natural resources.;

(m) Comprehensive health education that addresses concepts of community health; consumer health; environmental health; family life, including an awareness of the benefits of sexual abstinence as the expected standard and the consequences of teenage pregnancy; mental and emotional health; injury prevention and safety; nutrition; personal health; prevention and control of disease; and substance use and abuse.

~~(n)~~(m) Such additional materials, subjects, courses, or fields in such grades as may be prescribed by law or by rules of the state board and the school board in fulfilling the requirements of law.

~~(2) State and district school officials shall furnish and put into execution a system and method of teaching the true effects of alcohol and narcotics on the human body and mind, provide the necessary textbooks, literature, equipment, and directions, see that such subjects are efficiently taught by means of pictures, charts, oral instruction, and lectures and other approved methods, and require such reports as are deemed necessary to show the work which is being covered and the results being accomplished.~~

(3) Any child whose parent presents to the school principal a signed statement that the teaching of disease, its symptoms, development, and treatment, and the viewing of pictures or motion pictures that teach about disease, conflict with the religious teachings of the child's religious affiliation, is exempt from such instruction; and a child so exempted may not be penalized by reason of that exemption.

Section 37. Section 233.0612, Florida Statutes, is created to read:

233.0612 Authorized instruction.—Each school district may provide students with programs and instruction at the appropriate grade levels in areas including, but not limited to, the following:

(1) Character development and law education.

(2) The objective study of the Bible and religion.

(3) Traffic education.

- (4) Free enterprise and consumer education.
- (5) Programs to encourage patriotism and greater respect for country.
- (6) Drug abuse resistance education.
- (7) Comprehensive health education.
- (8) Care of nursing home patients.
- (9) Instruction in acquired immune deficiency syndrome.
- (10) Voting instruction including the use of county voting machines.
- (11) Before-school and after-school programs.

Section 38. Section 233.0615, Florida Statutes, as amended by chapter 94-209, Laws of Florida, section 233.06411, Florida Statutes, as created by chapter 95-180, Laws of Florida, sections 233.0645, 233.065, 233.0661, and 233.0662, Florida Statutes, subsections (2), (3), (4), (5), (6), and (7) of section 233.0663, Florida Statutes, as amended by chapter 95-147, Laws of Florida, section 233.067, Florida Statutes, as amended by chapters 94-232, 95-147, and 96-307, Laws of Florida, section 233.0671, and subsections (3) and (4) of section 233.068, Florida Statutes, are hereby repealed.

Section 39. Paragraph (a) of subsection (2) of section 233.07, Florida Statutes, is amended to read:

233.07 State instructional materials committees.—

(2)(a) All appointments shall be pursuant to the conditions prescribed in this section. No member shall serve more than two consecutive terms on any committee. ~~After October 1, 1991, All appointments shall be for 18-month terms. All vacancies shall be filled in the manner of the original appointment for only the time remaining in the unexpired term. A committee member whose term has not expired as of July 1, 1991, shall continue to serve for the remaining period of his or her appointment.~~ At no time may a school district have more than one representative on a committee, it being the intent of the Legislature to involve representatives from the maximum number of school districts in the process of instructional materials selection. The Commissioner of Education and a member of the Department of Education whom he or she shall designate shall be additional and ex officio members of each committee.

Section 40. Section 234.041, Florida Statutes, is renumbered as section 316.72, Florida Statutes.

Section 41. Sections 234.0515 and 234.061, Florida Statutes, and section 234.091, Florida Statutes, as amended by chapter 95-147, Laws of Florida, are hereby repealed.

Section 42. Section 234.302, Florida Statutes, is renumbered as section 316.75, Florida Statutes, and amended to read:

316.75 234.302 School crossing guards.—The Department of Transportation shall adopt uniform guidelines for the training of school crossing guards. Each local governmental entity administering a school crossing guard program shall provide a training program for school crossing guards according to the uniform guidelines for the training of school crossing guards adopted by the Department of Transportation. Successful completion of the such training program shall be required of each school guard except:

- (1) A person who received equivalent training during employment as a law enforcement officer.;
- (2) A person who receives less than \$5,000 in annual compensation in a county with a population of less than 75,000.;
- (3) A student who serves in a school patrol.

School crossing guard training programs may be made available to nonpublic schools upon contract.

Section 43. Paragraphs (c) and (d) of subsection (5) of section 24.121, Florida Statutes, 1996 Supplement, are amended to read:

24.121 Allocation of revenues and expenditure of funds for public education.—

(5)

(c) A portion of such net revenues, as determined annually by the Legislature, shall be distributed to each school district and shall be made available to each public school in the district for enhancing school performance through development and implementation of a school improvement plan pursuant to s. 230.23(16)(18).

(d) Beginning July 1, 1993, no funds shall be released for any purpose from the Educational Enhancement Trust Fund to any school district in which one or more schools do not have an approved school improvement plan pursuant to s. 230.23(16)(18).

Section 44. Paragraph (b) of subsection (73) of section 39.01, Florida Statutes, 1996 Supplement, are amended to read:

39.01 Definitions.—When used in this chapter:

(73) “To be habitually truant” means that:

(b) In addition to the actions described in s. 232.17, the school administration has completed the following escalating activities to determine the cause, and to attempt the remediation, of the child’s truant behavior:

1. After a minimum of 3 and prior to 15 unexcused absences within 90 days, one or more meetings have been held, either in person or by phone, between a designated school representative attendance assistant or school social worker, the child’s parent or guardian, and the child, if necessary, to

report and to attempt to solve the truancy problem. However, if the designated school representative ~~attendance assistant or school social worker~~ has documented the refusal of the parent or guardian to participate in the meetings, then this requirement has been met;

2. Educational counseling has been provided to determine whether curriculum changes would help solve the truancy problem, and, if any changes were indicated, such changes were instituted but proved unsuccessful in remedying the truant behavior. Such curriculum changes may include enrollment of the child in an alternative education program that meets the specific educational and behavioral needs of the child, including a second chance school, as provided for in s. 230.2316, designed to resolve truant behavior;

3. Educational evaluation, pursuant to the requirements of s. 232.19(3)(b)3., has been provided; and

4. The designated school representative ~~social worker, the attendance assistant, or the school superintendent's designee if there is no school social worker or attendance assistant~~ has referred the student and family to the children-in-need-of-services and families-in-need-of-services provider or the case staffing committee, established pursuant to s. 39.426, as determined by the cooperative agreement required in s. 232.19(3). The case staffing committee may request the department or its designee to file a child-in-need-of-services petition based upon the report and efforts of the school district or other community agency or may seek to resolve the truancy behavior through the school or community-based organizations or agencies.

If a child within the compulsory school attendance age is responsive to the interventions described in this paragraph and has completed the necessary requirements to pass the current grade as indicated in the district pupil progression plan, the child shall not be determined to be habitually truant. If a child within the compulsory school attendance age has 15 unexcused absences or fails to enroll in school, the State Attorney may file a child-in-need-of-services petition. Prior to filing a petition, the child must be referred to the appropriate agency for evaluation. After consulting with the evaluating agency, the State Attorney may elect to file a child-in-need-of-services petition.

Section 45. Paragraph (a) of subsection (3) and subsections (8) and (12) of section 228.053, Florida Statutes, are amended to read:

228.053 Developmental research schools.—

(3) MISSION.—The mission of a developmental research school shall be the provision of a vehicle for the conduct of research, demonstration, and evaluation regarding management, teaching, and learning. Programs to achieve the mission of a developmental research school shall embody the goals and standards of “Blueprint 2000” established pursuant to ss. 229.591 and 229.592 and shall ensure an appropriate education for its students.

(a) Each developmental research school shall emphasize mathematics, science, computer science, and foreign languages. The primary goal of a

developmental research school is to enhance instruction and research in such specialized subjects by using the resources available on a state university campus, while also providing an education in nonspecialized subjects. Each developmental research school shall provide sequential elementary and secondary instruction where appropriate. A developmental research school may not provide instruction at grade levels higher than grade 12 without authorization from the State Board of Education. Each developmental research school shall develop and implement a school improvement plan pursuant to s. 230.23(16)(18).

(8) **ADVISORY BOARDS.**—“Blueprint 2000” provisions and intent specify that each public school in the state shall establish a school advisory council that is reflective of the population served by the school, pursuant to s. 229.58, and is responsible for the development and implementation of the school improvement plan pursuant to s. 230.23(16)(18). Developmental research schools shall comply with the provisions of s. 229.58 in one of two ways:

(a) **Two advisory bodies.**—Each developmental research school may:

1. Establish an advisory body pursuant to the provisions and requirements of s. 229.58 to be responsible for the development and implementation of the school improvement plan, pursuant to s. 230.23(16)(18).

2. Establish an advisory board to provide general oversight and guidance. The dean of the affiliated college of education shall be a standing member of the board, and the president of the university shall appoint three faculty members from the college of education, one layperson who resides in the county in which the school is located, and two parents or legal guardians of students who attend the developmental research school to serve on the advisory board. The term of each member shall be for 2 years, and any vacancy shall be filled with a person of the same classification as his or her predecessor for the balance of the unexpired term. The president shall stagger the terms of the initial appointees in a manner that results in the expiration of terms of no more than two members in any year. The president shall call the organizational meeting of the board. The board shall annually elect a chair and a vice chair. There shall be no limitation on successive appointments to the board or successive terms that may be served by a chair or vice chair. The board shall adopt internal organizational procedures or bylaws necessary for efficient operation as provided in chapter 120. Board members shall not receive per diem or travel expenses for the performance of their duties. The board shall:

a. Meet at least quarterly.

b. Monitor the operations of the school and the distribution of moneys allocated for such operations.

c. Establish necessary policy, program, and administration modifications.

d. Evaluate biennially the performance of the director and principal and recommend corresponding action to the dean of the college of education.

e. Annually review evaluations of the school's operation and research findings.

(b) One advisory body.—Each developmental research school may establish an advisory body responsible for the development and implementation of the school improvement plan, pursuant to s. 230.23(16)(48), in addition to general oversight and guidance responsibilities. The advisory body shall reflect the membership composition requirements established in s. 229.58, but may also include membership by the dean of the college of education and additional members appointed by the president of the university that represent faculty members from the college of education, the university, or other bodies deemed appropriate for the mission of the school.

(12) EXCEPTIONS TO LAW.—To encourage innovative practices and facilitate the mission of the developmental research schools, in addition to the exceptions to law specified in s. 229.592(6), the following exceptions shall be permitted for developmental research schools:

(a) The methods and requirements of the following statutes shall be held in abeyance: ss. 230.01; 230.02; 230.03; 230.04; 230.05; 230.061; 230.08; 230.10; 230.105; 230.11; 230.12; 230.15; 230.16; 230.17; 230.173; 230.18; 230.19; 230.201; 230.202; 230.21; 230.22; 230.2215; 230.2318; 230.232; 230.24; 230.241; 230.26; 230.28; 230.30; 230.303; 230.31; 230.32; 230.321; 230.33; 230.35; 230.39; ~~230.59~~; 230.63; 230.64; 230.643; ~~230.655~~; 234.01; 234.021; ~~234.0515~~; ~~234.061~~; 234.112; 316.75 ~~234.302~~; 236.25; 236.261; 236.29; 236.31; 236.32; 236.35; 236.36; 236.37; 236.38; 236.39; 236.40; 236.41; 236.42; 236.43; 236.44; 236.45; 236.46; 236.47; 236.48; 236.49; 236.50; 236.51; 236.52; 236.55; 236.56; 237.051; 237.071; 237.091; 237.201; and 237.40. With the exception of subsection (16) (48) of s. 230.23, s. 230.23 shall be held in abeyance. Reference to school boards in s. 230.23(16)(48) shall mean the president of the university or the president's designee.

(b) The following statutes or related rules may be waived for any developmental research school so requesting, provided the general statutory purpose of each section is met and the developmental research school has submitted a written request to the Joint Developmental Research School Planning, Articulation, and Evaluation Committee for approval pursuant to this subsection: ss. 229.555; 231.291; 232.2462; 232.36; 233.34; 237.01; 237.02; 237.031; 237.041; 237.061; 237.081; 237.111; 237.121; 237.131; 237.141; 237.151; 237.161; 237.162; 237.171; 237.181; 237.211; and 237.34. Notwithstanding reference to the responsibilities of the superintendent or school board in chapter 237, developmental research schools shall follow the policy intent of the chapter and shall, at least, adhere to the general state agency accounting procedures established in s. 11.46.

1. Two or more developmental research schools may jointly originate a request for waiver and submit the request to the committee if such waiver is approved by the school advisory council of each developmental research school desiring the waiver.

2. A developmental research school may submit a request to the committee for a waiver if such request is presented by a school advisory council established pursuant to s. 229.58, if such waiver is required to implement

a school improvement plan required by s. 230.23(16)(18), and if such request is made using forms established pursuant to s. 229.592(6). The Joint Developmental Research School Planning, Articulation, and Evaluation Committee shall monitor the waiver activities of all developmental research schools and shall report annually to the department and the Florida Commission on Education Reform and Accountability, in conjunction with the feedback report required pursuant to s. 229.592(3), the number of waivers requested and submitted to the committee by developmental research schools, and the number of such waiver requests not approved. For each waiver request not approved, the committee shall report the statute or rule for which the waiver was requested, the rationale for the developmental research school request, and the reason the request was not approved.

(c) The written request for waiver of statute or rule shall indicate at least how the general statutory purpose will be met, how granting the waiver will assist schools in improving student outcomes related to the student performance standards adopted pursuant to s. 229.592(5), and how student improvement will be evaluated and reported. In considering any waiver, the committee shall ensure protection of the health, safety, welfare, and civil rights of the students and protection of the public interest.

(d) The procedure established in s. 229.592(6)(f) shall be followed for any request for a waiver which is not denied, or for which a request for additional information is not issued.

Notwithstanding the request provisions of s. 229.592(6), developmental research schools shall request all waivers through the Joint Developmental Research School Planning, Articulation, and Evaluation Committee, as established in s. 228.054. The committee shall approve or disapprove said requests pursuant to this subsection and s. 229.592(6); however, the Commissioner of Education shall have standing to challenge any decision of the committee should it adversely affect the health, safety, welfare, or civil rights of the students or public interest. The department shall immediately notify the committee and developmental research school of the decision and provide a rationale therefor.

Section 46. Subsections (1), (2), and (3) of section 228.061, Florida Statutes, are amended to read:

228.061 Other public schools; preschool programs, prekindergarten early intervention programs, school-age child care programs, special schools and courses.—The public schools of Florida may, in addition to the schools prescribed in s. 228.051, include preschool programs, prekindergarten early intervention programs, school-age child care programs, special schools, and courses and classes as authorized below:

(1) **PRESCHOOL PROGRAMS.**—Preschool programs shall comprise classes for children who have attained the ages prescribed by s. 232.01232.045 and may be established at the discretion of the school board. Such programs or classes shall be supported and maintained from district taxes, from such funds supplemented by tuition charges, or from funds from federal or other lawful sources, exclusive of state sources; however, state funds

may be used to support prekindergarten early intervention programs pursuant to s. 230.2305.

(2) **PREKINDERGARTEN EARLY INTERVENTION PROGRAMS.**—Prekindergarten early intervention programs shall consist of educational and enrichment activities for children who have attained the ages prescribed by s. 232.01 ~~232.045~~. Such programs shall be supported and maintained by state funds, district funds, tuition charges, or such funds as may be available from federal or other lawful sources.

(3) **SCHOOL-AGE CHILD CARE PROGRAMS.**—School-age child care programs shall consist of educational and recreational programs provided before and after the regular school day and during school holidays to children eligible to attend public schools as provided by s. ss. 232.01, 232.04, and 232.045. Such programs shall be supported and maintained from state or district funds, tuition charges, and such funds as may be available from federal or other lawful sources.

Section 47. Subsection (4) of section 229.0535, Florida Statutes, 1996 Supplement, is amended to read:

229.0535 Authority to enforce school improvement.—It is the intent of the Legislature that all public schools be held accountable for ensuring that students perform at acceptable levels. A system of school improvement and accountability that assesses student performance by school, identifies schools not providing adequate progress, and institutes appropriate measures for enforcing improvement shall be the responsibility of the State Board of Education.

(4) The State Board of Education is authorized to require the Department of Education or Comptroller to withhold any transfer of state funds to the school district if, within the timeframe specified in state board action, the school district has failed to comply with said action ordered to improve low-performing schools. Withholding the transfer of funds shall occur only after all other recommended actions for school improvement have failed to improve the performance of the school. The State Board of Education may invoke the same penalty to any school board that fails to develop and implement a plan for assistance and intervention for low-performing schools as specified in s. 230.23(16)~~(18)~~(c).

Section 48. Subsection (3) of section 229.565, Florida Statutes, is amended to read:

229.565 Educational evaluation procedures.—

(3) **EDUCATION EVALUATION.**—The Commissioner of Education, or the Auditor General as provided in paragraph (a), shall periodically examine and evaluate procedures, records, and programs in each district to determine compliance with law and rules established by the state board and in each correctional institution operated by the Department of Corrections to determine compliance with law and rules established by the Department of Corrections for the Correctional Education Program pursuant to s. 944.801. Such evaluations shall include, but not be limited to:

(a) Reported full-time equivalent membership in each program category. This evaluation shall be conducted by the Auditor General for the Florida Education Finance Program full-time enrollment verification function.

(b) The organization of all special programs to ensure compliance with law and the criteria established and approved by the state board pursuant to the provisions of this section and s. 230.23(4)(m).

(c) The procedures for identification and placement of students in educational alternative programs for students who are disruptive or unsuccessful in a normal school environment and for diagnosis and placement of students in special programs for exceptional students, to determine that the district is following the criteria for placement established by rules of the state board and the procedures for placement established by that district school board.

~~(d) Procedures for screening, identification, and assignment of instructional strategies of the Florida Primary Education Program, or an approved alternative program as provided in s. 230.2312, and any other provisions of the program.~~

(d)(e) An evaluation of the standards by which the school district evaluates basic and special programs for quality, efficiency, and effectiveness.

(e)(f) Determination of the ratio of administrators to teachers in each school district.

(f)(g) Compliance with the cost accounting and reporting requirements of s. 237.34 and the extent to which the percentage expenditure requirements therein are being met.

(g)(h) Clearly defined data collection and documentation requirements, including specifications of which records and information need to be kept and how long the records need to be retained. The information and documentation needs for evaluation shall be presented to the school districts and explained well in advance of the actual audit date.

(h)(i) Determination of school district achievement in meeting the performance standards specified in s. 232.2454(1).

Section 49. Subsection (2) of section 229.58, Florida Statutes, is amended to read:

229.58 District and school advisory councils.—

(2) DUTIES.—Each advisory council shall perform such functions as are prescribed by regulations of the school board; however, no advisory council shall have any of the powers and duties now reserved by law to the school board. Each school advisory council shall assist in the preparation and evaluation of the school improvement plan required pursuant to s. 230.23(16)(18) and shall provide such assistance as the principal may request in preparing the school's annual budget and plan as required by s. 229.555(1).

Section 50. Subsections (1) and (6), paragraphs (b) and (e) of subsection (3), and paragraph (c) of subsection (4) of section 229.592, Florida Statutes, 1996 Supplement, are amended to read:

229.592 Implementation of state system of school improvement and education accountability.—

(1) DEVELOPMENT.—It is the intent of the Legislature that every public school in the state shall have a school improvement plan, as required by s. 230.23~~(16)~~(18), fully implemented and operational by the beginning of the 1993-1994 school year. Vocational standards considered pursuant to s. 239.229 shall be incorporated into the school improvement plan for each area technical center operated by a school board by the 1994-1995 school year, and area technical centers shall prepare school report cards incorporating such standards, pursuant to s. 230.23~~(16)~~(18), for the 1995-1996 school year. In order to accomplish this, the Florida Commission on Education Reform and Accountability and the school districts and schools shall carry out the duties assigned to them by ss. 229.594 and 230.23~~(16)~~(18), respectively. In addition, the following initial steps in program development shall be undertaken beginning June 1, 1991, and shall continue during the 1991-1992 school fiscal year:

(a) Each school shall conduct an initial needs assessment including separately each school-within-a-school, magnet school, self-contained educational alternative center, or satellite center, and the results of the assessments shall be accompanied by a needs response plan and submitted to the Florida Commission on Education Reform and Accountability by November 1, 1991. The commissioner must provide a format for the needs assessments to the school board by June 1, 1991, and the local school board shall coordinate each needs assessment. The assessments shall be based on data from the 1990-1991 school year and shall address at least the following:

1. The status of the school in relation to the general goals for education contained in s. 229.591;

2. The academic status of students attending the school as reflected by test scores, dropout and same grade retention rates, the availability of upper level courses in mathematics and science, the percentage of the school's enrollment and the number of completers by race and gender in upper-level mathematics and science courses, and the number of students entering postsecondary institutions;

3. Student school participation characteristics including: attendance rates, the number of expulsions and suspensions, and the number of instances of corporal punishment;

4. The economic status of the student body and area served by the school;

5. The demographic characteristics of the student body and the faculty and staff of the school;

6. The financial status of the school as reflected by per-student expenditures for instruction and administration, and other appropriate measures; and

7. Such other needs assessment indicators as may be determined by the individual school.

(b) Each area technical center operated by a school board shall conduct a needs assessment as part of the school improvement process. The results of the assessments shall be accompanied by a needs response plan and be submitted to the Florida Commission on Education Reform and Accountability by November 1, 1992. The commissioner shall provide a format for the needs assessments to the school boards by August 1, 1992, and the local school board shall coordinate each needs assessment. The first such assessment shall be based on data from the 1991-1992 school year and must address at least the following:

1. The vocational standards articulated in s. 239.229.
2. The financial status of the center as indicated by per-student expenditures for instruction and administration, and other appropriate measures.
3. Student completion and placement rates.
4. A forecast of occupations indicating future workplace needs required over the next 5 years within the service area, based upon labor market supply and demand data and local economic conditions.
5. Other such needs assessment indicators as may be determined by the center.

(c) The needs response plan for each school and the district shall generally describe proposed actions to reduce any needs identified by the needs assessment.

(d) The Commissioner of Education shall provide the school boards with the technical assistance necessary to conduct the school needs assessments.

(e) The Florida Commission on Education Reform and Accountability and the Department of Education shall review and analyze the needs assessment information received from the school boards and shall submit a summary report on the information to the Legislature by January 1, 1992, and shall provide, upon request, the needs assessment on any individual school. By November 1, 1991, the commission shall identify a core of performance standards addressing the state's most pressing educational problems for use in the analysis of the needs assessment information.

(3) COMMISSIONER.—The commissioner shall be responsible for implementing and maintaining a system of intensive school improvement and stringent education accountability.

(b) The commissioner shall be held responsible for the implementation and maintenance of the system of school improvement and education accountability outlined in this subsection. There shall be an annual determination of whether adequate progress is being made toward implementing and maintaining a system of school improvement and education accountability based, in part, on feedback required pursuant to s. 230.23(18) and submitted to the Florida Commission on Education Reform and Accountability.

(e) As co-chair of the Florida Commission on Education Reform and Accountability, the commissioner shall appear before the appropriate committees of the Legislature annually in October to report and recommend changes in state policy necessary to foster school improvement and education accountability. The report shall reflect the recommendations of the Florida Commission on Education Reform and Accountability. Included in the report shall be a list of the schools for which school boards have developed assistance and intervention plans and an analysis of the various strategies used by the school boards. ~~In the fall of 1992 and 1993, the commissioner shall report in writing to the public on the current status of the state's education system. School boards shall distribute this report to the parents of all pupils in the district. Beginning with the 1993-1994 school year and each school year thereafter,~~ School reports shall be distributed pursuant to this paragraph and s. 230.23(16)(18)(e) according to guidelines adopted by the State Board of Education.

(4) DEPARTMENT.—

(c) Pursuant to s. 24.121(5)(d), the department shall not release funds from the Educational Enhancement Trust Fund to any district in which a school does not have an approved school improvement plan, pursuant to s. 230.23(16)(18), after 1 full school year of planning and development. The department shall send a technical assistance team to each school without an approved plan to develop such school improvement plan. The department shall release the funds upon approval of the plan. Notice shall be given to the public of the department's intervention and shall identify each school without a plan.

(6) EXCEPTIONS TO LAW.—To facilitate innovative practices and to allow local selection of educational methods during the time period required for careful deliberation by the Legislature and the Florida Commission on Education Reform and Accountability, the following time-limited exceptions shall be permitted:

(a) In the annual general appropriations acts, the Legislature may authorize exceptions to any laws pertaining to fiscal policies, including ss. 236.013 and 236.081, provided the intent is to give school districts increased flexibility and local control of education funds. If the General Appropriations Act does not contain a specific line-item appropriation or a specific listing within a line-item appropriation which provides funding for the programs established pursuant to the following statutes, the statute shall be held in abeyance for that fiscal year, and any approved plan for implementing said statute shall be null and void for said fiscal year: ss. 228.0855; 230.2215; 230.2305; 230.2318; 231.087; 231.613; ~~232.257; 233.0615;~~ 233.0678; 234.021; 236.0873; 236.083; 236.092; 236.122; 236.1225; 236.1228; and 239.401.

