

Committee Substitute for
Committee Substitute for Senate Bill No. 772

An act relating to schools; amending s. 1001.47, F.S.; clarifying the applicability of the salary formula and certification programs to elected district school superintendents; amending s. 1001.50, F.S.; authorizing participation by appointed district school superintendents in certification programs established by the Department of Education; amending s. 1003.02, F.S.; authorizing district school board attendance policies to allow accumulated tardies and early departures to be recorded as unexcused absences; authorizing district school board policies for student referral to a child study team under certain circumstances; amending s. 1003.21, F.S.; providing that students who have attained 16 years of age and have not graduated are subject to compulsory school attendance under certain circumstances; requiring student exit interviews prior to terminating school enrollment; amending s. 1003.26, F.S.; providing district school superintendent's responsibility to support local law enforcement agencies in enforcing school attendance; providing required and authorized child study team interventions; authorizing visits by school representatives; transferring and amending s. 1013.721, F.S.; renaming the Florida Business and Education in School Together Program as "A Business-Community (ABC) School Program"; defining the term "A Business-Community School"; requiring each school board to submit certain documentation to the Department of Education; requiring each school board to designate a school program liaison; requiring each school district to establish an evaluation committee; requiring each school board to provide to the department information about each member of the committee; requiring the committee to submit an annual report to the school board and the superintendent; providing for the committee's responsibilities; providing for admissions of students to the school program; authorizing a school district and a business to enter into a contract for operation of the school program; amending s. 1013.502, F.S.; providing for facilities for the school program; requiring certain public schools to have an operational automated external defibrillator on the school grounds; providing for training; requiring such devices to be registered with a local medical services director; creating s. 1003.493, F.S.; defining "career and professional academy"; providing academy goals and duties; authorizing an academy to be offered as a described small learning community; creating s. 1003.494, F.S.; requiring the Department of Education to establish a Career High-Skill Occupational Initiative for Career Education (CHOICE) project as a competitive process for the designation of school district participants and CHOICE academies; defining "CHOICE academy" and providing purposes thereof; providing eligibility criteria for such designation and duties of participating school districts and the department; providing for the award to school district participants in the CHOICE project of startup funds for the development of CHOICE

academies; amending ss. 288.9015 and 445.004, F.S.; providing duties of Enterprise Florida, Inc., and Workforce Florida, Inc., to conform; amending s. 1001.43, F.S., relating to district school board powers and duties; allowing students to wear sun-protective items while outdoors during school hours; authorizing use of federal funds to purchase food when federal program guidelines permit such use; amending s. 1006.22, F.S.; revising provisions for district school board transportation of students in vehicles other than school buses; providing requirements with respect to the awarding of incentives; authorizing incentives for student performance or attendance and establishing limits; establishing responsibilities of school districts and supplemental educational services providers; providing requirements for school district and provider compliance; providing penalties for noncompliance; authorizing application for reallocation of funds and providing for appeal; authorizing adoption of rules and providing for enforcement; requiring the Department of Education to establish a committee of practitioners; providing for appointment and authority; amending s. 1001.451, F.S.; requiring the determination of services and use of funds to be established by the board of directors of a regional consortium service organization; authorizing establishment of purchasing and bidding programs in lieu of individual school district bid arrangements; authorizing establishment of a direct-support organization; creating s. 1003.453, F.S.; requiring each school district to submit to the Department of Education, by a specified deadline, copies of the district's school wellness policy and physical education policy; requiring the school district to review those policies annually; requiring the department and school districts to post links to those policies on their websites; requiring the department to provide website links to certain resources and prescribing the types of information those resources must provide; encouraging school districts to provide basic training in first aid to students in certain grade levels; amending s. 1003.455, F.S.; requiring that school district physical education programs and curricula be reviewed by a certified physical education instructor; encouraging school districts to provide physical education for a specified amount of time; deleting obsolete language; amending s. 381.0056, F.S., the "School Health Services Act"; requiring schools to annually provide certain information to students' parents and guardians; providing requirements relating to membership of school health advisory committees; encouraging the committees to address specified matters; providing an effective date.

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

Section 1. Section 1001.47, Florida Statutes, is amended to read:

1001.47 District school superintendent; salary.—

(1) Each elected district school superintendent shall receive as salary the amount indicated pursuant to this section. However, a district school board, by majority vote, may approve a salary in excess of the amount specified in this section.

(2) Each elected district school superintendent shall receive a base salary, the amounts indicated in this subsection, based on the population of the county the elected superintendent serves. In addition, compensation shall be made for population increments over the minimum for each population group, which shall be determined by multiplying the population in excess of the minimum for the group times the group rate. The product of such calculation shall be added to the base salary to determine the adjusted base salary. Laws that increase the base salary provided in this subsection shall contain provisions on no other subject.

Pop. Group	County Pop. Range		Base Salary	Group Rate
	Minimum	Maximum		
I	-0-	49,999	\$21,250	\$0.07875
II	50,000	99,999	24,400	0.06300
III	100,000	199,999	27,550	0.02625
IV	200,000	399,999	30,175	0.01575
V	400,000	999,999	33,325	0.00525
VI	1,000,000		36,475	0.00400

(3) The adjusted base salaries of elected district school superintendents shall be increased annually as provided for in s. 145.19. Any salary previously paid to elected superintendents, including the salary calculated for fiscal years 2002-2003 and 2003-2004, which was consistent with chapter 145 and s. 230.303, Florida Statutes (2001), is hereby ratified and validated.

