

CHAMBER ACTION

1 The Committee on Education K-20 recommends the following:

2  
3 **Committee Substitute**

4 Remove the entire bill and insert:

5 A bill to be entitled

6 An act relating to student health and fitness; providing a  
7 popular name; amending s. 1001.42, F.S.; requiring  
8 district school boards to annually provide a student  
9 health report to each parent; requiring school improvement  
10 plans to address issues relative to student health and  
11 fitness; requiring policies that encourage school site  
12 decisionmaking relating to student health and fitness  
13 standards; amending s. 1001.43, F.S.; allowing district  
14 school boards to adopt policies regarding indoor  
15 environmental quality; amending s. 1001.452, F.S.;  
16 requiring each school advisory council to have a member  
17 from a health care profession; providing for input on  
18 composition of school advisory councils from health care  
19 related professional organizations; requiring school  
20 advisory councils to make recommendations each year on  
21 ways to maintain or improve student health and fitness;  
22 requiring district school boards to adopt a districtwide  
23 plan on student health and fitness to be submitted to the

HB 77

2004  
CS

24 Department of Education; requiring the department to  
 25 conduct a study on student health and fitness; requiring  
 26 the department to develop and distribute support materials  
 27 to assist local implementation of programs to improve  
 28 student health and fitness; requiring the department to  
 29 report its findings to the Governor and the Legislature;  
 30 providing an effective date.

31

32 Be It Enacted by the Legislature of the State of Florida:

33

34 Section 1. Popular name.--This act shall be known by the  
 35 popular name the "Healthy Achievers Act."

36 Section 2. Paragraph (f) is added to subsection (15) of  
 37 section 1001.42, Florida Statutes, and paragraph (a) of  
 38 subsection (16) and paragraph (a) of subsection (17) of said  
 39 section are amended, to read:

40 1001.42 Powers and duties of district school board.--The  
 41 district school board, acting as a board, shall exercise all  
 42 powers and perform all duties listed below:

43 (15) PUBLIC INFORMATION AND PARENTAL INVOLVEMENT  
 44 PROGRAM.--

45 (f) Annually provide a student health report to each  
 46 parent. The report shall contain information as to whether the  
 47 student is overweight, at risk of becoming overweight, a healthy  
 48 weight, or underweight. The report shall include general health  
 49 information and district contact information. In preparing the  
 50 report, districts shall utilize the support materials and

51 information developed by the Department of Education pursuant to  
52 section 5 of this act.

53 (16) IMPLEMENT SCHOOL IMPROVEMENT AND  
54 ACCOUNTABILITY.--Maintain a system of school improvement and  
55 education accountability as provided by statute and State Board  
56 of Education rule. This system of school improvement and  
57 education accountability shall be consistent with, and  
58 implemented through, the district's continuing system of  
59 planning and budgeting required by this section and ss.  
60 1008.385, 1010.01, and 1011.01. This system of school  
61 improvement and education accountability shall include, but is  
62 not limited to, the following:

63 (a) *School improvement plans.*--Annually approve and  
64 require implementation of a new, amended, or continuation school  
65 improvement plan for each school in the district, except that a  
66 district school board may establish a district school  
67 improvement plan that includes all schools in the district  
68 operating for the purpose of providing educational services to  
69 youth in Department of Juvenile Justice programs. Such plan  
70 shall be designed to achieve the state education priorities  
71 pursuant to s. 1000.03(5) and student performance standards.  
72 Each plan shall also address issues relative to budget,  
73 training, instructional materials, technology, staffing, student  
74 support services, specific school safety and discipline  
75 strategies, student health and fitness, and other matters of  
76 resource allocation, as determined by district school board  
77 policy, and shall be based on an analysis of student achievement  
78 and other school performance data.

HB 77

2004  
CS

79 (17) LOCAL-LEVEL DECISIONMAKING.--

80 (a) Adopt policies that clearly encourage and enhance  
81 maximum decisionmaking appropriate to the school site. Such  
82 policies must include guidelines for schools in the adoption and  
83 purchase of district and school site instructional materials and  
84 technology, the implementation of student health and fitness  
85 standards, staff training, school advisory council member  
86 training, student support services, budgeting, and the  
87 allocation of staff resources.

88 Section 3. Subsection (4) of section 1001.43, Florida  
89 Statutes, is amended to read:

90 1001.43 Supplemental powers and duties of district school  
91 board.--The district school board may exercise the following  
92 supplemental powers and duties as authorized by this code or  
93 State Board of Education rule.

