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 CS/CS/HB 801, Engrossed 1

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1
 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, 1012.01, 1012.71, and 1012.98, F.S.;
 6 requiring that counselors in elementary, middle, and
 7 high schools be certified school counselors; providing
 8 an effective date.

9
 10 Be It Enacted by the Legislature of the State of Florida:

11
 12 Section 1. Paragraph (b) of subsection (3) of section
 13 322.091, Florida Statutes, is amended to read:

14 322.091 Attendance requirements.—

15 (3) HARDSHIP WAIVER AND APPEAL.—

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



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29 advisers before waiving the requirements of subsection (1).

30 Section 2. Paragraph (b) of subsection (3) of section
31 381.0057, Florida Statutes, is amended to read:

32 381.0057 Funding for school health services.—

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

49 (b) Student support services team program.—The program
50 shall include a multidisciplinary team composed of a
51 psychologist, social worker, and nurse whose responsibilities
52 are to provide basic support services and to assist, in the
53 school setting, children who exhibit mild to severely complex
54 health, behavioral, or learning problems affecting their school
55 performance. Support services shall include, but not be limited
56 to: evaluation and treatment for minor illnesses and injuries,



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57 | referral and followup for serious illnesses and emergencies,
58 | onsite care and consultation, referral to a physician, and
59 | followup care for pregnancy or chronic diseases and disorders as
60 | well as emotional or mental problems. Services also shall
61 | include referral care for drug and alcohol abuse and sexually
62 | transmitted diseases, sports and employment physicals,
63 | immunizations, and in addition, effective preventive services
64 | aimed at delaying early sexual involvement and aimed at
65 | pregnancy, acquired immune deficiency syndrome, sexually
66 | transmitted diseases, and destructive lifestyle conditions, such
67 | as alcohol and drug abuse. Moneys for this program shall be used
68 | to fund three teams, each consisting of one half-time
69 | psychologist, one full-time nurse, and one full-time social
70 | worker. Each team shall provide student support services to an
71 | elementary school, middle school, and high school that are a
72 | part of one feeder school system and shall coordinate all
73 | activities with the school administrator and certified school
74 | ~~guidance~~ counselor at each school. A program that ~~which~~ places
75 | all three teams in middle schools or high schools may also be
76 | proposed.

77 |
78 | Funding may also be available for any other program that is
79 | comparable to a program described in this subsection but is
80 | designed to meet the particular needs of the community.

81 | Section 3. Paragraph (e) of subsection (3) of section
82 | 1002.3105, Florida Statutes, is amended to read:

83 | 1002.3105 Academically Challenging Curriculum to Enhance
84 | Learning (ACCEL) options.—



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

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

91 Section 4. Paragraph (c) of subsection (1) of section
92 1003.21, Florida Statutes, is amended to read:

93 1003.21 School attendance.—

94 (1)

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



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

121 Section 5. Paragraph (d) of subsection (7) of section
122 1003.43, Florida Statutes, is amended to read:

123 1003.43 General requirements for high school graduation.—

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

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

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

136 1003.491 Florida Career and Professional Education Act.—
137 The Florida Career and Professional Education Act is created to
138 provide a statewide planning partnership between the business
139 and education communities in order to attract, expand, and
140 retain targeted, high-value industry and to sustain a strong,



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141 knowledge-based economy.

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

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

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

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

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

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

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

168 (g) Provisions to ensure that career-themed courses and



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169 | courses offered through career and professional academies are
170 | academically rigorous, meet or exceed appropriate state-adopted
171 | subject area standards, result in attainment of industry
172 | certification, and, when appropriate, result in postsecondary
173 | credit;

174 | (h) Plans to sustain and improve career-themed courses and
175 | career and professional academies;

176 | (i) Strategies to improve the passage rate for industry
177 | certification examinations if the rate falls below 50 percent;

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

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

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

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

195 | (n) Promotion of the benefits of the Gold Seal Bright
196 | Futures Scholarship;



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

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

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

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

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

- 221 1. Three certified high school ~~guidance~~ counselors
222 recommended by the Florida Association of Student Services
223 Administrators.
224 2. Three assistant superintendents for curriculum and



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

232 3. Three workforce representatives recommended by the
233 Department of Economic Opportunity.

