

1 A bill to be entitled
 2 An act relating to certified school counselors;
 3 amending ss. 322.091, 381.0057, 1002.3105, 1003.21,
 4 1003.43, 1003.491, 1004.04, 1006.025, 1007.35,
 5 1008.42, 1009.53, 1012.71, and 1012.98, F.S.;
 6 requiring that counselors in elementary, middle, and
 7 high schools be certified school counselors; amending
 8 s. 1012.01, F.S.; limiting support staff duties of
 9 certified school counselors to functions related to
 10 academic testing; providing an effective date.

11
 12 Be It Enacted by the Legislature of the State of Florida:

13
 14 Section 1. Paragraph (b) of subsection (3) of section
 15 322.091, Florida Statutes, is amended to read:

16 322.091 Attendance requirements.—

17 (3) HARDSHIP WAIVER AND APPEAL.—

18 (b) The public school principal, the principal's designee,
 19 or the designee of the governing body of a private school shall
 20 waive the requirements of subsection (1) for any minor under the
 21 school's jurisdiction for whom a personal or family hardship
 22 requires that the minor have a driver's license for his or her
 23 own, or his or her family's, employment or medical care. The
 24 minor or the minor's parent or guardian may present other
 25 evidence that indicates compliance with the requirements of
 26 subsection (1) at the waiver hearing. The public school
 27 principal, the principal's designee, or the designee of the
 28 governing body of a private school shall consider ~~take into~~

29 | ~~consideration~~ the recommendations of teachers, other school
 30 | officials, certified school ~~guidance~~ counselors, or academic
 31 | advisers before waiving the requirements of subsection (1).

32 | Section 2. Paragraph (b) of subsection (3) of section
 33 | 381.0057, Florida Statutes, is amended to read:

34 | 381.0057 Funding for school health services.—

35 | (3) Any school district, school, or laboratory school
 36 | which desires to receive state funding under the provisions of
 37 | this section shall submit a proposal to the joint committee
 38 | established in subsection (2). The proposal shall state the
 39 | goals of the program, provide specific plans for reducing
 40 | teenage pregnancy, and describe all of the health services to be
 41 | available to students with funds provided pursuant to this
 42 | section, including a combination of initiatives such as health
 43 | education, counseling, extracurricular, and self-esteem
 44 | components. School health services shall not promote elective
 45 | termination of pregnancy as a part of counseling services. Only
 46 | those program proposals which have been developed jointly by
 47 | county health departments and local school districts or schools,
 48 | and which have community and parental support, shall be eligible
 49 | for funding. Funding shall be available specifically for
 50 | implementation of one of the following programs:

51 | (b) Student support services team program.—The program
 52 | shall include a multidisciplinary team composed of a
 53 | psychologist, social worker, and nurse whose responsibilities
 54 | are to provide basic support services and to assist, in the
 55 | school setting, children who exhibit mild to severely complex
 56 | health, behavioral, or learning problems affecting their school

57 | performance. Support services shall include, but not be limited
58 | to: evaluation and treatment for minor illnesses and injuries,
59 | referral and followup for serious illnesses and emergencies,
60 | onsite care and consultation, referral to a physician, and
61 | followup care for pregnancy or chronic diseases and disorders as
62 | well as emotional or mental problems. Services also shall
63 | include referral care for drug and alcohol abuse and sexually
64 | transmitted diseases, sports and employment physicals,
65 | immunizations, and in addition, effective preventive services
66 | aimed at delaying early sexual involvement and aimed at
67 | pregnancy, acquired immune deficiency syndrome, sexually
68 | transmitted diseases, and destructive lifestyle conditions, such
69 | as alcohol and drug abuse. Moneys for this program shall be used
70 | to fund three teams, each consisting of one half-time
71 | psychologist, one full-time nurse, and one full-time social
72 | worker. Each team shall provide student support services to an
73 | elementary school, middle school, and high school that are a
74 | part of one feeder school system and shall coordinate all
75 | activities with the school administrator and certified school
76 | ~~guidance~~ counselor at each school. A program that ~~which~~ places
77 | all three teams in middle schools or high schools may also be
78 | proposed.

79 |
80 | Funding may also be available for any other program that is
81 | comparable to a program described in this subsection but is
82 | designed to meet the particular needs of the community.

83 | Section 3. Paragraph (e) of subsection (3) of section
84 | 1002.3105, Florida Statutes, is amended to read:

85 | 1002.3105 Academically Challenging Curriculum to Enhance
 86 | Learning (ACCEL) options.—

87 | (3) STUDENT ELIGIBILITY CONSIDERATIONS.—When establishing
 88 | student eligibility requirements, principals and school
 89 | districts must consider, at a minimum:

90 | (e) A recommendation from a certified school ~~guidance~~
 91 | counselor if one is assigned to the school in which the student
 92 | is enrolled.

