

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

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

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Prepared By: The Professional Staff of the Committee on Education Pre-K - 12

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BILL: CS/SB 1474

INTRODUCER: Committee on Education Pre-K – 12 and Senator Legg

SUBJECT: District School Boards

DATE: April 2, 2015

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Scott	Klebacha	ED	<b>Fav/CS</b>
2.	_____	_____	AED	_____
3.	_____	_____	FP	_____

**Please see Section IX. for Additional Information:**

COMMITTEE SUBSTITUTE - Substantial Changes

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**I. Summary:**

CS/SB 1474 expands and revises the powers and duties of district school boards, clarifies requirements for early warning systems, and modifies policies related to student attire.

Specifically, the bill:

- Requires a district school board to adopt a strategic plan;
- Applies a district school board’s standards of ethical conduct to administrative personnel and school officers;
- Authorizes a district school board to adopt policies for standard student attire; and
- Requires a middle school to evaluate and monitor instructional practices and intervention strategies used in its early warning system.

The bill provides for an effective date of July 1, 2015.

## II. Present Situation:

### District School System

The operation and administration of schools within the district is delegated to the district's school officials.<sup>1</sup> The district school system is a part of the state system of public education.<sup>2</sup> District school officials must act in compliance with the state's laws and the State Board of Education's (state board) rules and standards.<sup>3</sup>

Each district school board is responsible for the operation, control, and supervision of the public schools located within its district and may exercise any power except as expressly prohibited by the State Constitution or general law.<sup>4</sup> Each district school superintendent, acting as executive officer of the district school board, administers and manages the district's schools and supervises instruction within the schools.<sup>5</sup> Likewise, at the school level, each principal administers the school and supervises instruction within the school and, develops or revises and implements a school improvement plan.<sup>6</sup>

### General Powers & Duties of District School Boards

After considering recommendations from the district school superintendent, a district school board shall exercise the following general powers:<sup>7</sup>

- Determine policies and programs consistent with state law and rule deemed necessary for the efficient operation and general improvement of the district school system.
- Adopt rules to implement provisions of law conferring duties upon it.
- Adopt standards and policies to provide each student the opportunity to receive a complete education program.
- Contract, sue, and be sued.
- Perform duties and exercise responsibilities that are assigned by rule or rule.
- Assign students to schools.
- Enter into agreements for accepting credit care, charge card, and debit card payments as compensation for goods, services, tuition, and fees.

### Strategic Plans

District school boards must develop, with regional workforce boards, economic development agencies, and postsecondary institutions, a strategic 3-year plan to address and meet local and regional workforce demands.<sup>8</sup> The strategic plan must be based on strategies to improve, sustain, and expand career and professional education.<sup>9</sup>

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<sup>1</sup> Section 1001.30, F.S.

<sup>2</sup> Section 1001.32(1), F.S.

<sup>3</sup> *Id.*

<sup>4</sup> Art. IX, s. 4(b), Fla. Const.; s. 1001.32(2), F.S.

<sup>5</sup> Section 1001.32, F.S.

<sup>6</sup> *Id.*

<sup>7</sup> Section 1001.41, F.S. District school boards have additional powers and duties. Sections 1001.42 and 1001.43, F.S.

<sup>8</sup> Section 1003.491(2), F.S.

<sup>9</sup> *Id.* at (2) and (3), F.S.

### ***Standards of Ethical Conduct***

District school boards must adopt policies that establish standards of ethical conduct for instructional personnel and school administrators.<sup>10</sup> The policies must:<sup>11</sup>

- Require training on the standards;
- Establish a duty to report, and procedures for reporting, alleged misconduct by other instructional personnel or school administrators which affects the health, safety, or welfare of a student; and
- Include an explanation of certain protections from liability for reporting in good faith any instance of child abuse, abandonment, or neglect to the Department of Children and Families or law enforcement<sup>12</sup> or for disclosing information reporting former or current employees upon the request of a prospective employer.

