

Bill No. HB 4837

Amendment No.

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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11	Senator Horne moved the following amendment:		
12			
13	Senate Amendment (with title amendment)		
14	Delete everything after the enacting clause,		
15			
16	and insert:		
17	Section 1. Subsection (2) of section 231.02, Florida		
18	Statutes, is amended to read:		
19	231.02 Qualifications of personnel.--		
20	(2)(a) Instructional and noninstructional personnel		
21	who are hired to fill positions requiring direct contact with		
22	students in any district school system or laboratory school		
23	shall, upon employment, file a complete set of fingerprints		
24	taken by an authorized law enforcement officer or an employee		
25	of the school or district who is trained to take fingerprints.		
26	These fingerprints shall be submitted to the Department of Law		
27	Enforcement for state processing and to the Federal Bureau of		
28	Investigation for federal processing. School districts which		
29	have authorized terminal access to the Florida Crimes		
30	Information Telecommunications Network or the National Crime		
31	Information Center may use this equipment for the background		

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1 ~~check required by this subsection.~~Such new employees shall be
2 on probationary status pending fingerprint processing and
3 determination of compliance with standards of good moral
4 character. Employees found through fingerprint processing to
5 have been convicted of a crime involving moral turpitude shall
6 not be employed in any position requiring direct contact with
7 students. Probationary employees terminated because of their
8 criminal record shall have the right to appeal such decisions.
9 The cost of the fingerprint processing may be borne by the
10 school board or the employee.

11 ~~(b) Any provision of law notwithstanding, by January~~
12 ~~1, 1997, for personnel currently required to be certified~~
13 ~~under s. 231.17, and January 1, 1998, for all other personnel~~
14 ~~currently employed by any district school system or any other~~
15 ~~public school who have not been fingerprinted and screened in~~
16 ~~the same manner outlined in paragraph (a) shall submit a~~
17 ~~complete set of fingerprints taken by an authorized law~~
18 ~~enforcement officer or an employee of the school or district~~
19 ~~who is trained to take fingerprints. The fingerprints shall~~
20 ~~be submitted to the Department of Law Enforcement for state~~
21 ~~processing and the Federal Bureau of Investigation for federal~~
22 ~~processing. School districts which have authorized terminal~~
23 ~~access to the Florida Crimes Telecommunications Network or the~~
24 ~~National Crime Information Center may use that equipment for~~
25 ~~the background check required by this paragraph. Employees~~
26 ~~found through fingerprint processing to have been convicted of~~
27 ~~a crime involving moral turpitude shall not be employed in any~~
28 ~~position requiring direct contact with students. The cost of~~
29 ~~the fingerprint processing may be borne by the school district~~
30 ~~or the individual employee at a cost not to exceed \$24.00.~~
31 ~~Any additional cost shall be borne by the Department of~~

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1 ~~Education. Each local school board and laboratory school shall~~
 2 ~~develop policies necessary for the implementation of this~~
 3 ~~subsection. The Commissioner of Education shall provide~~
 4 ~~guidelines regarding standards of good moral character for use~~
 5 ~~in the development of these policies. Within these standards,~~
 6 ~~the lack of good moral character shall be defined as having~~
 7 ~~been convicted of a crime involving moral turpitude.~~

8 **(b)(c)** Personnel who have been fingerprinted or
 9 screened pursuant to this subsection and who have not been
 10 unemployed for more than 90 days shall not be required to be
 11 refingerprinted or rescreened in order to comply with the
 12 requirements of this subsection.

13 Section 2. Section 231.096, Florida Statutes, is
 14 amended to read:

15 231.096 Teacher teaching out-of-field;
 16 assistance.--Each school district shall have a plan to assist
 17 any teacher teaching out-of-field, and priority consideration
 18 in professional development activities shall be given to
 19 teachers who are teaching out-of-field ~~in summer inservice~~
 20 ~~institutes. A district may include in its annual summer~~
 21 ~~inservice institute plan a section that provides for~~
 22 ~~institutes in instructional areas identified as district~~
 23 ~~critical teacher shortage areas and approved by the Department~~
 24 ~~of Education.~~

25 Section 3. Section 231.15, Florida Statutes, is
 26 amended to read:

27 231.15 Positions for which certificates required.--

28 (1) The State Board of Education shall have authority
 29 to classify school services, designate the certification
 30 subject areas, establish competencies and certification
 31 requirements for all school-based personnel, and to prescribe

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1 rules in accordance with which the professional, temporary,
2 and part-time certificates shall be issued by the Department
3 of Education to applicants ~~school employees~~ who meet the
4 standards prescribed by such rules for their class of service.
5 Each person employed or occupying a position as school
6 supervisor, principal, teacher, library media specialist,
7 school counselor, athletic coach, or other position in which
8 the employee serves in an instructional capacity, in any
9 public school of any district of this state shall hold the
10 certificate required by law and by rules of the state board in
11 fulfilling the requirements of the law for the type of service
12 rendered. However, the state board shall adopt rules
13 authorizing school boards to employ selected noncertificated
14 personnel to provide instructional services in the
15 individuals' fields of specialty or to assist instructional
16 staff members as teacher aides. Each person who is employed
17 and renders service as an athletic coach in any public school
18 in any district of this state shall hold a valid part-time,
19 temporary, or professional certificate. Each person employed
20 as a school nurse shall hold a license to practice nursing in
21 the state, and each person employed as a school physician
22 shall hold a license to practice medicine in the state. The
23 provisions of this subsection shall not apply to any athletic
24 coach who renders service in a voluntary capacity and who is
25 not employed by any public school of any district in this
26 state.

27 (2) A commissioned or noncommissioned military officer
28 who is an instructor of junior reserve officer training shall
29 be exempt from requirements for teacher certification, except
30 for the filing of fingerprints pursuant to s. 231.02 ~~231.1712~~,
31 if he or she meets the following qualifications:

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1 (a) Is retired from active military duty with at least
2 20 years of service and draws retirement pay or is retired, or
3 transferred to retired reserve status, with at least 20 years
4 of active service and draws retirement pay or retainer pay.

5 (b) Satisfies criteria established by the appropriate
6 military service for certification by the service as a junior
7 reserve officer training instructor.

8 (c) Has an exemplary military record.

9
10 If such instructor is assigned instructional duties other than
11 junior reserve officer training, he or she shall hold the
12 certificate required by law and rules of the state board for
13 the type of service rendered.

14 Section 4. Paragraph (c) of subsection (3) of section
15 231.17, Florida Statutes, is amended to read:

16 231.17 Official statements of eligibility and
17 certificates granted on application to those meeting
18 prescribed requirements.--

19 (3) TEMPORARY CERTIFICATE.--

20 (c) To qualify for a temporary certificate, the
21 applicant must:

22 1. File a written statement under oath that the
23 applicant subscribes to and will uphold the principles
24 incorporated in the Constitutions of the United States and of
25 the State of Florida.

26 2. Be at least 18 years of age.

27 3. Document receipt of a bachelor's or higher degree
28 from an accredited institution of higher learning, as defined
29 by state board rule. Credits and degrees awarded by a newly
30 created Florida state institution that is part of the State
31 University System shall be considered as granted by an

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1 accredited institution of higher learning during the first 2
2 years of course offerings while accreditation is gained.
3 Degrees from foreign institutions, or degrees from other
4 institutions of higher learning that are in the accreditation
5 process, may be validated by a process established in state
6 board rule. Once accreditation is gained, the institution
7 shall be considered as accredited beginning with the 2-year
8 period prior to the date of accreditation.The bachelor's or
9 higher degree may not be required in areas approved in rule by
10 the State Board of Education as nondegreed areas. Each
11 applicant seeking initial certification must have attained at
12 least a 2.5 overall grade point average on a 4.0 scale in the
13 applicant's major field of study. The applicant may document
14 the required education by submitting official transcripts from
15 institutions of higher education or by authorizing the direct
16 submission of such official transcripts through established
17 electronic network systems.