94 (4) FACILITIES MANAGEMENT.--The district school board may  
95 adopt policies providing for management of the physical campus  
96 and its environs, including, but not limited to, energy  
97 conservation measures; indoor environmental quality; building  
98 and ground maintenance; fencing, landscaping, and other property  
99 improvements; site acquisition; new construction and renovation;  
100 dedication and rededication or naming and renaming of district  
101 buildings and other district facilities; and development of  
102 facilities management planning and priorities.

103 Section 4. Section 1001.452, Florida Statutes, is amended  
104 to read:

105 1001.452 District and school advisory councils.--

106 (1) ESTABLISHMENT.--

HB 77

2004  
CS

107 (a) The district school board shall establish an advisory  
108 council for each school in the district and shall develop  
109 procedures for the election and appointment of advisory council  
110 members. Each school advisory council shall include in its name  
111 the words "school advisory council." The school advisory council  
112 shall be the sole body responsible for final decisionmaking at  
113 the school relating to implementation of the provisions of ss.  
114 1001.42(16) and 1008.345. A majority of the members of each  
115 school advisory council must be persons who are not employed by  
116 the school. Each advisory council shall be composed of the  
117 principal and an appropriately balanced number of teachers,  
118 education support employees, students, parents, and other  
119 business and community citizens, including at least one person  
120 from a health care profession, who are representative of the  
121 ethnic, racial, and economic community served by the school.  
122 Technical center and high school advisory councils shall include  
123 students, and middle and junior high school advisory councils  
124 may include students. School advisory councils of technical and  
125 adult education centers are not required to include parents as  
126 members. Council members representing teachers, education  
127 support employees, students, and parents shall be elected by  
128 their respective peer groups at the school in a fair and  
129 equitable manner as follows:

- 130 1. Teachers shall be elected by teachers.
- 131 2. Education support employees shall be elected by  
132 education support employees.
- 133 3. Students shall be elected by students.
- 134 4. Parents shall be elected by parents.

HB 77

2004  
CS

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136 The district school board shall establish procedures for use by  
137 schools in selecting business and community members that include  
138 means of ensuring wide notice of vacancies and of taking input  
139 on possible members from local business, chambers of commerce,  
140 community and civic organizations and groups, health care  
141 related professional organizations, and the public at large. The  
142 district school board shall review the membership composition of  
143 each advisory council. If the district school board determines  
144 that the membership elected by the school is not representative  
145 of the ethnic, racial, and economic community served by the  
146 school, the district school board shall appoint additional  
147 members to achieve proper representation. The commissioner shall  
148 determine if schools have maximized their efforts to include on  
149 their advisory councils minority persons and persons of lower  
150 socioeconomic status. Although schools are strongly encouraged  
151 to establish school advisory councils, the district school board  
152 of any school district that has a student population of 10,000  
153 or fewer may establish a district advisory council which shall  
154 include at least one duly elected teacher from each school in  
155 the district. For the purposes of school advisory councils and  
156 district advisory councils, the term "teacher" shall include  
157 classroom teachers, certified student services personnel, and  
158 media specialists. For purposes of this paragraph, "education  
159 support employee" means any person employed by a school who is  
160 not defined as instructional or administrative personnel  
161 pursuant to s. 1012.01 and whose duties require 20 or more hours  
162 in each normal working week.

HB 77

2004  
CS

163           (b) The district school board may establish a district  
164 advisory council representative of the district and composed of  
165 teachers, students, parents, and other citizens or a district  
166 advisory council that may be comprised of representatives of  
167 each school advisory council. Recognized schoolwide support  
168 groups that meet all criteria established by law or rule may  
169 function as school advisory councils.

170           (c) For those schools operating for the purpose of  
171 providing educational services to youth in Department of  
172 Juvenile Justice programs, district school boards may establish  
173 a district advisory council with appropriate representatives for  
174 the purpose of developing and monitoring a district school  
175 improvement plan that encompasses all such schools in the  
176 district, pursuant to s. 1001.42(16)(a).

177           (d) Each school advisory council shall adopt bylaws  
178 establishing procedures for:

179           1. Requiring a quorum to be present before a vote may be  
180 taken by the school advisory council. A majority of the  
181 membership of the council constitutes a quorum.

182           2. Requiring at least 3 days' advance notice in writing to  
183 all members of the advisory council of any matter that is  
184 scheduled to come before the council for a vote.

185           3. Scheduling meetings when parents, students, teachers,  
186 businesspersons, and members of the community can attend.

187           4. Replacing any member who has two unexcused consecutive  
188 absences from a school advisory council meeting that is noticed  
189 according to the procedures in the bylaws.

190           5. Recording minutes of meetings.

