

By the Committee on Education Pre-K - 12; and Senator Detert

581-03000-12

20121654c1

1 A bill to be entitled

2 An act relating to certified school counselors;  
3 requiring that each school district have an overall  
4 ratio of at least one certified school counselor for  
5 every 400 students; requiring that each elementary,  
6 middle, and high school within the school district  
7 have a specified maximum ratio of certified school  
8 counselors to students; requiring that each school  
9 have a minimum of one full-time certified school  
10 counselor and assign additional half-time or full-time  
11 certified school counselors only after reaching the  
12 maximum ratio; requiring that each school district  
13 include the ratio of certified school counselors to  
14 students in its annual audit and adopt rules;  
15 providing the duties of certified school counselors;  
16 amending ss. 381.0057, 1003.21, 1003.4156, 1003.43,  
17 and 1008.42, F.S.; revising provisions to conform to  
18 changes made by the act; amending s. 1012.01, F.S.;  
19 prohibiting certified school counselors from being  
20 used as support staff for administrative duties;  
21 providing an effective date.

22  
23 Be It Enacted by the Legislature of the State of Florida:

24  
25 Section 1. Certified school counselors in public schools;  
26 duties.-

27 (1) (a) Each school district shall have an overall ratio of  
28 at least one certified school counselor for every 400 students,  
29 with each elementary school having at least one certified school

581-03000-12

20121654c1

30 counselor for every 450 students, each middle school having at  
31 least one certified school counselor for every 400 students, and  
32 each high school having at least one certified school counselor  
33 for every 350 students.

34 (b) Each school shall have a minimum of one full-time  
35 certified school counselor and shall assign additional half-time  
36 or full-time certified school counselors only after reaching the  
37 maximum ratio as provided in paragraph (a).

38 (c) Each school district shall include the ratio of  
39 certified school counselors to students in its annual audit and  
40 shall adopt rules outlining the duties of certified school  
41 counselors which are commensurate with their training and  
42 certification and pursuant to the requirements in s.  
43 1012.01(2)(b), Florida Statutes.

44 (2) Each certified school counselor shall provide  
45 counseling to students; develop and deliver curriculum at the  
46 appropriate grade level; coordinate activities and programs for  
47 each curriculum; and consult with school administrators,  
48 teachers, parents, and students.

49 Section 2. Paragraph (b) of subsection (4) of section  
50 381.0057, Florida Statutes, is amended to read:

51 381.0057 Funding for school health services.—

52 (4) Any school district, school, or laboratory school which  
53 desires to receive state funding under the provisions of this  
54 section shall submit a proposal to the joint committee  
55 established in subsection (3). The proposal shall state the  
56 goals of the program, provide specific plans for reducing  
57 teenage pregnancy, and describe all of the health services to be  
58 available to students with funds provided pursuant to this

581-03000-12

20121654c1

59 section, including a combination of initiatives such as health  
60 education, counseling, extracurricular, and self-esteem  
61 components. School health services shall not promote elective  
62 termination of pregnancy as a part of counseling services. Only  
63 those program proposals which have been developed jointly by  
64 county health departments and local school districts or schools,  
65 and which have community and parental support, shall be eligible  
66 for funding. Funding shall be available specifically for  
67 implementation of one of the following programs:

68 (b) *Student support services team program.*—The program  
69 shall include a multidisciplinary team composed of a  
70 psychologist, social worker, and nurse whose responsibilities  
71 are to provide basic support services and to assist, in the  
72 school setting, children who exhibit mild to severely complex  
73 health, behavioral, or learning problems affecting their school  
74 performance. Support services shall include, but not be limited  
75 to: evaluation and treatment for minor illnesses and injuries,  
76 referral and followup for serious illnesses and emergencies,  
77 onsite care and consultation, referral to a physician, and  
78 followup care for pregnancy or chronic diseases and disorders as  
79 well as emotional or mental problems. Services also shall  
80 include referral care for drug and alcohol abuse and sexually  
81 transmitted diseases, sports and employment physicals,  
82 immunizations, and in addition, effective preventive services  
83 aimed at delaying early sexual involvement and aimed at  
84 pregnancy, acquired immune deficiency syndrome, sexually  
85 transmitted diseases, and destructive lifestyle conditions, such  
86 as alcohol and drug abuse. Moneys for this program shall be used  
87 to fund three teams, each consisting of one half-time

581-03000-12

20121654c1

88 psychologist, one full-time nurse, and one full-time social  
89 worker. Each team shall provide student support services to an  
90 elementary school, middle school, and high school that are a  
91 part of one feeder school system and shall coordinate all  
92 activities with the school administrator and certified school  
93 ~~guidance~~ counselor at each school. A program that ~~which~~ places  
94 all three teams in middle schools or high schools may also be  
95 proposed.

