

By Senator Detert

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1                   A bill to be entitled  
2           An act relating to certified school counselors;  
3           requiring each school district to have an overall  
4           ratio of at least one certified school counselor for a  
5           specified number of students; requiring each  
6           elementary, middle, and high school within the school  
7           district to have a specified minimum ratio of  
8           certified school counselors to students; requiring  
9           each school to have a minimum of one full-time  
10          certified school counselor and assign additional half-  
11          time or full-time certified school counselors only  
12          after reaching the maximum ratio; requiring each  
13          school district to include the ratio of certified  
14          school counselors to students in its annual audit and  
15          to adopt rules; providing the duties of certified  
16          school counselors; amending ss. 322.091, 381.0057,  
17          1002.3105, 1003.21, 1003.43, 1003.491, 1004.04,  
18          1006.025, 1007.35, 1008.42, 1009.53, 1012.71, and  
19          1012.98, F.S.; revising provisions to conform to  
20          changes made by the act; amending s. 1012.01, F.S.;  
21          prohibiting certified school counselors from being  
22          used as support staff for administrative duties;  
23          providing an effective date.

24  
25 Be It Enacted by the Legislature of the State of Florida:

26  
27           Section 1. Certified school counselors in public schools;  
28 duties.—

29           (1) (a) Each school district shall have an overall ratio of

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30 at least one certified school counselor for every 300 students,  
31 with each elementary school having at least one certified school  
32 counselor for every 350 students, each middle school having at  
33 least one certified school counselor for every 300 students, and  
34 each high school having at least one certified school counselor  
35 for every 250 students.

36 (b) Each school shall have a minimum of one full-time  
37 certified school counselor and shall assign additional half-time  
38 or full-time certified school counselors only after reaching the  
39 overall ratio provided in paragraph (a).

40 (c) Each school district shall include the ratio of  
41 certified school counselors to students in its annual audit and  
42 shall adopt rules outlining the duties of certified school  
43 counselors which are commensurate with their training and  
44 certification and pursuant to the requirements in s.  
45 1012.01(2)(b), Florida Statutes.

46 (2) Each certified school counselor shall provide  
47 counseling to students; develop and deliver curriculum at the  
48 appropriate grade level; coordinate activities and programs for  
49 each curriculum; and consult with school administrators,  
50 teachers, parents, and students.

51 Section 2. Paragraph (b) of subsection (3) of section  
52 322.091, Florida Statutes, is amended to read:

53 322.091 Attendance requirements.—

54 (3) HARDSHIP WAIVER AND APPEAL.—

55 (b) The public school principal, the principal's designee,  
56 or the designee of the governing body of a private school shall  
57 waive the requirements of subsection (1) for any minor under the  
58 school's jurisdiction for whom a personal or family hardship

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59 requires that the minor have a driver's license for his or her  
60 own, or his or her family's, employment or medical care. The  
61 minor or the minor's parent or guardian may present other  
62 evidence that indicates compliance with the requirements of  
63 subsection (1) at the waiver hearing. The public school  
64 principal, the principal's designee, or the designee of the  
65 governing body of a private school shall consider ~~take into~~  
66 ~~consideration~~ the recommendations of teachers, other school  
67 officials, certified school guidance ~~guidance~~ counselors, or academic  
68 advisers before waiving the requirements of subsection (1).

69 Section 3. Paragraph (b) of subsection (3) of section  
70 381.0057, Florida Statutes, is amended to read:

71 381.0057 Funding for school health services.—

72 (3) Any school district, school, or laboratory school which  
73 desires to receive state funding under the provisions of this  
74 section shall submit a proposal to the joint committee  
75 established in subsection (2). The proposal shall state the  
76 goals of the program, provide specific plans for reducing  
77 teenage pregnancy, and describe all of the health services to be  
78 available to students with funds provided pursuant to this  
79 section, including a combination of initiatives such as health  
80 education, counseling, extracurricular, and self-esteem  
81 components. School health services shall not promote elective  
82 termination of pregnancy as a part of counseling services. Only  
83 those program proposals which have been developed jointly by  
84 county health departments and local school districts or schools,  
85 and which have community and parental support, shall be eligible  
86 for funding. Funding shall be available specifically for  
87 implementation of one of the following programs:

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88 (b) *Student support services team program.*—The program  
89 shall include a multidisciplinary team composed of a  
90 psychologist, social worker, and nurse whose responsibilities  
91 are to provide basic support services and to assist, in the  
92 school setting, children who exhibit mild to severely complex  
93 health, behavioral, or learning problems affecting their school  
94 performance. Support services shall include, but not be limited  
95 to: evaluation and treatment for minor illnesses and injuries,  
96 referral and followup for serious illnesses and emergencies,  
97 onsite care and consultation, referral to a physician, and  
98 followup care for pregnancy or chronic diseases and disorders as  
99 well as emotional or mental problems. Services also shall  
100 include referral care for drug and alcohol abuse and sexually  
101 transmitted diseases, sports and employment physicals,  
102 immunizations, and in addition, effective preventive services  
103 aimed at delaying early sexual involvement and aimed at  
104 pregnancy, acquired immune deficiency syndrome, sexually  
105 transmitted diseases, and destructive lifestyle conditions, such  
106 as alcohol and drug abuse. Moneys for this program shall be used  
107 to fund three teams, each consisting of one half-time  
108 psychologist, one full-time nurse, and one full-time social  
109 worker. Each team shall provide student support services to an  
110 elementary school, middle school, and high school that are a  
111 part of one feeder school system and shall coordinate all  
112 activities with the school administrator and certified school  
113 ~~guidance~~ counselor at each school. A program that ~~which~~ places  
114 all three teams in middle schools or high schools may also be  
115 proposed.

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117 Funding may also be available for any other program that is  
118 comparable to a program described in this subsection but is  
119 designed to meet the particular needs of the community.

120 Section 4. Paragraph (e) of subsection (3) of section  
121 1002.3105, Florida Statutes, is amended to read:

122 1002.3105 Academically Challenging Curriculum to Enhance  
123 Learning (ACCEL) options.—

124 (3) STUDENT ELIGIBILITY CONSIDERATIONS.—When establishing  
125 student eligibility requirements, principals and school  
126 districts must consider, at a minimum:

127 (e) A recommendation from a certified school ~~guidance~~  
128 counselor if one is assigned to the school in which the student  
129 is enrolled.

130 Section 5. Paragraph (c) of subsection (1) of section  
131 1003.21, Florida Statutes, is amended to read:

132 1003.21 School attendance.—

133 (1)

134 (c) A student who attains the age of 16 years during the  
135 school year is not subject to compulsory school attendance  
136 beyond the date upon which he or she attains that age if the  
137 student files a formal declaration of intent to terminate school  
138 enrollment with the district school board. Public school  
139 students who have attained the age of 16 years and who have not  
140 graduated are subject to compulsory school attendance until the  
141 formal declaration of intent is filed with the district school  
142 board. The declaration must acknowledge that terminating school  
143 enrollment is likely to reduce the student's earning potential  
144 and must be signed by the student and the student's parent. The  
145 school district shall ~~must~~ notify the student's parent of

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146 receipt of the student's declaration of intent to terminate  
147 school enrollment. The student's certified school ~~guidance~~  
148 counselor or other school personnel shall ~~must~~ conduct an exit  
149 interview with the student to determine the reasons for the  
150 student's decision to terminate school enrollment and actions  
151 that could be taken to keep the student in school. The student's  
152 certified school counselor or other school personnel shall  
153 inform the student ~~must be informed~~ of opportunities to continue  
154 his or her education in a different environment, including, but  
155 not limited to, adult education and GED test preparation.  
156 Additionally, the student shall ~~must~~ complete a survey in a  
157 format prescribed by the Department of Education to provide data  
158 on student reasons for terminating enrollment and actions taken  
159 by schools to keep students enrolled.

160 Section 6. Paragraph (d) of subsection (7) of section  
161 1003.43, Florida Statutes, is amended to read:

162 1003.43 General requirements for high school graduation.—

163 (7) No student may be granted credit toward high school  
164 graduation for enrollment in the following courses or programs:

165 (d) Any Level I course unless the student's assessment  
166 indicates that a more rigorous course of study would be  
167 inappropriate, in which case a written assessment of the need  
168 must be included in the student's individual educational plan or  
169 in a student performance plan, signed by the principal, the  
170 certified school ~~guidance~~ counselor, and the parent of the  
171 student, or the student if the student is 18 years of age or  
172 older.

173 Section 7. Subsection (3) and paragraph (a) of subsection  
174 (4) of section 1003.491, Florida Statutes, are amended to read:

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175           1003.491 Florida Career and Professional Education Act.—The  
176 Florida Career and Professional Education Act is created to  
177 provide a statewide planning partnership between the business  
178 and education communities in order to attract, expand, and  
179 retain targeted, high-value industry and to sustain a strong,  
180 knowledge-based economy.

