

Committee Substitute for Committee Substitute for
Committee Substitute for Senate Bill Nos. 852, 2, and 46

An act relating to school safety and student discipline; amending s. 228.041, F.S.; revising the definition of suspension; amending s. 229.57, F.S.; revising data used to determine a school's performance grade category; creating s. 229.8347, F.S.; relating to a Partnership for School Safety and Security; creating an electronic clearinghouse; providing for membership; providing for a report; amending s. 230.23, F.S.; revising information required to be included in the student code of conduct; combining and clarifying provisions relating to student possession of a weapon; requiring the district code of student conduct to include certain notice relating to expulsion for making a threat or false report; defining the term "school-within-a-school"; requiring district school boards to address the availability of specified student support services professionals; amending and redesignating s. 235.14, F.S.; specifying types of drills and emergencies for which district school boards are required to develop procedures; requiring district school boards to establish model emergency management and emergency preparedness procedures; amending s. 230.23015, F.S., relating to disciplinary action for violation of s. 784.081, F.S.; providing a cross-reference; amending s. 230.23025, F.S.; requiring best financial management practices to address school safety and security; creating s. 230.23145, F.S.; establishing a pilot program to provide clerical assistance to guidance counselors; providing eligibility requirements for district participation; providing for the selection of districts to participate; amending s. 230.235, F.S.; specifying offenses for which a student will be expelled for 1 year, and referred for criminal prosecution, under district school board zero tolerance for crime policies; authorizing assignment to certain alternative programs; providing a cross reference relating to students with disabilities; creating s. 231.0851, F.S., relating to reports of school safety and discipline; requiring principals to use standardized forms and develop a plan; requiring the state board to adopt a form by rule; requiring the department to establish a safety mechanism; requiring the department to establish a safety instrument; amending s. 232.17, F.S.; requiring principals to notify certain persons that specified students are exhibiting a pattern of non-attendance; clarifying authorization for intervention through a truancy petition; providing for procedures of portfolio review by a home education review committee of a parent whose child has been identified as exhibiting a pattern of nonattendance who enrolls in a home education program; providing penalties for noncompliance; amending s. 232.24521, F.S.; prohibiting attendance from being used to provide an exemption from any academic requirement; amending s. 232.25, F.S., relating to control of pupils; amending s. 232.26, F.S.; specifying that expulsion of a student with a disability must be made pursuant to state board rule; amending s. 232.27, F.S.; authorizing teachers or other instructional personnel to have disobedient and

disrespectful students temporarily removed from the classroom and to have certain students directed for information or assistance from appropriate personnel; amending s. 232.271, F.S.; revising the behavior considered to be cause for teacher removal of students; removing obsolete language relating to a study and a report; amending s. 232.275, F.S.; prohibiting certain school personnel from being held civilly or criminally liable for the exercise of authority provided by certain provisions of law; creating s. 234.0215, F.S.; requiring a school safety transportation plan; creating s. 235.192, F.S., relating to the coordination of school safety information; requiring the provision of copies of educational facility floorplans and other relevant documents to specific agencies; creating s. 235.2157, F.S.; providing legislative findings; defining the term "small school"; requiring the construction of only small schools after a certain date; requiring small schools to comply with racial balance requirements; providing an exception; amending s. 984.03, F.S.; revising the definition of "truancy petition"; amending s. 984.13, F.S.; enabling a law enforcement officer to take into custody a child who is suspended or expelled and who is not in the presence of his or her parent or legal guardian; revising the definition of "school system"; amending s. 984.151, F.S.; revising requirements for filing a truancy petition; requiring the issuance of a summons; providing for use of contempt powers; amending s. 414.125, F.S.; revising criteria for reduction of temporary cash assistance; amending s. 234.01, F.S.; authorizing transportation of additional students subjected to hazardous walking conditions; amending s. 234.021, F.S., relating to hazardous walking conditions; requiring a hazardous walking condition to be inspected by a representative of the county sheriff and a representative of the local safety council, if a safety council exists in the county; providing for a walking condition to be determined hazardous based on the guidelines of this section or based on findings upon inspection; revising guidelines for determining hazardous walking conditions; amending s. 236.083, F.S.; providing funds for the transportation of additional students transported by reason of being subjected to hazardous walking conditions; providing an effective date.

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

Section 1. Paragraph (a) of subsection (25) of section 228.041, Florida Statutes, is amended to read:

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

(25) SUSPENSION.—

(a) Suspension, also referred to as out-of-school suspension, is the temporary removal of a student from all classes of instruction on public school grounds and all other school-sponsored activities, except as authorized by the principal or the principal's designee, for a period not to exceed 10 school

days and remanding of the student to the custody of the student's parent with specific homework assignments for the student to complete.

Section 2. Paragraph (a) of subsection (8) of section 229.57, Florida Statutes, is amended to read:

229.57 Student assessment program.—

(8) DESIGNATION OF SCHOOL PERFORMANCE GRADE CATEGORIES.—School performance grade category designations itemized in subsection (7) shall be based on the following:

(a) Timeframes.—

1. School performance grade category designations shall be based on one school year of performance.

2. In school years 1998-1999 and 1999-2000, a school's performance grade category designation shall be determined by the student achievement levels on the FCAT, and on other appropriate performance data, including, but not limited to, attendance, dropout rate, school discipline data, and student readiness for college, in accordance with state board rule.

