

1                   A bill to be entitled  
2           An act relating to certified school counselors;  
3           amending ss. 322.091, 381.0057, 1002.3105, 1003.21,  
4           1003.43, 1003.491, 1004.04, 1006.025, 1007.35,  
5           1008.42, 1009.53, 1012.71, and 1012.98, F.S.;  
6           requiring that counselors in elementary, middle, and  
7           high schools be certified school counselors; amending  
8           s. 1012.01, F.S.; prohibiting certified school  
9           counselors from being used as support staff for  
10          administrative duties under certain circumstances;  
11          providing an effective date.

12  
13   Be It Enacted by the Legislature of the State of Florida:

14  
15          Section 1. Paragraph (b) of subsection (3) of section  
16   322.091, Florida Statutes, is amended to read:

17          322.091 Attendance requirements.—

18          (3)   HARDSHIP WAIVER AND APPEAL.—

19          (b)   The public school principal, the principal's designee,  
20   or the designee of the governing body of a private school shall  
21   waive the requirements of subsection (1) for any minor under the  
22   school's jurisdiction for whom a personal or family hardship  
23   requires that the minor have a driver's license for his or her  
24   own, or his or her family's, employment or medical care. The  
25   minor or the minor's parent or guardian may present other  
26   evidence that indicates compliance with the requirements of  
27   subsection (1) at the waiver hearing. The public school  
28   principal, the principal's designee, or the designee of the

29 governing body of a private school shall consider ~~take into~~  
 30 ~~consideration~~ the recommendations of teachers, other school  
 31 officials, certified school ~~guidance~~ counselors, or academic  
 32 advisers before waiving the requirements of subsection (1).

33 Section 2. Paragraph (b) of subsection (3) of section  
 34 381.0057, Florida Statutes, is amended to read:

35 381.0057 Funding for school health services.—

36 (3) Any school district, school, or laboratory school  
 37 which desires to receive state funding under the provisions of  
 38 this section shall submit a proposal to the joint committee  
 39 established in subsection (2). The proposal shall state the  
 40 goals of the program, provide specific plans for reducing  
 41 teenage pregnancy, and describe all of the health services to be  
 42 available to students with funds provided pursuant to this  
 43 section, including a combination of initiatives such as health  
 44 education, counseling, extracurricular, and self-esteem  
 45 components. School health services shall not promote elective  
 46 termination of pregnancy as a part of counseling services. Only  
 47 those program proposals which have been developed jointly by  
 48 county health departments and local school districts or schools,  
 49 and which have community and parental support, shall be eligible  
 50 for funding. Funding shall be available specifically for  
 51 implementation of one of the following programs:

52 (b) Student support services team program.—The program  
 53 shall include a multidisciplinary team composed of a  
 54 psychologist, social worker, and nurse whose responsibilities  
 55 are to provide basic support services and to assist, in the  
 56 school setting, children who exhibit mild to severely complex

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57 health, behavioral, or learning problems affecting their school  
58 performance. Support services shall include, but not be limited  
59 to: evaluation and treatment for minor illnesses and injuries,  
60 referral and followup for serious illnesses and emergencies,  
61 onsite care and consultation, referral to a physician, and  
62 followup care for pregnancy or chronic diseases and disorders as  
63 well as emotional or mental problems. Services also shall  
64 include referral care for drug and alcohol abuse and sexually  
65 transmitted diseases, sports and employment physicals,  
66 immunizations, and in addition, effective preventive services  
67 aimed at delaying early sexual involvement and aimed at  
68 pregnancy, acquired immune deficiency syndrome, sexually  
69 transmitted diseases, and destructive lifestyle conditions, such  
70 as alcohol and drug abuse. Moneys for this program shall be used  
71 to fund three teams, each consisting of one half-time  
72 psychologist, one full-time nurse, and one full-time social  
73 worker. Each team shall provide student support services to an  
74 elementary school, middle school, and high school that are a  
75 part of one feeder school system and shall coordinate all  
76 activities with the school administrator and certified school  
77 ~~guidance~~ counselor at each school. A program that ~~which~~ places  
78 all three teams in middle schools or high schools may also be  
79 proposed.

