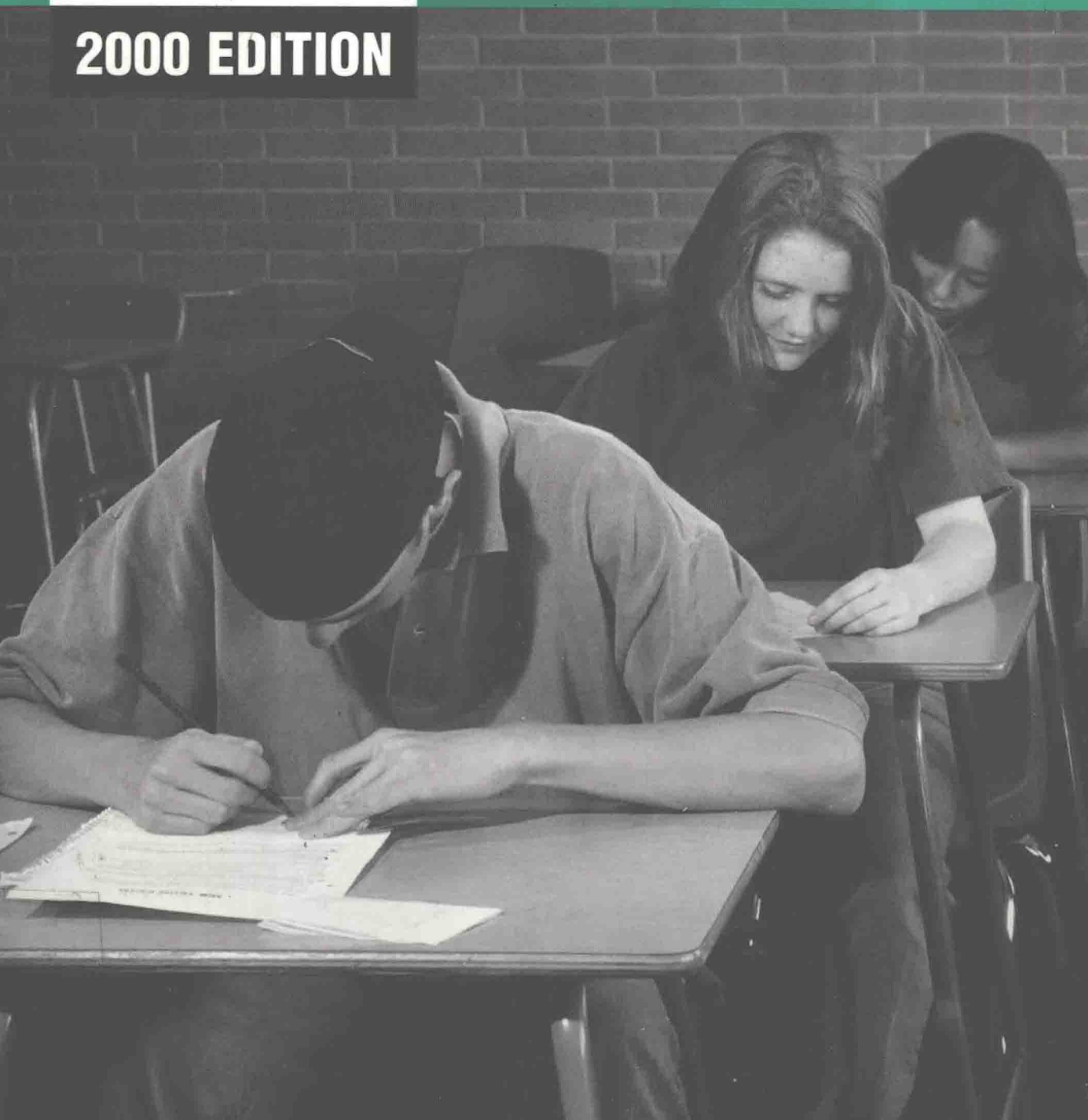




FLORIDA SCHOOL LAWS

2000 EDITION



FLORIDA SCHOOL LAWS

2000 EDITION

Reprinted from 2000 Florida Statutes

Florida Department
of Education
and

LEXIS Publishing™

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Foreword

I am pleased to present this 2000 Edition of Florida School Laws.

Florida School Laws contains Chapters 228 through 246, Florida Statutes, which comprise “The Florida School Code.” Included are those statutes specifically applicable to public schools, community colleges, postsecondary institutions, all other institutions and agencies included as part of the state system of education, and nonpublic educational and training institutions.

In addition, the following appendices are included:

Appendix A: Chapter 119, Florida Statutes -	Public Records
Appendix B: Chapter 120, Florida Statutes -	Administrative Procedure Act
Appendix C: Chapter 121, Florida Statutes -	Florida Retirement System
Appendix D: Chapter 200, Florida Statutes -	(TRIM) Method of Fixing Millage
Appendix E: Chapter 286, Florida Statutes -	Public Business; Miscellaneous Provisions
Appendix F: Chapter 295, Florida Statutes -	Laws Relating to Veterans: General Provisions
Appendix G: Chapter 411, Florida Statutes -	Handicap Prevention and Early Childhood Assistance
Appendix H: Chapter 447, Florida Statutes -	Public Employees - Collective Bargaining Act

Tom Gallagher
Commissioner of Education

Message from the Publisher

We are pleased to offer to the education and legal communities our updated edition of Florida School Laws, 2000 Edition. This compilation of selected laws is fully up to date with statutes enacted through the 2000 session of the General Assembly. We have also included a listing of "Sections Affected by 2000 Legislation."

