

CHAMBER ACTION

1 The PreK-12 Committee recommends the following:

2
3 **Council/Committee Substitute**

4 Remove the entire bill and insert:

5 A bill to be entitled

6 An act relating to district school boards; amending s.
7 1001.43, F.S., relating to district school board powers
8 and duties; allowing students to wear sun-protective items
9 while outdoors during school hours; amending s. 1003.02,
10 F.S.; requiring each district school board that selects a
11 vendor to market student class rings to select a vendor
12 that meets certain criteria; requiring each district
13 school board to notify students and parents that the
14 purchase of a class ring may be through any vendor
15 marketing class rings and that a student may participate
16 in related ceremonies or activities regardless of the
17 vendor through which the purchase was made; requiring
18 district school boards to allow certain photographs to be
19 included in student yearbooks; amending s. 1006.22, F.S.;
20 revising provisions for district school board
21 transportation of students in vehicles other than school
22 buses; authorizing use of such vehicles for mid-day trips
23 and other trips to and from certain sites and activities;

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24 | revising criteria for such vehicles and their use;
 25 | requiring district school boards and charter schools to
 26 | adopt a policy that addresses procedures and liability for
 27 | trips using vehicles other than school buses; requiring
 28 | Chaminade-Madonna High School and St. Thomas Aquinas High
 29 | School to compete annually in interscholastic football;
 30 | providing an effective date.

31 |

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

33 |

34 | Section 1. Paragraph (b) of subsection (1) of section
 35 | 1001.43, Florida Statutes, is amended to read:

36 | 1001.43 Supplemental powers and duties of district school
 37 | board.--The district school board may exercise the following
 38 | supplemental powers and duties as authorized by this code or
 39 | State Board of Education rule.

40 | (1) STUDENT MANAGEMENT.--The district school board may
 41 | adopt programs and policies to ensure the safety and welfare of
 42 | individuals, the student body, and school personnel, which
 43 | programs and policies may:

44 | (b) Require uniforms to be worn by the student body, or
 45 | impose other dress-related requirements, if the district school
 46 | board finds that those requirements are necessary for the safety
 47 | or welfare of the student body or school personnel. However,
 48 | students may wear sunglasses, hats, or other sun-protective wear
 49 | while outdoors during school hours, such as when students are at
 50 | recess.

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51 Section 2. Subsections (5) and (6) are added to section
52 1003.02, Florida Statutes, to read:

53 1003.02 District school board operation and control of
54 public K-12 education within the school district.--As provided
55 in part II of chapter 1001, district school boards are
56 constitutionally and statutorily charged with the operation and
57 control of public K-12 education within their school district.
58 The district school boards must establish, organize, and operate
59 their public K-12 schools and educational programs, employees,
60 and facilities. Their responsibilities include staff
61 development, public K-12 school student education including
62 education for exceptional students and students in juvenile
63 justice programs, special programs, adult education programs,
64 and career education programs. Additionally, district school
65 boards must:

66 (5) (a) If selecting a vendor to market class rings to
67 students, select a vendor that does not intimidate students with
68 respect to the purchase of class rings or discriminate against a
69 student who purchases a class ring from another vendor by
70 excluding the student from participating in any ceremony or
71 activity relating to the receipt of a class ring.

72 (b) Notify in writing each student and his or her parent
73 that the student may purchase his or her class ring through any
74 vendor regardless of the fact that the district school board may
75 contract with a vendor for marketing class rings. The
76 notification must include an explanation of the right of each
77 student purchasing a class ring to participate in any ceremony
78 or activity relating to the receipt of a class ring.

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79 (6) If entering into a contract with a photographer for
80 the purpose of taking student yearbook photographs, allow a
81 student's senior photograph to appear in the yearbook when taken
82 by a photographer not under contract with the district school
83 board if the photograph meets the reasonable specifications of
84 the yearbook staff for senior photographs.

85 Section 3. Subsection (1) of section 1006.22, Florida
86 Statutes, is amended to read:

87 1006.22 Safety and health of students being
88 transported.--Maximum regard for safety and adequate protection
89 of health are primary requirements that must be observed by
90 district school boards in routing buses, appointing drivers, and
91 providing and operating equipment, in accordance with all
92 requirements of law and rules of the State Board of Education in
93 providing transportation pursuant to s. 1006.21:

94 (1) (a) District school boards shall use school buses, as
95 defined in s. 1006.25, for all regular transportation. Regular
96 transportation or regular use means transportation of students
97 to and from school or school-related activities that are part of
98 a scheduled series or sequence of events to the same location.
99 "Students" means, for the purposes of this section, students
100 enrolled in the public schools in prekindergarten disability
101 programs and in kindergarten through grade 12. District school
102 boards may regularly use motor vehicles other than school buses
103 only under the following conditions:

104 1.(a) When the transportation is for physically
105 handicapped or isolated students and the district school board

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106 has elected to provide for the transportation of the student
107 through written or oral contracts or agreements.

108 2.(b) When the transportation is a part of a comprehensive
109 contract for a specialized educational program between a
110 district school board and a service provider who provides
111 instruction, transportation, and other services.

112 3.(e) When the transportation is provided through a public
113 transit system.

114 4.(d) When the transportation is for mid-day trips to and
115 from school sites or agricultural education sites or for trips
116 to and from agricultural education-related events or
117 competitions. ~~When the transportation of students is necessary~~
118 ~~or practical in a motor vehicle owned or operated by a district~~
119 ~~school board other than a school bus, such transportation must~~
120 ~~be provided in designated seating positions in a passenger car~~
121 ~~not to exceed 8 students or in a multipurpose passenger vehicle~~
122 ~~designed to transport 10 or fewer persons which meets all~~
123 ~~applicable federal motor vehicle safety standards. Multipurpose~~
124 ~~passenger vehicles classified as utility vehicles with a~~
125 ~~wheelbase of 110 inches or less which are required by federal~~
126 ~~motor vehicle standards to display a rollover warning label may~~
127 ~~not be used.~~

128
129 ~~When students are transported in motor vehicles, the occupant~~
130 ~~crash protection system provided by the vehicle manufacturer~~
131 ~~must be used unless the student's physical condition prohibits~~
132 ~~such use.~~

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133 (b) When the transportation of students is provided, as
134 authorized in this subsection, in a vehicle other than a school
135 bus that is owned, operated, rented, contracted, or leased by a
136 school district or charter school, the following provisions
137 shall apply:

138 1. The vehicle must be a passenger car or multipurpose
139 passenger vehicle or truck, as defined in Title 49 C.F.R. part
140 571, designed to transport fewer than 10 students. Students must
141 be transported in designated seating positions and must use the
142 occupant crash protection system provided by the manufacturer
143 unless the student's physical condition prohibits such use.

144 2. An authorized vehicle may not be driven by a student on
145 a public right-of-way. An authorized vehicle may be driven by a
146 student on school or private property as part of the student's
147 educational curriculum if no other student is in the vehicle.

148 3. The driver of an authorized vehicle transporting
149 students must maintain a valid driver's license and must comply
150 with the requirements of the school district's locally adopted
151 safe driver plan, which includes review of driving records for
152 disqualifying violations.

153 4. The district school board or charter school must adopt
154 a policy that addresses procedures and liability for trips under
155 this paragraph, including a provision that school buses are to
156 be used whenever practical and specifying consequences for
157 violation of the policy.

158 Section 4. Chaminade-Madonna High School and St. Thomas
159 Aquinas High School must compete against each other annually in
160 interscholastic football.

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161 | Section 5. This act shall take effect July 1, 2006.