

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based only on the provisions contained in the legislation as of the latest date listed below.)

BILL: CS/CS/CS/SB's 852, 2, and 46

SPONSOR: Fiscal Policy, Criminal Justice and Education Committee's and Senators Dyer, Carlton and others

SUBJECT: School Safety

DATE: March 6, 2000

REVISED: _____

| | ANALYST | STAFF DIRECTOR | REFERENCE | ACTION |
|----|------------------------|------------------|-----------|---------------------|
| 1. | <u>deMarsh-Mathues</u> | <u>O'Farrell</u> | <u>ED</u> | <u>Favorable/CS</u> |
| 2. | <u>Dugger</u> | <u>Cannon</u> | <u>CJ</u> | <u>Favorable/CS</u> |
| 3. | <u>McKee</u> | <u>Hadi</u> | <u>FP</u> | <u>Favorable/CS</u> |
| 4. | _____ | _____ | _____ | _____ |
| 5. | _____ | _____ | _____ | _____ |

I. Summary:

The bill implements the following recommendations of the 1999 Florida Senate School Safety Task Force:

- ▶ Increasing the scope of the current best financial management practices reviews administered or conducted by the Office of Program Policy Analysis and Government Accountability (OPPAGA) to include safety and security.
- ▶ Establishing a statewide entity (the Partnership for School Safety and Security) to perform specific responsibilities:
 - create an electronic clearinghouse of safety and security information;
 - evaluate school safety and security programs and strategies and make recommendations to the Legislature and the clearinghouse;
 - train and offer technical assistance to school district staff and others;
 - assess the extent to which best practices are currently being used; and
 - foster linkages with law enforcement personnel and crisis management teams.
- ▶ Directing the Department of Education to perform the following activities:
 - develop an individualized school level safety and environment assessment instrument;
 - expand existing performance standards for the state education goal for safety;
 - establish a mechanism to further improve the reliability and accuracy of school safety data;
 - assess the effectiveness of current safety and security initiatives; and
 - develop additional indicators for safe schools.
- ▶ Requiring the use of a standardized reporting form and a plan to verify the accuracy of reported incidents.
- ▶ Removing school discipline data as a factor for grading a school's performance level.
- ▶ Establishing pilot programs for student services.
- ▶ Mandating access by law enforcement personnel and others to each school's blueprints.

In addition to these provisions, the bill requires each district school board to review its zero tolerance policy and ensure that there is a uniform policy for possessing or bringing firearms, weapons, or other items on school property, on school transportation, and at school sponsored activities, and making bomb threats. Also, the bill requires the board to adopt a uniform policy for these offenses. The State Board of Education is required to adopt rules to implement specific provisions of the bill. The bill clarifies the existing prohibition related to the use of attendance records and creates new requirements for school transportation safety.

The bill also specifies that a student referred to a child study team for exhibiting a pattern of nonattendance may not register in a home education program unless certain conditions are met. An appeals process is established. For the Learnfare program, school districts will report a student to the Department of Children and Families based on standard truancy criteria. School districts are given earlier access to truancy court as a child study team intervention strategy.

The bill provides an appropriation of \$225,000 to the Department of Education for implementation of the bill.

This bill substantially amends ss. 229.57, 230.23025, 230.235, 232.17, 232.2451, 414.125, 984.03, 984.151, F.S., and creates ss. 229.8347, 231.0851, 232.26, and 235.192, F.S. In addition, the bill creates undesignated sections of law.

II. Present Situation:

School Safety Indicators

Florida's education goals include working with communities and schools to provide an environment that is drug-free and protects students' health, safety, and civil rights. The current indicator for this goal is enumerated in administrative rule and is the number and percentage of incidents of violence, weapons violations, vandalism, substance abuse, and harassment on the bus, on campus, and at school-sponsored events. By contrast, the national safe schools indicators specifically include attacks on teachers, use of certain prevention programs, and federal Gun-Free Schools Act notifications and expulsions.

School Safety and Incident Reporting

In Florida, the School Environmental Safety Incident Report (SESIR) system captures the current performance indicator for the state's school safety goal. It is used to collect data on criminal, violent, or disruptive incidents on school grounds, during transportation to and from school, and at school-sponsored events, in any 24-hour period for the entire calendar year. Incidents are supposed to be reported even if the offender is unknown or if persons other than students are involved.

Information is collected on all public schools at the elementary, middle, and high school levels, as well as for exceptional schools; however, the four laboratory schools are not included. School board personnel submit automated incident records to the Florida Department of Education. Using SESIR definitions, seventeen types of incidents must be reported through SESIR and these

are expected to be reported to law enforcement.¹ According to the Florida Department of Education, incidents involving fighting, sexual harassment, certain sexual offenses, and tobacco must be reported to SESIR but may not need to be reported to law enforcement, since age and developmentally appropriate behavior are taken into consideration. Disciplinary actions are included as a part of the SESIR system.²

The Senate Task Force on School Safety heard testimony from some parents and school security personnel about the quality of SESIR data. Also, some task force members expressed concern that the use of school discipline data in grading Florida's schools may serve as a barrier to accurate reporting. There are limitations on the interpretation and application of current SESIR data, including inaccurate applications of the state incident definitions and different reporting formats among districts. In particular, the Florida Department of Education cautions against making comparisons between schools in a single district and across districts, due to variations in the personnel making the reports and differences in the frequency of reporting. The Florida Safe Learning Environment Institute is currently working with the Department of Education and the school districts to improve SESIR data.

Districts currently determine the type of system to use when collecting the required information. This allows the districts to choose whether to add state defined incidents to an existing system or set up a separate system for collecting and reporting to the Department of Education. While this practice allows districts flexibility, it creates comparability and consistency problems when information is aggregated at the state level.

