

CHAPTER 99-398

Committee Substitute for House Bill Nos. 751, 753, and 755

An act relating to education; amending s. 229.0535, F.S.; revising provisions relating to the authority of the State Board of Education to enforce school improvement; creating s. 229.0537, F.S.; providing findings and intent; requiring private school opportunity scholarships to be provided to certain public school students; providing student eligibility requirements; providing school district requirements; providing an alternative to accepting a state opportunity scholarship; providing private school eligibility criteria; providing student attendance requirements; providing parental involvement requirements; providing a district reporting requirement; providing for calculation of the amount and distribution of state opportunity scholarship funds; providing an exemption from liability; authorizing the adoption of rules; establishing a pilot scholarship program for students with disabilities; amending s. 229.512, F.S.; revising provisions relating to the authority of the Commissioner of Education regarding the implementation of the program of school improvement and education accountability; amending s. 229.555, F.S., relating to educational planning and information systems; revising to conform; providing requirements regarding electronic transfer of data; amending s. 229.565, F.S.; eliminating the requirement that the Commissioner of Education designate program categories and grade levels for which performance standards are to be approved; amending s. 229.57, F.S.; revising the purpose of the student assessment program; requiring the Department of Education to develop a system to measure annual pupil progress; requiring the statewide assessment program to include science; revising provisions relating to the administration of the National Assessment of Educational Progress; revising the statewide assessment program; revising requirements relating to the annual report of the results of the statewide assessment program; providing for the identification of schools by performance grade category according to student and school performance data; providing for the identification of school improvement ratings; amending s. 229.58, F.S.; removing a reference to the Florida Commission on Education Reform and Accountability; amending s. 229.591, F.S.; revising provisions relating to the system of school improvement and education accountability to reflect that students are not required to attend schools designated in a certain performance grade category; revising the state education goals; amending s. 229.592, F.S., relating to the implementation of the state system of school improvement and education accountability; deleting references to the Florida Commission on Education Reform and Accountability; removing obsolete provisions; deleting the requirement that the Commissioner of Education appear before the Legislature; revising duties of the Department of Education; providing for a community assessment team; revising duties of the State Board of Education; revising provisions relating to waivers from statutes; conforming cross references; repealing ss. 229.593 and 229.594, F.S., relating to the Florida Commission on Education Reform and Accountability; amending s. 229.595, F.S., relating to the implementation of the state system of educational accountability for school-to-work transition; revising provisions relating to the assessment of readiness to enter the workforce; removing a reference to the Florida Commission on Education Reform and Accountability; amending s. 230.23, F.S., relating to powers and duties of school boards; revising provisions relating to the

compensation and salary schedules of school employees; requiring certain performance-based pay for specified school personnel; revising provisions relating to courses of study and other instructional aids to include the term "instructional materials"; specifying content of school improvement plans; revising school board duties regarding the implementation and enforcement of school improvement and accountability; revising policies regarding public disclosure; requiring school board adoption of certain policies; authorizing school boards to declare an emergency under certain circumstances; amending s. 231.2905, F.S.; revising provisions of the Florida School Recognition Program relating to financial awards based on employee performance; revising initial criteria for identification of schools; amending s. 232.245, F.S.; relating to pupil progression; revising requirements relating to the provision of remedial instruction; prohibiting social promotion; providing requirements for the use of resources for remedial instruction; requiring the adoption of rules regarding pupil progression; eliminating requirements relating to student academic improvement plans; deleting duplicative requirements relating to mandatory remedial reading instruction; amending s. 228.053, F.S.; relating to developmental research schools; eliminating references to Blueprint 2000; conforming cross references; amending s. 228.054, F.S., relating to the Joint Developmental Research School Planning, Articulation, and Evaluation Committee; conforming a cross reference; amending s. 233.17, F.S., relating to the term of adoption of instructional materials; conforming cross references; amending s. 236.685, F.S., relating to educational funding accountability; conforming a cross reference; amending s. 20.15, F.S.; deleting reference to the Florida Education Reform and Accountability Commission; creating s. 236.08104, F.S.; establishing a supplemental academic instruction categorical fund; providing findings and intent; providing requirements for the use of funds; authorizing the Florida State University School to expend certain funds for student remediation; amending s. 236.013, F.S.; eliminating certain provisions relating to calculations of the equivalent of a full-time student; revising provisions relating to membership in programs scheduled for more than 180 days; amending s. 239.101, F.S., relating to career education; conforming cross references; amending s. 239.229, F.S., relating to vocational standards; conforming cross references; amending s. 24.121, F.S.; specifying conditions for withholding allocations from the Educational Enhancement Trust Fund; amending s. 228.0565, F.S., relating to deregulated public schools; revising elements of an annual report; reenacting s. 120.81(1)(b), F.S., relating to tests, test scoring criteria, or testing procedures, s. 228.301(1), F.S., relating to test security, s. 229.551(1)(c) and (3), F.S., relating to educational management, s. 230.03(4), F.S., relating to school district management, control, operation, administration, and supervision, s. 231.24(3)(a), F.S., relating to the process for renewal of professional certificates, s. 231.36(3)(e) and (f), F.S., relating to contracts with instructional staff, supervisors, and principals, s. 232.2454(1), F.S., relating to district student performance standards, instruments, and assessment procedures; reenacting and amending s. 232.246, F.S.; revising general requirements for high school graduation; reenacting s. 232.248, F.S., relating to confidentiality of assessment instruments, s. 232.2481(1), F.S., relating to graduation and promotion requirements for publicly operated schools, s. 233.09(4), F.S., relating to duties of instructional materials committees, s. 233.165(1)(b), F.S., relating to the selection of instructional materials, s. 233.25(3)(b), F.S., relating to publishers and manufacturers of instructional