~~(4) This section does not apply to a district school superintendent appointed pursuant to the terms of s. 1001.50.~~

~~(4)(5)(a)~~ There shall be an additional \$2,000 per year special qualification salary paid by district school boards for each elected district school superintendent who has met the certification requirements established by the Department of Education. Any elected district school superintendent who is certified during a calendar year shall receive in that year a pro rata share of the special qualification salary based on the remaining period of the year.

(b) In order to qualify for the special qualification salary provided by paragraph (a), the elected district school superintendent must complete the requirements established by the Department of Education within 6 years after first taking office.

(c) After an elected a district school superintendent meets the requirements of paragraph (a), in order to remain certified the district school superintendent shall thereafter be required to complete each year a course of continuing education as prescribed by the Department of Education.

~~(5)(6)(a)~~ The Department of Education shall provide a leadership development and performance compensation program for elected district school superintendents, comparable to chief executive officer development programs for corporate executive officers, to include:

1. A content-knowledge-and-skills phase consisting of: creative leadership models and theory, demonstration of effective practice, simulation exercises and personal skills practice, and assessment with feedback, taught in

a professional training setting under the direction of experienced, successful trainers.

2. A competency-acquisition phase consisting of on-the-job application of knowledge and skills for a period of not less than 6 months following the successful completion of the content-knowledge-and-skills phase. The competency-acquisition phase shall be supported by adequate professional technical assistance provided by experienced trainers approved by the department. Competency acquisition shall be demonstrated through assessment and feedback.

(b) Upon the successful completion of both phases and demonstrated successful performance, as determined by the department, an elected district school superintendent shall be issued a Chief Executive Officer Leadership Development Certificate, and the department shall pay and shall be given an annual performance salary incentive of not less than \$3,000 nor more than \$7,500 based upon his or her performance evaluation.

(c) An elected A district school superintendent's eligibility to continue receiving the annual performance salary incentive is contingent upon his or her continued performance assessment and followup training prescribed by the department.

Section 2. Subsection (4) is added to section 1001.50, Florida Statutes, to read:

1001.50 Superintendents employed under Art. IX of the State Constitution.—

(4) A district school superintendent employed under the terms of this section may participate in the courses of continuing professional education provided in the special qualification certification program pursuant to s. 1001.47(4) and the leadership development and performance compensation program pursuant to s. 1001.47(5), as established by the department. Upon successful completion of the certification requirements for one or both of these programs, the district school board may use such certification or certifications as a factor in determining the amount of compensation to be paid.

Section 3. Paragraph (b) of subsection (1) of section 1003.02, Florida Statutes, is amended to read:

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

(1) Provide for the proper accounting for all students of school age, for the attendance and control of students at school, and for proper attention to

health, safety, and other matters relating to the welfare of students in the following fields:

(b) Enforcement of attendance laws.—Provide for the enforcement of all laws and rules relating to the attendance of students at school. District school boards are authorized to establish policies that allow accumulated unexcused tardies, regardless of when they occur during the school day, and early departures from school to be recorded as unexcused absences. District school boards are also authorized to establish policies that require referral to a school's child study team for students who have fewer absences than the number required by s. 1003.26(1)(b).

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

1003.21 School attendance.—

(1)

(c) A student who attains the age of 16 years during the school year is not subject to compulsory school attendance beyond the date upon which he or she attains that age if the student files a formal declaration of intent to terminate school enrollment with the district school board. Public school students who have attained the age of 16 years and who have not graduated are subject to compulsory school attendance until the formal declaration of intent is filed with the district school board. The declaration must acknowledge that terminating school enrollment is likely to reduce the student's earning potential and must be signed by the student and the student's parent. The school district must notify the student's parent of receipt of the student's declaration of intent to terminate school enrollment. The student's guidance counselor or other school personnel must conduct an exit interview with the student to determine the reasons for the student's decision to terminate school enrollment and actions that could be taken to keep the student in school. The student must be informed of opportunities to continue his or her education in a different environment, including, but not limited to, adult education and GED test preparation. Additionally, the student must complete a survey in a format prescribed by the Department of Education to provide data on student reasons for terminating enrollment and actions taken by schools to keep students enrolled.

Section 5. Section 1003.26, Florida Statutes, is amended to read:

1003.26 Enforcement of school attendance.—The Legislature finds that poor academic performance is associated with nonattendance and that school districts ~~schools~~ must take an active role in promoting and enforcing attendance as a means of improving student ~~the performance of many students.~~ It is the policy of the state that each district school superintendent be responsible for enforcing school attendance of all students subject to the compulsory school age in the school district and supporting enforcement of school attendance by local law enforcement agencies. The responsibility includes recommending policies and procedures to the district school board ~~policies and procedures to ensure that require public schools to respond in a timely manner to every unexcused absence, and every or absence for which~~

the reason is unknown, of students enrolled in the schools. District school board policies ~~shall~~ must require ~~the~~ each parent of a student to justify each absence of the student, and that justification will be evaluated based on adopted district school board policies that define excused and unexcused absences. The policies must provide that public schools track excused and unexcused absences and contact the home in the case of an unexcused absence from school, or an absence from school for which the reason is unknown, to prevent the development of patterns of nonattendance. The Legislature finds that early intervention in school attendance ~~matters~~ is the most effective way of producing good attendance habits that will lead to improved student learning and achievement. Each public school shall implement the following steps to promote and enforce regular school attendance:

(1) CONTACT, REFER, AND ENFORCE.—

(a) Upon each unexcused absence, or absence for which the reason is unknown, the school principal or his or her designee shall contact the student's parent to determine the reason for the absence. If the absence is an excused absence, as defined by district school board policy, the school shall provide opportunities for the student to make up assigned work and not receive an academic penalty unless the work is not made up within a reasonable time.