80  
81 Funding may also be available for any other program that is  
82 comparable to a program described in this subsection but is  
83 designed to meet the particular needs of the community.

84 Section 3. Paragraph (e) of subsection (3) of section

85 | 1002.3105, Florida Statutes, is amended to read:

86 |       1002.3105 Academically Challenging Curriculum to Enhance  
87 | Learning (ACCEL) options.—

88 |       (3) STUDENT ELIGIBILITY CONSIDERATIONS.—When establishing  
89 | student eligibility requirements, principals and school  
90 | districts must consider, at a minimum:

91 |       (e) A recommendation from a certified school ~~guidance~~  
92 | counselor if one is assigned to the school in which the student  
93 | is enrolled.

94 |       Section 4. Paragraph (c) of subsection (1) of section  
95 | 1003.21, Florida Statutes, is amended to read:

96 |       1003.21 School attendance.—

97 |       (1)

98 |       (c) A student who attains the age of 16 years during the  
99 | school year is not subject to compulsory school attendance  
100 | beyond the date upon which he or she attains that age if the  
101 | student files a formal declaration of intent to terminate school  
102 | enrollment with the district school board. Public school  
103 | students who have attained the age of 16 years and who have not  
104 | graduated are subject to compulsory school attendance until the  
105 | formal declaration of intent is filed with the district school  
106 | board. The declaration must acknowledge that terminating school  
107 | enrollment is likely to reduce the student's earning potential  
108 | and must be signed by the student and the student's parent. The  
109 | school district shall ~~must~~ notify the student's parent of  
110 | receipt of the student's declaration of intent to terminate  
111 | school enrollment. The student's certified school ~~guidance~~  
112 | counselor or other school personnel shall ~~must~~ conduct an exit

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

124 Section 5. Paragraph (d) of subsection (7) of section  
125 1003.43, Florida Statutes, is amended to read:

126 1003.43 General requirements for high school graduation.—

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

129 (d) Any Level I course unless the student's assessment  
130 indicates that a more rigorous course of study would be  
131 inappropriate, in which case a written assessment of the need  
132 must be included in the student's individual educational plan or  
133 in a student performance plan, signed by the principal, the  
134 certified school ~~guidance~~ counselor, and the parent of the  
135 student, or the student if the student is 18 years of age or  
136 older.

137 Section 6. Subsection (3) and paragraph (a) of subsection  
138 (4) of section 1003.491, Florida Statutes, are amended to read:

139 1003.491 Florida Career and Professional Education Act.—  
140 The Florida Career and Professional Education Act is created to

141 provide a statewide planning partnership between the business  
142 and education communities in order to attract, expand, and  
143 retain targeted, high-value industry and to sustain a strong,  
144 knowledge-based economy.

145 (3) The strategic 3-year plan developed jointly by the  
146 local school district, regional workforce boards, economic  
147 development agencies, and state-approved postsecondary  
148 institutions shall be constructed and based on:

149 (a) Research conducted to objectively determine local and  
150 regional workforce needs for the ensuing 3 years, using labor  
151 projections of the United States Department of Labor and the  
152 Department of Economic Opportunity;

153 (b) Strategies to develop and implement career academies  
154 or career-themed courses based on those careers determined to be  
155 high-wage, high-skill, and high-demand;

156 (c) Strategies to provide shared, maximum use of private  
157 sector facilities and personnel;

158 (d) Strategies that ensure instruction by industry-  
159 certified faculty and standards and strategies to maintain  
160 current industry credentials and for recruiting and retaining  
161 faculty to meet those standards;

162 (e) Strategies to provide personalized student advisement,  
163 including a parent-participation component, and coordination  
164 with middle schools to promote and support career-themed courses  
165 and education planning as required under s. 1003.4156;

166 (f) Alignment of requirements for middle school career  
167 planning under s. 1003.4156(1)(a)5., middle and high school  
168 career and professional academies or career-themed courses

169 leading to industry certification or postsecondary credit, and  
170 high school graduation requirements;

171 (g) Provisions to ensure that career-themed courses and  
172 courses offered through career and professional academies are  
173 academically rigorous, meet or exceed appropriate state-adopted  
174 subject area standards, result in attainment of industry  
175 certification, and, when appropriate, result in postsecondary  
176 credit;

