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Florida School Laws

TITLE XLVIII K-20 EDUCATION CODE

CHAPTER 1000 K-20 GENERAL PROVISIONS

Part I General Provisions

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- 1000.01. The Florida K-20 education system; technical provisions.
- 1000.02. Policy and guiding principles for the Florida K-20 education system.
- 1000.03. Function, mission, and goals of the Florida K-20 education system.
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PART I *GENERAL PROVISIONS*

1000.01. The Florida K-20 education system; technical provisions.

(1) NAME.—Chapters 1000 through 1013 shall be known and cited as the “Florida K-20 Education Code.”

(2) LIBERAL CONSTRUCTION.—The provisions of the Florida K-20 Education Code shall be liberally construed to the end that its objectives may be effected. It is the legislative intent that if any section, subsection, sentence, clause, or provision of the Florida K-20 Education Code is

held invalid, the remainder of the code shall not be affected.

(3) PURPOSE.—The purpose of the Florida K-20 Education Code is to provide by law for a state system of schools, courses, classes, and educational institutions and services adequate to allow, for all Florida’s students, the opportunity to obtain a high quality education. The Florida K-20 education system is established to accomplish this purpose; however, nothing in this code shall be construed to require the provision of free public education beyond grade 12.

(4) UNIFORM SYSTEM OF PUBLIC K-12 SCHOOLS INCLUDED.—As required by s. 1, Art. IX of the State Constitution, the Florida K-20 education system shall include the uniform system of free public K-12 schools. These public K-12 schools shall provide 13 consecutive years of instruction, beginning with kindergarten, and shall also provide such instruction for students with disabilities, gifted students, limited English proficient students, and students in Department of Juvenile Justice programs as may be required by law. The funds for support and maintenance of the uniform system of free public K-12 schools shall be derived from state, district, federal, and other lawful sources or combinations of sources, including any fees charged nonresidents as provided by law.

(5) EDUCATION GOVERNANCE TRANSFERS.—

(a) Effective July 1, 2001:

1. The Board of Regents is abolished.

2. All of the powers, duties, functions, records, personnel, and property; unexpended balances of appropriations, allocations, and other funds; administrative authority; administrative rules; pending issues; and existing contracts of the Board of Regents are transferred by a type two transfer, pursuant to s. 20.06(2), to the State Board of Education.

3. The State Board of Community Colleges is abolished.

4. All of the powers, duties, functions, records, personnel, and property; unexpended balances of appropriations, allocations, and other funds; administrative authority; administrative rules; pending issues; and existing contracts of the State Board of Community Colleges are transferred by a type two transfer, pursuant to s. 20.06(2), from the Department of Education to the State Board of Education.

5. The Postsecondary Education Planning Commission is abolished.

6. The Council for Education Policy Research and Improvement is created as an independent office under the Office of Legislative Services.

7. All personnel, unexpended balances of appropriations, and allocations of the Postsecondary Education Planning Commission are transferred to the Council for Education Policy Research and Improvement.

8. The Articulation Coordinating Committee and the Education Standards Commission are transferred by a type two transfer, pursuant to s. 20.06(2), from the Department of Education to the State Board of Education.

(b) All rules of the State Board of Education, the Commissioner of Education, and the Department of Education, and all rules of the district school boards, the community college boards of trustees, and the state university boards of trustees, in effect on January 2, 2003, remain in effect until specifically amended or repealed in the manner provided by law.

(c) Effective January 7, 2003: 1. The administrative rules of the Department of Education and the Commissioner of Education shall become the rules of the State Board of Education.

2. The administrative rules of the State Board of Education shall become the rules of the appointed State Board of Education.

(d) All administrative rules of the State Board of Education, the Commissioner of Education, and the Department of Education are transferred by a type two transfer, as defined in s. 20.06(2), to the appointed State Board of Education.

(e) This act creating the Florida K-20 Education Code shall not affect the validity of any judicial or administrative action involving the Department of Education, pending on January 7, 2003. This act shall not affect the validity of any judicial or administrative action involving the Commissioner of Education or the State Board of Education, pending on January 7, 2003, and the appointed State Board of Education shall be substituted as a party of interest in any such action.

HIST: s. 3, ch. 2002-387; s. 113, ch. 2003-1.

1000.02. Policy and guiding principles for the Florida K-20 education system.

(1) It is the policy of the Legislature:

(a) To achieve within existing resources a seamless academic educational system that fosters an integrated continuum of kindergarten through graduate school education for Florida's students.

(b) To promote enhanced academic success and funding efficiency of educational delivery systems by aligning responsibility with accountability.