LEXIS Publishing is publishing this book in conjunction with the Florida Department of Education and we wish to thank the department for their efforts in bringing this new edition to the state of Florida.

We are committed to providing educators and attorneys with the most comprehensive, current and useful legal reference materials possible. We will continue to publish a host of other publications covering various topics of Florida law. Please refer to the inside cover of this book for a partial list of other available titles that may be of interest.

November 2000

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Sections Affected By 2000 Legislation

F.S. Sec. No.	Action	Session Law Ch. No.	F.S. Sec. No.	Action	Session Law Ch. No.
119.07	Amended	2000-164	228.0561	Amended	2000-306
	Amended	2000-349	228.0565	Amended	2000-152
119.19	Amended	2000-3	228.057	Amended	2000-158
120.536	Amended	2000-151		Amended	2000-331
120.545	Amended	2000-151	228.058	Amended	2000-158
120.574	Amended	2000-158	228.0581	New Section	2000-306
	Amended	2000-336	228.081	Amended	2000-137
120.65	Amended	2000-371	228.082	New Section	2000-224
120.80	Amended	2000-141	228.0855	Repealed	2000-331
	Amended	2000-151	228.087	Repealed	2000-331
	Amended	2000-160	228.0875	Repealed	2000-331
	Amended	2000-304	228.088	Repealed	2000-331
	Amended	2000-305	228.093	Amended	2000-299
	Amended	2000-312	228.201	Repealed	2000-331
	Amended	2000-355	228.502	Repealed	2000-331
	Amended	2000-367	228.505	Amended	2000-306
(14)(b)6	*Repealed	2000-312	229.001	New Section	2000-321
120.81	Amended	2000-214	229.002	New Section	2000-321
121.021	Amended	2000-151	229.003	New Section	2000-321
	Amended	2000-169	229.004	New Section	2000-321
	Amended	2000-347	229.005	New Section	2000-321
121.031	Amended	2000-151	229.006	New Section	2000-321
	Amended	2000-169	229.012	*Repealed	2000-321
	Amended	2000-371	229.021	Repealed	2000-331
121.051	Amended	2000-169	229.053	*Repealed	2000-321
	Amended	2000-347	229.05371	Amended	2000-181
121.0515	Amended	2000-161	229.121	Amended	2000-339
	Amended	2000-169	229.135	New Section	2000-235
	Amended	2000-347	229.512	Amended	2000-291
121.052	Amended	2000-151		*Repealed	2000-321
	*Amended	2000-169	229.52	Repealed	2000-331
121.053	*Amended	2000-169	229.551	Amended	2000-225
121.055	Amended	2000-169		*Repealed	2000-321
121.071	Amended	2000-167		Amended	2000-331
121.081	*Amended	2000-169	229.555	Amended	2000-294
	Amended	2000-347	229.565	Amended	2000-294
121.085	New Section	2000-347	229.57	Amended	2000-235
121.091	Amended	2000-167	229.592	*Repealed	2000-321
	Amended	2000-169	229.601	*Repealed	2000-321
	Amended	2000-347	229.602	Amended	2000-331
121.1115	*Amended	2000-169	229.603	Amended	2000-158
121.1122	*Amended	2000-169		Repealed	2000-331
121.121	*Amended	2000-169	229.6054	Repealed	2000-331
	Amended	2000-347	229.6055	Repealed	2000-331
121.122	Amended	2000-151	229.6058	*Repealed	2000-321
121.4501	New Section	2000-169		Repealed	2000-331
121.571	New Section	2000-169	229.78	Repealed	2000-331
200.132	Repealed	2000-355	229.8055	Repealed	2000-331
228.041	Amended	2000-235	229.8056	Repealed	2000-331
228.053	Amended	2000-152	229.8058	Repealed	2000-331
	Amended	2000-306	229.8341	*Repealed	2000-321
	Amended	2000-331	229.8347	New Section	2000-235
	Amended	2000-339	230.02	Amended	2000-137
228.054	Amended	2000-158	230.03	Reenacted	2000-152
228.056	Amended	2000-306	230.106	Repealed	2000-331