18 ~~4. Meet such academic and professional requirements~~
19 ~~based on credentials certified by standard institutions of~~
20 ~~higher learning, including any institutions of higher learning~~
21 ~~in this state accredited by an accrediting association that is~~
22 ~~a member of the Commission on Recognition of Postsecondary~~
23 ~~Accreditation, as prescribed by the state board.~~

24 ~~4.5.~~ Be competent and capable of performing the
25 duties, functions, and responsibilities of a teacher.

26 ~~5.6.~~ Be of good moral character.

27
28 Rules adopted pursuant to this section shall provide for the
29 review and acceptance of credentials from foreign institutions
30 of higher learning.

31 Section 5. Section 231.1725, Florida Statutes, is

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1 amended to read:

2 231.1725 Employment of substitute teachers, teachers
3 of adult education, and nondegreed teachers of career
4 education; students performing clinical field experience, and
5 ~~noncertificated teachers in critical teacher shortage areas.--~~

6 (1) Notwithstanding the provisions of ss. 231.02,
7 231.15, and 231.17, ~~and 231.172~~ or any other provision of law
8 or rule to the contrary, each school board shall establish the
9 minimal qualifications for:

10 (a) Substitute teachers to be employed pursuant to s.
11 231.47. The qualifications shall require the filing of a
12 complete set of fingerprints in the same manner as required by
13 s. 231.02.

14 (b) Part-time and full-time teachers in adult
15 education programs. The qualifications shall require the
16 filing of a complete set of fingerprints in the same manner as
17 required by s. 231.02. Faculty employed solely to conduct
18 postsecondary instruction may be exempted from this
19 requirement.

20 (c) Part-time and full-time nondegreed teachers of
21 vocational programs. Qualifications shall be established for
22 agriculture, business, health occupations, family and consumer
23 sciences, industrial, marketing, and public service education
24 teachers, based primarily on successful occupational
25 experience rather than academic training. The qualifications
26 for such teachers shall require:

27 1. The filing of a complete set of fingerprints in the
28 same manner as required by s. 231.02. Faculty employed solely
29 to conduct postsecondary instruction may be exempted from this
30 requirement.

31 2. Documentation of education and successful

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1 occupational experience including documentation of:
 2 a. A high school diploma or the equivalent.
 3 b. Completion of 6 years of full-time successful
 4 occupational experience or the equivalent of part-time
 5 experience in the teaching specialization area. Alternate
 6 means of determining successful occupational experience may be
 7 established by the school board.

8 c. Completion of career education training conducted
 9 through the local school district inservice master plan.

10 d. For full-time teachers, completion of professional
 11 education training in teaching methods, course construction,
 12 lesson planning and evaluation, and teaching special needs
 13 students. This training may be completed through coursework
 14 from a standard institution or an approved district teacher
 15 education program.

16 e. Demonstration of successful teaching performance.

17 ~~(d) Part-time and full-time noncertificated teachers~~
 18 ~~in critical teacher shortage areas. The qualifications shall~~
 19 ~~require the filing of fingerprints in the same manner as~~
 20 ~~required by s. 231.02 and shall be based on academic training~~
 21 ~~in the essential generic and specialization competencies of~~
 22 ~~the instructional assignment. The school board shall be~~
 23 ~~responsible for determining critical teacher shortage areas~~
 24 ~~within the school district. Each school board shall annually~~
 25 ~~report the number, qualifications, and areas of assignment of~~
 26 ~~all noncertificated teachers employed pursuant to this~~
 27 ~~paragraph during each school year.~~

28 (2) Substitute, adult education, and nondegreed career
 29 education teachers ~~and noncertificated teachers in critical~~
 30 ~~teacher shortage areas~~ who are employed pursuant to this
 31 section shall have the same rights and protection of laws as

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1 certified teachers.

2 Section 6. Paragraph (d) of subsection (7) of section
3 231.261, Florida Statutes, is amended to read:

4 231.261 Education Practices Commission;
5 organization.--

6 (7) The duties and responsibilities of the commission
7 are to:

8 (d) Have rulemaking authority pursuant to chapter 120
9 to establish procedures for operations and administration,
10 disciplinary proceedings, indexing, implementation of orders,
11 and retention of records, and to establish disciplinary
12 guidelines.

13 Section 7. Subsections (9) and (12) of section
14 231.263, Florida Statutes, are amended to read:

15 231.263 Recovery network program for educators.--

16 (9) An approved treatment provider must disclose to
17 the recovery network program all information in its possession
18 which relates to a person's impairment and participation in
19 the treatment program. Information obtained under this
20 subsection is confidential and exempt from s. 119.07(1) and s.
21 24(a), Art. I of the State Constitution. This exemption is
22 necessary to promote the rehabilitation of impaired educators
23 ~~teachers~~ and to protect the privacy of treatment program
24 participants. The failure to provide such information to the
25 program is grounds for withdrawal of approval of a treatment
26 provider. Medical records provided to the program may not be
27 disclosed to any other person, except as authorized by law.

28 (12) The State Board of Education shall include in the
29 fees established pursuant to s. 231.30 ~~s. 231.15(3)~~ an amount
30 sufficient to implement the provisions of this section. The
31 state board shall by rule establish procedures and additional

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1 standards for:

2 (a) Approving treatment providers, including
3 appropriate qualifications and experience, amount of
4 reasonable fees and charges, and quality and effectiveness of
5 treatment programs provided.

6 (b) Admitting eligible persons to the program.

7 (c) Evaluating impaired persons by the recovery
8 network program.

9 Section 8. Section 231.47, Florida Statutes, is
10 amended to read:

11 231.47 Substitute teachers.--Each school board shall
12 adopt rules prescribing the compensation of, and the procedure
13 for employment of, substitute teachers. Such procedure for
14 employment shall include, but not be limited to, the filing of
15 a complete set of fingerprints as required in s. 231.02
16 ~~231.1712~~.

17 Section 9. Subsection (1) of section 231.546, Florida
18 Statutes, is amended to read:

19 231.546 Education Standards Commission; powers and
20 duties.--

21 (1) The Education Standards Commission shall have the
22 duty to:

23 (a) Recommend to the state board desirable standards
24 relating to programs and policies for the development,
25 certification and certification extension, improvement, and
26 maintenance of competencies of educational personnel,
27 including teacher interns.

28 (b) Recommend to the state board standards for
29 approval of preservice teacher education programs.

30 (c) Plan and conduct an annual review of human
31 resources studies regarding teaching personnel and report the

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1 findings to the state board.

2 (d) Recommend to the state board objective,
3 independently verifiable standards of measurement and
4 evaluation of teaching competence.

5 (e) Recommend to the state board alternative ways to
6 demonstrate qualifications for certification which assure
7 fairness and flexibility while protecting against
8 incompetence.