3. ~~In Beginning with~~ the 2000-2001 school year, a school's performance grade category designation shall be based on a combination of student achievement scores as measured by the FCAT, on the degree of measured learning gains of the students, and on other appropriate performance data, including, but not limited to, ~~attendance, dropout rate, school discipline data,~~ and student readiness for college.

4. Beginning with the 2001-2002 school year and thereafter, a school's performance grade category designation shall be based on student learning gains as measured by annual FCAT assessments in grades 3 through 10, and on other appropriate performance data, including, but not limited to, ~~attendance, dropout rate, school discipline data,~~ cohort graduation rate, and student readiness for college.

~~For the purpose of implementing ss. 229.0535 and 229.0537, if any of the four schools that were identified as critically low performing, based on both 1996-1997 and 1997-1998 school performance data and state board adopted criteria, receives a performance grade category designation of "F," based on 1998-1999 school performance data, that school shall be considered as having failed to make adequate progress for 2 years in a 4-year period. All other schools that receive a performance grade category designation of "F," based on 1998-1999 school performance data, shall be considered as having failed to make adequate progress for 1 year.~~

Section 3. Section 229.8347, Florida Statutes, is created to read:

229.8347 Partnership for School Safety and Security.—

(1) CREATION AND DUTIES.—There is created a Partnership for School Safety and Security to perform the following responsibilities:

(a) Evaluate school safety and security programs and strategies, based on controlled scientific research; recommend information to be included in the electronic clearinghouse of safety and security information; and make recommendations for inclusion in the clearinghouse of safety and security information and to the Legislature for funding school safety and security programs.

(b) Create an electronic clearinghouse of safety and security information that includes best practices, model programs, and construction prototypes that are compatible with the requirements for frugal schools.

(c) Assess the extent to which best practices for school safety and security are being followed, including, but not limited to, best practices for schools with student participation in planning and implementing violence prevention and other student efforts that contribute to school safety; placing and training new teachers; providing incentives for teachers of demonstrated mastery to remain in or transfer to low-performing schools; providing incentives for teachers based on their willingness to teach at schools that serve low-income areas; and providing support systems, such as mentors or specialized training, for teachers who are willing to teach in schools that serve large populations of students from low-income families.

(d) Train and offer technical assistance to school district staff and others on how to create a safe school environment.

(e) Foster coordination among schools, law enforcement personnel, and crisis-management teams.

(2) ORGANIZATION; MEMBERSHIP; MEETINGS; COMPENSATION AND TRAVEL EXPENSES; BUDGET.—The partnership is an independent, nonpartisan body that is assigned to the Department of Education for administrative purposes. The partnership shall be composed of 11 members who are appointed by the Governor and confirmed by the Senate. Three members must be consumers who are not, and never have been, providers of school safety or security services.

(a) Members shall be appointed to 4-year, staggered terms of office.

(b) The partnership shall annually elect a chairperson and vice chairperson from among its members.

(c) The partnership shall meet at least once each year and the chairperson or a quorum of the members of the partnership may call additional meetings as often as necessary to transact business. A majority of the membership constitutes a quorum, and the vote of a majority of the quorum is necessary to take official action or conduct official business of the partnership. The position of any member who has three consecutive, unexcused absences or who is absent for 50 percent or more of the partnership's meetings within any 12-month period shall be considered vacant.

(d) A vacancy on the partnership shall be filled in the same manner as the original appointment. Any appointment to fill a vacancy shall be only for the remainder of the unexpired term.

(e) Members of the partnership shall serve without compensation, but are entitled to reimbursement for per diem and travel expenses incurred in the performance of their duties as provided in s. 112.061, and are entitled to reimbursement for other reasonable, necessary, and actual expenses.

(3) BUDGET.—The partnership shall have a budget and shall be funded to the extent provided for in the General Appropriations Act.

(4) ANNUAL REPORT.—The partnership shall submit an annual report to the Governor, the President of the Senate, the Speaker of the House of Representatives, the minority leaders of the Senate and House of Representatives, and the Commissioner of Education. The report must contain an independent analysis of best practices for school safety and security in the state; a summary of programs evaluated; a summary of progress made in developing, maintaining, and refining the electronic clearinghouse of safety and security information; and recommendations for legislative changes or budget requests.

Section 4. Paragraphs (d) and (e) of subsection (6) of section 230.23, Florida Statutes, are amended, subsection (20) of said section is renumbered as subsection (22), and new subsections (20) and (21) are added to said section, and section 235.14, Florida Statutes, is redesignated as paragraph (f) of subsection (6) of said section and 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:

(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.

(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. Each code shall be organized and written in language ~~that~~ which is understandable to students and parents and shall be discussed at the beginning of every school year in student classes, school advisory council meetings ~~councils~~, and parent and teacher association meetings ~~associations~~. Each code shall be based on the rules governing student conduct and discipline adopted by the district school board and shall 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, and any disciplinary 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 disciplinary action by the school and may also result in criminal penalties being imposed.

