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SCHOOL DISTRICT OF CLAY COUNTY

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July 18, 2013

The Honorable Don Gaetz, President
409 The Capitol
The President's Office
404 South Monroe Street
Tallahassee, FL 32399-1100

The Honorable Will Weatherford, Speaker
Florida House of Representatives
420 The Capitol
402 South Monroe Street
Tallahassee, FL 32399-1300

The Honorable Rene Garcia, Alt. Chair
Joint Administrative Procedures Committee
Room 680, Pepper Building
111 West Madison Street
Tallahassee, FL 32399-1400

The Honorable Mike Fasano, Alt. Chair
Joint Administrative Procedures Committee
Room 680, Pepper Building
111 West Madison Street
Tallahassee, FL 32399-1400

Re: Regulatory Plan in Accordance with Section 120.74, Fla. Stat.

Dear Mr. President, Mr. Speaker, and Messrs. Council Chair:

The School Board of Clay County, Florida, has authorized me to report pursuant to Section 120.74(3), Florida Statutes, on the Board's regulatory plan identifying and describing each rule the Board proposes to adopt for the period July 1, 2013, to June 30, 2014. As of the July 1 reporting date, the Board has not identified any specific rule for adoption during the 12 month reporting period. Nevertheless, during its continuous review of its rules, the Board may identify certain proposed rules for adoption during the reporting period.

The Board has implemented a continuous review process to assure the integrity of its rules. The Board, through the Superintendent, his staff and the Board Attorney, examine and, when appropriate, suggest adoption, revision, or revocation of Board rules. In addition, the Board considers proposed rule adoptions, revisions, or revocations following each legislative session and periodically as suggested by Board members, District staff, and Board counsel. Recommendations by the Superintendent are placed on the Board's agenda for potential discussion and consideration of authorization to advertise for public hearing. Board action on a proposed rule adoption, amendment, or revocation occurs only after the required public hearing.

As part of its review, District staff has identified the following bills passed during the 2012 Legislation as potentially requiring rule adoption, amendment, or revocation:

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SB 2 - Ethics - Most of the provisions of the bill apply to school board members and superintendents with some provisions applying to district finance officers. Requires all constitutional officers (including superintendents and school board members) to complete 4 hours of ethics training each year, specifies requirements for ethics training, requires the Commission to adopt rules to establish minimum course content, and requires each house of the Legislature to provide for ethics training pursuant to its rules. Other components of the bill address dual public employment, ethics training, voting conflicts, financial disclosure, and gifts and honoraria.

HB 21 - Background Screening for Non-instructional Contractors - The bill amends s. 1012.467, F.S., to require the Department of Education (DOE) to create a uniform, statewide identification badge to be worn by non-instructional contractors signifying that a contractor has met the statutory background screening requirements. The school district must issue an identification badge to the contractor, which must bear a photograph of the contractor, if the contractor meets identified eligibility requirements. The uniform, statewide identification badge must be recognized by all school districts and is valid for a period of 5 years.

SB 50 - Public Meetings - The bill creates s. 286.0114, F.S., to ensure that members of the public are given a reasonable opportunity to be heard on a proposition before a board or commission. Rules must be adopted to govern the amount of time an individual may address the board, allow representatives of groups to address the board, prescribe procedures or forms for an individual to use to inform the board of the desire to be heard, and designate a specified period of time for public comment. The opportunity to be heard must occur during the decision-making process and within reasonable proximity in time before the meeting at which the board or commission takes official action.

SB 52 - Use of Wireless Communications Devices While Driving - The bill creates s. 316.305, F.S. to establish the "Florida Ban on Texting While Driving Law." The bill provides that a person may not operate a motor vehicle while manually typing or entering multiple letters, numbers, symbols, or other characters into a wireless communications device or while sending or reading data in such a device for the purpose of non-voice interpersonal communication. The bill clarifies that a motor vehicle that is stationary is not being operated and is not subject to this prohibition.

HB 85 - Public-Private Partnerships - The bill primarily amends Chapter 287 relating to the procurement of commodities, insurance, and contractual services by state agencies to authorize the establishment of public-private partnerships between public entities and private sector entities for the delivery and financing of public buildings and infrastructure projects.