(b) The methods and requirements of the following statutes shall be held in abeyance: ss. 228.088; and 229.57(4) and (5).

In determining which statutes and rules stand in the way of school improvement, the Florida Commission on Education Reform and Accountability

shall consider the effect that holding the statutes listed in paragraphs (a) and (b) in abeyance has had on the school improvement process. It is the intent of the Legislature that statutes listed in paragraphs (a) and (b) be systematically repealed after being held in abeyance for 3 consecutive fiscal years.

(c) The Legislature authorizes that the methods and requirements of the statutes listed in paragraph (a) for which a specific line-item appropriation or a specific listing within a line-item appropriation is contained and funded in the General Appropriations Act and the following statutes may be waived for any school board so requesting, provided the general statutory purpose of each section is met and the school board has submitted a written request to the commissioner for approval pursuant to this subsection: ss. 228.041(13) and (16); 229.602(5); 230.23(3), (4)(f) and (o), (6), (7)(a), (b), and (c), (11)(c), and (15)(17); 231.095; 232.01; ~~232.04~~; ~~232.045~~; 232.245; 232.2462; 232.2463; ~~233.011~~; 233.34; 236.013(3) relating to the 36-hour limit; and 239.121. Graduation requirements in s. 232.246 may be met by demonstrating performance of intended outcomes for any course in the Course Code Directory if a waiver from the requirements of s. 232.2462 has been approved based upon a need identified in a school improvement plan. In developing procedures for awarding credits based on performance outcomes, districts may request waivers from State Board of Education rules relating to curriculum frameworks and credits for courses and programs in the Course Code Directory. Credit awarded for a course or program beyond that allowed by the Course Code Directory shall count as credit for electives. Upon request by any school district, the commissioner shall evaluate and establish procedures for variations in academic credits awarded toward graduation by a high school offering six periods per day compared to those awarded by high schools operating on other schedules.

1. A school board may originate a request for waiver and submit the request to the commissioner if such waiver is required to implement district-wide improvements.

2. A school board may submit a request to the commissioner for a waiver if such request is presented to the school board by a school advisory council established pursuant to s. 229.58 and if such waiver is required to implement a school improvement plan required by s. 230.23~~(16)~~(18). The school board shall report annually to the Florida Commission on Education Reform and Accountability, in conjunction with the feedback report required pursuant to subsection (3), the number of waivers requested by school advisory councils, the number of such waiver requests approved and submitted to the commissioner, and the number of such waiver requests not approved and not submitted to the commissioner. For each waiver request not approved, the school board shall report the statute or rule for which the waiver was requested, the rationale for the school advisory council request, and the reason the request was not approved.

3. When approved by the commissioner, a waiver requested pursuant to this paragraph shall be for a 5-year period.

(d) Notwithstanding the provisions of chapter 120 and for the purpose of implementing this subsection, the commissioner may waive State Board of

Education rules adopted to implement statutes listed in paragraphs (a), (b), and (c), provided that the intent of each rule is met and the school board has submitted a written request to the commissioner for approval pursuant to this subsection.

(e) The written request for waiver of statute or rule shall indicate at least how the general statutory purpose will be met, how granting the waiver will assist schools in improving student outcomes related to the student performance standards adopted pursuant to subsection (5), and how student improvement will be evaluated and reported. In considering any waiver, the commissioner shall ensure protection of the health, safety, welfare, and civil rights of the students and protection of the public interest.

(f) Any request for a waiver which is not denied, or for which a request for additional information is not issued, within 21 days after receipt of the written request shall be deemed approved. Any waiver for which a timely request for additional information has been issued shall be deemed to be approved if a denial is not issued within 21 days after the commissioner's receipt of the specifically requested additional information. On denial of a request for a waiver, the commissioner shall state with particularity the grounds or basis for the denial. The commissioner shall report the specific statutes and rules for which waivers are requested and the number and disposition of such requests to the Florida Commission on Education Reform and Accountability for use in determining which statutes and rules stand in the way of school improvement.

Section 51. Subsection (1) of section 229.594, Florida Statutes, is amended to read:

229.594 Powers and duties of the commission.—

(1) The commission shall review and recommend procedures for a new system of school improvement and education accountability and recommend the repeal or modification of statutes, fiscal policies, and rules that stand in the way of school improvement. Specifically, the commission shall:

(a) Serve as an advisory body to oversee the development, establishment, implementation, and maintenance of a program of school improvement and education accountability based upon the achievement of state education goals. This responsibility shall include the following:

1. Holding public hearings, as determined to be necessary, in various parts of the state. The purpose of these hearings shall be to receive public comment on the status of education and suggestions regarding the establishment and implementation of a system of school improvement and education accountability. When feasible, alternative methods such as teleconferencing shall be employed to increase public involvement.

2. Observing the development and implementation of school improvement plans pursuant to s. 230.23(16)(18). Particular attention shall be paid to ensuring the involvement of teachers, parents, and community in the development and implementation of individually prepared school improvement plans.

3. Involving the business community in the provision of needed training for school advisory councils, teachers, principals, district administrators, and school board members.

4. Annually recommending changes in statutes, rules, and policies needed to implement and maintain a system of school improvement and education accountability in the state.

(b) Review and, with assistance from the Department of Education, analyze results of school needs assessments submitted by district school boards and, by January 1, 1992, submit a report of its findings to the Legislature. The report shall include recommendations for changes in the school improvement and accountability required by s. 230.23(16)~~(18)~~ which are considered necessary as a result of the school needs assessments. The report shall also include a recommendation regarding the minimum number of credits, subjects, and courses that should be required by the state for regular and alternative high school diplomas; the number of hours of instruction required to receive a credit; the length of a high school day; and the number of periods per day for high schools.

(c) Recommend to the Legislature and State Board of Education, as appropriate, the components of a system of school improvement and accountability. Initial recommendations must be reviewed and revised as necessary annually and must include:

1. Performance standards for indicating state, school district, and school progress toward the state education goals and a definition of what shall be considered "adequate progress" toward meeting these performance standards. Effective June 1, 1993, such standards must incorporate the provisions of s. 239.229.

2. Methods for measuring state, school district, and school progress toward the goals. These assessment methods must include the most effective and efficient procedures available from the current system of assessment and alternative and new assessment practices.

3. Methods for public reporting on the progress toward the goals by the state, school districts, and individual schools. Emphasis shall be placed on reporting individual school improvement and progress, and comparisons between schools shall be minimized. Methods for reporting the status of children and families and community services available in each school district to help children and families in need shall also be developed.

4. Effective use of existing methods for recognizing schools and development of necessary additional methods to recognize schools that meet or make adequate progress toward the education goals. The commission shall also consider the development of incentives including financial incentives for schools that make exceptional progress toward the education goals.

5. Guidelines that may be adopted as rule and used by the State Board of Education and the school board in determining the action for any school that does not improve after 3 years of assistance and intervention, including commission responsibility in recommending action for said schools. The

guidelines shall be stringent and shall ensure that the school is not permitted to continue serving students in a less than adequate manner.

If in the opinion of the commission an adequate system of accountability is in place to protect the public interest, the commission may recommend to the Legislature the repeal or revision of laws, including fiscal policies, and to the State Board of Education the repeal or revision of rules, which in the opinion of the commission stand in the way of school improvement. The commission may defer any or all recommendations for repeal or revision of laws and rules until such time as it determines an adequate system of accountability to be established and implemented.

Section 52. Paragraph (a) of subsection (5) of section 229.8055, Florida Statutes, is amended to read:

229.8055 Environmental education.—

(5) The Department of Education shall:

(a) Assign appropriate staff to work directly with general curriculum development activities through district and school administrators responsible for general curriculum in order to explicitly integrate appropriate environmental topics into the regular curriculum, where appropriate, ~~through curriculum frameworks and performance standards as required by s. 233.011(3)(a) and (b).~~

Section 53. Section 231.085, Florida Statutes, is amended to read:

231.085 Duties of principals.—A district school board shall employ, through written contract, public school principals who shall supervise the operation and management of the schools and property as the board determines necessary. Each principal shall perform such duties as may be assigned by the superintendent pursuant to the rules of the school board. Such rules shall include, but not be limited to, rules relating to administrative responsibility, instructional leadership of the educational program of the school to which the principal is assigned, submission of personnel recommendations to the superintendent, administrative responsibility for records and reports, administration of corporal punishment, and student suspension. Each principal shall provide leadership in the development or revision and implementation of a school improvement plan pursuant to s. ~~230.23(16)(18)~~.

Section 54. Section 231.095, Florida Statutes, is amended to read:

231.095 Teachers assigned teaching duties outside field in which certified.—When a teacher in a district school system is assigned teaching duties in a class dealing with subject matter that is outside the field in which the teacher is certified, the parents or guardians of all students in the class shall be notified in writing of such assignment. ~~Such notification shall be provided in each school's annual report required pursuant to s. 230.23(18).~~

Section 55. Paragraph (d) of subsection (1) of section 231.1725, Florida Statutes, is amended to read:

231.1725 Employment of substitute teachers, teachers of adult education, nondegreed teachers of career education, and noncertificated teachers in critical teacher shortage areas.—

(1) Notwithstanding the provisions of ss. 231.02, 231.15, 231.17, and 231.172 or any other provision of law or rule to the contrary, each school board shall establish the minimal qualifications for:

(d) Part-time and full-time noncertificated teachers in critical teacher shortage areas. The qualifications shall require the filing of fingerprints in the same manner as required by s. 231.02 and shall be based on academic training in the essential generic and specialization competencies of the instructional assignment. The school board shall be responsible for determining critical teacher shortage areas within the school district. Each school board shall annually report the number, qualifications, and areas of assignment of all noncertificated teachers employed pursuant to this paragraph during each school year. ~~The report shall be publicly disclosed pursuant to s. 230.23(18).~~

Section 56. Paragraph (c) of subsection (2) of section 236.013, Florida Statutes, is amended to read:

236.013 Definitions.—Notwithstanding the provisions of s. 228.041, the following terms are defined as follows for the purposes of this act:

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

(c)1. A “full-time equivalent student” is:

a. A full-time student in any one of the programs listed in s. 236.081(1)(c); or

b. A combination of full-time or part-time students in any one of the programs listed in s. 236.081(1)(c) which is the equivalent of one full-time student based on the following calculations:

(I) A full-time student, except a postsecondary or adult student or a senior high school student enrolled in adult education when such courses are required for high school graduation, in a combination of programs listed in s. 236.081(1)(c) shall be a fraction of a full-time equivalent membership in each special program equal to the number of net hours per school year for which he or she is a member, divided by the appropriate number of hours set forth in subparagraph (a)1. or subparagraph (a)2.; the difference between that fraction or sum of fractions and the maximum value as set forth in subsection (5) for each full-time student is presumed to be the balance of the student’s time not spent in such special education programs and shall be recorded as time in the appropriate basic program.

(II) A student in the basic half-day kindergarten program of not less than 450 net hours shall earn one-half of a full-time equivalent membership.

(III) A half-day kindergarten student in a combination of programs listed in s. 236.081(1)(c) is a fraction of a full-time equivalent membership in each

special program equal to the number of net hours or major portion thereof per school year for which he or she is a member divided by the number of hours set forth in sub-sub-subparagraph (II); the difference between that fraction and the number of hours set forth in sub-sub-subparagraph (II) for each full-time student in membership in a half-day kindergarten program is presumed to be the balance of the student's time not spent in such special education programs and shall be recorded as time in the appropriate basic program.

(IV) A part-time student, except a postsecondary or adult student, is a fraction of a full-time equivalent membership in each basic and special program equal to the number of net hours or major fraction thereof per school year for which he or she is a member, divided by the appropriate number of hours set forth in subparagraph (a)1. or subparagraph (a)2.

(V) A postsecondary or adult student or a senior high school student enrolled in adult education when such courses are required for high school graduation is a portion of a full-time equivalent membership in each special program equal to the net hours or major fraction thereof per fiscal year for which he or she is a member, divided by the appropriate number of hours set forth in subparagraph (a)1. or subparagraph (a)2.

(VI) A full-time student who is part of a program authorized by subparagraph (a)3. in a combination of programs listed in s. 236.081(1)(c) is a fraction of a full-time equivalent membership in each regular or special program equal to the number of net hours per school year for which he or she is a member, divided by the appropriate number of hours set forth in subparagraph (a)1. or subparagraph (a)2.

(VII) A prekindergarten handicapped student shall meet the requirements specified for kindergarten students.

2. A student in membership in a program scheduled for more or less than 180 school days is a fraction of a full-time equivalent membership equal to the number of instructional hours in membership divided by the appropriate number of hours set forth in subparagraph (a)1.; however, for the purposes of this subparagraph, membership in programs scheduled for more than 180 days is limited to:

- a. Special programs for exceptional students;
- b. Special vocational-technical programs;
- c. Special adult general education programs;
- d. Dropout prevention programs ~~provided for those students who were in membership in substance abuse or youth services programs~~ as defined in s. 230.2316 for students in residential programs operated by the Department of Children and Family Services; programs operated by the Department of Juvenile Justice as defined in s. 230.23161 in which students receive educational services; or teenage parent programs as defined in s. 230.23166 for students who ~~and~~ are in need of such additional instruction;

e. ~~Students at-risk programs provided for those students who were in membership in an educational alternative or disciplinary program in Drop-out prevention programs as defined in s. 230.2316 in which students are placed for academic or disciplinary purposes or programs in English for speakers of other languages as defined in s. 233.058 for students who were in membership for~~ all of the last 15 days of the 180-day term or a total of 30 days within the 180-day term and are in need of such additional instruction;

f. Other basic programs offered for promotion or credit instruction as defined by rules of the state board; and

g. Programs which modify the school year to accommodate the needs of children who have moved with their parents for the purpose of engaging in the farm labor or fish industries, provided such programs are approved by the commissioner.

The department shall determine and implement an equitable method of equivalent funding for experimental schools and for schools operating under emergency conditions, which schools have been approved by the department under the provisions of s. 228.041(13) to operate for less than the minimum school day.

Section 57. Paragraph (o) of subsection (1) of section 236.081, Florida Statutes, 1996 Supplement, is amended to read:

236.081 Funds for operation of schools.—If the annual allocation from the Florida Education Finance Program to each district for operation of schools is not determined in the annual appropriations act or the substantive bill implementing the annual appropriations act, it shall be determined as follows:

(1) COMPUTATION OF THE BASIC AMOUNT TO BE INCLUDED FOR OPERATION.—The following procedure shall be followed in determining the annual allocation to each district for operation:

(o) Instruction in career education.—Effective for the 1985-1986 school year and thereafter, district pupil progression plans shall provide for the substitution of vocational courses for the nonelective courses required for high school graduation pursuant to s. 232.246. A student in grades 9 through 12 who enrolls in and satisfactorily completes a job-preparatory program may substitute credit for a portion of the required four credits in English, three credits in mathematics, and three credits in science. The credit substituted for English, mathematics, or science earned through the vocational job-preparatory program shall be on a curriculum equivalency basis as provided for in the State Course Code Directory. ~~Upon adoption of curriculum frameworks for vocational courses pursuant to s. 233.011,~~ The State Board of Education shall authorize by rule vocational course substitutions not to exceed two credits in each of the nonelective academic subject areas of English, mathematics, and science. School districts shall provide for vocational course substitutions not to exceed two credits in each of the nonelective academic subject areas of English, mathematics, and science, upon

adoption of vocational student performance standards by the school board pursuant to s. 232.2454. A vocational program which has been used as a substitute for a nonelective academic credit in one subject area may not be used as a substitute for any other subject area. The credit in practical arts or exploratory career education required for high school graduation pursuant to s. 232.246(1) shall be funded as a career education course.

Section 58. Paragraph (a) of subsection (2) of section 236.0811, Florida Statutes, is amended to read:

236.0811 Educational training.—

(2)(a)1. Pursuant to rules of the State Board of Education, each school board shall develop and annually approve a master plan for inservice educational training. The plan shall include all inservice programs for all district employees from all fund sources and shall be updated annually by September 1 using criteria and procedures for continued approval as specified by state board rule. Verification that the plan meets all requirements of this section shall be submitted annually to the commissioner by October 1. The plan shall be based on an assessment of the inservice educational training needs of the district conducted by a committee that includes parents, classroom teachers, and other educational personnel. This assessment shall identify districtwide inservice needs and the inservice training needs of local schools. The plan shall include, at a minimum, the inservice activities that are necessary for implementation of the schools' improvement plans during the current fiscal year. The plan shall include, but is not limited to, components addressing: competencies in the identification, assessment, and prescription of instruction for exceptional students; competencies in the identification, assessment, and prescription of instruction for child abuse and neglect prevention and for substance and alcohol abuse prevention; and competencies in instruction for multicultural sensitivity in the classroom. In addition, the plan must include a component to provide regular training to classroom teachers on advances in the field of normal child development and the disorders of development. The plan shall also include components that may be used to satisfy the certification requirements applicable to teachers of students with limited proficiency in English and components that may be used for the renewal of a certificate in each of the following areas: a study of the middle grades, understanding the student in the middle grades, organizing interdisciplinary instruction in the middle grades, developing critical thinking and creative thinking in students in the middle grades, counseling functions of the teacher in the middle grades, developing creative learning materials for the middle grades, and planning and evaluating programs in the middle grades. The plan shall include inservice activities for all district employees from all fund sources.

2. Classroom teachers and guidance counselors shall be required to participate in the inservice training for child abuse and neglect prevention, for alcohol and substance abuse prevention education, and for multicultural sensitivity education, which may include negotiation and conflict resolution training.

~~3. The department shall withhold funding of any district's master inservice plan, as required by this section, which fails to provide and require~~

~~training in substance abuse prevention education pursuant to s. 233.067(4)(c)1. for all classroom teachers and guidance counselors. The department is authorized to waive one or more inservice areas related to the middle grades if the district can document its unsuccessful attempt to secure a competent trainer or sufficient enrollment or when the department determines that specific validated competencies may be substituted in lieu of such inservice areas.~~

Section 59. Subsection (4) of section 236.0812, Florida Statutes, is amended to read:

236.0812 Medicaid certified school funding maximization.—

(4) Federal Medicaid earnings received as a result of funds certified pursuant to this section shall be deposited into the Medicaid Earnings Trust Fund, if created by law, otherwise in the Educational Aids Trust Fund. Of the funds earned by each district, not less than 25 percent shall be used to enhance the district's exceptional student education nongifted programs. The remaining funds shall be used by the district in areas which directly impact on classroom activities. However, if Committee Substitute for Committee Substitute for House Bill 165 or similar legislation becomes law, up to \$150,000 of any funds which may become available as a result of a district certifying state or local education funds to earn federal Medicaid match may be allocated to each of the five school districts whose school improvement plans, pursuant to s. 230.23(16)(18), include the establishment of a school of the 21st century.

Section 60. Section 236.0842, Florida Statutes, is hereby repealed.

Section 61. Paragraph (b) of subsection (4) of section 236.1228, Florida Statutes, is amended to read:

236.1228 Accountability program grants.—

(4) STATEWIDE INDICATORS.—

(b) The statewide indicators are:

1. Improve graduation rate.—The statewide goal is to achieve a graduation rate of 85 percent ~~by 1992~~. The graduate rate will be calculated as defined in s. ~~228.041(41)~~ 232.2468(1)(a). The district annual graduation rate indicator shall be at least an increase of one percentage point or one-third of the difference between the second preceding year and 85 percent, whichever is greater.

2. Improve dropout rate.—The statewide goal is to achieve a dropout rate in high school of 4 percent or less ~~by 1992~~. The dropout rate will be calculated as defined in s. ~~228.041(43)~~ 232.2468(1)(c). The district and high school annual dropout rate indicator for the high school shall be 6 percent or less and the district average shall be 4 percent or less for grades 9 through 12.

3. Improve promotion rate.—The statewide goal is to achieve a 95-percent promotion rate from grade to grade in grades 9 through 12 ~~by 1992~~.

The district and high school annual promotion rate indicator for the high school from grade to grade in grades 9 through 12 shall be 94 percent or higher and the district average shall be 95 percent or higher for grades 9 through 12.

4. Increase enrollment in and completion of upper level science courses.—The statewide goal is to have 20 percent or more of the high school students enrolled in and completing level 3 science courses, 55 percent or more of the high school students enrolled in level 2 science courses, and 20 percent or less of the high school students enrolled in level 1 science courses ~~by 1992~~. Components of the district and high school annual science enrollment indicator are:

a. For level 3 science courses, the high school shall have 15 percent or more of the grades 9 through 12 students enrolled in level 3 science courses and the district average shall be 20 percent or more of the grades 9 through 12 students enrolled in level 3 science courses;

b. For level 2 science courses, the high school shall have 45 percent or more of the grades 9 through 12 students enrolled in level 2 science courses and the district average shall be 55 percent or more of the grades 9 through 12 students enrolled in level 2 science courses; and

c. For level 1 science courses, the high school shall have 30 percent or less of the grades 9 through 12 students enrolled in level 1 science courses and the district average shall be 20 percent or less of the grades 9 through 12 students enrolled in level 1 science courses.

5. Increase enrollment in and completion of upper level mathematics courses.—The statewide goal is to have 15 percent or more of the high school students enrolled in and completing level 3 mathematics courses, 50 percent or more of the high school students enrolled in level 2 mathematics courses, and 30 percent or less of the high school students enrolled in level 1 mathematics courses ~~by 1992~~. Components of the district and high school annual mathematics enrollment indicator are:

a. For level 3 mathematics courses, the high school shall have 10 percent or more of the grades 9 through 12 students enrolled in level 3 mathematics courses and the district average shall be 15 percent or more of the grades 9 through 12 students enrolled in level 3 mathematics courses;

b. For level 2 mathematics courses, the high school shall have 40 percent or more of the grades 9 through 12 students enrolled in level 2 mathematics courses and the district average shall be 50 percent or more of the grades 9 through 12 students enrolled in level 2 mathematics courses; and

c. For level 1 mathematics courses, the high school shall have 40 percent or less of the grades 9 through 12 students enrolled in level 1 mathematics courses and the district average shall be 30 percent or less of the grades 9 through 12 students enrolled in level 1 mathematics courses.

6. Improve utilization of postsecondary feedback report.—The statewide goal is to reduce annually the high school's graduates who are enrolled in

a degree program and are referred for remediation in mathematics, reading, and writing in public colleges and universities by 50 percent of the number for the second preceding year. The district and high school annual referrals for remediation indicators for high school shall be a reduction of 40 percent or more and the district's average reduction shall be 50 percent or more of the number for the second preceding year.

Section 62. Paragraph (b) of subsection (2) of section 236.24, Florida Statutes, is amended to read:

236.24 Sources of district school fund.—

(2)

(b)1. Securities purchased by any such school board under the authority of this law shall be delivered by the seller to the school board or its appointed safekeeper. The safekeeper shall be a qualified bank or trust company chartered to operate as such by the State of Florida or the United States Government. The safekeeper shall issue documentation ~~trust receipts~~ for each transaction, and a monthly statement detailing all transactions for the period.

2. Securities physically delivered to the school board shall be placed in a safe-deposit box in a bank or other institution located within the county and duly licensed and insured. Withdrawals from such safe-deposit box shall be only by persons duly authorized by resolution of the school board.

3. The school board may also receive bank trust receipts in return for investment of surplus funds in securities. Any trust receipts received must enumerate the various securities held together with the specific number of each security held. The actual securities on which the trust receipts are issued may be held by any bank depository chartered by the United States Government or the State of Florida or their designated agents.

Section 63. Subsection (7) of section 239.101, Florida Statutes, is amended to read:

239.101 Legislative intent.—

(7) The Legislature finds that career education is a crucial component of the educational programs conducted within school districts and community colleges. Accordingly, career education must be represented in accountability processes undertaken for educational institutions. It is the intent of the Legislature that the vocational standards articulated in s. 239.229(2) be considered in the development of accountability measures for public schools pursuant to ss. 229.591, 229.592, 229.593, 229.594, and 230.23~~(16)~~(18) and for community colleges pursuant to s. 240.324.

Section 64. Subsections (1) and (3) of section 239.229, Florida Statutes, are amended to read:

239.229 Vocational standards.—

(1) The purpose of career education is to enable students who complete vocational programs to attain and sustain employment and realize economic self-sufficiency. The purpose of this section is to identify issues related to career education for which school boards and community college boards of trustees are accountable. It is the intent of the Legislature that the standards articulated in subsection (2) be considered in the development of accountability standards for public schools pursuant to ss. 229.591, 229.592, 229.593, 229.594, and 230.23~~(16)(18)~~ and for community colleges pursuant to s. 240.324.

(3) Each area technical center operated by a school board shall establish a center advisory council pursuant to s. 229.58. The center advisory council shall assist in the preparation and evaluation of center improvement plans required pursuant to s. 230.23~~(16)(18)~~ and may provide assistance, upon the request of the center director, in the preparation of the center's annual budget and plan as required by s. 229.555(1).

Section 65. Subsection (3) of section 397.405, Florida Statutes, is amended to read:

397.405 Exemptions from licensure.—The following are exempt from the licensing provisions of this chapter:

(3) A substance abuse education program established pursuant to s. ~~233.061~~ 233.067.

