

CHAMBER ACTION

1 The Education Appropriations Committee recommends the following:

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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; authorizing use of
10 federal funds to purchase food when federal program
11 guidelines permit such use; amending s. 1003.02, F.S.;
12 authorizing district school boards to select vendors to
13 market student class rings; providing criteria for
14 selection of such vendors; requiring district school
15 boards to notify students and parents that the purchase of
16 a class ring may be through any vendor marketing class
17 rings and that a student may participate in related
18 ceremonies or activities regardless of the vendor through
19 which the purchase was made; authorizing district school
20 boards to contract with photographers for the purpose of
21 taking student yearbook photographs and providing
22 requirements; permitting the inclusion of certain
23 photographs in student yearbooks; amending s. 1006.22,

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24 F.S.; revising provisions for district school board
25 transportation of students in vehicles other than school
26 buses; authorizing use of such vehicles for mid-day trips
27 and other trips to and from certain sites and activities;
28 revising criteria for such vehicles and their use;
29 requiring district school boards and charter schools to
30 adopt a policy that addresses procedures and liability for
31 trips using vehicles other than school buses; providing an
32 effective date.

33

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

35

36 Section 1. Paragraph (b) of subsection (1) of section
37 1001.43, Florida Statutes, is amended, and paragraph (g) is
38 added to subsection (2) of that section, to read:

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

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

47 (b) Require uniforms to be worn by the student body, or
48 impose other dress-related requirements, if the district school
49 board finds that those requirements are necessary for the safety
50 or welfare of the student body or school personnel. However,
51 students may wear sunglasses, hats, or other sun-protective wear

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52 | while outdoors during school hours, such as when students are at
53 | recess.

54 | (2) FISCAL MANAGEMENT.--The district school board may
55 | adopt policies providing for fiscal management of the school
56 | district with respect to school purchasing, facilities, nonstate
57 | revenue sources, budgeting, fundraising, and other activities
58 | relating to the fiscal management of district resources,
59 | including, but not limited to, the policies governing:

60 | (g) Use of federal funds to purchase food when federal
61 | program guidelines permit such use.

62 | Section 2. Subsections (5) and (6) are added to section
63 | 1003.02, Florida Statutes, to read:

64 | 1003.02 District school board operation and control of
65 | public K-12 education within the school district.--As provided
66 | in part II of chapter 1001, district school boards are
67 | constitutionally and statutorily charged with the operation and
68 | control of public K-12 education within their school district.
69 | The district school boards must establish, organize, and operate
70 | their public K-12 schools and educational programs, employees,
71 | and facilities. Their responsibilities include staff
72 | development, public K-12 school student education including
73 | education for exceptional students and students in juvenile
74 | justice programs, special programs, adult education programs,
75 | and career education programs. Additionally, district school
76 | boards must:

77 | (5) (a) If selecting a vendor to market class rings to
78 | students, select at least two vendors. Vendors selected by the
79 | district school board must not intimidate students with respect

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80 to the purchase of class rings or discriminate against a student
81 who purchases a class ring from another vendor by excluding the
82 student from participating in any ceremony or activity relating
83 to the receipt of a class ring.

84 (b) Notify in writing each student and his or her parent
85 that the student may purchase his or her class ring through any
86 vendor regardless of the fact that the district school board may
87 contract with vendors for marketing class rings. The
88 notification must include an explanation of the right of each
89 student purchasing a class ring to participate in any ceremony
90 or activity relating to the receipt of a class ring.

91 (6) If entering into a contract with a photographer for
92 the purpose of taking student yearbook photographs, select at
93 least two photographers. A student's senior photograph must be
94 allowed to appear in the yearbook when taken by a photographer
95 not under contract with the district school board if the
96 photograph meets the reasonable specifications of the principal
97 and yearbook staff for senior photographs.

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

100 1006.22 Safety and health of students being
101 transported.--Maximum regard for safety and adequate protection
102 of health are primary requirements that must be observed by
103 district school boards in routing buses, appointing drivers, and
104 providing and operating equipment, in accordance with all
105 requirements of law and rules of the State Board of Education in
106 providing transportation pursuant to s. 1006.21:

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107 (1) (a) District school boards shall use school buses, as
108 defined in s. 1006.25, for all regular transportation. Regular
109 transportation or regular use means transportation of students
110 to and from school or school-related activities that are part of
111 a scheduled series or sequence of events to the same location.
112 "Students" means, for the purposes of this section, students
113 enrolled in the public schools in prekindergarten disability
114 programs and in kindergarten through grade 12. District school
115 boards may regularly use motor vehicles other than school buses
116 only under the following conditions:

117 ~~1.(a)~~ When the transportation is for physically
118 handicapped or isolated students and the district school board
119 has elected to provide for the transportation of the student
120 through written or oral contracts or agreements.

121 ~~2.(b)~~ When the transportation is a part of a comprehensive
122 contract for a specialized educational program between a
123 district school board and a service provider who provides
124 instruction, transportation, and other services.

125 ~~3.(c)~~ When the transportation is provided through a public
126 transit system.

127 ~~4.(d)~~ When the transportation is for mid-day trips to and
128 from school sites or agricultural education sites or for trips
129 to and from agricultural education-related events or
130 competitions. ~~When the transportation of students is necessary~~
131 ~~or practical in a motor vehicle owned or operated by a district~~
132 ~~school board other than a school bus, such transportation must~~
133 ~~be provided in designated seating positions in a passenger car~~
134 ~~not to exceed 8 students or in a multipurpose passenger vehicle~~

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135 ~~designed to transport 10 or fewer persons which meets all~~
136 ~~applicable federal motor vehicle safety standards. Multipurpose~~
137 ~~passenger vehicles classified as utility vehicles with a~~
138 ~~wheelbase of 110 inches or less which are required by federal~~
139 ~~motor vehicle standards to display a rollover warning label may~~
140 ~~not be used.~~

141
142 ~~When students are transported in motor vehicles, the occupant~~
143 ~~crash protection system provided by the vehicle manufacturer~~
144 ~~must be used unless the student's physical condition prohibits~~
145 ~~such use.~~

146 (b) When the transportation of students is provided, as
147 authorized in this subsection, in a vehicle other than a school
148 bus that is owned, operated, rented, contracted, or leased by a
149 school district or charter school, the following provisions
150 shall apply:

151 1. The vehicle must be a passenger car or multipurpose
152 passenger vehicle or truck, as defined in Title 49 C.F.R. part
153 571, designed to transport fewer than 10 students. Students must
154 be transported in designated seating positions and must use the
155 occupant crash protection system provided by the manufacturer
156 unless the student's physical condition prohibits such use.

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

161 3. The driver of an authorized vehicle transporting
162 students must maintain a valid driver's license and must comply

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163 | with the requirements of the school district's locally adopted
164 | safe driver plan, which includes review of driving records for
165 | disqualifying violations.

166 | 4. The district school board or charter school must adopt
167 | a policy that addresses procedures and liability for trips under
168 | this paragraph, including a provision that school buses are to
169 | be used whenever practical and specifying consequences for
170 | violation of the policy.

171 | Section 4. This act shall take effect July 1, 2006.