9 ~~(f) Recommend to the state board the most feasible~~
10 ~~locations for teacher education centers from proposals~~
11 ~~submitted by school districts and universities.~~

12 ~~(g) Recommend to the state board guidelines for the~~
13 ~~expenditure of funds for teacher education centers and~~
14 ~~approval of teacher education center programs.~~

15 (f)~~(h)~~ Recommend critical state priorities for
16 preservice and inservice teacher training such as
17 understanding diverse student populations, working in a
18 changing workplace, and understanding subject matter and
19 instruction. The commission shall recommend standards for
20 measuring evidence of training in these priorities for
21 continuing program approval for preservice teacher education,
22 initial teacher certification and certificate renewal, and
23 staff development activities.

24 (g)~~(i)~~ Evaluate the progress of school community
25 professional development systems as provided in s. 231.600.

26 (h)~~(j)~~ Perform such other duties as may be required to
27 achieve the purposes of this section and s. 231.545.

28 Section 10. Paragraph (b) of subsection (4) and
29 subsection (6) of section 231.600, Florida Statutes, are
30 amended to read:

31 231.600 School Community Professional Development

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1 Act.--

2 (4) The Department of Education, school districts,
3 schools, and public colleges and universities share the
4 responsibilities described in this section. These
5 responsibilities include the following:

6 (b) Each district school board shall consult with
7 teachers and representatives of college and university
8 faculty, community agencies, and other interested citizen
9 groups to establish policy and procedures to guide the
10 operation of the district professional development program.
11 The professional development system must:

12 1. Require that schools identify student needs that
13 can be met by improved professional performance, and assist
14 schools in making these identifications;

15 2. Provide training activities coupled with followup
16 support that is ~~and other professional development~~ appropriate
17 to accomplish district-level and school-level improvement
18 goals and standards; and

19 3. Provide for systematic consultation with regional
20 and state personnel designated to provide technical assistance
21 and evaluation of local professional development programs.

22 (6) The Department of Education shall design methods
23 by which the state and district school boards may evaluate and
24 improve the professional development system. The evaluation
25 must include an annual assessment of data that indicate
26 progress or lack of progress of all students ~~whose needs were~~
27 ~~identified as most critical to improved professional~~
28 ~~development, including needs of students with disabilities,~~
29 ~~students having limited proficiency in English, and~~
30 ~~low-achieving student populations.~~ If the review of data
31 indicates an achievement level that is unusual, the department

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1 may investigate the causes of the success or lack of success,
2 may provide technical assistance, and may require the school
3 district to employ a different approach to professional
4 development. The department shall report annually to the
5 State Board of Education and the Legislature any school
6 district that, in the determination of the department, has
7 failed to provide an adequate professional development system.
8 This report must include the results of the department's
9 investigation and of any intervention provided.

10 Section 11. Section 231.625, Florida Statutes, is
11 amended to read:

12 231.625 Teacher ~~shortage~~ recruitment and retention
13 referral.--

14 (1) The Department of Education, ~~through the Center~~
15 ~~for Career Development Services~~, in cooperation with teacher
16 organizations, and district personnel offices, and colleges of
17 education directors, shall ~~expand its career information~~
18 ~~system to~~ concentrate on the recruitment of qualified teachers
19 ~~in teacher shortage areas~~.

20 (2) The Department of Education, ~~through the Center~~
21 ~~for Career Development Services~~, shall establish a teacher
22 ~~referral and recruitment~~ and retention services office center
23 which shall:

24 (a) Advertise teacher positions in targeted states
25 ~~with declining student enrollments~~.

26 (b) Advertise in major newspapers, national
27 professional publications, and other professional publications
28 and in ~~graduate~~ schools of education.

29 (c) Utilize state and a nationwide toll-free numbers
30 ~~number and a central post office box~~.

31 (d) Develop standardized resumes for teacher applicant

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1 data.

2 (e) Conduct periodic communications with district
3 ~~superintendents and~~ personnel directors regarding ~~new~~
4 applicants.

5 (f) Provide district access to the applicant database
6 by computer or telephone.

7 (g) Develop and distribute promotional materials
8 related to teaching as a career.

9 (h) Publish and distribute information pertaining to
10 employment opportunities, application procedures, teacher
11 certification, and teacher salaries and benefits for beginning
12 and continuing teachers.

13 (i) Provide ~~Publish~~ information related to alternative
14 certification procedures.

15 (j) Develop and sponsor the Florida Future Educator of
16 America Program ~~clubs~~ throughout the state.

17 (k) Review and recommend to the Legislature and school
18 districts incentives for attracting teachers to this state.

19 (3) The Office of Teacher Recruitment and Retention
20 Services ~~teacher referral and recruitment center~~, in
21 cooperation with ~~teacher organizations and~~ district personnel
22 offices ~~directors~~, shall sponsor a ~~an annual~~ job fair in a
23 central part of the state to match in-state educators and
24 out-of-state educators with teaching opportunities in this
25 state.

26 Section 12. Section 231.6255, Florida Statutes, is
27 amended to read:

28 231.6255 Christa McAuliffe Ambassador for Education
29 Program.--

30 (1) The Legislature recognizes that Florida continues
31 to face teacher shortages ~~faces a severe shortage of teachers~~

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1 and that fewer young people consider teaching as a career. It
2 is the intent of the Legislature to promote the positive and
3 rewarding aspects of being a teacher, to encourage more
4 individuals to become teachers, and to provide annual
5 sabbatical support for outstanding Florida teachers to serve
6 as goodwill ambassadors for education. The Legislature
7 further wishes to honor the memory of Christa McAuliffe, who
8 epitomized the challenge and inspiration that teaching can be.

9 (2) There is established the Christa McAuliffe
10 Ambassador for Education Program to provide salary, travel,
11 and other related expenses annually for an outstanding Florida
12 teacher to promote the positive aspects of teaching as a
13 career. The goals of the program are to:

14 (a) Enhance the stature of teachers and the teaching
15 profession.

16 (b) Promote the importance of quality education and
17 teaching for our future.

18 (c) Inspire and attract talented young people to
19 become teachers.

20 (d) Provide information regarding Florida's
21 scholarship and loan programs related to teaching.

22 (e) Promote the teaching profession within community
23 and business groups.

24 (f) Provide information ~~regarding Florida's~~
25 ~~alternative certification program~~ to retired military
26 personnel and other individuals who might consider teaching as
27 a second career.

28 (g) Work with and represent the Office of Teacher
29 Recruitment and Retention Services ~~teacher referral and~~
30 ~~recruitment center~~, as needed.

31 (h) Work with and encourage the efforts of school and

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1 district teachers of the year.

2 (i) Support the activities of the Florida Future
3 Educator Teacher of America Program clubs.

4 (j) Represent Florida teachers at business, trade,
5 education, and other conferences and meetings.

6 (k) Promote the teaching profession in other ways
7 related to the teaching responsibilities, background
8 experiences, and aspirations of the Ambassador for Education.

9 (3) The Teacher of the Year shall serve as the
10 Ambassador for Education, ~~except that for the first 2 years,~~
11 ~~Florida's NASA Teachers in Space shall also serve as~~
12 ~~Ambassadors for Education.~~ If the Teacher of the Year is
13 unable to serve as the Ambassador for Education, the first
14 runner-up shall serve in his or her place. The Department of
15 Education ~~Each district school board~~ shall establish
16 application and selection procedures for determining an annual
17 teacher of the year. Applications and selection criteria shall
18 be developed and distributed annually by the Department of
19 Education to all school districts.The Commissioner of
20 Education shall establish a selection committee which assures
21 representation from teacher organizations, administrators, and
22 parents to select the Teacher of the Year and Ambassador for
23 Education from among the district teachers of the year.
24 ~~Selection criteria shall be developed and distributed annually~~
25 ~~to all school districts.~~

26 (4)(a) The Department of Education and the Office of
27 Teacher Recruitment and Retention Services, ~~through the Center~~
28 ~~for Career Development Services and in conjunction with the~~
29 ~~teacher referral and recruitment center,~~ shall administer the
30 program.