(c) To provide consistent education policy across all educational delivery systems, focusing on students.

(d) To provide substantially improved articulation across all educational delivery systems.

(e) To provide for the decentralization of authority to the schools, community colleges, universities, and other education institutions that deliver educational services to the public.

(f) To ensure that independent education institutions and home education programs maintain their independence, autonomy, and nongovernmental status.

(2) The guiding principles for Florida's K-20 education system are:

(a) A coordinated, seamless system for kindergarten through graduate school education.

(b) A system that is student-centered in every facet.

(c) A system that maximizes education access and allows the opportunity for a high quality education for all Floridians.

(d) A system that safeguards equity and supports academic excellence.

(e) A system that provides for local operational flexibility while promoting accountability for student achievement and improvement.

HIST: s. 4, ch. 2002-387.

1000.03. Function, mission, and goals of the Florida K-20 education system.

(1) Florida's K-20 education system shall be a decentralized system without excess layers of bureaucracy. The State Board of Education may appoint on an ad hoc basis a committee or committees to assist it on any and all issues within the K-20 education system. Florida's K-20 education system shall maintain a systemwide technology plan based on a common set of data definitions.

(2) (a) The Legislature shall establish education policy, enact education laws, and appropriate and allocate education resources.

(b) The State Board of Education shall oversee the enforcement of all laws and rules, and the timely provision of direction, resources,

assistance, intervention when needed, and strong incentives and disincentives to force accountability for results.

(c) The Commissioner of Education shall serve as chief executive officer of the K-20 education system. The commissioner shall be responsible for enforcing compliance with the mission and goals of the K-20 education system. The commissioner's office shall operate all statewide functions necessary to support the State Board of Education and the K-20 education system.

(3) Public education is a cooperative function of the state and local educational authorities. The state retains responsibility for establishing a system of public education through laws, standards, and rules to assure efficient operation of a K-20 system of public education and adequate educational opportunities for all individuals. Local educational authorities have a duty to fully and faithfully comply with state laws, standards, and rules and to efficiently use the resources available to them to assist the state in allowing adequate educational opportunities.

(4) The mission of Florida's K-20 education system is to allow its students to increase their proficiency by allowing them the opportunity to expand their knowledge and skills through adequate learning opportunities, in accordance with the mission statement and accountability requirements of s. 1008.31.

(5) The priorities of Florida's K-20 education system include:

(a) *Learning and completion at all levels, including increased high school graduation rate and readiness for postsecondary education without remediation.*—All students demonstrate increased learning and completion at all levels, graduate from high school, and are prepared to enter postsecondary education without remediation.

(b) *Student performance.*—Students demonstrate that they meet the expected academic standards consistently at all levels of their education.

(c) *Alignment of standards and resources.*—Academic standards for every level of the K-20 education system are aligned, and education financial resources are aligned with student performance expectations at each level of the K-20 education system.

(d) *Educational leadership.*—The quality of educational leadership at all levels of K-20 education is improved.

(e) *Workforce education.*—Workforce education is appropriately aligned with the skills required by the new global economy.

(f) *Parental, student, family, educational institution, and community involvement.*—Parents, students, families, educational institutions, and communities are collaborative

partners in education, and each plays an important role in the success of individual students. Therefore, the State of Florida cannot be the guarantor of each individual student's success. The goals of Florida's K-20 education system are not guarantees that each individual student will succeed or that each individual school will perform at the level indicated in the goals.

HIST: s. 5, ch. 2002-387.

1000.04. Components for the delivery of public education within the Florida K-20 education system.

Florida's K-20 education system provides for the delivery of public education through publicly supported and controlled K-12 schools, community colleges, state universities and other postsecondary educational institutions, other educational institutions, and other educational services as provided or authorized by the Constitution and laws of the state.

(1) **PUBLIC K-12 SCHOOLS.**—The public K-12 schools include charter schools and consist of kindergarten classes; elementary, middle, and high school grades and special classes; workforce development education; area technical centers; adult, part-time, career and technical, and evening schools, courses, or classes, as authorized by law to be operated under the control of district school boards; and lab schools operated under the control of state universities.

(2) **PUBLIC POSTSECONDARY EDUCATIONAL INSTITUTIONS.**—Public postsecondary educational institutions include workforce development education; community colleges; colleges; state universities; and all other state-supported postsecondary educational institutions that are authorized and established by law.

(3) **FLORIDA SCHOOL FOR THE DEAF AND THE BLIND.**—The Florida School for the Deaf and the Blind is a component of the delivery of public education within Florida's K-20 education system.