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F.S. Sec. No.	Action	Session Law Ch. No.	F.S. Sec. No.	Action	Session Law Ch. No.
230.2215	Repealed	2000-331	231.40	Amended	2000-301
230.23	Amended	2000-137	231.41	Amended	2000-301
	Amended	2000-235	231.424	Amended	2000-301
	Amended	2000-264	231.434	Amended	2000-301
	Amended	2000-291	231.44	Amended	2000-301
	Amended	2000-301	231.45	Amended	2000-301
(6)(f)	Amended & Transferred		231.47	Amended	2000-301
	from 235.14	2000-235	231.471	Amended	2000-301
230.23025	Amended	2000-235	231.481	Amended	2000-301
	Amended	2000-291	231.495	Amended	2000-301
230.23026	Amended	2000-82	231.545	Amended	2000-301
230.2303	Amended	2000-337	231.546	Amended	2000-301
230.2305	Amended	2000-149	231.600	Amended	2000-301
	Amended	2000-152	231.6135	Amended	2000-301
	Amended	2000-165	231.614	Repealed	2000-301
230.23145	New Section	2000-235	231.62	Amended	2000-301
230.23161	Amended	2000-137	231.621	Amended	2000-301
230.235	Amended	2000-235	231.6215	New Section	2000-301
230.303	Amended	2000-301	231.625	Amended	2000-301
	Amended	2000-331	231.6255	Amended	2000-301
230.33	Amended	2000-301	231.63	Amended	2000-301
230.64	*Repealed	2000-321	231.65	Repealed	2000-301
231.001	Amended	2000-301	231.67	Amended	2000-301
231.002	Amended	2000-301	231.700	New Section	2000-301
	Amended	2000-331	232.0225	Amended	2000-294
231.02	Amended	2000-301	232.032	Amended	2000-137
231.045	Amended	2000-301	232.17	Amended	2000-165
231.085	Amended	2000-301		Amended	2000-235
231.0851	New Section	2000-235	232.19	Amended	2000-135
231.0861	Repealed	2000-301	232.2451	Amended	2000-339
231.087	Repealed	2000-301	232.24521	Amended	2000-235
231.09	Amended	2000-301	232.246	Amended	2000-225
231.095	Amended	2000-301		Amended	2000-234
231.096	Amended	2000-301		Amended	2000-339
231.141	Amended	2000-301	232.2462	Amended	2000-225
231.143	Amended	2000-301	232.25	Amended	2000-235
231.15	Amended	2000-301	232.26	Amended	2000-235
231.167	New Section	2000-301	232.27	Amended	2000-235
231.17	Amended	2000-301	232.271	Amended	2000-235
231.1715	Amended	2000-301		Amended	2000-339
231.1725	Amended	2000-301	232.275	Amended	2000-235
231.173	Repealed	2000-301	232.36	Repealed	2000-339
231.24	Amended	2000-301	232.425	Amended	2000-121
231.261	Amended	2000-301	232.46	Amended	2000-318
231.2615	Amended & Transferred		232.50	Amended	2000-349
	from 231.28	2000-301	232.61	Amended	2000-121
231.262	Amended	2000-301	233.061	Amended	2000-196
231.263	Amended	2000-301	233.07	Amended	2000-291
231.28	Amended & Transferred		233.08	Amended	2000-291
	to 231.2615	2000-301	233.09	Amended	2000-291
231.29	Amended	2000-301	233.095	Amended	2000-291
231.2905	Amended	2000-301	233.115	Amended	2000-291
231.30	Amended	2000-301	233.14	Amended	2000-291
231.3505	Amended	2000-301	233.16	Amended	2000-291
231.36	Amended	2000-301	233.167	New Section	2000-291
231.3605	Amended	2000-301	233.17	Amended	2000-291
231.361	Reenacted	2000-301	233.22	Amended	2000-291
231.39	Amended	2000-301	233.25	Amended	2000-291

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F.S. Sec. No.	Key	Session Law Ch. No.	F.S. Sec. No.	Key	Session Law Ch. No.
233.34	Amended	2000-291	234.0215	New Section	2000-235
233.37	Amended	2000-291	234.211	Amended	2000-165
233.38	Repealed	2000-291	235.001	Repealed	2000-331
233.43	Amended	2000-291	235.014	*Repealed	2000-321
233.46	Amended	2000-291		Amended	2000-331
233.48	Amended	2000-291	235.05(3)	*Repealed	2000-321
234.01	Amended	2000-165	235.056	Amended	2000-158
	Amended	2000-235	235.057	*Repealed	2000-321
234.02	Amended	2000-313			
234.021	Amended	2000-235			

** Effective after January 1, 2001*

Note: If the entry does not show a session law chapter number, the action was performed by the reviser in the course of revision.

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Florida School Laws

TITLE XVI EDUCATION

CHAPTER 228 PUBLIC EDUCATION: GENERAL PROVISIONS

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228.02.	State system of public education established.
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228.101.	Display of flags.
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228.301.	Test security.
228.401.	Temporary assignment of professional staff among public education agencies.
228.501.	Learning Development and Evaluation Center.
228.503.	Dropout reentry and mentor project.
228.505.	Charter technical career centers.

228.001. Name.

All of the laws of Florida relating to public education shall be known as and shall comprise "The Florida School Code."

HIST: s. 2, ch. 29764, 1955; s. 1, ch. 72-221.

228.002. Purpose; construction.

The purpose of the Florida School Code is for the establishment, maintenance and support of public education in the state and the provisions thereof shall be liberally construed to the end that its objects may be effected. It is declared to be the legislative intent that if any section, subsection, sentence, clause or provision of the Florida School Code is held invalid, the remainder of the code shall not be affected.