5. Notice that the possession of a firearm, a knife, ~~or 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 district 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 disciplinary action by the school and may also result in criminal penalties being imposed.

8. Notice that violation of the district 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 ~~or weapon~~, as defined in chapter 790.18 U.S.C. s. 921, to school, to any school function, or onto ~~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. District 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 district school board to modify the requirement by assigning the student to a disciplinary program or second chance school if it is determined to be in the best interest of the student and the school system.

11. Notice that any student who is determined to have made a threat or false report, as defined by ss. 790.162 and 790.163, respectively, involving school or school personnel's property, school transportation, or a school-sponsored activity 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. District 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 of schools may consider the 1-year expulsion requirement on a case-by-case basis and request the district school board to modify the requirement by assigning the student to a disciplinary program or second chance school if it is determined to be in the best interest of the student and the school system.

(e) Student crime watch program.—By resolution of the district 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.

(f) 235.14 Emergency drills; emergency procedures.—

1. The district school board shall formulate and prescribe policies and procedures for emergency drills and for actual emergencies, including, but not limited to, fires, natural disasters, and bomb threats, for all the public schools of the district state which comprise grades K-12. District policies shall include commonly used alarm system responses for specific types of emergencies and verification by each school that drills have been provided as required by law and fire protection codes.

2. The district school board shall establish model emergency management and emergency preparedness procedures for the following life-threatening emergencies:

- a. Weapon-use and hostage situations.
- b. Hazardous materials or toxic chemical spills.
- c. Weather emergencies, including hurricanes, tornadoes, and severe storms.
- d. Exposure as a result of a manmade emergency.

(20) SCHOOL-WITHIN-A-SCHOOL.—In order to reduce the anonymity of students in large schools, the district school board shall adopt policies effective for the 2002-2003 school year, and thereafter, to encourage any school that does not meet the definition of a small school, as established by s. 235.2157(2), to subdivide into schools-within-a-school, which shall operate within existing resources. A “school-within-a-school” means an operational program that uses flexible scheduling, team planning, and curricular and instructional innovation to organize groups of students with groups of teachers as smaller units, so as to functionally operate as a smaller school. Examples of this include, but are not limited to:

(a) An organizational arrangement assigning both students and teachers to smaller units in which the students take some or all of their coursework with their fellow grouped students and from the teachers assigned to the smaller unit. A unit may be grouped together for 1 year or on a vertical, multiyear basis.

(b) An organizational arrangement similar to that described in paragraph (a) with additional variations in instruction and curriculum. The smaller unit usually seeks to maintain a program different from that of the larger school, or of other smaller units. It may be vertically organized, but is dependent upon the school principal for its existence, budget, and staff.

(c) A separate and autonomous smaller unit formally authorized by the district school board or superintendent of schools. The smaller unit plans and runs its own program, has its own staff and students, and receives its own separate budget. The smaller unit must negotiate the use of common space with the larger school and defer to the building principal on matters of safety and building operation.

(21) TEACHER SUPPORT.—District school boards shall address the availability of qualified and experienced support services professionals who are trained in substance abuse or mental health to support teachers who identify students with potential problems. The district school board may address the availability of these qualified and experienced support services professionals through the use of in-school or local private providers.

Section 5. Subsection (1) of section 230.23025, Florida Statutes, is amended to read:

230.23025 Best financial management practices; standards; reviews; designation of districts.—

(1) The Office of Program Policy Analysis and Government Accountability (OPPAGA) and the Office of the Auditor General are directed to develop a system for reviewing the financial management practices of school districts. In this system, OPPAGA and the Auditor General shall jointly examine district operations to determine whether they meet “best financial management practices.” The best financial management practices adopted by the Commissioner of Education may be updated periodically after consultation with the Legislature, the Governor, the SMART Schools Clearinghouse, OPPAGA, and the Auditor General. The best financial management practices, at a minimum, must instill public confidence by addressing the following areas:

(a) Efficient use of resources, use of lottery proceeds, student transportation and food service operations, management structures, and personnel systems and benefits.;

(b) Compliance with generally accepted accounting principles and state and federal laws relating to financial management.;

(c) Performance accountability systems, including performance measurement reports to the public, internal auditing, financial auditing, and information made available to support decisionmaking.;

(d) Cost control systems, including asset, risk, and financial management, purchasing, and information system controls.

(e) Safety and security practices at the district and school levels.

Section 6. Section 230.23145, Florida Statutes, is created to read:

230.23145 Student support services pilot program.—

(1) From the funds provided in the 2000-2001 General Appropriations Act, there is established a pilot program for Sarasota, Lake, and Miami-Dade school districts to assess the use of and assist student support services personnel in public schools.

(2) Each participating school district must provide:

(a) Information relating to the current use of student support services personnel within the district. The department's reporting form must require a breakdown of the percentage of time spent on activities including, but not limited to: clerical work not related to counseling, school social work services, psychological services, or evaluation, clerical work related to counseling, school social work services, psychological services, or evaluation, direct student services, and student evaluation.

(b) A plan outlining the proposed use of part-time or nondegreed personnel to provide clerical assistance, so that the major focus of the student support services personnel will be services through direct student contact, other appropriate contact, or student evaluation.