(4) **THE FLORIDA VIRTUAL SCHOOL.**—The Florida Virtual School is a component of the delivery of public education within Florida's K-20 education system.

HIST: s. 6, ch. 2002-387.

1000.041. Better Educated Students and Teachers (BEST) Florida Teaching; legislative purposes; guiding principles.

The legislative purposes and guiding principles of BEST Florida Teaching are:

(1) Teachers lead, students learn.

(2) Teachers maintain orderly, disciplined classrooms conducive to student learning.

(3) Teachers are trained, recruited, well compensated, and retained for quality.

(4) Teachers are well rewarded for their students' high performance.

(5) Teachers are most effective when served by exemplary school administrators.

Each teacher preparation program, each postsecondary educational institution providing dual enrollment or other acceleration programs, each district school board, and each district and school-based administrator fully supports and cooperates in the accomplishment of these purposes and guiding principles.

HIST: s. 27, ch. 2003-391.

1000.05. Discrimination against students and employees in the Florida K-20 public education system prohibited; equality of access required.

(1) This section may be cited as the "Florida Educational Equity Act."

(2) (a) Discrimination on the basis of race, ethnicity, national origin, gender, disability, or marital status against a student or an employee in the state system of public K-20 education is prohibited. No person in this state shall, on the basis of race, ethnicity, national origin, gender, disability, or marital status, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any public K-20 education program or activity, or in any employment conditions or practices, conducted by a public educational institution that receives or benefits from federal or state financial assistance.

(b) The criteria for admission to a program or course shall not have the effect of restricting access by persons of a particular race, ethnicity, national origin, gender, disability, or marital status.

(c) All public K-20 education classes shall be available to all students without regard to race, ethnicity, national origin, gender, disability, or marital status; however, this is not intended to eliminate the provision of programs designed to meet the needs of students with limited proficiency in English, gifted students, or students with disabilities or programs tailored to students with specialized talents or skills.

(d) Students may be separated by gender for any portion of a class that deals with human reproduction or during participation in bodily contact sports. For the purpose of this section, bodily contact sports include wrestling, boxing, rugby, ice hockey, football, basketball, and other sports in which the purpose or major activity involves bodily contact.

(e) Guidance services, counseling services, and financial assistance services in the state public K-20 education system shall be available to students equally. Guidance and counseling services, materials, and promotional events shall

stress access to academic, career and technical opportunities for students without regard to race, ethnicity, national origin, gender, disability, or marital status.

(3) (a) No person shall, on the basis of gender, be excluded from participating in, be denied the benefits of, or be treated differently from another person or otherwise be discriminated against in any interscholastic, intercollegiate, club, or intramural athletics offered by a public K-20 educational institution; and no public K-20 educational institution shall provide athletics separately on such basis.

(b) Notwithstanding the requirements of paragraph (a), a public K-20 educational institution may operate or sponsor separate teams for members of each gender if the selection for such teams is based upon competitive skill or the activity involved is a bodily contact sport. However, when a public K-20 educational institution operates or sponsors a team in a particular sport for members of one gender but does not operate or sponsor such a team for members of the other gender, and athletic opportunities for that gender have previously been limited, members of the excluded gender must be allowed to try out for the team offered.

(c) This subsection does not prohibit the grouping of students in physical education classes and activities by ability as assessed by objective standards of individual performance developed and applied without regard to gender. However, when use of a single standard of measuring skill or progress in a physical education class has an adverse effect on members of one gender, the educational institution shall use appropriate standards which do not have such effect.

(d) A public K-20 educational institution which operates or sponsors interscholastic, intercollegiate, club, or intramural athletics shall provide equal athletic opportunity for members of both genders. In determining whether equal opportunities are available, the Commissioner of Education shall consider, among other factors: 1. Whether the selection of sports and levels of competition effectively accommodate the interests and abilities of members of both genders.

2. The provision of equipment and supplies.

3. Scheduling of games and practice times.

4. Travel and per diem allowances.

5. Opportunities to receive coaching and academic tutoring.

6. Assignment and compensation of coaches and tutors.

7. Provision of locker room, practice, and competitive facilities.

8. Provision of medical and training facilities and services.

9. Provision of housing and dining facilities and services.

10. Publicity.

Unequal aggregate expenditures for members of each gender or unequal expenditures for male and female teams if a public K-20 educational institution operates or sponsors separate teams do not constitute nonimplementation of this subsection, but the Commissioner of Education shall consider the failure to provide necessary funds for teams for one gender in assessing equality of opportunity for members of each gender.