materials, s. 239.229(3), F.S., relating to vocational standards, s. 240.118(4), F.S., relating to postsecondary feedback of information to high schools, to incorporate references; amending s. 228.041, F.S.; redefining the terms "dropout," "graduation rate," and "dropout rate"; amending s. 228.056, F.S., relating to charter schools; conforming provisions relating to assessment; creating s. 231.002, F.S.; stating an intent to increase standards for the preparation, certification, and professional development of educators; directing the Department of Education to review statutes and rules governing certification to increase efficiency, rigor, and alternatives in the certification process; requiring a report; amending s. 231.02, F.S.; correcting a reference; amending s. 231.0861, F.S.; requiring the State Board of Education to approve criteria for selection of certain administrative personnel; authorizing school districts to contract with private entities for evaluation and training of such personnel; amending s. 231.085, F.S.; specifying principals' responsibilities for assessing performance of school personnel and implementing the Sunshine State Standards; amending s. 231.087, F.S.; requiring the State Board of Education to adopt rules governing the training of school district management personnel; providing for review and repeal of the Management Training Act; requiring recommendations; amending s. 231.09, F.S.; prescribing duties of instructional personnel; amending s. 231.096, F.S.; requiring a school board plan to ensure the competency of teachers with out-of-field teaching assignments; amending s. 231.145, F.S.; revising purpose to reflect increased requirements for certification; amending s. 231.15, F.S.; authorizing certification based on demonstrated competencies; requiring rules of the State Board of Education to specify certain competencies; requiring consultation with postsecondary education boards; amending s. 231.17, F.S.; revising prerequisites for certification; requiring demonstration of general knowledge before temporary certification; increasing the requirement that teachers know and use mathematics, technology, and intervention strategies with students; deleting alternative ways to demonstrate general knowledge competency; amending s. 231.1725, F.S.; providing legal protections for clinical field experience students; amending s. 231.174, F.S., relating to district programs for adding certification coverages; removing limitation to specific certification areas; amending s. 231.29, F.S.; requiring certain personnel-performance assessments to be primarily based on student performance; revising the assessment procedure for certain school district personnel; requiring certain review and testing of employees of schools in performance grade categories "D" and "F"; amending s. 231.36, F.S.; authorizing the State Board of Education to define certain terms by rule; amending s. 231.546, F.S.; specifying duties of the Education Standards Commission; amending s. 231.600, F.S.; prescribing the responsibilities of school district professional development programs; amending s. 236.08106, F.S.; providing for the distribution of Excellent Teaching Program funds; deleting certain district incentives; authorizing the withholding of wages as repayment; amending s. 240.529, F.S.; requiring the commissioner to appoint a Teacher Preparation Program Committee to recommend core curricula for state-approved teacher preparation programs; requiring a report; requiring the State Board of Education to adopt rules establishing uniform core curricula; revising criteria for initial and continuing approval of teacher preparation programs; increasing the requirements for a student to enroll in and graduate from a teacher education program; requiring annual reports of program performance; providing additional legislative intent related to teacher preparation programs; providing the criteria for continued