93 | Section 4. Paragraph (c) of subsection (1) of section
 94 | 1003.21, Florida Statutes, is amended to read:

95 | 1003.21 School attendance.—

96 | (1)

97 | (c) A student who attains the age of 16 years during the
 98 | school year is not subject to compulsory school attendance
 99 | beyond the date upon which he or she attains that age if the
 100 | student files a formal declaration of intent to terminate school
 101 | enrollment with the district school board. Public school
 102 | students who have attained the age of 16 years and who have not
 103 | graduated are subject to compulsory school attendance until the
 104 | formal declaration of intent is filed with the district school
 105 | board. The declaration must acknowledge that terminating school
 106 | enrollment is likely to reduce the student's earning potential
 107 | and must be signed by the student and the student's parent. The
 108 | school district shall ~~must~~ notify the student's parent of
 109 | receipt of the student's declaration of intent to terminate
 110 | school enrollment. The student's certified school ~~guidance~~
 111 | counselor or other school personnel shall ~~must~~ conduct an exit
 112 | interview with the student to determine the reasons for the

113 student's decision to terminate school enrollment and actions
114 that could be taken to keep the student in school. The student's
115 certified school counselor or other school personnel shall
116 inform the student ~~must be informed~~ of opportunities to continue
117 his or her education in a different environment, including, but
118 not limited to, adult education and GED test preparation.
119 Additionally, the student shall ~~must~~ complete a survey in a
120 format prescribed by the Department of Education to provide data
121 on student reasons for terminating enrollment and actions taken
122 by schools to keep students enrolled.

123 Section 5. Paragraph (d) of subsection (7) of section
124 1003.43, Florida Statutes, is amended to read:

125 1003.43 General requirements for high school graduation.—

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

128 (d) Any Level I course unless the student's assessment
129 indicates that a more rigorous course of study would be
130 inappropriate, in which case a written assessment of the need
131 must be included in the student's individual educational plan or
132 in a student performance plan, signed by the principal, the
133 certified school guidance ~~counselor~~, and the parent of the
134 student, or the student if the student is 18 years of age or
135 older.

136 Section 6. Subsection (3) and paragraph (a) of subsection
137 (4) of section 1003.491, Florida Statutes, are amended to read:

138 1003.491 Florida Career and Professional Education Act.—
139 The Florida Career and Professional Education Act is created to
140 provide a statewide planning partnership between the business

141 and education communities in order to attract, expand, and
142 retain targeted, high-value industry and to sustain a strong,
143 knowledge-based economy.

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

148 (a) Research conducted to objectively determine local and
149 regional workforce needs for the ensuing 3 years, using labor
150 projections of the United States Department of Labor and the
151 Department of Economic Opportunity;

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

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

157 (d) Strategies that ensure instruction by industry-
158 certified faculty and standards and strategies to maintain
159 current industry credentials and for recruiting and retaining
160 faculty to meet those standards;

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

165 (f) Alignment of requirements for middle school career
166 planning under s. 1003.4156(1)(a)5., middle and high school
167 career and professional academies or career-themed courses
168 leading to industry certification or postsecondary credit, and

169 high school graduation requirements;

170 (g) Provisions to ensure that career-themed courses and
171 courses offered through career and professional academies are
172 academically rigorous, meet or exceed appropriate state-adopted
173 subject area standards, result in attainment of industry
174 certification, and, when appropriate, result in postsecondary
175 credit;

176 (h) Plans to sustain and improve career-themed courses and
177 career and professional academies;

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

180 (j) Strategies to recruit students into career-themed
181 courses and career and professional academies which include
182 opportunities for students who have been unsuccessful in
183 traditional classrooms but who are interested in enrolling in
184 career-themed courses or a career and professional academy.
185 School boards shall provide opportunities for students who may
186 be deemed as potential dropouts to enroll in career-themed
187 courses or participate in career and professional academies;

188 (k) Strategies to provide sufficient space within
189 academies to meet workforce needs and to provide access to all
190 interested and qualified students;

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

194 (m) Opportunities for high school students to earn
195 weighted or dual enrollment credit for higher-level career and
196 technical courses;

197 (n) Promotion of the benefits of the Gold Seal Bright
 198 Futures Scholarship;

199 (o) Strategies to ensure the review of district pupil-
 200 progression plans and to amend such plans to include career-
 201 themed courses and career and professional academy courses and
 202 to include courses that may qualify as substitute courses for
 203 core graduation requirements and those that may be counted as
 204 elective courses;

205 (p) Strategies to provide professional development for
 206 secondary certified school ~~guidance~~ counselors on the benefits
 207 of career and professional academies and career-themed courses
 208 that lead to industry certification; and

209 (q) Strategies to redirect appropriated career funding in
 210 secondary and postsecondary institutions to support career
 211 academies and career-themed courses that lead to industry
 212 certification.

