

FELLSMERE ELEMENTARY SCHOOL ADVISORY COUNCIL BYLAWS

ARTICLE I: NAME

The name of this association is: Fellsmere Elementary School. In these bylaws, the Fellsmere Elementary School Advisory Council may be referred to as "SAC".

ARTICLE II: PURPOSES

SECTION 1: The purposes of the Council are:

- a) To provide parents, teachers and the community an opportunity to actively participate in the development of educational priorities, assessment of the schools' needs and development of a School Improvement Plan (SIP).
- b) To promote the welfare of students in school, home and community.
- c) To bring into closer relation the school, home and community so that parents, teachers and community members may cooperate in a positive way for the education of students.
- d) Increase citizen awareness, input, involvement, and confidence in Fellsmere Elementary School and its Council.
- e) To act as an advisory body to the principal

ARTICLE III: BASIC POLICIES

SECTION 1: The following are basic policies of this council.

- a) The Council shall be noncommercial, nonsectarian and nonpartisan.
- b) The name of the Council or the names of any members in their official capacities shall not be used in any connection with a commercial concern or with any partisan interest or for any purpose not appropriately related to the objectives of the council.
- c) The Council shall not, directly or indirectly, participate or intervene (in any way, including the publishing or distributing of statements) in any political campaign on behalf of, or in opposition to, any candidate for public office; or devote more than an insubstantial part of its activities in attempting to influence legislation by propaganda or otherwise.
- d) The Council shall comply with the "Sunshine Laws".

ARTICLE IV: DUTIES AND OBLIGATIONS

SECTION 1: The Fellsmere School Advisory Council shall exercise the following duties and obligations:

- a) Assist in the preparation, approval and evaluation of the School Improvement Plan, and any modifications thereto. The Council shall be the sole body responsible for final decision-making regarding the School Improvement Plan (ss.229.58).
- b) Assist in the preparation of the school's annual budget. A SAC member will sit on the budget subcommittee, which is responsible for presenting to the staff and SAC.
- c) Approve all school improvement fund expenditures either through a budget process or individual expenditures as provided by regulation of the Indian River County School Board and Florida Law.
The School Advisory Council determines how the funds are spent in support of the School Improvement Plan, without Principal override.
- d) Perform all the functions of a School Advisory Council as prescribed by the regulations of the Indian River County School Board or Florida statutes. The Council shall not have any of the powers and duties preserved by law to the School Board.
- e) Recognize the Principal as the final authority for all school-based decisions except as to functions specifically provided for School Advisory Council by regulation of the Indian River County School Board or Florida Law.

ARTICLE V: MEMBERSHIP AND THEIR ELECTION

SECTION 1: Except as prescribed below, membership in this Council is by election. The constituency of the council shall be the parents/guardians of students attending Fellsmere Elementary School, employees of Fellsmere Elementary School. Members of clergy, civic organizations, community service agencies, and representatives of the business community. Members shall be representative of the ethnic, racial and economic of the community served by the Council. Schools shall maximize their efforts to include minority persons and persons of lower socioeconomic status. Any member of the constituency represented by this Council shall be eligible to serve in an appointive position.

SECTION 2: The Principal shall be a permanent member of this Council. In the event of an absence of the Principal, a designee of his choice may serve in his place.

SECTION 3: There shall be members elected to the Council from each of the following constituent groups. A majority (51%) of the members of each School Advisory Council must be persons who are not employees of the school. The Principal and the executive committee will determine the Council maximum number from each group annually.

Teacher is defined to include classroom teachers, certified student services personnel and media specialists. Support Staff means any person employed by a school who is not defined as instructional or administrative personnel pursuant to ss.228.041 and whose duties require 20 or more hours in each normal working week (ss.229.58).

- a) Teachers are requested to serve, minimum of two (2).
- b) Support Staff are requested to serve, minimum of one (1).
- c) Parents/Guardians volunteer to serve, minimum of two (2).
- d) Community-nominated by the Principal or a member, approved by the Council, minimum of one (1).
- e) Appointments – Those appointed by the Principal or School Board to comply with Florida Law.
- f) Alternates will be elected with the sole duty of serving as a replacement for a SAC member of the same peer group who is unable to execute their duties for the term of absent from a meeting. Alternates that substitute for an absent member will count towards a quorum and have full voting rights for that meeting.

SECTION 4: If a vacancy occurs, the position will be filled from within the respective constituent group that the vacancy occurs, for the remainder of the unexpired term.

- a) A vacancy occurs with resignation or absenteeism as defined as two regularly scheduled meetings missed during the school year. A written notice to the Executive Board for emergency situations may excuse the absence.
- b) Vacancies also occur when school employees or students of Council members are transferred.

ARTICLE VI: OFFICERS AND THEIR ELECTION

SECTION 1: SAC Officers shall be elected from the current SAC membership. Election to an office will automatically extend the SAC membership for the duration of the term.

SECTION 2: Officers and their election:

- a) The officers of the Council shall consist of one (1) Chair, one (1) Vice-Chair, who is elected at the first SAC meeting, as agreed upon by a consensus of the Council.
- b) Officers shall be elected annually prior to June 30.
- c) Officers shall assume their official duties on July 1 and shall serve for a term of one (1) year or until his/her successors are elected.
- d) A person shall not be eligible to serve more than two (2) consecutive terms in the same office unless agreed upon by a consensus of the Council, excluding the PTA President.

SECTION 3: Nominating Committee:

- a) There shall be a nominating committee composed of three (3) members appointed by the Chair at a regular meeting at least one month prior to the election of officers.
- b) The nominating committee shall nominate an eligible person for each office to be filled and report its nomination at the election meeting at which time additional nominations may be made from the floor.
- c) Only those persons who have consented to serve if elected shall be nominated for or elected to such office.

SECTION 4: Vacancies:

A vacancy occurring in any office shall be filled for the unexpired term by a person elected by a majority vote of the elected members of Council, notice of such election having been given. In case a vacancy occurs in the Office of Chair, the Vice- Chair shall assume the chair for the remainder of the term.