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

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

241 Section 7. Paragraph (f) of subsection (5) of section
242 1004.04, Florida Statutes, is amended to read:

243 1004.04 Public accountability and state approval for
244 teacher preparation programs.—

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



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

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

264 b. The average length of stay of graduates in their full-
265 time teaching positions.

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

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

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

278 b. Satisfaction ratings of graduates' employers.

279

280 This information shall be reported through publications,



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281 including college and university catalogs and promotional
282 materials sent to potential applicants, certified secondary
283 school ~~guidance~~ counselors, and prospective employers of the
284 institution's program graduates.

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

287 1006.025 Guidance services.—

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

290 (a) Examination of student access to certified school
291 ~~guidance~~ counselors.

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

296 Section 9. Paragraph (a) of subsection (5) of section
297 1007.35, Florida Statutes, is amended to read:

298 1007.35 Florida Partnership for Minority and
299 Underrepresented Student Achievement.—

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

308 (a) Test results will provide each high school with a



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309 database of student assessment data which certified school
 310 ~~guidance~~ counselors will use to identify students who are
 311 prepared or who need additional work to be prepared to enroll
 312 and be successful in AP courses or other advanced high school
 313 courses.

314 Section 10. Paragraph (b) of subsection (2) of section
 315 1008.42, Florida Statutes, is amended to read:

316 1008.42 Public information on career education programs.—

317 (2) The dissemination shall be conducted in accordance
 318 with the following procedures:

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

330 2. Each Florida College System institution shall publish,
 331 at a minimum, the most recent placement rate for each career
 332 certificate program and for each career degree program in its
 333 annual catalog. The placement rates for the preceding 3 years
 334 shall be published, if available, and shall be included in any
 335 publication that informs the public of the availability of the
 336 program. If a program does not have a placement rate, the



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337 publication that lists or describes that program must state that
 338 the rate is unavailable.

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

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

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

355 1009.53 Florida Bright Futures Scholarship Program.—

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



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365 department must begin this process of notification no later than
 366 January 1 of each year.

367 Section 12. Paragraph (b) of subsection (2) of section
 368 1012.01, Florida Statutes, is amended to read:

369 1012.01 Definitions.—As used in this chapter, the
 370 following terms have the following meanings:

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

378 (b) Student personnel services.—Student personnel services
 379 include staff members responsible for: advising students with
 380 regard to their abilities and aptitudes, educational and
 381 occupational opportunities, and personal and social adjustments;
 382 providing placement services; performing educational
 383 evaluations; and similar functions. Included in this
 384 classification are certified school ~~guidance~~ counselors, social
 385 workers, career specialists, and school psychologists.

386 Section 13. Subsection (1) of section 1012.71, Florida
 387 Statutes, is amended to read:

388 1012.71 The Florida Teachers Lead Program.—

389 (1) For purposes of the Florida Teachers Lead Program, the
 390 term "classroom teacher" means a certified teacher employed by a
 391 public school district or a public charter school in that
 392 district on or before September 1 of each year whose full-time



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393 or job-share responsibility is the classroom instruction of
394 students in prekindergarten through grade 12, including full-
395 time media specialists and certified school ~~guidance~~ counselors
396 serving students in prekindergarten through grade 12, who are
397 funded through the Florida Education Finance Program. A "job-
398 share" classroom teacher is one of two teachers whose combined
399 full-time equivalent employment for the same teaching assignment
400 equals one full-time classroom teacher.

401 Section 14. Paragraph (a) of subsection (3) of section
402 1012.98, Florida Statutes, is amended to read:

403 1012.98 School Community Professional Development Act.—

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

406 (a) Support and increase the success of educators through
407 collaboratively developed school improvement plans that focus
408 on:

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

412 2. Increased opportunities to provide meaningful
413 relationships between teachers and all students; and

414 3. Increased opportunities for professional collaboration
415 among and between teachers, certified school ~~guidance~~
416 counselors, instructional leaders, postsecondary educators
417 engaged in preservice training for new teachers, and the
418 workforce community.

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