HIST: s. 3, ch. 29764, 1955; s. 1, ch. 67-181; s. 1, ch. 72-221.

228.01. State plan for public education.

It is the purpose of the state plan for public education to ensure the establishment of a state system of schools, courses, classes, institutions, and services adequate to meet the educational needs of all citizens of the state.

HIST: s. 201, ch. 19355, 1939; CGL 1940 Supp. 892(20); s. 1, ch. 72-221.

228.02. State system of public education established.

There is organized and established in keeping with the state plan for public education a state system of public education which shall be maintained and supported as hereinafter provided.

HIST: s. 202, ch. 19355, 1939; CGL 1940 Supp. 892(21); s. 1, ch. 72-221.

228.03. Scope of state system.

The state system of public education includes such school systems, schools, institutions, agencies, services, and types of instruction as may be provided and authorized by law, or by regulations of the state board and of the Commissioner of Education within limits prescribed by law.

HIST: s. 203, ch. 19355, 1939; CGL 1940 Supp. 892(22); s. 1, ch. 72-221; s. 73, ch. 97-190.

228.04. Uniform system of public schools included.

As required by s. 1, Art. IX of the Constitution, this state system of public education shall include the uniform system of free public schools as established and which shall be liberally maintained.

HIST: s. 204, ch. 19355, 1939; CGL 1940 Supp. 892(23); s. 22, ch. 69-216; s. 1, ch. 72-221.

228.041. Definitions.

Specific definitions shall be as follows, and wherever such defined words or terms are used in the Florida School Code, they shall be used as follows:

(1) **STATE SYSTEM OF PUBLIC EDUCATION.**—The state system of public education shall consist of such publicly supported and controlled schools, institutions of higher education, other educational institutions, and other educational services as may be provided or authorized by the Constitution and laws of this state.

(a) *Public schools.*—The public schools shall consist of kindergarten classes; elementary and secondary school grades and special classes; adult, part-time, vocational, and evening schools, courses, or classes authorized by law to be operated under the control of school boards; and developmental research schools to be operated under the control of the State University System.

(b) *Community colleges.*—Community colleges shall consist of all educational institutions which are operated by local community college district boards of trustees under specific authority and regulations of the State Board of Education and which offer courses and programs of general and academic education parallel to that of the first and second years of work in institutions in the State University System, of career education, and of adult continuing education.

(c) *Institutions of higher education.*—The institutions of higher education shall consist of all state-supported educational institutions offering work above the public school level, other than community colleges, that are authorized and established by law, together with all activities and services authorized by law to be administered by or through each of those institutions.

(d) *Other educational institutions.*—Other state-supported institutions primarily of an educational nature shall be considered parts of the state system of public education. The educational functions of other state-supported institutions which are not primarily of an educational nature but which have specific educational responsibilities shall be considered responsibilities belonging to the state system of public education.

(e) *Other education-related services.*—Other education-related services may include health services, and other special services and functions as may be authorized by law or rule as necessary to improve, promote, or protect the education system.

(f) *Florida School for the Deaf and the Blind.*—The Florida School for the Deaf and the Blind is a part of the state system of education.

(2) **DISTRICT SCHOOL SYSTEM.**—A district school system is a part of the state system of public education and shall consist of all schools, courses, agencies, and services under the control of a school board.

(3) **SCHOOL DISTRICT.**—A school district is a district created and existing pursuant to s. 4, Art. IX of the State Constitution.

(4) **SCHOOL DISTRICT MILLAGE ELECTION.**—A school district millage election is the election which may be held at any time for the purpose of voting the school district tax levy, except that not more than one election shall be held during any 12-month period.

(5) **SCHOOL.**—A school is an organization of pupils for instructional purposes on an elementary, secondary, or other public school level, approved under regulations of the Commissioner of Education or state board.

(6) **SCHOOL CENTER.**—A school center is a place of location of any school or schools on the same or on adjacent sites or on a site under the control of the principal and within a reasonable distance of the main center as prescribed by regulations of the Commissioner of Education.

(7) **SCHOOL PLANT.**—A school plant includes all physical features incident to or necessary to accommodate pupils and teachers and the activities of the educational program of each school center. It includes site, playgrounds and equipment, athletic field, the school building or buildings with all their mechanical and educational equipment, gymnasiums, vocational buildings, bus sheds, teachers' homes, and other equipment wherever located necessary to provide an adequate school program.

(8) **SCHOOL OFFICERS.**—The officers of the state system of public education shall be the Commissioner of Education and the members of the State Board of Education; and, for each district school system, the officers shall be the superintendent of schools and members of the school board.

(9) **INSTRUCTIONAL PERSONNEL.**—"Instructional personnel" means any staff member whose function includes the provision of direct instructional services to students. Instructional personnel also includes personnel whose functions provide direct support in the learning process of students. Included in the classification of instructional personnel are:

(a) *Classroom teachers.*—Classroom teachers are staff members assigned the professional activity of instructing students in courses in classroom situations, including basic instruction, exceptional student education, and vocational-technical and adult education, including substitute teachers.