(b) If a student has had at least five unexcused absences, or absences for which the reasons are unknown, within a calendar month or 10 unexcused absences, or absences for which the reasons are unknown, within a 90-calendar-day period, the student's primary teacher shall report to the school principal or his or her designee that the student may be exhibiting a pattern of nonattendance. The principal shall, unless there is clear evidence that the absences are not a pattern of nonattendance, refer the case to the school's child study team to determine if early patterns of truancy are developing. If the child study team finds that a pattern of nonattendance is developing, whether the absences are excused or not, a meeting with the parent must be scheduled to identify potential remedies, and the principal shall notify the district school superintendent and the school district contact for home education programs that the referred student is exhibiting a pattern of nonattendance.

(c) If an initial meeting does not resolve the problem, the child study team shall implement the following interventions that best address the problem. ~~The interventions may include, but need not be limited to:~~

1. Frequent attempts at communication between the teacher and the family.;
2. ~~Changes in the learning environment;~~
3. ~~Mentoring;~~
4. ~~Student counseling;~~
5. ~~Tutoring, including peer tutoring;~~

- ~~6.—Placement into different classes;~~
- ~~2.7. Evaluation for alternative education programs.;~~
- ~~3.8. Attendance contracts.;~~
- ~~9.—Referral to other agencies for family services; or~~
- ~~10.—Other interventions, including, but not limited to, a truancy petition pursuant to s. 984.151.~~

The child study team may, but is not required to, implement other interventions, including referral to other agencies for family services or recommendation for filing a truancy petition pursuant to s. 984.151.

(d) The child study team shall be diligent in facilitating intervention services and shall report the case to the district school superintendent only when all reasonable efforts to resolve the nonattendance behavior are exhausted.

(e) If the parent refuses to participate in the remedial strategies because he or she believes that those strategies are unnecessary or inappropriate, the parent may appeal to the district school board. The district school board may provide a hearing officer, and the hearing officer shall make a recommendation for final action to the district school board. If the district school board's final determination is that the strategies of the child study team are appropriate, and the parent still refuses to participate or cooperate, the district school superintendent may seek criminal prosecution for noncompliance with compulsory school attendance.

(f)1. If the parent of a child who has been identified as exhibiting a pattern of nonattendance enrolls the child in a home education program pursuant to chapter 1002, the district school superintendent shall provide the parent a copy of s. 1002.41 and the accountability requirements of this paragraph. The district school superintendent shall also refer the parent to a home education review committee composed of the district contact for home education programs and at least two home educators selected by the parent from a district list of all home educators who have conducted a home education program for at least 3 years and who have indicated a willingness to serve on the committee. The home education review committee shall review the portfolio of the student, as defined by s. 1002.41, every 30 days during the district's regular school terms until the committee is satisfied that the home education program is in compliance with s. 1002.41(1)(b). The first portfolio review must occur within the first 30 calendar days of the establishment of the program. The provisions of subparagraph 2. do not apply once the committee determines the home education program is in compliance with s. 1002.41(1)(b).

2. If the parent fails to provide a portfolio to the committee, the committee shall notify the district school superintendent. The district school superintendent shall then terminate the home education program and require the parent to enroll the child in an attendance option that meets the definition of "regular school attendance" under s. 1003.01(13)(a), (b), (c), or (e), within

3 days. Upon termination of a home education program pursuant to this subparagraph, the parent shall not be eligible to reenroll the child in a home education program for 180 calendar days. Failure of a parent to enroll the child in an attendance option as required by this subparagraph after termination of the home education program pursuant to this subparagraph shall constitute noncompliance with the compulsory attendance requirements of s. 1003.21 and may result in criminal prosecution under s. 1003.27(2). Nothing contained herein shall restrict the ability of the district school superintendent, or the ability of his or her designee, to review the portfolio pursuant to s. 1002.41(1)(b).

(g) If a student subject to compulsory school attendance will not comply with attempts to enforce school attendance, the parent or the district school superintendent or his or her designee shall refer the case to the case staffing committee pursuant to s. 984.12, and the district school superintendent or his or her designee may file a truancy petition pursuant to the procedures in s. 984.151.

(2) GIVE WRITTEN NOTICE.—

(a) Under the direction of the district school superintendent, a designated school representative shall give written notice that requires enrollment or attendance within 3 days after the date of notice, in person or by return-receipt mail, to the parent when no valid reason is found for a student's nonenrollment in school. If the notice and requirement are ignored, the designated school representative shall report the case to the district school superintendent, and may refer the case to the case staffing committee, established pursuant to s. 984.12. The district school superintendent shall take such steps as are necessary to bring criminal prosecution against the parent.

(b) Subsequent to the activities required under subsection (1), the district school superintendent or his or her designee shall give written notice in person or by return-receipt mail to the parent that criminal prosecution is being sought for nonattendance. The district school superintendent may file a truancy petition, as defined in s. 984.03, following the procedures outlined in s. 984.151.

(3) RETURN STUDENT TO PARENT.—A designated school representative may ~~shall~~ visit the home or place of residence of a student and any other place in which he or she is likely to find any student who is required to attend school when the student is not enrolled or is absent from school during school hours without an excuse, and, when the student is found, shall return the student to his or her parent or to the principal or teacher in charge of the school, or to the private tutor from whom absent, or to the juvenile assessment center or other location established by the district school board to receive students who are absent from school. Upon receipt of the student, the parent shall be immediately notified.

(4) REPORT TO APPROPRIATE AUTHORITY.—A designated school representative shall report to the appropriate authority designated by law to receive such notices, all violations of the Child Labor Law that may come to his or her knowledge.