181           (3) The strategic 3-year plan developed jointly by the  
182 local school district, regional workforce boards, economic  
183 development agencies, and state-approved postsecondary  
184 institutions shall be constructed and based on:

185           (a) Research conducted to objectively determine local and  
186 regional workforce needs for the ensuing 3 years, using labor  
187 projections of the United States Department of Labor and the  
188 Department of Economic Opportunity;

189           (b) Strategies to develop and implement career academies or  
190 career-themed courses based on those careers determined to be  
191 high-wage, high-skill, and high-demand;

192           (c) Strategies to provide shared, maximum use of private  
193 sector facilities and personnel;

194           (d) Strategies that ensure instruction by industry-  
195 certified faculty and standards and strategies to maintain  
196 current industry credentials and for recruiting and retaining  
197 faculty to meet those standards;

198           (e) Strategies to provide personalized student advisement,  
199 including a parent-participation component, and coordination  
200 with middle schools to promote and support career-themed courses  
201 and education planning as required under s. 1003.4156;

202           (f) Alignment of requirements for middle school career  
203 planning under s. 1003.4156(1)(a)5., middle and high school

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204 career and professional academies or career-themed courses  
205 leading to industry certification or postsecondary credit, and  
206 high school graduation requirements;

207 (g) Provisions to ensure that career-themed courses and  
208 courses offered through career and professional academies are  
209 academically rigorous, meet or exceed appropriate state-adopted  
210 subject area standards, result in attainment of industry  
211 certification, and, when appropriate, result in postsecondary  
212 credit;

213 (h) Plans to sustain and improve career-themed courses and  
214 career and professional academies;

215 (i) Strategies to improve the passage rate for industry  
216 certification examinations if the rate falls below 50 percent;

217 (j) Strategies to recruit students into career-themed  
218 courses and career and professional academies which include  
219 opportunities for students who have been unsuccessful in  
220 traditional classrooms but who are interested in enrolling in  
221 career-themed courses or a career and professional academy.  
222 School boards shall provide opportunities for students who may  
223 be deemed as potential dropouts to enroll in career-themed  
224 courses or participate in career and professional academies;

225 (k) Strategies to provide sufficient space within academies  
226 to meet workforce needs and to provide access to all interested  
227 and qualified students;

228 (l) Strategies to implement career-themed courses or career  
229 and professional academy training that lead to industry  
230 certification in juvenile justice education programs;

231 (m) Opportunities for high school students to earn weighted  
232 or dual enrollment credit for higher-level career and technical

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233 courses;

234 (n) Promotion of the benefits of the Gold Seal Bright  
235 Futures Scholarship;

236 (o) Strategies to ensure the review of district pupil-  
237 progression plans and to amend such plans to include career-  
238 themed courses and career and professional academy courses and  
239 to include courses that may qualify as substitute courses for  
240 core graduation requirements and those that may be counted as  
241 elective courses;

242 (p) Strategies to provide professional development for  
243 secondary certified school ~~guidance~~ counselors on the benefits  
244 of career and professional academies and career-themed courses  
245 that lead to industry certification; and

246 (q) Strategies to redirect appropriated career funding in  
247 secondary and postsecondary institutions to support career  
248 academies and career-themed courses that lead to industry  
249 certification.

250 (4) The State Board of Education shall establish a process  
251 for the continual and uninterrupted review of newly proposed  
252 core secondary courses and existing courses requested to be  
253 considered as core courses to ensure that sufficient rigor and  
254 relevance is provided for workforce skills and postsecondary  
255 education and aligned to state curriculum standards.

256 (a) The review of newly proposed core secondary courses  
257 shall be the responsibility of a curriculum review committee  
258 whose membership is approved by Workforce Florida, Inc., and  
259 shall include:

260 1. Three certified high school ~~guidance~~ counselors  
261 recommended by the Florida Association of Student Services

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262 Administrators.

263         2. Three assistant superintendents for curriculum and  
264 instruction, recommended by the Florida Association of District  
265 School Superintendents and who serve in districts that operate  
266 successful career and professional academies pursuant to s.  
267 1003.492 or a successful series of courses that lead to industry  
268 certification. Committee members in this category shall employ  
269 the expertise of appropriate subject area specialists in the  
270 review of proposed courses.

271         3. Three workforce representatives recommended by the  
272 Department of Economic Opportunity.

273         4. Three admissions directors of postsecondary institutions  
274 accredited by the Southern Association of Colleges and Schools,  
275 representing both public and private institutions.

276         5. The Commissioner of Education, or his or her designee,  
277 responsible for K-12 curriculum and instruction. The  
278 commissioner shall employ the expertise of appropriate subject  
279 area specialists in the review of proposed courses.