(b) *Pupil personnel services.*—Pupil personnel services include staff members responsible for: advising students with regard to their abilities and aptitudes, educational and occupational opportunities, and personal and social adjustments; providing placement services; performing educational evaluations; and similar functions. Included in this classification are guidance counselors, social workers, occupational/placement specialists, and school psychologists.

(c) *Librarians/media specialists.*—Librarians/media specialists are staff members responsible for providing school library media services. These employees are responsible for evaluating, selecting, organizing, and managing media and technology resources, equipment, and related systems; facilitating access to information resources beyond the school; working with teachers to make resources available in the instructional programs; assisting teachers and students in media productions; and instructing students in the location and use of information resources.

(d) *Other instructional staff.*—Other instructional staff are staff members who are part of the instructional staff but are not classified in one of the categories specified in paragraphs (a)-(c). Included in this classification are primary specialists, learning resource specialists, instructional trainers, and similar positions.

(e) *Instructional paraprofessionals.*—Instructional paraprofessionals are individuals who are under the direct supervision of an instructional staff member, aiding the instructional process. Included in this classification are classroom paraprofessionals in regular instruction, exceptional education paraprofessionals, career education paraprofessionals, adult education paraprofessionals, library paraprofessionals, physical education and playground paraprofessionals, and other school-level paraprofessionals.

(10) **ADMINISTRATIVE PERSONNEL.**—“Administrative personnel” includes personnel who perform management activities such as developing broad policies for the school district and executing those policies through the direction of personnel at all levels within the district. Administrative personnel are generally high-level, responsible personnel who have been assigned the responsibilities of systemwide or schoolwide

functions, such as superintendents, assistant superintendents, deputy superintendents, principals, assistant principals, vocational center directors, and others who perform management activities. Broad classifications of administrative personnel are as follows:

(a) *District-based instructional administrators.*—Included in this classification are persons with district-level administrative or policymaking duties who have broad authority for management policies and general school district operations related to the instructional program. Such personnel often report directly to the superintendent and supervise other administrative employees. This classification includes assistant, associate, or deputy superintendents and directors of major instructional areas, such as curriculum, federal programs such as Title I, specialized instructional program areas such as exceptional student education, career education, and similar areas.

(b) *District-based noninstructional administrators.*—Included in this classification are persons with district-level administrative or policymaking duties who have broad authority for management policies and general school district operations related to the noninstructional program. Such personnel often report directly to the superintendent and supervise other administrative employees. This classification includes assistant, associate, or deputy superintendents and directors of major noninstructional areas, such as personnel, construction, facilities, transportation, data processing, and finance.

(c) *School administrators.*—Included in this classification are:

1. Principals or school directors who are staff members performing the assigned activities as the administrative head of a school and to whom have been delegated responsibility for the coordination and administrative direction of the instructional and noninstructional activities of the school. This classification also includes vocational center directors.

2. Assistant principals who are staff members assisting the administrative head of the school. This classification also includes assistant principals for curriculum and administration.

(11) **PARENT AND SCHOOL PATRON.**—The terms “parent” and “school patron” shall be interpreted to refer to either or both parents, to any guardian, or to any person who is in a parental relationship to a child or who is exercising supervisory authority in place of a parent over a child of public school age.

(12) **SCHOOL GRADE.**—A school grade is one of the divisions or sections of the public school

program which represents the work of a school year.

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

(14) **SCHOOL HOLIDAY.**—A school holiday is a legal or other prescribed holiday falling on a regular school day during which schools are authorized in accordance with regulations of the state board not to be in session.

(15) **SCHOOL VACATION PERIOD.**—That period of the school year beginning on or before December 24 and continuing for a period of time to be fixed by the school board, which shall include January 1, shall be set apart as a vacation period, and during that time schools shall not be in session; and that time shall not be considered a part of the school month. Any period when schools are not in session between the end of one school year and the beginning of the next school year shall also be considered a school vacation period.

(16) **SCHOOL YEAR.**—The school year shall comprise the period during which the schools are regularly in session for the minimum number of 180 days of instruction or the equivalent on an hourly basis for pupils as specified by regulations of the state board for pupils plus periods for preschool and postschool conferences as approved under regulations of the state board. A district school board may decrease the minimum number of days of instruction by up to 4 days for 12th grade pupils for purposes of graduation without proportionate reduction in funding.

(17) **SCHOOL FISCAL YEAR.**—The school fiscal year shall begin on July 1 and shall end at the close of June 30 in each and every year.

(18) **EXCEPTIONAL STUDENT.**—The term "exceptional student" means any child or youth who has been determined eligible for a special program in accordance with rules of the Commissioner of

Education or the State Board of Education. The term "exceptional students" includes students who are gifted and students with disabilities who are mentally handicapped, speech and language impaired, deaf or hard of hearing, visually impaired, dual sensory impaired, physically impaired, emotionally handicapped, specific learning disabled, hospital and homebound, autistic, developmentally delayed children, ages birth through 5 years, or children with established conditions, ages birth through 2 years.

