

1
2 An act relating to education; amending s.
3 231.02, F.S., relating to qualifications of
4 district school system personnel; deleting
5 certain provisions relating to background
6 check; amending s. 231.096, F.S.; revising
7 provisions relating to teaching out-of-field;
8 amending s. 231.15, F.S.; providing State Board
9 of Education duties relating to teacher
10 certification; amending s. 231.17, F.S.;
11 revising provisions relating to qualification
12 for a temporary certificate; amending s.
13 231.1725, F.S.; deleting provisions relating to
14 employment of noncertificated teachers in
15 critical teacher shortage areas; amending s.
16 231.261, F.S.; providing rulemaking authority
17 of the Education Practices Commission; amending
18 s. 231.263, F.S.; clarifying provisions
19 relating to the recovery network program for
20 educators; amending s. 231.47, F.S.; conforming
21 a cross-reference; amending s. 231.546, F.S.,
22 relating to the Education Standards Commission;
23 deleting duties relating to teacher education
24 centers; amending s. 231.600, F.S.; revising
25 requirements of the school district
26 professional development system; amending s.
27 231.625, F.S.; deleting provisions relating to
28 a teacher referral and recruitment center;
29 requiring establishment of a teacher
30 recruitment and retention services office;
31 amending s. 231.6255, F.S.; revising provisions

1 relating to the Christa McAuliffe Ambassador
2 for Education Program; creating s. 231.63,
3 F.S.; creating the Florida Educator Hall of
4 Fame; providing for nominations,
5 recommendations, and selection of members;
6 amending s. 20.15, F.S.; creating additional
7 divisions of the Department of Education;
8 amending s. 231.262, F.S.; providing a
9 show-cause process for violations of probation
10 imposed by the Education Practices Commission;
11 amending s. 231.28, F.S.; providing a
12 show-cause process for violation of an order of
13 the Education Practices Commission; providing
14 authority for additional penalties; amending s.
15 236.081, F.S.; providing for a supplemental
16 capping calculation for those districts whose
17 weighted FTE enrollment is over the weighted
18 FTE ceiling established in the annual
19 appropriations act; providing a procedure for
20 such calculation; repealing s. 236.081(8),
21 F.S., which provides for a caps adjustment
22 supplement for group 2 programs when there are
23 funds remaining in the Florida Education
24 Finance Program appropriation; amending s.
25 236.25, F.S.; conforming a cross-reference;
26 amending s. 229.57, F.S.; authorizing the
27 Commissioner of Education to establish criteria
28 for exempting a student from taking certain
29 parts of the high school competency test;
30 repealing s. 231.613, F.S., relating to
31 inservice training institutes; amending s.

1 24.121, F.S.; deleting obsolete provisions;
2 amending s. 229.58, F.S.; revising provisions
3 governing the membership of school advisory
4 councils; amending s. 229.591, F.S.; revising
5 education goals with respect to postsecondary
6 institutions; creating pilot programs for
7 deregulated public schools in a maximum of six
8 counties; providing an effective date.

9

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

11

12 Section 1. Subsection (2) of section 231.02, Florida
13 Statutes, is amended to read:

14 231.02 Qualifications of personnel.--

15 (2)(a) Instructional and noninstructional personnel
16 who are hired to fill positions requiring direct contact with
17 students in any district school system or laboratory school
18 shall, upon employment, file a complete set of fingerprints
19 taken by an authorized law enforcement officer or an employee
20 of the school or district who is trained to take fingerprints.
21 These fingerprints shall be submitted to the Department of Law
22 Enforcement for state processing and to the Federal Bureau of
23 Investigation for federal processing. ~~School districts which~~
24 ~~have authorized terminal access to the Florida Crimes~~
25 ~~Information Telecommunications Network or the National Crime~~
26 ~~Information Center may use this equipment for the background~~
27 ~~check required by this subsection.~~Such new employees shall be
28 on probationary status pending fingerprint processing and
29 determination of compliance with standards of good moral
30 character. Employees found through fingerprint processing to
31 have been convicted of a crime involving moral turpitude shall

1 not be employed in any position requiring direct contact with
2 students. Probationary employees terminated because of their
3 criminal record shall have the right to appeal such decisions.
4 The cost of the fingerprint processing may be borne by the
5 school board or the employee.