280         Section 8. Paragraph (f) of subsection (5) of section  
281 1004.04, Florida Statutes, is amended to read:

282         1004.04 Public accountability and state approval for  
283 teacher preparation programs.—

284         (5) CONTINUED PROGRAM APPROVAL.—Notwithstanding subsection  
285 (4), failure by a public or nonpublic teacher preparation  
286 program to meet the criteria for continued program approval  
287 shall result in loss of program approval. The Department of  
288 Education, in collaboration with the departments and colleges of  
289 education, shall develop procedures for continued program  
290 approval that document the continuous improvement of program

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291 processes and graduates' performance.

292 (f)1. Each Florida public and private institution that  
293 offers a state-approved teacher preparation program must  
294 annually report information regarding these programs to the  
295 state and the general public. This information shall be reported  
296 in a uniform and comprehensible manner that is consistent with  
297 definitions and methods approved by the Commissioner of the  
298 National Center for Educational Statistics and that is approved  
299 by the State Board of Education. This information must include,  
300 at a minimum:

301 a. The percent of graduates obtaining full-time teaching  
302 employment within the first year of graduation.

303 b. The average length of stay of graduates in their full-  
304 time teaching positions.

305 c. Satisfaction ratings required in paragraph (e).

306 2. Each public and private institution offering training  
307 for school readiness related professions, including training in  
308 the fields of child care and early childhood education, whether  
309 offering career credit, associate in applied science degree  
310 programs, associate in science degree programs, or associate in  
311 arts degree programs, shall annually report information  
312 regarding these programs to the state and the general public in  
313 a uniform and comprehensible manner that conforms with  
314 definitions and methods approved by the State Board of  
315 Education. This information must include, at a minimum:

316 a. Average length of stay of graduates in their positions.

317 b. Satisfaction ratings of graduates' employers.

318

319 This information shall be reported through publications,

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320 including college and university catalogs and promotional  
321 materials sent to potential applicants, certified secondary  
322 school ~~guidance~~ counselors, and prospective employers of the  
323 institution's program graduates.

324 Section 9. Paragraphs (a) and (c) of subsection (2) of  
325 section 1006.025, Florida Statutes, are amended to read:

326 1006.025 Guidance services.—

327 (2) The guidance report shall include, but not be limited  
328 to, the following:

329 (a) Examination of student access to certified school  
330 ~~guidance~~ counselors.

331 (c) Evaluation of the information and training available to  
332 certified school ~~guidance~~ counselors and career specialists to  
333 advise students on areas of critical need, labor market trends,  
334 and technical training requirements.

335 Section 10. Paragraph (a) of subsection (5) of section  
336 1007.35, Florida Statutes, is amended to read:

337 1007.35 Florida Partnership for Minority and  
338 Underrepresented Student Achievement.—

339 (5) Each public high school, including, but not limited to,  
340 schools and alternative sites and centers of the Department of  
341 Juvenile Justice, shall provide for the administration of the  
342 Preliminary SAT/National Merit Scholarship Qualifying Test  
343 (PSAT/NMSQT), or Preliminary ACT (PLAN) to all enrolled 10th  
344 grade students. However, a written notice shall be provided to  
345 each parent that shall include the opportunity to exempt his or  
346 her child from taking the PSAT/NMSQT or PLAN.

347 (a) Test results will provide each high school with a  
348 database of student assessment data which certified school

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349 ~~guidance~~ counselors will use to identify students who are  
350 prepared or who need additional work to be prepared to enroll  
351 and be successful in AP courses or other advanced high school  
352 courses.

353 Section 11. Paragraph (b) of subsection (2) of section  
354 1008.42, Florida Statutes, is amended to read:

355 1008.42 Public information on career education programs.—

356 (2) The dissemination shall be conducted in accordance with  
357 the following procedures:

358 (b)1. Each district school board shall publish, at a  
359 minimum, the most recently available placement rate for each  
360 career certificate program conducted by that school district at  
361 the secondary school level and at the career degree level. The  
362 placement rates for the preceding 3 years shall be published, if  
363 available, shall be included in each publication that informs  
364 the public of the availability of the program, and shall be made  
365 available to each certified school ~~guidance~~ counselor. If a  
366 program does not have a placement rate, a publication that lists  
367 or describes that program must state that the rate is  
368 unavailable.