Section 66. Subsection (2) of section 402.22, Florida Statutes, 1996 Supplement, is amended to read:

402.22 Education program for students who reside in residential care facilities operated by the Department of Health and Rehabilitative Services.—

(2) District school boards shall establish educational programs for all students ages 5 through 18 under the residential care of the Department of Health and Rehabilitative Services and may provide for students below age ~~3~~ 5 as provided for in s. 232.01(1)(e). Funding of such programs shall be pursuant to s. 236.081.

Section 67. Paragraph (a) of subsection (5) of section 415.5015, Florida Statutes, is amended to read:

415.5015 Child abuse prevention training in the district school system.—

(5) PREVENTION TRAINING CENTERS; FUNCTIONS; SELECTION PROCESS; MONITORING AND EVALUATION.—

(a) Each training center shall perform the following functions:

1. Act as a clearinghouse to provide information on prevention curricula which meet the requirements of this section and the requirements of ss. 231.17, ~~233.011(3)(a)~~, 236.0811, and 415.501.

2. Assist the local school district in selecting a prevention program model which meets the needs of the local community.
3. At the request of the local school district, design and administer training sessions to develop or expand local primary prevention and training programs.
4. Provide assistance to local school districts, including, but not limited to, all of the following: administration, management, program development, multicultural staffing, and community education, in order to better meet the requirements of this section and of ss. 231.17, ~~233.011(3)(a)~~, 236.0811, and 415.501.
5. At the request of the Department of Education or the local school district, provide ongoing program development and training to achieve all of the following:
 - a. Meet the special needs of children, including, but not limited to, the needs of disabled and high-risk children.
 - b. Conduct an outreach program to inform the surrounding communities of the existence of primary prevention and training programs and of funds to conduct such programs.
6. Serve as a resource to the Department of Health and Rehabilitative Services and its districts.

Section 68. Subsection (2) of section 450.121, Florida Statutes, is amended to read:

450.121 Enforcement of Child Labor Law.—

(2) It is the duty of the division and its agents and all sheriffs or other law enforcement officers of the state or of any municipality of the state to enforce the provisions of this law, to make complaints against persons violating its provisions, and to prosecute violations of the same. The division and its agents have authority to enter and inspect at any time any place or establishment covered by this law and to have access to age certificates kept on file by the employer and such other records as may aid in the enforcement of this law. A designated school representative acting in accordance with Attendance assistants employed pursuant to s. 232.17 shall report to the division all violations of the Child Labor Law that may come to his or her ~~their~~ knowledge.

Section 69. Subsection (12) of section 493.6102, Florida Statutes, 1996 Supplement, is amended to read:

493.6102 Inapplicability of parts I through IV of this chapter.—This chapter shall not apply to:

(12) Any person who is a school crossing guard employed by a third party hired by a city or county and trained in accordance with s. 316.75 ~~234.302~~.

Section 70. Subsection (2) of section 561.025, Florida Statutes, is amended to read:

561.025 Alcoholic Beverage and Tobacco Trust Fund.—There is created within the State Treasury the Alcoholic Beverage and Tobacco Trust Fund. All funds collected by the division under ss. 210.15, 210.40, or under s. 569.003 and the Beverage Law with the exception of state funds collected pursuant to ss. 561.501, 563.05, 564.06, and 565.12 shall be deposited in the State Treasury to the credit of the trust fund, notwithstanding any other provision of law to the contrary. Moneys deposited to the credit of the trust fund shall be used to operate the division and to provide a proportionate share of the operation of the office of the secretary and the Division of Administration of the Department of Business and Professional Regulation; except that:

(2) Ten percent of the revenues derived from retail tobacco products dealer permit fees collected under s. 569.003 shall be transferred to the Department of Education to provide for teacher training and for research and evaluation to reduce and prevent the use of tobacco products by children, ~~pursuant to s. 233.067(4).~~

Section 71. Paragraph (b) of subsection (3) of section 11.42, Florida Statutes, 1996 Supplement, is amended to read:

11.42 The Auditor General.—

(3)

(b)1. No person shall be employed as a financial auditor who does not possess the qualifications to take the examination for a certificate as certified public accountant under the laws of this state, and no person shall be employed or retained as legal adviser, on either a full-time or a part-time basis, who is not a member of The Florida Bar.

2. Notwithstanding the provisions of subparagraph 1., employees in the positions associated with the Florida Education Finance Program full-time enrollment verification function that is assigned to the Auditor General pursuant to ~~s. 229.565(2)~~ s. 229.565(3) may continue to meet the job qualifications that existed prior to such transfer for a period of 3 years after such transfer. Thereafter, they shall meet the requirements of subparagraph 1. This subparagraph is repealed on July 1, 1998.

Section 72. Section 20.15, Florida Statutes, is amended to read:

20.15 Department of Education.—There is created a Department of Education.

(1) STATE BOARD OF EDUCATION.—~~In accordance with The head of the Department of Education is the State Board of Education composed of the Governor and Cabinet as specified in s. 2, Art. IX of the State Constitution, the State Board of Education is the chief policymaking body of public education in the state as specified in chapter 229.~~ The Governor is chair of the board, and the Commissioner of Education is the secretary and executive officer and in the absence of the Governor shall serve as chair.

(2) COMMISSIONER OF EDUCATION.—The head of the Department of Education is the Commissioner of Education who shall be elected by vote of the qualified electors of the state pursuant to s. 5, Art. IV of the State Constitution.

(a) The Commissioner of Education shall appoint a Deputy Commissioner for Educational Programs who has such powers, duties, responsibilities, and functions as are necessary to ensure the greatest possible coordination, efficiency, and effectiveness of kindergarten through 12th-grade education and vocational and continuing education programs.

(b) The Commissioner of Education shall appoint a Deputy Commissioner for Planning, Budgeting, and Management who has such powers, duties, responsibilities, and functions as are necessary to ensure the greatest possible coordination of policies, programs, and procedures for the statewide system of education and the department.

(3)(2) DIVISIONS.—

(a) The following divisions of the Department of Education are established:

1. Division of Community Colleges.
2. Division of Public Schools.
3. Division of Universities.
4. Division of Applied Technology and Adult Education.
5. Division of Human Resource Development.

(b) The Commissioner of Education is authorized to establish within the Department of Education a Division of Administration.

(4)(3) DIRECTORS.—The Board of Regents is the director of the Division of Universities, and the State Board of Community Colleges is the director of the Division of Community Colleges, pursuant to chapter 240. The directors of all other divisions shall be appointed by the commissioner subject to approval by the state board.

(5)(4) POWERS AND DUTIES.—The State Board of Education and the Commissioner of Education:

(a) Shall assign to the Division of Public Schools such powers, duties, responsibilities, and functions as are necessary to ensure the greatest possible coordination, efficiency, and effectiveness of kindergarten through 12th grade education.

(b) Shall assign to the Division of Applied Technology and Adult Education such powers, duties, responsibilities, and functions as are necessary to ensure the greatest possible coordination, efficiency, and effectiveness of career and continuing education.

(c) Shall assign to the State Board of Community Colleges such powers, duties, responsibilities, and functions as are necessary to ensure the coordination, efficiency, and effectiveness of community colleges, except those duties specifically assigned to the Commissioner of Education in ss. 229.512 and 229.551 and the duties concerning physical facilities in chapter 235.

(6)(5) COUNCILS AND COMMITTEES.—Notwithstanding anything contained in law to the contrary, the Commissioner of Education shall appoint all members of all councils and committees of the Department of Education, except the Board of Regents, the State Board of Community Colleges, the state instructional materials committees, and the community college district boards of trustees, the Postsecondary Education Planning Commission, the Education Practices Commission, the Education Standards Commission, the State Board of Independent Colleges and Universities, the Florida Commission on Education Reform and Accountability, and the State Board of Independent Postsecondary Vocational, Technical, Trade, and Business Schools shall hereafter be appointed by the State Board of Education from a list of two or more names nominated for each position by the Commissioner of Education.

(7)(6) BOARDS.—Notwithstanding anything contained in law to the contrary, all members of the Board of Regents, the State Board of Community Colleges, and the community college district boards of trustees must shall be appointed according to chapter 240.

Section 73. Section 228.03, Florida Statutes, is amended to read:

228.03 Scope of state system.—The state system of public education includes such school systems, schools, institutions, agencies, services, and types of instruction as may be provided and authorized by law, or by regulations of the state board and of the Commissioner of Education within limits prescribed by law.

Section 74. Subsections (1), (5), (6), (13), (18), and (29) of section 228.041, Florida Statutes, 1996 Supplement, are amended and subsection (35) of that section is repealed and present subsections (36), (37), (38), (39), and (40) of that section are redesignated as subsections (35), (36), (37), (38), and (39), respectively, to read:

228.041 Definitions.—Specific definitions shall be as follows, and wherever such defined words or terms are used in the Florida School Code, they shall be used as follows:

(1) STATE SYSTEM OF PUBLIC EDUCATION.—The state system of public education shall consist of such publicly supported and controlled schools, institutions of higher education, other educational institutions, and other educational services as may be provided or authorized by the Constitution and laws of this state.

(a) Public schools.—The public schools shall consist of kindergarten classes; elementary and secondary school grades and special classes; adult, part-time, vocational, and evening schools, courses, or classes authorized by law to be operated under the control of school boards; and developmental

research schools to be operated under the control of the State University System.

(b) Community colleges.—Community colleges shall consist of all educational institutions which are operated by local community college district boards of trustees under specific authority and regulations of the State Board of Education and which offer courses and programs of general and academic education parallel to that of the first and second years of work in institutions in the State University System, of career education, and of adult continuing education.

(c) Institutions of higher education.—The institutions of higher education shall consist of all state-supported educational institutions offering work above the public school level, other than community colleges, that are authorized and established by law, together with all activities and services authorized by law to be administered by or through each of those institutions.

(d) Other educational institutions.—Other state-supported institutions primarily of an educational nature shall be considered parts of the state system of public education. The educational functions of other state-supported institutions which are not primarily of an educational nature but which have specific educational responsibilities shall be considered responsibilities belonging to the state system of public education.

~~(e) Other educational services.—Other educational services shall include health services and such special services and functions as may be authorized by law or by regulations of the state board as prescribed by law and as are considered necessary to improve, promote, and protect the adequacy and efficiency of the state system of public education.~~

(e) Other education-related services.—Other education-related services may include health services, and other special services and functions as may be authorized by law or rule as necessary to improve, promote or protect the education system.

(f) Florida School for the Deaf and the Blind.—The Florida School for the Deaf and the Blind is a part of the state system of education.

(5) SCHOOL.—A school is an organization of pupils for instructional purposes on an elementary, secondary, or other public school level, approved under regulations of the Commissioner of Education or state board.

(6) SCHOOL CENTER.—A school center is a place of location of any school or schools on the same or on adjacent sites or on a site under the control of the principal and within a reasonable distance of the main center as prescribed by regulations of the Commissioner State Board of Education.

(13) SCHOOL DAY.—A school day for any group of students is that portion of the day in which school is actually in session and shall comprise not less than 5 net hours, excluding intermissions, for all grades above the third; not less than 4 net hours for the first three grades; and not less than 3 net hours for kindergarten or prekindergarten students with disabilities,

or the equivalent as calculated on a weekly basis. The net hours specified in this subsection shall consist only of instruction in an approved course of study and shall exclude all noninstructional activities as defined by rules of the Commissioner State Board of Education. Three of the last days of the 90-day term, and of the 180-day term, may be designated by the district school board as final examination days for secondary school students. These final examination days shall consist of no less than 4 net hours, excluding intermissions. The minimum length of the school day herein specified may be decreased under rules which shall be adopted by the state board for double session schools or programs, experimental schools, or schools operating under emergency conditions.

(18) **EXCEPTIONAL STUDENT.**—The term “exceptional student” means any child or youth who has been determined eligible for a special program in accordance with rules of the Commissioner of Education or the State Board of Education Rules. The term “exceptional students” includes students who are gifted and students with disabilities who are mentally handicapped, speech and language impaired, deaf or hard of hearing, visually impaired, dual sensory impaired, physically impaired, emotionally handicapped, specific learning disabled, hospital and homebound, autistic, developmentally delayed children, ages birth through 5 years, or children with established conditions, ages birth through 2 years.

(29) **DROPOUT.**—A dropout is a student over the age of compulsory school attendance, as defined in s. 232.01, who meets any one or more of the following criteria:

(a) The student has voluntarily removed himself or herself from the school system before graduation for reasons that include, but are not limited to, marriage ~~or entrance into the military~~, or the student has withdrawn from school because he or she has failed the statewide student assessment test and thereby does not receive any of the certificates of completion;

(b) The student has not met the relevant attendance requirements of the school district pursuant to State Board of Education rules, or the student was expected to attend a school but did not enter as expected for unknown reasons, or the student’s whereabouts are unknown;

(c) The student has withdrawn from school, but has not transferred to another public or private school or enrolled in any vocational, adult, or alternative educational program;

(d) The student has withdrawn from school due to hardship, unless such withdrawal has been granted under the provisions of s. 322.0601, court action, expulsion, medical reasons, or pregnancy; or

(e) The student is not eligible to attend school because of reaching the maximum age for an exceptional student program in accordance with the district’s policy.

Students not exempt from attendance pursuant to s. 232.06 and under the age of compulsory school attendance who stop attending school shall be

known as habitual truants as defined in subsection (28) and are not to be considered dropouts. The State Board of Education may adopt rules to implement the provisions of this subsection.

Section 75. Section 228.062, Florida Statutes, is amended to read:

228.062 Migrant education program.—~~The Commissioner of Education shall recommend, and the State Board of Education shall prescribe,~~ such rules as are necessary to provide for the participation of the state in the federal migratory child compensatory education program, which may be funded from federal or other lawful sources. The Department of Education is authorized to plan, fund, and administer educational programs for migrant children in the state, beginning for such children at age 3. Such programs shall be operated through grants to local school districts or through contracts with other public agencies or nonprofit corporations.

Section 76. Section 228.081, Florida Statutes, is amended to read:

228.081 Other public educational services.—The general control of other public educational services shall be vested in the state board except as provided herein. The state board shall, at the request of the Department of Children Health and Family Rehabilitative Services and the Department of Juvenile Justice, advise as to standards and requirements relating to education to be met in all state schools or institutions under their control which provide educational programs. The Department of Education shall provide supervisory services for the educational programs of all such schools or institutions. The direct control of any of these services provided as part of the district program of education shall rest with the school board. These services shall be supported out of state, district, federal, or other lawful funds, depending on the requirements of the services being supported.

Section 77. Section 228.086, Florida Statutes, is amended to read:

228.086 Regional centers of excellence in mathematics, science, computers, technology, and global awareness.—

(4) The Department of Education is authorized to award grants to public school districts, developmental research schools, state community colleges, state universities, private postsecondary institutions, or museums of science as defined in s. 265.608, or any combination thereof, to establish regional centers of excellence in mathematics, science, computers, technology, and global awareness.

~~(2) The State Board of Education shall adopt rules to implement the program for regional centers of excellence. Such rules shall provide procedures for proposals to be submitted by individual public school districts, developmental research schools, state community colleges, state universities, private postsecondary institutions, or museums of science as defined in s. 265.608, according to prescribed format criteria. The rules shall also specify criteria for evaluation of the proposals so that the final selections will result at least in one center being located in each of the reporting and coordinating regions of the Department of Education, which regions shall be known as "Panhandle," "Crown," "East Central," "West Central," and~~

~~“South.” For purposes of this section, the South region shall be further divided into “Upper” and “Lower” regions. Dade County and Monroe County shall comprise the Lower South region. The Upper South region shall be composed of the remaining counties in the South region. At least one center shall be located in the Upper South region and at least one center shall be located in the Lower South region. The final selections shall be made by the commissioner with the primary consideration to be the greatest potential impact on student performance within the region in terms of dollars required. Funding for each regional center shall be in an amount established by the Legislature after consideration of the budget request of the center, which request shall include specific performance data and quantifiable objectives for the following year. If a center is deemed not to be meeting its stated objectives, as determined by the State Board of Education, the Legislature shall zero-fund the center and the commissioner shall promptly call for new proposals within that region.~~

~~(3)(a) Each center shall have a director appointed by the appropriate administrator of the district school board, developmental research school, state community college, state university, private postsecondary institution, or museum of science as defined in s. 265.608, where the center is located, funded, and administered. Such governing entity shall be generally responsible and accountable for all activities of the center with the director being specifically responsible and accountable.~~

~~(b) Upon consideration of the recommendations of the governing entity of the center, the commissioner shall appoint an advisory council for each center consisting of no more than 11 members. Prior to appointing the advisory council, the commissioner shall solicit input from each of the groups which shall be represented on the council. Membership shall be representative of public school districts, developmental research schools, state community colleges, state universities, private postsecondary institutions, or museums of science as defined in s. 265.608, and private industry and business. The advisory council shall make recommendations regarding policy, activities, and fiscal operations and shall facilitate coordination of entities within the region. The director of the center and staff of the center shall also serve as staff to the council.~~

~~(4) The evaluation of proposals shall include consideration of:~~

~~(a) Cooperative arrangements among public school districts, developmental research schools, state community colleges, state universities, private postsecondary institutions, or museums of science as defined in s. 265.608, and the other governmental agencies and the private sector, including cooperative funding arrangements.~~

~~(b) Strategies for improvement of student performance.~~

~~(c) Development and dissemination of new principles, techniques, knowledge, and instructional strategies.~~

~~(d) Evaluation and development of instructional materials.~~

~~(e) Recruitment and training of minority and female students for careers in mathematics, science, or computer-related careers or global awareness.~~

~~(f) Recruitment or retraining to include, but not be limited to, retired military or private industry and business personnel for teaching.~~

~~(g) Identification and assistance in the acquisition of revenues and other resources from the private sector, federal or state government, or foundations for programs in mathematics, science, or computer education or global awareness.~~

~~(h) Production and dissemination of videotaped instructional materials for students and teachers.~~

~~(i) Development, dissemination, and evaluation of instructional materials, teacher training, and related services for public school students whose native language is other than English and whose proficiency in English is limited where substantiated need exists as determined by the Department of Education.~~

~~(j) Development and operation of a computer education laboratory and library of related materials.~~

~~(5) As used in this section, the term "private postsecondary institution" means an independent nonprofit college or university which is located in and chartered by the state; which is accredited by an agency holding membership in the Commission on Recognition of Postsecondary Accreditation; which grants baccalaureate, associate in arts, or associate in science degrees and the credits of which are acceptable without qualification for transfer to state universities; and which is not a state university or state community college or a pervasively sectarian institution.~~

~~(6) This section shall be implemented in the 1983-1984 school year and thereafter only to the extent as specifically funded and authorized by law.~~

Section 78. Section 228.088, Florida Statutes, is amended to read:

228.088 High schools and secondary schools utilization of security programs.—Each district high school and secondary school shall develop and implement programs for security purposes to be in effect during school operating hours. Such programs may consist of teachers, volunteers, neighborhood watch programs, school resource officers, security guards, or any combination thereof. The Commissioner ~~State Board~~ of Education shall adopt rules to implement the provisions of this section.

Section 79. Subsection (3) of section 228.092, Florida Statutes, is amended to read:

228.092 Retention of records of students attending nonpublic schools.—

(3) DEPARTMENT RESPONSIBILITIES.—All nonpublic schools ~~that~~ which become defunct shall notify the Deputy Commissioner for Educational Programs Management Information Service Section in the Department of Education of the date of transfer of student records, the location of storage,

the custodian of such records, and the number of records to be stored. The department shall act as a clearinghouse and maintain a registry of such transfers of student records.

Section 80. Subsections (2) and (3) of section 228.195, Florida Statutes, are amended to read:

228.195 School food service programs.—

(2) STATE RESPONSIBILITY.—~~The Commissioner of Education shall recommend, and the State Board of Education shall prescribe,~~ rules and standards covering all phases of the administration and operation of the school food service programs.

(3) SCHOOL DISTRICT RESPONSIBILITY.—Each district school board shall consider the recommendations of the district superintendent and adopt policies to provide for an appropriate food and nutrition program for children consistent with regulations and standards prescribed by the commissioner state board.

Section 81. Subsection (1) of section 228.301, Florida Statutes, is amended to read:

228.301 Test security.—

(1) It is unlawful for anyone knowingly and willfully to violate test security rules adopted by the State Board of Education or the Commissioner of Education for mandatory tests administered by or through the State Board of Education or the Commissioner of Education to students, educators, or applicants for certification or administered by school districts pursuant to s. 229.57, or, with respect to any such test, knowingly and willfully to:

- (a) Give examinees access to test questions prior to testing;
- (b) Copy, reproduce, or use in any manner inconsistent with test security rules all or any portion of any secure test booklet;
- (c) Coach examinees during testing or alter or interfere with examinees' responses in any way;
- (d) Make answer keys available to examinees;
- (e) Fail to follow security rules for distribution and return of secure test as directed, or fail to account for all secure test materials before, during, and after testing;
- (f) Fail to follow test administration directions specified in the test administration manuals; or
- (g) Participate in, direct, aid, counsel, assist in, or encourage any of the acts prohibited in this section.

Section 82. Subsection (13) of section 228.502, Florida Statutes, 1996 Supplement, is amended to read:

228.502 The Education Success Incentive Program.—

(13) The Department of Education shall administer the Education Success Incentive Program pursuant to rules adopted by the Commissioner State Board of Education.

Section 83. Section 229.011, Florida Statutes, is amended to read:

229.011 State functions.—Public education is basically a function and responsibility of the state. The responsibility for establishing ~~such minimum~~ standards and regulations ~~as shall tend~~ to assure efficient operation of all schools and adequate educational opportunities for all children is retained by the state.

Section 84. Section 229.053, Florida Statutes, 1996 Supplement, is amended to read:

229.053 General powers of state board.—

(1) The State Board of Education is the chief policymaking and coordinating body of public education in Florida. It has the general powers to determine, adopt, or prescribe such policies, rules, regulations, or standards as are required by law or as it may find necessary for the improvement of the state system of public education. Except as otherwise provided herein, it may, as it shall find appropriate, delegate its general powers to the Commissioner of Education or the directors of the divisions of the department.

(2) The board has the following duties:

(a) To adopt comprehensive educational objectives for public education.

(b) To adopt comprehensive long-range plans and short-range programs for the development of the state system of public education.;

(c) To exercise general supervision over the divisions of the Department of Education ~~as, including the Division of Universities, to the extent necessary to ensure coordination of educational plans and programs and resolve controversies and to coordinate the academic calendars of universities, community colleges, and public schools~~ to minimize problems of articulation and student transfers, to assure that students moving from one level of education to the next have acquired competencies necessary for satisfactory performance at that level, and to ensure maximum utilization of facilities.;

(d) To adopt for public universities and community colleges, and from time to time modify, minimum and uniform standards of college-level communication and computation skills generally associated with successful performance and progression through the baccalaureate level; ~~to approve tests and other assessment procedures which measure student achievement of those skills;~~ and to identify college-preparatory high school coursework and postsecondary-level coursework that prepares students with the academic skills necessary to succeed in postsecondary education.;

(e) To adopt and transmit to the Governor as chief budget officer of the state on official forms furnished for such purposes, on or before September

1 of each year, estimates of expenditure requirements for the State Board of Education, the Commissioner of Education, and all of the boards, institutions, agencies, and services under the general supervision of the State Board of Education for the ensuing fiscal year.;

(f) To hold meetings, transact business, keep records, adopt a seal, and perform such other duties as may be necessary for the enforcement of all laws and regulations relating to the state system of public education.;

~~(g) To have possession of and manage all lands granted to or held by the state for educational purposes;~~

~~(h) To administer the State School Fund;~~

~~(g)(i) To approve plans for cooperating with the Federal Government, and, pursuant thereto, by regulation to accept funds, create subordinate units, and provide the necessary administration required by any federal program;~~

(h)(j) To approve plans for cooperating with other public agencies in the development of regulations and in the enforcement of laws for which the state board and such agencies are jointly responsible.;

~~(i)(k) To review~~ approve plans for cooperating with appropriate nonpublic agencies for the improvement of conditions relating to the welfare of schools.;

~~(l) To authorize, approve, and require to be used such forms as are needed to promote uniformity, accuracy, or completeness in executing contracts, keeping records, or making reports;~~

~~(j)(m) To create such subordinate advisory bodies as are~~ may be required by law or as it finds ~~may find~~ necessary for the improvement of education.;

~~(k)(n) To constitute the State Board for Career Education or other structures as may be required by federal law.;~~

(l) To assist in the economic development of the state by developing a state-level planning process to identify future training needs for industry, especially high-technology industry.

(m) To assist in the planning and economic development of the state by establishing a clearinghouse for information on educational programs of value to economic development.

~~(n)(o) To contract with independent institutions accredited by an agency holding membership in the Commission on Recognition of Postsecondary Accreditation for the provision of those educational programs and facilities which will meet needs unfulfilled by the state system of public postsecondary education;~~

~~(p) To adopt, based on recommendations of the Postsecondary Education Planning Commission, criteria for the establishment of new community colleges and state universities; and~~

~~(o)(q)~~ To recommend that a district school board take action consistent with the state board's decision relating to an appeal of a charter school application.