(3) Each participating school district shall report to the Department of Education on improved student performance, reduced school discipline problems, increased direct time with students or other significant outcome measures by August 1, 2001.

Section 7. Subsection (2) of section 230.235, Florida Statutes, is redesignated as subsection (3), and a new subsection (2) is added to said section, to read:

230.235 Policy of zero tolerance for crime.—

(2) The policy shall require students found to have committed one of the following offenses to 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 to be referred for criminal prosecution:

(a) Bringing a firearm or weapon, as defined in chapter 790, to school, to any school function, or onto any school-sponsored transportation.

(b) Making a threat or false report, as defined by ss. 790.162 and 790.163, respectively, involving school or school personnel's property, school transportation, or a school-sponsored activity.

District 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 district school board to modify the requirement by assigning the student to a disciplinary program or second chance school if it is determined to be in the best

interest of the student and the school system. If a student committing any of the offenses in this subsection is a student with a disability, the school district shall comply with procedures pursuant to s. 232.251 and any applicable state board rule.

Section 8. Section 231.0851, Florida Statutes, is created to read:

231.0851 Reports of school safety and discipline.—Each principal must ensure that standardized forms prescribed by rule of the State Board of Education are used to report data concerning school safety and discipline to the Department of Education. The principal must develop a plan to verify the accuracy of reported incidents.

Section 9. The State Board of Education shall adopt by rule a standardized form to be used by each school to report data concerning school safety and discipline.

Section 10. By October 1, 2000, the Department of Education shall establish a mechanism to improve the reliability and accuracy of reports concerning school safety, including a means for improving the reliability and accuracy of the School Environmental Safety Incident Reporting System.

Section 11. By December 1, 2000, the Department of Education shall develop an individualized school safety and environment assessment instrument that each school may use to assess its needs with respect to the state education goal for safety specified in section 229.591(3)(e), Florida Statutes. In addition, by December 1, 2000, the Department of Education shall expand the current performance standards for the state education goal for safety to comprehensively address district and school safety and security.

Section 12. Subsection (1) of section 232.17, Florida Statutes, is amended to read:

232.17 Enforcement of school attendance.—The Legislature finds that poor academic performance is associated with nonattendance and that schools must take an active role in enforcing attendance as a means of improving the performance of many students. It is the policy of the state that the superintendent of each school district be responsible for enforcing school attendance of all children and youth subject to the compulsory school age in the school district. The responsibility includes recommending to the school board policies and procedures to ensure that schools respond in a timely manner to every unexcused absence, or absence for which the reason is unknown, of students enrolled in the schools. School board policies must require each parent or guardian of a student to justify each absence of the student, and that justification will be evaluated based on adopted school board policies that define excused and unexcused absences. The policies must provide that schools track excused and unexcused absences and contact the home in the case of an unexcused absence from school, or an absence from school for which the reason is unknown, to prevent the development of patterns of nonattendance. The Legislature finds that early intervention in school attendance matters is the most effective way of producing good attendance habits that will lead to improved student learning and achieve-

ment. Each public school shall implement the following steps to enforce regular school attendance:

(1) CONTACT, REFER, AND ENFORCE.—

(a) Upon each unexcused absence, or absence for which the reason is unknown, the school principal or his or her designee shall contact the student's parent or guardian to determine the reason for the absence. If the absence is an excused absence, as defined by school board policy, the school shall provide opportunities for the student to make up assigned work and not receive an academic penalty unless the work is not made up within a reasonable time.

(b) If a student has had at least five unexcused absences, or absences for which the reasons are unknown, within a calendar month or 10 unexcused absences, or absences for which the reasons are unknown, within a 90-calendar-day period, the student's primary teacher shall report to the school principal or his or her designee that the student may be exhibiting a pattern of nonattendance. The principal shall, unless there is clear evidence that the absences are not a pattern of nonattendance, refer the case to the school's child study team to determine if early patterns of truancy are developing.

If the child study team finds that a pattern of nonattendance is developing, whether the absences are excused or not, a meeting with the parent must be scheduled to identify potential remedies, and the principal shall notify the superintendent of schools and the school district contact for home education programs that the referred student is exhibiting a pattern of nonattendance.

(c) If an initial meeting does not resolve the problem, the child study team shall implement interventions that best address the problem. The interventions may include, but need not be limited to:

1. Frequent communication between the teacher and the family;
2. Changes in the learning environment;
3. Mentoring;
4. Student counseling;
5. Tutoring, including peer tutoring;
6. Placement into different classes;
7. Evaluation for alternative education programs;
8. Attendance contracts;
9. Referral to other agencies for family services; or
10. Other interventions, including, but not limited to, a truancy petition pursuant to s. 984.151.

(d) The child study team shall be diligent in facilitating intervention services and shall report the case to the superintendent only when all reasonable efforts to resolve the nonattendance behavior are exhausted.

(e) If the parent, guardian, or other person in charge of the child refuses to participate in the remedial strategies because he or she believes that those strategies are unnecessary or inappropriate, the parent, guardian, or other person in charge of the child may appeal to the school board. The school board may provide a hearing officer, and the hearing officer shall make a recommendation for final action to the board. If the board's final determination is that the strategies of the child study team are appropriate, and the parent, guardian, or other person in charge of the child still refuses to participate or cooperate, the superintendent may seek criminal prosecution for noncompliance with compulsory school attendance.