(19) **SPECIAL EDUCATION SERVICES.**—The term "special education services" means instruction and such related services as are necessary for the student to benefit from education. Such services may include: transportation; diagnostic and evaluation services; social services; physical and occupational therapy; job placement; orientation and mobility training; braillists, typists, and readers for the blind; interpreters and auditory amplification; rehabilitation counseling; transition services; mental health services; guidance and career counseling; specified materials, assistive technology devices, and other specialized equipment; and other such services as approved by regulations of the state board.

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

(21) **COMMUNITY COLLEGE DISTRICT.**—A community college district is a part of the state system of public education. It shall consist of such centers, courses, and services as are authorized by the State Board of Education under control of the district board of trustees.

(22) **CAREER EDUCATION.**—"Career education" is vocational education that provides instruction for the following purposes:

(a) At the elementary, middle, and secondary school levels, exploratory courses designed to give students initial exposure to a broad range of occupations to assist them in preparing their academic and occupational plans, and practical

arts courses that provide generic skills that may apply to many occupations but are not designed to prepare students for entry into a specific occupation. Vocational and career instruction provided before high school completion must be designed to enhance both vocational and academic skills through integration with academic instruction.

(b) At the secondary school level, job-preparatory instruction in the competencies that prepare students for effective entry into an occupation, including diversified cooperative education, work experience, and job-entry programs that coordinate directed study and on-the-job training.

(c) At the postsecondary education level, courses of study that provide vocational competencies needed for entry into specific occupations or for advancement within an occupation.

(23) **EDUCATION PARAPROFESSIONAL.**—An education paraprofessional is any paid person appointed by a school board to assist members of the instructional staff in carrying out their instructional or professional duties and responsibilities.

(24) **SCHOOL VOLUNTEER.**—A school volunteer is any nonpaid person who may be appointed by a school board or its designee. School volunteers may include, but may not be limited to, parents, senior citizens, students, and others who assist the teacher or other members of the school staff.

(25) **SUSPENSION.**—

(a) Suspension, also referred to as out-of-school suspension, is the temporary removal of a student from all classes of instruction on public school grounds and all other school-sponsored activities, except as authorized by the principal or the principal's designee, for a period not to exceed 10 school days and remanding of the student to the custody of the student's parent with specific homework assignments for the student to complete.

(b) In-school suspension is the temporary removal of a student from the student's regular school program and placement in an alternative program, such as that provided in s. 230.2316, under the supervision of school district personnel, for a period not to exceed 10 school days.

(26) **EXPULSION.**—Expulsion is the removal of the right and obligation of a student to attend a public school under conditions set by the school board, and for a period of time not to exceed the remainder of the term or school year and 1 additional year of attendance. Expulsions may be imposed with or without continuing educational services and shall be reported accordingly.

(27) **CORPORAL PUNISHMENT.**—Corporal punishment is the moderate use of physical force or

physical contact by a teacher or principal as may be necessary to maintain discipline or to enforce school rule. However, the term "corporal punishment" does not include the use of such reasonable force by a teacher or principal as may be necessary for self-protection or to protect other students from disruptive students.

(28) **HABITUAL TRUANT.**—A habitual truant is a student who has 15 unexcused absences within 90 calendar days with or without the knowledge or consent of the student's parent or legal guardian, is subject to compulsory school attendance under s. 232.01, and is not exempt under s. 232.06 or s. 232.09, or by meeting the criteria for any other exemption specified by law or rules of the State Board of Education. Such a student must have been the subject of the activities specified in ss. 232.17 and 232.19, without resultant successful remediation of the truancy problem before being dealt with as a child in need of services according to the provisions of chapter 984.

(29) **DROPOUT.**—A dropout is a student who meets any one or more of the following criteria:

(a) The student has voluntarily removed himself or herself from the school system before graduation for reasons that include, but are not limited to, marriage, or the student has withdrawn from school because he or she has failed the statewide student assessment test and thereby does not receive any of the certificates of completion;

(b) The student has not met the relevant attendance requirements of the school district pursuant to State Board of Education rules, or the student was expected to attend a school but did not enter as expected for unknown reasons, or the student's whereabouts are unknown;

(c) The student has withdrawn from school, but has not transferred to another public or private school or enrolled in any vocational, adult, home education, or alternative educational program;

(d) The student has withdrawn from school due to hardship, unless such withdrawal has been granted under the provisions of s. 322.091, court action, expulsion, medical reasons, or pregnancy; or

(e) The student is not eligible to attend school because of reaching the maximum age for an exceptional student program in accordance with the district's policy.

The State Board of Education may adopt rules to implement the provisions of this subsection.

(30) **ALTERNATIVE MEASURES FOR STUDENTS WITH SPECIAL NEEDS.**—Alternative measures for students with special needs are measures designed to meet the special needs of a student that cannot be met by regular school curricula, including, but not limited to, student services, parent conferences, physical examinations, remedial techniques, educational

alternatives, and properly supervised activities relating to the upkeep and maintenance of school facilities, notwithstanding the provisions of chapter 450 to the contrary.