ARTICLE VII: DUTIES OF OFFICERS

SECTION 1: The Chair shall preside at all meetings of the Council and the executive committee at which he/she may be present and shall perform such other duties as may be prescribed in these bylaws or assigned to him/her by the Council. In addition, the Chair:

- a) Shall coordinate the work of the officers and committees formed by the Council to promote school improvement.
- b) Shall coordinate the SAC meeting agenda.
- c) Shall monitor SAC membership for vacancy replacement.
- d) Shall distribute the SAC minutes and agenda and perform such duties as may be delegated to him/her.
- e) Shall coordinate presentation of periodic reports, with the assistance of the school bookkeeper, of school improvement funds.

SECTION 2: The Vice-Chair/Co-Chair shall act as an aide to the Chair and shall perform the duties of the Chairman on the absence or disability of that officer.

- a) Shall record the minutes of all meetings of the Council and shall perform such duties as may be delegated to him/her.
- b) SAC minutes will be available for public inspection and kept on school premises.
- c) SAC minutes will record attendance and decisions made by the Council.

SECTION 3: All officers shall deliver to their successors all official materials prior to July 1.

ARTICLE VIII: EXECUTIVE BOARD

SECTION 1: The executive committee shall consist of the elected officers (Chair, Vice-Chair/Co-Chairs) and the Principal or the Principal's designee.

SECTION 2: The duties of the executive committee shall be to transact emergency business in the interval between council meetings, which must be later ratified by the Council by consensus.

SECTION 3: The majority of the executive committee shall constitute a quorum.

ARTICLE IX: STANDING AND SPECIAL COMMITTEES

SECTION 1: The Council may create such school improvement committees, as it may deem necessary to promote the objectives and carry on the work of the Council.

SECTION 2: The Chair of each school improvement committee shall present a plan of work to the Council for approval.

SECTION 3: Ad hoc committees may be established from time to time at the discretion of the Council.

ARTICLE X: MEETINGS

SECTION 1: Regular meetings of the Council shall be determined at the beginning of the school year for the remainder of the school year by the Council. Members are required to attend all meetings.

SECTION 2: The Council will attempt to make all decision by consensus. If consensus cannot be reached, the Chair will call a vote and the issue will be decided by a majority vote of the membership present. The Chairperson may vote on all matters. An Absent member may submit a written proxy on specific issues.

SECTION 3: A majority, 51%, of which at least two (2) of who are school representatives as listed in Article V, Section 3 and at least two (2) of whom are parent/community representatives shall constitute a quorum for the transaction of business in any meeting of this Council.

SECTION 4: Meetings will have 3-days' written advance notice in writing to all members of the Council of any matter that is scheduled to come before the Council for a vote. Email and fax correspondence will be considered written notice for council members with email capabilities.

SECTION 5: The Chair or Vice-Chair and the Principal or the Principal's designee may call special meetings with 3 days written notice having been given.

SECTION 6: All SAC meetings are open to the public and must comply with Florida "Sunshine Laws", ss.286.011.

ARTICLE XI: FISCAL YEAR

The fiscal year of the Council shall begin on July 1 and end on the following June 30, inclusive.

ARTICLE XII: AMENDMENTS

SECTION 1: These bylaws may be amended by any regular meeting of the Council by 66% vote of the members present and voting, or by proxy. Notice of the proposed amendment shall be distributed 14 days prior to the meeting which the amendment is voted upon and that the proposed amendment shall be subject to State guidelines.

SECTION 2: The amendment shall become effective upon receipt of approval from Indian River County School Board.

SECTION 3: A bylaw committee may be appointed annually to review the bylaws.

Revised 9/25/07
Barry Sesack, Principal
Ralph Autullo, SAC Chair



School District of Indian River County

"A CommUNITY Partnership Toward Educational Excellence"

School Advisory Council Handbook

*The Mission of the School District of Indian River County is
to educate and inspire all students to succeed in their
endeavors, pursuer life-long learning and be contributing
members of their community.*

School District of Indian River County
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Vero Beach, FL 32960
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Welcome to your school's School Advisory Council (SAC).

Your participation as a member of your school advisory council is one of the most important functions you will perform as a school volunteer. As a SAC member, you will be learning new information about complex issues that impact student success. This handbook is designed to clarify the responsibilities you have as a member of your school advisory council.

The role of a school advisory council is to develop, monitor, and evaluate the school improvement plan which is written or revised annually and submitted to the school board. You will inquire, evaluate, inform, suggest, and make recommendations as a SAC member to insure that your school's plan reflects the goals of the entire school community.

"Never doubt that a small group of thoughtful, committed citizens can change the world. Indeed, it's the only thing that ever has."

Margaret Mead

What is a School Advisory Council?

School advisory council, or SAC, is the name given to each school advisory council in the School District of Indian River County. Florida's 1991 *System for School Improvement and Accountability* legislation mandated that every school have a school advisory council.

Elected members of a school advisory council include teachers, educational support personnel, and parents. In high schools, students are also elected members. Business partners and community representatives are invited to be members by the principal.

SAC membership should reflect the ethnic, racial, and economic community served by the school. The majority of the SAC members should be parents and community members who are not employed at that school.

The purpose of the SAC is to assist in the development, monitoring, and evaluation of the school improvement plan. SAC members may be requested to serve in other roles related to school improvement.

The SAC:

- leads the way in creating a vision and mission for the school.
- annually develops a school improvement plan that is focused on student learning.
- centers its meetings on the planning, implementation, and evaluation of the school's plan.
- ensures there is representation from all designated groups.
- impacts curriculum design and student performance.
- uses a waiver application process for implementing school-based instructional innovations.
- has input into the preparation of the school's budget and determines the use of school improvement (lottery enhancement) funds.
- beginning in 1999-2000, addresses in the school improvement plan issues relative to budget, training, instructional materials, technology, staffing, student support services, and other matters of resource allocation, as determined by the school board.
- if at a Title I site, has input into the development of the Title I plan.
- receives printed materials and school improvement updates periodically.
- may call upon district and state resources to assist school efforts.

The SAC meets at regularly scheduled times, usually once a month. To maintain membership, members must attend meetings and attendance is recorded. School advisory councils operate under the Florida's Government in the Sunshine Law and are open to the public.