Section 85. Subsection (2) of section 229.085, Florida Statutes, is amended to read:

229.085 Custody of educational funds.—

(2) There is created in the Department of Education the Projects, Contracts, and Grants Trust Fund. If, in executing the terms of such grants or contracts for specific projects, the employment of personnel shall be required, such personnel shall not be subject to the requirements of s. 216.262(1)(a). ~~Effective July 1, 1979,~~ The personnel employed to plan and administer such projects shall be considered in time-limited employment not to exceed the duration of the grant or until completion of the project, whichever first occurs. Such employees shall not acquire retention rights under the Career Service System, the provisions of s. 110.051(1) to the contrary notwithstanding. Any employee holding permanent career service status in a Department of Education position who is appointed to a position under the Projects, Contracts, and Grants Trust Fund shall retain such permanent status in the career service position.

Section 86. Subsection (1) of section 229.111, Florida Statutes, is amended to read:

229.111 State board authorized to accept gifts.—

(1) ~~The Commissioner of Education may State Board of Education shall have authority to accept or decline,~~ on behalf of the state system of public education or of any school fund established or recognized by law, any gift or bequest of money, royalty, or other personal or real property given or bequeathed to the state system of public education, or to any school fund established or recognized by law,; provided, that no Conditions may not shall be attached to any such gift or bequest of money, royalty, or other personal or real property given or bequeathed for the purposes designated herein which are contrary to the provisions of law or regulations of the state board relating to the use or expenditure of the fund.

Section 87. Section 229.512, Florida Statutes, is amended to read:

229.512 Commissioner of Education, general powers and duties.—The Commissioner of Education is the chief educational officer of the state, and has the following general powers and duties:

(1) To appoint staff necessary to carry out his or her powers and duties,; ~~except that appointment of all division directors shall be subject to approval by the State Board of Education, except the Board of Regents, whose members shall be appointed pursuant to s. 240.207, and the State Board of Community Colleges, whose members shall be appointed pursuant to s. 240.307;~~

(2) To suspend, for cause, with the approval of the State Board of Education, a public community college president. Such suspension shall be acted upon expeditiously by the local community college board of trustees,;

(3) To advise and counsel with the State Board of Education on all matters pertaining to education; to recommend to the State Board of Education actions and policies as, in the commissioner's opinion, should be acted upon or adopted; and to execute or provide for the execution of all acts and policies as are approved.;

(4) To call such special meetings of the State Board of Education as the commissioner deems necessary.;

(5) To keep such records as are necessary to set forth clearly all acts and proceedings of the state board.;

(6) To have a seal for his or her office with which, in connection with his or her own signature, the commissioner shall authenticate true copies of decisions, acts, or documents.;

(7) To assemble all data relative to the preparation of the long-range plan for the development of the state system of public education; to propose for adoption by the State Board of Education such a plan; and to propose revisions in the plan as may be necessary.;

(8) To recommend to the State Board of Education policies and steps designed to protect and preserve the principal of the State School Fund; and to provide an assured and stable income from the fund; ~~and to execute such policies and actions as are approved; and to administer the State School Fund.~~

(9) To take action on the release of mineral rights based upon the recommendations of the Board of Trustees of the Internal Improvement Trust Fund. ~~investigate and submit proposals for sale of all school lands held by the state for educational purposes; to recommend policies for rental, use, or improvement of such lands and for preserving them from trespass or injury, and to execute such policies as are approved;~~

(10) To submit to the State Board of Education, at least 30 days prior to the date fixed herein, recommendations of expenditures for the State Board of Education, the Commissioner of Education, and all of the boards, institutions, agencies, and services under the general supervision of the State Board of Education for the ensuing fiscal year.;

(11) To develop and implement a plan for ~~recommend ways and means of cooperating with the Federal Government in carrying out any or all phases of the educational program and to recommend policies for administering funds that are which may be~~ appropriated by Congress and apportioned to the state for any or all educational purposes.;

(12) To develop and implement ~~recommend~~ policies for cooperating with other public agencies in carrying out those phases of the program in which such cooperation is required by law or is deemed by the commissioner to be desirable and to cooperate with public and nonpublic agencies in planning and bringing about improvements in the educational program.;

(13) ~~To prepare for approval of the State Board of Education such forms and procedures as are deemed necessary to be used by the Board of Regents,~~

boards of trustees of community colleges, district school boards, and all other educational agencies to assure uniformity, accuracy, and efficiency in the keeping of records, the execution of contracts, the preparation of budgets, or the submission of reports; to furnish at state expense, when deemed advisable by the commissioner, those forms that ~~which~~ can more economically and efficiently be provided.;

(14) To implement a program of school improvement and education accountability as provided by statute and State Board of Education rule which is based upon the achievement of the state education goals, recognizing the State Board of Education as the body corporate responsible for the supervision of the system of public education, the school board as responsible for school and student performance, and the individual school as the unit for education accountability; to arrange for the preparation, publication, and distribution of materials relating to the state system of public education which will supply information concerning needs, problems, plans, and possibilities; to prepare and publish annually reports giving statistics and other useful information pertaining to the state system of public education; and to have printed copies of school laws, forms, instruments, instructions, and regulations of the State Board of Education and to provide for the distribution of the same.;

(15) To develop criteria for use by state instructional materials committees in evaluating materials submitted for adoption consideration. The criteria shall, as appropriate, be based on instructional expectations reflected in curriculum frameworks and student performance standards. The criteria for each subject or course shall be made available to publishers of instructional materials at least 24 months prior to the date on which bids are due as provided by s. 233.14. It is the intent of the Legislature that publishers have ample time to develop instructional materials designed to meet requirements in this state.

Section 88. Section 229.515, Florida Statutes, is created to read:

229.515 Rules and standards have force of law.—The Commissioner of Education may prescribe such rules and minimum standards as are necessary to carry out his or her responsibilities under the school code, with the exception of provisions relating to state universities and community colleges and the Florida School for the Deaf and the Blind, and all such rules and minimum standards, if not in conflict with the school code, have the full force and effect of law. The commissioner, in prescribing such rules, is considered an “agency” for purposes of chapter 120.

Section 89. Section 229.559, Florida Statutes, is amended to read:

229.559 Social security numbers used as student identification numbers.—Beginning in the 1990-1991 school year, Each school district shall request that each student enrolled in a public school in this state provide his or her social security number. Beginning in the 1991-1992 school year, Each school district shall use social security numbers as student identification numbers in the management information system maintained by the school district. However, a student is ~~shall~~ not be required to provide his or her

social security number as a condition for enrollment or graduation. A student satisfies this requirement by presenting to school enrollment officials his or her social security card or a copy of the such card. The school district shall include the social security number in the student's permanent records and shall indicate if the student identification number is not a social security number. The commissioner shall provide assistance to school districts to assure that the assignment of student identification numbers other than social security numbers is kept to a minimum and to avoid duplication of any student identification number. ~~By March 1, 1991, the commissioner shall report to the State Board of Education the increase in student social security numbers on record and the actions implemented and planned to enable districts to comply with the requirements of this section by the 1991-1992 school year.~~

Section 90. Section 229.565, Florida Statutes, is amended to read:

229.565 Educational evaluation procedures.—

(1) STUDENT PERFORMANCE STANDARDS.—

(a) The State Board of Education shall approve student performance standards in the various program categories and chronological grade levels which the Commissioner of Education designates as necessary for maintaining a good educational system. The standards must apply, without limitation, to language arts, mathematics, science, social studies, the arts, health and physical education, and foreign language reading, writing, mathematics, science, history, government, geography, economics, and computer literacy. The commissioner shall obtain opinions and advice from citizens, educators, and members of the business community in developing the standards. For purposes of this section, the term "student performance standard" means a statement describing a skill or competency that students are expected to learn.

(b) The student performance standards must address the skills and competencies that a student must learn in order to graduate from high school. The commissioner shall also develop performance standards for students who learn a higher level of skills and competencies.

~~(c) Section 3, chapter 83-327, Laws of Florida, shall be implemented in the 1983-1984 school year and thereafter only to the extent specifically funded and authorized by law.~~

~~(2) STANDARDS OF EXCELLENCE.—The State Board of Education shall approve performance standards of excellence in, but not limited to, mathematics and science, which the Commissioner of Education determines shall best indicate the status of the state system of public education. This provision shall be implemented in the 1983-1984 school year and thereafter only to the extent specifically funded and authorized by law.~~

(2)(3) EDUCATION EVALUATION.—The Commissioner of Education, or the Auditor General as provided in paragraph (a), shall periodically examine and evaluate procedures, records, and programs in each district to determine compliance with law and rules established by the state board or the

Commissioner of Education and in each correctional institution operated by the Department of Corrections to determine compliance with law and rules established by the Department of Corrections for the Correctional Education Program pursuant to s. 944.801. Such evaluations must shall include, but need not be limited to:

(a) Reported full-time equivalent membership in each program category. This evaluation must shall be conducted by the Auditor General for the Florida Education Finance Program full-time enrollment verification function.

(b) The organization of all special programs to ensure compliance with law and the criteria established and approved by the state board pursuant to the provisions of this section and s. 230.23(4)(m).

(c) The procedures for identification and placement of students in educational alternative programs for students who are disruptive or unsuccessful in a normal school environment and for diagnosis and placement of students in special programs for exceptional students, to determine that the district is following the criteria for placement established by rules of the state board and of the Commissioner of Education and the procedures for placement established by that district school board.

~~(d) Procedures for screening, identification, and assignment of instructional strategies of the Florida Primary Education Program, or an approved alternative program as provided in s. 230.2312, and any other provisions of the program.~~

~~(d)(e)~~ An evaluation of the standards by which the school district evaluates basic and special programs for quality, efficiency, and effectiveness.

~~(e)(f)~~ Determination of the ratio of administrators to teachers in each school district.

~~(f)(g)~~ Compliance with the cost accounting and reporting requirements of s. 237.34 and the extent to which the percentage expenditure requirements therein are being met.

~~(g)(h)~~ Clearly defined data collection and documentation requirements, including specifications of which records and information need to be kept and how long the records need to be retained. The information and documentation needs for evaluation must shall be presented to the school districts and explained well in advance of the actual audit date.

~~(h)(i)~~ Determination of school district achievement in meeting the performance standards specified in s. 232.2454(1).

~~(3)(4)~~ ASSISTANCE AND ADJUSTMENTS.—If discrepancies or deficiencies are found, the Commissioner of Education must shall provide information and assistance to the superintendent and personnel of the district in correcting the cited deficiencies. Priority for such assistance must shall be given to providing the most deficient individual school programs with research-based problem identification strategies and alternatives to improve student performance. Such alternatives must shall be systematically

drawn from research related to school effectiveness, teacher effectiveness, or management effectiveness. If it is determined that the approved criteria and procedures for the placement of students and the conduct of programs have not been followed by the district, appropriate adjustments in the full-time equivalent student count for that district ~~must~~ shall be made, and any excess funds ~~must~~ shall be deducted from subsequent allocations of state funds to that district. As provided for by rule ~~rules~~ of the State Board of Education, if errors in a specific program of a district recur in consecutive years due to lack of corrective action by the district, adjustments may be made based upon statistical estimates of error projected to the overall district program.

~~(5) PREKINDERGARTEN EARLY INTERVENTION PROGRAM.—The commissioner shall annually examine and evaluate the procedures, records, and programs of each district which has established a prekindergarten early intervention program to determine the district's compliance with s. 230.2305 and with the approved district plan for the prekindergarten early intervention program.~~

Section 91. Subsections (3) and (4) of section 229.57, Florida Statutes, are amended to read:

229.57 Student assessment program.—

(3) STATEWIDE ASSESSMENT PROGRAM.—The commissioner is directed to design and implement a statewide program of educational assessment that provides information for the improvement of the operation and management of the public schools. The program must be designed, as far as possible, so as not to conflict with ongoing district assessment programs and so as to use information obtained from district programs. Pursuant to the statewide assessment program, the commissioner shall:

(a) Submit to the state board a list that specifies student skills and competencies to which the goals for education specified in the state plan apply, including, but not limited to, reading, writing, and mathematics. The skills and competencies must include problem-solving and higher-order skills as appropriate. The commissioner shall select such skills and competencies after receiving recommendations from educators, citizens, and members of the business community. ~~Such skills and competencies must include, without limitation, those which comprise minimum standards of student performance.~~ The commissioner shall submit to the state board revisions to the list of student skills and competencies in order to maintain continuous progress toward improvements in student proficiency.

(b) Develop and implement a uniform system of indicators to describe the performance of public school students and the characteristics of the public school districts and the public schools. These indicators must include, without limitation, information gathered by the comprehensive management information system created pursuant to s. 229.555 and student achievement information obtained pursuant to this section.

(c) Develop and implement a student achievement testing program as part of the statewide assessment program, to be administered each spring,

of grades 4, 7, and 10 in reading, writing, and mathematics. The testing program must be designed as follows:

1. For grades 4 and 7, the testing program must use nationally normed achievement tests that are administered by school districts in accordance with subsection (4). The State Board of Education shall adopt rules specifying the procedures to be used in reviewing available tests and rules designating a list of tests that are acceptable for this purpose. Each school district must administer one of the designated tests to fulfill the requirements of this section. The commissioner shall take steps to assure that the designated tests are administered in a uniform and acceptable manner and shall designate the dates of administration of these tests.

2. For grade 10, the testing program must use a nationally normed student achievement test selected through an appropriate bidding process. The commissioner shall designate the criteria to be considered in the bidding process, including, without limitation, the degree to which the nationally normed test is compatible with college-level communication and computation skills defined pursuant to s. 229.551(3)(f), the degree of relationship with the skills measured by the college-level communication and computation skills examination prescribed by s. 240.107, the technical quality of the test, the adequacy of normative data, and the security of the test forms to be used in this state. The content of the tests must include testing of problem-solving and higher-order skills to the extent possible. Participation in the 10th grade testing program is mandatory for all students in public schools except as may be otherwise prescribed by the commissioner for students not pursuing regular high school diplomas.

3. The testing programs for grades 4, 7, and 10 must include a test of writing in which students are required to produce writings which are then scored by appropriate methods.

4. For the tests for grades 4 and 7, a score must be designated for each subject area tested, below which score a student's performance is deemed inadequate. The school districts shall provide appropriate remedial instruction to students who score below these levels.

5. All 11th grade students shall be required to take high school competency tests developed by the state board to test minimum student performance skills and competencies in reading, writing, and mathematics. Upon recommendation of the commissioner, the state board shall designate a passing score for each part of the high school competency test. In establishing passing scores, the state board shall consider any possible negative impact of the tests on minority students. A student must earn a passing score on each part taken to qualify for a regular high school diploma. The commissioner shall recommend rules to the state board for the provision of test adaptations and modifications of procedures as necessary for students in exceptional education programs and for students who have limited English proficiency. The school districts shall provide appropriate remedial instruction to students who do not pass part of the competency test.

6. A student seeking an adult high school diploma must meet the same testing requirements that a regular high school student must meet.

The commissioner may design and implement student testing programs for other grade levels and subject areas, based on a census or sampling procedures designated by the commissioner to monitor educational achievement in the state.

(d) Obtain or develop a career planning assessment to be administered to students, at their option, in grades 7 and 10 to assist them in preparing for further education or entering the workforce. The statewide student assessment program must include career planning assessment as a free service to schools.

(e) Conduct ongoing research to develop improved methods of assessing student performance, including, without limitation, the use of technology to administer tests, the use of electronic transfer of data, the development of work-product assessments, and the development of process assessments.

(f) Conduct ongoing research and analysis of student achievement data, including, without limitation, monitoring trends in student achievement, identifying school programs that are successful, and analyzing correlates of school achievement.

(g) Provide technical assistance to school districts in the implementation of state and district testing programs and the use of the data produced pursuant to such programs.

(4) DISTRICT TESTING PROGRAMS.—Each district shall periodically assess student performance and achievement within each school of the district. Such assessment programs must be based upon local goals and objectives that are compatible with the state plan for education and that supplement the skills and competencies adopted by the State Board of Education. In grades 4 and ~~8~~ 7, each district shall administer a nationally normed achievement test selected from a list approved by the state board; the data resulting from these tests must be provided to the Department of Education according to procedures specified by the commissioner. The commissioner may request achievement data for other grade levels as necessary.

Section 92. Subsection (1) of section 229.59, Florida Statutes, is amended to read:

229.59 Educational improvement projects.—

(1) Pursuant to rules adopted by the ~~Commissioner~~ State Board of Education, each district school board, or each principal through the district school board, may submit to the commissioner for approval a proposal for implementing an educational improvement project. Such proposals shall be developed with the assistance of district and school advisory councils and may address any or all of the following areas:

- (a) The improvement of school management;
- (b) The improvement of the district and school advisory councils;
- (c) School volunteers;

- (d) The professional development of teachers;
- (e) The restructuring of educational programs to meet the needs of diverse students; and
- (f) Global awareness.

Such projects may also address any other educational area which would be improved through the encouragement of closer working relationships among the school principal, the teachers, and the parents and other members of the community. Priority shall be given to proposals which provide for the inclusion of existing resources, such as district educational training funds, in the implementation of an educational improvement project.

Section 93. Subsection (1) of section 229.591, Florida Statutes, 1996 Supplement, is amended to read:

229.591 Comprehensive revision of Florida's system of school improvement and education accountability.—

(1) INTENT.—The Legislature recognizes that the children and youth of the state are its future and its most precious resource. To provide these developing citizens with the sound education needed to grow to a satisfying and productive adulthood, the Legislature intends that, by the year 2000, Florida establish a system of school improvement and education accountability based on the performance of students and educational programs. The intent of the Legislature is to provide clear guidelines, ~~or a "Blueprint 2000,"~~ for achieving this purpose and for returning the responsibility for education to those closest to the students, that is the schools, teachers, and parents. The Legislature recognizes, however, its ultimate responsibility and that of the Governor, the Commissioner of Education, and the State Board of Education and other state policymaking bodies in providing the strong leadership needed to forge a new concept of school improvement and in making adequate provisions for a uniform system of free public schools as required by s. 1, Art. IX of the State Constitution. It is further the intent of the Legislature to build upon the foundation established by the Educational Accountability Act of 1976 and to implement a program of education accountability and school improvement based upon the achievement of state goals, recognizing the State Board of Education as the body corporate responsible for the supervision of the system of public education, the district school board as responsible for school and student performance, and the individual school as the unit for education accountability.

Section 94. Subsection (1), paragraphs (c) and (d) of subsection (3), and subsections (5) and (6) of section 229.592, Florida Statutes, 1996 Supplement, are amended to read:

229.592 Implementation of state system of school improvement and education accountability.—

(1) DEVELOPMENT.—It is the intent of the Legislature that every public school in the state shall have a school improvement plan, as required by s. 230.23(18), fully implemented and operational by the beginning of the

1993-1994 school year. Vocational standards considered pursuant to s. 239.229 shall be incorporated into the school improvement plan for each area technical center operated by a school board by the 1994-1995 school year, and area technical centers shall prepare school report cards incorporating such standards, pursuant to s. 230.23(18), for the 1995-1996 school year. In order to accomplish this, the Florida Commission on Education Reform and Accountability and the school districts and schools shall carry out the duties assigned to them by ss. 229.594 and 230.23(18), respectively. ~~In addition, the following initial steps in program development shall be undertaken beginning June 1, 1991, and shall continue during the 1991-1992 school fiscal year:~~

~~(a) Each school shall conduct an initial needs assessment including separately each school within a school, magnet school, self-contained educational alternative center, or satellite center, and the results of the assessments shall be accompanied by a needs response plan and submitted to the Florida Commission on Education Reform and Accountability by November 1, 1991. The commissioner must provide a format for the needs assessments to the school board by June 1, 1991, and the local school board shall coordinate each needs assessment. The assessments shall be based on data from the 1990-1991 school year and shall address at least the following:~~

~~1. The status of the school in relation to the general goals for education contained in s. 229.591;~~

~~2. The academic status of students attending the school as reflected by test scores, dropout and same grade retention rates, the availability of upper level courses in mathematics and science, the percentage of the school's enrollment and the number of completers by race and gender in upper-level mathematics and science courses, and the number of students entering postsecondary institutions;~~

~~3. Student school participation characteristics including: attendance rates, the number of expulsions and suspensions, and the number of instances of corporal punishment;~~

~~4. The economic status of the student body and area served by the school;~~

~~5. The demographic characteristics of the student body and the faculty and staff of the school;~~

~~6. The financial status of the school as reflected by per-student expenditures for instruction and administration, and other appropriate measures; and~~

~~7. Such other needs assessment indicators as may be determined by the individual school.~~

~~(b) Each area technical center operated by a school board shall conduct a needs assessment as part of the school improvement process. The results of the assessments shall be accompanied by a needs response plan and be submitted to the Florida Commission on Education Reform and Accountability by November 1, 1992. The commissioner shall provide a format for the~~

~~needs assessments to the school boards by August 1, 1992, and the local school board shall coordinate each needs assessment. The first such assessment shall be based on data from the 1991-1992 school year and must address at least the following:~~

- ~~1. The vocational standards articulated in s. 239.229.~~
 - ~~2. The financial status of the center as indicated by per-student expenditures for instruction and administration, and other appropriate measures.~~
 - ~~3. Student completion and placement rates.~~
 - ~~4. A forecast of occupations indicating future workplace needs required over the next 5 years within the service area, based upon labor market supply and demand data and local economic conditions.~~
 - ~~5. Other such needs assessment indicators as may be determined by the center.~~
- ~~(c) The needs response plan for each school and the district shall generally describe proposed actions to reduce any needs identified by the needs assessment.~~

~~(d) The Commissioner of Education shall provide the school boards with the technical assistance necessary to conduct the school needs assessments.~~

~~(e) The Florida Commission on Education Reform and Accountability and the Department of Education shall review and analyze the needs assessment information received from the school boards and shall submit a summary report on the information to the Legislature by January 1, 1992, and shall provide, upon request, the needs assessment on any individual school. By November 1, 1991, the commission shall identify a core of performance standards addressing the state's most pressing educational problems for use in the analysis of the needs assessment information.~~

(3) COMMISSIONER.—The commissioner shall be responsible for implementing and maintaining a system of intensive school improvement and stringent education accountability.

(c) The annual feedback report shall be developed by the commission and the Department of Education. The format for this feedback shall be developed by the commission and recommended to the State Board of Education by January 1, 1992. The State Board of Education shall adopt a format for the feedback report.

(d) The commissioner and the commission shall review each school board's feedback report and submit its findings to the State Board of Education. If adequate progress is not being made toward implementing and maintaining a system of school improvement and education accountability, the State Board of Education shall direct the commissioner to prepare and implement a corrective action plan. The commissioner ~~commission~~ and State Board of Education shall monitor the development and implementation of the corrective action plan.

(5) STATE BOARD.—The State Board of Education shall adopt rules necessary to implement a state system of school improvement and education accountability. ~~By September 1, 1992, the state board shall adopt standards for indicating progress toward the state education goals pursuant to s. 229.591(3). By September 1, 1993, the state board shall adopt rules providing guidelines for annual school reports. Such rules must shall be based on recommendations of the Commission on Education Reform and Accountability and must shall include, but need not be limited to, a requirement that each school report identify the annual Education Enhancement Trust Fund allocations to the district and the school and how those allocations were used for educational enhancement and supporting school improvement.~~

(6) EXCEPTIONS TO LAW.—To facilitate innovative practices and to allow local selection of educational methods, the commissioner may waive, upon the request of a school board, requirements of chapters 230 through 239 of the Florida School Code that relate to instruction and school operations, except those pertaining to civil rights, and student health, safety and welfare. The Commissioner of Education is not authorized to grant waivers for any provisions of law pertaining to the allocation and appropriation of state and local funds for public education; the election, compensation, and organization of school board members and superintendents; graduation and state accountability standards; financial reporting requirements; public meetings; public records; or due process hearings governed by chapter 120. Prior to approval, the Commissioner shall report pending waiver requests to the state board on a monthly basis, and shall, upon request of any state board member, bring a waiver request to the state board for consideration. If, within two weeks of receiving the report, no member requests that a waiver be considered by the state board, the Commissioner may act on the original waiver request. No later than January 1 of each year, the Commissioner shall report to the President and Minority Leader of the Senate and the Speaker and Minority Leader of the House all approved waiver requests in the preceding year. during the time period required for careful deliberation by the Legislature and the Florida Commission on Education Reform and Accountability, the following time-limited exceptions shall be permitted:

(a) ~~In the annual general appropriations acts, the Legislature may authorize exceptions to any laws pertaining to fiscal policies, including ss. 236.013 and 236.081, provided the intent is to give school districts increased flexibility and local control of education funds. If the General Appropriations Act does not contain a specific line-item appropriation or a specific listing within a line-item appropriation which provides funding for the programs established pursuant to the following statutes, the statute shall be held in abeyance for that fiscal year, and any approved plan for implementing said statute shall be null and void for said fiscal year: ss. 228.0855; 230.2215; 230.2305; 230.2318; 231.087; 231.613; 232.257; 233.0615; 233.0678; 234.021; 236.0873; 236.083; 236.092; 236.122; 236.1225; 236.1228; and 239.401.~~

(b) ~~The methods and requirements of the following statutes shall be held in abeyance: ss. 228.088; and 229.57(4) and (5).~~

~~In determining which statutes and rules stand in the way of school improvement, the Florida Commission on Education Reform and Accountability shall consider the effect that holding the statutes listed in paragraphs (a) and (b) in abeyance has had on the school improvement process. It is the intent of the Legislature that statutes listed in paragraphs (a) and (b) be systematically repealed after being held in abeyance for 3 consecutive fiscal years.~~

~~(c) The Legislature authorizes that the methods and requirements of the statutes listed in paragraph (a) for which a specific line-item appropriation or a specific listing within a line-item appropriation is contained and funded in the General Appropriations Act and the following statutes may be waived for any school board so requesting, provided the general statutory purpose of each section is met and the school board has submitted a written request to the commissioner for approval pursuant to this subsection: ss. 228.041(13) and (16); 229.602(5); 230.23(3), (4)(f) and (o), (6), (7)(a), (b), and (c), (11)(c), and (17); 231.095; 232.01; 232.04; 232.045; 232.245; 232.2462; 232.2463; 233.011; 233.34; 236.013(3) relating to the 36-hour limit; and 239.121. Graduation requirements in s. 232.246 must may be met by demonstrating performance of intended outcomes for any course in the Course Code Directory unless if a waiver is from the requirements of s. 232.2462 has been approved by the commissioner based upon a need identified in a school improvement plan. In developing procedures for awarding credits based on performance outcomes, districts may request waivers from State Board of Education rules relating to curriculum frameworks and credits for courses and programs in the Course Code Directory. Credit awarded for a course or program beyond that allowed by the Course Code Directory counts shall count as credit for electives. Upon request by any school district, the commissioner shall evaluate and establish procedures for variations in academic credits awarded toward graduation by a high school offering six periods per day compared to those awarded by high schools operating on other schedules.~~

1. A school board may originate a request for waiver and submit the request to the commissioner if such a waiver is required to implement districtwide improvements.