(5) RIGHT TO INSPECT.—A designated school representative shall have the right of access to, and inspection of, establishments where minors may be employed or detained only for the purpose of ascertaining whether students of compulsory school age are actually employed there and are actually working there regularly. The designated school representative shall, if he or she finds unsatisfactory working conditions or violations of the Child Labor Law, report his or her findings to the appropriate authority.

Section 6. Section 1013.501, Florida Statutes, is transferred, renumbered, as section 1013.721, Florida Statutes, and amended to read:

1013.721 ~~1013.501~~ A Business-Community (ABC) School ~~Florida Business and Education in School Together (Florida BEST) Program.~~—

(1) In order to increase business partnerships in education, to reduce school and classroom overcrowding throughout the state, and to offset the high costs of educational facilities construction, and to use due diligence and sound business practices in using available educational space, the Legislature intends to encourage the formation of partnerships between business and education by creating A Business-Community (ABC) School ~~the Florida Business and Education in School Together (Florida BEST) Program.~~

(2) “A Business-Community (ABC) School” means a public school that offers instruction to students from kindergarten through third grade. The school may offer instruction in any single grade level or for multiple grade levels. ABC schools shall comply with the constitutional class size requirements.

~~(3)~~(2) Each school board shall, through advertisements in local media and other means, request proposals from area businesses to allow the operation of a business and education partnership school in facilities owned or operated by the business. The Department of Education shall require each school board to submit documentation to the department which demonstrates the board’s compliance with this advertisement requirement. Each school board shall designate a school district employee as the district’s ABC program liaison and shall provide the name and contact information of the liaison to the department by September 1 of each year.

~~(4)~~(3) Each school district shall establish an ABC ~~a Florida BEST~~ school evaluation committee.

(a) The committee shall be appointed by the school board and be composed of one school district administrator, at least one member of the business community, and at least one member of a local chamber of commerce. The school board shall provide the department with the names and contact information for each member of the committee and notify the department upon any change in membership or contact information.

(b) The committee shall meet at least quarterly and shall provide an annual report to the school board and the superintendent regarding its activities during the preceding school year.

(c) The committee’s responsibilities shall include, but need not be limited to:

1. Creating and implementing a strategic marketing plan to inform businesses about the benefits of the ABC school program.
2. Providing technical assistance to businesses seeking to implement an ABC school.
3. Informing the public of the benefits of business and education partnerships.
4. Obtaining feedback from potential business partners on how the ABC program could be improved.
5. Identifying local barriers that preclude this program from operating.
6. Developing proposal evaluation criteria and processes.
7. Sharing information on effective ABC school programs with the department and local communities.

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

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

~~(4)~~ A “Florida Business and Education in School Together (Florida BEST) school” is defined as a public school offering instruction to students from kindergarten through third grade. The school may offer instruction in any single grade level or for multiple grade levels. Florida BEST schools shall comply with the constitutional class size requirements.

~~(5)~~(a) First priority for admission of students to an ABC the Florida BEST school shall be given to the children of owners and employees of the host business. If additional student capacity remains after those children are admitted, the host business may ~~designate~~ choose which other neighboring businesses whose owners or employees may also participate to generate a viable number of students for the school. The school board shall make the necessary arrangements to accommodate students from other school districts whose parents are associated with the host business or business partners.

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

~~(6)~~(5) A school district and a host business may enter into a multiyear contract for operation of an ABC the Florida BEST school ~~may be entered into between the school district and the host business.~~ The contract must at

least include provisions relating to any cost of facilities modifications, provide for the assignment or waiver of appropriate insurance costs, specify the number of students expected to be served, provide grounds for canceling the lease, and specify the advance notice required before the school may be closed.

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

(b) The host business shall provide the appropriate types of space for operating the school. If special facilities, such as restrooms or dining, recreational, or other areas are required, the district may contribute a part of the cost of the construction, remodeling, or renovation for such facilities from capital outlay funds of the district. A multiyear lease for operation of the facility must be agreed to if the school district contributes to the cost of such construction.

Section 7. Section 1013.502, Florida Statutes, is amended to read:

1013.502 A Business-Community (ABC) Florida BEST school facilities; standards.—Notwithstanding any local government ordinance or regulation, any business or corporation may expand the square footage or floor area of its current or proposed facility to accommodate an ABC a-Florida Business and Education in School Together (Florida BEST) School, as described under s. 1013.721. Facilities constructed to house an ABC a-Florida BEST school must comply with the State Uniform Building Code for Public Educational Facilities Construction adopted pursuant to s. 1013.37 and must meet state and local health, environmental, and safety laws and codes.

Section 8. (1) Each public school that is a member of the Florida High School Athletic Association must have an operational automated external defibrillator on the school grounds. Public and private partnerships are encouraged to cover the cost associated with the purchase and placement of the defibrillator and training in the use of the defibrillator.

(2) Each school must ensure that all employees or volunteers who are reasonably expected to use the device obtain appropriate training, including completion of a course in cardiopulmonary resuscitation or a basic first aid course that includes cardiopulmonary resuscitation training, and demonstrated proficiency in the use of an automated external defibrillator.

(3) The location of each automated external defibrillator must be registered with a local emergency medical services medical director.

(4) The use of automated external defibrillators by employees and volunteers is covered under ss. 768.13 and 768.1325, Florida Statutes.

Section 9. Section 1003.493, Florida Statutes, is created to read:

1003.493 Career and professional academies.—

(1) A “career and professional academy” is a research-based program that integrates a rigorous academic curriculum with an industry-driven career curriculum. Career and professional academies may be offered by public schools, school districts, or the Florida Virtual School. Students completing career and professional academy programs receive a standard high school diploma, the highest available industry certification, and postsecondary credit if the academy partners with a postsecondary institution.