96  
97 Funding may also be available for any other program that is  
98 comparable to a program described in this subsection but is  
99 designed to meet the particular needs of the community.

100 Section 3. Paragraph (c) of subsection (1) of section  
101 1003.21, Florida Statutes, is amended to read:

102 1003.21 School attendance.—

103 (1)

104 (c) A student who attains the age of 16 years during the  
105 school year is not subject to compulsory school attendance  
106 beyond the date upon which he or she attains that age if the  
107 student files a formal declaration of intent to terminate school  
108 enrollment with the district school board. Public school  
109 students who have attained the age of 16 years and who have not  
110 graduated are subject to compulsory school attendance until the  
111 formal declaration of intent is filed with the district school  
112 board. The declaration must acknowledge that terminating school  
113 enrollment is likely to reduce the student's earning potential  
114 and must be signed by the student and the student's parent. The  
115 school district must notify the student's parent of receipt of  
116 the student's declaration of intent to terminate school

581-03000-12

20121654c1

117 enrollment. The student's certified school ~~guidance~~ counselor or  
118 other school personnel must conduct an exit interview with the  
119 student to determine the reasons for the student's decision to  
120 terminate school enrollment and actions that could be taken to  
121 keep the student in school. The student must be informed of  
122 opportunities to continue his or her education in a different  
123 environment, including, but not limited to, adult education and  
124 GED test preparation. Additionally, the student must complete a  
125 survey in a format prescribed by the Department of Education to  
126 provide data on student reasons for terminating enrollment and  
127 actions taken by schools to keep students enrolled.

128 Section 4. Paragraph (a) of subsection (1) of section  
129 1003.4156, Florida Statutes, is amended to read:

130 1003.4156 General requirements for middle grades  
131 promotion.—

132 (1) Promotion from a school composed of middle grades 6,  
133 7, and 8 requires that:

134 (a) The student must successfully complete academic courses  
135 as follows:

136 1. Three middle school or higher courses in English. These  
137 courses shall emphasize literature, composition, and technical  
138 text.

139 2. Three middle school or higher courses in mathematics.  
140 Each middle school must offer at least one high school level  
141 mathematics course for which students may earn high school  
142 credit. Successful completion of a high school level Algebra I  
143 or geometry course is not contingent upon the student's  
144 performance on the end-of-course assessment required under s.  
145 1008.22 (3) (c) 2.a. (I). However, beginning with the 2011-2012

581-03000-12

20121654c1

146 school year, to earn high school credit for an Algebra I course,  
147 a middle school student must pass the Algebra I end-of-course  
148 assessment, and beginning with the 2012-2013 school year, to  
149 earn high school credit for a geometry course, a middle school  
150 student must pass the geometry end-of-course assessment.

151 3. Three middle school or higher courses in social studies,  
152 one semester of which must include the study of state and  
153 federal government and civics education. Beginning with students  
154 entering grade 6 in the 2012-2013 school year, one of these  
155 courses must be at least a one-semester civics education course  
156 that a student successfully completes in accordance with s.  
157 1008.22(3)(c) and that includes the roles and responsibilities  
158 of federal, state, and local governments; the structures and  
159 functions of the legislative, executive, and judicial branches  
160 of government; and the meaning and significance of historic  
161 documents, such as the Articles of Confederation, the  
162 Declaration of Independence, and the Constitution of the United  
163 States.

164 4. Three middle school or higher courses in science.  
165 Successful completion of a high school level Biology I course is  
166 not contingent upon the student's performance on the end-of-  
167 course assessment required under s. 1008.22(3)(c)2.a.(II).  
168 However, beginning with the 2012-2013 school year, to earn high  
169 school credit for a Biology I course, a middle school student  
170 must pass the Biology I end-of-course assessment.

171 5. One course in career and education planning to be  
172 completed in 7th or 8th grade. The course may be taught by any  
173 member of the instructional staff; must include career  
174 exploration using Florida CHOICES or a comparable cost-effective

581-03000-12

20121654c1

175 program; must include educational planning using the online  
176 student advising system known as Florida Academic Counseling and  
177 Tracking for Students at the Internet website FACTS.org; and  
178 shall result in the completion of a personalized academic and  
179 career plan. The required personalized academic and career plan  
180 must inform students of high school graduation requirements,  
181 high school assessment and college entrance test requirements,  
182 Florida Bright Futures Scholarship Program requirements, state  
183 university and Florida College System institution admission  
184 requirements, and programs through which a high school student  
185 can earn college credit, including Advanced Placement,  
186 International Baccalaureate, Advanced International Certificate  
187 of Education, dual enrollment, career academy opportunities, and  
188 courses that lead to national industry certification.