- **The Principal** is the instructional leader of the school and the facilitative leader of the team.
- **The Chairperson** is the organizational leader of the team, ensuring that SAC guidelines are followed and that members participate in the development and evaluation of the plan.
- **The Secretary** is the person responsible for taking minutes of each meeting. Those minutes must be publicly accessible. The secretary will maintain continual records of meetings and send those minutes electronically (as requested) to the school board office.
- **Members** attend meetings and communicate regularly with their respective groups.

Guidelines

The School Advisory Council in each school serves in an advisory capacity to the school principal in the preparation and evaluation of the school improvement plan required pursuant to Section 230.23(18), Florida Statutes. The principal shall receive and consider SAC advice; however, the principal remains responsible for making decisions necessary for administering and supervising the school. The principal shall promote communication among students, staff, parents, and community representatives. School advisory councils shall not assume any of the powers or duties now reserved by Florida Statute for the School Board or its administrative or instructional staff. The SAC shall be representative of teachers, parents, support service employees, students, if appropriate, and other citizens.

- The principal must serve on the team.
- The membership should reflect the school's ethnic, racial, and economic community.
- The School District of Indian River's goal is at least 51% parent and community membership on each team. These team members cannot be employed at that school.
- SAC membership must be approved by the School Board. Nominees may be revised as needed and determined by individual SAC operational guidelines.
- The SAC operates under Florida's Government in the Sunshine Law. Notice must be given of all meetings and minutes and attendance must be kept.

- Each representative group, except community members, must be elected by its peers. Election may be by consent of a group or by elected boards.
- Notice of business/community vacancies will be widely distributed prior to the principal presenting a slate of nominees for selection by the school advisory council.
- Each team should establish operational guidelines. The School Board must approve the by-laws of each SAC.
- The principal will inform the school community, including parents of upcoming students, that nominations to the SAC are invited. The invitation for nomination should clearly note the deadline, membership categories, and the process by which the vote shall be taken. Documentation of the nomination and election process will be maintained at the school as a public record.

Membership

Each principal is to facilitate an election process to determine from within the school and community those individuals willing to make a commitment to participate on the school advisory council. Team members representing teachers, educational support employees, students, and parents shall be elected by their respective peer groups. Teachers will elect teachers, parents will elect parents, educational support personnel will elect educational support personnel, and students will elect students. The principal and the SAC will select other business and community members. If these elections do not fulfill statutory requirements, the principal shall recommend additional members to provide proper representation.

Each principal submits a membership/composition report to the School Board by November 1 of each year. The list will include name, address, telephone number, peer group, employment status, ethnic/racial category, and demographic representation of the school community. The term of office of each member shall be determined by the SAC.

A vacancy in any membership category may be filled utilizing the regular election/selection process. The principal will inform the District Office in writing of any replacement members.

The principal shall determine the size of the SAC which is most functional for that particular school and which allows for all constituencies to be represented. Effective July 1, 1997, the following percentages for membership are required by Florida legislation:

Community

51% or a majority of the SAC

Parents of children at the school

(SAC members classified as "Parents" cannot be employed at the school.)

Business partners or community representatives

Students attending the school

(high school level-required; middle-optional; elementary-not required)

School Board Employed

49% or less

Teachers

Administrators or professional/technical staff

Educational support employees

The configuration of the team must also reflect the school's ethnic, racial, and economic community. It is recommended that the school's student demographic statistics be used to determine representation of these constituencies.

District Office or School Board personnel serving as resource or liaison assistants are non-voting members of school advisory council. As such, they are not included in the above percentages or representation requirements.

Responsibilities

The School Advisory Council shall:

1. perform such functions as may be prescribed by the School Board;
2. assist in the preparation, implementation, and evaluation of the school improvement plan required by Florida Statutes;
3. review the results of an annual needs assessments conducted by the school administration;
4. monitor students' progress and the school's progress in attaining goals;
5. define adequate progress for each school goal and the entire school improvement plan, and obtain public input when defining adequate progress for school goals and revising the plan;
6. promote communication among students, staff, parents, administration, and the community;
7. provide input for the school's annual budget and determine the use of school improvement funds;
8. beginning in 1999-2000, address in the school improvement plan issues relative to budget, training, instructional materials, technology, staffing, student support services, and other matters of resource allocation as determined by the school board.
9. make recommendations on the waiver of Florida Statutes or State Board of Education Rules, local school board rule, or local contract language which will allow school personnel to establish innovative educational practices and methods; and
10. serve as a resource for the principal and perform such other functions as are requested by the principal.

Operational Procedures

Each school advisory council shall develop practical and functional procedures appropriate to the local SAC, but not limited to the following issues:

1. Selection of Chairperson, Co-Chairperson, Recording Secretary
2. Notice of meetings: The school shall provide public notice (e.g., school marquees, newsletters, notes to parents, posted notes, media releases) of the meeting time, place, and

agenda. FL Statute requires at least 3-days' advance notice in writing to all members of the advisory council of any matter that is scheduled to come before the council for a vote.

3. Voting procedures, such as the option to use consensus, voice vote, written ballot, or roll call vote.
4. Attendance requirements for SAC membership and a process for replacement of members. Effective July 2002, FL Statute requires replacing any member who has two unexcused consecutive absences from a school advisory council meeting that is noticed according to the procedures in the bylaws.
5. Quorum requirements. FL Statute requires a quorum to be present before a vote may be taken. Effective July 2002 in FL Statute, a majority of the membership of the council constitutes a quorum.

Each school advisory council shall maintain minutes and an attendance roster of its meetings, which shall be subject to public review. The minutes shall include copies of meeting notices. By FL Statute, the district school board shall review and approve all SAC bylaws and shall maintain a record of minutes of council meetings.

Each SAC shall meet as often as is necessary to perform its duties. All SAC activities, including subcommittee meetings, are subject to the Government in the Sunshine Law, section 286.001, Florida Statutes, and the voting conflicts provisions in section 112.3143, Florida Statutes.

Effective Meetings

[Suggested Practices]

Before

- Mail meeting notice, which includes agenda whenever possible, 10 days to two weeks prior to the meeting. Include RSVP with telephone numbers.
- Call members a day before the meeting as a reminder. A three-day notice in writing is required in advance of any item to come before members for a vote.
- Take into account varying work schedules when setting meeting times. Consider rotation of meeting dates and times.