6 ~~(b) Any provision of law notwithstanding, by January~~
7 ~~1, 1997, for personnel currently required to be certified~~
8 ~~under s. 231.17, and January 1, 1998, for all other personnel~~
9 ~~currently employed by any district school system or any other~~
10 ~~public school who have not been fingerprinted and screened in~~
11 ~~the same manner outlined in paragraph (a) shall submit a~~
12 ~~complete set of fingerprints taken by an authorized law~~
13 ~~enforcement officer or an employee of the school or district~~
14 ~~who is trained to take fingerprints. The fingerprints shall~~
15 ~~be submitted to the Department of Law Enforcement for state~~
16 ~~processing and the Federal Bureau of Investigation for federal~~
17 ~~processing. School districts which have authorized terminal~~
18 ~~access to the Florida Crimes Telecommunications Network or the~~
19 ~~National Crime Information Center may use that equipment for~~
20 ~~the background check required by this paragraph. Employees~~
21 ~~found through fingerprint processing to have been convicted of~~
22 ~~a crime involving moral turpitude shall not be employed in any~~
23 ~~position requiring direct contact with students. The cost of~~
24 ~~the fingerprint processing may be borne by the school district~~
25 ~~or the individual employee at a cost not to exceed \$24.00.~~
26 ~~Any additional cost shall be borne by the Department of~~
27 ~~Education. Each local school board and laboratory school shall~~
28 ~~develop policies necessary for the implementation of this~~
29 ~~subsection. The Commissioner of Education shall provide~~
30 ~~guidelines regarding standards of good moral character for use~~
31 ~~in the development of these policies. Within these standards,~~

1 ~~the lack of good moral character shall be defined as having~~
2 ~~been convicted of a crime involving moral turpitude.~~

3 (b)~~(c)~~ Personnel who have been fingerprinted or
4 screened pursuant to this subsection and who have not been
5 unemployed for more than 90 days shall not be required to be
6 refingerprinted or rescreened in order to comply with the
7 requirements of this subsection.

8 Section 2. Section 231.096, Florida Statutes, is
9 amended to read:

10 231.096 Teacher teaching out-of-field;
11 assistance.--Each school district shall have a plan to assist
12 any teacher teaching out-of-field, and priority consideration
13 in professional development activities shall be given to
14 teachers who are teaching out-of-field ~~in summer inservice~~
15 ~~institutes. A district may include in its annual summer~~
16 ~~inservice institute plan a section that provides for~~
17 ~~institutes in instructional areas identified as district~~
18 ~~critical teacher shortage areas and approved by the Department~~
19 ~~of Education.~~

20 Section 3. Section 231.15, Florida Statutes, is
21 amended to read:

22 231.15 Positions for which certificates required.--

23 (1) The State Board of Education shall have authority
24 to classify school services, designate the certification
25 subject areas, establish competencies and certification
26 requirements for all school-based personnel, and ~~to~~ prescribe
27 rules in accordance with which the professional, temporary,
28 and part-time certificates shall be issued by the Department
29 of Education to applicants ~~school employees~~ who meet the
30 standards prescribed by such rules for their class of service.
31 Each person employed or occupying a position as school

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

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

27 (a) Is retired from active military duty with at least
28 20 years of service and draws retirement pay or is retired, or
29 transferred to retired reserve status, with at least 20 years
30 of active service and draws retirement pay or retainer pay.

31

1 (b) Satisfies criteria established by the appropriate
2 military service for certification by the service as a junior
3 reserve officer training instructor.

4 (c) Has an exemplary military record.
5

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

10 Section 4. Paragraph (c) of subsection (3) of section
11 231.17, Florida Statutes, is amended to read:

12 231.17 Official statements of eligibility and
13 certificates granted on application to those meeting
14 prescribed requirements.--

15 (3) TEMPORARY CERTIFICATE.--

16 (c) To qualify for a temporary certificate, the
17 applicant must:

18 1. File a written statement under oath that the
19 applicant subscribes to and will uphold the principles
20 incorporated in the Constitutions of the United States and of
21 the State of Florida.

22 2. Be at least 18 years of age.

23 3. Document receipt of a bachelor's or higher degree
24 from an accredited institution of higher learning, as defined
25 by state board rule. Credits and degrees awarded by a newly
26 created Florida state institution that is part of the State
27 University System shall be considered as granted by an
28 accredited institution of higher learning during the first 2
29 years of course offerings while accreditation is gained.
30 Degrees from foreign institutions, or degrees from other
31 institutions of higher learning that are in the accreditation

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

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

20 4.5. Be competent and capable of performing the
21 duties, functions, and responsibilities of a teacher.