189  
190 A student with a disability, as defined in s. 1007.02(2), for  
191 whom the individual education plan team determines that an end-  
192 of-course assessment cannot accurately measure the student's  
193 abilities, taking into consideration all allowable  
194 accommodations, shall have the end-of-course assessment results  
195 waived for purposes of determining the student's course grade  
196 and completing the requirements for middle grades promotion.  
197 Each school must hold a parent meeting either in the evening or  
198 on a weekend to inform parents about the course curriculum and  
199 activities. Each student shall complete an electronic personal  
200 education plan that must be signed by the student; the student's  
201 instructor, certified school guidance ~~guidance~~ counselor, or academic  
202 advisor; and the student's parent. The Department of Education  
203 shall develop course frameworks and professional development

581-03000-12

20121654c1

204 materials for the career exploration and education planning  
205 course. The course may be implemented as a stand-alone course or  
206 integrated into another course or courses. The Commissioner of  
207 Education shall collect longitudinal high school course  
208 enrollment data by student ethnicity in order to analyze course-  
209 taking patterns.

210 Section 5. Paragraph (d) of subsection (7) of section  
211 1003.43, Florida Statutes, is amended to read:

212 1003.43 General requirements for high school graduation.—

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

215 (d) Any Level I course unless the student's assessment  
216 indicates that a more rigorous course of study would be  
217 inappropriate, in which case a written assessment of the need  
218 must be included in the student's individual educational plan or  
219 in a student performance plan, signed by the principal, the  
220 certified school ~~guidance~~ counselor, and the parent of the  
221 student, or the student if the student is 18 years of age or  
222 older.

223 Section 6. Paragraph (b) of subsection (2) of section  
224 1008.42, Florida Statutes, is amended to read:

225 1008.42 Public information on career education programs.—

226 (2) The dissemination shall be conducted in accordance with  
227 the following procedures:

228 (b)1. Each district school board shall publish, at a  
229 minimum, the most recently available placement rate for each  
230 career certificate program conducted by that school district at  
231 the secondary school level and at the career degree level. The  
232 placement rates for the preceding 3 years shall be published if



581-03000-12

20121654c1

233 available, shall be included in each publication that informs  
234 the public of the availability of the program, and shall be made  
235 available to each certified school ~~guidance~~ counselor. If a  
236 program does not have a placement rate, a publication that lists  
237 or describes that program must state that the rate is  
238 unavailable.

239       2. Each Florida College System institution shall publish,  
240 at a minimum, the most recent placement rate for each career  
241 certificate program and for each career degree program in its  
242 annual catalog. The placement rates for the preceding 3 years  
243 shall be published, if available, and shall be included in any  
244 publication that informs the public of the availability of the  
245 program. If a program does not have a placement rate, the  
246 publication that lists or describes that program must state that  
247 the rate is unavailable.

248       3. If a school district or a Florida College System  
249 institution has calculated for a program a placement rate that  
250 differs from the rate reported by the department, and if each  
251 record of a placement was obtained through a process that was  
252 capable of being audited, procedurally sound, and consistent  
253 statewide, the district or the Florida College System  
254 institution may use the locally calculated placement rate in the  
255 report required by this section. However, that rate may not be  
256 combined with the rate maintained in the computer files of the  
257 Department of Education's Florida Education and Training  
258 Placement Information Program.

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

581-03000-12

20121654c1

262 Section 7. Paragraph (b) of subsection (2) of section  
263 1012.01, Florida Statutes, is amended to read:

264 1012.01 Definitions.—As used in this chapter, the following  
265 terms have the following meanings:

266 (2) INSTRUCTIONAL PERSONNEL.—“Instructional personnel”  
267 means any K-12 staff member whose function includes the  
268 provision of direct instructional services to students.  
269 Instructional personnel also includes K-12 personnel whose  
270 functions provide direct support in the learning process of  
271 students. Included in the classification of instructional  
272 personnel are the following K-12 personnel:

273 (b) *Student personnel services*.—Student personnel services  
274 include staff members responsible for: advising students with  
275 regard to their abilities and aptitudes, educational and  
276 occupational opportunities, and personal and social adjustments;  
277 providing placement services; performing educational  
278 evaluations; and similar functions. Included in this  
279 classification are certified school ~~guidance~~ counselors, social  
280 workers, career specialists, and school psychologists. Certified  
281 school counselors shall perform only the duties and functions as  
282 provided by law and may not be used as support staff for  
283 administrative duties, including, but not limited to,  
284 coordinating, administering, or monitoring academic testing and  
285 testing programs, working bus or cafeteria lines, or substitute  
286 teaching.

287 Section 8. This act shall take effect July 1, 2012.