

By Commissioner Johnson

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1 A proposal to amend
2 Section 3 of Article I and Sections 1 and 6 of Article
3 IX of the State Constitution to establish rights of
4 public school students and to create an exception to
5 the prohibition on the appropriation of public funds
6 to certain private schools.

7
8 Be It Proposed by the Constitution Revision Commission of
9 Florida:

10
11 Section 3 of Article I of the State Constitution is amended
12 to read:

13 ARTICLE I

14 DECLARATION OF RIGHTS

15 SECTION 3. Religious freedom.—There shall be no law
16 respecting the establishment of religion or prohibiting or
17 penalizing the free exercise thereof. Religious freedom shall
18 not justify practices inconsistent with public morals, peace or
19 safety. No revenue of the state or any political subdivision or
20 agency thereof shall ever be taken from the public treasury
21 directly or indirectly in aid of any church, sect, or religious
22 denomination or in aid of any sectarian institution, with the
23 exception of educational programs under Article IX, section 1.

24
25 Sections 1 and 6 of Article IX of the State Constitution
26 are amended to read:

27 ARTICLE IX

28 EDUCATION

29 SECTION 1. Public education.—

30 (a) The education of children is a fundamental value of the
31 people of the State of Florida. It is, therefore, a paramount
32 duty of the state to make adequate provision for the education

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33 of all children residing within its borders. Adequate provision
34 shall be made by law for a uniform, efficient, safe, secure, and
35 high quality system of free public schools that allows students
36 to obtain a high quality education; for public funds to be
37 appropriated for private schools in the event that a student's
38 right to an education that meets his or her individual needs and
39 learning differences as provided under paragraph (b) (6) is
40 violated; and for the establishment, maintenance, and operation
41 of institutions of higher learning and other public education
42 programs that the needs of the people may require.

43 (b) A public school student is entitled to:

44 (1) A meaningful education that has lifelong value and
45 prepares the student for future goals and needs.

46 (2) A socially, emotionally, and physically safe, sanitary,
47 and positive school environment.

48 (3) The systemic maintenance of high educational standards,
49 effective curricula, and assessment in a way which most
50 accurately captures abilities and knowledge.

51 (4) Teachers who are qualified, appropriate, and effective.

52 (5) Opportunities for school and educational choice to enable
53 and effect decision making about personal education.

54 (6) An education that meets individual needs and learning
55 differences and to use public funding to attend a non-public
56 school if those needs and differences cannot be completely met
57 and accommodated by the student's zoned public school.

58 (7) Express publicly and to hear various points of view on
59 subjects without fear, reprisal, or penalty, subject to
60 constitutional limitations.

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61 (8) Protection from arbitrary interference of privacy.

62 (9) Due process and to petition the government for redress of
63 grievances.

64 (c) To assure that children attending public schools obtain
65 a high quality education, the legislature shall make adequate
66 provision to ensure that, by the beginning of the 2010 school
67 year, there are a sufficient number of classrooms so that:

68 (1) The maximum number of students who are assigned to each
69 teacher who is teaching in public school classrooms for
70 prekindergarten through grade 3 does not exceed 18 students;

71 (2) The maximum number of students who are assigned to each
72 teacher who is teaching in public school classrooms for grades 4
73 through 8 does not exceed 22 students; and

74 (3) The maximum number of students who are assigned to each
75 teacher who is teaching in public school classrooms for grades 9
76 through 12 does not exceed 25 students.

77
78 The class size requirements of this subsection do not apply to
79 extracurricular classes. Payment of the costs associated with
80 reducing class size to meet these requirements is the
81 responsibility of the state and not of local schools districts.
82 Beginning with the 2003-2004 fiscal year, the legislature shall
83 provide sufficient funds to reduce the average number of
84 students in each classroom by at least two students per year
85 until the maximum number of students per classroom does not
86 exceed the requirements of this subsection.

87 (d) ~~(b)~~ Every four-year old child in Florida shall be
88 provided by the State a high quality pre-kindergarten learning
89 opportunity in the form of an early childhood development and

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90 education program which shall be voluntary, high quality, free,
91 and delivered according to professionally accepted standards. An
92 early childhood development and education program means an
93 organized program designed to address and enhance each child's
94 ability to make age appropriate progress in an appropriate range
95 of settings in the development of language and cognitive
96 capabilities and emotional, social, regulatory and moral
97 capacities through education in basic skills and such other
98 skills as the Legislature may determine to be appropriate.

99 (e)~~(e)~~ The early childhood education and development
100 programs provided by reason of subsection (d) ~~subparagraph (b)~~
101 shall be implemented no later than the beginning of the 2005
102 school year through funds generated in addition to those used
103 for existing education, health, and development programs.
104 Existing education, health, and development programs are those
105 funded by the State as of January 1, 2002 that provided for
106 child or adult education, health care, or development.

107 SECTION 6. State school fund.—The income derived from the
108 state school fund shall, and the principal of the fund may, be
109 appropriated, but only to the support and maintenance of ~~free~~
110 ~~public~~ schools.