(f)1. If the parent or guardian of a child who has been identified as exhibiting a pattern of nonattendance enrolls the child in a home education program pursuant to s. 232.0201, the superintendent of schools shall provide the parent a copy of s. 232.0201 and the accountability requirements of this paragraph. The superintendent of schools shall also refer the parent to a home education review committee composed of the district contact for home education programs and at least two home educators selected by the parent from a district list of all home educators who have conducted a home education program for at least 3 years and who have indicated a willingness to serve on the committee. The home education review committee shall review the portfolio of the student, as defined by s. 232.0201, every 30 days during the district's regular school terms until the committee is satisfied that the home education program is in compliance with s. 232.0201(1)(b). The first portfolio review must occur within the first 30 calendar days of the establishment of the program. The provisions of subparagraph 2. do not apply once the committee determines the home education program is in compliance with s. 232.0201(1)(b).

2. If the parent fails to provide a portfolio to the committee, the committee shall notify the superintendent of schools. The superintendent of schools shall then terminate the home education program and require the parent to enroll the child in an attendance option provided under s. 232.02(1), (2), (3), or (5), within 3 days. Upon termination of a home education program pursuant to this subparagraph, the parent or guardian shall not be eligible to reenroll the child in a home education program for 180 calendar days. Failure of a parent or guardian to enroll the child in an attendance option provided under s. 232.02(1), (2), (3), or (5) after termination of the home education program pursuant to this subparagraph shall constitute noncompliance with the compulsory attendance requirements of s. 232.01 and may result in criminal prosecution under s. 232.19(2). Nothing contained herein shall restrict the ability of the superintendent of schools, or the ability of his or her designee, to review the portfolio pursuant to s. 232.0201(1)(b).

(g)(f) If a child subject to compulsory school attendance will not comply with attempts to enforce school attendance, the parent, the guardian, or the superintendent or his or her designee shall refer the case to the case staffing committee pursuant to s. 984.12, and the superintendent or his or her

designee may file a truancy petition pursuant to the procedures in s. 984.151.

Section 13. Section 232.24521, Florida Statutes, is amended to read:

232.24521 Report cards; end-of-the-year status.—

(1) Each school district shall establish and publish policies requiring the content and regular issuance of student report cards for all elementary school, middle school, and high school students. These report cards must clearly depict and grade:

(a) The student's academic performance in each class or course, which in grades 1 through 12 must be based upon examinations as well as written papers, class participation, and other academic performance criteria.

(b) The student's conduct and behavior.

(c) The student's attendance, including absences and tardiness.

(2) A student's final report card for a school year shall contain a statement indicating end-of-the-year status regarding performance or nonperformance at grade level, acceptable or unacceptable behavior and attendance, and promotion or nonpromotion.

School districts shall not allow schools to exempt students from academic performance requirements based on practices or policies designed to encourage student attendance. A student's attendance record may not be used in whole or in part to provide an exemption from any academic performance requirement.

Section 14. Subsection (3) of section 232.25, Florida Statutes, is amended to read:

232.25 Pupils subject to control of school.—

(3) Nothing shall prohibit a district school board from having the right to expel, or to take disciplinary action against, a student who is found to have committed an offense on school property at any time if:

(a) The student is found to have committed a delinquent act which would be a felony if committed by an adult;

(b) The student has had adjudication withheld for a delinquent act which, if committed by an adult, would be a felony; or

(c) The student has been found guilty of a felony.

However, if the student is a student with a disability, the disciplinary action must comply with the procedures set forth in state board rule.

Section 15. Subsection (4) of section 232.26, Florida Statutes, is amended to read:

232.26 Authority of principal.—

(4) Any recommendation for the suspension or expulsion of a handicapped student with a disability shall be made in accordance with ~~the rules adopted promulgated~~ by the State Board of Education.

Section 16. Paragraph (c) of subsection (1) of section 232.27, Florida Statutes, is amended, paragraphs (d) through (j) of said subsection are redesignated as paragraphs (e) through (k), respectively, and a new paragraph (d) is added to said subsection, to read:

232.27 Authority of teacher; responsibility for control of students; school district duties.—Subject to law and to the rules of the district school board, each teacher or other member of the staff of any school shall have such authority for the control and discipline of students as may be assigned to him or her by the principal or the principal's designated representative and shall keep good order in the classroom and in other places in which he or she is assigned to be in charge of students.

(1) Within the framework of the school district code of student conduct, teachers and other instructional personnel shall have the authority to undertake any of the following actions in managing student behavior and ensuring the safety of all students in their classes and school:

(c) Have disobedient, disrespectful, violent, abusive, uncontrollable, or disruptive students temporarily removed from the classroom for behavior management intervention.

(d) Have violent, abusive, uncontrollable, or disruptive students directed for information or assistance from appropriate school or district personnel.

