

By Senator Saunders

25-188-00

1 A bill to be entitled
2 An act relating to the school year; amending s.
3 228.041, F.S., relating to definitions of
4 "school day," "school year," "year of service,"
5 and "year-round school"; extending the length
6 of the school year for students and for school
7 employees; amending s. 230.23, F.S., relating
8 to powers and duties of the school board;
9 increasing the length of the school year to 186
10 days; amending s. 230.33, F.S., relating to
11 duties and responsibilities of the
12 superintendent; increasing the length of the
13 school year to 186 days; amending s. 236.013,
14 F.S.; revising definitions related to education
15 funding to reflect the increase in the length
16 of the school year; amending s. 236.02, F.S.;
17 increasing the length of the school year to a
18 term of at least 186 actual teaching days;
19 increasing the term of service for school
20 employees to 207 days; amending s. 236.08104,
21 F.S.; revising provisions governing funding for
22 supplemental academic instruction to reflect
23 the increase in the length of the school year;
24 amending s. 236.08106, F.S., relating to the
25 Excellent Teaching Program; increasing the term
26 of service for school employees to 207 days;
27 providing an effective date.
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29 Be It Enacted by the Legislature of the State of Florida:
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1 Section 1. Subsections (13), (16), (20), and (37) of
2 section 228.041, Florida Statutes, are amended to read:

3 228.041 Definitions.--Specific definitions shall be as
4 follows, and wherever such defined words or terms are used in
5 the Florida School Code, they shall be used as follows:

6 (13) SCHOOL DAY.--A school day for any group of
7 students is that portion of the day in which school is
8 actually in session and shall comprise not less than 5 net
9 hours, excluding intermissions, for all grades above the
10 third; not less than 4 net hours for the first three grades;
11 and not less than 3 net hours for kindergarten or
12 prekindergarten students with disabilities, or the equivalent
13 as calculated on a weekly basis. The net hours specified in
14 this subsection shall consist only of instruction in an
15 approved course of study and shall exclude all
16 noninstructional activities as defined by rules of the
17 Commissioner of Education. Three of the last days of the
18 93-day ~~90-day~~ term, and of the 186-day ~~180-day~~ term, may be
19 designated by the district school board as final examination
20 days for secondary school students. These final examination
21 days shall consist of no less than 4 net hours, excluding
22 intermissions. The minimum length of the school day herein
23 specified may be decreased under rules which shall be adopted
24 by the state board for double session schools or programs,
25 experimental schools, or schools operating under emergency
26 conditions.

27 (16) SCHOOL YEAR.--The school year shall comprise the
28 period during which the schools are regularly in session for
29 the minimum number of 186 ~~180~~ days of instruction or the
30 equivalent on an hourly basis for pupils as specified by
31 regulations of the state board for pupils plus periods for

1 preschool and postschool conferences as approved under
2 regulations of the state board. A district school board may
3 decrease the minimum number of days of instruction by up to 4
4 days for 12th grade pupils for purposes of graduation without
5 proportionate reduction in funding.

6 (20) YEAR OF SERVICE.--The minimum time which may be
7 recognized in administering the state program of education,
8 not including retirement, as a year of service by a school
9 employee shall be full-time actual service; and, beginning
10 July 1963, such service shall also include sick leave and
11 holidays for which compensation was received but shall exclude
12 all other types of leave and holidays for a total of more than
13 one-half of the number of days required for the normal
14 contractual period of service for the position held, which
15 shall be 207 ~~196~~ days or longer, or the minimum required for
16 the district to participate in the Florida Education Finance
17 Program in the year service was rendered, or the equivalent
18 for service performed on a daily or hourly basis; provided,
19 further, that absence from duty after the date of beginning
20 service shall be covered by leave duly authorized and granted;
21 further, the school board shall have authority to establish a
22 different minimum for local district school purposes.

23 (37) YEAR-ROUND SCHOOL.--The term "year-round school"
24 means a school where each student receives at least 186 ~~180~~
25 days of instruction as provided for in subsection (16);
26 however, rather than attending school for 8 or 9 consecutive
27 months with consecutive months for vacation or beyond 186-day
28 ~~180-day~~ school year instructional periods, students are
29 offered educational opportunities over an 11-month or 12-month
30 period, with shorter, staggered vacation periods or beyond

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1 186-day ~~180-day~~ school year instructional periods throughout
2 the year.

3 Section 2. Paragraph (a) of subsection (10) of section
4 230.23, Florida Statutes, is amended to read:

5 230.23 Powers and duties of school board.--The school
6 board, acting as a board, shall exercise all powers and
7 perform all duties listed below:

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

11 (a) Provide for all schools to operate at least 186
12 ~~180~~ days.--Provide for the operation of all public schools,
13 both elementary and secondary, as free schools for a term of
14 at least 186 ~~180~~ days or the equivalent on an hourly basis as
15 specified by regulations of the State Board of Education;
16 determine district school funds necessary in addition to state
17 funds to operate all schools for such minimum term; arrange
18 for the levying of district school taxes necessary to provide
19 the amount needed from district sources.