2. A school board may submit a request to the commissioner for a waiver if such request is presented to the school board by a school advisory council established pursuant to s. 229.58 and if such a waiver is required to implement a school improvement plan required by s. 230.23(18). The school board shall report annually to the Florida Commission on Education Reform and Accountability, in conjunction with the feedback report required pursuant to subsection (3), the number of waivers requested by school advisory councils, the number of such waiver requests approved and submitted to the commissioner, and the number of such waiver requests not approved and not submitted to the commissioner. For each waiver request not approved, the school board shall report the statute or rule for which the waiver was requested, the rationale for the school advisory council request, and the reason the request was not approved.

3. When approved by the commissioner, a waiver requested under pursuant to this paragraph is effective shall be for a 5-year period.

~~(b)(d)~~ Notwithstanding the provisions of chapter 120 and for the purpose of implementing this subsection, the commissioner may waive State Board of Education rules ~~if adopted to implement statutes listed in paragraphs (a), (b), and (c), provided that the intent of each rule is met and the school board has submitted a written request to the commissioner for approval pursuant to this subsection.~~

~~(c)(e)~~ The written request for waiver of statute or rule ~~must shall~~ indicate at least how the general statutory purpose will be met, how granting the waiver will assist schools in improving student outcomes related to the student performance standards adopted pursuant to subsection (5), and how student improvement will be evaluated and reported. In considering any waiver, the commissioner shall ensure protection of the health, safety, welfare, and civil rights of the students and protection of the public interest.

~~(d)(f)~~ ~~Any request for a waiver which is not denied, or for which a request for additional information is not issued, within 21 days after receipt of the written request shall be deemed approved. Any waiver for which a timely request for additional information has been issued shall be deemed to be approved if a denial is not issued within 21 days after the commissioner's receipt of the specifically requested additional information. Upon denying~~ On denial of a request for a waiver, the commissioner must shall state with particularity the grounds or basis for the denial. The commissioner shall report the specific statutes and rules for which waivers are requested and the number and disposition of such requests to the Florida Commission on Education Reform and Accountability for use in determining which statutes and rules stand in the way of school improvement.

Section 95. Subsections (3), (4), (5), and (6) of section 229.593, Florida Statutes, are amended to read:

229.593 Florida Commission on Education Reform and Accountability.—

~~(3) The commission shall be appointed no later than 30 days after the effective date of this act. Recognized statewide organizations representing each interest enumerated in this section shall submit no fewer than two nor more than three nominees to the appropriate public official for consideration. The public officials shall appoint members representative of the ethnic, racial, gender, and economic population of the state. ~~In the absence of nominees, the designated appointing authority shall appoint persons who otherwise meet the qualifications for appointment to the commission.~~ The term of each appointed private citizen member shall be for 4 years; ~~however, initially, the Governor, the President of the Senate, the Speaker of the House of Representatives, and the Commissioner of Education shall each appoint at least one member for a 4-year term, one member for a 3-year term, and two members for 2-year terms.~~ A vacancy shall be filled for the remainder of the unexpired term by the person who had appointment jurisdiction of the vacated member. Members shall serve until their successors are duly appointed. ~~There shall be no limitation on successive appointments to the commission.~~ Provisions of s. 11.611(8)(b) to the contrary notwithstanding, private citizen members shall be appointed as provided in this section and are shall not be subject to confirmation by the Senate. Members~~

of the commission may be removed for cause by the appointing authority. Any member who, without cause, fails to attend three consecutive meetings may be removed by the appointing authority.

~~(4) As soon as practicable after all members are appointed, the Commissioner of Education shall call an organizational meeting of the commission. Subsequent meetings shall be held as often as the commission deems necessary to carry out its duties and responsibilities.~~

~~(4)(5)~~ The commission shall adopt internal organizational procedures or bylaws necessary for its efficient operation. The commission shall elect a vice chair annually, who shall chair the commission in the absence of the chair. The commission may appoint committees from its membership or may create such ad hoc advisory committees as it deems necessary. The commission shall clearly assign duties to each committee ~~duties that are which shall~~ be consistent with the statutory duties of the commission. At least one such committee must ~~shall~~ be created to address the development of performance standards consistent with the state education goals. Any committee is to ~~shall~~ serve the commission in a strictly advisory capacity and must ~~shall~~ have a commission member as chair.

~~(5)(6)~~ Members of the commission shall serve without compensation but are ~~shall be~~ entitled to reimbursement for per diem and travel expenses incurred in the performance of their duties as provided in s. 112.061. Legislators are ~~shall be~~ entitled to receive travel and per diem expenses as provided by the Joint Legislative Management Committee for meetings of legislative committees. When appropriate, commission members who are parents are to ~~shall~~ receive a stipend for child care costs incurred while attending commission meetings.

Section 96. Subsection (1) of section 229.594, Florida Statutes, is amended to read:

229.594 Powers and duties of the commission.—

(1) The commission shall review and recommend procedures for a new system of school improvement and education accountability and recommend the repeal or modification of statutes, fiscal policies, and rules that stand in the way of school improvement. Specifically, the commission shall:

(a) Serve as an advisory body to oversee the development, establishment, implementation, and maintenance of a program of school improvement and education accountability based upon the achievement of state education goals. This responsibility shall include the following:

1. Holding public hearings, as ~~determined to be~~ necessary, in various parts of the state. The purpose of these hearings is ~~shall be~~ to receive public comment on the status of education and suggestions regarding the establishment and implementation of a system of school improvement and education accountability. When feasible, alternative methods such as teleconferencing shall be employed to increase public involvement.

2. Observing the development and implementation of school improvement plans pursuant to s. 230.23(18). Particular attention shall be paid to

ensuring the involvement of teachers, parents, and community in the development and implementation of individually prepared school improvement plans.

3. Involving the business community in the provision of needed training for school advisory councils, teachers, principals, district administrators, and school board members.

4. Annually recommending changes in statutes, rules, and policies needed to implement and maintain a system of school improvement and education accountability in the state.

(b) Review and, with assistance from the Department of Education, analyze results of school needs assessments submitted by district school boards ~~and, by January 1, 1992, submit a report of its findings to the Legislature.~~ The report shall include recommendations for changes in the school improvement and accountability required by s. 230.23(18) which are considered necessary as a result of the school needs assessments. The report shall also include a recommendation regarding the minimum number of credits, subjects, and courses that should be required by the state for regular and alternative high school diplomas; the number of hours of instruction required to receive a credit; the length of a high school day; and the number of periods per day for high schools.

(c) Recommend to the Legislature, ~~the~~ and State Board of Education, ~~and the Commissioner of Education,~~ as appropriate, the components of a system of school improvement and accountability. Initial recommendations must be reviewed and revised as necessary annually and must include:

1. Performance standards for indicating state, school district, and school progress toward the state education goals and a definition of what shall be considered "adequate progress" toward meeting these performance standards. Effective June 1, 1993, such standards must incorporate the provisions of s. 239.229.

2. Methods for measuring state, school district, and school progress toward the goals. These assessment methods must include the most effective and efficient procedures available from the current system of assessment and alternative and new assessment practices.

3. Methods for public reporting on the progress toward the goals by the state, school districts, and individual schools. Emphasis shall be placed on reporting individual school improvement and progress, and comparisons between schools shall be minimized. Methods for reporting the status of children and families and community services available in each school district to help children and families in need shall also be developed.

4. Effective use of existing methods for recognizing schools and development of necessary additional methods to recognize schools that meet or make adequate progress toward the education goals. The commission shall also consider the development of incentives including financial incentives for schools that make exceptional progress toward the education goals.

5. Guidelines that may be adopted as rule ~~and used~~ by the State Board of Education, or the Commissioner of Education, and the school board in determining the action for any school that does not improve after 3 years of assistance and intervention, including commission responsibility in recommending action for said schools. The guidelines must shall be stringent and must shall ensure that the school is not permitted to continue serving students in a less than adequate manner.

If in the opinion of the commission an adequate system of accountability is in place to protect the public interest, the commission may recommend to the Legislature the repeal or revision of laws, including fiscal policies, and to the State Board of Education and the Commissioner of Education the repeal or revision of rules, which in the opinion of the commission stand in the way of school improvement. The commission may defer any or all recommendations for repeal or revision of laws and rules until such time as it determines an adequate system of accountability is to be established and implemented.

Section 97. Subsection (8) of section 229.602, Florida Statutes, is amended to read:

229.602 Florida private sector and education partnerships.—

(8) Partnership vocational career education programs shall be those job-preparatory vocational career education programs offered through signed partnership agreements between area technical centers and business, industry, or apprenticeship committees. Partnership vocational career education programs are limited to:

(a) Apprenticeship programs approved pursuant to chapter 446.

(b) Cooperative education programs where instruction is provided, including required academic courses and related vocational instruction, by alternation of study in school with a job in any occupational field, provided that the two experiences must be planned and supervised by the school and employers so that each contributes to the student's education and employability.

(c) Courses provided through the area technical center in which the sole instructor is a full-time salaried employee of a business or industry whose teaching services are provided free to the school district, thus allowing the school district to provide the course at a lower cost per pupil.

Section 98. Section 229.75, Florida Statutes, is amended to read:

229.75 Department under direction of state board.—The Department of Education shall act as an administrative and supervisory agency under the policy direction of the State Board of Education. ~~The state board and its staff shall comprise the department.~~

Section 99. Section 229.76, Florida Statutes, is amended to read:

229.76 Functions of department.—The department is to shall be located in the offices of the Commissioner of Education, ~~shall operate under the~~

~~direction and control of the state board~~ and shall assist it in providing professional leadership and guidance, and in carrying out the policies, procedures, and duties authorized by law or by the board or found necessary by it to attain the purposes and objectives of the school code.

Section 100. Section 229.771, Florida Statutes, is amended to read:

229.771 Removal from office.—The State Board of Education department shall remove from office for cause any person appointed by the state board under the provisions of the school code or any subordinate school officer. ~~Cause for such removal shall be~~ Incompetency, immorality, misconduct in office, gross insubordination, or willful neglect of duty constitutes cause for such removal. Notice and hearing must ~~shall~~ be provided pursuant to chapter 120.

Section 101. Paragraphs (b) and (c) of subsection (3), paragraph (a) of subsection (4), and subsection (5) of section 229.805, Florida Statutes, are amended to read:

229.805 Educational television.—

(3) POWERS OF DEPARTMENT OF EDUCATION.—

(b) The department shall provide through educational television and other electronic media a means of extending educational services to all the state system of public education, except the State University System as defined in s. 240.2011, which provision by the department shall be limited by paragraph (c) and by s. 229.8051(1). The department shall recommend to the Commissioner of Education ~~state board~~ rules and regulations necessary to provide such services.

(c) The department is authorized to provide equipment, funds, and other services to extend and update both the existing and the proposed educational television and radio systems of tax-supported and nonprofit, corporate-owned facilities. All stations funded must be qualified by the Corporation for Public Broadcasting. New stations eligible for funding shall provide a first service to an audience that is not currently receiving a broadcast signal or provide a significant new program service as defined by Commissioner ~~State Board~~ of Education rules. Funds appropriated to the department for educational television and funds appropriated to the department for educational radio may be used by the department for either educational television or educational radio, or for both.

(4) PROHIBITED USE, PENALTY.—

(a) None of the facilities, plant, or personnel of any educational television system ~~that which~~ is supported in whole or in part by state funds shall be used directly or indirectly for the promotion, advertisement, or advancement of any political candidate for any municipal, county, legislative, congressional, or state office. However, fair, open, and free discussion between political candidates for municipal, county, legislative, congressional, or state office may be permitted in order to help materially reduce the excessive cost of campaigns and to ensure that the citizens of this state shall be fully

informed about such issues and candidates in such campaigns. The above provisions ~~shall~~ apply to the advocacy for, or opposition to, any specific program, existing or proposed, of governmental action which shall include, but shall not be limited to, constitutional amendments, tax referenda, and bond issues. The provisions of this paragraph shall be in accordance with reasonable rules and regulations prescribed by the Commissioner State Board of Education or the Board of Regents, whichever has authority in the premises.

(5) DUTY OF DEPARTMENT OF EDUCATION.—The Department of Education ~~is shall be~~ responsible for identifying the needs of the state system of public education as they relate to the development and production of materials used in instruction. When such identified needs are considered deemed to be best satisfied by the production of new materials, the department ~~may shall be empowered to~~ commission or contract for the production of such materials. The Commissioner State Board of Education shall adopt and prescribe rules and regulations for the proper enforcement and carrying out of these provisions.

Section 102. Subsections (1) and (3) of section 229.8051, Florida Statutes, are amended to read:

229.8051 Public broadcasting program system.—

(1) There is created a public broadcasting program system for the state. The Department of Education shall administer this program system shall be administered by the Department of Education pursuant to policies adopted by the Commissioner State Board of Education. This program system must and shall complement and share resources with the instructional programming service of the Department of Education and educational UHF, VHF, ITFS, and FM stations in the state. The This program system must shall include:

(a) Support for existing Corporation for Public Broadcasting qualified program system educational radio and television stations and new stations meeting Corporation for Public Broadcasting qualifications and providing a first service to an audience that does not currently receive a broadcast signal or providing a significant new program service as defined by rule by the Commissioner State Board of Education rules.

(b) Maintenance of quality broadcast capability for educational stations that which are part of the program system.

(c) Interconnection of all educational stations that which are part of the program system for simultaneous broadcast and of such stations with all universities and other institutions as necessary for sharing of resources and delivery of programming.

(d) Establishment and maintenance of a capability for statewide program distribution with facilities and staff, provided such facilities and staff complement and strengthen existing or future educational television and radio stations in accordance with paragraph (a) and s. 229.805(3)(c).

(e) Provision of both statewide programming funds and station programming support for educational television and educational radio to meet statewide priorities. Priorities for station programming need not be the same as priorities for programming to be used statewide. Station programming may include, but shall not be limited to, citizens' participation programs, music and fine arts programs, coverage of public hearings and governmental meetings, equal air time for political candidates, and other public interest programming.

(3) The Commissioner ~~State Board~~ of Education shall adopt rules for the proper enforcement and carrying out of these provisions.

Section 103. Subsection (1) of section 230.03, Florida Statutes, is amended to read:

230.03 Management, control, operation, administration, and supervision.—The district school system must ~~shall~~ be managed, controlled, operated, administered, and supervised as follows:

(1) DISTRICT SYSTEM.—The district school system shall be considered as a part of the state system of public education. All actions of district school officials shall be consistent and in harmony with state laws and with rules and minimum standards of the state board and the commissioner. District school officials, however, shall have the authority to provide additional educational opportunities, as desired, which are authorized, but not required, by law or by the district school board.

Section 104. Subsections (2) and (5) of section 230.22, Florida Statutes, are amended to read:

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

(2) ADOPT RULES AND REGULATIONS.—The school board shall adopt such rules and regulations to supplement those prescribed by the state board and the commissioner as in its opinion will contribute to the more orderly and efficient operation of the district school system.

(5) PERFORM DUTIES AND EXERCISE RESPONSIBILITY.—The school board may perform those duties and exercise those responsibilities which are assigned to it by law or by regulations of the state board or the commissioner and, in addition thereto, those which it may find to be necessary for the improvement of the district school system in carrying out the purposes and objectives of the school code. The Legislature recognizes the necessity for well informed school board members and the benefits to education that may be obtained through board member participation in professional development and training seminars and related activities at the district, state, and national levels.

Section 105. Paragraph (m) of subsection (4), paragraphs (b) and (d) of subsection (9), paragraphs (a) and (b) of subsection (11), and subsections (12), (14), and (16) of section 230.23, Florida Statutes, 1996 Supplement, are amended to read:

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

(4) ESTABLISHMENT, ORGANIZATION, AND OPERATION OF SCHOOLS.—Adopt and provide for the execution of plans for the establishment, organization, and operation of the schools of the district, as follows:

(m) Exceptional students.—Provide for an appropriate program of special instruction, facilities, and services for exceptional students as prescribed by the state board as acceptable, including provisions that:

1. The school board provide the necessary professional services for diagnosis and evaluation of exceptional students.

2. The school board provide the special instruction, classes, and services, either within the district school system, in cooperation with other district school systems, or through contractual arrangements with approved non-public schools or community facilities which meet standards established by the commissioner state board.

3. The school board annually provide information describing the Florida School for the Deaf and the Blind and all other programs and methods of instruction available to the parent or guardian of a sensory-impaired student.

4. The school board, once every 3 years, submit to the department its proposed procedures for the provision of special instruction and services for exceptional students.

5. No student be given special instruction or services as an exceptional student until after he or she has been properly evaluated, classified, and placed in the manner prescribed by rules of the commissioner state board. The parent or guardian of an exceptional student evaluated and placed or denied placement in a program of special education shall be notified of each such evaluation and placement or denial. Such notice shall contain a statement informing the parent or guardian that he or she is entitled to a due process hearing on the identification, evaluation, and placement, or lack thereof. Such hearings shall be exempt from the provisions of ss. 120.569, 120.57, and 286.011, and any records created as a result of such hearings shall be confidential and exempt from the provisions of s. 119.07(1), to the extent that the commissioner state board adopts rules establishing other procedures. The hearing must ~~shall~~ be conducted by an administrative law judge from the Division of Administrative Hearings of the Department of Management Services. The decision of the administrative law judge shall be final, except that any party aggrieved by the finding and decision rendered by the administrative law judge shall have the right to bring a civil action in the circuit court. In such an action, the court shall receive the records of the administrative hearing and shall hear additional evidence at the request of either party. In the alternative, any party aggrieved by the finding and decision rendered by the administrative law judge shall have the right to request an impartial review of the administrative law judge's order by the district court of appeal as provided by s. 120.68. Notwithstanding any law to the contrary, during the pendency of any proceeding conducted pursuant

to this section, unless the district school board and the parents or guardian otherwise agree, the child shall remain in his or her then-current educational assignment or, if applying for initial admission to a public school, shall be assigned, with the consent of the parents or guardian, in the public school program until all such proceedings have been completed.

6. In providing for the education of exceptional students, the superintendent, principals, and teachers shall utilize the regular school facilities and adapt them to the needs of exceptional students to the maximum extent appropriate. Segregation of exceptional students shall occur only if the nature or severity of the exceptionality is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily.

7. The principal of the school in which the student is taught shall keep a written record of the case history of each exceptional student showing the reason for the student's withdrawal from the regular class in the public school and his or her enrollment in or withdrawal from a special class for exceptional students. This record shall be available for inspection by school officials at any time.

8. The district school board shall establish the amount to be paid by the district school board for each individual exceptional student contract with a nonpublic school.

(9) SCHOOL PLANT.—Approve plans for locating, planning, constructing, sanitating, insuring, maintaining, protecting, and condemning school property as prescribed in chapter 235 and as follows:

(b) Sites, buildings, and equipment.—

1. Select and purchase school sites, playgrounds, and recreational areas located at centers at which schools are to be constructed, of adequate size to meet the needs of pupils to be accommodated;

2. Approve the proposed purchase of any site, playground, or recreational area for which district funds are to be used;

3. Expand existing sites;

4. Rent buildings when necessary;

5. Enter into leases or lease-purchase arrangements, in accordance with the requirements and conditions provided in s. 235.056(2), with private individuals or corporations for the rental of necessary grounds and educational facilities for school purposes or of educational facilities to be erected for school purposes. Current or other funds authorized by law may be used to make payments under a lease-purchase agreement. Notwithstanding any other statutes, if the rental is to be paid from funds received from ad valorem taxation and the agreement is for a period greater than 12 months, an approving referendum must be held. The provisions of such contracts, including building plans, shall be subject to approval by the Department of Education, and no such contract shall be entered into without such approval.

As used in this section, “educational facilities” means the buildings and equipment which are built, installed, or established to serve educational purposes and which may lawfully be used. The Commissioner State Board of Education may adopt ~~is authorized to promulgate~~ such rules as are ~~it deems~~ necessary to implement the provisions hereof;

6. Provide for the proper supervision of construction;
7. Make or contract for additions, alterations, and repairs on buildings and other school properties;
8. Ensure that all plans and specifications for buildings provide adequately for the safety and well-being of pupils, as well as for economy of construction by having such plans and specifications submitted to the Department of Education for approval; and
9. Provide furniture, books, apparatus, and other equipment necessary for the proper conduct of the work of the schools.

(d) Insurance of school property.—Carry insurance on every school building in all school plants including contents, boilers, and machinery, except buildings of three classrooms or less which are of frame construction and located in a tenth class public protection zone as defined by the Florida Inspection and Rating Bureau, and on all school buses and other property under the control of the school board or title to which is vested in the school board, except as exceptions may be authorized under regulations of the commissioner state board.

(11) RECORDS AND REPORTS.—Provide for the keeping of all necessary records and the making of all needed or required reports, as follows:

(a) Forms, blanks, and reports.—Require all employees to keep accurately all records and to make promptly in the proper form all reports required by law or by regulations of the state board or of the commissioner.

(b) Reports to the department.—Require that the superintendent prepare all reports to the Department of Education that may be required by law or regulations of the state board or of the commissioner; see that all such reports are promptly transmitted to the department; withhold the further payment of salary to the superintendent or employee when notified by the department that he or she has failed to file any report within the time or in the manner prescribed; and continue to withhold the salary until the school board is notified by the department that such report has been received and accepted; provided, that when any report has not been received by the date due and after due notice has been given to the school board of that fact, the department, if it deems necessary, may require the report to be prepared by a member of its staff, and the school board shall pay all expenses connected therewith. Any member of the school board who is responsible for the violation of this provision is subject to suspension and removal.

(12) COOPERATION WITH OTHER DISTRICT SCHOOL BOARDS.—May establish and participate in educational consortia that ~~which~~ are designed to provide joint programs and services to cooperating school districts,

consistent with the provisions of s. 4(b), Art. IX of the State Constitution. The ~~Commissioner State Board~~ of Education shall adopt rules providing for the establishment, funding, administration, and operation of such consortia.

(14) ENFORCEMENT OF LAW AND RULES AND REGULATIONS.—Require that all laws and rules and regulations of the state board, of the commissioner, or of the school board are properly enforced.

(16) SCHOOL LUNCH PROGRAM.—Assume such responsibilities and exercise such powers and perform such duties as may be assigned to it by law or as may be required by regulations of the ~~commissioner state board~~ or as in the opinion of the school board are necessary to assure school lunch services, consistent with needs of pupils; effective and efficient operation of the program; and the proper articulation of the school lunch program with other phases of education in the district.

Section 106. Subsection (8) of section 230.2305, Florida Statutes, 1996 Supplement, is amended to read:

230.2305 Prekindergarten early intervention program.—

(8) MONITORING AND TECHNICAL ASSISTANCE.—~~Pursuant to s. 229.565(5)~~, the Commissioner of Education shall monitor each district pre-kindergarten early intervention program at least annually to determine compliance with the district plan and the provisions of this section. If a program is not brought into compliance within 3 months after the commissioner's evaluation citing specific deficiencies, the commissioner must withhold such funds as have been allocated to the school board for its prekindergarten early intervention program and which have not yet been released. The department shall develop manuals and guidelines for the development of district plans and shall provide ongoing technical assistance to ensure that each district program maintains high standards of quality and effectiveness.