(e) A public K-20 educational institution may provide separate toilet, locker room, and shower facilities on the basis of gender, but such facilities shall be comparable to such facilities provided for students of the other gender.

(4) Educational institutions within the state public K-20 education system shall develop and implement methods and strategies to increase the participation of students of a particular race, ethnicity, national origin, gender, disability, or marital status in programs and courses in which students of that particular race, ethnicity, national origin, gender, disability, or marital status have been traditionally underrepresented, including, but not limited to, mathematics, science, computer technology, electronics, communications technology, engineering, and career and technical education.

(5) The State Board of Education shall adopt rules to implement this section.

(6) The functions of the Office of Equal Educational Opportunity of the Department of Education shall include, but are not limited to:

(a) Requiring all district school boards, community college boards of trustees, and state university boards of trustees to develop and submit plans for the implementation of this section to the Department of Education.

(b) Conducting periodic reviews of public K-20 educational agencies to determine compliance with this section and, after a finding that an educational agency is not in compliance with this section, notifying the agency of the steps that it must take to attain compliance and performing followup monitoring.

(c) Providing technical assistance, including assisting public K-20 educational agencies in identifying unlawful discrimination and instructing them in remedies for correction and prevention of such discrimination and performing followup monitoring.

(d) Conducting studies of the effectiveness of methods and strategies designed to increase the participation of students in programs and courses in which students of a particular race, ethnicity, national origin, gender, disability, or

marital status have been traditionally underrepresented and monitoring the success of students in such programs or courses, including performing followup monitoring.

(e) Requiring all district school boards, community college boards of trustees, and state university boards of trustees to submit data and information necessary to determine compliance with this section. The Commissioner of Education shall prescribe the format and the date for submission of such data and any other educational equity data. If any board does not submit the required compliance data or other required educational equity data by the prescribed date, the commissioner shall notify the board of this fact and, if the board does not take appropriate action to immediately submit the required report, the State Board of Education shall impose monetary sanctions.

(f) Based upon rules of the State Board of Education, developing and implementing enforcement mechanisms with appropriate penalties to ensure that public K-12 schools, community colleges, and state universities comply with Title IX of the Education Amendments of 1972 and subsection (3) of this section. However, the State Board of Education may not force an educational agency to conduct, nor penalize an educational agency for not conducting, a program of athletic activity or athletic scholarship for female athletes unless it is an athletic activity approved for women by a recognized association whose purpose is to promote athletics and a conference or league exists to promote interscholastic or intercollegiate competition for women in that athletic activity.

(g) Reporting to the Commissioner of Education any district school board, community college board of trustees, or state university board of trustees found to be out of compliance with rules of the State Board of Education adopted as required by paragraph (f) or paragraph (3)(d). To penalize the board, the State Board of Education shall: 1. Declare the educational agency ineligible for competitive state grants.

2. Notwithstanding the provisions of s. 216.192, direct the Chief Financial Officer to withhold general revenue funds sufficient to obtain compliance from the educational agency.

The educational agency shall remain ineligible and the funds shall not be paid until the agency comes into compliance or the State Board of Education approves a plan for compliance.

(7) A person aggrieved by a violation of this section or a violation of a rule adopted under this section has a right of action for such equitable relief as the court may determine. The court may also

award reasonable attorney's fees and court costs to a prevailing party.

HIST: s. 7, ch. 2002-387; s. 1942, ch. 2003-261.

1000.06. Display of flags.

Every public K-20 educational institution that is provided or authorized by the Constitution and laws of Florida shall display daily the flag of the United States and the official flag of Florida when the weather permits upon one building or on a suitable flagstaff upon the grounds of each public postsecondary educational institution and upon every district school board building or grounds except when the institution or school is closed for vacation, provided that, if two or more buildings are located on the same or on adjacent sites, one flag may be displayed for the entire group of buildings.

HIST: s. 8, ch. 2002-387.

PART II SYSTEMWIDE DEFINITIONS

1000.21. Systemwide definitions.

As used in the Florida K-20 Education Code:

(1) "Articulation" is the systematic coordination that provides the means by which students proceed toward their educational objectives in as rapid and student-friendly manner as their circumstances permit, from grade level to grade level, from elementary to middle to high school, to and through postsecondary education, and when transferring from one educational institution or program to another.

(2) "Commissioner" is the Commissioner of Education.