(2) The goals of a career and professional academy are to:

(a) Increase student academic achievement and graduation rates through integrated academic and career curricula.

(b) Focus on career preparation through rigorous academics and industry certification.

(c) Raise student aspiration and commitment to academic achievement and work ethics.

(d) Support graduation requirements by providing creative, applied majors as provided by law.

(e) Promote acceleration mechanisms, such as dual enrollment, articulated credit, or occupational completion points, so that students may earn postsecondary credit while in high school.

(f) Support the state’s economy by meeting industry needs for skilled employees in high-demand occupations.

(3) A career and professional academy may be offered as one of the following small learning communities:

(a) A school-within-a-school career academy, as part of an existing high school, that provides courses in one occupational cluster. Students in the high school are not required to be students in the academy.

(b) A total school configuration providing multiple academies, each structured around an occupational cluster. Every student in the school is in an academy.

(4) Each career and professional academy must:

(a) Provide a rigorous standards-based academic curriculum integrated with a career curriculum. The curriculum must take into consideration multiple styles of student learning; promote learning by doing through application and adaptation; maximize relevance of the subject matter; enhance each student’s capacity to excel; and include an emphasis on work habits and work ethics.

(b) Include one or more partnerships with postsecondary institutions, businesses, industry, employers, economic development organizations, or other appropriate partners from the local community. Such partnerships must provide opportunities for:

1. Instruction from highly skilled professionals.
2. Internships, externships, and on-the-job training.
3. A postsecondary degree, diploma, or certificate.
4. The highest available level of industry certification. Where no national or state certification exists, school districts may establish a local certification in conjunction with the local workforce development board, the chamber of commerce, or the Agency for Workforce Innovation.
5. Maximum articulation of credits pursuant to s. 1007.23 upon program completion.

(c) Provide creative and tailored student advisement, including parent participation and coordination with middle schools to provide career exploration and education planning. Coordination with middle schools must provide information to middle school students about secondary and postsecondary career education programs and academies.

(d) Provide a career education certification on the high school diploma pursuant to s. 1003.431.

(e) Provide instruction in careers designated as high growth, high demand, and high pay by the local workforce development board, the chamber of commerce, or the Agency for Workforce Innovation.

(f) Deliver academic content through instruction relevant to the career, including intensive reading and mathematics intervention, with an emphasis on strengthening reading for information skills.

(g) Offer applied courses that combine academic content with technical skills. Such courses must be submitted to the Department of Education no later than 5 months before the beginning of the school term in which such courses are planned to be offered. The State Board of Education must approve or disapprove courses no later than 3 months before the beginning of the school term in which such courses are planned to be offered. The department shall present new courses to the state board for approval a minimum of three times annually.

(h) Provide instruction resulting in competency, certification, or credentials in workplace skills, including, but not limited to, communication skills, interpersonal skills, decisionmaking skills, the importance of attendance and timeliness in the work environment, and work ethics.

(i) Provide opportunities for students to obtain the Florida Ready to Work Certification as provided by law.

(j) Include an evaluation plan developed jointly with the Department of Education. The evaluation plan must include a self-assessment tool based on standards, such as the Career Academy National Standards of Practice, and outcome measures including, but not limited to, graduation rates, enrollment in postsecondary education, business and industry satisfaction,

employment and earnings, achievement of industry certification, awards of postsecondary credit, and FCAT achievement levels and learning gains.

Section 10. Section 1003.494, Florida Statutes, is created to read:

1003.494 Career High-Skill Occupational Initiative for Career Education (CHOICE) academies.—

(1) The Department of Education shall establish a Career High-Skill Occupational Initiative for Career Education (CHOICE) project. The project shall consist of a competitive process for selecting and designating school districts as participants in the project and designating CHOICE academies within participating school districts.

(2) A “CHOICE academy” is a career and professional academy that meets the goals and requirements specified in s. 1003.493 and offers a rigorous and relevant academic curriculum leading to industry-recognized certification, college credit, and credit toward a high school diploma. Existing career education courses may serve as a foundation for the creation of a CHOICE academy.

(3) The purposes of a CHOICE academy are to:

(a) Draw upon ongoing partnerships between education and workforce development or economic development organizations to enhance the quality and opportunities for career education for high school students by exposure to in-demand career education as identified by such organizations in the local community.

(b) Build upon the state system of school improvement and education accountability by providing students with a solid academic foundation, opportunities to obtain industry-recognized certification or credentials, and preparation for postsecondary educational experiences in related fields.

(c) Prepare graduating high school students to make appropriate choices relative to employment and future educational experiences.

(4) The Department of Education may establish application guidelines for an annual competitive process and eligibility criteria for school district participation. A school district may apply to the department for designation as a CHOICE project participating district, and the department, in consultation with Workforce Florida, Inc., and Enterprise Florida, Inc., may designate as many school districts as it deems advisable each year. Eligibility criteria for designation of a school district as a CHOICE project participant shall include, but not be limited to:

(a) The willingness and ability of associated businesses or industries to form partnerships with and support CHOICE academies.

(b) The dedication of school district resources to CHOICE academies.