Section 17. Subsections (2) and (5) of section 232.271, Florida Statutes, are amended to read:

232.271 Removal by teacher.—

(2) A teacher may remove from class a student:

~~(a) Who has been documented by the teacher to repeatedly interfere with the teacher's ability to communicate effectively with the students in the class or with the ability of the student's classmates to learn; or~~

~~(b) whose behavior the teacher determines is so unruly, disruptive, or abusive that it seriously interferes with the teacher's ability to communicate effectively with the students in the class or with the ability of the student's classmates to learn.~~

~~(5) The department shall conduct a study on the number of students who are expelled from classrooms, placement alternatives for students who are expelled, and the number of decisions by teachers that are overridden by the placement review committee. A preliminary report to the Legislature shall be submitted no later than March 1, 1997. A final report shall be submitted to the Legislature by September 1, 1997.~~

Section 18. Section 232.275, Florida Statutes, is amended to read:

232.275 Liability of teacher or principal.—Except in the case of excessive force or cruel and unusual punishment, a teacher or other member of the instructional staff, a principal or the principal’s designated representative, or a bus driver shall not be civilly or criminally liable for any action carried out in conformity with the state board and district school board rules regarding the control, discipline, suspension, and expulsion of students, including, but not limited to, any exercise of authority under s. 232.26, s. 232.27, or s. 232.271.

Section 19. Section 234.0215, Florida Statutes, is created to read:

234.0215 School Safety Transportation Plan.—Each school district and the state or local governmental entity having jurisdiction shall develop a school safety transportation plan. Each school district shall include charter schools in its school safety transportation plan. The plan shall be submitted to the Department of Education by December 31, 2000.

(1) Each school district and the state or local governmental entity having jurisdiction shall jointly develop a priority list of hazardous-walking-conditions projects that have been identified and have not yet been corrected. Each school district shall use this part of the plan to monitor school transportation safety. The plan must include the following for the hazardous walking conditions determined under the provisions of section 234.021, Florida Statutes:

(a) The number of hazardous walking conditions which have been identified and have not been corrected by the state or local governmental entity having jurisdiction within 5 years after identification of the hazard and a fiscal impact of the cost to correct each hazard; and

(b) For each hazardous walking condition that has been identified and has not been corrected, a statement of the reason given for the deficiency by the state or local governmental entity having jurisdiction.

(2) The plan must also include recommendations and fiscal estimates for:

(a) Any changes to current law for expanding the definition of a student in section 234.021(1), Florida Statutes, to include students in grades kindergarten through 12.

(b) Any changes to current law for identifying hazardous walking conditions for walkways parallel to the road, including, but not limited to:

1. Increasing the size of the walk area adjacent to the road from 4 feet or making changes to the walk area surface;

2. Increasing the size of the current set-off requirement for uncurbed walkways to at least 6 feet or decreasing the qualifying posted speed limit of 55 miles per hour; or

3. Amending the current exceptions to the criteria for determining hazardous walking conditions for certain residential areas and roads that have

a certain volume of traffic and a posted speed limit of 30 miles per hour or less.

(c) Any changes to current law for identifying hazardous walking conditions for walkways perpendicular to the road, including, but not limited to:

1. Limitations in the volume of traffic for the road or the direction of traffic; and

2. The definition of an uncontrolled crossing site.

3. The identification of any hazards associated with multi-lane crossings.

(d) Any other recommendations, including, but not limited to, the consideration of additional criteria for determining hazardous walking conditions, such as crime, construction, adjacent bodies of water, or other risks, procedures for identifying hazardous walking conditions, procedures for locating bus stops, required level of auditing claims for funding, and identification of responsibilities of parents or guardians for the safety of their children when transportation is not required and is not provided by the school district or charter school.

(3) The plan must also identify, by district, the number of schools that:

(a) Separate the school bus loading and departure locations from the loading and departure locations for parents, guardians, or others who provide transportation to children.

(b) Provide transportation to students for whom transportation is not currently required under state law, including data on the numbers of students and their grade levels.

The identification of schools under this subsection may be used as a basis for providing incentive funds to specific school districts in the 2000-2001 legislative session.

Section 20. Section 235.192, Florida Statutes, is created to read:

235.192 Coordination of school safety information; construction design documents.—

(1) Beginning October 1, 2000, each district superintendent of schools must provide to the law enforcement agency and fire department that has jurisdiction over each educational facility a copy of the floorplans and other relevant documents for each educational facility in the district, as defined in s. 235.011(6). After the initial submission of the floorplans and other relevant documents, the district superintendent of schools shall submit, by October 1 of each year, revised floorplans and other relevant documents for each educational facility in the district that was modified during the preceding year.

(2) Beginning October 1, 2000, each community college president must provide to the law enforcement agency and fire department that has juris-

diction over the community college a copy of the floorplans and other relevant documents for each educational facility as defined in s. 235.011(6). After the initial submission of the floorplans and other relevant documents, the community college president shall submit, by October 1 of each year, revised floorplans and other relevant documents for each educational facility that was modified during the preceding year.

Section 21. Section 235.2157, Florida Statutes, is created to read:

235.2157 Small school requirement.—

(1) LEGISLATIVE FINDINGS.—The Legislature finds that:

(a) Florida's schools are among the largest in the nation.