31 (b) The Commissioner of Education shall pay an annual

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1 salary, fringe benefits, travel costs, and other costs
2 associated with administering the program.

3 (c) The Ambassador for Education shall serve for 1
4 year, from July 1 to June 30, and shall be assured of
5 returning to his or her teaching position upon completion of
6 the program. The ambassador will not have a break in
7 creditable or continuous service or employment for the period
8 of time in which he or she participates in the program.

9 Section 13. Section 231.63, Florida Statutes, is
10 created to read:

11 231.63 Florida Educator Hall of Fame.--

12 (1) It is the intent of the Legislature to recognize
13 and honor those persons, living or dead, who have made
14 significant contributions to education in this state.

15 (2)(a) There is hereby established the Florida
16 Educator Hall of Fame. The Florida Educator Hall of Fame shall
17 be located in an area on the Plaza Level of the Capitol
18 Building.

19 (b) The Florida Education Foundation shall make a
20 recommendation for the design and theme for the Florida
21 Educator Hall of Fame. The Commissioner of Education, in
22 consultation with the Secretary of Management Services, shall
23 approve the foundation's recommendation.

24 (c) Each person who is selected as a member shall have
25 a plaque placed in the Florida Educator Hall of Fame. The
26 plaque shall designate the member's particular discipline or
27 contribution and shall set forth vital information relating to
28 the member. Each member shall also receive a standardized
29 memento of the member's selection.

30 (3) The Florida Education Foundation shall accept
31 nominations annually for persons to be recommended as members

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1 of the Florida Educator Hall of Fame. Floridians who have made
2 a significant contribution to education in this state, as
3 determined and documented by the Florida Education Foundation,
4 shall be eligible for membership. The foundation shall
5 recommend to the Commissioner of Education persons to be named
6 as members of the Florida Educator Hall of Fame.

7 (4) In the first year, the Commissioner of Education
8 shall name no more than 10 members to the Florida Educator
9 Hall of Fame. Thereafter, the commissioner shall name no more
10 than four members to the Florida Educator Hall of Fame in any
11 1 year.

12 (5) The Commissioner of Education and the Florida
13 Education Foundation shall develop and adopt written policies
14 to carry out the purposes of this section, including
15 procedures to accept nominations, make recommendations for
16 selection of members, provide recipient's travel expenses, and
17 provide funding for the Florida Educator Hall of Fame.

18 (6) The Commissioner of Education may annually request
19 an appropriation from the Legislature sufficient to carry out
20 the purposes of this section. The Florida Education Foundation
21 may also provide funds to cover any or all expenses related to
22 the Florida Educator Hall of Fame.

23 Section 14. Subsection (3) of section 20.15, Florida
24 Statutes, is amended to read:

25 20.15 Department of Education.--There is created a
26 Department of Education.

27 (3) DIVISIONS.--

28 ~~(a)~~ The following divisions of the Department of
29 Education are established:

30 ~~(a)1-~~ Division of Community Colleges.

31 ~~(b)2-~~ Division of Public Schools and Community

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1 Education.

2 (c)3. Division of Universities.

3 (d)4. Division of Workforce Development.

4 (e)5. Division of Human Resource Development.

5 (f) Division of Administration.

6 (g) Division of Financial Services.

7 (h) Division of Support Services.

8 ~~(b) The Commissioner of Education is authorized to~~
 9 ~~establish within the Department of Education a Division of~~
 10 ~~Administration.~~

11 Section 15. Present subsection (7) of section 231.262,
 12 Florida Statutes, is redesignated as subsection (8) and a new
 13 subsection (7) is added to that section to read:

14 231.262 Complaints against teachers and
 15 administrators; procedure; penalties.--

16 (7) Violations of the provisions of probation shall
 17 result in an order to show cause issued by the Clerk of the
 18 Education Practices Commission. Upon failure of the
 19 probationer, at the time and place stated in the order, to
 20 show cause satisfactorily to the Education Practices
 21 Commission why a penalty for violating probation should not be
 22 imposed, the Education Practices Commission shall impose
 23 whatever penalty is appropriate as established in s.
 24 231.28(6). Any probation period will be tolled when an order
 25 to show cause has been issued until the issue is resolved by
 26 the Education Practices Commission.

27 Section 16. Subsection (1) of section 231.28, Florida
 28 Statutes, is amended and subsection (6) is added to that
 29 section to read:

30 231.28 Education Practices Commission; authority to
 31 discipline.--

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1 (1) The Education Practices Commission shall have
2 authority to suspend the teaching certificate of any person as
3 defined in s. 228.041(9) or (10) for a period of time not to
4 exceed 3 years, thereby denying that person the right to teach
5 for that period of time, after which the holder may return to
6 teaching as provided in subsection (4); to revoke the teaching
7 certificate of any person, thereby denying that person the
8 right to teach for a period of time not to exceed 10 years,
9 with reinstatement subject to the provisions of subsection
10 (4); to revoke permanently the teaching certificate of any
11 person; to suspend the teaching certificate, upon order of the
12 court, of any person found to have a delinquent child support
13 obligation; or to impose any other penalty provided by law,
14 provided it can be shown that such person:

15 (a) Obtained the teaching certificate by fraudulent
16 means;

17 (b) Has proved to be incompetent to teach or to
18 perform duties as an employee of the public school system or
19 to teach in or to operate a private school;

20 (c) Has been guilty of gross immorality or an act
21 involving moral turpitude;

22 (d) Has had a teaching certificate revoked in another
23 state;

24 (e) Has been convicted of a misdemeanor, felony, or
25 any other criminal charge, other than a minor traffic
26 violation;

27 (f) Upon investigation, has been found guilty of
28 personal conduct which seriously reduces that person's
29 effectiveness as an employee of the school board;

30 (g) Has breached a contract, as provided in s.
31 231.36(2);

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1 (h) Has been the subject of a court order directing
 2 the Education Practices Commission to suspend the certificate
 3 as a result of a delinquent child support obligation;

4 (i) Has violated the Principles of Professional
 5 Conduct for the Education Profession prescribed by State Board
 6 of Education rules; ~~or~~

7 (j) Has otherwise violated the provisions of law, the
 8 penalty for which is the revocation of the teaching
 9 certificate; or-

10 (k) Has violated any order of the Education Practices
 11 Commission.

12 (6) When an individual violates the provisions of a
 13 settlement agreement enforced by a final order of the
 14 Education Practices Commission an order to show cause may be
 15 issued by the Clerk of the Commission. The order shall require
 16 the individual to appear before the commission to show cause
 17 why further penalties should not be levied against the
 18 individual's certificate pursuant to the authority provided to
 19 the Education Practices Commission in subsection (1). The
 20 Education Practices Commission shall have the authority to
 21 fashion further penalties under the authority of subsection
 22 (1) as deemed appropriate when the show cause order is
 23 responded to by the individual.