School Grades

School discipline data is a part of grading a school's performance level, a measure of accountability. Chapter 99-398, L.O.F., created s. 229.57(7)&(8), F.S., to establish school performance grade category designations (letter grades "A," "B," "C," "D," and "F"), based on specific student assessment information and other appropriate performance data, including school discipline data, beginning in school year 1998-1999.

On December 14, 1999, the State Board of Education adopted revisions to current rule (Rule 6A-1.09981, F.A.C.) to implement the A+ legislation. The new rule, as further amended in the meeting, includes discipline data as an accountability element for use in designating school performance grades, beginning with the existing school year (1999-2000). Under the amended rule, the criteria related to discipline apply to schools at the Grade "A," "B," "C," and "D" designations. For the elementary, middle, and high schools with these designations, the percentage of out-of-school suspensions must be no more than one standard deviation above the state average. If a school's performance for any of the required data, including discipline, has improved from the previous year, the criteria for that data requirement will be considered as met. School

¹ These incidents involve alcohol, arson, battery, breaking and entering/burglary, disorderly conduct, drugs other than alcohol, homicide, kidnapping, motor vehicle theft, robbery, larceny/theft, sexual battery, threat/intimidation, trespassing, vandalism, weapons possession, and other major incidents resulting in the need for law enforcement intervention.

² In-school suspensions, out-of-school suspensions, expulsions, alternative placements (in lieu of expulsion), corporal punishment, referral to the courts and the Department of Juvenile Justice. *School Environmental Safety Incident Reporting Handbook*. Florida Department of Education, November 1997.

discipline data will continue to be an accountability element for use in designating school performance grades in school year 2001-2002 and beyond. The rule, as amended on December 14, 1999, was published in the *Florida Administrative Weekly* on December 23, 1999.

On June 24, 1999, the Commissioner of Education released grades for all public schools for the 1998-1999 school year. According to the Florida Department of Education, the following criteria were used to designate "A" schools: meeting grade "B" criteria; having a percentage of students absent more than 20 days, a percentage of students suspended out of school, and a dropout rate (high schools) that were below state averages; demonstrating substantial improvement in reading scores; demonstrating no substantial decline in mathematics or writing scores; and having at least 95 percent of the standard curriculum students tested. The school discipline data (e.g., out-of-school suspensions), according to the department, applied to schools at the elementary, middle/junior, and high school levels. In 1998, the state averages for out-of-school suspensions were 2.2 percent for elementary schools, 15.4 percent for middle schools, and 13.4 percent for high schools. Subsequent to the release of the grades in June, the department reviewed 111 schools and made some adjustments to school grades.

School Safety Initiatives and Funding

The major federal source of funds for school-based prevention activities is the Safe and Drug Free Schools and Communities Act. The funds are administered by the U.S. Department of Education for different programs (e.g., state and local educational agency program, the Governor's program, competitive grants, and the national program). The Act, as reauthorized in 1994, was expanded to include violence prevention activities and imposed new accountability requirements on local education agencies. Under the largest program, the U.S. Department of Education awards grants to state education agencies, including the Florida Department of Education, mainly for further distribution to local education agencies. State and local plans form the basis for accountability for these funds. These funds are used for a variety of initiatives. The Governor's program allocation includes law enforcement education partnerships and grants or contracts to local community groups and organizations. The funds for the Governor's program are administered by the Florida Department of Community Affairs.

The Florida Legislature appropriates state funds in the General Appropriations Act for safe schools. Proviso language describes the allocation methodology, as well as the activities for which the funds may be used. The funds are distributed to the local school districts by the Florida Department of Education.

Student Support Services

Currently, the number and type of student support services personnel varies in each school district. Federal and state safe schools funds currently provide a variety of safe schools initiatives. According to the Florida Department of Education, some districts currently hire student support services staff to implement or supervise schools safety programs. The department also noted that districts and schools have targeted student support services resources primarily to improve student achievement levels and to carry out mandated duties such as career counseling, truancy follow up, and testing for special class placement. This has resulted in an insufficient number of personnel to implement initiatives to increase school safety.

The law (s. 231.15, F.S.) requires the State Board of Education to prescribe classes of service, designate the certification subject areas, and establish competencies and certification requirements for all school-based personnel. Each person employed in specified positions, including a school counselor, in a public school must hold a certificate issued by the Department of Education. Under Florida law,³ the term “instructional personnel” includes staff members (e.g., guidance counselors, social workers, occupational/placement specialists, and school psychologists) responsible for the following:

- ▶ advising students with regard to their abilities and aptitudes, educational and occupational opportunities, and personal and social adjustments;
- ▶ providing placement services; and
- ▶ performing educational evaluations and similar functions.

Each school district’s school improvement plan is required to address student support services. Current administrative rules provide for the certification of guidance and counseling personnel (Rule 6A-4.0181, F.A.C.), school psychologists (Rule 6A-4.0311, F.A.C.), and school social workers (Rule 6A-4.035, F.A.C.). The following reflects the total number of school psychologists, guidance counselors, and school social workers in Florida, as well as the student-to-school psychologist ratio, the student-to-guidance counselor ratio, and the student-to-school social worker ratio:⁴

| | |
|---|---------|
| SCHOOL PSYCHOLOGISTS ⁵ | |
| TOTAL RATIO | |
| 1,011 | 1:2,310 |
| GUIDANCE COUNSELORS | |
| TOTAL RATIO | |
| 5,158 | 1:453 |
| VISITING TEACHERS/SCHOOL SOCIAL WORKERS | |
| TOTAL RATIO | |
| 786 | 1:2,971 |

The American School Counselor Association has recommendations for ratios to implement a standards-based, comprehensive school counseling program. The Association advocates that counselors spend 70-80 percent of their time in direct contact with students and recommends that the counselor’s duties be limited to program delivery and direct counseling services. According to the Association, an ideal student-to-counselor ratio is 1 to 100, while the maximum student-to-counselor ratio is 1 to 300. The National Association of School Psychologists practice standards recommend a student-to-school psychologist ratio of 1 to 1000. The National Association of Social Workers recommendations for student-to-school social workers vary, depending upon the characteristics of the student population served and the level of services. The ratios were

³ Section 228.041(9), F.S.