During

- Members sign in at each meeting. A roster of attendance must be kept.
- Minutes must be taken.
- Limited time for public input can be provided. Only members can vote on action taken.

After

- Minutes of the meeting may be sent with the notice of the next meeting or handed out at the next meeting.
- Minutes should reflect members present and/or absent, and action taken.
- Minutes should be kept at the school for public reference. SAC activities and actions should be regularly shared with the school community.

[EXCERPT--HANDBOOK SECTION 3]

GUIDELINES FOR EXPENDITURE OF SCHOOL IMPROVEMENT FUNDS

SOURCE: Florida Department of Education Policy Manual

Section: 9.1 Acquisition of Goods and Services

Policy:

Acquisitions of all goods and services are made in accordance with state law (Chapters 283 and 287, Florida Statutes), Rules of the Division of Purchasing (Chapter 13A-1, Florida Administrative Code), and Department policies and procedures contained in this Manual. Advance approval is required for all acquisitions except as provided by specific policy.

Goods and services may be obtained through issuance of

- a purchase order,
- a contract, or
- an agreement for services.

Expenditures from state funds for **the following items are prohibited** unless specifically provided by law:

- congratulatory telegrams
- flowers or telegraphic condolences
- plaques for outstanding service
- entertainment for visiting dignitaries
- refreshments such as coffee and doughnuts
- decorative items (plants, pictures, etc.)

[SCHOOL DISTRICT OF INDIAN RIVER COUNTY/**School Advisory Council Handbook**]

Title XLVIII, K-20 EDUCATION CODE

1001.452 District and school advisory councils.--

(1) ESTABLISHMENT.--

(a) The district school board shall establish an advisory council for each school in the district and shall develop procedures for the election and appointment of advisory council members. Each school advisory council shall include in its name the words "school advisory council." The school advisory council shall be the sole body responsible for final decision-making at the school relating to implementation of the provisions of ss. 1001.42(16) and 1008.345. A majority of the members of each school advisory council must be persons who are not employed by the school. Each advisory council shall be composed of the principal and an appropriately balanced number of teachers, education support employees, students, parents, and other business and community citizens who are representative of the ethnic, racial, and economic community served by the school. Career center and high school advisory councils shall include students, and middle and junior high school advisory councils may include students. School advisory councils of career centers and adult education centers are not required to include parents as members. Council members representing teachers, education support employees, students, and parents shall be elected by their respective peer groups at the school in a fair and equitable manner as follows:

1. Teachers shall be elected by teachers.
2. Education support employees shall be elected by education support employees.
3. Students shall be elected by students.
4. Parents shall be elected by parents.

The district school board shall establish procedures for use by schools in selecting business and community members that include means of ensuring wide notice of vacancies and of taking input on possible members from local business, chambers of commerce, community and civic organizations and groups, and the public at large. The district school board shall review the membership composition of each advisory council. If the district school board determines that the membership elected by the school is not representative of the ethnic, racial, and economic community served by the school, the district school board shall appoint additional members to achieve proper representation. The commissioner shall determine if schools have maximized their efforts to include on their advisory councils minority persons and persons of lower socioeconomic status. Although schools are strongly encouraged to establish school advisory councils, the district school board of any school district that has a student population of 10,000 or fewer may establish a district advisory council which shall include at least one duly elected teacher from each school in the district. For the purposes of school advisory councils and district advisory councils, the term "teacher" shall include classroom teachers, certified student services personnel, and media specialists. For purposes of this paragraph, "education support employee" means any person employed by a school who is not defined as instructional or administrative personnel pursuant to s. 1012.01 and whose duties require 20 or more hours in each normal working week.

(b) The district school board may establish a district advisory council representative of the district and composed of teachers, students, parents, and other citizens or a district advisory council that may be comprised of representatives of each school advisory council. Recognized schoolwide support groups that meet all criteria established by law or rule may function as school advisory councils.

(c) For those schools operating for the purpose of providing educational services to youth in Department of Juvenile Justice programs, district school boards may establish a district advisory council with appropriate representatives for the purpose of developing and monitoring a district school improvement plan that encompasses all such schools in the district, pursuant to s. 1001.42(16)(a).

(d) Each school advisory council shall adopt bylaws establishing procedures for:

1. Requiring a quorum to be present before a vote may be taken by the school advisory council. A majority of the membership of the council constitutes a quorum.

2. Requiring at least 3 days' advance notice in writing to all members of the advisory council of any matter that is scheduled to come before the council for a vote.

3. Scheduling meetings when parents, students, teachers, businesspersons, and members of the community can attend.

4. Replacing any member who has two unexcused consecutive absences from a school advisory council meeting that is noticed according to the procedures in the bylaws.

5. Recording minutes of meetings.

The district school board may review all proposed bylaws of a school advisory council and shall maintain a record of minutes of council meetings.

(2) DUTIES.--Each advisory council shall perform such functions as are prescribed by regulations of the district school board; however, no advisory council shall have any of the powers and duties now reserved by law to the district school board. Each school advisory council shall assist in the preparation and evaluation of the school improvement plan required pursuant to s. 1001.42(16). With technical assistance from the Department of Education, each school advisory council shall assist in the preparation of the school's annual budget and plan as required by s. 1008.385(1). A portion of funds provided in the annual General Appropriations Act for use by school advisory councils must be used for implementing the school improvement plan.

Title XLVIII, K-20 EDUCATION CODE

1008.33 Authority to enforce public school improvement.--It is the intent of the Legislature that all public schools be held accountable for students performing at acceptable levels. A system of school improvement and accountability that assesses student performance by school, identifies schools in which students are not making adequate progress toward state standards, institutes appropriate measures for enforcing improvement, and provides rewards and sanctions based on performance shall be the responsibility of the State Board of Education.