Section 107. Paragraph (e) of subsection (3) and paragraph (b) of subsection (7) of section 230.2316, Florida Statutes, 1996 Supplement, are amended to read:

230.2316 Dropout prevention.—

(3) DEFINITIONS.—As used in this section, the term:

(e) “Second chance schools” means school district programs provided through cooperative agreements between the Department of Juvenile Justice, private providers, state or local law enforcement agencies, or other state agencies for students deemed habitual truants as defined in s. 228.041(28), or for students who have been disruptive or violent or who have committed serious offenses. As partnership programs, second chance schools are eligible for waivers from the Commissioner of Education to chapters 230-235 and 239 and ~~State Board of Education~~ rules of the commissioner that prevent the provision of appropriate educational services to violent, severely disruptive, and delinquent students in small nontraditional settings and in court-adjudicated settings.

(7) STAFF DEVELOPMENT.—

(b) The district school boards and the department may establish a summer inservice training program for teachers and administrators which may be provided by district school boards or individual schools and which shall include, but not be limited to, instruction focusing on treating students with respect and enhancing student self-esteem, developing positive in-school intervention methods for misbehaving students, establishing strategies to involve students in classroom and school management and in reducing student misconduct, conducting student and parent conferences, and creating “student-friendly” environments at schools. Instructional personnel may use successful participation in a summer inservice training program established pursuant to this paragraph for certification extension or for adding a new certification area if the district has an approved add-on certification program, pursuant to ~~State Board of Education~~ rules of the commissioner.

Section 108. Subsection (6) of section 230.23166, Florida Statutes, is amended to read:

230.23166 Teenage parent programs.—

(6) The ~~Commissioner State Board~~ Commissioner of Education shall adopt rules necessary to implement the provisions of this section.

Section 109. Paragraphs (b) and (d) of subsection (2) of section 230.2318, Florida Statutes, 1996 Supplement, are amended to read:

230.2318 School resource officer program.—

(2) LOCAL SCHOOL RESOURCE OFFICER PROGRAM PLANS; APPROVAL BY COMMISSIONER; CRITERIA AND RESTRICTIONS.—

(b) The commissioner shall review all proposed local school resource officer program plans and shall approve those plans which meet the purposes, intent, and requirements of this section and the rules adopted by the ~~commissioner State Board of Education~~ commissioner pursuant to this section.

(d) ~~The commissioner may adopt State Board of Education shall have the authority to promulgate~~ The commissioner shall have the authority to promulgate rules to implement the statewide school resource officer program as established in this section.

Section 110. Subsections (4), (5), and (6) of section 230.32, Florida Statutes, are amended to read:

230.32 General powers of superintendents.—The superintendent shall have the authority, and when necessary for the more efficient and adequate operation of the district school system, the superintendent shall exercise the following powers:

(4) RECOMMEND AND EXECUTE RULES AND REGULATIONS.—Prepare and organize by subjects and submit to the school board for adoption such rules and regulations to supplement those adopted by the state board or the commissioner as, in the superintendent’s opinion, will contribute to the efficient operation of any aspect of education in the district. When rules

and regulations have been adopted, the superintendent shall see that they are executed.

(5) RECOMMEND AND EXECUTE MINIMUM STANDARDS.—From time to time to prepare, organize by subjects, and submit to the school board for adoption such minimum standards relating to the operation of any phase of the district school system as are needed to supplement those adopted by the state board or the commissioner and as will contribute to the efficient operation of any aspect of education in the district; to see that minimum standards adopted by the school board and the commissioner are observed.

(6) PERFORM DUTIES AND EXERCISE RESPONSIBILITIES.—Perform such duties and exercise such responsibilities as are assigned to the superintendent by law and by regulations of the state board and of the commissioner.

Section 111. Subsection (1) of section 230.321, Florida Statutes, is amended to read:

230.321 Superintendents employed under Art. IX, State Constitution.—

(1) In every district authorized to employ a superintendent of schools under Art. IX of the State Constitution, the superintendent shall be the executive officer of the school board and shall not be subject to the provisions of law, either general or special, relating to tenure of employment or contracts of other school personnel. The superintendent's duties relating to the district school system shall be as provided by law and rules of the State Board of Education and of the Commissioner of Education.

Section 112. Paragraph (j) of subsection (6), paragraph (b) of subsection (13), and subsections (15) and (24) of section 230.33, Florida Statutes, 1996 Supplement, are amended to read:

230.33 Duties and responsibilities of superintendent.—The superintendent shall exercise all powers and perform all duties listed below and elsewhere in the law; provided, that in so doing he or she shall advise and counsel with the school board. The recommendations, nominations, proposals, and reports required by law and rule to be made to the school board by the superintendent shall be either recorded in the minutes or shall be made in writing, noted in the minutes, and filed in the public records of the board. It shall be presumed that, in the absence of the record required in this paragraph, the recommendations, nominations, and proposals required of the superintendent were not contrary to the action taken by the school board in such matters.

(6) ESTABLISHMENT, ORGANIZATION, AND OPERATION OF SCHOOLS, CLASSES, AND SERVICES.—Recommend the establishment, organization, and operation of such schools, classes, and services as are needed to provide adequate educational opportunities for all children in the district, including:

(j) School lunches.—Recommend plans for the establishment, maintenance, and operation of a school lunch program consistent with state laws

and regulations of the commissioner state board, and to administer and supervise such services.

(13) RECORDS AND REPORTS.—Recommend such records as should be kept in addition to those prescribed by rules of the state board or by the department; prepare forms for keeping such records as are approved by the school board; see that such records are properly kept; and make all reports that are needed or required, as follows:

(b) Reports to the department.—Prepare, for the approval of the school board, all reports that may be required by law or rules of the state board or of the commissioner to be made to the department and transmit promptly all such reports, when approved, to the department, as required by law. If any such reports are not transmitted at the time and in the manner prescribed by law or by state board rules, the salary of the superintendent must shall be withheld until the such report has been properly submitted. Unless otherwise provided by regulations of the state board, the annual report on attendance and personnel is shall be due on or before July 1, and the annual school budget and the report on finance are shall be due on the date prescribed by the commissioner state board.

(15) ENFORCEMENT OF LAWS AND RULES.—Require that all laws and rules of the state board, as well as supplementary rules of the school board, are properly observed and report to the school board any violation that which the superintendent does not succeed in having corrected.

(24) OTHER DUTIES AND RESPONSIBILITIES.—Perform such other duties as are may be assigned to the superintendent by law or by rules of the state board or of the commissioner.

Section 113. Subsection (2) of section 230.64, Florida Statutes, is amended to read:

230.64 Area technical center part of district school system; minimum standards.—

(2) ~~COMMISSIONER STATE BOARD SHALL PRESCRIBE MINIMUM STANDARDS.~~—The commissioner state board shall prescribe minimum standards that which must be met before an area technical center is organized, acquired or operated, and that which will assure that the purposes of the center are attained.

Section 114. Subsection (9) of section 230.71, Florida Statutes, is amended to read:

230.71 Intergenerational school volunteer programs.—

(9) RULES.—The Commissioner State Board of Education shall adopt rules necessary to implement ~~the provisions of~~ this section.

Section 115. Paragraph (e) of subsection (1) and subsection (2) of section 232.01, Florida Statutes, are amended to read:

232.01 Regular school attendance required between ages of 6 and 16; permitted at age of 5; exceptions.—

(1)

(e) Beginning with the 1991-1992 school year and consistent with rules adopted by the commissioner state board, children with disabilities who have attained the age of 3 years shall be eligible for admission to public special education programs and for related services under rules adopted by the school board. Exceptional children who are deaf or hard of hearing, visually impaired, dual sensory impaired, severely physically handicapped, trainable mentally handicapped, or profoundly handicapped, or who have established conditions, or exhibit developmental delays, below age 3 may be eligible for special programs; or, if enrolled in other prekindergarten or day care programs, they may be eligible for supplemental instruction. Rules for the identification of established conditions for children birth through 2 years of age and developmental delays for children birth through 5 years of age must be adopted by the Commissioner State Board of Education.

(2) The Commissioner State Board of Education may adopt rules under which pupils not meeting the entrance age may be transferred from another state if their parents or guardians have been legal residents of that state.

Section 116. Section 232.23, Florida Statutes, 1996 Supplement, is amended to read:

232.23 Procedures for maintenance and transfer of pupil records.—

(1) Each principal shall maintain a permanent cumulative record for each pupil enrolled in a public school. Such record shall be maintained in the form, and contain all data, prescribed by rule by the Commissioner rules of the State Board of Education. The cumulative record is confidential and exempt from the provisions of s. 119.07(1) and is shall be open to inspection only as provided in s. 228.093.

(2) The procedure for transferring and maintaining records of pupils who transfer from school to school shall be prescribed by regulations of the commissioner state board.

(3) Procedures relating to the acceptance of transfer work and credit for pupils shall be prescribed by rule by the Commissioner rules of the State Board of Education.

Section 117. Subsection (1) of section 232.2468, Florida Statutes, 1996 Supplement, is amended to read:

232.2468 Graduation, habitual truancy, and dropout rates.—

(1) DEFINITION.—

(a) The term “graduation rate” means the percentage calculated by dividing the number of entering 9th graders into the number of students who receive, 4 years later, a high school diploma, a special diploma, or a certificate of completion, as provided for in s. 232.246, or who receive a special

certificate of completion, as provided in s. 232.247, and students 19 years of age or younger who receive a general equivalency diploma, as provided in s. 229.814. The number of 9th grade students used in the calculation of a graduation rate for this state shall be students enrolling in the grade for the first time.

(b) The term “habitual truancy rate” means the annual percentage of students in membership within the age of compulsory school attendance pursuant to s. 232.01 who are classified as habitual truants as defined in s. 228.041(28).

(c) The term “dropout rate” means the annual percentage calculated by dividing the number of students over the age of compulsory school attendance, pursuant to s. 232.01, at the time of the fall membership count, into the number of students who withdraw from school during a given school year and who are classified as dropouts pursuant to s. 228.041(29).

The Commissioner ~~State Board~~ of Education may adopt rules to implement this subsection.

Section 118. Section 232.247, Florida Statutes, is amended to read:

232.247 Special high school graduation requirements for certain exceptional students.—A student who has been properly classified, in accordance with rules established by the commissioner ~~state board~~, as “educable mentally handicapped,” “trainable mentally handicapped,” “hearing impaired,” “specific learning disabled,” “physically or language impaired,” or “emotionally handicapped” shall not be required to meet all requirements of s. 232.246 and shall, upon meeting all applicable requirements prescribed by the school board pursuant to s. 232.245, be awarded a special diploma in a form prescribed by the commissioner ~~state board~~; ~~provided, however, that~~ such special graduation requirements prescribed by the school board must ~~shall~~ include minimum graduation requirements as prescribed by the commissioner ~~state board~~. Any such student who meets all special requirements of the district school board for ~~his or her~~ exceptionality, but is unable to meet the appropriate special state minimum requirements, shall be awarded a special certificate of completion in a form prescribed by the commissioner ~~state board~~. A student who has been properly classified as “profoundly handicapped” and who meets the special requirements of the district school board for a special diploma in accordance with requirements for any exceptional student identified in this section shall be awarded a special diploma; however, such a student shall alternatively ~~alternately~~ be eligible for a special certificate of completion, in a form prescribed by the commissioner ~~state board~~, if all school requirements for students who are “profoundly handicapped” have been met. ~~Nothing provided in this section.~~ However, this section does not ~~shall be construed to~~ limit or restrict the right of an exceptional student solely to a special diploma or special certificate of completion. Any such student shall, upon proper request, be afforded the opportunity to fully meet all requirements of s. 232.246 through the standard procedures established therein and thereby to qualify for a standard diploma upon graduation.

Section 119. Subsection (1) of section 232.25, Florida Statutes, 1996 Supplement, is amended to read:

232.25 Pupils subject to control of school.—

(1) Subject to law and rules and regulations of the commissioner state board and of the school board, each pupil enrolled in a school shall:

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

(b) During the time she or he is attending school;

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

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

be under the control and direction of the principal or teacher in charge of the school, and under the immediate control and direction of the teacher or other member of the instructional staff or of the bus driver to whom such responsibility may be assigned by the principal. However, the commissioner state board or the district school board may, by rules and regulations, subject each pupil to the control and direction of the principal or teacher in charge of the school during the time she or he is otherwise en route to or from school or is presumed by law to be attending school.

Section 120. Subsection (5) of section 232.303, Florida Statutes, is amended to read:

232.303 Interagency student services.—

(5) The Commissioner State Board of Education and the Department of Children and Family Health and Rehabilitative Services ~~may be authorized to~~ adopt rules to carry out the intent of this section.

Section 121. Paragraph (a) of subsection (3) of section 232.435, Florida Statutes, is amended to read:

232.435 Extracurricular athletic activities; athletic trainers.—

(3)(a) To the extent practicable, a school district program should include the following employment classification and advancement scheme:

1. Teacher apprentice trainer I.—To qualify as a teacher apprentice trainer I, a person must possess a professional, temporary, part-time, adjunct, or substitute certificate pursuant to s. 231.17, be certified in first aid and cardiopulmonary resuscitation, and have earned a minimum of 6 semester hours or the equivalent number of inservice education points in the basic prevention and care of athletic injuries.

2. Teacher apprentice trainer II.—To qualify as a teacher apprentice trainer II, a person must meet the requirements of teacher apprentice trainer I and also have earned a minimum of 15 additional semester hours or the equivalent number of inservice education points in such courses as anatomy, physiology, use of modalities, nutrition, counseling, and other courses approved by the Commissioner State Board of Education.

3. Teacher athletic trainer.—To qualify as a teacher athletic trainer, a person must meet the requirements of teacher apprentice trainer II, be certified by the Department of Education or a nationally recognized athletic trainer association, and perform one or more of the following functions: preventing athletic injuries; recognizing, evaluating, managing, treating, and rehabilitating athletic injuries; administering an athletic training program; and educating and counseling athletes.

Section 122. Paragraph (a) of subsection (2) and subsections (5) and (6) of section 233.011, Florida Statutes, are amended to read:

233.011 Accountability in curriculum, educational instructional materials, and testing.—

(2)(a) Subject to State Board of Education review and approval, the Department of Education shall develop, ~~by April 1, 1985,~~ guidelines for the identification or development, evaluation, oversight, and revision of:

1. Curriculum frameworks as specified in subsection (3).
2. Student performance standards as specified in ss. 232.2454(1) and 229.565(1) ~~and (2)~~.
3. Model standards and procedures for the adoption of state and district instructional materials and software consistent with curriculum frameworks and student performance standards as specified in this paragraph. Such models shall provide the diverse student populations of the state with the highest quality instructional materials and software in the most cost-effective manner possible. Such models shall include a component to ensure the production of instructional materials and software by the state, or a consortium of states, when economical or superior quality instructional materials or software are unavailable from commercial sources by special contract.
4. Model standards and procedures for state and district adoption, analyses, and use of nationally normed student achievement tests or other nationally normed assessment instruments, as specified in subsection (4).
5. Criteria and procedures to determine the individual school programs that which are most deficient in student performance. Such criteria and procedures must ~~shall~~ take into account testing results under the provisions of ss. 229.565 and 232.2454, and subsection (4).
6. Model training procedures for state-level and district-level personnel assigned responsibilities for evaluating and selecting instructional materials, software, and norm-referenced achievement measures.

7. Standards for effective evaluation and comparable evaluation and testing procedures among districts.

(5) The Commissioner State Board of Education ~~may adopt~~ is authorized to develop rules necessary to implement the provisions of the Florida Accountability in Curriculum, Educational Instructional Materials, and Testing Act (FACET) of 1984.

(6) The commissioner, no later than November 1 of each year, shall transmit to ~~the State Board of Education~~, the President of the Senate, the Speaker of the House of Representatives, and the chairs of the Senate and House committees on public school education an appraisal of the programs and activities as set forth in the Florida Accountability in Curriculum, Educational Instructional Materials, and Testing Act (FACET) of 1984 as to the effectiveness, efficiency, and utilization of resources, including a statement of the overall program for the coming year, the recommended level of funding for the overall program, and any other recommendations deemed appropriate by the commissioner. ~~These~~ Such recommendations must ~~shall~~ include, but need ~~not~~ be limited to, necessary modifications of statutes, rules of the commissioner state board ~~rules~~, and administrative procedures to implement the provisions of said sections.

Section 123. Section 233.015, Florida Statutes, is amended to read:

233.015 Purge of listed courses not taught for 5 years; rules.—The Commissioner State Board of Education shall adopt rules that ~~which~~ provide for the conduct of regularly scheduled purges of courses that are listed in the statewide course numbering system or institutional catalog but ~~that~~ have not been taught at the institution for the preceding 5 years. These ~~Such~~ rules must ~~shall~~ include waiver provisions that allow ~~for~~ course continuation if in the event that an institution has reasonable cause for having not offered a course within the 5-year limit and an expectation that the course will be offered again within the following 5 years.

Section 124. Subsection (2) of section 233.056, Florida Statutes, is amended to read:

233.056 Instructional programs for visually impaired students and deaf or hard-of-hearing students.—

(2) The unit shall be operated either directly by the Division of Public Schools or through a contractual agreement with a local education agency, under rules adopted by the Commissioner State Board of Education.

Section 125. Subsection (6) of section 233.058, Florida Statutes, is amended to read:

233.058 English language instruction for limited English proficient students.—

(6) The Commissioner State Board of Education shall adopt rules for the purpose of implementing this section.

Section 126. Subsection (1) of section 233.061, Florida Statutes, is amended to read:

233.061 Required instruction.—

(1) Members of the instructional staff of the public schools, subject to the rules and regulations of the commissioner, the state board, and ~~of~~ the school board, shall teach efficiently and faithfully, using the books and materials required, following the prescribed courses of study, and employing approved methods of instruction the following:

(a) The content of the Declaration of Independence and how it forms the philosophical foundation of our government;

(b) The arguments in support of adopting our republican form of government, as they are embodied in the most important of the Federalist Papers;

(c) The essentials of the United States Constitution and how it provides the structure of our government;

(d) Flag education, including proper flag display and flag salute;

(e) The elements of civil government;

(f) The history of the Holocaust (1933-1945), the systematic, planned annihilation of European Jews and other groups by Nazi Germany, a watershed event in the history of humanity, to be taught in a manner that leads to an investigation of human behavior, an understanding of the ramifications of prejudice, racism, and stereotyping, and an examination of what it means to be a responsible and respectful person, for the purposes of encouraging tolerance of diversity in a pluralistic society and for nurturing and protecting democratic values and institutions;

(g) The history of African-Americans, including the history of African peoples before the political conflicts that led to the development of slavery, the passage to America, the enslavement experience, abolition, and the contributions of African-Americans to society;

(h) The elementary principles of agriculture;

(i) The true effects of all alcoholic and intoxicating liquors and beverages and narcotics upon the human body and mind;

(j) Kindness to animals;

(k) The history of the state;

(l) The conservation of natural resources; and

(m) Such additional materials, subjects, courses, or fields in such grades as ~~are may be~~ prescribed by law or by rules of the commissioner ~~state board~~ and the school board in fulfilling the requirements of law.

Section 127. Paragraph (a) of subsection (4) of section 233.067, Florida Statutes, 1996 Supplement, is amended to read:

233.067 Comprehensive health education and substance abuse prevention.—

(4) ADMINISTRATION OF THE COMPREHENSIVE HEALTH EDUCATION AND SUBSTANCE ABUSE PREVENTION PROGRAM.—

(a) There is created a comprehensive health education and substance abuse prevention program for children and youths in kindergarten and grades 1 through 12. Responsibility for the administration of this section shall rest with the Department of Education, in cooperation with, and with the advice of, the Department of ~~Children and Family Health and Rehabilitative Services~~. The administration of the program shall be pursuant to rules and regulations adopted by the Commissioner State Board of Education, provided that such rules shall require the minimum amount of paperwork and reporting necessary to comply with this section. For purposes of administering this section, the commissioner shall establish a Prevention Resource Center within the department and shall assign appropriate staff to work directly with school district personnel. The center shall serve as a clearinghouse for evaluation and dissemination of information, materials, and model programs and shall provide program and technical assistance and other prevention services as determined by the commissioner.

Section 128. Subsection (6) of section 233.115, Florida Statutes, is amended to read:

233.115 Prohibited acts.—

(6) Nothing contained in this section shall be construed to prohibit or restrict a school official from receiving royalties or other compensation, other than compensation paid as commission to the school official for negotiating sales to district boards, from the publisher or manufacturer of instructional materials written, designed, or prepared by such school official, and adopted by the commissioner state board or purchased by any district board. No school official shall be allowed to receive royalties on any materials not on the state-adopted list purchased for use by his or her district school board.

Section 129. Subsection (1) of section 233.17, Florida Statutes, is amended to read:

233.17 Term of adoption for instructional materials.—

(1) The term of adoption of any instructional materials ~~must shall be for~~ a 6-year period beginning on April 1 following the adoption, unless the contract is extended as prescribed in s. 233.16(2). However, the Commissioner State Board of Education may approve by rule terms of adoption of less than 6 years for materials in content areas which require more frequent revision.

Section 130. Section 233.37, Florida Statutes, is amended to read:

233.37 Disposal of instructional materials.—Under rules of the commissioner state board, or rules of the district school board which have been approved by the commissioner, the district school board may dispose of the

instructional materials of an old adoption when they have become unserviceable, upon such terms and conditions as will yield their fair salvage value. The Department of Education shall enter into one or more contracts with recycling firms for periodic pickup in school districts of obsolete or unusable materials to be salvaged.

Section 131. Section 233.39, Florida Statutes, is amended to read:

233.39 Renovation and repair of textbooks.—The Commissioner Board of Education shall prescribe rules and regulations under which the Department of Education shall, whenever requested to do so by any superintendent, make necessary arrangements for the renovation and repair of books ~~that which~~ could thereby be put into serviceable condition. All proper expense in connection with such renovation and repair is declared to be a proper charge against the appropriation for the purchase of instructional materials by the school district. The commissioner ~~state board~~, in order to assist district school boards in obtaining the most economical services, shall formulate and prescribe such rules and regulations for the letting of contracts for the renovation and repair of books used in the public schools of the state as in its judgment are ~~may be~~ practicable and economically feasible. The Department of Education shall enter into such contracts upon the basis of competitive sealed bids from responsible firms who must, prior to contract award, have on hand in their plants the equipment necessary to perform the work of rebinding specified by the department. For the purpose of rebinding, textbooks must ~~shall~~ be classified by the department as to size, and such classification must ~~shall~~ be the basis for bids from rebinding firms. Bids from rebinding firms must ~~shall~~ be on the basis of minimum quantities of 100 books in each classification. ~~No Such a contract shall be entered for the renovation and repair of books used in the public schools of this state~~ may not be entered when the cost of renovation and repair exceeds the original acquisition cost of such books or the cost of replacing such books, whichever is the lesser. However, this section does not ~~nothing herein contained shall be construed to~~ prohibit the inmates of the state prison from repairing and renovating any public school textbooks or library books. Any suit that is of any nature ~~instituted under the provisions of this section~~ must ~~shall~~ be brought in the name of the state, and any amount recovered by reason of such a suit must ~~shall~~ be deposited in the General Revenue Fund.

Section 132. Paragraph (a) of subsection (1) and subsection (2) of section 234.01, Florida Statutes, are amended to read:

234.01 Purpose; transportation; when provided.—

(1) School boards, after considering recommendations of the superintendent:

(a) Shall provide transportation for each student in prekindergarten handicapped and in kindergarten through grade 12 membership in a public school when, and only when, transportation is necessary to provide adequate educational facilities and opportunities which otherwise would not be available and to transport students whose homes are more than a reasonable walking distance, as defined by rules of the commissioner ~~state board~~, from the nearest appropriate school.

(2) In each case in which transportation of students is impracticable in the opinion of the school board, the school board is authorized to take steps for making available educational facilities as are authorized by law or rule of the commissioner state board and as, in the opinion of the school board, are practical.

Section 133. Section 234.02, Florida Statutes, 1996 Supplement, is amended to read:

234.02 Safety and health of pupils.—Maximum regard for safety and adequate protection of health ~~are shall be~~ primary requirements that must ~~which shall~~ be observed by school boards in routing buses, appointing drivers, and providing and operating equipment, in accordance with all requirements of law and regulations of the commissioner state board in providing transportation pursuant to s. 234.01:

(1) School boards shall use school buses, as defined in s. 234.051, for all regular transportation. Regular transportation or regular use means shall ~~mean~~ transportation of students to and from school or school-related activities that which are part of a scheduled series or sequence of events to the same location. “Students” means, for the purposes of this section, students enrolled in the public schools in prekindergarten programs through grade 12. School boards may regularly use motor vehicles other than school buses only under the following conditions:

(a) When the transportation is for physically handicapped or isolated students and the district has elected to provide for the transportation of the student through written or oral contracts or agreements.

(b) When the transportation is a part of a comprehensive contract for a specialized educational program between a school board and a service provider who provides instruction, transportation, and other services.

(c) When the transportation is provided through a public transit system.

(d) When the transportation of students is necessary or practical in a motor vehicle owned or operated by a school board other than a school bus and such transportation is provided in designated seating positions in a passenger car not to exceed 8 students or in any other motor vehicle designed to transport 10 or fewer persons which meets all federal motor vehicle safety standards for passenger cars.

When students are transported in motor vehicles, the occupant crash protection system provided by the vehicle manufacturer must shall be used unless the student’s physical condition prohibits such use.