20 Section 3. Paragraph (a) of subsection (12) of section
21 230.33, Florida Statutes, is amended to read:

22 230.33 Duties and responsibilities of
23 superintendent.--The superintendent shall exercise all powers
24 and perform all duties listed below and elsewhere in the law;
25 provided, that in so doing he or she shall advise and counsel
26 with the school board. The superintendent shall perform all
27 tasks necessary to make sound recommendations, nominations,
28 proposals, and reports required by law to be acted upon by the
29 school board. All such recommendations, nominations,
30 proposals, and reports by the superintendent shall be either
31 recorded in the minutes or shall be made in writing, noted in

1 the minutes, and filed in the public records of the board. It
2 shall be presumed that, in the absence of the record required
3 in this paragraph, the recommendations, nominations, and
4 proposals required of the superintendent were not contrary to
5 the action taken by the school board in such matters.

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

10 (a) Plan for operating all schools for minimum
11 term.--Determine and recommend district funds necessary in
12 addition to state funds to provide for at least a 186-day
13 ~~180-day~~ school term or the equivalent on an hourly basis as
14 specified by rules which shall be adopted by the State Board
15 of Education and recommend plans for ensuring the operation of
16 all schools for the term authorized by the school board.

17 Section 4. Paragraphs (a) and (c) of subsection (2) of
18 section 236.013, Florida Statutes, are amended to read:

19 236.013 Definitions.--Notwithstanding the provisions
20 of s. 228.041, the following terms are defined as follows for
21 the purposes of this act:

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

25 (a) A "full-time student" is one student on the
26 membership roll of one school program or a combination of
27 school programs listed in s. 236.081(1)(c) for the school year
28 or the equivalent for:

29 1. Instruction in a standard school, comprising not
30 less than 900 net hours for a student in or at the grade level
31 of 4 through 12 and adult, or not less than 720 net hours for

1 a student in or at the grade level of kindergarten through
2 grade 3 or in an authorized prekindergarten exceptional
3 program.

4 2. Instruction in a double-session school or a school
5 utilizing an experimental school calendar approved by the
6 Department of Education, comprising not less than the
7 equivalent of 837 ~~810~~ net hours in grades 4 through 12 or not
8 less than 651 ~~630~~ net hours in kindergarten through grade 3;
9 or

10 3. Instruction comprising the appropriate number of
11 net hours set forth in subparagraph 1. or subparagraph 2. for
12 students who, within the past year, have moved with their
13 parents for the purpose of engaging in the farm labor or fish
14 industries, if a plan furnishing such an extended school day
15 or week, or a combination thereof, has been approved by the
16 commissioner. Such plan may be approved to accommodate the
17 needs of migrant students only or may serve all students in
18 schools having a high percentage of migrant students. The plan
19 described in this subparagraph is optional for any school
20 district and is not mandated by the state.

21 (c)1. A "full-time equivalent student" is:

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

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

28 (I) A full-time student, except a postsecondary or
29 adult student or a senior high school student enrolled in
30 adult education when such courses are required for high school
31 graduation, in a combination of programs listed in s.

1 236.081(1)(c) shall be a fraction of a full-time equivalent
2 membership in each special program equal to the number of net
3 hours per school year for which he or she is a member, divided
4 by the appropriate number of hours set forth in subparagraph
5 (a)1. or subparagraph (a)2.; the difference between that
6 fraction or sum of fractions and the maximum value as set
7 forth in subsection (5) for each full-time student is presumed
8 to be the balance of the student's time not spent in such
9 special education programs and shall be recorded as time in
10 the appropriate basic program.

11 (II) A prekindergarten handicapped student shall meet
12 the requirements specified for kindergarten students.

13 2. A student in membership in a program scheduled for
14 more or less than 186 ~~180~~ school days is a fraction of a
15 full-time equivalent membership equal to the number of
16 instructional hours in membership divided by the appropriate
17 number of hours set forth in subparagraph (a)1.; however, for
18 the purposes of this subparagraph, membership in programs
19 scheduled for more than 186 ~~180~~ days is limited to students
20 enrolled in juvenile justice education programs.