(1) Pursuant to Art. IX of the State Constitution prescribing the duty of the State Board of Education to supervise Florida's public school system and notwithstanding any other statutory provisions to the contrary, the State Board of Education shall intervene in the operation of a district school system when one or more schools in the school district have failed to make adequate progress for 2 school years in a 4-year period. For purposes of determining when a school is eligible for state board action and opportunity scholarships for its students, the terms "2 years in any 4-year period" and "2 years in a 4-year period" mean that in any year that a school has a grade of "F," the school is eligible for state board action and opportunity scholarships for its students if it also has had a grade of "F" in any of the previous 3 school years. The State Board of Education may determine that the school district or school has not taken steps sufficient for students in the school to be academically well served. Considering recommendations of the Commissioner of Education, the State Board of Education shall recommend action to a district school board intended to improve educational services to students in each school that is designated as performance grade category "F." Recommendations for actions to be taken in the school district shall be made only after thorough consideration of the unique characteristics of a school, which shall include student mobility rates, the number and type of exceptional students enrolled in the school, and the availability of options for improved educational services. The state board shall adopt by rule steps to follow in this process. Such steps shall provide school districts sufficient time to improve student performance in schools and the opportunity to present evidence of assistance and interventions that the district school board has implemented.

(2) The State Board of Education may recommend one or more of the following actions to district school boards to enable students in schools designated as performance grade category "F" to be academically well served by the public school system:

- (a) Provide additional resources, change certain practices, and provide additional assistance if the state board determines the causes of inadequate progress to be related to school district policy or practice;
- (b) Implement a plan that satisfactorily resolves the education equity problems in the school;
- (c) Contract for the educational services of the school, or reorganize the school at the end of the school year under a new school principal who is authorized to hire new staff and implement a plan that addresses the causes of inadequate progress;
- (d) Allow parents of students in the school to send their children to another district school of their choice; or

(e) Other action appropriate to improve the school's performance.

(3) In recommending actions to district school boards, the State Board of Education shall specify the length of time available to implement the recommended action. The State Board of Education may adopt rules to further specify how it may respond in specific circumstances. No action taken by the State Board of Education shall relieve a school from state accountability requirements.

(4) The State Board of Education may require the Department of Education or Chief Financial Officer to withhold any transfer of state funds to the school district if, within the timeframe specified in state board action, the school district has failed to comply with the action ordered to improve the district's low-performing schools. Withholding the transfer of funds shall occur only after all other recommended actions for school improvement have failed to improve performance. The State Board of Education may impose the same penalty on any district school board that fails to develop and implement a plan for assistance and intervention for low-performing schools as specified in s. 1001.42(16)(c).

Title XLVIII, K-20 EDUCATION CODE

1008.34 School grading system; district performance grade.--

(1) ANNUAL REPORTS.--The Commissioner of Education shall prepare annual reports of the results of the statewide assessment program which describe student achievement in the state, each district, and each school. The commissioner shall prescribe the design and content of these reports, which must include, without limitation, descriptions of the performance of all schools participating in the assessment program and all of their major student populations as determined by the Commissioner of Education, and must also include the median scores of all eligible students who scored at or in the lowest 25th percentile of the state in the previous school year; provided, however, that the provisions of s. 1002.22 pertaining to student records apply to this section.

(2) SCHOOL PERFORMANCE GRADE CATEGORIES.--The annual report shall identify schools as being in one of the following grade categories defined according to rules of the State Board of Education:

- (a) "A," schools making excellent progress.
- (b) "B," schools making above average progress.
- (c) "C," schools making satisfactory progress.
- (d) "D," schools making less than satisfactory progress.
- (e) "F," schools failing to make adequate progress.

Each school designated in performance grade category "A," making excellent progress, or having improved at least two performance grade categories, shall have greater authority over the allocation of the school's total budget generated from the FEFP, state categoricals, lottery funds, grants, and local funds, as specified in state board rule. The rule must provide that the increased budget authority shall remain in effect until the school's performance grade declines.

(3) DESIGNATION OF SCHOOL PERFORMANCE GRADE CATEGORIES.--School performance grade category designations itemized in subsection (2) shall be based on the following:

(a) *Timeframes*.--

1. School performance grade category designations shall be based on the school's current year performance and the school's annual learning gains.

2. A school's performance grade category designation shall be based on a combination of student achievement scores, student learning gains as measured by annual FCAT assessments in grades 3 through 10, and improvement of the lowest 25th percentile of students in the school in reading, math, or writing on the FCAT, unless these students are performing above satisfactory performance.

(b) *Student assessment data.*--Student assessment data used in determining school performance grade categories shall include:

1. The aggregate scores of all eligible students enrolled in the school who have been assessed on the FCAT.
2. The aggregate scores of all eligible students enrolled in the school who have been assessed on the FCAT, including Florida Writes, and who have scored at or in the lowest 25th percentile of students in the school in reading, math, or writing, unless these students are performing above satisfactory performance.

The Department of Education shall study the effects of mobility on the performance of highly mobile students and recommend programs to improve the performance of such students. The State Board of Education shall adopt appropriate criteria for each school performance grade category. The criteria must also give added weight to student achievement in reading. Schools designated as performance grade category "C," making satisfactory progress, shall be required to demonstrate that adequate progress has been made by students in the school who are in the lowest 25th percentile in reading, math, or writing on the FCAT, including Florida Writes, unless these students are performing above satisfactory performance.

(4) **SCHOOL IMPROVEMENT RATINGS.**--The annual report shall identify each school's performance as having improved, remained the same, or declined. This school improvement rating shall be based on a comparison of the current year's and previous year's student and school performance data. Schools that improve at least one performance grade category are eligible for school recognition awards pursuant to s. 1008.36.

(5) **SCHOOL PERFORMANCE GRADE CATEGORY AND IMPROVEMENT RATING REPORTS.**--School performance grade category designations and improvement ratings shall apply to each school's performance for the year in which performance is measured. Each school's designation and rating shall be published annually by the Department of Education and the school district. Parents shall be entitled to an easy-to-read report card about the designation and rating of the school in which their child is enrolled.

(6) **RULES.**--The State Board of Education shall adopt rules pursuant to ss. 120.536(1) and 120.54 to implement the provisions of this section.

(7) **PERFORMANCE-BASED FUNDING.**--The Legislature may factor in the performance of schools in calculating any performance-based funding policy that is provided for annually in the General Appropriations Act.