(5) The Department of Education, in consultation with Workforce Florida, Inc., shall establish standards for designating specific CHOICE academies in each participating school district. A participating school district may

apply to the department for designation of a CHOICE academy within the district. Eligibility criteria for such designation shall include, but not be limited to:

(a) Partnerships with an associated business or industry and a regional workforce board or the primary local economic development organization in the county as recognized by Enterprise Florida, Inc. The partnership of the business or industry with the CHOICE academy must be based on the connection of the business or industry with the academy's career theme and must involve future plans for improving the local economy. The business or industry partner must be consulted during the planning stages of a CHOICE academy and provide business or industry support and resources devoted to the CHOICE academy. The Consortium of Florida Education Foundations or a designee must also be consulted during the planning stages of a CHOICE academy and may provide support and resources devoted to the CHOICE academy.

(b) At least one established partnership and an articulation agreement for credit with a postsecondary institution.

(c) A plan for sustaining the CHOICE academy.

The Okaloosa County School District and other school districts that have received funding from Workforce Florida, Inc., for the establishment of CHOICE academies prior to July 1, 2006, shall receive an expedited review for CHOICE academy designation by the department.

(6) A participating school district shall:

(a) Identify an appropriate location for classes.

(b) Ensure that a CHOICE academy is flexible enough to respond both to the needs and abilities of students and to the needs of associated businesses or industries.

(c) Redirect appropriated funding from ongoing activities to a CHOICE academy.

(d) Plan for sustaining a CHOICE academy as an ongoing program without additional funding.

(7) The Department of Education shall:

(a) With assistance from Workforce Florida, Inc., provide technical assistance to participating school districts in submitting applications for designation of specific CHOICE academies located in specific schools in the school district, reorganizing career education opportunities, developing CHOICE academies with career themes in areas deemed appropriate by Workforce Florida, Inc., or local economic development organizations, and developing funding plans.

(b) Jointly with Workforce Florida, Inc., and in consultation with school districts, develop evaluation criteria for CHOICE academies. Such criteria

shall include increased academic performance of students and schools using school-level accountability data.

(c) Report to the State Board of Education, the Governor, the President of the Senate, and the Speaker of the House of Representatives by July 1 of each year on school district participation in the CHOICE project, designated CHOICE academies with enrollment and completion data for such academies, and appropriate outcomes for students who have completed a CHOICE academy program. Such outcomes may include continuing educational experiences of CHOICE academy graduates, business or industry satisfaction with the CHOICE academies, placement of CHOICE academy graduates in employment, and earnings of such graduates.

(d) Promote CHOICE academies and provide planning and startup resources as available.

(8) As provided in the General Appropriations Act, the Department of Education shall award one-time startup funds to school districts designated as participants in the CHOICE project for the development of CHOICE academies. All school districts designated by the department are authorized to establish one or more CHOICE academies without incentive funds.

Section 11. Subsection (7) is added to section 288.9015, Florida Statutes, to read:

288.9015 Enterprise Florida, Inc.; purpose; duties.—

(7) Enterprise Florida, Inc., shall work with the Department of Education and Workforce Florida, Inc., in the designation of school districts as participants in the CHOICE project pursuant to s. 1003.494.

Section 12. Paragraph (i) is added to subsection (5) of section 445.004, Florida Statutes, to read:

445.004 Workforce Florida, Inc.; creation; purpose; membership; duties and powers.—

(5) Workforce Florida, Inc., shall have all the powers and authority, not explicitly prohibited by statute, necessary or convenient to carry out and effectuate the purposes as determined by statute, Pub. L. No. 105-220, and the Governor, as well as its functions, duties, and responsibilities, including, but not limited to, the following:

(i) Working with the Department of Education and Enterprise Florida, Inc., in the implementation of the CHOICE project pursuant to s. 1003.494.

Section 13. Paragraph (b) of subsection (1) of section 1001.43, Florida Statutes, is amended, and paragraph (g) is added to subsection (2) of that section, to read:

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

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

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

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

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

Section 14. Subsection (1) of section 1006.22, Florida Statutes, is amended to read:

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

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

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

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

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

4.(d) When the transportation is for trips to and from school sites or agricultural education sites or for trips to and from agricultural education-

~~related events or competitions, but is not for customary transportation between a student's residence and such sites. When the transportation of students is necessary or practical in a motor vehicle owned or operated by a district school board other than a school bus, such transportation must be provided in designated seating positions in a passenger car not to exceed 8 students or in a multipurpose passenger vehicle designed to transport 10 or fewer persons which meets all applicable federal motor vehicle safety standards. Multipurpose passenger vehicles classified as utility vehicles with a wheelbase of 110 inches or less which are required by federal motor vehicle standards to display a rollover warning label may not be used.~~

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

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

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

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

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

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

Section 15. Supplemental educational services in Title I schools; school district and provider responsibilities.—

(1) INCENTIVES.—A provider or school district may not provide incentives to entice a student or a student's parent to choose a provider. After a provider has been chosen, the student may be awarded incentives for performance or attendance, the total value of which may not exceed \$50 per student per year.

(2) RESPONSIBILITIES OF SCHOOL DISTRICT AND PROVIDER.—

(a) School districts must create a streamlined parent enrollment and provider selection process for supplemental educational services and ensure that the process enables eligible students to begin receiving supplemental educational services no later than October 15 of each school year.

(b) Supplemental educational services enrollment forms must be made freely available to the parents of eligible students and providers both prior to and after the start of the school year.

(c) School districts must provide notification to parents of students eligible to receive supplemental educational services prior to and after the start of the school year. Notification shall include contact information for state-approved providers as well as the enrollment form, clear instructions, and timeline for the selection of providers and commencement of services.

(d) State-approved supplemental educational services providers must be able to provide services to eligible students no later than October 15 of each school year contingent upon their receipt of their district-approved student enrollment lists at least 20 days prior to the start date.