177 (h) Plans to sustain and improve career-themed courses and  
178 career and professional academies;

179 (i) Strategies to improve the passage rate for industry  
180 certification examinations if the rate falls below 50 percent;

181 (j) Strategies to recruit students into career-themed  
182 courses and career and professional academies which include  
183 opportunities for students who have been unsuccessful in  
184 traditional classrooms but who are interested in enrolling in  
185 career-themed courses or a career and professional academy.  
186 School boards shall provide opportunities for students who may  
187 be deemed as potential dropouts to enroll in career-themed  
188 courses or participate in career and professional academies;

189 (k) Strategies to provide sufficient space within  
190 academies to meet workforce needs and to provide access to all  
191 interested and qualified students;

192 (l) Strategies to implement career-themed courses or  
193 career and professional academy training that lead to industry  
194 certification in juvenile justice education programs;

195 (m) Opportunities for high school students to earn  
196 weighted or dual enrollment credit for higher-level career and

197 technical courses;

198 (n) Promotion of the benefits of the Gold Seal Bright  
199 Futures Scholarship;

200 (o) Strategies to ensure the review of district pupil-  
201 progression plans and to amend such plans to include career-  
202 themed courses and career and professional academy courses and  
203 to include courses that may qualify as substitute courses for  
204 core graduation requirements and those that may be counted as  
205 elective courses;

206 (p) Strategies to provide professional development for  
207 secondary certified school ~~guidance~~ counselors on the benefits  
208 of career and professional academies and career-themed courses  
209 that lead to industry certification; and

210 (q) Strategies to redirect appropriated career funding in  
211 secondary and postsecondary institutions to support career  
212 academies and career-themed courses that lead to industry  
213 certification.

214 (4) The State Board of Education shall establish a process  
215 for the continual and uninterrupted review of newly proposed  
216 core secondary courses and existing courses requested to be  
217 considered as core courses to ensure that sufficient rigor and  
218 relevance is provided for workforce skills and postsecondary  
219 education and aligned to state curriculum standards.

220 (a) The review of newly proposed core secondary courses  
221 shall be the responsibility of a curriculum review committee  
222 whose membership is approved by Workforce Florida, Inc., and  
223 shall include:

224 1. Three certified high school ~~guidance~~ counselors



225 recommended by the Florida Association of Student Services  
226 Administrators.

227 2. Three assistant superintendents for curriculum and  
228 instruction, recommended by the Florida Association of District  
229 School Superintendents and who serve in districts that operate  
230 successful career and professional academies pursuant to s.  
231 1003.492 or a successful series of courses that lead to industry  
232 certification. Committee members in this category shall employ  
233 the expertise of appropriate subject area specialists in the  
234 review of proposed courses.

235 3. Three workforce representatives recommended by the  
236 Department of Economic Opportunity.

237 4. Three admissions directors of postsecondary  
238 institutions accredited by the Southern Association of Colleges  
239 and Schools, representing both public and private institutions.

240 5. The Commissioner of Education, or his or her designee,  
241 responsible for K-12 curriculum and instruction. The  
242 commissioner shall employ the expertise of appropriate subject  
243 area specialists in the review of proposed courses.

244 Section 7. Paragraph (f) of subsection (5) of section  
245 1004.04, Florida Statutes, is amended to read:

246 1004.04 Public accountability and state approval for  
247 teacher preparation programs.—

248 (5) CONTINUED PROGRAM APPROVAL.—Notwithstanding subsection  
249 (4), failure by a public or nonpublic teacher preparation  
250 program to meet the criteria for continued program approval  
251 shall result in loss of program approval. The Department of  
252 Education, in collaboration with the departments and colleges of

253 education, shall develop procedures for continued program  
254 approval that document the continuous improvement of program  
255 processes and graduates' performance.

256 (f)1. Each Florida public and private institution that  
257 offers a state-approved teacher preparation program must  
258 annually report information regarding these programs to the  
259 state and the general public. This information shall be reported  
260 in a uniform and comprehensible manner that is consistent with  
261 definitions and methods approved by the Commissioner of the  
262 National Center for Educational Statistics and that is approved  
263 by the State Board of Education. This information must include,  
264 at a minimum:

265 a. The percent of graduates obtaining full-time teaching  
266 employment within the first year of graduation.