⁴ Ratios calculated by Senate Education Committee staff, based on Florida Department of Education Membership by District, Survey 2 demographic data, October 5-9, 1998, as of December 9, 1998. This includes Dozier/Okeechobee, the Florida School for the Deaf and the Blind, and the laboratory schools.

⁵ This includes psychologists, psychometrists, psychiatrists, and psychological social workers that provide psychological evaluative services to students.

developed based on information from the National Council of State Consultants for Social Workers and are meant to be used as a guide for educational agencies in considering workload standards. The School Social Work Association of America recommends a student-to-school social worker ratio of 1 to 800.

Part II of ch. 455, F.S., provides the general regulatory provisions for the health care professions, including persons licensed as psychologists, school psychologists, clinical social workers, marriage and family therapists, and mental health counselors. Chapter 490, F.S., provides for the regulation of psychologists and school psychologists by the Board of Psychology in the Department of Health. The chapter provides definitions of practice for psychologists and school psychologists. There is an exemption (s. 490.014(2)(d), F.S.) from the psychology licensure requirements for persons who are certified as school psychologists by the Department of Education and who perform psychological services as an employee of a public or private educational institution. The law also provides that the exemption must not be construed to allow any unlicensed practice which is not performed as a direct employee of an educational institution. Chapter 491, F.S., provides for the regulation of psychotherapists by the Board of Clinical Social Work, Marriage and Family Therapy, and Mental Health Counseling within the Department of Health. The chapter also provides definitions of practice for the regulation of clinical social work, marriage and family therapy, and mental health counseling.

Code of Student Conduct and Zero Tolerance

Each school district is required by law (s. 230.235, F.S.) to adopt a “zero tolerance” policy for crime and substance abuse, including reporting delinquent acts and crimes occurring whenever and wherever students are under the jurisdiction of the school district. School districts must enter into an agreement with the county sheriff’s office or local police department specifying guidelines for ensuring that felonies and violent misdemeanors (whether committed by a student or adult) and delinquent acts that would be felonies or violent misdemeanors if committed by an adult, are reported to law enforcement. The law specifies the contents of the agreements, as well as the school principal’s responsibilities for ensuring crime reporting training for all school personnel, proper reporting, and proper action and documentation for cases with special circumstances.

Federal law (20 U.S.C. s. 8921, the Gun Free Schools Act of 1994) requires each state receiving federal funds to mandate in state law the one year expulsion of a student who brings a weapon to school.⁶ Further, state law must also allow the chief administrative officer of each local educational agency to modify the expulsion requirement for a student on a case-by-case basis. In addition, these provisions of federal law must be consistent with the procedural safeguards in the federal Individuals with Disabilities Act. States are required to provide assurance of compliance with the law. Federal law also mandates that local policy require referral of any student who brings a weapon or firearm to school. The student must be referred to the criminal justice system or the juvenile delinquency system.

Each school board’s code of student conduct must contain notice that the possession of a firearm, a knife, a weapon, or an item that can be used as a weapon by any student while on school

⁶ The law uses the definition of firearms in 18 U.S.C. 921, which includes a destructive device (including a bomb). Non regulatory guidance was issued by the U.S. Department of Education on November 3, 1995, for the Gun Free Schools Act and provides that the Act’s case-by-case exception may not be used to avoid overall compliance with the one year expulsion requirement.

property or at a school function is grounds for disciplinary action and may also result in criminal prosecution. The notice must include a provision that is related to and consistent with federal requirements for expulsion. Notice must be given that any student who is determined to have brought a firearm, as defined in federal law, to school, any school function, or on any school-sponsored transportation will be expelled from regular school for no less than 1 full year and referred for criminal prosecution.⁷ Superintendents may consider the expulsion requirement on a case-by-case basis and request that the school board modify the requirement if it is in the best interest of the student and school system.

Current Florida administrative rules (Rule 6A-1.0404, F.A.C.) address zero tolerance by requiring each district to review its code of student conduct and amend it, as needed, to ensure that students who have committed certain offenses (including possession, use, or sale of firearms and explosive devices) must receive the most severe consequences provided for by school board policy. Prior to taking any action against a student, the school board must ensure that due process is followed and school personnel must follow certain procedures if students are disabled and participate in an exceptional students program. This particular provision, however, must not be construed to remove a school board's discretion in cases where mitigating circumstances may affect disciplinary decisions.

Blueprints/Construction Drawings

Under s. 235.011(6), F.S., "educational facility" means the buildings and equipment, structures, and special educational use areas that are built, installed, or established to serve primarily the educational purposes and secondarily the social and recreational purposes of the community and which may lawfully be used as authorized by the Florida Statutes and approved by boards. "Boards" are defined (unless otherwise specified in ch. 235, F.S.), as a district school board, a community college board of trustees, and the Board of Trustees for the Florida School for the Deaf and the Blind. The term does not include the State Board of Education or the Board of Regents.

The law (s. 235.211(4), F.S.) requires the services of a registered architect for the development of plans for the erection, enlargement, or alteration of any educational facility. There are, however, exceptions (e.g., minor renovation projects under a specified dollar threshold and the placement or hookup of certain relocateables). As well, s. 481.229, F.S., provides exemptions from the licensure requirements for architects for certain professions (e.g., construction contractors and engineers). The law also requires plans to be reviewed for compliance with state requirements for educational facilities.