213 (4) The State Board of Education shall establish a process
 214 for the continual and uninterrupted review of newly proposed
 215 core secondary courses and existing courses requested to be
 216 considered as core courses to ensure that sufficient rigor and
 217 relevance is provided for workforce skills and postsecondary
 218 education and aligned to state curriculum standards.

219 (a) The review of newly proposed core secondary courses
 220 shall be the responsibility of a curriculum review committee
 221 whose membership is approved by Workforce Florida, Inc., and
 222 shall include:

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

225 Administrators.

226 2. Three assistant superintendents for curriculum and
227 instruction, recommended by the Florida Association of District
228 School Superintendents and who serve in districts that operate
229 successful career and professional academies pursuant to s.
230 1003.492 or a successful series of courses that lead to industry
231 certification. Committee members in this category shall employ
232 the expertise of appropriate subject area specialists in the
233 review of proposed courses.

234 3. Three workforce representatives recommended by the
235 Department of Economic Opportunity.

236 4. Three admissions directors of postsecondary
237 institutions accredited by the Southern Association of Colleges
238 and Schools, representing both public and private institutions.

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

243 Section 7. Paragraph (f) of subsection (5) of section
244 1004.04, Florida Statutes, is amended to read:

245 1004.04 Public accountability and state approval for
246 teacher preparation programs.—

247 (5) CONTINUED PROGRAM APPROVAL.—Notwithstanding subsection
248 (4), failure by a public or nonpublic teacher preparation
249 program to meet the criteria for continued program approval
250 shall result in loss of program approval. The Department of
251 Education, in collaboration with the departments and colleges of
252 education, shall develop procedures for continued program

253 approval that document the continuous improvement of program
254 processes and graduates' performance.

255 (f)1. Each Florida public and private institution that
256 offers a state-approved teacher preparation program must
257 annually report information regarding these programs to the
258 state and the general public. This information shall be reported
259 in a uniform and comprehensible manner that is consistent with
260 definitions and methods approved by the Commissioner of the
261 National Center for Educational Statistics and that is approved
262 by the State Board of Education. This information must include,
263 at a minimum:

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

266 b. The average length of stay of graduates in their full-
267 time teaching positions.

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

269 2. Each public and private institution offering training
270 for school readiness related professions, including training in
271 the fields of child care and early childhood education, whether
272 offering career credit, associate in applied science degree
273 programs, associate in science degree programs, or associate in
274 arts degree programs, shall annually report information
275 regarding these programs to the state and the general public in
276 a uniform and comprehensible manner that conforms with
277 definitions and methods approved by the State Board of
278 Education. This information must include, at a minimum:

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

280 b. Satisfaction ratings of graduates' employers.

281
282 This information shall be reported through publications,
283 including college and university catalogs and promotional
284 materials sent to potential applicants, certified secondary
285 school ~~guidance~~ counselors, and prospective employers of the
286 institution's program graduates.

287 Section 8. Paragraphs (a) and (c) of subsection (2) of
288 section 1006.025, Florida Statutes, are amended to read:

289 1006.025 Guidance services.—

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

292 (a) Examination of student access to certified school
293 ~~guidance~~ counselors.

294 (c) Evaluation of the information and training available
295 to certified school ~~guidance~~ counselors and career specialists
296 to advise students on areas of critical need, labor market
297 trends, and technical training requirements.

298 Section 9. Paragraph (a) of subsection (5) of section
299 1007.35, Florida Statutes, is amended to read:

300 1007.35 Florida Partnership for Minority and
301 Underrepresented Student Achievement.—

302 (5) Each public high school, including, but not limited
303 to, schools and alternative sites and centers of the Department
304 of Juvenile Justice, shall provide for the administration of the
305 Preliminary SAT/National Merit Scholarship Qualifying Test
306 (PSAT/NMSQT), or Preliminary ACT (PLAN) to all enrolled 10th
307 grade students. However, a written notice shall be provided to
308 each parent that shall include the opportunity to exempt his or

309 her child from taking the PSAT/NMSQT or PLAN.

310 (a) Test results will provide each high school with a
311 database of student assessment data which certified school
312 ~~guidance~~ counselors will use to identify students who are
313 prepared or who need additional work to be prepared to enroll
314 and be successful in AP courses or other advanced high school
315 courses.

