

CHAMBER ACTION

1 The Education Council 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; 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,

HB 1619 CS

2006
CS

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 trips to and
27 from certain sites and activities; revising criteria for
28 such vehicles and their use; requiring district school
29 boards and charter schools to adopt a policy that
30 addresses procedures and liability for trips using
31 vehicles other than school buses; amending ss. 1013.501
32 and 1013.502, F.S.; redesignating the Florida Business and
33 Education in School Together (Florida BEST) Program as A
34 Business-Community School (ABC'S) Program; providing an
35 effective date.

36
37 Be It Enacted by the Legislature of the State of Florida:

38
39 Section 1. Paragraph (b) of subsection (1) of section
40 1001.43, Florida Statutes, is amended, and paragraph (g) is
41 added to subsection (2) of that section, to read:

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

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

50 (b) Require uniforms to be worn by the student body, or
51 impose other dress-related requirements, if the district school

HB 1619 CS

2006
CS

52 | board finds that those requirements are necessary for the safety
53 | or welfare of the student body or school personnel. However,
54 | students may wear sunglasses, hats, or other sun-protective wear
55 | while outdoors during school hours, such as when students are at
56 | recess.

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

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

65 | Section 2. Subsections (5) and (6) are added to section
66 | 1003.02, Florida Statutes, to read:

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

HB 1619 CS

2006
CS

80 (5) (a) If selecting a vendor to market class rings to
81 students, select at least two vendors. Vendors selected by the
82 district school board must not intimidate students with respect
83 to the purchase of class rings or discriminate against a student
84 who purchases a class ring from another vendor by excluding the
85 student from participating in any ceremony or activity relating
86 to the receipt of a class ring.

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

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

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

103 1006.22 Safety and health of students being
104 transported.--Maximum regard for safety and adequate protection
105 of health are primary requirements that must be observed by
106 district school boards in routing buses, appointing drivers, and
107 providing and operating equipment, in accordance with all

HB 1619 CS

2006
CS

108 requirements of law and rules of the State Board of Education in
109 providing transportation pursuant to s. 1006.21:

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

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

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

128 3.(e) When the transportation is provided through a public
129 transit system.

130 4.(d) When the transportation is for trips to and from
131 school sites or agricultural education sites or for trips to and
132 from agricultural education-related events or competitions, but
133 is not for customary transportation between a student's
134 residence and such sites. ~~When the transportation of students is~~
135 ~~necessary or practical in a motor vehicle owned or operated by a~~

HB 1619 CS

2006
CS

136 ~~district school board other than a school bus, such~~
137 ~~transportation must be provided in designated seating positions~~
138 ~~in a passenger car not to exceed 8 students or in a multipurpose~~
139 ~~passenger vehicle designed to transport 10 or fewer persons~~
140 ~~which meets all applicable federal motor vehicle safety~~
141 ~~standards. Multipurpose passenger vehicles classified as utility~~
142 ~~vehicles with a wheelbase of 110 inches or less which are~~
143 ~~required by federal motor vehicle standards to display a~~
144 ~~rollover warning label may not be used.~~

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

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

155 1. The vehicle must be a passenger car or multipurpose
156 passenger vehicle or truck, as defined in Title 49 C.F.R. part
157 571, designed to transport fewer than 10 students. Students must
158 be transported in designated seating positions and must use the
159 occupant crash protection system provided by the manufacturer
160 unless the student's physical condition prohibits such use.

161 2. An authorized vehicle may not be driven by a student on
162 a public right-of-way. An authorized vehicle may be driven by a

HB 1619 CS

2006
CS

163 student on school or private property as part of the student's
164 educational curriculum if no other student is in the vehicle.

165 3. The driver of an authorized vehicle transporting
166 students must maintain a valid driver's license and must comply
167 with the requirements of the school district's locally adopted
168 safe driver plan, which includes review of driving records for
169 disqualifying violations.