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

28 Section 5. Subsection (2) and paragraphs (d) and (f)
29 of subsection (3) of section 236.02, Florida Statutes, are
30 amended to read:

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1 236.02 Minimum requirements of the Florida Education
2 Finance Program.--Each district which participates in the
3 state appropriations for the Florida Education Finance Program
4 shall provide evidence of its effort to maintain an adequate
5 school program throughout the district and shall meet at least
6 the following requirements:

7 (2) MINIMUM TERM.--Operate all schools for a term of
8 at least 186 ~~180~~ actual teaching days as prescribed in s.
9 228.041(13) or the equivalent on an hourly basis as specified
10 by rules of the Commissioner of Education each school year.
11 The commissioner may prescribe procedures for altering, and,
12 upon written application, may alter, this requirement during a
13 national, state, or local emergency as it may apply to an
14 individual school or schools in any district or districts if,
15 in the opinion of the board, it is not feasible to make up
16 lost days, and the apportionment may, at the discretion of the
17 Commissioner of Education and if the board determines that the
18 reduction of school days is caused by the existence of a bona
19 fide emergency, be reduced for such district or districts in
20 proportion to the decrease in the length of term in any such
21 school or schools. A strike, as defined in s. 447.203(6), by
22 employees of the school district may not be considered an
23 emergency.

24 (3) EMPLOYMENT POLICIES.--Adopt rules relating to the
25 appointment, promotion, transfer, suspension, and dismissal of
26 personnel.

27 (d) District school boards may authorize a maximum of
28 six paid legal holidays which shall apply to the 207 ~~196~~ days
29 of service.

30 (f) Such rules must require 12 calendar months of
31 service for such principals as prescribed by regulations of

1 the commissioner and must require 10 months to include not
2 less than 207 ~~196~~ days of service, excluding Sundays and other
3 holidays, for all members of the instructional staff, with any
4 such service on a 12-month basis to include reasonable
5 allowance for vacation or further study as prescribed by the
6 school board in accordance with regulations of the
7 commissioner.

8 Section 6. Subsection (3) of section 236.08104,
9 Florida Statutes, is amended to read:

10 236.08104 Supplemental academic instruction;
11 categorical fund.--

12 (3) Effective with the 1999-2000 fiscal year, funding
13 on the basis of FTE membership beyond the 186-day ~~180-day~~
14 regular term shall be provided in the FEFP only for students
15 enrolled in juvenile justice education programs. Funding for
16 instruction beyond the regular 186-day ~~180-day~~ school year for
17 all other K-12 students shall be provided through the
18 supplemental academic instruction categorical fund and other
19 state, federal, and local fund sources with ample flexibility
20 for schools to provide supplemental instruction to assist
21 students in progressing from grade to grade and graduating.

22 Section 7. Paragraph (d) of subsection (2) of section
23 236.08106, Florida Statutes, is amended to read:

24 236.08106 Excellent Teaching Program.--

25 (2) The Excellent Teaching Program is created to
26 provide categorical funding for monetary incentives and
27 bonuses for teaching excellence. The Department of Education
28 shall distribute to each school district or to the NBPTS an
29 amount as prescribed annually by the Legislature for the
30 Excellent Teaching Program. Unless otherwise provided in the
31 General Appropriations Act, each distribution shall be the sum

1 of the amounts earned for the following incentives and
2 bonuses:

3 (d) An annual bonus equal to 10 percent of the prior
4 fiscal year's statewide average salary for classroom teachers
5 to be distributed to the school district to be paid to each
6 individual who meets the requirements of paragraph (c) and
7 agrees, in writing, to provide the equivalent of 12 workdays
8 of mentoring and related services to public school teachers
9 within the district who do not hold NBPTS certification. The
10 district school board shall distribute the annual bonus in a
11 single payment following the completion of all required
12 mentoring and related services for the year. It is not the
13 intent of the Legislature to remove excellent teachers from
14 their assigned classrooms; therefore, credit may not be
15 granted by a school district or public school for mentoring or
16 related services provided during the regular school day or
17 during the 207 ~~196~~ days of required service for the school
18 year.

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20 A teacher for whom the state pays the certification fee and
21 who does not complete the certification program or does not
22 teach in a public school of this state for a least 1 year
23 after completing the certification program must repay the
24 amount of the certification fee to the state. However, a
25 teacher who completes the certification program but fails to
26 be awarded NBPTS certification is not required to repay the
27 amount of the certification fee if the teacher meets the
28 1-year teaching requirement. Repayment is not required of a
29 teacher who does not complete the certification program or
30 fails to fulfill the teaching requirement because of the
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1 teacher's death or disability or because of other extenuating
2 circumstances as determined by the State Board of Education.

3 Section 8. This act shall take effect July 1, 2000.

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6 SENATE SUMMARY

7 Revises the definitions of "school day," "school year,"
8 and "year-round school" to extend the length of the
9 school year from 180 days to 186 days. Revises the
10 definition of "year of service" for school employees,
11 increasing the term of service from 196 days to 207 days.
12 Amends provisions relating to powers and duties of the
13 school board, duties and responsibilities of the
14 superintendent, the Florida Education Finance Program,
15 supplemental academic instruction, and the Excellent
16 Teaching Program, to conform.
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