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HB 113 - Distribution of Materials Harmful to Minors - The bill amends s. 847.012, F.S., to provide that an adult may not knowingly distribute to a minor on school property, or post on school property, any obscene material as described in s. 847.012(3), F.S., including any picture, photograph, drawing, sculpture, motion picture film, videocassette, or similar visual representation or image of a person or portion of the human body which depicts nudity or sexual conduct, sexual excitement, sexual battery, bestiality, or sadomasochistic abuse or any book, pamphlet, magazine, printed matter, explicit and detailed verbal descriptions or narrative accounts of sexual excitement, or sexual conduct and that is harmful to minors. These provisions do not apply to the distribution or posting of school-approved instructional materials that by design serve as a major tool for assisting in the instruction of a subject or course by school officers, instructional personnel, administrative personnel, school volunteers, educational support employees, or managers as defined in s. 1012.01, F.S.

SB 142 - Intellectual Disabilities - The bill substitutes the term "intellectual disability" for "mental retardation" throughout the Florida Statutes to eliminate outdated terminology. The bill also substitutes "the Arc of Florida" for "the Association for Retarded Citizens" where it appears in statutes to reflect the correct name of the organization.

SB 230 - Flag Etiquette - The bill creates s. 256.015, F.S., to direct the Governor to adopt a protocol on flag display. The protocol must provide guidelines for the proper display of the state flag and for the lowering of the state flag to half-staff on appropriate occasions, such as on holidays and upon the death of high-ranking state officials, uniformed law enforcement and fire service personnel, and prominent citizens. The bill provides that the Governor may adopt, repeal, or modify any rule or custom as the Governor deems appropriate which pertains to the display of the state flag.

SB 284 - School Emergencies - The bill amends ss. 1002.42 and 1006.07, F.S., relating to school emergency drills and procedures to require that the emergency response agencies that are responsible for notifying the school district for each type of emergency is listed in the district's emergency response policy. In addition, the bill requires these emergency response agencies to notify private schools in the district that request such notification by opting in to the district school board's emergency notification procedures.

HB 461 - Deaf and Hard-of-Hearing Children - The bill amends s. 1003.55, F.S., relating to instructional programs for deaf or hard-of-hearing students to provide that, in developing an individual education plan (IEP) for a deaf or hard-of-hearing student, the IEP team must consider the student's language and communication needs, opportunities for direct communication with peers and professional personnel in the student's language and communication mode, and the student's academic level and full range of needs. DOE, in coordination with the Florida School

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for the Deaf and the Blind and with input from education stakeholders, must develop a model communication plan which must be used during the development of a student's IEP. The model must be adopted in rule by the State Board of Education and made available online to all school districts no later than December 31, 2013. DOE must provide technical assistance for using the model communication plan.

HB 609 - Bullying in the Public School System - The bill amends s. 1006.147, F.S., to expand the circumstances under which bullying or harassment of students or K-12 employees is prohibited to include bullying or harassment through the use of data or computer software that is accessed through a computer, computer system, or computer network within the scope of a public K-12 educational institution, as well as bullying or harassment through the use of data or computer software that is accessed at a non-school-related location, activity, function, or program or through the use of technology that is not owned, leased, or used by a school district or school, if the bullying substantially interferes with or limits the victim's ability to participate in or benefit from the services, activities, or opportunities offered by a school or substantially disrupts the education process or orderly operation of a school. However, the bill specifies that this expansion of the prohibition does not require a school to staff or monitor any non-school-related activity, function, or program. The bill also defines the term "within the scope of the public K-12 educational institution" to mean, regardless of ownership, any computer, computer system, or computer network that is physically located on school property or at a school related or school sponsored program or activity.

HB 617 - Juvenile Justice Circuit Advisory Boards - The bill amends s. 985.664, F.S., to remove all references to the Juvenile Justice County Councils, to rename Juvenile Justice Circuit Boards as Juvenile Justice Circuit Advisory Boards, and to revise provisions relating to the Juvenile Justice Circuit Advisory Board (Advisory Board). The bill provides that, except in single-county circuits, each Advisory Board must have a county organization representing each of the counties in the circuit. The county organization must report directly to the Advisory Board on the juvenile justice needs of the county.