267 b. The average length of stay of graduates in their full-  
268 time teaching positions.

269 c. Satisfaction ratings required in paragraph (e).

270 2. Each public and private institution offering training  
271 for school readiness related professions, including training in  
272 the fields of child care and early childhood education, whether  
273 offering career credit, associate in applied science degree  
274 programs, associate in science degree programs, or associate in  
275 arts degree programs, shall annually report information  
276 regarding these programs to the state and the general public in  
277 a uniform and comprehensible manner that conforms with  
278 definitions and methods approved by the State Board of  
279 Education. This information must include, at a minimum:

280 a. Average length of stay of graduates in their positions.

281           b. Satisfaction ratings of graduates' employers.

282

283 This information shall be reported through publications,  
 284 including college and university catalogs and promotional  
 285 materials sent to potential applicants, certified secondary  
 286 school ~~guidance~~ counselors, and prospective employers of the  
 287 institution's program graduates.

288           Section 8. Paragraphs (a) and (c) of subsection (2) of  
 289 section 1006.025, Florida Statutes, are amended to read:

290           1006.025 Guidance services.—

291           (2) The guidance report shall include, but not be limited  
 292 to, the following:

293           (a) Examination of student access to certified school  
 294 ~~guidance~~ counselors.

295           (c) Evaluation of the information and training available  
 296 to certified school ~~guidance~~ counselors and career specialists  
 297 to advise students on areas of critical need, labor market  
 298 trends, and technical training requirements.

299           Section 9. Paragraph (a) of subsection (5) of section  
 300 1007.35, Florida Statutes, is amended to read:

301           1007.35 Florida Partnership for Minority and  
 302 Underrepresented Student Achievement.—

303           (5) Each public high school, including, but not limited  
 304 to, schools and alternative sites and centers of the Department  
 305 of Juvenile Justice, shall provide for the administration of the  
 306 Preliminary SAT/National Merit Scholarship Qualifying Test  
 307 (PSAT/NMSQT), or Preliminary ACT (PLAN) to all enrolled 10th  
 308 grade students. However, a written notice shall be provided to

309 each parent that shall include the opportunity to exempt his or  
310 her child from taking the PSAT/NMSQT or PLAN.

311 (a) Test results will provide each high school with a  
312 database of student assessment data which certified school  
313 ~~guidance~~ counselors will use to identify students who are  
314 prepared or who need additional work to be prepared to enroll  
315 and be successful in AP courses or other advanced high school  
316 courses.

317 Section 10. Paragraph (b) of subsection (2) of section  
318 1008.42, Florida Statutes, is amended to read:

319 1008.42 Public information on career education programs.—

320 (2) The dissemination shall be conducted in accordance  
321 with the following procedures:

322 (b)1. Each district school board shall publish, at a  
323 minimum, the most recently available placement rate for each  
324 career certificate program conducted by that school district at  
325 the secondary school level and at the career degree level. The  
326 placement rates for the preceding 3 years shall be published, if  
327 available, shall be included in each publication that informs  
328 the public of the availability of the program, and shall be made  
329 available to each certified school ~~guidance~~ counselor. If a  
330 program does not have a placement rate, a publication that lists  
331 or describes that program must state that the rate is  
332 unavailable.

333 2. Each Florida College System institution shall publish,  
334 at a minimum, the most recent placement rate for each career  
335 certificate program and for each career degree program in its  
336 annual catalog. The placement rates for the preceding 3 years

337 shall be published, if available, and shall be included in any  
 338 publication that informs the public of the availability of the  
 339 program. If a program does not have a placement rate, the  
 340 publication that lists or describes that program must state that  
 341 the rate is unavailable.

342 3. If a school district or a Florida College System  
 343 institution has calculated for a program a placement rate that  
 344 differs from the rate reported by the department, and if each  
 345 record of a placement was obtained through a process that was  
 346 capable of being audited, procedurally sound, and consistent  
 347 statewide, the district or the Florida College System  
 348 institution may use the locally calculated placement rate in the  
 349 report required by this section. However, that rate may not be  
 350 combined with the rate maintained in the computer files of the  
 351 Department of Education's Florida Education and Training  
 352 Placement Information Program.