(b) Smaller schools provide benefits of reduced discipline problems and crime, reduced truancy and gang participation, reduced dropout rates, improved teacher and student attitudes, improved student self-perception, student academic achievement equal to or superior to that of students at larger schools, and increased parental involvement.

(c) Smaller schools can provide these benefits while not increasing administrative and construction costs.

(2) DEFINITION.—As used in this section, "small school" means:

(a) An elementary school with a student population of not more than 500 students.

(b) A middle school with a student population of not more than 700 students.

(c) A high school with a student population of not more than 900 students.

(d) A school serving kindergarten through grade 8 with a student population of not more than 700 students.

(e) A school serving kindergarten through grade 12 with a student population of not more than 900 students.

A school on a single campus which operates as a school-within-a-school, as defined by s. 230.23(20), shall be considered a small school if each smaller unit located on the single campus meets the requirements of this subsection.

(3) REQUIREMENTS.—

(a) Beginning July 1, 2003, all plans for new educational facilities to be constructed within a school district and reflected in the 5-year school district facilities work plan shall be plans for small schools in order to promote increased learning and more effective use of school facilities.

(b) Small schools shall comply with all laws, rules, and court orders relating to racial balance.

(4) EXCEPTIONS.—This section does not apply to plans for new educational facilities already under architectural contract on July 1, 2003.

Section 22. Subsections (29) and (57) of section 984.03, Florida Statutes, are amended to read:

984.03 Definitions.—When used in this chapter, the term:

(29) “Habitually truant” means that:

(a) The child has 15 unexcused absences within 90 calendar days with or without the knowledge or justifiable consent of the child’s parent or legal guardian, is subject to compulsory school attendance under s. 232.01, and is not exempt under s. 232.06, s. 232.09, or any other exemptions specified by law or the rules of the State Board of Education.

(b) Activities to determine the cause, and to attempt the remediation, of the child’s truant behavior under ss. 232.17 and 232.19(3), have been completed.

If a child who is subject to compulsory school attendance is responsive to the interventions described in ss. 232.17 and 232.19(3) 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 and shall be passed. If a child within the compulsory school attendance age has 15 unexcused absences within 90 calendar days or fails to enroll in school, the State Attorney may, or the appropriate jurisdictional agency shall, file a child-in-need-of-services petition if recommended by the case staffing committee, unless it is determined that another alternative action is preferable.

~~(c) A school representative, designated according to school board policy, and a juvenile probation officer of the Department of Juvenile Justice have jointly investigated the truancy problem or, if that was not feasible, have performed separate investigations to identify conditions that may be contributing to the truant behavior; and if, after a joint staffing of the case to determine the necessity for services, such services were determined to be needed, the persons who performed the investigations met jointly with the family and child to discuss any referral to appropriate community agencies for economic services, family or individual counseling, or other services required to remedy the conditions that are contributing to the truant behavior.~~

(d) The failure or refusal of the parent or legal guardian or the child to participate, or make a good faith effort to participate, in the activities prescribed to remedy the truant behavior, or the failure or refusal of the child to return to school after participation in activities required by this subsection, or the failure of the child to stop the truant behavior after the school administration and the Department of Juvenile Justice have worked with the child as described in ss. 232.17 and s. 232.19(3) and (4) shall be handled as prescribed in s. 232.19.

(57) “Truancy petition” means a petition filed by the school superintendent of schools alleging that a student subject to compulsory school attendance has had at least five unexcused absences, or absences for which the reasons are unknown, within a calendar month or 10 unexcused absences, or absences for which the reasons are unknown, within a 90-calendar-day period, or has had more than 15 unexcused absences in a 90-calendar-day period. A truancy petition is filed and processed under s. 984.151.

Section 23. Paragraph (b) of subsection (1) of section 984.13, Florida Statutes, is amended to read:

984.13 Taking into custody a child alleged to be from a family in need of services or to be a child in need of services.—

(1) A child may be taken into custody:

(b) By a law enforcement officer when the officer has reasonable grounds to believe that the child is absent from school without authorization or is suspended or expelled and is not in the presence of his or her parent or legal guardian, for the purpose of delivering the child without unreasonable delay to the appropriate school system site. For the purpose of this paragraph, “school system site” includes, but is not limited to, a center approved by the superintendent of schools for the purpose of counseling students and referring them back to the school system or an approved alternative to a suspension or expulsion program. If a student is suspended or expelled from school without assignment to an alternative school placement, the law enforcement officer shall deliver the child to the parent or legal guardian, to a location determined by the parent or guardian, or to a designated truancy interdiction site until the parent or guardian can be located.

Section 24. Subsections (1) and (3) of section 984.151, Florida Statutes, are amended, and a new subsection (9) is added to said section, to read:

984.151 Truancy petition; prosecution; disposition.—

(1) If the school determines that a student subject to compulsory school attendance has had at least five unexcused absences, or absences for which the reasons are unknown, within a calendar month or 10 unexcused absences, or absences for which the reasons are unknown, within a 90-calendar-day period pursuant to s. 232.17(1)(b), or has had more than 15 unexcused absences in a 90-calendar-day period, the superintendent of schools may file a truancy petition.