191  
192 The district school board may review all proposed bylaws of a  
193 school advisory council and shall maintain a record of minutes  
194 of council meetings.

195 (2) GENERAL DUTIES.--Each school advisory council shall:

196 (a) Perform such functions as are prescribed by  
197 regulations of the district school board; however, no advisory  
198 council shall have any of the powers and duties now reserved by  
199 law to the district school board.

200 (b) ~~Each school advisory council shall~~ Assist in the  
201 preparation and evaluation of the school improvement plan  
202 required pursuant to s. 1001.42(16).

203 (c) Make recommendations by March 1 of each year to  
204 maintain or improve student health and fitness. During the  
205 recommendation process, a public meeting shall be held by each  
206 advisory council to give parents an opportunity to express ideas  
207 or concerns about the school's role in, or effect on, student  
208 health and fitness. When making recommendations, consideration  
209 shall be given to, but not limited to, the following areas:

210 1. Nutrition.--Issues affecting student nutrition,  
211 including the school food service program offerings, use of food  
212 of minimal nutritional value as classroom incentives or as  
213 fundraisers, vending machine contents and hours of availability,  
214 and the level of nutrition education in the curriculum.

215 2. Physical fitness.--Opportunities to increase student  
216 fitness, including the content, length, and frequency of  
217 physical education classes and recesses; activity requirements  
218 of before school, after school, and summer school programs;



HB 77

2004  
CS

219 school participation in organized activity programs that include  
 220 regular monitoring and assessment of student fitness; and the  
 221 use of school grounds as public parks.

222 3. Parental information.--The needs of parents to have a  
 223 source of information about the health and fitness status of  
 224 their children.

225 4. Indoor environmental quality.--The need or desirability  
 226 of having regular indoor environmental quality inspections or  
 227 establishing indoor environmental quality standards.

228  
 229 The advisory council's recommendations shall be distributed to  
 230 the school's parents and principal and submitted to the district  
 231 school board. The district school board, using advisory council  
 232 recommendations, shall develop a districtwide plan to address  
 233 student health and fitness. The presence of a districtwide plan  
 234 does not preclude a school from implementing recommendations  
 235 from its advisory council if the school would otherwise have the  
 236 authority to take the recommended action. By May 1 of each year,  
 237 the district school board shall submit the districtwide student  
 238 health and fitness plan to the department.

239 (3) BUDGET DUTIES.--With technical assistance from the  
 240 Department of Education, each school advisory council shall  
 241 assist in the preparation of the school's annual budget and plan  
 242 as required by s. 1008.385(1). A portion of funds provided in  
 243 the annual General Appropriations Act for use by school advisory  
 244 councils must be used for implementing the school improvement  
 245 plan.

HB 77

2004  
CS

246           Section 5. (1) The Department of Education shall conduct  
247 a study to gather information concerning student health and  
248 fitness in each school district and develop support materials  
249 school districts or individual schools could use to improve  
250 student health and fitness through local action.

251           (2) The study shall include an examination of:

252           (a) The average length and frequency of physical education  
253 classes in elementary, middle, and high school, respectively, by  
254 school district.

255           (b) The percent of physical education classes taught by  
256 certified physical education instructors.

257           (c) The degree to which individual schools within a school  
258 district are allowed to add to or modify district physical  
259 education requirements.

260           (d) The availability of fitness assessment programs, like  
261 the President's Challenge Physical Fitness Program, which could  
262 be adopted by schools or entire school districts to provide  
263 feedback on and encourage student fitness.

264           (e) Methods of providing feedback to a parent through a  
265 student health report that would summarize a student's health  
266 and fitness.

267           (3) By December 1, 2004, the department shall develop  
268 support materials and distribute them to each school district to  
269 enable implementation of fitness assessment programs recommended  
270 pursuant to s. 1001.452(2)(c), Florida Statutes, or student  
271 health reports required pursuant to s. 1001.42(15)(f), Florida  
272 Statutes. The support materials shall include the necessary  
273 instructions, procedures, and forms to implement and

HB 77

2004  
CS

274 successfully administer the programs or reports. The department  
275 may develop and distribute other support or informational  
276 materials it determines may assist schools or school districts  
277 to improve student health and fitness through local action.

278 (4) The Department of Education shall report the results  
279 of the study to the Governor, the President of the Senate, and  
280 the Speaker of the House of Representatives by December 1, 2004.  
281 The report shall include results of the study, any identified  
282 barriers to local action to improve student health and fitness,  
283 and any recommendations based upon the study that would require  
284 funding or statutory changes.

285 Section 6. This act shall take effect July 1, 2004.