22 ~~5.6.~~ Be of good moral character.

23
24 Rules adopted pursuant to this section shall provide for the
25 review and acceptance of credentials from foreign institutions
26 of higher learning.

27 Section 5. Section 231.1725, Florida Statutes, is
28 amended to read:

29 231.1725 Employment of substitute teachers, teachers
30 of adult education, and nondegreed teachers of career

31

1 education; students performing clinical field experience, and
2 ~~noncertificated teachers in critical teacher shortage areas.--~~

3 (1) Notwithstanding the provisions of ss. 231.02,
4 231.15, and 231.17, ~~and 231.172~~ or any other provision of law
5 or rule to the contrary, each school board shall establish the
6 minimal qualifications for:

7 (a) Substitute teachers to be employed pursuant to s.
8 231.47. The qualifications shall require the filing of a
9 complete set of fingerprints in the same manner as required by
10 s. 231.02.

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

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

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

28 2. Documentation of education and successful
29 occupational experience including documentation of:

30 a. A high school diploma or the equivalent.

31

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

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

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

14 e. Demonstration of successful teaching performance.

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

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

31

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

3 231.261 Education Practices Commission;
4 organization.--

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

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

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

14 231.263 Recovery network program for educators.--

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

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

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

5 (b) Admitting eligible persons to the program.

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

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

10 231.47 Substitute teachers.--Each school board shall
11 adopt rules prescribing the compensation of, and the procedure
12 for employment of, substitute teachers. Such procedure for
13 employment shall include, but not be limited to, the filing of
14 a complete set of fingerprints as required in s. 231.02
15 ~~231.1712~~.

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

18 231.546 Education Standards Commission; powers and
19 duties.--

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

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

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

29 (c) Plan and conduct an annual review of human
30 resources studies regarding teaching personnel and report the
31 findings to the state board.

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

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

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

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

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

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

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

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

30 231.600 School Community Professional Development
31 Act.--

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

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

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

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

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

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

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

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

11 231.625 Teacher ~~shortage~~ recruitment and retention
12 referral.--

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

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

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

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

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

30 (d) Develop standardized resumes for teacher applicant
31 data.

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

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

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

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

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

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

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

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

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

27 231.6255 Christa McAuliffe Ambassador for Education
28 Program.--

29 (1) The Legislature recognizes that Florida continues
30 to face teacher shortages ~~faces a severe shortage of teachers~~
31 and that fewer young people consider teaching as a career. It

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

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

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

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

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

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

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

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

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

30 (h) Work with and encourage the efforts of school and
31 district teachers of the year.

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

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

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

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

25 (4)(a) The Department of Education and the Office of
26 Teacher Recruitment and Retention Services, ~~through the Center~~
27 ~~for Career Development Services and in conjunction with the~~
28 ~~teacher referral and recruitment center,~~ shall administer the
29 program.
30
31

1 (b) The Commissioner of Education shall pay an annual
2 salary, fringe benefits, travel costs, and other costs
3 associated with administering the program.

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

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

12 231.63 Florida Educator Hall of Fame.--

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

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

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

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

31

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

9 (4) In the first year, the Commissioner of Education
10 shall name no more than 10 members to the Florida Educator
11 Hall of Fame. Thereafter, the commissioner shall name no more
12 than four members to the Florida Educator Hall of Fame in any
13 1 year.

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

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

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

27 20.15 Department of Education.--There is created a
28 Department of Education.

29 (3) DIVISIONS.--

30 ~~(a)~~ The following divisions of the Department of
31 Education are established:

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

2 ~~(b)2.~~ Division of Public Schools and Community
3 Education.

4 ~~(c)3.~~ Division of Universities.

5 ~~(d)4.~~ Division of Workforce Development.

6 ~~(e)5.~~ Division of Human Resource Development.

7 (f) Division of Administration.

8 (g) Division of Financial Services.

9 (h) Division of Support Services.