316 Section 10. Paragraph (b) of subsection (2) of section
317 1008.42, Florida Statutes, is amended to read:

318 1008.42 Public information on career education programs.-

319 (2) The dissemination shall be conducted in accordance
320 with the following procedures:

321 (b)1. Each district school board shall publish, at a
322 minimum, the most recently available placement rate for each
323 career certificate program conducted by that school district at
324 the secondary school level and at the career degree level. The
325 placement rates for the preceding 3 years shall be published, if
326 available, shall be included in each publication that informs
327 the public of the availability of the program, and shall be made
328 available to each certified school ~~guidance~~ counselor. If a
329 program does not have a placement rate, a publication that lists
330 or describes that program must state that the rate is
331 unavailable.

332 2. Each Florida College System institution shall publish,
333 at a minimum, the most recent placement rate for each career
334 certificate program and for each career degree program in its
335 annual catalog. The placement rates for the preceding 3 years
336 shall be published, if available, and shall be included in any

337 publication that informs the public of the availability of the
338 program. If a program does not have a placement rate, the
339 publication that lists or describes that program must state that
340 the rate is unavailable.

341 3. If a school district or a Florida College System
342 institution has calculated for a program a placement rate that
343 differs from the rate reported by the department, and if each
344 record of a placement was obtained through a process that was
345 capable of being audited, procedurally sound, and consistent
346 statewide, the district or the Florida College System
347 institution may use the locally calculated placement rate in the
348 report required by this section. However, that rate may not be
349 combined with the rate maintained in the computer files of the
350 Department of Education's Florida Education and Training
351 Placement Information Program.

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

355 Section 11. Subsection (3) of section 1009.53, Florida
356 Statutes, is amended to read:

357 1009.53 Florida Bright Futures Scholarship Program.—

358 (3) The Department of Education shall administer the
359 Bright Futures Scholarship Program according to rules and
360 procedures established by the State Board of Education. A single
361 application must be sufficient for a student to apply for any of
362 the three types of awards. The department shall ~~must~~ advertise
363 the availability of the scholarship program and shall ~~must~~
364 notify students, teachers, parents, certified school ~~guidance~~

365 counselors, and principals or other relevant school
366 administrators of the criteria and application procedures. The
367 department must begin this process of notification no later than
368 January 1 of each year.

369 Section 12. Paragraph (b) of subsection (2) of section
370 1012.01, Florida Statutes, is amended to read:

371 1012.01 Definitions.—As used in this chapter, the
372 following terms have the following meanings:

373 (2) INSTRUCTIONAL PERSONNEL.—"Instructional personnel"
374 means any K-12 staff member whose function includes the
375 provision of direct instructional services to students.
376 Instructional personnel also includes K-12 personnel whose
377 functions provide direct support in the learning process of
378 students. Included in the classification of instructional
379 personnel are the following K-12 personnel:

380 (b) Student personnel services.—Student personnel services
381 include staff members responsible for: advising students with
382 regard to their abilities and aptitudes, educational and
383 occupational opportunities, and personal and social adjustments;
384 providing placement services; performing educational
385 evaluations; and similar functions. Included in this
386 classification are certified school ~~guidance~~ counselors, social
387 workers, career specialists, and school psychologists. Certified
388 school counselors shall perform only the duties and functions as
389 provided by law and may only be used as support staff for
390 coordinating, administering, or monitoring academic testing and
391 testing programs.

392 Section 13. Subsection (1) of section 1012.71, Florida

393 Statutes, is amended to read:

394 1012.71 The Florida Teachers Lead Program.—

395 (1) For purposes of the Florida Teachers Lead Program, the
 396 term "classroom teacher" means a certified teacher employed by a
 397 public school district or a public charter school in that
 398 district on or before September 1 of each year whose full-time
 399 or job-share responsibility is the classroom instruction of
 400 students in prekindergarten through grade 12, including full-
 401 time media specialists and certified school ~~guidance~~ counselors
 402 serving students in prekindergarten through grade 12, who are
 403 funded through the Florida Education Finance Program. A "job-
 404 share" classroom teacher is one of two teachers whose combined
 405 full-time equivalent employment for the same teaching assignment
 406 equals one full-time classroom teacher.

407 Section 14. Paragraph (a) of subsection (3) of section
 408 1012.98, Florida Statutes, is amended to read:

409 1012.98 School Community Professional Development Act.—

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

412 (a) Support and increase the success of educators through
 413 collaboratively developed school improvement plans that focus
 414 on:

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

418 2. Increased opportunities to provide meaningful
 419 relationships between teachers and all students; and

420 3. Increased opportunities for professional collaboration

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421 | among and between teachers, certified school ~~guidance~~
422 | counselors, instructional leaders, postsecondary educators
423 | engaged in preservice training for new teachers, and the
424 | workforce community.

425 | Section 15. This act shall take effect July 1, 2013.