24 Section 17. Subsection (8) of section 236.081, Florida
 25 Statutes, is repealed, and paragraph (d) of subsection (1),
 26 paragraphs (a) and (b) of subsection (4), subsection (9), and
 27 paragraph (a) of subsection (10) of that section, as amended
 28 by chapter 97-380, Laws of Florida, are amended to read:

29 236.081 Funds for operation of schools.--If the annual
 30 allocation from the Florida Education Finance Program to each
 31 district for operation of schools is not determined in the

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1 annual appropriations act or the substantive bill implementing
2 the annual appropriations act, it shall be determined as
3 follows:

4 (1) COMPUTATION OF THE BASIC AMOUNT TO BE INCLUDED FOR
5 OPERATION.--The following procedure shall be followed in
6 determining the annual allocation to each district for
7 operation:

8 (d) Annual allocation calculation.--

9 1. The Department of Education is authorized and
10 directed to review all district programs and enrollment
11 projections and calculate a maximum total weighted full-time
12 equivalent student enrollment for each district for the K-12
13 FEFP.

14 2. Maximum enrollments calculated by the department
15 shall be derived from enrollment estimates used by the
16 Legislature to calculate the FEFP. If two or more districts
17 enter into an agreement under the provisions of s.
18 230.23(4)(d), after the final enrollment estimate is agreed
19 upon, the amount of FTE specified in the agreement, not to
20 exceed the estimate for the specific program as identified in
21 paragraph (c), may be transferred from the participating
22 districts to the district providing the program.

23 3. As part of its calculation of each district's
24 maximum total weighted full-time equivalent student
25 enrollment, the department shall establish separate enrollment
26 ceilings for each of two program groups. Group 1 shall be
27 composed of grades K-3, grades 4-8, and grades 9-12. Group 2
28 shall be composed of students in exceptional student education
29 programs, students-at-risk programs, all basic programs other
30 than the programs in group 1, and all vocational programs in
31 grades 7-12.

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1 a. The weighted enrollment ceiling for group 2
 2 programs shall be calculated by multiplying the final
 3 enrollment conference estimate for each program by the
 4 appropriate program weight. The weighted enrollment ceiling
 5 for program group 2 shall be the sum of the weighted
 6 enrollment ceilings for each program in the program group,
 7 plus the increase in weighted full-time equivalent student
 8 membership from the prior year for clients of the Department
 9 of Children and Family Services and the Department of Juvenile
 10 Justice.

11 b. If, for any calculation of the FEFP, the weighted
 12 enrollment for program group 2, derived by multiplying actual
 13 enrollments by appropriate program weights, exceeds the
 14 enrollment ceiling for that group, the following procedure
 15 shall be followed to reduce the weighted enrollment for that
 16 group to equal the enrollment ceiling:

17 (I) The weighted enrollment ceiling for each program
 18 in the program group shall be subtracted from the weighted
 19 enrollment for that program derived from actual enrollments.

20 (II) If the difference calculated under
 21 sub-sub-subparagraph (I) is greater than zero for any program,
 22 a reduction proportion shall be computed for the program by
 23 dividing the absolute value of the difference by the total
 24 amount by which the weighted enrollment for the program group
 25 exceeds the weighted enrollment ceiling for the program group.

26 (III) The reduction proportion calculated under
 27 sub-sub-subparagraph (II) shall be multiplied by the total
 28 amount of the program group's enrollment over the ceiling as
 29 calculated under sub-sub-subparagraph (I).

30 (IV) The prorated reduction amount calculated under
 31 sub-sub-subparagraph (III) shall be subtracted from the

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1 program's weighted enrollment. For any calculation of the
2 FEFP, the enrollment ceiling for group 1 shall be calculated
3 by multiplying the actual enrollment for each program in the
4 program group by its appropriate program weight.

5 c. For program group 2, the weighted enrollment
6 ceiling shall be a number not less than the sum obtained by:

7 (I) Multiplying the sum of reported FTE for all
8 programs in the program group that have a cost factor of 1.0
9 or more by 1.0, and

10 (II) By adding this number to the sum obtained by
11 multiplying the projected FTE for all programs with a cost
12 factor less than 1.0 by the actual cost factor.

13 4. Following completion of the weighted enrollment
14 ceiling calculation as provided in subparagraph 3., a
15 supplemental capping calculation shall be employed for those
16 districts that are over their weighted enrollment ceiling. For
17 each such district, the total reported unweighted FTE
18 enrollment for group 2 programs shall be compared with the
19 total appropriated unweighted FTE enrollment for group 2
20 programs. If the total reported unweighted FTE for group 2 is
21 greater than the appropriated unweighted FTE, then the excess
22 unweighted FTE up to the unweighted FTE transferred from group
23 2 to group 1 for each district by the Public School FTE
24 Estimating Conference shall be funded at a weight of 1.0 and
25 added to the funded weighted FTE computed in subparagraph 3.
26 This adjustment shall be calculated beginning with the third
27 calculation of the 1998-1999 FEFP.

28 (4) COMPUTATION OF DISTRICT REQUIRED LOCAL
29 EFFORT.--The Legislature shall prescribe the aggregate
30 required local effort for all school districts collectively as
31 an item in the General Appropriations Act for each fiscal

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1 year. The amount that each district shall provide annually
2 toward the cost of the Florida Education Finance Program for
3 kindergarten through grade 12 programs shall be calculated as
4 follows:

5 (a) Estimated taxable value calculations.--

6 1.a. Not later than 2 working days prior to July 19,
7 the Department of Revenue shall certify to the Commissioner of
8 Education its most recent estimate of the taxable value for
9 school purposes in each school district and the total for all
10 school districts in the state for the current calendar year
11 based on the latest available data obtained from the local
12 property appraisers. Not later than July 19, the commissioner
13 shall compute a millage rate, rounded to the next highest one
14 one-thousandth of a mill, which, when applied to 95 percent of
15 the estimated state total taxable value for school purposes,
16 would generate the prescribed aggregate required local effort
17 for that year for all districts. The commissioner shall
18 certify to each district school board the millage rate,
19 computed as prescribed in this subparagraph, as the minimum
20 millage rate necessary to provide the district required local
21 effort for that year.

22 b. For the 1997-1998 fiscal year only, the General
23 Appropriations Act may direct the computation of the statewide
24 adjusted aggregate amount for required local effort for all
25 school districts collectively from ad valorem taxes to ensure
26 that no school district's revenue from required local effort
27 millage will produce more than 90 percent of the district's
28 total Florida Education Finance Program calculation, and the
29 adjustment of the required local effort millage rate of each
30 district that produces more than 90 percent of its total
31 Florida Education Finance Program entitlement to a level that

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1 will produce only 90 percent of its total Florida Education
2 Finance Program entitlement. This sub-subparagraph is
3 repealed on July 1, 1998, unless enacted in other legislation.

4 2. As revised data are received from property
5 appraisers, the Department of Revenue shall amend the
6 certification of the estimate of the taxable value for school
7 purposes. The Commissioner of Education, in administering the
8 provisions of subparagraph ~~(9)~~(10)(a)2., shall use the most
9 recent taxable value for the appropriate year.

10 (b) Final calculation.--

11 1. The Department of Revenue shall, upon receipt of
12 the official final assessed value of property from each of the
13 property appraisers, certify to the commissioner the taxable
14 value total for school purposes in each school district,
15 subject to the provisions of paragraph (d). The commissioner
16 shall use the official final taxable value for school purposes
17 for each school district in the final calculation of the
18 annual K-12 Florida Education Finance Program allocations.

19 2. For the purposes of this paragraph, the official
20 final taxable value for school purposes shall be the taxable
21 value for school purposes on which the tax bills are computed
22 and mailed to the taxpayers, adjusted to reflect final
23 administrative actions of value adjustment boards and judicial
24 decisions pursuant to part I of chapter 194. By September 1 of
25 each year, the Department of Revenue shall certify to the
26 commissioner the official prior year final taxable value for
27 school purposes. For each county that has not submitted a
28 revised tax roll reflecting final value adjustment board
29 actions and final judicial decisions, the Department of
30 Revenue shall certify the most recent revision of the official
31 taxable value for school purposes. The certified value shall

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1 be the final taxable value for school purposes and no further
2 adjustments shall be made, except those made pursuant to
3 subparagraph (9)~~(10)~~(a)2.

