

By the Committee on Education and Senator Dyer

304-2160-98

1 A bill to be entitled
2 An act relating to education; amending s.
3 24.121, F.S.; providing an additional
4 requirement for school district receipt of
5 lottery funds; amending s. 229.58, F.S.;
6 providing a name requirement for school
7 advisory councils and providing council
8 responsibilities and duties; providing for
9 certain council review; providing for the use
10 of funds; amending s. 229.592, F.S., relating
11 to school improvement and education
12 accountability; conforming provisions relating
13 to release of funds to school districts;
14 requiring notice of certain deficiency;
15 amending s. 230.23, F.S., relating to school
16 board duties; providing requirements for school
17 improvement plans; requiring local-level
18 decisionmaking policies; providing an effective
19 date.

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

23 Section 1. Paragraph (d) of subsection (5) of section
24 24.121, Florida Statutes, is amended to read:

25 24.121 Allocation of revenues and expenditure of funds
26 for public education.--

27 (5)

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

1 or do not comply with school advisory council membership
2 composition requirements pursuant to s. 229.58(1).

3 Section 2. Paragraph (a) of subsection (1) and
4 subsection (2) of section 229.58, Florida Statutes, are
5 amended to read:

6 229.58 District and school advisory councils.--

7 (1) ESTABLISHMENT.--

8 (a) The school board shall establish an advisory
9 council for each school in the district, and shall develop
10 procedures for the election and appointment of advisory
11 council members. Each school advisory council shall include in
12 its name the words "school advisory council" and shall be the
13 sole governing body responsible for final decisionmaking

14 pursuant to ss. 229.591, 229.592, and 230.23(16).A majority
15 of the members of each school advisory council must be persons
16 who are not employed by the school board. Each advisory
17 council shall be composed of the principal and an
18 appropriately balanced number of teachers, education support
19 employees, students, parents, and other business and community
20 citizens who are representative of the ethnic, racial, and
21 economic community served by the school, provided that
22 vocational-technical center and high school advisory councils
23 shall include students, and middle and junior high school
24 advisory councils may include students. Council members
25 representing teachers, education support employees, students,
26 and parents shall be elected by their respective peer groups
27 at the school in a fair and equitable manner as follows:

28 1. Teachers shall be elected by teachers.

29 2. Education support employees shall be elected by
30 education support employees.

31 3. Students shall be elected by students.

1 4. Parents shall be elected by parents.
2
3 The school board shall establish procedures for use by schools
4 in selecting business and community members. Such procedures
5 shall include means of ensuring wide notice of vacancies and
6 for taking input on possible members from local business,
7 chambers of commerce, community and civic organizations and
8 groups, and the public at large. The school board shall review
9 the membership composition of each advisory council. Should
10 the school board determine that the membership elected by the
11 school is not representative of the ethnic, racial, and
12 economic community served by the school, the board shall
13 appoint additional members to achieve proper representation.
14 The Florida Commission on Education Reform and Accountability
15 shall serve as a review body to determine if schools have
16 maximized their efforts to include on their advisory councils
17 minority persons and persons of lower socioeconomic status.
18 Although schools should be strongly encouraged to establish
19 school advisory councils, any school district that has a
20 student population of 10,000 or fewer may establish a district
21 advisory council which shall include at least one duly elected
22 teacher from each school in the district. For the purposes of
23 school advisory councils and district advisory councils, the
24 term "teacher" shall include classroom teachers, certified
25 student services personnel, and media specialists. For
26 purposes of this paragraph, "education support employee" means
27 any person employed by a school who is not defined as
28 instructional or administrative personnel pursuant to s.
29 228.041 and whose duties require 20 or more hours in each
30 normal working week.
31

1 (2) DUTIES.--Each advisory council shall perform such
2 functions as are prescribed by regulations of the school
3 board; however, no advisory council shall have any of the
4 powers and duties now reserved by law to the school board.
5 Each school advisory council shall assist in the preparation
6 and evaluation of the school improvement plan required
7 pursuant to s. 230.23(16). By the 1999-2000 academic year,
8 with technical assistance from the Department of Education,
9 each school advisory council shall assist in the preparation
10 of and shall provide such assistance as the principal may
11 request in preparing the school's annual budget and plan as
12 required by s. 229.555(1). A portion of funds provided in the
13 annual General Appropriations Act and allocated by school
14 boards for use by school advisory councils must be used for
15 implementing the school improvement plan.

16 Section 3. Paragraph (c) of subsection (4) of section
17 229.592, Florida Statutes, is amended to read:

18 229.592 Implementation of state system of school
19 improvement and education accountability.--

20 (4) DEPARTMENT.--

21 (c) Pursuant to s. 24.121(5)(d), the department shall
22 not release funds from the Educational Enhancement Trust Fund
23 to any district in which a school does not have an approved
24 school improvement plan, pursuant to s. 230.23(16), after 1
25 full school year of planning and development, or does not
26 comply with school advisory council membership composition
27 requirements pursuant to s. 229.58(1). The department shall
28 send a technical assistance team to each school without an
29 approved plan to develop such school improvement plan or to
30 each school without appropriate school advisory council
31 membership composition to develop a strategy for corrective

1 action. The department shall release the funds upon approval
2 of the plan or upon establishment of a plan of corrective
3 action. Notice shall be given to the public of the
4 department's intervention and shall identify each school
5 without a plan or without appropriate school advisory council
6 membership composition.

7 Section 4. Paragraph (a) of subsection (16) of section
8 230.23, Florida Statutes, is amended, and subsection (17) is
9 added to said section, to read:

10 230.23 Powers and duties of school board.--The school
11 board, acting as a board, shall exercise all powers and
12 perform all duties listed below:

13 (16) IMPLEMENT SCHOOL IMPROVEMENT AND
14 ACCOUNTABILITY.--Maintain a system of school improvement and
15 education accountability as provided by statute and State
16 Board of Education rule. This system of school improvement and
17 education accountability shall be consistent with, and
18 implemented through, the district's continuing system of
19 planning and budgeting required by this section and ss.
20 229.555 and 237.041. This system of school improvement and
21 education accountability shall include, but not be limited to,
22 the following:

23 (a) School improvement plans.--Annually approve and
24 require implementation of a new, amended, or continuation
25 school improvement plan for each school in the district. Such
26 plan shall be designed to achieve the state education goals
27 and student performance standards pursuant to ss. 229.591(3)
28 and 229.592. Beginning in 1999-2000, each plan shall also
29 address issues relative to budget, training, instructional
30 materials, technology, staffing, student support services, and
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1 other matters of resource allocation, as determined by school
2 board policy.

3 (17) LOCAL-LEVEL DECISIONMAKING.--

4 (a) Adopt policies that clearly encourage and enhance
5 maximum decisionmaking appropriate to the school site. Such
6 policies must include guidelines for schools in the adoption
7 and purchase of district and school services, budgeting, and
8 the allocation of staff resources.

9 (b) Adopt waiver process policies to enable all
10 schools to exercise maximum flexibility and notify advisory
11 councils of processes to waive school district and state
12 policies.

13 (c) Develop policies for periodically monitoring the
14 membership composition of school advisory councils to ensure
15 compliance with requirements established in s. 229.58.

16 Section 5. This act shall take effect in the 1999-2000
17 school year.

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19 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
20 COMMITTEE SUBSTITUTE FOR
21 sb1158

22 The Committee Substitute takes effect in the 1999-2000 school
23 year instead of July 1 of the year in which enacted.