Boards may use various options for the review of construction documents to determine compliance with building, life safety, and other codes. The options include the use of the Department of Education, the Department of Management Services, or board employees or persons under contract with the board who are licensed engineers or licensed architects. Other provisions of law that address the approval of plans or construction documents include ss. 235.26, 235.014(7), and 235.0155, F.S. Effective January 1, 2001, s. 553.80 (6), F.S., subjects state universities, state community colleges, and public school districts to the enforcement of the

⁷ s. 230.23, F.S. See also federal law, including 18 U.S.C. § 921 and 922, as well as 20 U.S.C. § 8921.

Florida Building Code and allows state universities, state community colleges and public school districts to conduct plan reviews and construction inspections for certain projects. These entities must have inspectors and plans review personnel who are certified under part XII of ch. 468, F.S. These entities may elect to use a local government for plans review and inspection.

District school boards and the board of trustees of community colleges are responsible for ensuring that plans and plants meet specific standards. Boards are responsible for maintaining records of the project's completion and permanent archival of phase III construction documents, including any addenda and change orders. District school superintendents must recommend plans and execute approved plans for all phases of the school plant program, as prescribed in ch. 235, F.S. According to staff for the Executive Office of the Governor, the State Board of Education approves a set of standards for schools but does not currently receive copies of the blueprints for schools, since many of the functions involving the use of these documents are addressed at the local level.

According to several district school boards, copies of blueprints or related documents are currently provided to law enforcement agencies on a regular basis. In other instances, the documents are available to law enforcement agencies upon request. The Florida Department of Law Enforcement (FDLE) does not routinely access school blueprints. However, FDLE has recently assisted local agencies in obtaining and placing into an electronic format blueprints of local schools for use in developing school critical incident response plans.

School District Performance Reviews/Best Financial Management Practice Reviews

The Office of Program Policy Analysis and Governmental Accountability (OPPAGA) administers or conducts two types of reviews of school districts' management operations: (1) School District Performance Reviews (s. 230.2302, F.S.), and (2) Best Financial Management Practice Reviews (s. 230.23025, F.S.). The Legislature authorized these reviews to assist school districts in identifying ways to save funds, improve management, and increase the efficiency and effectiveness of district operations.

The law requires OPPAGA to contract with private consultants to complete School District Performance Reviews. Each performance review must examine 11 broad school district management and operational areas, including safety and security. OPPAGA works with each participating district to refine the scope of the review to address specific issues. OPPAGA then issues requests for proposals, manages the consultant selection process, and monitors consultants' performance.

For the Best Financial Management Practice Reviews, OPPAGA and the Office of the Auditor General developed, and the Commissioner of Education adopted, a set of best financial management practices for Florida school districts. The best financial management practices, at a minimum must address four specific areas.

The best financial management practices review compares the district's management and operations to the state-adopted best practices. Best financial management practice reviews are done only if requested by unanimous vote of a district school board. A district may request a complete review or a review of components of the best financial management practices. The Director for OPPAGA has discretion to contract with private consulting firms to perform part or

all of a review of any school district. Each participating school district must pay 50 percent of the cost of a full review, unless the entire cost is specifically provided by a legislative appropriation. If a district opts to have one or more components reviewed (rather than a full review), the district pays 75 percent of the review costs. There is an exception in law from the contribution requirements for districts that meet certain conditions. All money contributed to the cost of a complete or component review must be deposited into the Florida School District Review Trust Fund administered by OPPAGA.

Frugal Schools

Chapter 97-384, L.O.F., established several frugal schools initiatives, including the Florida Frugal Schools Program (s. 235.2197, F.S.) that provides for publicly recognizing district school boards that build frugal but functional educational facilities and that implement best financial management practices. The law (s. 235.217, F.S.) also established the Soundly Made, Accountable, Reasonable and Thrifty (SMART) Schools Clearinghouse. The on-line clearinghouse includes site plans, renderings, photographs, floor plans, and other information.

Hazardous Walking Conditions

Section 234.021(2)(b), F.S., provides legislative intent for school districts and local governmental entities to work cooperatively to identify conditions which are hazardous to students who must walk to school. Legislative intent is also provided for state or local governmental entities with jurisdiction to correct the hazardous condition within a reasonable period of time.

Section 234.021(2)(a), F.S., provides for the identification of hazardous walking conditions for students who walk to school and who live within the 2-mile limit of the school. The procedure applies after a request for review is made to the superintendent or his or her designee. The procedure includes the following requirements:

- An inspection by the school district representative and a representative of the local governmental entity where the perceived hazardous condition exists.
- A determination by these representatives as to whether or not the perceived condition is hazardous to students and a report to the Department of Education.
- A request, if a condition is hazardous to students, by the district school board for a determination from the state or local governmental entity having jurisdiction as to whether the hazard will be corrected, and, if so, a projected completion date.
- An allocation of state funds for the transportation of students subjected to these hazards, provided that the funding stops upon correction of the hazard or projected completion date, whichever occurs first.

Section 234.021(3), F.S., provides the criteria for determining whether walking conditions are hazardous. Certain walkways are considered hazardous and must meet specific requirements:

- **For walkways parallel to the road**
Any road where students must walk to and from school must have an area at least 4 feet wide adjacent to the road with a surface for walking that does not require walking on the road.
- **Uncurbed walkways parallel to a road with posted speed of 55 miles per hour**

A road must have the 4-foot wide area for students to walk on that is set off the road by no less than 3 feet from the road's edge.