4 (8)~~(9)~~ QUALITY ASSURANCE GUARANTEE.--The Legislature
5 may annually in the General Appropriations Act determine a
6 percentage increase in funds per K-12 weighted FTE as a
7 minimum guarantee to each school district. The guarantee shall
8 be calculated from prior year base funding per weighted FTE
9 student which shall include the adjusted FTE dollars as
10 provided in subsection (9)~~(10)~~, quality guarantee funds, and
11 actual nonvoted discretionary local effort from taxes. From
12 the base funding per weighted FTE, the increase shall be
13 calculated for the current year. The current year funds from
14 which the guarantee shall be determined shall include the
15 adjusted FTE dollars as provided in subsection (9)~~(10)~~ and
16 potential nonvoted discretionary local effort from taxes. A
17 comparison of current year funds per weighted FTE to prior
18 year funds per weighted FTE shall be computed. For those
19 school districts which have less than the legislatively
20 assigned percentage increase, funds shall be provided to
21 guarantee the assigned percentage increase in funds per
22 weighted FTE student. Should appropriated funds be less than
23 the sum of this calculated amount for all districts, the
24 commissioner shall prorate each district's allocation. This
25 provision shall be implemented to the extent specifically
26 funded.

27 (9)~~(10)~~ TOTAL ALLOCATION OF STATE FUNDS TO EACH
28 DISTRICT FOR CURRENT OPERATION.--The total annual state
29 allocation to each district for current operation for the K-12
30 FEFP shall be distributed periodically in the manner
31 prescribed in the General Appropriations Act.

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1 (a) The basic amount for current operation for the
2 K-12 FEFP as determined in subsection (1), multiplied by the
3 district cost differential factor as determined in subsection
4 (2), plus the amount for the sparsity supplement as determined
5 in subsection (6), the decline in full-time equivalent
6 students as determined in subsection (7), and the quality
7 assurance guarantee as determined in subsection ~~(8)~~⁽⁹⁾, less
8 the required local effort as determined in subsection (4). If
9 the funds appropriated for the purpose of funding the total
10 amount for current operation as provided in this paragraph are
11 not sufficient to pay the state requirement in full, the
12 department shall prorate the available state funds to each
13 district in the following manner:

14 1. Determine the percentage of proration by dividing
15 the sum of the total amount for current operation, as provided
16 in this paragraph for all districts collectively, and the
17 total district required local effort into the sum of the state
18 funds available for current operation and the total district
19 required local effort.

20 2. Multiply the percentage so determined by the sum of
21 the total amount for current operation as provided in this
22 paragraph and the required local effort for each individual
23 district.

24 3. From the product of such multiplication, subtract
25 the required local effort of each district; and the remainder
26 shall be the amount of state funds allocated to the district
27 for current operation.

28 Section 18. Subsection (1) of section 236.25, Florida
29 Statutes, is amended to read:

30 236.25 District school tax.--

31 (1) If the district school tax is not provided in the

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1 General Appropriations Act or the substantive bill
2 implementing the General Appropriations Act, each school board
3 desiring to participate in the state allocation of funds for
4 current operation as prescribed by s. 236.081(9)(10)shall
5 levy on the taxable value for school purposes of the district,
6 exclusive of millage voted under the provisions of s. 9(b) or
7 s. 12, Art. VII of the State Constitution, a millage rate not
8 to exceed the amount certified by the commissioner as the
9 minimum millage rate necessary to provide the district
10 required local effort for the current year, pursuant to s.
11 236.081(4)(a)1. In addition to the required local effort
12 millage levy, each school board may levy a nonvoted current
13 operating discretionary millage. The Legislature shall
14 prescribe annually in the appropriations act the maximum
15 amount of millage a district may levy. The millage rate
16 prescribed shall exceed zero mills but shall not exceed the
17 lesser of 1.6 mills or 25 percent of the millage which is
18 required pursuant to s. 236.081(4), exclusive of millage
19 levied pursuant to subsection (2).

20 Section 19. Paragraph (c) of subsection (3) of section
21 229.57, Florida Statutes, is amended to read:

22 229.57 Student assessment program.--
23 (3) STATEWIDE ASSESSMENT PROGRAM.--The commissioner is
24 directed to design and implement a statewide program of
25 educational assessment that provides information for the
26 improvement of the operation and management of the public
27 schools. The program must be designed, as far as possible, so
28 as not to conflict with ongoing district assessment programs
29 and so as to use information obtained from district programs.
30 Pursuant to the statewide assessment program, the commissioner
31 shall:

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1 (c) Develop and implement a student achievement
 2 testing program as part of the statewide assessment program,
 3 to be administered at designated times at the elementary,
 4 middle, and high school levels to measure reading, writing,
 5 and mathematics. The testing program must be designed so
 6 that:

7 1. The tests measure student skills and competencies
 8 adopted by the state board as specified in paragraph (a). The
 9 tests must measure and report student proficiency levels in
 10 reading, writing, and mathematics. Other content areas may be
 11 included as directed by the commissioner. The commissioner
 12 shall provide for the tests to be developed or obtained, as
 13 appropriate, through contracts and project agreements with
 14 private vendors, public vendors, public agencies,
 15 postsecondary institutions, or school districts. The
 16 commissioner shall obtain input with respect to the design and
 17 implementation of the testing program from state educators and
 18 the public.

19 2. The tests are criterion-referenced and include, to
 20 the extent determined by the commissioner, items that require
 21 the student to produce information or perform tasks in such a
 22 way that the skills and competencies he or she uses can be
 23 measured.

24 3. Each testing program, whether at the elementary,
 25 middle, or high school level, includes a test of writing in
 26 which students are required to produce writings which are then
 27 scored by appropriate methods.

28 4. A score is designated for each subject area tested,
 29 below which score a student's performance is deemed
 30 inadequate. The school districts shall provide appropriate
 31 remedial instruction to students who score below these levels.

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1 5. All 11th grade students take a high school
2 competency test developed by the state board to test minimum
3 student performance skills and competencies in reading,
4 writing, and mathematics. The test must be based on the skills
5 and competencies adopted by the state board pursuant to
6 paragraph (a). Upon recommendation of the commissioner, the
7 state board shall designate a passing score for each part of
8 the high school competency test. In establishing passing
9 scores, the state board shall consider any possible negative
10 impact of the test on minority students. The commissioner may
11 establish criteria whereby a student who successfully
12 demonstrates proficiency in either reading or mathematics or
13 both may be exempted from taking the corresponding section of
14 the high school competency test or the college placement test.
15 A student must earn a passing score or have been exempted from
16 on each part of the high school competency test in order ~~taken~~
17 to qualify for a regular high school diploma. The school
18 districts shall provide appropriate remedial instruction to
19 students who do not pass part of the competency test.

20 6. Participation in the testing program is mandatory
21 for all students, except as otherwise prescribed by the
22 commissioner. The commissioner shall recommend rules to the
23 state board for the provision of test adaptations and
24 modifications of procedures as necessary for students in
25 exceptional education programs and for students who have
26 limited English proficiency.

27 7. A student seeking an adult high school diploma must
28 meet the same testing requirements that a regular high school
29 student must meet.