In addition, district school boards and their employees are prohibited from entering into a confidentiality agreement regarding terminated or dismissed instructional personnel or administrators who resign in lieu of termination based in part on misconduct affecting the health, safety, or welfare of a student.<sup>13</sup> Districts may not provide instructional personnel or school administrators terminated for such conduct with employment references or discuss their performance with prospective employers.<sup>14</sup> Further, any contract that has the purpose or effect of concealing such misconduct by instructional personnel or school administrators is void as contrary to public policy.<sup>15</sup>

School officers are classified separately from instructional personnel and administrative personnel.<sup>16</sup> School officers for each district school system include district school board members and school superintendents who are subject to the Code of Ethics for Public Officers and Employees<sup>17</sup> and are required to complete 4 hours of ethics training each calendar year.<sup>18</sup>

### ***Early Warning Systems***

Each school including grades 6, 7, or 8 must implement an early warning system to identify students who are at risk of not graduating from high school.<sup>19</sup> Early warning systems are used to monitor middle grades students using attendance, behavior, and academic performance indicators shown by research to be reliable indicators of students at risk of dropping out.<sup>20</sup>

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<sup>10</sup> Section 1001.42(6), F.S. “Instructional personnel” means any K-12 staff member whose function includes providing direct instructional services to students (*e.g.*, classroom teachers, student advisors, or school counselors). Section 1012.01(2). “School administrators” is a subset of the classification of “administrative personnel”; school principals or assistant principals are considered school administrators. Section 1012.01(3)(c), F.S.

<sup>11</sup> Sections 1001.42(6), F.S. Section 768.095, F.S. (providing immunity from civil liability disclosing information about a former or current employee, unless it is proven by clear and convincing evidence that the information was knowingly false or violated a civil right)

<sup>12</sup> Section 39.203, F.S.

<sup>13</sup> Section 1001.42(6), F.S.

<sup>14</sup> *Id.*

<sup>15</sup> *Id.*

<sup>16</sup> Section 1012.01(1), F.S.

<sup>17</sup> Part III of ch. 112, F.S.

<sup>18</sup> Art. II, s. 8, Fla. Const.; ss. 112.3142 and 1012.01(1), F.S. District school board members and school superintendents are constitutional officers. Section 112.3142(1), F.S.

<sup>19</sup> Section 1001.42(18)(b), F.S.

<sup>20</sup> *Id.*

The following indicators must be used to monitor middle grades students:<sup>21</sup>

- Attendance below 90 percent;
- Course failure in English language arts or mathematics;
- One or more in-school or out-of-school suspensions; and
- Scoring a Level 1 score on the statewide, standardized reading or mathematics assessments.

When a student exhibits two or more early warning indicators, the school must convene the school's child study team,<sup>22</sup> or a similar team established to implement the school's early warning system, to determine appropriate intervention strategies for the student.<sup>23</sup> The team may be the student's individualized education program (IEP) team, if applicable, or any other team the school establishes for the purpose of academic intervention.<sup>24</sup> The school must provide to the student's parent at least 10 days' written notice of the meeting.<sup>25</sup> The notice must indicate the meeting's purpose, time, and location, and the school must provide the parent the opportunity to participate in the meeting.<sup>26</sup>

Each school that includes any of grades 6, 7, or 8 must include annually in its school improvement plan the following information and data on the school's early warning system:<sup>27</sup>

- A list of the early warning indicators used in the system;
- The number of students identified by the system as exhibiting two or more early warning indicators;
- The number of students by grade level that exhibit each indicator; and
- A description of all intervention strategies employed by the school to improve the academic performance of students identified by the early warning system.

Students identified by a school's early warning system are eligible to receive services funded through the dropout prevention and academic intervention programs, subject to appropriation in the General Appropriations Act.<sup>28</sup>

### ***Student Safety & Discipline***

Each district school board is authorized to adopt policies requiring students to wear uniforms or policies imposing other dress-related requirements, if a district school board finds that the policies are necessary for the safety and welfare of the students or school personnel.<sup>29</sup> However, students are permitted to wear sunglasses, hats, or other sun-protective wear while outdoors during school hours.<sup>30</sup>

<sup>21</sup> Section 1001.42(18)(b), F.S. Districts may prescribe additional early warning indicators for schools to use. *Id.*

<sup>22</sup> School child study teams are convened by school principals to help enforce school attendance requirements pursuant to s. 1003.26, F.S.