The law provides certain *exceptions* to these hazardous walking condition criteria, including the following:

- The road is located in a residential area which has little or no transient traffic;
- The road has a volume of traffic that is less than 180 vehicles per hour, per direction, during the time the students walk to and from school; or
- The road is located in a residential area and has a posted speed limit of 30 miles per hour or less.

Walkways perpendicular to the road are also considered hazardous under the following conditions:

- if the traffic volume on the road exceeds the rate of 360 vehicles per hour, per direction (including all lanes), during the time students are walking to and from school and if the crossing site is uncontrolled.
- if the traffic volume on the 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 are walking to and from school.

An *uncontrolled crossing site* is an intersection or other designated crossing site where no crossing guard, traffic enforcement officer, stop sign, or other traffic control signal is present when students are walking to and from school. Traffic volume must be determined by the most current traffic engineering study conducted by a state or local governmental agency.

Section 234.01, F.S., enumerates the students and others who must be provided with transportation, as well as students and others who may be provided with transportation by the district school board. School boards, after considering recommendations of the superintendent, must provide transportation for public elementary school students whose grade level does not exceed grade 6, if these students are subjected to hazardous walking conditions as provided in s. 234.021, F.S., while en route to or from school. In each case in which transportation of students is impracticable, as deemed by the school board, the school board may take steps to make available educational facilities that are practical and authorized by law or rule of the commissioner.

Student Report Cards

The law (s. 232.24521, F.S.) requires school districts to not only establish, but also publish policies for the content and regular issuance of student report cards for all elementary, middle school, and high school students. The report cards must clearly depict and grade certain items, including academic performance, conduct and behavior, and attendance. For student's in grades 1 through 12, a student's academic performance must be based on examinations, written papers, class participation, and other academic performance criteria. The law also sets forth requirements for a student's final report card. School districts are prohibited from allowing schools to exempt students from academic performance requirements that are based on practices or policies designed to encourage student attendance.

Home Education Programs

Regular school attendance, as defined in s. 232.02, F.S., may be achieved by attendance in a home education program. A home education program is sequentially progressive instruction of a student directed by his or her parent or guardian in order to satisfy the requirements of ss. 232.01 and 232.0201, F.S. Home education programs are excluded from meeting the requirements of a school day as defined in s. 228.041, F.S. The law (s. 232.0201, F.S.) sets forth specific requirements for home education programs, including:

- ▶ notification of intent to establish and maintain a home education program by the parent (or guardian) to the superintendent; and
- ▶ maintenance of a portfolio of records and materials that must be made available for inspection by the school superintendent upon written notice.

According to the Department of Education, the statewide home education roster for the 1998-1999 school year totals 22,890 families, accounting for 33,219 children.

Currently, school district administrators frequently report that parents of students who are referred for attendance enforcement and/or required interventions routinely register to home educate their children when required intervention and/or enforcement activities begin. According to the Department of Education, when a parent registers with home education, the student previously referred for nonattendance is no longer subject to compulsory education and is, therefore, not absent from school. As a result, the required intervention services and enforcement activities must be discontinued.

Learnfare Program

The law (s. 414.125, F.S.) requires the Department of Children and Families to reduce the temporary cash assistance for a participant's eligible dependent child or for an eligible teenage participant who are not exempt from education participation requirements 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, according to rules adopted by the department with input from the Department of Education.

The law specifies good cause exemptions from the rule of unexcused absences and requires each participant with a school-age child to have a conference with an appropriate school official during each grading period. The purpose of the conference is 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 law provides sanctions for participants who fail to attend a conference without good cause.

Truancy

- Under s. 228.041, F.S.
Section 228.041(28), F.S., defines a habitual truant as a child subject to compulsory school attendance who has 15 unexcused absences within 90 calendar days, with or without the consent of the child's parent or legal guardian, and who does not qualify for an exemption. The steps in ss. 232.17 and 232.19, F.S., must be completed without successful remediation of the truancy problem before dealing with the child as a child-in-need-of-services under chapter 984, F.S.

- Under s. 984.03(29), F.S., relating to children-in-need-of-services, and s. 985.03(28), F.S., relating to delinquency
Children-in-need-of-services are referred to as “status offenders,” in that they are truants, ungovernable, or runaways. The law defines a habitual truant as a child subject to compulsory school attendance who has 15 unexcused absences within 90 calendar days, with or without the consent of the child’s parent or legal guardian, and who does not qualify for an exemption. Both provisions reference steps in ss. 232.17 and 232.19, F.S., and other activities that must be completed in an effort to identify and remediate truant behavior. The law specifies the manner in which children and parents will be treated if they fail or refuse to comply with prescribed activities or do not stop the truant behavior after participation in these activities.

If a child is responsive to the interventions in ss. 232.17 and 232.19, F.S., and has completed the necessary requirements to pass the current grade (as indicated in the district pupil progression plan), the child will not be considered habitually truant and must be passed.

The state attorney may file a child-in-need-of-services petition if the child has 15 unexcused absences within 90 calendar days or fails to enroll in school. Section 984.03(29), F.S., specifies when the petition must be filed. Prior to filing a petition under s. 985.03(28), F.S., the child must be referred for evaluation and the state attorney may file the petition after consulting with the evaluating agency.

Enforcing Attendance

The steps for enforcing attendance are enumerated in ss. 232.17 and 232.19, F.S. Section 232.17, F.S., sets forth requirements for the school principal, the teacher, and the child study team. The primary teacher must report to the school principal or the principal’s designee concerning unexcused absences or absences for which the reasons are unknown. The principal, under certain conditions, must refer the case to the school’s child study team. The child study team determines if early patterns of truancy are developing and must implement specific interventions.

Chapter 99-398, F.S., created truancy petitions (petitions filed by the school superintendent alleging that a student subject to compulsory school attendance has had more than 15 unexcused absences in a 90 calendar day period). Truancy petitions are filed and processed under s. 984.151, F.S.