HB 801 - Certified School Counselors - The bill amends several sections of Florida Statutes to replace the term "guidance counselor" with the term "certified school counselor" to reflect current requirements that persons employed as school counselors be certified as required by law and State Board of Education rule.

HB 1075 - Public Records / Complaint of Misconduct - The bill amends s. 119.071, F.S., to create a public record exemption for a complaint of misconduct filed with an agency against an agency employee, and all information obtained pursuant to the investigation by the agency of the complaint of misconduct. The information is confidential and exempt from public record requirements until the investigation ceases to be active, or until the agency provides written notice

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to the employee who is the subject of the complaint that the agency concluded the investigation and either will or will not proceed with disciplinary action or file charges.

SB 1076 - K-20 Education - This is a comprehensive education bill with numerous provisions that will require new/amended rules involving Student Progression Plan that relates to career education, promotion and graduation requirements, diploma requirements, assessment and evaluation, funding, and other issues.

SB 1096 - Repeal of Education Provisions - This bill is a combined effort by the Governor, Legislature, district school superintendents, and other education stakeholders to amend or repeal dozens of statutory provisions that are obsolete, burdensome, inactive, duplicative, and/or unnecessary.

SB 1108 - Exceptional Student Education - The bill amends s. 1002.20, F.S., relating to meetings with school district personnel to provide that school district personnel may not discourage or attempt to discourage parents from inviting another person of their choice to attend any meeting. Additionally, there are several provisions in the bill that will require the adoption of procedures, forms, etc.

SB 1388 - Instructional Materials for K-12 Public Education - The bill creates s. 1006.283, F.S. to provide school districts, or a consortium of school districts, with flexibility to implement their own instructional materials review, approval, adoption and purchase program while maintaining the existing state instructional materials process.

SB 1514 - Education Funding - The bill amends statutory language so that it is consistent with the education provisions of the 2013-2014 budget. The conforming changes in this bill are permanent unless they are amended by subsequent legislation.

SB 1664 - Teacher Preparation & Evaluation - The bill revises provisions relating to teacher preparation programs, professional certification, personnel evaluation criteria, and related issues. Language also requires school districts to establish schedules for the administration of any district-mandated assessment and approve the schedules as an agenda item at a district school board meeting. The district must publish the testing schedules on its website, clearly specifying the district-mandated assessments, and report the schedules to DOE by October 1 each year.

SB 1720 - Post-Secondary Education - The bill addresses a number of K-20 education issues which include but is not limited to school grading and school report cards, and school improvement rating of an alternative school.

HB 7009 - Charter Schools - The bill addresses several topics, including charter schools, District Innovation Schools, class size compliance, teacher assignments, and technology.

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HB 7029 - Digital Learning - The bill primarily focuses on the creation of the Florida Approved Courses and Tests Initiative, but it also includes provisions relating to existing virtual instruction programs and courses. Additionally, the bill contains language that addresses access by ESE students to testing sites.

HB 7165 - Early Learning - The bill changes the governance structure of the Office of Early Learning by establishing the Office of Early Learning within DOE's Office of Independent Education and Parental Choice. The Office of Early Learning must be administered by an executive director who is fully accountable to the Commissioner. The bill requires that the Office of Early Learning independently exercise all power, duties, and functions prescribed by law and must not be construed as part of the K-20 education system.

HB 7087 - Relating to Department of Agriculture and Consumer Services (sections 27-34) - The bill amends s. 1001.42, F.S., to reference the Department of Agriculture and Consumer Affairs as opposed to the SBE. The bill amends s. 1003.453, F.S., to specify that each school district must electronically submit its local school wellness policy to the department. The bill also requires each school district to review its local school wellness policy annually. Lastly, the bill requires each school district to provide an updated copy of such policies to the applicable agency when a change or revision is made.

If the Board adopts new rules during the reporting period, such rules will be identified and described in the next applicable certification report required under Section 120.74(2), Florida Statutes. Please advise if you have any question or require anything further.

Respectfully submitted,

Carol Y. Studdard, Chairman
The School Board of Clay County, Florida

CYS:sgg

cc: Members, The School Board of Clay County, Florida
Superintendent of Schools, The School Board of Clay County, Florida