(8) **DISTRICT PERFORMANCE GRADE.**--The annual report required by subsection (1) shall include district performance grades, which shall consist of weighted district average grades, by level, for all elementary schools, middle schools, and high schools in the district. A district's weighted average grade shall be calculated by weighting individual school grades determined pursuant to subsection (2) by school enrollment.

Title XLVIII, K-20 EDUCATION CODE

1008.345 Implementation of state system of school improvement and education accountability.--

(1) The Commissioner of Education is responsible for implementing and maintaining a system of intensive school improvement and stringent education accountability, which shall include policies and programs to implement the following:

(a) A system of data collection and analysis that will improve information about the educational success of individual students and schools, including schools operating for the purpose of providing educational services to youth in Department of Juvenile Justice programs. The information and analyses must be capable of identifying educational programs or activities in need of improvement, and reports prepared pursuant to this paragraph shall be distributed to the appropriate district school boards prior to distribution to the general public. This provision shall not preclude access to public records as provided in chapter 119.

(b) A program of school improvement that will analyze information to identify schools, including schools operating for the purpose of providing educational services to youth in Department of Juvenile Justice programs, educational programs, or educational activities in need of improvement.

(c) A method of delivering services to assist school districts and schools to improve, including schools operating for the purpose of providing educational services to youth in Department of Juvenile Justice programs.

(d) A method of coordinating with the state educational goals and school improvement plans any other state program that creates incentives for school improvement.

(2) The commissioner shall be held responsible for the implementation and maintenance of the system of school improvement and education accountability outlined in this section. There shall be an annual determination of whether adequate progress is being made toward implementing and maintaining a system of school improvement and education accountability.

(3) The annual feedback report shall be developed by the Department of Education.

(4) The commissioner shall review each district school board's feedback report and submit findings to the State Board of Education. If adequate progress is not being made toward implementing and maintaining a system of school improvement and education accountability, the State Board of Education shall direct the commissioner to prepare and implement a corrective action plan. The commissioner and State Board of Education shall monitor the development and implementation of the corrective action plan.

(5) The commissioner shall report to the Legislature and recommend changes in state policy necessary to foster school improvement and education accountability. Included in the report shall be a list of the schools, including schools operating for the purpose of providing educational services to youth in Department of Juvenile Justice programs, for which district school boards have developed assistance and

intervention plans and an analysis of the various strategies used by the school boards. School reports shall be distributed pursuant to this subsection and s. 1001.42(16)(e) and according to rules adopted by the State Board of Education.

(6)(a) The Department of Education shall implement a training program to develop among state and district educators a cadre of facilitators of school improvement. These facilitators shall assist schools and districts to conduct needs assessments and develop and implement school improvement plans to meet state goals.

(b) Upon request, the department shall provide technical assistance and training to any school, including any school operating for the purpose of providing educational services to youth in Department of Juvenile Justice programs, school advisory council, district, or district school board for conducting needs assessments, developing and implementing school improvement plans, developing and implementing assistance and intervention plans, or implementing other components of school improvement and accountability. Priority for these services shall be given to schools designated as performance grade category "D" or "F" and school districts in rural and sparsely populated areas of the state.

(c) Pursuant to s. 24.121(5)(d), the department shall not release funds from the Educational Enhancement Trust Fund to any district in which a school, including schools operating for the purpose of providing educational services to youth in Department of Juvenile Justice programs, does not have an approved school improvement plan, pursuant to s. 1001.42(16), after 1 full school year of planning and development, or does not comply with school advisory council membership composition requirements pursuant to s. 1001.452. The department shall send a technical assistance team to each school without an approved plan to develop such school improvement plan or to each school without appropriate school advisory council membership composition to develop a strategy for corrective action. The department shall release the funds upon approval of the plan or upon establishment of a plan of corrective action. Notice shall be given to the public of the department's intervention and shall identify each school without a plan or without appropriate school advisory council membership composition.

(d) The department shall assign a community assessment team to each school district with a school designated as performance grade category "D" or "F" to review the school performance data and determine causes for the low performance. The team shall make recommendations to the school board, to the department, and to the State Board of Education for implementing an assistance and intervention plan that will address the causes of the school's low performance. The assessment team shall include, but not be limited to, a department representative, parents, business representatives, educators, and community activists, and shall represent the demographics of the community from which they are appointed.

(7)(a) Schools designated in performance grade category "A," making excellent progress, shall, if requested by the school, be given deregulated status as specified in s. 1003.63(5), (7), (8), (9), and (10).

(b) Schools that have improved at least two performance grade categories and that meet the criteria of the Florida School Recognition Program pursuant to s. 1008.36 may be given deregulated status as specified in s. 1003.63(5), (7), (8), (9), and (10).

(8) As a part of the system of educational accountability, the Department of Education shall:

(a) Develop minimum performance standards for various grades and subject areas, as required in ss. 1001.03, 1008.22, and 1008.34.

(b) Administer the statewide assessment testing program created by s. 1008.22.

(c) Review the school advisory councils of each district as required by s. 1001.452.

(d) Conduct the program evaluations required by s. 1001.03.

(e) Maintain a listing of college-level communication and mathematics skills defined by the State Board of Education as being associated with successful student performance through the baccalaureate level and submit the same to the State Board of Education for approval.

(f) Maintain a listing of tests and other assessment procedures which measure and diagnose student achievement of college-level communication and computation skills and submit the same to the State Board of Education for approval.

(g) Maintain for the information of the State Board of Education and the Legislature a file of data to reflect achievement of college-level communication and mathematics competencies by students in state universities and community colleges.

(h) Develop or contract for, and submit to the State Board of Education for approval, tests which measure and diagnose student achievement of college-level communication and mathematics skills. Any tests and related documents developed are exempt from the provisions of s. 119.07(1). The commissioner shall maintain statewide responsibility for the administration of such tests and may assign administrative responsibilities for the tests to any state university or community college. The state board, upon recommendation of the commissioner, may enter into contracts for such services beginning in one fiscal year and continuing into the next year which are paid from the appropriation for either or both fiscal years.