A superintendent may file a truancy petition if the school determines that a student subject to compulsory school attendance has had more than 15 unexcused absences in a 90 calendar day period. The petition must be filed in the circuit in which the student is enrolled in school. Original jurisdiction to hear the truancy petition is in circuit court. However, the circuit court may use a general or special master pursuant to Supreme Court rules. The law specifies the contents of the truancy petition. The petition must be sworn to by the superintendent. The court must hear the petition within 30 days after it has been filed. The student and the student’s parents or guardian must attend the hearing.

Based on the court’s determination that the student missed any of the days as alleged, the court must order the student to attend school and the parent to ensure that the child attends school. The court may order participation by students, parents, or guardians in any of several specified

activities. If the student does not successfully complete the court-ordered sanctions, the child's case must be referred to the case staffing committee under s. 984.12, F.S., with a recommendation to file a child-in-need-of-services petition.

III. Effect of Proposed Changes:

Section 1. The bill amends s. 229.57, F.S., to remove school discipline data as a factor for designating a school's performance grade category, beginning in school year 1999-2000. The bill does not, however, remove the current requirements for schools to report discipline data.

Section 2. Section 229.8347, F.S., is created to establish the Partnership for School Safety and Security as an independent, nonpartisan body assigned to the Department of Education for administrative purposes. The Department of Education must provide or contract for staff and technical assistance to the partnership. The bill sets forth five major responsibilities of the partnership: 1) to evaluate school safety and security programs and strategies, based on controlled scientific research, make recommendations for inclusion in the electronic clearinghouse of safety and security information, and make funding recommendations to the Legislature; 2) create an electronic clearinghouse of safety and security information, including best practices, model programs, and construction prototypes that are compatible with the requirements for frugal schools; (3) assess the extent to which best school safety and security practices are currently being used, including specific practices involving schools with student participation in school safety efforts, teacher incentives, placement, and support systems; 4) train and offer technical assistance to school district staff and others on the creation of safe schools; and 5) foster coordination among schools, law enforcement personnel, and crisis management teams.

The partnership is composed of eleven members appointed by the Governor, subject to Senate confirmation. Three members must be consumers who are not, and never have been providers of school safety and security services. Members are appointed to 4-year staggered terms. Vacancies must be filled in the same manner as the original appointments. Any member appointed to fill a vacancy is limited to serving only the remainder of the unexpired term.

The bill provides for the election of a chairperson and vice chairperson and sets forth the requirements for meetings, voting, and absences. Members must serve without compensation, but are entitled to reimbursement for per diem and travel, as provided for in s. 112.061, F.S., and other reasonable, necessary, and actual expenses.

The bill requires the partnership to have a budget. The partnership will be funded to the extent provided for in the General Appropriations Act. The partnership is required to submit an annual report to the legislative and executive branches of government. The bill specifies the content of the report.

Section 3. The bill requires the Department of Education to submit, by December 1, 2000, an individualized school level safety and environment assessment instrument that each school may use to assess its needs in relation to the state education goal for safety in s. 229.591(3)(e), F.S. Also, the department is required (by December 1, 2000) to expand the existing performance standards for the state education goal for safety.

Section 4. The bill amends s. 230.23025(1), F.S., to add safety and security as additional areas for best financial management practices and reviews of school districts.

Section 5. The bill amends s. 230.235, F.S., to require each district school board to review its zero tolerance policy and ensure that there is a uniform policy for possessing or bringing firearms, weapons, or other items on school property, on school transportation, and at school sponsored activities, and for making bomb threats.

Section 6. The bill creates s. 231.0851, F.S., to require each principal to ensure the use of the standardized reporting form for school safety and discipline data, as prescribed by State Board of Education rule. The principal must also develop a plan to verify the accuracy of reported incidents.

Section 7. The State Board of Education must adopt by rule a standardized reporting form for school safety and discipline data to be used by each school.

Section 8. The Department of Education must establish a mechanism (by October 1, 2000) to further improve the reliability and accuracy of school safety data, including the School Environmental Safety Incident Reporting System.

Section 9. The Department of Education must (by December 1, 2000) develop additional indicators for safe schools, including indicators based on: the number of students involved in extracurricular activities; the effectiveness of student-developed plans for school safety; the number of students and extent of student involvement in school safety, crime watch, violence and drug abuse prevention, crime reporting, and other programs; and an optimal ratio of student-to-school psychologists, student-to-guidance counselors, and student-to-school social workers. The department must use the National Standards for School Counseling Programs in developing the guidance counselor-to-student ratio.

Section 10. The bill amends s. 232.24521, F.S., to provide that a student's attendance record may not be used in whole or in part to provide an exemption from any academic performance requirement.

Section 11. The bill amends s. 232.26, F.S., to clarify that when students with disabilities are suspended, the suspension must be in accordance with State Board of Education rules. It also updates terminology relating to students with disabilities.

Section 12. The bill creates s. 235.192, F.S., to impose requirements on district school superintendents and the presidents of each community college to provide copies of facility blueprints to the Department of Education, the State Board of Education, and the law enforcement agency with jurisdiction over the educational facility and community college. The new requirements are imposed beginning October 1, 2000. Subsequent to the initial submission of the blueprint, these entities must annually (by October 1) submit a revised blueprint for each facility that was modified during the preceding year. Specifically, district school superintendents and community college presidents must provide blueprints for each educational facility, as defined in s. 235.011(6), F.S.

Section 13. The Department of Education must assess the effectiveness of current safety and security initiatives, including the impact of state safe schools funding, and provide a report to the legislative and executive branches of government and the Partnership for School Safety and Security. The report is due October 1, 2000.