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

356 Section 11. Subsection (3) of section 1009.53, Florida  
 357 Statutes, is amended to read:

358 1009.53 Florida Bright Futures Scholarship Program.—

359 (3) The Department of Education shall administer the  
 360 Bright Futures Scholarship Program according to rules and  
 361 procedures established by the State Board of Education. A single  
 362 application must be sufficient for a student to apply for any of  
 363 the three types of awards. The department shall ~~must~~ advertise  
 364 the availability of the scholarship program and shall ~~must~~

365 | notify students, teachers, parents, certified school ~~guidance~~  
366 | counselors, and principals or other relevant school  
367 | administrators of the criteria and application procedures. The  
368 | department must begin this process of notification no later than  
369 | January 1 of each year.

370 |       Section 12. Paragraph (b) of subsection (2) of section  
371 | 1012.01, Florida Statutes, is amended to read:

372 |       1012.01 Definitions.—As used in this chapter, the  
373 | following terms have the following meanings:

374 |       (2) INSTRUCTIONAL PERSONNEL.—"Instructional personnel"  
375 | means any K-12 staff member whose function includes the  
376 | provision of direct instructional services to students.  
377 | Instructional personnel also includes K-12 personnel whose  
378 | functions provide direct support in the learning process of  
379 | students. Included in the classification of instructional  
380 | personnel are the following K-12 personnel:

381 |       (b) Student personnel services.—Student personnel services  
382 | include staff members responsible for: advising students with  
383 | regard to their abilities and aptitudes, educational and  
384 | occupational opportunities, and personal and social adjustments;  
385 | providing placement services; performing educational  
386 | evaluations; and similar functions. Included in this  
387 | classification are certified school ~~guidance~~ counselors, social  
388 | workers, career specialists, and school psychologists. Certified  
389 | school counselors shall perform only the duties and functions as  
390 | provided by law and may only be used as support staff for  
391 | administrative duties, including, but not limited to,  
392 | coordinating, administering, or monitoring academic testing and

393 | testing programs, working bus or cafeteria lines, or substitute  
 394 | teaching, if the performance of such administrative duties does  
 395 | not limit their ability to perform the duties and functions  
 396 | required by this paragraph.

397 | Section 13. Subsection (1) of section 1012.71, Florida  
 398 | Statutes, is amended to read:

399 | 1012.71 The Florida Teachers Lead Program.—

400 | (1) For purposes of the Florida Teachers Lead Program, the  
 401 | term "classroom teacher" means a certified teacher employed by a  
 402 | public school district or a public charter school in that  
 403 | district on or before September 1 of each year whose full-time  
 404 | or job-share responsibility is the classroom instruction of  
 405 | students in prekindergarten through grade 12, including full-  
 406 | time media specialists and certified school ~~guidance~~ counselors  
 407 | serving students in prekindergarten through grade 12, who are  
 408 | funded through the Florida Education Finance Program. A "job-  
 409 | share" classroom teacher is one of two teachers whose combined  
 410 | full-time equivalent employment for the same teaching assignment  
 411 | equals one full-time classroom teacher.

412 | Section 14. Paragraph (a) of subsection (3) of section  
 413 | 1012.98, Florida Statutes, is amended to read:

414 | 1012.98 School Community Professional Development Act.—

415 | (3) The activities designed to implement this section  
 416 | must:

417 | (a) Support and increase the success of educators through  
 418 | collaboratively developed school improvement plans that focus  
 419 | on:

420 | 1. Enhanced and differentiated instructional strategies to

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421 | engage students in a rigorous and relevant curriculum based on  
422 | state and local educational standards, goals, and initiatives;

423 |       2. Increased opportunities to provide meaningful  
424 | relationships between teachers and all students; and

425 |       3. Increased opportunities for professional collaboration  
426 | among and between teachers, certified school ~~guidance~~  
427 | counselors, instructional leaders, postsecondary educators  
428 | engaged in preservice training for new teachers, and the  
429 | workforce community.

430 |       Section 15. This act shall take effect July 1, 2013.