program approval; providing for the requirements for instructors in postsecondary teacher preparation programs who instruct or supervise preservice field experience courses or internships; eliminating the requirement related to a commitment to teaching in the public schools for a period of time; providing additional requirements for school district and instructional personnel who supervise or direct certain teacher preparation students; creating s. 231.6135, F.S.; establishing a statewide system for inservice professional development; authorizing professional development academies to meet human resource development and education instruction training needs of educators, school, and school districts; providing for organization and operation by public and private partners; providing for funding; specifying duties of the Commissioner of Education; repealing s. 231.601, F.S., relating to purpose of inservice training for instructional personnel; amending s. 230.2316, F.S.; providing for a dropout prevention and academic intervention program; revising intent of program; revising eligibility criteria; expanding eligible students to grades 1-12; revising reporting requirements for district evaluation; providing procedures for notice to and response from a parent, guardian, or legal custodian prior to placement in a program or the provision of services to the student; amending s. 231.085, F.S.; requiring principals to ensure the accuracy and timeliness of school reports; requiring principals to provide staff training opportunities; providing sanctions for noncompliance; creating s. 232.001, F.S.; requiring the Manatee County District School Board to establish a pilot project to raise the compulsory age of attendance for children; providing requirements for the school board; providing for the applicability of state law and State Board of Education rule; providing an exception from the provisions relating to a declaration of intent to terminate school enrollment; requiring a study; amending s. 232.09, F.S.; limiting application to certain criminal proceedings; amending s. 232.17, F.S.; providing legislative findings; placing responsibility on school district superintendents for enforcing attendance; establishing requirements for school board policies; revising the current steps for enforcing regular school attendance; requiring public schools to follow the steps; establishing the requirements for school principals, primary teachers, child study teams, and parents; providing for parents to appeal; allowing the superintendent to seek criminal prosecution for parental noncompliance; requiring the superintendent, parent, or guardian to file certain petitions involving ungovernable children in certain circumstances; requiring the superintendent to provide the court with certain evidence; allowing for court enforcement for children who refuse to comply; revising the notice requirements to parents, guardians, or others; eliminating a current condition for notice; eliminating the option for referral to case staffing committees; requiring the superintendent to take steps to bring about criminal prosecution and requiring related notice; authorizing the superintendent to file truancy petitions; allowing for the return of absent children to additional locations; requiring parental notification; amending s. 232.19, F.S., relating to habitual truancy; authorizing superintendents to file truancy petitions; requiring that a court order for school attendance be obtained as a part of services; revising the requirements that must be met prior to filing a petition; amending s. 232.271, F.S.; revising references; amending s. 236.081, F.S.; amending procedures that must be followed in determining the annual allocation to each school district for operation; requiring the average daily attendance of the student membership to be calculated by school and by district; amending s. 239.505, F.S.; revising provisions relating to funding of constructive

youth programs; amending s. 984.03, F.S.; redefining the term "habitual truant"; requiring the state attorney to file a child-in-need-of-services petition in certain circumstances; eliminating the requirement for referral for evaluation; defining the term "truancy petition"; creating s. 984.151, F.S.; providing procedures for truancy petitions; providing for truancy hearings and penalties; requiring the State Board of Education to adopt rules regarding not-for-profit, professional teacher associations; providing for severability; providing effective dates.

WHEREAS, providing a system of high-quality public education for children is an important goal of this state, and

WHEREAS, Floridians reemphasized their aspiration to provide for a system of high-quality public education for children in this state by amending Section 1 of Article IX of the State Constitution in the November 1998 general election, and

WHEREAS, the Legislature recognizes that it has an important but not exclusive role in providing children with the opportunity to obtain a high-quality education in this state, and

WHEREAS, success in obtaining a high-quality education depends upon many influences, and

WHEREAS, among the most prominent influences on the educational success of children are the positive influences of parents on their children's lives and on their children's desire to learn and the active involvement of parents in the education of their children, and

WHEREAS, the presence of those influences is indispensable to successfully providing a system that allows students to obtain a high-quality education, and

WHEREAS, children will have the best opportunity to obtain a high-quality education in the public education system of this state and that system can best be enhanced when positive parental influences are present, when we allocate resources efficiently and concentrate resources to enhance a safe, secure, and disciplined classroom learning environment, when we support teachers, when we reinforce shared high academic expectations, and when we promptly reward success and promptly identify failure, as well as promptly appraise the public of both successes and failures, and

WHEREAS, the voters of the State of Florida, in the 1998 General Election, amended Article IX, section 1, of the Florida Constitution to state that, "Adequate provision shall be made by law for a . . . safe, secure, and high quality system of free public schools . . .," and

WHEREAS, House Bill 1309, a comprehensive school safety and discipline package, was enacted by the Legislature in the 1997 Session, addressing dropouts, habitual truancy, zero tolerance for crime, drugs, alcohol, and weapons, alternative placement of disruptive students, and cooperative agreements with local law enforcement for crime reporting, and

WHEREAS, the Legislature annually provides for safe-schools appropriations to be used for after school programs for middle school students, alternative programs for adjudicated youth, school resource officers, and conflict resolution strategies, and

WHEREAS, the enhancement of school safety should be measured as an element of school performance and accountability and improved crime and incident reporting, as well as a heightened emphasis on character education in the curriculum of the early grades, NOW, THEREFORE,

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

Section 28. For the purpose of incorporating the amendments made by this act to section 229.57, Florida Statutes, 1998 Supplement, and 232.245, Florida Statutes, in references thereto, paragraph (b) of subsection (1) of section 120.81, Florida Statutes, is reenacted to read:

120.81 Exceptions and special requirements; general areas.--

(1) EDUCATIONAL UNITS.--

(b) Notwithstanding s. 120.52(15), any tests, test scoring criteria, or testing procedures relating to student assessment which are developed or administered by the Department of Education pursuant to s. 229.57, s. 232.245, s. 232.246, or s. 232.247, or any other statewide educational tests required by law, are not rules.

Section 30. For the purpose of incorporating the amendments made by this act to section 229.57, Florida Statutes, 1998 Supplement, in references thereto, subsection (1) of section 228.301, Florida Statutes, is reenacted 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.