Section 14. The bill authorizes a three-year pilot program for a school at the elementary, middle/junior high, and high school levels in six school districts (Sarasota, St. Johns, Broward, Okaloosa, Lake, Miami-Dade, Pinellas, and Duval) from funds provided for this purpose in the 2000-2001 General Appropriations Act. The pilot program is to assess the use of a team composed of school psychologists, guidance counselors, and school social workers that meets optimal ratio of student-to-school psychologists, student-to-guidance counselors, and student-to-school social workers. Each school must have a plan that is based on national standards.

To be eligible for participation, each school district must ensure that each school participating in the pilot program meets the optimal ratio of student-to-school psychologists, student-to-guidance counselors, and student-to-school social workers developed by the Department of Education. Each school district that participates in the program must agree to achieve and document specific outcomes for truancy, school disciplinary referrals, academic performance, and satisfaction by parents, teachers, and school administrators. Each school district must evaluate the pilot program and provide an annual report to the executive and legislative branches of government, as well as the Partnership for School Safety and Security. School districts must include information about referrals for mental health treatment and support services in the annual report required for schools participating in the pilot programs.

Section 15. The bill requires each school district and the state or local governmental entity having jurisdiction to develop a school safety transportation plan for submission to the Department of Education by December 31, 2000. The plan must include charter schools. A school district and the state or local governmental entity having jurisdiction must jointly develop a priority list of hazardous walking conditions projects that have not been corrected. The school district must use this part of the plan to monitor school transportation safety. For the hazardous walking conditions determined under s. 234.021, F.S., the plan must include specific information. Other information required for the plan may be used to provide incentive funds for specific school districts in the 2000-2001 legislative session.

Section 16. The bill amends s. 232.17, F.S., to prohibit a student referred to a child study team for exhibiting a pattern of nonattendance from registering in a home education program as defined in s. 232.0201, F.S., until the beginning of the following regular school year, unless:

- The child student team determines that a pattern of nonattendance is not developing; or
- Enrollment in the home education program is authorized after the appeals process.

The bill requires the principal, when a student is found to exhibit a pattern of nonattendance by the child study team, to notify the superintendent that the student is ineligible to register in a home education program. A parent or guardian who wishes to enroll such child in a home education program may appeal to the district school board. The bill sets requirements for certain students in home education programs and adds a truancy petition to the list of child study team interventions.

Section 17. The bill amends s. 414.125, F.S., Learnfare Program, to enable school districts to report a student for non-compliance to the Department of Children and Families based on the state habitual truancy criteria rather than by measures of attendance and academic progress. According to the Department of Education, the current measures are inconsistent across school districts.

Section 18. Section 984.03, F.S., is amended to delete current statutory language referring to investigations and interventions provided by a school representative and a Department of Juvenile Justice probation officer. The bill expands the definition of truancy petition to include 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.

Section 19. The bill amends s. 984.151, F.S., to include in events for filing a truancy petition a student who 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 bill also provides that upon the filing of a petition and upon the request of the petitioner, the clerk or deputy clerk shall issue a summons.

Also, the bill:

- Specifies when the attorney for the school system may set the case before the court for a disposition hearing.
- Provides for the school system, upon written agreement, to designate the state attorney's office to represent the school system in certain truancy court proceedings.
- Provides for representation when allegations are denied or the petition is contested.
- Requires mandatory participation by parents in court-ordered sanctions.
- Allows truancy court to use contempt powers for enforcement.

Section 20. The bill appropriates \$225,000 in nonrecurring General Revenue to the Department of Education for implementation of this act.

Section 21. The bill provides an effective date of July 1, 2000.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None identified.

B. Public Records/Open Meetings Issues:

None identified.

C. Trust Funds Restrictions:

None.

V. **Economic Impact and Fiscal Note:**

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

To the extent that OPPAGA selects private consultants to perform all or part of the required Best Financial Management Practice Reviews, private consultants may benefit. Also, private consultants will benefit if the Partnership for School Safety and Security enters into contracts with the private sector for assistance with the clearinghouse on safety and security and assessments. To the extent that the provisions of the bill result in the availability of needed student support services, students may benefit.

C. Government Sector Impact:

School Safety and Incident Reporting

The Florida Department of Education cited several recent efforts to improve school safety and discipline reporting. Many of these initiatives were developed as a part of a federal technical assistance project contract. The department also indicated that this funding expires this summer. The bill requires the department to establish a mechanism to further improve the quality of school safety data. According to the department, \$50,000 is needed for school and district participation in data quality training and information dissemination activities; this \$50,000 is included within the \$225,000 appropriated to the department in this bill. The department noted that school-level reporting forms for school safety and discipline data are not currently mandated; however, a model form has been developed. The imposition of standardized reporting requirements will likely result in some costs and decreased flexibility for some schools and districts. These changes may also result in more reliable and accurate reporting.

School Grades

The bill does not change the grades assigned to schools for the 1998-1999 school year. However, beginning with the 1999-2000 school year, the bill provides that a school's performance grade designation will not include school discipline data as a factor. According to the Department of Education, there were a total of 25 "B" schools that were not designated as an "A" school solely on the basis of suspension data. The department noted that removing school discipline data as a factor in grading schools will result in an increased number of schools eligible for recognition funds and deregulation. The fiscal impact of these changes is indeterminate at this time.

Partnership for School Safety and Security

There will be costs associated with establishing and maintaining the Partnership for School Safety and Security (e.g., per diem and travel for the partnership members and salaries and benefits, office space, equipment and operating expenses for staff employed by the Department of Education or under contract). The partnership may need funds to contract with an independent entity for consultation on creating an electronic clearinghouse on safety and security, evaluating school safety and security programs and strategies, and assessing best practices. The Department of Education estimates that \$176,676 will be needed for the Partnership, based on staffing (\$101,676 for one Education Specialist IV and one Staff Assistant), partnership travel and expenses (\$25,000), and contractual support (\$50,000). Section 2 of the bill states that, "The partnership shall have a budget and shall be funded to the extent provided for in the General Appropriations Act."