30
31 The commissioner may design and implement student testing

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1 programs for any grade level and subject area, based on
2 procedures designated by the commissioner to monitor
3 educational achievement in the state.

4 Section 20. Paragraph (d) of subsection (5) of section
5 24.121, Florida Statutes, is amended to read:

6 24.121 Allocation of revenues and expenditure of funds
7 for public education.--

8 (5)

9 (d) ~~Beginning July 1, 1993,~~No funds shall be released
10 for any purpose from the Educational Enhancement Trust Fund to
11 any school district in which one or more schools do not have
12 an approved school improvement plan pursuant to s. 230.23(16).

13 Section 21. Paragraph (a) of subsection (1) of section
14 229.58, Florida Statutes, is amended to read:

15 229.58 District and school advisory councils.--

16 (1) ESTABLISHMENT.--

17 (a) The school board shall establish an advisory
18 council for each school in the district, and shall develop
19 procedures for the election and appointment of advisory
20 council members. A majority of the members of each school
21 advisory council must be persons who are not employed by the
22 school board. Each advisory council shall be composed of the
23 principal and an appropriately balanced number of teachers,
24 education support employees, students, parents, and other
25 business and community citizens who are representative of the
26 ethnic, racial, and economic community served by the school.,

27 ~~provided that~~ Vocational-technical center and high school
28 advisory councils shall include students, and middle and
29 junior high school advisory councils may include students.
30 School advisory councils of vocational-technical and adult
31 education centers are not required to include parents as

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1 members. Council members representing teachers, education
 2 support employees, students, and parents shall be elected by
 3 their respective peer groups at the school in a fair and
 4 equitable manner as follows:
 5 1. Teachers shall be elected by teachers.
 6 2. Education support employees shall be elected by
 7 education support employees.
 8 3. Students shall be elected by students.
 9 4. Parents shall be elected by parents.
 10
 11 The school board shall establish procedures for use by schools
 12 in selecting business and community members. Such procedures
 13 shall include means of ensuring wide notice of vacancies and
 14 for taking input on possible members from local business,
 15 chambers of commerce, community and civic organizations and
 16 groups, and the public at large. The school board shall review
 17 the membership composition of each advisory council. Should
 18 the school board determine that the membership elected by the
 19 school is not representative of the ethnic, racial, and
 20 economic community served by the school, the board shall
 21 appoint additional members to achieve proper representation.
 22 Although schools should be strongly encouraged to establish
 23 school advisory councils, any school district that has a
 24 student population of 10,000 or fewer may establish a district
 25 advisory council which shall include at least one duly elected
 26 teacher from each school in the district. For the purposes of
 27 school advisory councils and district advisory councils, the
 28 term "teacher" shall include classroom teachers, certified
 29 student services personnel, and media specialists. For
 30 purposes of this paragraph, "education support employee" means
 31 any person employed by a school who is not defined as

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1 instructional or administrative personnel pursuant to s.
2 228.041 and whose duties require 20 or more hours in each
3 normal working week.

4 Section 22. Paragraph (f) of subsection (3) of section
5 229.591, Florida Statutes, is amended to read:

6 229.591 Comprehensive revision of Florida's system of
7 school improvement and education accountability.--

8 (3) EDUCATION GOALS.--The state as a whole shall work
9 toward the following goals:

10 (f) Teachers and staff.--The schools, district, all
11 postsecondary institutions, and state ensure professional
12 teachers and staff.

13 Section 23. Deregulated Public Schools.--

14 (1) PILOT PROGRAM.--To provide public schools the same
15 flexibility and accountability afforded charter schools, pilot
16 programs for deregulated public schools shall be conducted in
17 two large, two medium-sized, and two small school districts.
18 For the 1998-1999 school year, no more than six schools per
19 district, to include no more than two high schools, two middle
20 schools, and two elementary schools, may participate in the
21 flexibility program. The following districts are authorized to
22 conduct pilot program in 1998-1999: Palm Beach, Pinellas,
23 Seminole, Leon, Walton, and Citrus Counties.

24 (2) PURPOSE.--The purpose of the pilot program for
25 deregulated public schools shall be to:

26 (a) Improve student learning.

27 (b) Increase learning opportunities for all students,
28 with special emphasis on expanded learning experiences for
29 students who are identified as academically low achieving.

30 (c) Encourage the use of different and innovative
31 learning methods.

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1 (d) Increase choice of learning opportunities for
2 students.

3 (e) Establish a new form of accountability for
4 schools.

5 (f) Require the measurement of learning outcomes and
6 create innovative measurement tools.

7 (g) Make the school the unit for improvement.

8 (h) Relieve schools of paperwork and procedures that
9 are required by the state and the district for purposes other
10 than health, safety, equal opportunity, fiscal accountability
11 and documentation of student achievement.

12 (3) PROPOSAL.--

13 (a) A proposal to be a deregulated school must be
14 developed by the school principal and the school advisory
15 council. A majority of the members of the school advisory
16 council must approve the proposal, and the principal and the
17 school advisory council chairman must sign the proposal. At
18 least 50 percent of the teachers employed at the school must
19 approve the proposal. The school must conduct a survey to show
20 parental support for the proposal.

21 (b) A district school board shall receive and review
22 all proposals for a deregulated public school during July and
23 August. A district school board must by a majority vote
24 approve or deny a proposal no later than 30 days after the
25 proposal is received. If a proposal is denied, the district
26 school board must, within 10 calendar days, articulate in
27 writing the specific reasons based upon good cause supporting
28 its denial of the proposal.

29 (c) The Department of Education may provide technical
30 assistance to an applicant upon written request.

31 (d) The terms and conditions for the operation of a

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1 deregulated public school shall be set forth in the proposal.
2 The school district shall not impose unreasonable rules or
3 regulations that violate the intent of giving schools greater
4 flexibility to meet educational goals.

5 (4) ELIGIBLE STUDENTS.--

6 (a) A deregulated school shall be open to all students
7 residing in the school's attendance boundaries as determined
8 by the school district.

9 (b) The deregulated public school shall have maximum
10 flexibility to enroll students under the school district open
11 enrolled plan.

12 (5) REQUIREMENTS.--Like other public schools, a
13 deregulated public school shall:

14 (a) Be nonsectarian in its programs, admission
15 policies, employment practices, and operations.

16 (b) Not charge tuition or fees, except those fees
17 normally charged by other public schools.

18 (c) Meet all applicable state and local health,
19 safety, and civil rights requirements.

20 (d) Not violate the antidiscrimination provisions of
21 s. 228.2001.

22 (e) Be subject to an annual financial audit in a
23 manner similar to that of other public schools in the
24 district.

25 (6) ELEMENTS OF THE PROPOSAL.--The major issues
26 involving the operation of a deregulated public school shall
27 be considered in advance and written into the proposal.

28 (a) The proposal shall address, and criteria for
29 approval of the proposal shall be based, on:

- 30 1. The school's mission and the students to be served.
31 2. The focus of the curriculum, the instructional

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1 methods to be used, and any distinctive instructional
2 techniques to be employed.

3 3. The current baseline standard of achievement and
4 the outcomes to be achieved and the method of measurement that
5 will be used.

6 4. The methods used to identify the educational
7 strengths and needs of students and how well educational goals
8 and performance standards are met by students attending the
9 school. Students in deregulated and flexible public schools
10 shall, at a minimum, participate in the statewide assessment
11 program.

12 5. In secondary schools, a method for determining
13 that a student has satisfied the requirements for graduation
14 in s. 232.246.

15 6. A method for resolving conflicts between the school
16 and the district.