(3) "Community college," except as otherwise specifically provided, includes the following institutions and any branch campuses, centers, or other affiliates of the institution:

- (a) Brevard Community College.
- (b) Broward Community College.
- (c) Central Florida Community College.
- (d) Chipola Junior College.
- (e) Daytona Beach Community College.
- (f) Edison Community College.
- (g) Florida Community College at Jacksonville.
- (h) Florida Keys Community College.
- (i) Gulf Coast Community College.
- (j) Hillsborough Community College.
- (k) Indian River Community College.
- (l) Lake City Community College.
- (m) Lake-Sumter Community College.
- (n) Manatee Community College.
- (o) Miami-Dade Community College.
- (p) North Florida Community College.
- (q) Okaloosa-Walton Community College.
- (r) Palm Beach Community College.
- (s) Pasco-Hernando Community College.

- (t) Pensacola Junior College.
- (u) Polk Community College.
- (v) St. Johns River Community College.
- (w) St. Petersburg College.
- (x) Santa Fe Community College.
- (y) Seminole Community College.
- (z) South Florida Community College.
- (aa) Tallahassee Community College.
- (bb) Valencia Community College.

(4) "Department" is the Department of Education.

(5) "Parent" is either or both parents of a student, any guardian of a student, any person in a parental relationship to a student, or any person exercising supervisory authority over a student in place of the parent.

(6) "State university," except as otherwise specifically provided, includes the following institutions and any branch campuses, centers, or other affiliates of the institution:

- (a) The University of Florida.
- (b) The Florida State University.
- (c) The Florida Agricultural and Mechanical University.
- (d) The University of South Florida.
- (e) The Florida Atlantic University.
- (f) The University of West Florida.
- (g) The University of Central Florida.
- (h) The University of North Florida.
- (i) The Florida International University.
- (j) The Florida Gulf Coast University.
- (k) New College of Florida.

(7) "Sunshine State Standards" are standards that identify what public school students should know and be able to do. These standards delineate the academic achievement of students for which the state will hold its public schools accountable in grades K-2, 3-5, 6-8, and 9-12, in the subjects of language arts, mathematics, science, social studies, the arts, health and physical education, foreign languages, reading, writing, history, government, geography, economics, and computer literacy.

HIST: s. 10, ch. 2002-387.

PART III EDUCATIONAL COMPACTS

1000.31. Regional education; state policy.

It is hereby declared to be the policy of the state to promote the development and maintenance of regional education services and facilities in the Southern States in the professional, technological, scientific, literary and other fields so as to provide greater educational advantages for the citizens of the state and the citizens in the several states in said region; and it is found and determined by the Legislature of the state that greater educational advantages and facilities for the citizens of the state in certain phases of the professional, technological, scientific, literary and other fields in

education can best be accomplished by the development and maintenance of regional educational services and facilities, under the plan embodied in "The Regional Pact" hereinafter adopted; and this law shall be liberally construed to accomplish such purposes.

HIST: s. 12, ch. 2002-387.

1000.32. Regional compact.

The compact entered into by the state and other Southern States by and through their respective governors on February 8, 1948, as amended, relative to the development and maintenance of regional education services and schools in the Southern States in the professional, technological, scientific, literary and other fields so as to promote greater educational facilities for the citizens of the several states who reside in said region, a copy of said compact, as amended, being as follows:

THE REGIONAL COMPACT

(as amended)

WHEREAS, The States who are parties hereto have during the past several years conducted careful investigation looking toward the establishment and maintenance of jointly owned and operated regional educational institutions in the Southern States in the professional, technological, scientific, literary, and other fields, so as to provide greater educational advantages and facilities for the citizens of the several states who reside within such region; and

WHEREAS, Meharry Medical College of Nashville, Tennessee, has proposed that its lands, buildings, equipment, and the net income from its endowment be turned over to the Southern States, or to an agency acting in their behalf, to be operated as a regional institution for medical, dental and nursing education upon terms and conditions to be hereafter agreed upon between the Southern States and Meharry Medical College, which proposal, because of the present financial condition of the institution, has been approved by the said states who are parties hereto; and

WHEREAS, the said states desire to enter into a compact with each other providing for the planning and establishment of regional educational facilities;

NOW, THEREFORE, in consideration of the mutual agreements, covenants and obligations assumed by the respective states who are parties hereto (hereinafter referred to as "states"), the said several states do hereby form a geographical district or region consisting of the areas lying within the boundaries of the contracting states which, for the purposes of this compact, shall constitute an area for regional education supported by public funds derived from taxation by the constituent states and derived from other sources for the establishment, acquisition, operation and maintenance of regional educational schools and

institutions for the benefit of citizens of the respective states residing within the region so established as may be determined from time to time in accordance with the terms and provisions of this compact.