Student Support Services Pilot Programs

There will be additional costs associated with creating the three-year pilot programs related to student services at the elementary, middle/junior, and high school level in eight school districts. The Florida Department of Education noted that the actual costs will vary depending on the size of the selected schools and the existing resources in the schools. While DOE has estimated the fiscal impact to be \$2.0 million, section 14 of the bill indicates the pilot program is to be funded from funds provided for this purpose in the 2000-2001 General Appropriations Act.

Providing Facility Blueprints

The bill requires districts and community colleges to provide copies of facility blueprints to the Department of Education and law enforcement agencies. According to the Department of Education, existing resources will cover the department's costs related to this requirement. Some districts and law enforcement agencies may incur costs for meeting this requirement.

School Level Safety and Environmental Assessment Instrument

The Department of Education noted that there are existing school safety assessment tools. In addition, a school climate survey and school safety index is now being developed as a part of a federal grant administered by the department. The department indicated that \$25,000 will be needed for contractual services to assist in the development, dissemination and training activities associated with the instrument; this \$25,000 is included within the \$225,000 appropriated to the department in this bill.

Best Financial Management Practice Reviews

The actual costs for best financial management practice reviews will vary based on the district size and the scope of the review. Each school district must pay 50 percent of the *total review cost*, unless the review is fully funded by a state appropriation. OPPAGA estimates that the increased cost to add a safety and security best practices area to the complete best financial management practices reviews would be \$15,000 for a small district, \$20,000 for a medium district, \$50,000 for a large district, and \$60,000 for a very large district. According to OPPAGA, the district share would be \$7,500 for a small district, \$10,000 for a medium district, \$25,000 for a large district, and \$30,000 for a very large district. Each school district must pay 75 percent of the *component review cost*. OPPAGA estimates the following review costs for best financial management practices safety and security component reviews: \$20,000 for a small district, \$27,000 for a medium district, \$65,000 for a large district, and

\$78,000 for a very large district. The district share, according to OPPAGA, would be \$15,000 for a small district, \$20,000 for a medium district, \$49,000 for a large district, and \$59,000 for a very large district. The total cost is indeterminate since it is unknown how many districts will request these reviews.

School Safety Transportation

School districts and local or state governmental entities with jurisdiction may incur some costs to fulfill the new planning requirements. However, many of the requirements are based on current law. Also, the Florida Association for Pupil Transportation recently requested information from local transportation directors related to hazardous walking conditions. Some of this information may be used as baseline data to fulfill the new school transportation safety plan requirements. The estimated statewide fiscal impact of the new requirements is \$270,000. The impact would vary by district, but it is anticipated each district would manage the increase within its current resources.

Department of Education and School District Costs

Presently, the Florida Department of Education administers a part of the federal Safe and Drug Free Schools and Communities Act. The department and other entities have a role in providing information on best practices and model programs. The department noted that many of the proposed responsibilities for the Partnership are aligned with the department's role in the federal safe and drug free schools program. However, the department also noted that it is not currently funded to address the new responsibilities required by the bill and estimates that \$150,000 is needed for two additional positions in the agency to implement the provisions of the bill. Of the \$225,000 appropriated to the department in this bill, \$150,000 is provided to assist with the additional responsibilities required for fiscal year 2000-01.

There will be some additional costs for the Department of Education and the school districts for reviews and any revisions to zero tolerance policies. The department will incur costs for assessing the effectiveness of current safety and security initiatives, expanding performance indicators, revising school grade designation policy, and assisting with best financial management practices reviews and pilot projects.

Truancy Petitions

There could be an increase in cost to the clerk for issuing the summons. However, since the frequency with which this provision may be used is unknown, the cost is indeterminate.

VI. Technical Deficiencies:

None.

VII. Related Issues:

The final report of the Select Commission on School Safety, convened by the Florida School Boards Association, Inc., and the Florida Sheriffs Association, recommended that school

blueprints be supplied to law enforcement agencies with periodic updates of changes to school facilities.⁸ As well, the Commission report included the following comments:

- ▶ The Legislature should weigh the effect of reporting expulsions, suspensions, or violent incidents on the grade a school receives against the climate of safety in a school.
- ▶ School districts should consider the role of guidance counselors in crisis prevention, how counselors are being used, and whether the school has enough counselors.
- ▶ School counselors should be allowed to carry out their duties as counselors so they can provide maximum benefits to students.

The Governor's budget recommendations for FY 2000-2001 include \$75,350,000 in state safe schools funds. The Commissioner of Education's legislative budget initiatives for FY 2000-2001 contain approximately \$20 million to fund additional student services personnel to meet the school safety needs in each school improvement plan. Funding would be phased in over 3 years, beginning with one-third of the eligible middle and alternative/special schools in FY 2000-2001.

The Department of Education noted that removing discipline data as a factor for designating a school's performance grade category would impair the comparability and usefulness of longitudinal data, as well the department's ability to identify suspension trends within schools. The bill, however, does not remove the current requirements for schools to report discipline data.

There is a separate bill, CS/SB 1002, that creates a public records and meetings exemption for the blueprints of educational facilities and state university facilities.

VIII. Amendments:

None.

This Senate staff analysis does not reflect the intent or official position of the bill's sponsor or the Florida Senate.

⁸ *Keeping Schools Safe*, Florida Select Commission on School Safety, Florida School Boards Association and the Florida Sheriff's Association, 1999.