(31) **SCHOOL DISTRICT AD VALOREM MILLAGE.**—School district millage shall be defined as provided in s. 200.001(3).

(32) **MATRICULATION FEE.**—The basic fee charged to a student for instruction provided by a public postsecondary educational institution in this state. A charge for any other purpose shall not be included within this fee.

(33) **TUITION.**—The additional fee for instruction provided by a public postsecondary educational institution in this state, which fee is charged to a non-Florida student as defined in rules of the State Board of Education, the State Board of Community Colleges, or the Board of Regents. A charge for any other purpose shall not be included within this fee.

(34) **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.

(35) **HOMELESS CHILD.**—A homeless child is one whose primary nighttime residence is in a supervised publicly or privately operated shelter for temporary accommodations or in a public or private place not designated for, or ordinarily used for, continuing human habitation.

(36) **PERFORMANCE STANDARD.**—The term "performance standard" means a measurable objective that specifies an outcome at the school level which fulfills or partially fulfills a goal.

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

(38) **EDUCATIONAL SUPPORT EMPLOYEES.**—"Educational support employees" means employees whose job functions are neither administrative nor instructional, yet whose work supports the educational process.

(a) Other professional staff or nonadministrative/noninstructional employees are staff members who perform professional job functions which are nonadministrative/noninstructional in nature and who are not otherwise classified in this section. Included in this classification are employees such as doctors, nurses, attorneys, certified public accountants, and others appropriate to the classification.

(b) Technicians are individuals whose occupations require a combination of knowledge and manual skill which can be obtained through about 2 years of post-high school education, such as is offered in many technical institutes and community colleges, or through equivalent on-the-job training.

(c) Clerical/secretarial workers are individuals whose job requires skills and training in clerical-type work, including activities such as preparing, transcribing, systematizing, or preserving written communications and reports or operating equipment performing those functions. Included in this classification are secretaries, bookkeepers, messengers, and office machine operators.

(d) Skilled crafts workers are individuals who perform jobs which require special manual skill and a thorough and comprehensive knowledge of the processes involved in the work which is acquired through on-the-job training and experience or through apprenticeship or other formal training programs. Lead workers for the various skilled crafts areas shall be included in this classification.

(e) Service workers are staff members performing a service for which there are no formal qualifications, including those responsible for: cleaning the buildings, school plants, or supporting facilities; maintenance and operation of such equipment as heating and ventilation systems; preserving the security of school property; and keeping the school plant safe for occupancy and use. Lead workers in the various service areas shall be included in this broad classification.

(39) **MANAGERS.**—"Managers" includes those staff members who perform managerial and supervisory functions while usually also performing general operations functions. Managers may be either instructional or noninstructional in their responsibility. They may direct employees' work, plan the work schedule, control the flow and distribution of work or materials, train employees, handle complaints, authorize payments, and appraise productivity and efficiency of employees. This classification includes coordinators and supervisors working under the general direction of those staff identified as district-based instructional or noninstructional administrators.

(40) **GRADUATION RATE.**—The term "graduation rate" means the percentage of students who graduate from high school within 4 years after entering 9th grade for the first time, not counting students who transfer out of the student population to enroll in another school system; students who withdraw to enroll in a private school, a home education program, or an adult education program; or deceased students. Incoming transfer students, at the time of their enrollment, are included in the

count of the class with which they are scheduled to graduate. For this rate calculation, students are counted as graduates upon receiving a standard high school diploma, as provided in s. 232.246, or a special diploma, as provided in s. 232.247. Also counted as graduates are students 19 years of age or younger who receive a general equivalency diploma, as provided in s. 229.814. The number of 9th grade students used in the calculation of a graduation rate for this state shall be students enrolling in the grade for the first time. In conjunction with calculating the graduation rate for this state, the Department of Education shall conduct a study to evaluate the impact of the rate of students who withdraw from high school to attend adult education programs and the students in exceptional student education programs. The department shall report its findings to the Legislature by February 1, 2000. The Department of Education may calculate a 5-year graduation rate using the same methodology described in this section.

(41) **HABITUAL TRUANCY RATE.**—The term “habitual truancy rate” means the annual percentage of students in membership within the age of compulsory school attendance pursuant to s. 232.01 who are classified as habitual truants as defined in subsection (28).

(42) **DROPOUT RATE.**—The term “high school dropout rate” means the annual percentage calculated by dividing the number of students in grades 9 through 12 who are classified as dropouts, pursuant to subsection (29), by the total number of students in grades 9-12 in attendance at any time during the school year. The Department of Education shall report the number of students initially classified as students who transfer to an adult education program but who do not enroll in an adult education program.

(43) **SCHOOL YEAR FOR JUVENILE JUSTICE PROGRAMS.**—For schools operating for the purpose of providing educational services to youth in Department of Juvenile Justice programs, the school year shall be comprised of 250 days of instruction distributed over 12 months. A district school board may decrease the minimum number of days of instruction by up to 10 days for teacher planning.