17 7. The admissions procedures and dismissal procedures,
18 including the school's code of student conduct.

19 8. The ways by which the school's racial/ethnic
20 balance reflects the community it serves or reflects the
21 racial/ethnic range of other public schools in the same school
22 district.

23 9. The financial and administrative management of the
24 school including a statement of the areas in which the school
25 will have administrative and fiscal autonomy and the areas in
26 which the school will follow school district fiscal and
27 administrative policies.

28 10. The manner in which the school will be insured,
29 including whether or not the school will be required to have
30 liability insurance, and, if so, the terms and conditions
31 thereof and the amounts of coverage.

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1 11. The qualifications to be required of the teachers.

2 (b) The school shall make annual progress reports to
3 the district, which upon verification shall be forwarded to
4 the Commissioner of Education at the same time as other annual
5 school accountability reports. The report shall contain at
6 least the following information:

7 1. The school's progress towards achieving the goals
8 outlined in its proposal.

9 2. The information required in the annual school
10 report pursuant to section 229.592, Florida Statutes.

11 3. Financial records of the school, including revenues
12 and expenditures.

13 4. Salary and benefit levels of school employees.

14 (c) A school district shall ensure that the proposal
15 is innovative and consistent with the state education goals
16 established by section 229.591, Florida Statutes.

17 (d) Upon receipt of the annual report required by
18 paragraph (b), the Department of Education shall provide to
19 the State Board of Education, the Commissioner of Education,
20 the President of the Senate, and the Speaker of the House of
21 Representatives with a copy of each report and an analysis and
22 comparison of the overall performance of students, to include
23 all students in deregulated public schools whose scores are
24 counted as part of the norm-referenced assessment tests,
25 versus comparable public school students in the district as
26 determined by norm-referenced assessment tests currently
27 administered in the school district, and, as appropriate, the
28 Florida Writes Assessment Test, the High School Competency
29 Test, and other assessments administered pursuant to section
30 229.57(3), Florida Statutes.

31 (7) EXEMPTION FROM STATUTES.--

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1 (a) A deregulated public school shall operate in
2 accordance with its proposal and shall be exempt from all
3 statutes of the Florida School Code, except those pertaining
4 to civil rights and student health, safety, and welfare, or as
5 otherwise required by this section. A deregulated public
6 school shall not be exempt from the following statutes:
7 chapter 119, relating to public records, and section 286.011,
8 Florida Statutes, relating to public meetings and records,
9 public inspection, and penalties. The school district, upon
10 request of a deregulated public school, may apply to the
11 Commissioner of Education for a waiver of provisions of
12 chapters 230 through 239 which are applicable to deregulated
13 public schools under this section, except that the provisions
14 of chapters 236 or 237 shall not be eligible for waiver if the
15 waiver would affect funding allocations or create inequity in
16 public school funding. The commissioner may grant the waiver
17 if necessary to implement the school program.

18 (b) Teachers employed by or under contract to a
19 deregulated public school shall be certified as required by
20 chapter 231. A deregulated public school may employ or
21 contract with skilled selected noncertified personnel to
22 provide instructional services or to assist instructional
23 staff members as teacher aides in the same manner as defined
24 in chapter 231. A deregulated public school may not employ an
25 individual to provide instructional services or to serve as a
26 teacher aide if the individual's certification or licensure as
27 an educator is suspended or revoked by this or any other
28 state. The qualifications of teachers shall be disclosed to
29 parents.

30 (c) A deregulated public school shall employ or
31 contract with employees who have been fingerprinted as

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1 provided in section 231.02, Florida Statutes.

2 (8) REVENUE.--Students enrolled in a deregulated
3 public school, shall be funded in a basic program or a special
4 program, in the same manner as students enrolled in other
5 public schools in the school district.

6 (9) LENGTH OF SCHOOL YEAR.--A deregulated public
7 school shall provide instruction for at least the number of
8 days required by law for other public schools, and may provide
9 instruction for additional days.

10 (10) FACILITIES.--A deregulated public school shall
11 utilize facilities which comply with the State Uniform
12 Building Code for Public Educational Facilities Construction
13 adopted pursuant to section 235.26, Florida Statutes, or with
14 applicable state minimum building codes pursuant to chapter
15 553 and state minimum fire protection codes pursuant to
16 section 633.025, Florida Statutes, as adopted by the authority
17 in whose jurisdiction the facility is located.

18 Section 24. Section 231.613, Florida Statutes, is
19 repealed.

20 Section 25. This act shall take effect upon becoming a
21 law

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23
24 ===== T I T L E A M E N D M E N T =====

25 And the title is amended as follows:

26 Delete everything before the enacting clause

27
28 and insert:

29 An act relating to education; amending s.
30 231.02, F.S., relating to qualifications of
31 district school system personnel; deleting

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1 certain provisions relating to background
2 check; amending s. 231.096, F.S.; revising
3 provisions relating to teaching out-of-field;
4 amending s. 231.15, F.S.; providing State Board
5 of Education duties relating to teacher
6 certification; amending s. 231.17, F.S.;
7 revising provisions relating to qualification
8 for a temporary certificate; amending s.
9 231.1725, F.S.; deleting provisions relating to
10 employment of noncertificated teachers in
11 critical teacher shortage areas; amending s.
12 231.261, F.S.; providing rulemaking authority
13 of the Education Practices Commission; amending
14 s. 231.263, F.S.; clarifying provisions
15 relating to the recovery network program for
16 educators; amending s. 231.47, F.S.; conforming
17 a cross-reference; amending s. 231.546, F.S.,
18 relating to the Education Standards Commission;
19 deleting duties relating to teacher education
20 centers; amending s. 231.600, F.S.; revising
21 requirements of the school district
22 professional development system; amending s.
23 231.625, F.S.; deleting provisions relating to
24 a teacher referral and recruitment center;
25 requiring establishment of a teacher
26 recruitment and retention services office;
27 amending s. 231.6255, F.S.; revising provisions
28 relating to the Christa McAuliffe Ambassador
29 for Education Program; creating s. 231.63,
30 F.S.; creating the Florida Educator Hall of
31 Fame; providing for nominations,

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1 recommendations, and selection of members;
2 amending s. 20.15, F.S.; creating additional
3 divisions of the Department of Education;
4 amending s. 231.262, F.S.; providing a
5 show-cause process for violations of probation
6 imposed by the Education Practices Commission;
7 amending s. 231.28, F.S.; providing a
8 show-cause process for violation of an order of
9 the Education Practices Commission; providing
10 authority for additional penalties; amending s.
11 236.081, F.S.; providing for a supplemental
12 capping calculation for those districts whose
13 weighted FTE enrollment is over the weighted
14 FTE ceiling established in the annual
15 appropriations act; providing a procedure for
16 such calculation; repealing s. 236.081(8),
17 F.S., which provides for a caps adjustment
18 supplement for group 2 programs when there are
19 funds remaining in the Florida Education
20 Finance Program appropriation; amending s.
21 236.25, F.S.; conforming a cross-reference;
22 amending s. 229.57, F.S.; authorizing the
23 Commissioner of Education to establish criteria
24 for exempting a student from taking certain
25 parts of the high school competency test;
26 repealing s. 231.613, F.S., relating to
27 inservice training institutes; amending s.
28 24.121, F.S.; deleting obsolete provisions;
29 amending s. 229.58, F.S.; revising provisions
30 governing the membership of school advisory
31 councils; amending s. 229.591, F.S.; revising

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education goals with respect to postsecondary institutions; creating pilot programs for deregulated public schools in a maximum of six counties; providing an effective date