The states do further hereby establish and create a joint agency which shall be known as the Board of Control for Southern Regional Education (hereinafter referred to as the "board"), the members of which board shall consist of the governor of each state, ex officio, and four additional citizens of each state to be appointed by the governor thereof, at least one of whom shall be selected from the field of education, and at least one of whom shall be a member of the legislature of that state. The governor shall continue as a member of the board during his or her tenure of office as governor of the state, but the members of the board appointed by the governor shall hold office for a period of four years except that in the original appointments one board member so appointed by the governor shall be designated at the time of his or her appointment to serve an initial term of two years, one board member to serve an initial term of three years, and the remaining board member to serve the full term of four years, but thereafter the successor of each appointed board member shall serve the full term of four years. Vacancies on the board caused by death, resignation, refusal or inability to serve, shall be filled by appointment by the governor for the unexpired portion of the term. The officers of the board shall be a chair, a vice chair, a secretary, a treasurer, and such additional officers as may be created by the board from time to time. The board shall meet annually and officers shall be elected to hold office until the next annual meeting. The board shall have the right to formulate and establish bylaws not inconsistent with the provisions of this compact to govern its own actions in the performance of the duties delegated to it including the right to create and appoint an executive committee and a finance committee with such powers and authority as the board may delegate to them from time to time. The board may, within its discretion, elect as its chair a person who is not a member of the board, provided such person resides within a signatory state, and upon such election such person shall become a member of the board with all the rights and privileges of such membership. This paragraph as amended in 1957 shall be effective when eight or more of the states party to the compact have given legislative approval to the amendment.

It shall be the duty of the board to submit plans and recommendations to the states from time to time for their approval and adoption by appropriate legislative action for the development, establishment, acquisition, operation and maintenance of educational schools and institutions within the geographical limits of the regional area

of the states, of such character and type and for such educational purposes, professional, technological, scientific, literary, or otherwise, as they may deem and determine to be proper, necessary or advisable. Title to all such educational institutions when so established by appropriate legislative actions of the states and to all properties and facilities used in connection therewith shall be vested in said board as the agency of and for the use and benefit of the said states and the citizens thereof, and all such educational institutions shall be operated, maintained and financed in the manner herein set out, subject to any provisions or limitations which may be contained in the legislative acts of the states authorizing the creation, establishment and operation of such educational institutions.

In addition to the power and authority heretofore granted, the board shall have the power to enter into such agreements or arrangements with any of the states and with educational institutions or agencies, as may be required in the judgment of the board, to provide adequate services and facilities for the graduate, professional, and technical education for the benefit of the citizens of the respective states residing within the region, and such additional and general power and authority as may be vested in the board from time to time by legislative enactment of the said states.

Any two or more states who are parties of this compact shall have the right to enter into supplemental agreements providing for the establishment, financing and operation of regional educational institutions for the benefit of citizens residing within an area which constitutes a portion of the general region herein created, such institutions to be financed exclusively by such states and to be controlled exclusively by the members of the board representing such states provided such agreement is submitted to and approved by the board prior to the establishment of such institutions.

Each state agrees that, when authorized by the legislature, it will from time to time make available and pay over to said board such funds as may be required for the establishment, acquisition, operation and maintenance of such regional educational institutions as may be authorized by the states under the terms of this compact, the contribution of each state at all times to be in the proportion that its population bears to the total combined population of the states who are parties hereto as shown from time to time by the most recent official published report of the bureau of the census of the United States of America; or upon such other basis as may be agreed upon.

This compact shall not take effect or be binding upon any state unless and until it shall be approved by proper legislative action of as many as six or more of the states whose governors have subscribed hereto within a period of eighteen

months from the date hereof. When and if six or more states shall have given legislative approval to this compact within said eighteen months period, it shall be and become binding upon such six or more states sixty days after the date of legislative approval by the sixth state and the governors of such six or more states shall forthwith name the members of the board from their states as hereinabove set out, and the board shall then meet on call of the governor of any state approving this compact, at which time the board shall elect officers, adopt bylaws, appoint committees and otherwise fully organize. Other states whose names are subscribed hereto shall thereafter become parties hereto upon approval of this compact by legislative action within two years from the date hereof, upon such conditions as may be agreed upon at the time. Provided, however, that with respect to any state whose constitution may require amendment in order to permit legislative approval of the compact, such state or states shall become parties hereto upon approval of this compact by legislative action within seven years from the date hereof, upon such conditions as may be agreed upon at the time.