(i) Perform any other functions that may be involved in educational planning, research, and evaluation or that may be required by the commissioner, the State Board of Education, or law.

Title XLVIII, K-20 EDUCATION CODE

1001.42 Powers and duties of district school board.--

(13) **ENFORCEMENT OF LAW AND RULES.**--Require that all laws and rules of the State Board of Education or of the district school board are properly enforced.

(16) **IMPLEMENT SCHOOL IMPROVEMENT AND ACCOUNTABILITY.**--Maintain a system of school improvement and education accountability as provided by statute and State Board of Education rule. This system of school improvement and education accountability shall be consistent with, and implemented through, the district's continuing system of planning and budgeting required by this section and ss. 1008.385, 1010.01, and 1011.01. This system of school improvement and education accountability shall include, but is not limited to, the following:

(a) *School improvement plans.*--Annually approve and require implementation of a new, amended, or continuation school improvement plan for each school in the district, except that a district school board may establish a district school improvement plan that includes all schools in the district operating for the purpose of providing educational services to youth in Department of Juvenile Justice programs. Such plan shall be designed to achieve the state education priorities pursuant to s. 1000.03(5) and student performance standards. In addition, any school required to implement a rigorous reading requirement pursuant to s. 1003.415 must include such component in its school improvement plan. Each plan shall also address issues relative to budget, training, instructional materials, technology, staffing, student support services, specific school safety and discipline strategies, student health and fitness, including physical fitness, parental information on student health and fitness, and indoor environmental air quality, and other matters of resource allocation, as determined by district school board policy, and shall be based on an analysis of student achievement and other school performance data.

(b) *Approval process.*--Develop a process for approval of a school improvement plan presented by an individual school and its advisory council. In the event a district school board does not approve a school improvement plan after exhausting this process, the Department of Education shall be notified of the need for assistance.

(c) *Assistance and intervention.*--

1. Develop a 2-year plan of increasing individualized assistance and intervention for each school in danger of not meeting state standards or making adequate progress, as defined pursuant to statute and State Board of Education rule, toward meeting the goals and standards of its approved school improvement plan.

2. Provide assistance and intervention to a school that is identified as being in performance grade category "D" pursuant to s. 1008.34 and is in danger of failing.

3. Develop a plan to encourage teachers with demonstrated mastery in improving student performance to remain at or transfer to a school designated as performance grade category "D" or "F" or to an alternative school that serves disruptive or violent youths. If a classroom teacher, as defined by s. 1012.01(2)(a), who meets the definition of teaching mastery developed according to the provisions of this paragraph, requests assignment to a school designated as performance grade category "D" or "F" or to an alternative school that serves disruptive or violent

youths, the district school board shall make every practical effort to grant the request.

4. Prioritize, to the extent possible, the expenditures of funds received from the supplemental academic instruction categorical fund under s. 1011.62(1)(f) to improve student performance in schools that receive a performance grade category designation of "D" or "F."

(d) *After 2 years.*--Notify the Commissioner of Education and the State Board of Education in the event any school does not make adequate progress toward meeting the goals and standards of a school improvement plan by the end of 2 years of failing to make adequate progress and proceed according to guidelines developed pursuant to statute and State Board of Education rule. School districts shall provide intervention and assistance to schools in danger of being designated as performance grade category "F," failing to make adequate progress.

(e) *Public disclosure.*--Provide information regarding performance of students and educational programs as required pursuant to ss. 1008.22 and 1008.385 and implement a system of school reports as required by statute and State Board of Education rule that shall include schools operating for the purpose of providing educational services to youth in Department of Juvenile Justice programs, and for those schools, report on the elements specified in s. 1003.52(19). Annual public disclosure reports shall be in an easy-to-read report card format and shall include the school's student and school performance grade category designation and performance data as specified in state board rule.

(f) *School improvement funds.*--Provide funds to schools for developing and implementing school improvement plans. Such funds shall include those funds appropriated for the purpose of school improvement pursuant to s. 24.121(5)(c).

(17) LOCAL-LEVEL DECISIONMAKING.--

(a) Adopt policies that clearly encourage and enhance maximum decisionmaking appropriate to the school site. Such policies must include guidelines for schools in the adoption and purchase of district and school site instructional materials and technology, the implementation of student health and fitness standards, staff training, school advisory council member training, student support services, budgeting, and the allocation of staff resources.

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

(c) Develop policies for periodically monitoring the membership composition of school advisory councils to ensure compliance with requirements established in s. 1001.452.

(d) Adopt policies that assist in giving greater autonomy, including authority over the allocation of the school's budget, to schools designated as performance grade category "A," making excellent progress, and schools rated as having improved at least two performance grade categories.

Title XLVIII, K-20 EDUCATION CODE

1008.36 Florida School Recognition Program.--

(1) The Legislature finds that there is a need for a performance incentive program for outstanding faculty and staff in highly productive schools. The Legislature further finds that performance-based incentives are commonplace in the private sector and should be infused into the public sector as a reward for productivity.

(2) The Florida School Recognition Program is created to provide financial awards to public schools that:

(a) Sustain high performance by receiving a school grade of "A," making excellent progress; or

(b) Demonstrate exemplary improvement due to innovation and effort by improving a letter grade.

(3) All public schools, including charter schools, that receive a school grade pursuant to s. 1008.34 are eligible to participate in the program.

(4) All selected schools shall receive financial awards depending on the availability of funds appropriated and the number and size of schools selected to receive an award. Funds must be distributed to the school's fiscal agent and placed in the school's account and must be used for purposes listed in subsection (5) as determined jointly by the school's staff and school advisory council. If school staff and the school advisory council cannot reach agreement by November 1, the awards must be equally distributed to all classroom teachers currently teaching in the school.

(5) School recognition awards must be used for the following:

(a) Nonrecurring bonuses to the faculty and staff;

(b) Nonrecurring expenditures for educational equipment or materials to assist in maintaining and improving student performance; or

(c) Temporary personnel for the school to assist in maintaining and improving student performance.

Notwithstanding statutory provisions to the contrary, incentive awards are not subject to collective bargaining.