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

175 Section 4. Section 1013.501, Florida Statutes, is amended
176 to read:

177 1013.501 A Business-Community School (ABC'S) Florida
178 ~~Business and Education in School Together (Florida BEST)~~
179 Program.--

180 (1) In order to increase business partnerships in
181 education, to reduce school and classroom overcrowding
182 throughout the state, and to offset the high costs of
183 educational facilities construction, the Legislature intends to
184 encourage the formation of partnerships between business and
185 education by creating A Business-Community School (ABC'S) ~~the~~
186 ~~Florida Business and Education in School Together (Florida BEST)~~
187 Program.

188 (2) Each school board shall, through advertisements in
189 local media and other means, request proposals from area
190 businesses to allow the operation of a business and education

HB 1619 CS

2006
CS

191 partnership school in facilities owned or operated by the
192 business.

193 (3) Each school district shall establish an ABC'S a
194 ~~Florida BEST~~ school evaluation committee.

195 (a) The committee shall be appointed by the school board
196 and be composed of one school district administrator, at least
197 one member of the business community, and at least one member of
198 a local chamber of commerce.

199 (b) The committee shall evaluate the feasibility of each
200 proposal, including the operating cost, number of students to be
201 served, proposed student-to-teacher ratio, proposed number of
202 years the satellite school would operate, and any other
203 operational or facilities considerations the school board or
204 committee deems appropriate.

205 (c) The committee shall recommend to the school board
206 those proposals for satellite schools which the committee deems
207 viable and worthy of being established. The school board must
208 take official action on the recommendation of the committee
209 within 60 days after receipt of the recommendation.

210 (4) "A Business-Community School (ABC'S) ~~"Florida Business~~
211 ~~and Education in School Together (Florida BEST)~~ school" is
212 defined as a public school offering instruction to students from
213 kindergarten through third grade. The school may offer
214 instruction in any single grade level or for multiple grade
215 levels. ABC'S ~~Florida BEST~~ schools shall comply with the
216 constitutional class size requirements.

217 (a) First priority for admission of students to the ABC'S
218 ~~Florida BEST~~ school shall be given to the children of owners and

HB 1619 CS

2006
CS

219 employees of the host business. If additional student capacity
220 remains after those children are admitted, the host business may
221 choose which other neighboring businesses may also participate
222 to generate a viable number of students for the school. The
223 school board shall make the necessary arrangements to
224 accommodate students from other school districts whose parents
225 are associated with the host business or business partners.

226 (b) Parents shall be responsible for providing
227 transportation to and from school for the students.

228 (5) A multiyear contract for operation of the ABC'S
229 ~~Florida BEST~~ school may be entered into between the school
230 district and the host business. The contract must at least
231 include provisions relating to any cost of facilities
232 modifications, provide for the assignment or waiver of
233 appropriate insurance costs, specify the number of students
234 expected to be served, provide grounds for canceling the lease,
235 and specify the advance notice required before the school may be
236 closed.

237 (a) The school board shall be responsible for providing
238 the appropriate instructional, support, and administrative staff
239 and textbooks, materials, and supplies. The school district may
240 also agree to operate or contract for the operation of a before-
241 school and after-school program using the donated facilities.

242 (b) The host business shall provide the appropriate types
243 of space for operating the school. If special facilities, such
244 as restrooms or dining, recreational, or other areas are
245 required, the district may contribute a part of the cost of the
246 construction, remodeling, or renovation for such facilities from

HB 1619 CS

2006
CS

247 capital outlay funds of the district. A multiyear lease for
248 operation of the facility must be agreed to if the school
249 district contributes to the cost of such construction.

250 Section 5. Section 1013.502, Florida Statutes, is amended
251 to read:

252 1013.502 ABC'S ~~Florida BEST~~ school facilities;
253 standards.--Notwithstanding any local government ordinance or
254 regulation, any business or corporation may expand the square
255 footage or floor area of its current or proposed facility to
256 accommodate an ABC'S ~~a Florida Business and Education in School~~
257 ~~Together (Florida BEST)~~ school. Facilities constructed to house
258 an ABC'S ~~a Florida BEST~~ school must comply with the State
259 Uniform Building Code for Public Educational Facilities
260 Construction adopted pursuant to s. 1013.37 and must meet state
261 and local health, environmental, and safety laws and codes.

262 Section 6. This act shall take effect July 1, 2006.