After becoming effective this compact shall thereafter continue without limitation of time; provided, however, that it may be terminated at any time by unanimous action of the states and provided further that any state may withdraw from this compact if such withdrawal is approved by its legislature, such withdrawal to become effective two years after written notice thereof to the board accompanied by a certified copy of the requisite legislative action, but such withdrawal shall not relieve the withdrawing state from its obligations hereunder accruing up to the effective date of such withdrawal. Any state so withdrawing shall ipso facto cease to have any claim to or ownership of any of the property held or vested in the board or to any of the funds of the board held under the terms of this compact.

If any state shall at any time become in default in the performance of any of its obligations assumed herein or with respect to any obligation imposed upon said state as authorized by and in compliance with the terms and provisions of this compact, all rights, privileges and benefits of such defaulting state, its members on the board and its citizens shall ipso facto be and become suspended from and after the date of such default. Unless such default shall be remedied and made good within a period of one year immediately following the date of such default this compact may be terminated with respect to such defaulting state by an affirmative vote of three-fourths of the members of the board (exclusive of the members representing the state in default), from and after which time such state shall cease to be a party to this compact and shall have no further claim to or ownership of any of the property held by or vested in the board or to any of

the funds of the board held under the terms of this compact, but such termination shall in no manner release such defaulting state from any accrued obligation or otherwise affect this compact or the rights, duties, privileges or obligations of the remaining states thereunder.

IN WITNESS WHEREOF this compact has been approved and signed by governors of the several states, subject to the approval of their respective legislatures in the manner hereinabove set out, as of the 8th day of February, 1948.

STATE OF FLORIDA BY Millard F. Caldwell, Governor. STATE OF MARYLAND BY Wm. Preston Lane, Jr., Governor. STATE OF GEORGIA BY M. E. Thompson, Governor. STATE OF LOUISIANA BY J. H. Davis, Governor. STATE OF ALABAMA BY James E. Folsom, Governor. STATE OF MISSISSIPPI BY F. L. Wright, Governor. STATE OF TENNESSEE BY Jim McCord, Governor. STATE OF ARKANSAS BY Ben Laney, Governor. COMMONWEALTH OF VIRGINIA BY Wm. M. Tuck, Governor. STATE OF NORTH CAROLINA BY R. Gregg Cherry, Governor. STATE OF SOUTH CAROLINA BY J. Strom Thurmond, Governor. STATE OF TEXAS BY Beauford H. Jester, Governor. STATE OF OKLAHOMA BY Roy J. Turner, Governor. STATE OF WEST VIRGINIA BY Clarence W. Meadows, Governor.

be and the same is hereby approved and the State of Florida is hereby declared to be a party to said compact and the agreements, covenants and obligations contained therein are hereby declared to be binding upon the State of Florida.

HIST: s. 13, ch. 2002-387.

1000.33. Copies to other states approving.

After the effective date of this law the Secretary of State of Florida shall furnish to each of the states approving the said compact an engrossed copy of this bill.

HIST: s. 14, ch. 2002-387.

1000.34. Member jurisdictions.

The compact for education is entered into with all jurisdictions legally joining therein and enacted into law in the following form:

COMPACT FOR EDUCATION

ARTICLE I

PURPOSE AND POLICY.—

A. It is the purpose of this compact to:

1. Establish and maintain close cooperation and understanding among executive, legislative, professional educational and lay leadership on a nationwide basis at the state and local levels.
2. Provide a forum for the discussion, development, crystallization and recommendation of public policy alternatives in the field of education.

3. Provide a clearinghouse of information on matters relating to educational problems and how they are being met in different places throughout the nation, so that the executive and legislative branches of state government and of local communities may have ready access to the experience and record of the entire country, and so that both lay and professional groups in the field of education may have additional avenues for the sharing of experience and the interchange of ideas in the formation of public policy in education.

4. Facilitate the improvement of state and local educational systems so that all of them will be able to meet adequate and desirable goals in a society which requires continuous qualitative and quantitative advance in educational opportunities, methods and facilities.

B. It is the policy of this compact to encourage and promote local and state initiative in the development, maintenance, improvement and administration of educational systems and institutions in a manner which will accord with the needs and advantages of diversity among localities and states.

C. The party states recognize that each of them has an interest in the quality and quantity of education furnished in each of the other states, as well as in the excellence of its own educational systems and institutions, because of the highly mobile character of individuals within the nation, and because the products and services contributing to the health, welfare and economic advancement of each state are supplied in significant part by persons educated in other states.