(2) Except as provided in subsection (1), school boards may authorize the transportation of students in privately owned motor vehicles on a case-by-case basis only in the following circumstances:

(a) When a student is ill or injured and must be taken home or to a medical treatment facility under nonemergency circumstances; and

1. The school has been unable to contact the student's parent or guardian or such parent, guardian, or responsible adult designated by the parent or guardian is not available to provide the transportation;

2. Proper adult supervision of the student is available at the location to which the student is being transported;

3. The transportation is approved by the school principal, or a school administrator designated by the principal to grant or deny such approval, or in the absence of the principal and designee, by the highest ranking school administrator or teacher available under the circumstances; and

4. If the school has been unable to contact the parent or guardian prior to the transportation, the school shall continue to seek to contact the parent or guardian until the school is able to notify the parent or guardian of the transportation and the pertinent circumstances.

(b) When the transportation is in connection with a school function or event regarding which the school district or school has undertaken to participate or to sponsor or provide the participation of students; and

1. The function or event is a single event that ~~which~~ is not part of a scheduled series or sequence of events to the same location, such as, but not limited to, a field trip, a recreational outing, an interscholastic competition or cooperative event, an event connected with an extracurricular activity offered by the school, or an event connected to an educational program, such as, but not limited to, a job interview as part of a cooperative education program;

2. Transportation is not available, as a practical matter, using a school bus or school district passenger car; and

3. Each student's parent or guardian is notified, in writing, regarding the transportation arrangement and gives written consent before a student is transported in a privately owned motor vehicle.

(c) When a school board requires employees such as school social workers and attendance officers to use their own motor vehicles to perform duties of employment, and such duties include the occasional transportation of students.

(3) When approval is granted for the transportation of students in a privately owned vehicle, the provisions of s. 234.03, regarding liability for tort claims are applicable, ~~shall apply.~~ School district employees who provide approved transportation in privately owned vehicles are ~~shall be deemed to be~~ acting within the scope of their employment. Parents, guardians, or other responsible adults who provide approved transportation in privately owned vehicles ~~shall~~ have the same exposure to, and protections from, risks of personal liability as do school district employees acting within the scope of their employment.

(4) Each school board may establish policies that ~~which~~ restrict the use of privately owned motor vehicles to circumstances that ~~which~~ are more

limited than are described in this section or ~~that which~~ prohibit such use. Each school board may establish policies ~~that which~~ provide for more extensive requirements for approval, parental notification and consent procedures, insurance coverage, driver qualifications, or a combination of these.

(5) When transportation is authorized in privately owned vehicles, students may ~~only~~ be transported only in designated seating positions and must ~~shall be required to~~ use the occupant crash protection system provided by the vehicle manufacturer.

(6) School boards may contract with a common carrier to transport students to and from in-season and postseason athletic contests and to and from a school function or event in which the school district or a school has undertaken to participate or to provide or sponsor the participation of students.

(7) Transportation for adult students may be provided by any appropriate means as authorized by the school board when the transportation is accepted as a responsibility by the school board as provided in s. 234.01.

(8) Notwithstanding any other provision of this section, in an emergency situation ~~that which~~ constitutes an imminent threat to student health or safety, school personnel may take whatever action is necessary under the circumstances to protect student health and safety.

(9) Except as provided in s. 234.211, transportation ~~is shall~~ not be the responsibility of the school board in connection with any event or activity ~~that which~~ is not an event or activity offered by the school district or an event or an activity in which the school district or school has agreed to participate, cosponsor, or require the participation of students, and the school board has ~~shall have~~ no liability for transportation arranged and provided by parents or other parties to such events or activities.

(10) Each school board shall designate and adopt a specific plan for adequate examination, maintenance, and repair of transportation equipment. Examination of the mechanical condition of each school bus must ~~shall~~ be made by a capable mechanic at least once each month that the bus is in operation.

(11) The superintendent shall notify the school board of any school bus ~~that which~~ does not meet all requirements of law and regulations of the commissioner state board, and the school board shall, if ~~the such~~ school bus is in an unsafe condition, withdraw it from use as a school bus until the bus meets ~~the said~~ requirements. The Department of Education may inspect or have inspected any school bus to determine whether the bus meets requirements of law and regulations of the commissioner state board. The department may, after due notice to a school board that any school bus does not meet certain requirements of law and regulations of the commissioner state board, rule that ~~the such bus~~ must ~~shall~~ be withdrawn from use as a school bus, this ruling to be effective forthwith or upon a date to be specified therein, whereupon the school board shall withdraw same from use as a school bus until the bus meets requirements of law and regulations of the commissioner state board and until the department has officially revoked ~~the pertinent~~ its said ruling. Notwithstanding any other provisions of this

chapter, general purpose urban transit systems are declared qualified to transport children to and from school.

(12)(a) The routing and scheduling of school buses must be planned to eliminate the necessity for children to stand while a school bus is in motion. When circumstances of an emergency nature temporarily require transporting children on school buses in excess of the rated seating capacity, the such buses must proceed at a reduced rate of speed to maximize safety of the students, taking into account existing traffic conditions. Each school board is responsible for prompt relief of the emergency condition by providing additional equipment, bus rerouting, bus rescheduling, or other appropriate remedial action.

(b) Each school board, after considering recommendations from the superintendent, shall designate, by map or otherwise, or shall provide by school board rule for the designation of, nontransportation zones that ~~are shall be~~ composed of all areas in the district from which it is unnecessary or impracticable to furnish transportation. Nontransportation zones must ~~shall~~ be designated annually before ~~prior to~~ the opening of school and the designation of bus routes for the succeeding school year. Each school board, after considering recommendations from the superintendent, shall specifically designate, or shall provide by school board rule for the designation of, specific routes to be traveled regularly by school buses, and each route must ~~shall~~ meet the requirements prescribed by rules of the commissioner state ~~board~~.

(c) Each district school board shall establish school bus stops, or provide by school board rule for the establishment of school bus stops, as necessary at the most reasonably safe locations available. Where unusual traffic hazards exist at school bus stops on roads maintained by the state outside of municipalities, the Department of Transportation, in concurrence and cooperation with and upon request of the district school board, shall place signs at such bus stops warning motorists of the location of the stops.

(13) ~~The Commissioner State Board~~ of Education may adopt rules to implement this section as are ~~it deems~~ necessary or desirable in the interest of student health and safety.

Section 134. Subsection (1) of section 234.03, Florida Statutes, is amended to read:

234.03 Tort liability; liability insurance.—

(1) Each district school board shall be liable for tort claims arising out of any incident or occurrence involving a school bus or other motor vehicle owned, maintained, operated, or used by such school board to transport persons, to the same extent and in the same manner as the state or any of its agencies or subdivisions is liable for tort claims under s. 768.28, except that the total liability to persons being transported for all claims or judgments of such persons arising out of the same incident or occurrence shall not exceed an amount equal to \$5,000 multiplied by the rated seating capacity of the bus or other vehicle, as determined by rules of the Commissioner ~~State Board~~ of Education, or \$100,000, whichever is greater. The provisions

of s. 768.28 ~~shall~~ apply to all claims or actions brought against school boards, as authorized in this subsection.

Section 135. Subsections (2), (3), and (4) of section 234.051, Florida Statutes, are amended to read:

234.051 School buses.—School buses shall be defined and meet specifications as follows:

(2) SPECIFICATIONS.—Each school bus as defined in 49 C.F.R. part 571, and subsection (1), which is rented, leased, purchased, or contracted for, ~~must shall~~ meet the applicable federal motor vehicle safety standards and other specifications as prescribed by regulations of the commissioner state board.

(3) STANDARDS FOR LEASED VEHICLES.—A motor vehicle owned and operated by a county or municipal transit authority which is leased by the school board of the local school district for transportation of public school students ~~must shall~~ meet such standards as ~~shall be established by the Commissioner State Board of Education establishes~~ for the purpose of implementing this act. A school bus authorized by a school board to carry passengers other than school pupils ~~must shall~~ have the words “School Bus” and any other signs and insignia ~~that which~~ mark or designate it as a school bus covered, removed, or otherwise concealed while such said passengers are being transported.

(4) OCCUPANT PROTECTION SYSTEMS.—Students ~~may shall~~ be transported only in designated seating positions, except as provided in s. 234.02(12), and ~~must shall be required to~~ use the occupant crash protection system provided by the manufacturer, which system ~~must shall~~ comply with the requirements of 49 C.F.R. part 571, or with specifications of the Commissioner State Board of Education.

Section 136. Section 234.091, Florida Statutes, is amended to read:

234.091 General qualifications.—Each school bus driver ~~must shall~~ be of good moral character, of good vision and hearing, able-bodied, free from communicable disease, mentally alert, and sufficiently strong physically to handle the bus with ease, and he or she ~~must shall~~ possess such other qualifications as are prescribed by the commissioner state board, including those qualifications described in 49 C.F.R. 391.41-.49 “physical qualifications and examinations” and 49 C.F.R. 391.81-.123 “controlled substance testing,” and he or she ~~must shall~~ hold a valid commercial driver’s license with a passenger endorsement.

Section 137. Subsections (1) and (2) of section 234.101, Florida Statutes, 1996 Supplement, are amended to read:

234.101 Specific requirements; driver training program; contract.—

234.101 Requirements for school bus drivers.—

(1) Each school bus driver must be of good moral character, of good vision and hearing, able-bodied, free from communicable disease, mentally alert,

and sufficiently strong physically to handle the bus with ease, and he or she must possess other qualifications prescribed by the Commissioner of Education state board, including those qualifications described in 49 C.F.R. ss. 391.41-49 “physical qualifications and examinations” and 49 C.F.R. ss. 391.81-123 “controlled substance testing,” and he or she must hold a valid commercial driver’s license with a passenger endorsement.

(2) The Commissioner State Board of Education shall adopt requirements that which school bus drivers must meet before they are employed prior to employment by district school boards.

Section 138. Subsection (6) of section 234.301, Florida Statutes, is amended to read:

234.301 Pool purchase of school buses.—

(6) The Commissioner State Board of Education may adopt any rule necessary to implement this section, maintain the integrity of the school bus pool purchase program, and ensure the best and lowest price for purchasing school buses by the public school districts.

Section 139. Subsection (2) of section 235.01, Florida Statutes, is amended to read:

235.01 Purpose; rules.—

(2) The Commissioner State Board of Education shall adopt rules to implement the provisions of this chapter.

Section 140. Subsection (1) of section 235.04, Florida Statutes, is amended to read:

235.04 Disposal of property.—

(1) REAL PROPERTY.—Subject to rules of the Commissioner State Board of Education, a board may dispose of any land or real property that which is, by resolution of the such board, determined to be unnecessary for educational purposes as recommended in an educational plant survey. A board shall take diligent measures to dispose of educational property only in the best interests of the public. However, appraisals may be obtained by the board prior to or simultaneously with the receipt of bids.

Section 141. Paragraph (a) of subsection (2) of section 235.056, Florida Statutes, is amended to read:

235.056 Lease and lease-purchase of educational facilities and sites.—

(2)(a) A board may is authorized to rent or lease educational facilities and sites as defined in s. 235.011. Educational facilities and sites rented or leased for 1 year or less shall be funded through the operations budget or funds derived from millage proceeds pursuant to s. 236.25(2). A lease contract for 1 year or less, when extended or renewed beyond a year, becomes a multiple-year lease. Operational funds or funds derived from millage proceeds pursuant to s. 236.25(2) may be authorized to be expended for multi-

ple-year leases. All leased facilities and sites ~~must~~ shall be inspected prior to occupancy by the board's Uniform Building Code inspector, who shall report to the department.

1. Beginning July 1, 1995, all newly leased spaces ~~must~~ shall be inspected and brought into compliance with the state minimum building code pursuant to chapter 553, and the life safety codes pursuant to chapter 633, prior to occupancy, using the board's operations budget or funds derived from millage proceeds pursuant to s. 236.25(2). As an alternative, the board may elect to comply with the State Uniform Building Code for Public Educational Facilities Construction instead of the state minimum building code or the life safety code, or both.

2. Plans for renovation or remodeling of leased space shall conform to state minimum building and life safety codes for educational occupancies, or other occupancies as appropriate, as required in chapters 553 and 633, prior to occupancy. As an alternative, the board may elect to comply with the State Uniform Building Code for Public Educational Facilities Construction instead of the state minimum building code or the life safety code, or both.

3. All leased facilities ~~must~~ shall be inspected annually for fire safety deficiencies in accordance with the applicable code and have corrections made in accordance with s. 235.06. Operational funds or funds derived from millage proceeds pursuant to s. 236.25(2) may be used to correct deficiencies in leased space.

4. When the board declares that a public emergency exists, it may take up to 30 days to bring the leased facility into compliance with the requirements of Commissioner ~~State Board~~ of Education rules.

Section 142. Section 235.06, Florida Statutes, is amended to read:

235.06 Safety and sanitation standards and inspection of property.—~~The Commissioner State Board of Education shall is empowered and directed to~~ adopt and administer rules prescribing standards for the safety and health of occupants of educational and ancillary plants as a part of the State Uniform Building Code for Public Educational Facilities Construction as provided in s. 235.26, the provisions of chapter 633 to the contrary notwithstanding. These standards ~~must~~ shall be used by all public agencies when inspecting public educational and ancillary plants. In accordance with such standards, each board shall prescribe policies and procedures establishing a comprehensive program of safety and sanitation for the protection of occupants of public educational and ancillary plants. Such policies ~~must~~ shall contain procedures for periodic inspections as prescribed herein and for withdrawal of any educational and ancillary plant, or portion thereof, from use until unsafe or unsanitary conditions are corrected or removed.

(1) PERIODIC INSPECTION OF PROPERTY BY THE BOARD.—

(a) Each board shall provide for periodic inspection of each educational and ancillary plant at least once during each fiscal year to determine compli-

ance with standards of sanitation and casualty safety prescribed in the rules of the ~~commissioner state board~~.

(b) Firesafety inspections ~~shall be made annually~~ of each educational and ancillary plant must be made annually by persons certified by the Division of State Fire Marshal to be eligible to conduct firesafety inspections in public educational and ancillary plants.

(c) In each firesafety inspection report, the board shall include a plan of action and a schedule for the correction of each deficiency. If immediate life-threatening deficiencies are noted in any inspection, the board shall either take action to promptly correct the ~~such~~ deficiencies or withdraw the educational or ancillary plant from use until such time as the deficiencies are corrected.

(2) INSPECTION OF EDUCATIONAL PROPERTY BY OTHER PUBLIC AGENCIES.—A safety or sanitation inspection of any educational or ancillary plant may be made at any time by the Department of Education or any other state or local agency authorized or required to conduct such inspections by either general or special law. Each agency conducting inspections shall use the standards adopted by the ~~Commissioner State Board~~ of Education in lieu of, and to the exclusion of, any other inspection standards prescribed either by statute or administrative rule, the provisions of chapter 633 to the contrary notwithstanding. The agency shall submit a copy of the inspection report to the board.

(3) CORRECTIVE ACTION.—Upon failure of the board to take corrective action within a reasonable time, the agency making the inspection may request the commissioner to:

(a) Order that appropriate action be taken to correct all deficiencies in accordance with a schedule determined jointly by the inspecting authority and the board; in developing the development of such schedule, consideration must ~~shall~~ be given to the seriousness of the deficiencies and the ability of the board to obtain the necessary funds; or

(b) After 30 calendar days' notice to the board, order all or a portion of the educational or ancillary plant withdrawn from use until the deficiencies are corrected.

Section 143. Subsections (2) and (3) of section 235.19, Florida Statutes, are amended to read:

235.19 Site planning and selection.—

(2) Each new site selected must be adequate in size to meet the educational needs of the students to be served. The ~~Commissioner State Board~~ of Education shall prescribe by rule recommended sizes for new sites according to categories of students to be housed and other appropriate factors determined by the ~~commissioner state board~~. Less-than-recommended site sizes are ~~shall be~~ allowed if the board, by a two-thirds majority, recommends such a ~~site~~ and finds that it can provide an appropriate and equitable educational program on the ~~such~~ site.

(3) Sites recommended for purchase, or purchased, in accordance with chapter 230 or chapter 240 must meet standards prescribed therein and such supplementary standards as ~~may be prescribed by the commissioner~~ prescribes state board to promote the educational interests of the students. Each site must be well drained and suitable for outdoor educational purposes as appropriate for the educational program. As provided in s. 333.03, the site ~~must shall~~ not be located within any path of flight approach of any airport. Insofar as is practicable, the site must ~~shall~~ not adjoin a right-of-way of any railroad or through highway and must ~~shall~~ not be adjacent to any factory or other property from which noise, odors, or other disturbances, or at which conditions, would be likely to interfere with the educational program.

Section 144. Subsection (4) of section 235.211, Florida Statutes, is amended to read:

235.211 Educational facilities contracting and construction techniques.—

(4) Except as otherwise provided in this section and s. 481.229, the services of a registered architect ~~must shall~~ be used for the development of plans for the erection, enlargement, or alteration of any educational facility. The services of a registered architect are ~~shall not be~~ required for a minor renovation project for which the projects with a construction cost is ~~is~~ of less than \$50,000 or for the placement or hookup of relocatable educational facilities that conform with standards adopted under ~~pursuant to~~ s. 235.26(2) and (3). However, boards must provide compliance with building code requirements and ensure that these structures are adequately anchored for wind resistance as required by law. Boards are encouraged to consider the reuse of existing construction documents or design criteria packages where such reuse is feasible and practical. Notwithstanding s. 287.055, a board may purchase the architectural services for the design of educational or ancillary facilities under an existing contract agreement for professional services held by a school board in the State of Florida, provided that the purchase is to the economic advantage of the purchasing board, the services conform to the standards prescribed by rules of the Commissioner ~~State Board~~ of Education, and such reuse is not without notice to, and permission from, the architect of record whose plans or design criteria are being reused. The department shall review ~~these plans shall be reviewed by the department~~ for compliance with the state requirements for educational facilities. Rules adopted under ~~pursuant to~~ this section ~~must shall~~ establish uniform prequalification, selection, bidding, and negotiation procedures applicable to construction management contracts and the design-build process. This section does not supersede any small, woman-owned or minority-owned business enterprise preference program adopted by a board. Except as otherwise provided in this section, the negotiation procedures applicable to construction management contracts and the design-build process must conform to the requirements of s. 287.055. A board may not modify any rules regarding construction management contracts or the design-build process.

Section 145. Section 235.26, Florida Statutes, is amended to read:

235.26 State Uniform Building Code for Public Educational Facilities Construction.—The ~~Commissioner State Board~~ of Education shall adopt a uniform statewide building code for the planning and construction of public educational and ancillary plants by district school boards and community college district boards of trustees. The code ~~must shall~~ be entitled the State Uniform Building Code for Public Educational Facilities Construction. Included in this code ~~must shall~~ be flood plain management criteria in compliance with the rules and regulations in 44 C.F.R., parts 59 and 60, and subsequent revisions thereto which are adopted by the Federal Emergency Management Agency. Wherever the words “Uniform Building Code” appear, they ~~shall~~ mean the “State Uniform Building Code for Public Educational Facilities Construction.” It ~~is shall~~ not ~~a purpose be the intent~~ of the Uniform Building Code to inhibit the use of new materials or innovative techniques; nor ~~may shall~~ it specify or prohibit materials by brand names. The code ~~must shall~~ be flexible enough to cover all phases of construction ~~so as to which will~~ afford reasonable protection for ~~the~~ public safety, health, and general welfare. The department may secure the service of other state agencies or such other assistance as it ~~finds may find~~ desirable in ~~revising the revision of~~ the code.

(1) UNIFORM BUILDING CODE.—

(a) Except as otherwise provided in paragraph (b), all public educational and ancillary plants constructed by a district school board or a community college district board of trustees ~~must shall~~ conform to the State Uniform Building Code for Public Educational Facilities Construction, and such plants are exempt from all other state, county, district, municipal, or local building codes, interpretations, building permits, and assessments of fees for building permits, ordinances, road closures, and impact fees or service availability fees. Any inspection by local or state government ~~must shall~~ be based on the Uniform Building Code as prescribed by rule. Each board shall provide for periodic inspection of the proposed educational plant during each phase of construction to determine compliance with the Uniform Building Code.

(b) A district school board or community college district board of trustees may conform with local building codes and the administration of such codes when constructing ancillary plants ~~that which~~ are not attached to educational facilities, ~~if those provided that such plants conform to with~~ the space size requirements established in the Uniform Building Code.

(2) CONFORMITY TO UNIFORM BUILDING CODE STANDARDS REQUIRED FOR APPROVAL.—A district school board or community college district board of trustees ~~may shall~~ not approve any plans for the construction, renovation, remodeling, or demolition of any educational or ancillary plants unless these plans conform to the requirements of the Uniform Building Code. Each district school board and community college district board of trustees may adopt policies for delegating to the superintendent or community college president authority for submitting documents to the department and for awarding contracts subsequent to and consistent with board approval of the scope, timeframes, funding source, and budget of a survey-recommended project. It ~~is shall~~ also be the responsibility of the department to develop, as a part of the Uniform Building Code, standards relating to:

(a) Prefabricated or factory-built facilities ~~that which~~ are designed to be portable, relocatable, demountable, or reconstructible; are used primarily as classrooms; and do not fall under the provisions of ss. 320.822-320.862. Such standards must shall permit boards to contract with the Department of Community Affairs for factory inspections by certified Uniform Building Code inspectors to certify conformance with law and with rules of the Commissioner State Board of Education rule.

(b) The sanitation of educational and ancillary plants and the health of occupants of educational and ancillary plants.

(c) The safety of occupants of educational and ancillary plants as provided in s. 235.06.

(d) The physically handicapped.

(e) Accessibility for children, notwithstanding the provisions of s. 553.512.

(f) The performance of life-cycle cost analyses on alternative architectural and engineering designs to evaluate their energy efficiencies.

1. The life-cycle cost analysis must consist of shall be the sum of:

a. The reasonably expected fuel costs over the life of the building that are required to maintain illumination, water heating, temperature, humidity, ventilation, and all other energy-consuming equipment in a facility; and

b. The reasonable costs of probable maintenance, including labor and materials, and operation of the building.

2. For computation of the life-cycle costs, the department shall develop standards that must shall include, but need not be limited to:

a. The orientation and integration of the facility with respect to its physical site.

b. The amount and type of glass employed in the facility and the directions of exposure.

c. The effect of insulation incorporated into the facility design and the effect on solar utilization of the properties of external surfaces.

d. The variable occupancy and operating conditions of the facility and subportions of the facility.

e. An energy consumption analysis of the major equipment of the facility's heating, ventilating, and cooling system; lighting system; and hot water system and all other major energy-consuming equipment and systems as appropriate.

3. Such standards must shall be based on the best currently available methods of analysis, including such methods as those of the National Institute of Standards and Technology, the Department of Housing and Urban

Development, and other federal agencies and professional societies and materials developed by the Department of Management Services and the department. Provisions must ~~shall~~ be made for an annual updating of standards as required.

(3) ENFORCEMENT BY BOARD.—It is the responsibility of each district school board and community college district board of trustees to ensure that all plans and educational and ancillary plants meet the standards of the Uniform Building Code and to provide for the enforcement of this code in the areas of its jurisdiction. Each board shall provide for the proper supervision and inspection of the work. Each board may ~~is authorized to~~ employ a chief building official or inspector and such other inspectors, who have been certified by the department or certified pursuant to chapter 468, and such personnel as are ~~may be~~ necessary to administer and enforce the provisions of this code. Boards may also utilize local building department inspectors who are certified by the department to enforce this code. Plans or facilities that fail to meet the standards of the Uniform Building Code may ~~shall~~ not be approved.

(4) ENFORCEMENT BY DEPARTMENT.—As a further means of ensuring that all educational and ancillary facilities hereafter constructed or materially altered or added to conform to the Uniform Building Code standards, each district school board and community college district board of trustees that ~~which~~ undertakes the construction, renovation, remodeling, purchasing, or lease-purchase of any educational plant or ancillary facility, the cost of which exceeds \$200,000, may submit plans to the department for ~~and receive the approval of the department.~~

(5) APPROVAL.—

(a) Before a contract has been let for the construction, the department, the board, or the board's authorized review agent must approve the phase III construction documents. A board may reuse prototype plans on another site, provided the facilities list and phase III construction documents have been updated for the new site and for compliance with the Uniform Building Code and any laws relating to firesafety, health and sanitation, casualty safety, and requirements for the physically handicapped which are in effect at the time a construction contract is to be awarded.

(b) In reviewing plans for approval, the department, the board, or its review agent as authorized in s. 235.017, shall take into consideration:

1. The need for the new facility.
2. The educational and ancillary plant planning.
3. The architectural and engineering planning.
4. The location on the site.
5. Plans for future expansion.
6. The type of construction.

7. Sanitary provisions.
8. Conformity to Uniform Building Code standards.
9. The structural design and strength of materials proposed to be used.
10. The mechanical design of any heating, air-conditioning, plumbing, or ventilating system. Typical heating, ventilating, and air-conditioning systems preapproved by the department for specific applications may be used in the design of educational facilities.
11. The electrical design of educational plants.
12. The energy efficiency and conservation of the design.
13. Life-cycle cost considerations.
14. The design to accommodate physically handicapped persons.
15. The ratio of net to gross square footage.
16. The proposed construction cost per gross square foot.