(e) In the event that the contract with a state-approved provider is signed less than 20 days prior to October 15, the provider shall be afforded no less than 20 days from the date the contract was executed to begin delivering services.

(f) A school district must hold open student enrollment for supplemental educational services unless or until it has obtained a written election to receive or reject services from parents in accordance with paragraph (3)(a).

(g) School districts, using the same policies applied to other organizations that have access to school sites, shall provide access to school facilities to providers that wish to use these sites for supplemental educational services.

(3) COMPLIANCE; PENALTIES FOR NONCOMPLIANCE.—

(a) Compliance is met when the school district has obtained evidence of reception or rejection of services from the parents of at least a majority of the students receiving free or reduced-price lunch in Title I schools that are eligible for parental choice of transportation or supplemental educational services unless a waiver is granted by the State Board of Education. A waiver shall only be granted if there is clear and convincing evidence of the district's efforts to secure evidence of the parent's decision. Requirements for parental election to receive supplemental educational services shall not exceed the election requirements for the free and reduced-price lunch program.

(b) A provider must be able to deliver supplemental educational services to school districts in which the provider is approved by the state. If a state-approved provider withdraws from offering services to students in a school district in which it is approved and in which it has signed either a contract to provide services or a letter of intent and the minimums per site set by the provider have been met, the school district must report the provider to the

department. The provider shall be immediately removed from the state-approved list for the current school year for that school district. Upon the second such withdrawal in any school district, the provider shall be ineligible to provide services in the state the following year.

(4) REALLOCATION OF FUNDS.—If a school district has not spent the required supplemental educational services set-aside funding, the district may apply to the Department of Education after January 1 for authorization to reallocate the funds. If the Commissioner of Education does not approve the reallocation of funds, the district may appeal to the State Board of Education. The State Board of Education must consider the appeal within 60 days of its receipt and the decision of the state board shall be final.

(5) RULES.—The State Board of Education may adopt rules pursuant to ss. 120.536(1) and 120.54, Florida Statutes, to implement the provisions of this section and may enforce the provisions of this section pursuant to s. 1008.32, Florida Statutes.

Section 16. The Department of Education shall establish a committee of practitioners pursuant to federal requirements of the No Child Left Behind Act of 2001. The committee members shall be appointed by the Commissioner of Education and shall annually report to the Governor, the President of Senate, and the Speaker of the House of Representatives by January 1. The committee shall meet regularly and is authorized to review potential rules and policies that will be considered by the State Board of Education.

Section 17. Section 1001.451, Florida Statutes, is amended to read:

1001.451 Regional consortium service organizations.—In order to provide a full range of programs to larger numbers of students, minimize duplication of services, and encourage the development of new programs and services:

(1) School districts with 20,000 or fewer unweighted full-time equivalent students, developmental research (laboratory) schools established pursuant to s. 1002.32, and the Florida School for the Deaf and the Blind may enter into cooperative agreements to form a regional consortium service organization. Each regional consortium service organization shall provide, at a minimum, three of the following services: exceptional student education; teacher education centers; environmental education; federal grant procurement and coordination; data processing; health insurance; risk management insurance; staff development; purchasing; or planning and accountability.

(2)(a) Each regional consortium service organization that consists of four or more school districts is eligible to receive, through the Department of Education, an incentive grant of \$50,000 per school district and eligible member to be used for the delivery of services within the participating school districts. The determination of services and use of such funds shall be established by the board of directors of the regional consortium service organization.

(b) Application for incentive grants shall be made to the Commissioner of Education by July 30 of each year for distribution to qualifying regional consortium service organizations by January 1 of the fiscal year.

(3) In order to economically provide programs and services to participating school districts and members, a regional consortium service organization may establish purchasing and bidding programs, including construction and construction management arrangements, in lieu of individual school district bid arrangements pursuant to policies exercised by its member districts. Participation in regional consortium service organization bids shall be accomplished by action of an individual district school board through a letter of intent to participate and shall be reflected in official district school board minutes.

(4) A regional consortium service organization board of directors may elect to establish a direct-support organization pursuant to s. 1001.453 which is independent of its fiscal agent district.

Section 18. Section 1003.453, Florida Statutes, is created to read:

1003.453 School wellness and physical education policies; nutrition guidelines.—

(1) By September 1, 2006, each school district shall submit to the Department of Education a copy of its school wellness policy as required by the Child Nutrition and WIC Reauthorization Act of 2004 and a copy of its physical education policy required under s. 1003.455. Each school district shall annually review its school wellness policy and physical education policy and provide a procedure for public input and revisions. In addition, each school district shall send an updated copy of its wellness policy and physical education policy to the department when a change or revision is made.

(2) By December 1, 2006, the department shall post links to each school district's school wellness policy and physical education policy on its website so that the policies can be accessed and reviewed by the public. Each school district shall provide the most current versions of its school wellness policy and physical education policy on the district's website.

(3) By December 1, 2006, the department must provide on its website links to resources that include information regarding:

(a) Classroom instruction on the benefits of exercise and healthful eating.

(b) Classroom instruction on the health hazards of using tobacco and being exposed to tobacco smoke.

(c) The eight components of a coordinated school health program, including health education, physical education, health services, and nutrition services.

(d) The core measures for school health and wellness, such as the School Health Index.

(e) Access for each student to the nutritional content of foods and beverages and to healthful food choices in accordance with the dietary guidelines of the United States Department of Agriculture.

(f) Multiple examples of school wellness policies for school districts.

(g) Examples of wellness classes that provide nutrition education for teachers and school support staff, including encouragement to provide classes that are taught by a licensed nutrition professional from the school nutrition department.