Title IV, EXECUTIVE BRANCH

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

(5) (c) A portion of such net revenues, as determined annually by the Legislature, shall be distributed to each school district and shall be made available to each public school in the district for enhancing school performance through development and implementation of a school improvement plan pursuant to s. 1001.42(16). A portion of these moneys, as determined annually in the General Appropriations Act, must be allocated to each school in an equal amount for each student enrolled. These moneys may be expended only on programs or projects selected by the school advisory council or by a parent advisory committee created pursuant to this paragraph. If a school does not have a school advisory council, the district advisory council must appoint a parent advisory committee composed of parents of students enrolled in that school, which committee is representative of the ethnic, racial, and economic community served by the school, to advise the school's principal on the programs or projects to be funded. Neither school district staff nor principals may override the recommendations of the school advisory council or the parent advisory committee. These moneys may not be used for capital improvements, nor may they be used for any project or program that has a duration of more than 1 year; however, a school advisory council or parent advisory committee may independently determine that a program or project formerly funded under this paragraph should receive funds in a subsequent year.

(d) No funds shall be released for any purpose from the Educational Enhancement Trust Fund to any school district in which one or more schools do not have an approved school improvement plan pursuant to s. 1001.42(16) or do not comply with school advisory council membership composition requirements pursuant to s. 1001.452(1). The Commissioner of Education shall withhold disbursements from the trust fund to any school district that fails to adopt the performance-based salary schedule required by s. 1012.22(1).

(e) All components of the Florida Bright Futures Scholarship Program shall be funded annually from the Educational Enhancement Trust Fund. Funds shall be allocated to this program prior to application of the formula for equitable distribution to public schools, community colleges, and state universities. If shortages require reductions in estimated distributions from the Educational Enhancement Trust Fund, funds for the Florida Bright Futures Scholarship Program shall be reduced only after reductions in all other distributions are made.

(f) Each school district shall, on a quarterly basis, make available to the public and distribute, in an easy to understand format, the expenditures of lottery funds allocated to the school district.

Title XIX, PUBLIC BUSINESS, 286.011 "Sunshine Law"

286.011 Public meetings and records; public inspection; criminal and civil penalties.--

(1) All meetings of any board or commission of any state agency or authority or of any agency or authority of any county, municipal corporation, or political subdivision, except as otherwise provided in the Constitution, at which official acts are to be taken are declared to be public meetings open to the public at all times, and no resolution, rule, or formal action shall be considered binding except as taken or made at such meeting. The board or commission must provide reasonable notice of all such meetings.

(2) The minutes of a meeting of any such board or commission of any such state agency or authority shall be promptly recorded, and such records shall be open to public inspection. The circuit courts of this state shall have jurisdiction to issue injunctions to enforce the purposes of this section upon application by any citizen of this state.

(3)(a) Any public officer who violates any provision of this section is guilty of a noncriminal infraction, punishable by fine not exceeding \$500.

(b) Any person who is a member of a board or commission or of any state agency or authority of any county, municipal corporation, or political subdivision who knowingly violates the provisions of this section by attending a meeting not held in accordance with the provisions hereof is guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(c) Conduct which occurs outside the state which would constitute a knowing violation of this section is a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(4) Whenever an action has been filed against any board or commission of any state agency or authority or any agency or authority of any county, municipal corporation, or political subdivision to enforce the provisions of this section or to invalidate the actions of any such board, commission, agency, or authority, which action was taken in violation of this section, and the court determines that the defendant or defendants to such action acted in violation of this section, the court shall assess a reasonable attorney's fee against such agency, and may assess a reasonable attorney's fee against the individual filing such an action if the court finds it was filed in bad faith or was frivolous. Any fees so assessed may be assessed against the individual member or members of such board or commission; provided, that in any case where the board or commission seeks the advice of its attorney and such advice is followed, no such fees shall be assessed against the individual member or members of the board or commission. However, this subsection shall not apply to a state attorney or his or her duly authorized assistants or any officer charged with enforcing the provisions of this section.

(5) Whenever any board or commission of any state agency or authority or any agency or authority of any county, municipal corporation, or political subdivision appeals any court order which has found said board, commission, agency, or authority to have violated this section, and such order is affirmed, the court shall assess a reasonable attorney's fee for the appeal against such board, commission,

agency, or authority. Any fees so assessed may be assessed against the individual member or members of such board or commission; provided, that in any case where the board or commission seeks the advice of its attorney and such advice is followed, no such fees shall be assessed against the individual member or members of the board or commission.

(6) All persons subject to subsection (1) are prohibited from holding meetings at any facility or location which discriminates on the basis of sex, age, race, creed, color, origin, or economic status or which operates in such a manner as to unreasonably restrict public access to such a facility.

(7) Whenever any member of any board or commission of any state agency or authority or any agency or authority of any county, municipal corporation, or political subdivision is charged with a violation of this section and is subsequently acquitted, the board or commission is authorized to reimburse said member for any portion of his or her reasonable attorney's fees.

(8) Notwithstanding the provisions of subsection (1), any board or commission of any state agency or authority or any agency or authority of any county, municipal corporation, or political subdivision, and the chief administrative or executive officer of the governmental entity, may meet in private with the entity's attorney to discuss pending litigation to which the entity is presently a party before a court or administrative agency, provided that the following conditions are met:

(a) The entity's attorney shall advise the entity at a public meeting that he or she desires advice concerning the litigation.

(b) The subject matter of the meeting shall be confined to settlement negotiations or strategy sessions related to litigation expenditures.

(c) The entire session shall be recorded by a certified court reporter. The reporter shall record the times of commencement and termination of the session, all discussion and proceedings, the names of all persons present at any time, and the names of all persons speaking. No portion of the session shall be off the record. The court reporter's notes shall be fully transcribed and filed with the entity's clerk within a reasonable time after the meeting.

(d) The entity shall give reasonable public notice of the time and date of the attorney-client session and the names of persons who will be attending the session. The session shall commence at an open meeting at which the persons chairing the meeting shall announce the commencement and estimated length of the attorney-client session and the names of the persons attending. At the conclusion of the attorney-client session, the meeting shall be reopened, and the person chairing the meeting shall announce the termination of the session.

(e) The transcript shall be made part of the public record upon conclusion of the litigation.