(3) Original jurisdiction to hear a truancy petition shall be in the circuit court; however, the circuit court may use a general or special master pursuant to Supreme Court rules. Upon the filing of the petition, the clerk shall issue a summons to the parent, guardian, or legal custodian of the student, directing that person and the student to appear for a hearing at a time and place specified.

(9) The parent, guardian, or legal custodian and the student shall participate, as required by court order, in any sanctions or services required by the court under this section, and the court shall enforce such participation through its contempt power.

Section 25. Section 414.125, Florida Statutes, is amended to read:

414.125 Learnfare program.—

(1) The department shall reduce the temporary cash assistance for a participant's eligible dependent child or for an eligible teenage participant who has not been exempted from education participation requirements and who has been identified as a habitual truant, pursuant to s. 228.041(28) during a grading period in which the child or teenage participant has accumulated a number of unexcused absences from school that is sufficient to jeopardize the student's academic progress, in accordance with rules adopted by the department with input from the Department of Education. The temporary cash assistance must be reinstated after a subsequent grading period in which the child has substantially improved the child's attendance. Good cause exemptions from the rule of unexcused absences include the following:

- (a) The student is expelled from school and alternative schooling is not available.
- (b) No licensed day care is available for a child of teen parents subject to Learnfare.
- (c) Prohibitive transportation problems exist (e.g., to and from day care).
- (d) The teen is over 16 years of age and not expected to graduate from high school by age 20.

Within 10 days after sanction notification, the participant parent of a dependent child or the teenage participant may file an internal fair hearings process review procedure appeal, and no sanction shall be imposed until the appeal is resolved.

(2) Each participant with a school-age child is required to have a conference with an appropriate school official of the child's school during each semester grading period to assure that the participant is involved in the child's educational progress and is aware of any existing attendance or academic problems. The conference must address acceptable student attendance, grades, and behavior and must be documented by the school and reported to the department. The department shall notify a school of any student in attendance at that school who is a participant in the Learnfare program in order that the required conferences are held. A participant who without good cause fails to attend a conference with a school official is subject to the sanction provided in subsection (1).

Section 26. Paragraph (b) of subsection (1) of section 234.01, Florida Statutes, is amended to read:

234.01 Purpose; transportation; when provided.—

(1) School boards, after considering recommendations of the superintendent:

(b) Shall provide transportation for public elementary school students in membership whose grade level does not exceed grade 6, and may provide transportation for public school students in membership in grades 7 through 12, if such students are subjected to hazardous walking conditions as provided in s. 234.021 while en route to or from school.

Section 27. Paragraph (a) of subsection (2) and paragraph (b) of subsection (3) of section 234.021, Florida Statutes, are amended to read:

234.021 Hazardous walking conditions.—

(2) IDENTIFICATION.—

(a) When a request for review is made to the district superintendent of schools or the district superintendent's designee concerning a condition perceived to be hazardous to students in that district who live within the 2-mile limit and who walk to school, such condition shall be inspected by a representative of the school district, a representative of the county sheriff, a representative of the local safety council, if a safety council exists in the county, and a representative of the local governmental entity where the perceived hazardous condition exists. If any of such representatives determines that a shall determine whether or not the condition is hazardous to such students according to the guidelines established by subsection (3) or based upon his or her findings upon inspection, he or she and shall report to the Department of Education with respect thereto. Upon a determination that a condition is hazardous to such students, the district school board shall request a determination from the state or local governmental entity having jurisdiction regarding whether the hazard will be corrected and, if so, regarding a projected completion date. State funds shall be allocated for the transportation of students subjected to such hazards, provided that such funding shall cease upon correction of the hazard or upon the projected completion date, whichever occurs first.

(3) GUIDELINES CRITERIA FOR DETERMINING HAZARDOUS WALKING CONDITIONS.—

(b) Walkways perpendicular to the road.—It shall be considered a hazardous walking condition with respect to any road across which students must walk in order to walk to and from school:

1. If the traffic volume on such road exceeds the rate of 360 vehicles per hour, per direction (including all lanes), during the time students walk to and from school and if the crossing site is uncontrolled. For purposes of this subsection, an "uncontrolled crossing site" is defined as an intersection or other designated crossing site where no crossing guard, traffic enforcement officer, or stop sign or other traffic control signal is present during the times students walk to and from school.

2. If the total traffic volume on such road exceeds 4,000 vehicles per hour through an intersection or other crossing site controlled by a stop sign or other traffic control signal, unless crossing guards or other traffic enforcement officers are also present during the times students walk to and from school.

Traffic volume shall be determined by the most current traffic engineering study conducted by a state or local governmental agency.

Section 28. Paragraph (e) of subsection (1) of section 236.083, Florida Statutes, is 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, each district shall determine the membership of students who are transported:

(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. Any funds appropriated in the 2001-2002 General Appropriations Act for student transportation that are in addition to the funds provided in the 2000-2001 General Appropriations Act for student transportation and that are not designated in the 2001-2002 budget workpapers as funds provided for student enrollment growth shall be used to fund students transported according to s. 234.01(1)(b), including those transported by school district option; and

Section 29. This act shall take effect July 1, 2000.

Approved by the Governor June 7, 2000.

Filed in Office Secretary of State June 7, 2000.