369 2. Each Florida College System institution shall publish,  
370 at a minimum, the most recent placement rate for each career  
371 certificate program and for each career degree program in its  
372 annual catalog. The placement rates for the preceding 3 years  
373 shall be published, if available, and shall be included in any  
374 publication that informs the public of the availability of the  
375 program. If a program does not have a placement rate, the  
376 publication that lists or describes that program must state that  
377 the rate is unavailable.

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378           3. If a school district or a Florida College System  
379 institution has calculated for a program a placement rate that  
380 differs from the rate reported by the department, and if each  
381 record of a placement was obtained through a process that was  
382 capable of being audited, procedurally sound, and consistent  
383 statewide, the district or the Florida College System  
384 institution may use the locally calculated placement rate in the  
385 report required by this section. However, that rate may not be  
386 combined with the rate maintained in the computer files of the  
387 Department of Education's Florida Education and Training  
388 Placement Information Program.

389           4. An independent career, trade, or business school may not  
390 publish a placement rate unless the placement rate was  
391 determined as provided by this section.

392           Section 12. Subsection (3) of section 1009.53, Florida  
393 Statutes, is amended to read:

394           1009.53 Florida Bright Futures Scholarship Program.—

395           (3) The Department of Education shall administer the Bright  
396 Futures Scholarship Program according to rules and procedures  
397 established by the State Board of Education. A single  
398 application must be sufficient for a student to apply for any of  
399 the three types of awards. The department shall ~~must~~ advertise  
400 the availability of the scholarship program and shall ~~must~~  
401 notify students, teachers, parents, certified school ~~guidance~~  
402 counselors, and principals or other relevant school  
403 administrators of the criteria and application procedures. The  
404 department must begin this process of notification no later than  
405 January 1 of each year.

406           Section 13. Paragraph (b) of subsection (2) of section

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407 1012.01, Florida Statutes, is amended to read:

408 1012.01 Definitions.—As used in this chapter, the following  
409 terms have the following meanings:

410 (2) INSTRUCTIONAL PERSONNEL.—“Instructional personnel”  
411 means any K-12 staff member whose function includes the  
412 provision of direct instructional services to students.  
413 Instructional personnel also includes K-12 personnel whose  
414 functions provide direct support in the learning process of  
415 students. Included in the classification of instructional  
416 personnel are the following K-12 personnel:

417 (b) *Student personnel services*.—Student personnel services  
418 include staff members responsible for: advising students with  
419 regard to their abilities and aptitudes, educational and  
420 occupational opportunities, and personal and social adjustments;  
421 providing placement services; performing educational  
422 evaluations; and similar functions. Included in this  
423 classification are certified school ~~guidance~~ counselors, social  
424 workers, career specialists, and school psychologists. Certified  
425 school counselors shall perform only the duties and functions as  
426 provided by law and may not be used as support staff for  
427 administrative duties, including, but not limited to,  
428 coordinating, administering, or monitoring academic testing and  
429 testing programs, working bus or cafeteria lines, or substitute  
430 teaching.

431 Section 14. Subsection (1) of section 1012.71, Florida  
432 Statutes, is amended to read:

433 1012.71 The Florida Teachers Lead Program.—

434 (1) For purposes of the Florida Teachers Lead Program, the  
435 term “classroom teacher” means a certified teacher employed by a

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436 public school district or a public charter school in that  
437 district on or before September 1 of each year whose full-time  
438 or job-share responsibility is the classroom instruction of  
439 students in prekindergarten through grade 12, including full-  
440 time media specialists and certified school ~~guidance~~ counselors  
441 serving students in prekindergarten through grade 12, who are  
442 funded through the Florida Education Finance Program. A "job-  
443 share" classroom teacher is one of two teachers whose combined  
444 full-time equivalent employment for the same teaching assignment  
445 equals one full-time classroom teacher.

446 Section 15. Paragraph (a) of subsection (3) of section  
447 1012.98, Florida Statutes, is amended to read:

448 1012.98 School Community Professional Development Act.—

449 (3) The activities designed to implement this section must:

450 (a) Support and increase the success of educators through  
451 collaboratively developed school improvement plans that focus  
452 on:

453 1. Enhanced and differentiated instructional strategies to  
454 engage students in a rigorous and relevant curriculum based on  
455 state and local educational standards, goals, and initiatives;

456 2. Increased opportunities to provide meaningful  
457 relationships between teachers and all students; and

458 3. Increased opportunities for professional collaboration  
459 among and between teachers, certified school ~~guidance~~  
460 counselors, instructional leaders, postsecondary educators  
461 engaged in preservice training for new teachers, and the  
462 workforce community.

463 Section 16. This act shall take effect July 1, 2013.