(4) School districts are encouraged to provide basic training in first aid, including cardiopulmonary resuscitation, for all students, beginning in grade 6 and every 2 years thereafter. Private and public partnerships for providing training or necessary funding are encouraged.

Section 19. Section 1003.455, Florida Statutes, is amended to read:

1003.455 Physical education; assessment.—

(1) It is the responsibility of each district school board to develop a physical education program that stresses physical fitness and encourages healthful healthy, active lifestyles and to encourage all students in prekindergarten through grade 12 to participate in physical education. Physical education shall consist of physical activities of at least a moderate intensity level and for a duration sufficient to provide a significant health benefit to students, subject to the differing capabilities of students. All physical education programs and curricula must be reviewed by a certified physical education instructor.

(2) Each district school board shall, ~~no later than December 1, 2004,~~ adopt a written physical education policy that details the school district's physical education program and expected program outcomes. ~~Each district school board shall provide a copy of its written policy to the Department of Education by December 15, 2004.~~

(3) ~~Each district school board is encouraged to provide 150 minutes of physical education each week for students in kindergarten through grade 5 and 225 minutes each week for students in grades 6 through 8. Any district that does not adopt a physical education policy by December 1, 2004, shall, at a minimum, implement a mandatory physical education program for kindergarten through grade 5 which provides students with 30 minutes of physical education each day, 3 days a week.~~

Section 20. Subsections (5), (6), and (7) of section 381.0056, Florida Statutes, are amended to read:

381.0056 School health services program.—

(5)(a) Each county health department shall develop, jointly with the district school board and the local school health advisory committee, a school health services plan; and the plan must ~~shall~~ include, at a minimum, provisions for:

1.(a) Health appraisal;

2.(b) Records review;

- ~~3.(e)~~ Nurse assessment;
- ~~4.(d)~~ Nutrition assessment;
- ~~5.(e)~~ A preventive dental program;
- ~~6.(f)~~ Vision screening;
- ~~7.(g)~~ Hearing screening;
- ~~8.(h)~~ Scoliosis screening;
- ~~9.(i)~~ Growth and development screening;
- ~~10.(j)~~ Health counseling;
- ~~11.(k)~~ Referral and followup of suspected or confirmed health problems by the local county health department;
- ~~12.(l)~~ Meeting emergency health needs in each school;
- ~~13.(m)~~ County health department personnel to assist school personnel in health education curriculum development;
- ~~14.(n)~~ Referral of students to appropriate health treatment, in cooperation with the private health community whenever possible;
- ~~15.(o)~~ Consultation with a student's parent or guardian regarding the need for health attention by the family physician, dentist, or other specialist when definitive diagnosis or treatment is indicated;
- ~~16.(p)~~ Maintenance of records on incidents of health problems, corrective measures taken, and such other information as may be needed to plan and evaluate health programs; except, however, that provisions in the plan for maintenance of health records of individual students must be in accordance with s. 1002.22;
- ~~17.(q)~~ Health information which will be provided by the school health nurses, when necessary, regarding the placement of students in exceptional student programs and the reevaluation at periodic intervals of students placed in such programs; and
- ~~18.(r)~~ Notification to the local nonpublic schools of the school health services program and the opportunity for representatives of the local nonpublic schools to participate in the development of the cooperative health services plan.

(b) Each school health advisory committee must, at a minimum, include members who represent the eight component areas of the Coordinated School Health model as defined by the Centers for Disease Control and Prevention. School health advisory committees are encouraged to address the eight components of the Coordinated School Health model in the school district's school wellness policy pursuant to s. 1003.453.

(6) A nonpublic school may request to participate in the school health services program. A nonpublic school voluntarily participating in the school health services program shall:

- (a) Cooperate with the county health department and district school board in the development of the cooperative health services plan;
- (b) Make available adequate physical facilities for health services;
- (c) Provide inservice health training to school personnel;
- (d) Cooperate with public health personnel in the implementation of the school health services plan;
- (e) Be subject to health service program reviews by the Department of Health and the Department of Education; ~~and~~

(f) At the beginning of each school year, provide parents and guardians with information concerning ways that they can help their children to be physically active and to eat healthful foods; and

~~(g)(f)~~ At the beginning of each school year, inform parents or guardians in writing that their children who are students in the school will receive specified health services as provided for in the district health services plan. A student will be exempt from any of these services if his or her parent or guardian requests such exemption in writing. This paragraph shall not be construed to authorize invasive screening; if there is a need for such procedure, the consent of the student's parent or guardian shall be obtained in writing prior to performing the screening. However, the laws and rules relating to contagious or communicable diseases and sanitary matters shall not be violated.

(7) The district school board shall:

- (a) Include health services and health education as part of the comprehensive plan for the school district;
- (b) Provide inservice health training for school personnel;
- (c) Make available adequate physical facilities for health services; ~~and~~

(d) At the beginning of each school year, provide parents and guardians with information concerning ways that they can help their children to be physically active and to eat healthful foods; and

~~(e)(d)~~ At the beginning of each school year, inform parents or guardians in writing that their children who are students in the district schools will receive specified health services as provided for in the district health services plan. A student will be exempt from any of these services if his or her parent or guardian requests such exemption in writing. This paragraph shall not be construed to authorize invasive screening; if there is a need for such procedure, the consent of the student's parent or guardian shall be obtained in writing prior to performing the screening. However, the laws

and rules relating to contagious or communicable diseases and sanitary matters shall not be violated.

Section 21. This act shall take effect July 1, 2006.

Approved by the Governor June 26, 2006.

Filed in Office Secretary of State June 26, 2006.