(c) The board ~~may shall~~ not occupy a facility until the project has been inspected to verify compliance with statutes, rules, and codes affecting the health and safety of the occupants. Verification of compliance with rules, statutes, and codes for nonoccupancy projects such as roofing, paving, site improvements, or replacement of equipment may be certified by the architect or engineer of record and verification of compliance for other projects may be made by an inspector certified by the department or certified pursuant to chapter 468 who is not the architect or engineer of record. The board shall maintain a record of the project's completion and permanent archive of phase III construction documents, including any addenda and change orders to the project. The boards shall provide project data to the department, as requested, for purposes and reports needed by the Legislature.

(6) REVIEW PROCEDURE STATE BOARD OF APPEALS.—The Commissioner State Board of Education shall ~~have be the final review board of appeals~~ for all questions, disputes, or interpretations involving the Uniform Building Code, and any objections to decisions made by the inspectors or the department ~~must shall~~ be submitted in writing.

(7) BIENNIAL REVIEW AND UPDATE; DISSEMINATION.—The department shall biennially review, update, and revise the Uniform Building Code. The department shall publish and make available to each district school board and community college district board of trustees at no cost copies of the code and each amendment and revision thereto. The department shall make additional copies available to all interested persons at a price sufficient to recover costs.

(8) LEGAL EFFECT OF CODE.—The State Uniform Building Code for Public Educational Facilities Construction ~~has shall have~~ the force and effect of law and supersedes ~~shall supersede~~ any other code adopted by a district school board or community college district board of trustees or any

other building code or ordinance for the construction of educational and ancillary plants whether at the local, county, or state level and whether adopted by rule or legislative enactment. All special acts or general laws of local application are hereby repealed to the extent that they conflict with this section.

(9) EDUCATION FACILITIES AS EMERGENCY SHELTERS.—

(a) The Department of Education shall, in consultation with boards and county and state emergency management offices, amend the State Uniform Building Code for Public Educational Facilities Construction to incorporate public shelter design criteria into the Uniform Building Code. The new criteria must be designed to ensure that appropriate core facility areas in new educational facilities can serve as public shelters for emergency management purposes. The Commissioner ~~State Board~~ of Education shall publish proposed amendments to the State Uniform Building Code for Public Educational Facilities Construction setting forth the public-shelter criteria by July 1, 1995. A facility, or an appropriate core facility area within a facility, for which a design contract is entered into subsequent to the effective date of the inclusion of the public shelter criteria in the code must be built in compliance with the amended code unless the facility or a part thereof is exempted from using the new shelter criteria due to its location, size, or other characteristics by the applicable board with the concurrence of the applicable local emergency management agency or the Department of Community Affairs. Any educational facility located or proposed to be located in an identified category 1, 2, or 3 evacuation zone ~~is shall~~ not be subject to the requirements of this subsection. If more than one educational facility is being constructed within any 3-mile radius, no more than one facility, which must shall be selected on the basis of cost-effectiveness and greatest provision of shelter space, ~~is shall be~~ required to incorporate the public shelter criteria into its construction.

(b) By January 31, 1996, and by January 31 every even-numbered year thereafter, the Department of Community Affairs shall prepare and submit a statewide emergency shelter plan to the Governor and the Cabinet for approval. ~~The~~ Such plan ~~must shall~~ identify the general location and square footage of existing shelters, by county, and the general location and square footage of needed shelters, by county, in the next 5 years. Such plan must shall identify the types of public facilities which should be constructed to comply with emergency shelter criteria and must recommend an appropriate, adequate, and dedicated source of funding for the additional cost of constructing emergency shelters within these public facilities. After the approval of the plan, ~~a no~~ board may not shall be required to build more emergency shelter space than identified as needed in the plan, and decisions pertaining to exemptions pursuant to paragraph (a) must shall be guided by the plan and ~~by the provisions of~~ this subsection.

(10) LOCAL LEGISLATION PROHIBITED.—After June 30, 1985, pursuant to s. 11(a)(21), Art. III of the State Constitution, there shall not be enacted any special act or general law of local application which proposes to amend, alter, or contravene any provisions of the State Building Code adopted under the authority of this section.

Section 146. Subsections (2) and (3) of section 235.31, Florida Statutes, are amended to read:

235.31 Advertising and awarding contracts; prequalification of contractor.—

(2) Boards may elect to come under the rules prescribed by the Commissioner State Board of Education for the prequalification of bidders of educational facilities construction.

(3) A public agency that is authorized to purchase services for maintenance, repair, and site improvement of facilities on behalf of various agencies of a county must give the school board in that county the option of purchasing those services for educational facilities and ancillary plants under those contracts at the unit prices stated in those contracts. However, the person providing those services under such a contract may, without jeopardizing the contract, refuse to provide the services to the school board. The school board may purchase those services under such a contract only if the purchase is to the economic advantage of the school district and the services conform to the standards and specifications prescribed by rules of the Commissioner State Board of Education and, if applicable, to the requirements of s. 287.055. This subsection does not apply to contracts in existence on July 1, 1994.

Section 147. Section 235.32, Florida Statutes, is amended to read:

235.32 Substance of contract; contractors to give bond; penalties.—Each board shall develop contracts consistent with this chapter and statutes governing public facilities. Such a contract must ~~shall~~ contain the drawings and specifications of the work to be done and the material to be furnished, the time limit in which the construction is to be completed, the time and method by which payments are to be made upon the contract, and the penalty to be paid by the contractor for any failure to comply with the terms of the contract. The board may require the contractor to pay a penalty for any failure to comply with the terms of the contract and may provide an incentive for early completion. Upon accepting a satisfactory bid, the board shall enter into a contract with the party or parties whose bid has been accepted. The contractor shall furnish the board with a performance and payment bond as set forth in s. 255.05. Notwithstanding any other provision of this section, if 25 percent or more of the costs of any construction project is paid out of a trust fund established pursuant to 31 U.S.C. s. 1243(a)(1), laborers and mechanics employed by contractors or subcontractors on such construction will be paid wages not less than those prevailing on similar construction projects in the locality, as determined by the Secretary of Labor in accordance with the Davis-Bacon Act, as amended. A person, firm, or corporation that constructs ~~Any and all persons, firms, or corporations who shall construct~~ any part of any educational plant, or addition thereto, on the basis of any unapproved plans or in violation of any plans approved in accordance with the provisions of this chapter and rules of the Commissioner State Board of Education relating to building standards or specifications is shall be subject to forfeiture of bond and unpaid compensation in an amount sufficient to reimburse the board for any costs that ~~which~~ will need to be

incurred in making any changes necessary to assure that all requirements are met and ~~is shall~~ also be guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083, for each separate violation.

Section 148. Subsections (1), (2), (4), and (5) and paragraphs (a) and (f) of subsection (3) of section 236.02, Florida Statutes, are amended to read:

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

(1) ACCOUNTS AND REPORTS.—Maintain adequate and accurate records, including a system of internal accounts for individual schools, and file with the Department of Education, in correct and proper form on or before the date due as fixed by law or regulation, each annual or periodic report ~~that~~ which is required by regulations of the commissioner ~~state board~~.

(2) MINIMUM TERM.—Operate all schools for a term of at least 180 actual teaching days as prescribed in s. 228.041(13) or the equivalent on an hourly basis as specified by rules of the Commissioner State Board of Education each school year. The commissioner ~~state board~~ may prescribe procedures for altering, and, upon written application, may alter, this requirement during a national, state, or local emergency as it may apply to an individual school or schools in any district or districts if, in the opinion of the board, it is not feasible to make up lost days, and the apportionment may, at the discretion of the Commissioner State Board of Education and ~~if in the event~~ the board determines that the reduction of school days is caused by the existence of a bona fide emergency, be reduced for such district or districts in proportion to the decrease in the length of term in any such school or schools. ~~Under no circumstances shall~~ A strike, as defined in s. 447.203(6), by employees of the school district may not be considered an emergency.

(3) EMPLOYMENT POLICIES.—Adopt rules relating to the appointment, promotion, transfer, suspension, and dismissal of personnel.

(a) Such rules ~~must shall~~ conform to applicable law and ~~state board~~ rules of the commissioner and ~~must shall~~ include the duties and responsibilities of the superintendent and school board pertaining to these and other personnel matters.

(f) Such rules ~~must shall~~ require 12 calendar months of service for such principals as prescribed by regulations of the commissioner ~~state board~~ and ~~must shall~~ require 10 months to include not less than 196 days of service, excluding Sundays and other holidays, for all members of the instructional staff, with any such service on a 12-month basis to include reasonable allowance for vacation or further study as prescribed by the school board in accordance with regulations of the commissioner ~~state board~~.

(4) SALARY SCHEDULES.—Expend funds for salaries in accordance with a salary schedule or schedules adopted by the school board in accordance with the provisions of law and regulations of the commissioner state board.

(5) BUDGETS.—Observe fully at all times all requirements of law and regulations of the commissioner state board relating to the preparation, adoption, and execution of budgets for the district school system.

Section 149. Section 236.0801, Florida Statutes, is amended to read:

236.0801 Requirements for reporting kindergarten students.—Beginning with the 1995-1996 school year, a school district may not report for funding any kindergarten students under the Florida Education Finance Program unless the key data elements for the first state education goal, as approved by the Commissioner State Board of Education, were collected by the district.

Section 150. Paragraphs (a) and (c) of subsection (1) of section 236.081, Florida Statutes, 1996 Supplement, are amended to read:

236.081 Funds for operation of schools.—If the annual allocation from the Florida Education Finance Program to each district for operation of schools is not determined in the annual appropriations act or the substantive bill implementing the annual appropriations act, it shall be determined as follows:

(1) COMPUTATION OF THE BASIC AMOUNT TO BE INCLUDED FOR OPERATION.—The following procedure shall be followed in determining the annual allocation to each district for operation:

(a) Determination of full-time equivalent membership.—During each of several school weeks, including scheduled intersessions of a year-round school program during the fiscal year, a program membership survey of each school shall be made by each district by aggregating the full-time equivalent student membership of each program by school and by district. The department shall establish the number and interval of membership calculations, except that for basic and special programs such calculations shall not exceed nine for any fiscal year. The district's full-time equivalent membership shall be computed and currently maintained in accordance with regulations of the commissioner state board.

(c) Determination of programs.—Cost factors based on desired relative cost differences between the following programs shall be established in the annual General Appropriations Act. However, the application of cost factors in part-time programs for exceptional students is limited to a maximum of twelve twenty-fifths of a student membership in a given program during a week. Beginning with the 1990-1991 fiscal year, the application of cost factors in part-time programs for exceptional students is limited to a maximum of 432 hours of a student full-time equivalent membership in a given program during a school year as defined in s. 228.041(16). The criteria for qualification for the special programs, including maximum case loads for part-time programs, must shall be determined by the commissioner by rule

~~rules of the state board.~~ However, the district may apply to the department for an exemption to the maximums set above, and the department may grant such exemptions when district size or program dispersal would place an undue burden on the district. Cost factors for special programs for exceptional students shall be used to fund programs, approved by the department, as provided by law for exceptional students under the minimum age for enrollment in kindergarten. Beginning with the 1993-1994 fiscal year, the Department of Education shall conduct a program cost analysis, pursuant to Commissioner State Board of Education rule, as part of the program review process. Adult basic and secondary programs must also be addressed in the program cost analysis. The program cost analysis must include, but is not limited to, the cost of direct and indirect operations, instruction, faculty-to-student ratio, consumable supplies, equipment, and optimum program length. Beginning with the 1995-1996 General Appropriations Act, the Legislature shall assign each secondary career education program and certificate career education program to a program funding level based on programmatic costs derived from the program cost analysis. A minimum of five funding levels shall be established in the General Appropriations Act for the purposes of this paragraph.

1. Basic programs.—
 - a. Kindergarten and grades 1, 2, and 3.
 - b. Grades 4, 5, 6, 7, and 8.
 - c. Grades 9, 10, 11, and 12.
2. Special programs for exceptional students.—
 - a. Educable mentally handicapped.
 - b. Trainable mentally handicapped.
 - c. Physically handicapped.
 - d. Physical and occupational therapy part-time.
 - e. Speech, language, and hearing part-time.
 - f. Speech, language, and hearing.
 - g. Visually handicapped part-time.
 - h. Visually handicapped.
 - i. Emotionally handicapped part-time.
 - j. Emotionally handicapped.
 - k. Specific learning disability part-time.
 - l. Specific learning disability.

- m. Gifted part-time.
- n. Hospital and homebound part-time.
- o. Profoundly handicapped.
- 3. Adult general education programs.—
 - a. Adult basic education.
 - b. Adult secondary education.
 - c. Lifelong learning.
- 4. Secondary career education programs.—
 - a. Level I.
 - b. Level II.
 - c. Level III.
 - d. Level IV.
 - e. Level V.
- 5. Certificate career education and supplemental career education programs.—
 - a. Level I.
 - b. Level II.
 - c. Level III.
 - d. Level IV.
 - e. Level V.
- 6. Students-at-risk programs.—
 - a. Dropout prevention.
 - b. Special programs for teenage parents.
 - c. Kindergarten through grade 3 ESOL.
 - d. Grades 4 through 8 ESOL.
 - e. Grades 9 through 12 ESOL.

Section 151. Paragraphs (a) and (c) of subsection (2) of section 236.0811, Florida Statutes, are amended to read:

236.0811 Educational training.—

(2)(a)1. Pursuant to rules of the Commissioner State Board of Education, each school board shall develop and annually approve a master plan for inservice educational training. The plan shall include all inservice programs for all district employees from all fund sources and shall be updated annually by September 1 using criteria and procedures for continued approval as specified by ~~state board rule of the commissioner~~. Verification that the plan meets all requirements of this section must shall be submitted annually to the commissioner by October 1. The plan must shall be based on an assessment of the inservice educational training needs of the district conducted by a committee that includes parents, classroom teachers, and other educational personnel. This assessment must shall identify districtwide inservice needs and the inservice training needs of local schools. The plan must shall include, at a minimum, the inservice activities that are necessary for implementation of the schools' improvement plans during the current fiscal year. The plan must shall include, but is not limited to, components addressing: competencies in the identification, assessment, and prescription of instruction for exceptional students; competencies in the identification, assessment, and prescription of instruction for child abuse and neglect prevention and for substance and alcohol abuse prevention; and competencies in instruction for multicultural sensitivity in the classroom. In addition, the plan must include a component to provide regular training to classroom teachers on advances in the field of normal child development and the disorders of development. The plan must shall also include components that may be used to satisfy the certification requirements applicable to teachers of students with limited proficiency in English and components that may be used for the renewal of a certificate in each of the following areas: a study of the middle grades, understanding the student in the middle grades, organizing interdisciplinary instruction in the middle grades, developing critical thinking and creative thinking in students in the middle grades, counseling functions of the teacher in the middle grades, developing creative learning materials for the middle grades, and planning and evaluating programs in the middle grades. The plan must shall include inservice activities for all district employees from all fund sources.

2. Classroom teachers and guidance counselors shall be required to participate in the inservice training for child abuse and neglect prevention, for alcohol and substance abuse prevention education, and for multicultural sensitivity education, which may include negotiation and conflict resolution training.

3. The department shall withhold funding of any district's master inservice plan, as required by this section, if the plan which fails to provide and require training in substance abuse prevention education pursuant to s. 233.067(4)(c)1. for all classroom teachers and guidance counselors. The department is authorized to waive one or more inservice areas related to the middle grades if the district can document its unsuccessful attempt to secure a competent trainer or sufficient enrollment or when the department determines that specific validated competencies may be substituted in lieu of such inservice areas.

(c) An organization of nonpublic schools which has no fewer than 10 member schools in this state, which publishes and files with the Department

of Education copies of its standards, and the member schools of which comply with the provisions of chapter 232 relating to compulsory attendance may also develop a master plan for inservice educational training. The plan must shall be submitted to the commissioner for approval pursuant to rules of the commissioner State Board of Education. Costs associated with approval of the plan, such as travel, per diem, and substitutes required for onsite reviews, must shall be determined in accordance with criteria established by the Department of Education and must shall be borne by the organization.

Section 152. Subsections (1), and (5) of section 236.083, Florida Statutes, 1996 Supplement, are amended to read:

236.083 Funds for student transportation.—The annual allocation to each district for transportation to public school programs of students in membership in kindergarten through grade 12, in migrant and exceptional student programs below kindergarten, and in any other state-funded pre-kindergarten program shall be determined as follows:

(1) Subject to the rules of the commissioner state board, each district shall determine the membership of students who are transported:

(a) By reason of living 2 miles or more from school;

(b) By reason of being students with disabilities or enrolled in a teenage parent program, regardless of distance to school;

(c) By reason of being in a state prekindergarten program, regardless of distance from school;

(d) By reason of being vocational, dual enrollment, or students with disabilities transported from one school center to another to participate in an instructional program or service; or students with disabilities, transported from one designation to another in the state, provided one designation is a school center and provided the student's individual educational plan (IEP) identifies the need for the instructional program or service and transportation to be provided by the school district. A "school center" is defined as a public school center, public community college, public university, or other facility rented, leased, or owned and operated by the school district or another public agency. A "dual enrollment student" is defined as a public school student in membership in both a public secondary school program and a public community college or a public university program under a written agreement to partially fulfill ss. 229.814 and 240.115 and earning full-time equivalent membership under s. 236.081(1)(j);

(e) With respect to elementary school students whose grade level does not exceed grade 6, by reason of being subjected to hazardous walking conditions en route to or from school as provided in s. 234.021. Such rules shall, when appropriate, provide for the determination of membership under this paragraph for less than 1 year to accommodate the needs of students who require transportation only until such hazardous conditions are corrected; and

(f) By reason of being a pregnant student or student parent, and the child of a student parent as provided in s. 230.23166, regardless of distance from school.

(5) Funds allocated or apportioned for the payment of student transportation services may be used to pay for transportation of students to and from school on local general purpose transportation systems. Student transportation funds may also be used to pay for transportation of students to and from school in private passenger cars and boats when the transportation is for isolated students, or students with disabilities as defined by rule. Subject to the rules of the Commissioner State Board of Education, each school district shall determine and report the number of assigned students using general purpose transportation private passenger cars and boats. The allocation per student must shall be equal to the allocation per student riding a school bus.

Section 153. Section 236.0841, Florida Statutes, is amended to read:

236.0841 Student enrichment, remedial, and dropout prevention programs.—Each school district may provide any amount from current operation funds of the Florida Education Finance Program for salaries of personnel who are employed, pursuant to regulations of the commissioner state board, to provide supplementary enrichment, remedial, and dropout prevention activities pursuant to s. 230.2316. The enrichment, remedial, and dropout prevention activities, when offered, must shall be provided to students during periods of time supplemental to or beyond the required 180 days of instruction.

Section 154. Subsections (2) and (3) of section 236.1225, Florida Statutes, are amended to read:

236.1225 Gifted education exemplary program grants.—

(2) There is hereby created a grant program for education for the gifted which shall be administered by the Commissioner of Education in cooperation and consultation with appropriate organizations and associations concerned with education for the gifted and pursuant to rules adopted by the Commissioner State Board of Education. The program may be implemented in any public school.

(3) Pursuant to policies and rules to be adopted by the Commissioner State Board of Education, each district school board, two or more district school boards in cooperation, or a public school principal through the district school board may submit to the commissioner a proposed program designed to effectuate an exemplary program for education for the gifted in a school, district, or group of districts. Consideration for funding shall be given to proposed programs of district school boards that are developed with the cooperation of a community college, public or private college, or university for the purpose of providing advanced accelerated instruction for public school students pursuant to s. 229.814. In order to be approved, a program proposal must shall include:

- (a) Clearly stated goals and objectives expressed, to the maximum extent possible, in measurable terms;
- (b) Information concerning the number of students, teachers, and other personnel to be involved in the program;
- (c) The estimated cost of the program and the number of years for which it is to be funded;
- (d) Provisions for evaluation of the program and for its integration into the general curriculum and financial program of the school district or districts at the end of the funded period; and
- (e) Such other information and provisions as ~~shall be required by the commissioner~~ requires.

Section 155. Section 236.13, Florida Statutes, is amended to read:

236.13 Expenditure of funds by school board.—All state funds apportioned to the credit of any district ~~shall~~ constitute a part of the district school fund of that district and ~~must~~ shall be budgeted and expended under authority of the school board of that district subject to the provisions of law, ~~and~~ regulations of the state board, and rules of the commissioner.

- (1) A school board shall credit interest or profits on investments to the specific budgeted fund, as defined by the accounting system required by s. 237.01, that produced the earnings unless otherwise authorized by law, rule, or regulation.
- (2) A school board may temporarily advance moneys from one fund, as defined by the accounting system required by s. 237.01, to another fund when insufficient moneys are available to meet current obligations if the temporary advancement is repaid within 13 months, appropriate accounting records are maintained, and the temporary advancement does not restrict, impede, or limit implementation or fulfillment of the original purposes for which the moneys were received in the fund providing the advancement.
- (3) Funds expended from school nonrecurring incentives or bonus type state or federal funded programs based on performance outcomes, such as those provided for in s. 236.1228 for the accountability program, may not be used for measuring compliance with state or federal maintenance of effort, supplanting, or comparability standards.

Section 156. Paragraph (b) of subsection (4) of section 236.685, Florida Statutes, 1996 Supplement, is amended to read:

236.685 Educational funding accountability.—

(4)

(b) Any teacher-to-student ratio or class size measure required by law, ~~or State Board of Education rule, or Commissioner of Education rule~~ must be computed by dividing the number of students in membership at the school by the number of full-time equivalent instructional personnel pursuant to

paragraph (3)(a). Class size reports for exceptional student education shall be computed by dividing the number of exceptional students in membership by the number of full-time equivalent exceptional education classroom teachers who are classified as instructional personnel pursuant to paragraph (3)(a).

Section 157. Subsection (5) of section 237.211, Florida Statutes, is amended to read:

237.211 School depositories; payments into and withdrawals from depositories.—

(5) FORM OF WARRANTS; DIRECT DEPOSIT OF FUNDS.—The school board is authorized to establish the form or forms of warrants, which are to be signed by the chair or, in his or her absence, the vice chair of the school board and countersigned by the superintendent, for payment or disbursement of moneys out of the school depository and to change the form thereof from time to time as the school board deems appropriate. If authorized in writing by the payee, such school board warrants may provide for the direct deposit of funds to the account of the payee in any financial institution that which is designated in writing by the payee and that which has lawful authority to accept such deposits. The written authorization of the payee must ~~shall~~ be filed with the school board. Direct deposit of funds may be by any electronic or other medium approved by the school board for such purpose. The Commissioner State Board of Education shall adopt rules prescribing minimum security measures that must be implemented by any school board before ~~prior to~~ establishing the system authorized in this subsection.

Section 158. Subsection (4) of section 237.40, Florida Statutes, 1996 Supplement, is amended to read:

237.40 Direct-support organization; use of property; board of directors; audit.—

(4) ANNUAL AUDIT.—The direct-support organization shall make provisions for an annual postaudit of its financial accounts, to be conducted by the district auditor in accordance with rules to be adopted promulgated by the Commissioner State Board of Education. The annual audit report shall include a management letter and shall be filed as a public record in the district. The Commissioner State Board of Education and the Auditor General have the authority to require and receive from the organization or the district auditor any detail or supplemental data relative to the operation of the organization. The identity of donors and all information identifying donors and prospective donors are confidential and exempt from the provisions of s. 119.07(1), and that anonymity shall be maintained in the auditor's report. All other records and information are ~~shall be~~ considered public records for the purposes of chapter 119.

Section 159. Subsection (3) of section 316.615, Florida Statutes, is amended to read:

316.615 School buses; physical requirements of drivers.—

(3) ~~A No person may not shall~~ operate or cause to be operated a motor vehicle covered by subsection (1) or subsection (2) when transporting school children unless the operator has met the physical examination requirements established by law and by rule adopted by the Commissioner State Board of Education. The operator of such a motor vehicle shall pass an annual physical examination and have posted in the vehicle a certificate to drive the vehicle same.

Section 160. All rules of the State Board of Education adopted pursuant to the provisions of law amended by this act in effect on June 30, 1997, remain in effect until specifically altered, amended, or revoked in the manner provided by law.

Section 161. Sections 228.0617 and 228.085, Florida Statutes, are repealed.

Section 162. Subsection (3) of section 228.121, Florida Statutes, is amended to read:

228.121 Nonresident tuition fee; tuition fee exemptions.—

(3) No tuition shall be charged pupils who are homeless children as defined in s. 228.041(35) ~~s. 228.041(36)~~; pupils whose parent, parents, or guardian are in the federal military service or are civilian employees, the cost of whose education is provided in part or in whole by federal subsidy to state-supported schools; or pupils whose parent, parents, or guardian are migratory agricultural workers. No tuition shall be charged pupils who reside in residential care facilities operated by the Department of Health and Rehabilitative Services and who receive their education under s. 230.23(4)(n).

Section 163. This act shall take effect July 1, 1997.

Became a law without the Governor's approval May 30, 1997.

Filed in Office Secretary of State May 29, 1997.