ARTICLE II

STATE DEFINED.—As used in this compact, “state” means a state, territory, or possession of the United States, the District of Columbia, or the Commonwealth of Puerto Rico.

ARTICLE III

THE COMMISSION.—

A. The Education Commission of the States, hereinafter called “the commission,” is hereby established. The commission shall consist of seven members representing each party state. One of such members representing Florida shall be the governor; two shall be members of the state senate appointed by the president; two shall be members of the house of representatives appointed by the speaker; and two shall be appointed by and serve at the pleasure of the governor. The guiding principle for the composition of the membership on the commission shall be that the members, by virtue of their training, experience, knowledge or affiliations be in a position collectively to reflect broadly the interests of the state government, higher education, the state education system, local education, lay and professional, public and nonpublic educational leadership. Of those appointees, one shall be the

head of a state agency or institution, designated by the governor, having responsibility for one or more programs of public education. In addition to the members of the commission representing the party states, there may be not to exceed ten nonvoting commissioners selected by the steering committee for terms of one year. Such commissioners shall represent leading national organizations of professional educators or persons concerned with educational administration.

B. The members of the commission shall be entitled to one vote each on the commission. No action of the commission shall be binding unless taken at a meeting at which a majority of the total number of votes on the commission are cast in favor thereof. Action of the commission shall be only at a meeting at which a majority of the commissioners are present. The commission shall meet at least once a year. In its bylaws, and subject to such directions and limitations as may be contained therein, the commission may delegate the exercise of any of its powers to the steering committee or the executive director, except for the power to approve budgets or requests for appropriations, the power to make policy recommendations pursuant to ARTICLE IV and adoption of the annual report pursuant to ARTICLE III, J.

C. The commission shall have a seal.

D. The commission shall elect annually, from among its members, a chair, who shall be a governor, a vice chair and a treasurer. The commission shall provide for the appointment of an executive director. Such executive director shall serve at the pleasure of the commission, and, together with the treasurer and such other personnel as the commission may deem appropriate, shall be bonded in such amount as the commission shall determine. The executive director shall be secretary.

E. Irrespective of the civil service, personnel or other merit system laws of any of the party states, the executive director, subject to the approval of the steering committee, shall appoint, remove or discharge such personnel as may be necessary for the performance of the functions of the commission, and shall fix the duties and compensation of such personnel. The commission in its bylaws shall provide for the personnel policies and programs of the commission.

F. The commission may borrow, accept or contract for the services of personnel from any party jurisdiction, the United States, or any subdivision or agency of the aforementioned governments, or from any agency of two or more of the party jurisdictions or their subdivisions.

G. The commission may accept for any of its purposes and functions under this compact any and all donations and grants of money, equipment, supplies, materials and services, conditional or otherwise, from any state, the United States, or

any other governmental agency, or from any person, firm, association, foundation, or corporation, and may receive, utilize and dispose of the same. Any donation or grant accepted by the commission pursuant to this paragraph or services borrowed pursuant to paragraph F of this ARTICLE shall be reported in the annual report of the commission. Such report shall include the nature, amount and conditions, if any, of the donation, grant, or services borrowed, and the identity of the donor or lender.

H. The commission may establish and maintain such facilities as may be necessary for the transacting of its business. The commission may acquire, hold, and convey real and personal property and any interest therein.

I. The commission shall adopt bylaws for the conduct of its business and shall have the power to amend and rescind these bylaws. The commission shall publish its bylaws in convenient form and shall file a copy thereof and a copy of any amendment thereto, with the appropriate agency or officer in each of the party states.

J. The commission annually shall make to the governor and legislature of each party state a report covering the activities of the commission for the preceding year. The commission may make such additional reports as it may deem desirable.

ARTICLE IV

POWERS.—

In addition to authority conferred on the commission by other provisions of the compact, the commission shall have authority to:

1. Collect, correlate, analyze and interpret information and data concerning educational needs and resources.

2. Encourage and foster research in all aspects of education, but with special reference to the desirable scope of instruction, organization, administration, and instructional methods and standards employed or suitable for employment in public educational systems.

3. Develop proposals for adequate financing of education as a whole and at each of its many levels.

4. Conduct or participate in research of the types referred to in this ARTICLE in any instance where the commission finds that such research is necessary for the advancement of the purposes and policies of this compact, utilizing fully the resources of national associations, regional compact organizations for higher education, and other agencies and institutions, both public and private.

5. Formulate suggested policies and plans for the improvement of public education as a whole, or for any segment thereof, and make recommendations with respect thereto available to the appropriate governmental units, agencies and public officials.