<sup>23</sup> Section 1001.42(18)(b)2., F.S.

<sup>24</sup> *Id.*

<sup>25</sup> *Id.*

<sup>26</sup> *Id.*

<sup>27</sup> Section 1001.42(18)(a), F.S.

<sup>28</sup> Section 1003.53(1)(c)4., F.S.

<sup>29</sup> Section 1001.43(1)(b), F.S.

<sup>30</sup> *Id.*

A district school board must adopt rules and policies relating to the control, discipline, suspension, and expulsion of students.<sup>31</sup> The district school board must decide on the expulsion of a student based on the school superintendent's recommendation.<sup>32</sup> In addition, a district school board must adopt a student code of conduct for elementary, middle, and high schools and distribute the code to teachers, school personnel, students, and parents at the beginning of the school year.<sup>33</sup>

The student code of conduct must include a dress code policy prohibiting a student, while on the grounds of a public school during a regular school day, from wearing clothing that exposes underwear or body parts in an indecent or vulgar manner or that disrupts the orderly learning environment.<sup>34</sup> Any student who violates the dress code policy is subject to specified disciplinary actions determined by the number of violations committed by the student.<sup>35</sup> If a student wears clothing or an accessory that causes a substantial disruption to student learning, the district school board may discipline such student in a manner consistent with its policies for similar infractions.<sup>36</sup>

### III. Effect of Proposed Changes:

CS/SB 1474 expands and revises the powers and duties of district school boards, clarifies requirements for early warning systems, and modifies policies related to student attire.

The bill adds a requirement that each district school board must adopt a strategic plan.

The bill broadens the applicability of the standards of ethical conduct by adding the classification of "administrative personnel,"<sup>37</sup> which includes persons who have district-level administrative or policymaking duties, and replacing "school administrators" with the defined classification of "school officers,"<sup>38</sup> which includes district school superintendents and district school board members.

The bill adds requirements that:

- Each middle school must evaluate and monitor the instructional practices and intervention strategies used in its early warning system.
- Each school-based team must monitor early warning system data, which is included in the school improvement plan, and meet to determine the appropriate intervention strategies for a student who has exhibited two or more early warning indicators, unless the student is already receiving intervention.
- Data and information relating to the exhibited indicators must be used to inform any intervention strategies provided to a student identified as needing additional academic support and improvement.

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<sup>31</sup> Section 1006.07(1), F.S.

<sup>32</sup> *Id.*

<sup>33</sup> *Id.* at (2).

<sup>34</sup> *Id.* at (2)(d).

<sup>35</sup> *Id.*

<sup>36</sup> *Id.* at (2)(g).

<sup>37</sup> Section 1012.01(3), F.S.

<sup>38</sup> *Id.* at (1), F.S.

Finally, the bill authorizes a district school board to adopt and implement a standard school attire policy that requires students to conform to wearing specific types and styles of clothing. Furthermore, the bill grants a district school board immunity from civil liability for implementing a districtwide standard school attire policy in at least kindergarten through grade 8.

The bill provides for an effective date of July 1, 2015.

**IV. Constitutional Issues:**

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

**V. Fiscal Impact Statement:**

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends the following sections of the Florida Statutes: 1001.41, 1001.42 and 1001.43.

**IX. Additional Information:**

- A. **Committee Substitute – Statement of Substantial Changes:**  
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

**CS by Education Pre-K – 12 on March 31, 2015:**

The committee substitute adds provisions to the bill:

- Requiring schools to monitor and evaluate instructional practices and intervention strategies used in early warning systems for students identified as needing additional academic support and improvement.
- Authorizing a district school board to adopt policies imposing a standard student attire policy and prohibiting certain types or styles of clothing from being worn.
- Granting a district school board immunity from civil liability if it implements a districtwide standard student attire policy.

- B. **Amendments:**

None.