(44) **JUVENILE JUSTICE PROVIDER.**—“Juvenile justice provider” means the Department of Juvenile Justice or a private, public, or other governmental organization under contract with the Department of Juvenile Justice which provides treatment, care and custody, or educational programs for youth in juvenile justice intervention, detention, or commitment programs.

HIST: s. 2, ch. 19203, 1939; CGL 892(216); s. 46, ch. 23726, 1947; s. 4, ch. 29764, 1955; ss. 1, 2, ch. 57-217; ss. 1, 2, ch. 59-371; s. 1, ch. 61-288; s. 1, ch. 63-495; s. 1, ch. 63-376; s. 1, ch. 65-183; ss. 1, 2, 13, ch. 65-239; s. 1, ch. 65-506; s. 1, ch. 67-387; s. 1, ch. 67-438; ss. 1, 2, 3, ch. 68-5; ss. 1, 10, ch. 68-24; s. 1, ch. 69-171; s. 29, ch. 69-216; s. 1, ch. 69-300; s. 7, ch. 69-344; ss. 1, 17, ch. 69-402;

s. 1, ch. 70-193; s. 1, ch. 71-76; s. 1, ch. 71-95; s. 1, ch. 71-162; s. 1, ch. 71-164; s. 1, ch. 71-192; s. 1, ch. 71-193; s. 1, ch. 71-289; ss. 52, 53, ch. 71-355; s. 1, ch. 72-221; s. 25, ch. 73-345; s. 16, ch. 74-227; ss. 1, 2, ch. 74-351; s. 3, ch. 75-284; s. 2, ch. 75-306; s. 1, ch. 76-236; ss. 1, 2, ch. 77-274; s. 8, ch. 78-416; s. 12, ch. 78-423; s. 43, ch. 80-274; ss. 2, 16, ch. 80-295; s. 1, ch. 81-193; s. 1, ch. 82-138; s. 26, ch. 82-154; s. 32, ch. 83-324; s. 10, ch. 83-326; ss. 14, 23, ch. 83-327; s. 6, ch. 83-348; s. 2, ch. 84-255; s. 2, ch. 84-336; s. 2, ch. 85-109; ss. 1, 3, ch. 85-144; s. 28, ch. 86-156; s. 1, ch. 87-64; ss. 1, 50, ch. 87-329; s. 3, ch. 88-317; s. 8, ch. 88-557; s. 21, ch. 89-278; ss. 14, 23, ch. 89-298; s. 2, ch. 89-302; s. 1, ch. 89-304; s. 1, ch. 90-16; s. 1, ch. 90-49; ss. 26, 37, ch. 90-288; s. 2, ch. 91-105; s. 7, ch. 91-283; s. 32, ch. 92-136; s. 3, ch. 93-198; s. 135, ch. 94-209; ss. 27, 54, ch. 94-232; s. 1, ch. 94-303; s. 1520, ch. 95-147; s. 63, ch. 95-267; s. 1, ch. 96-269; s. 5, ch. 96-369; ss. 31, 74, 117, ch. 97-190; s. 5, ch. 97-234; s. 19, ch. 97-246; s. 9, ch. 97-307; s. 1, ch. 98-272; s. 16, ch. 98-280; s. 1, ch. 98-292; s. 41, ch. 99-284; s. 43, ch. 99-398; s. 1, ch. 2000-235.

228.051. Organization and funding of required public schools.

The public schools of the state shall provide 13 consecutive years of instruction, beginning with kindergarten, and shall also provide such instruction for exceptional children and youth in Department of Juvenile Justice programs as may be required by law. The funds for support and maintenance of such schools shall be derived from state, district, federal, or other lawful sources or combinations of sources and shall include any tuition fees charged nonresidents as provided by law. Public schools, institutions, and agencies providing this instruction shall constitute the uniform system of free public schools prescribed by Art. IX of the State Constitution.

HIST: ss. 213, 216, ch. 19355, 1939; CGL 1940 Supp. 892(32), (35); s. 2, ch. 23726, 1947; s. 9, ch. 29764, 1955; s. 3, ch. 57-252; s. 1, ch. 59-388; s. 7, ch. 65-239; s. 5, ch. 68-5; s. 1, ch. 68-12; ss. 2, 4, ch. 68-24; s. 22, ch. 69-216; s. 1, ch. 69-300; s. 1, ch. 72-221; s. 7, ch. 79-288; s. 3, ch. 80-295; s. 42, ch. 99-284.

228.053. Developmental research schools.

(1) **SHORT TITLE.**—This section may be cited as the “Sidney Martin Developmental Research School Act.”

(2) **ESTABLISHMENT.**—There is established a category of public schools to be known as developmental research schools. Each developmental research school shall provide sequential instruction and shall be affiliated with the college of education within the state university of closest geographic proximity. A developmental research school to which a charter has been issued under s. 228.056(4)(e) must be affiliated with the college of education within the state university that issued the charter, but is not subject to the requirement that the state university be of closest geographic proximity. For the purpose of state funding, Florida Agricultural and Mechanical University, Florida Atlantic University, Florida State University, the University of Florida, and other universities approved by the Board of Regents, the State Board of Education, and the Legislature are authorized to sponsor developmental research schools.