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

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

16 231.262 Complaints against teachers and
17 administrators; procedure; penalties.--

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

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

1 231.28 Education Practices Commission; authority to
2 discipline.--

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

17 (a) Obtained the teaching certificate by fraudulent
18 means;

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

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

24 (d) Has had a teaching certificate revoked in another
25 state;

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

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

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

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

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

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

12 (k) Has violated any order of the Education Practices
13 Commission.

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

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

31

1 236.081 Funds for operation of schools.--If the annual
2 allocation from the Florida Education Finance Program to each
3 district for operation of schools is not determined in the
4 annual appropriations act or the substantive bill implementing
5 the annual appropriations act, it shall be determined as
6 follows:

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

11 (d) Annual allocation calculation.--

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

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

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

1 programs, students-at-risk programs, all basic programs other
2 than the programs in group 1, and all vocational programs in
3 grades 7-12.

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

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

20 (I) The weighted enrollment ceiling for each program
21 in the program group shall be subtracted from the weighted
22 enrollment for that program derived from actual enrollments.

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

29 (III) The reduction proportion calculated under
30 sub-sub-subparagraph (II) shall be multiplied by the total

31

1 amount of the program group's enrollment over the ceiling as
2 calculated under sub-sub-subparagraph (I).

3 (IV) The prorated reduction amount calculated under
4 sub-sub-subparagraph (III) shall be subtracted from the
5 program's weighted enrollment. For any calculation of the
6 FEFP, the enrollment ceiling for group 1 shall be calculated
7 by multiplying the actual enrollment for each program in the
8 program group by its appropriate program weight.

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

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

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

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

1 (4) COMPUTATION OF DISTRICT REQUIRED LOCAL
2 EFFORT.--The Legislature shall prescribe the aggregate
3 required local effort for all school districts collectively as
4 an item in the General Appropriations Act for each fiscal
5 year. The amount that each district shall provide annually
6 toward the cost of the Florida Education Finance Program for
7 kindergarten through grade 12 programs shall be calculated as
8 follows:

9 (a) Estimated taxable value calculations.--

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

26 b. For the 1997-1998 fiscal year only, the General
27 Appropriations Act may direct the computation of the statewide
28 adjusted aggregate amount for required local effort for all
29 school districts collectively from ad valorem taxes to ensure
30 that no school district's revenue from required local effort
31 millage will produce more than 90 percent of the district's

1 total Florida Education Finance Program calculation, and the
2 adjustment of the required local effort millage rate of each
3 district that produces more than 90 percent of its total
4 Florida Education Finance Program entitlement to a level that
5 will produce only 90 percent of its total Florida Education
6 Finance Program entitlement. This sub-subparagraph is
7 repealed on July 1, 1998, unless enacted in other legislation.

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

14 (b) Final calculation.--

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

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

1 revised tax roll reflecting final value adjustment board
2 actions and final judicial decisions, the Department of
3 Revenue shall certify the most recent revision of the official
4 taxable value for school purposes. The certified value shall
5 be the final taxable value for school purposes and no further
6 adjustments shall be made, except those made pursuant to
7 subparagraph (9)~~(10)~~(a)2.

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

31

1 (9)~~(10)~~ TOTAL ALLOCATION OF STATE FUNDS TO EACH
2 DISTRICT FOR CURRENT OPERATION.--The total annual state
3 allocation to each district for current operation for the K-12
4 FEFP shall be distributed periodically in the manner
5 prescribed in the General Appropriations Act.

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

19 1. Determine the percentage of proration by dividing
20 the sum of the total amount for current operation, as provided
21 in this paragraph for all districts collectively, and the
22 total district required local effort into the sum of the state
23 funds available for current operation and the total district
24 required local effort.

25 2. Multiply the percentage so determined by the sum of
26 the total amount for current operation as provided in this
27 paragraph and the required local effort for each individual
28 district.

29 3. From the product of such multiplication, subtract
30 the required local effort of each district; and the remainder
31

1 shall be the amount of state funds allocated to the district
2 for current operation.

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

5 236.25 District school tax.--

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

26 Section 19. Paragraph (c) of subsection (3) of section
27 229.57, Florida Statutes, is amended to read:

28 229.57 Student assessment program.--

29 (3) STATEWIDE ASSESSMENT PROGRAM.--The commissioner is
30 directed to design and implement a statewide program of
31 educational assessment that provides information for the

1 improvement of the operation and management of the public
2 schools. The program must be designed, as far as possible, so
3 as not to conflict with ongoing district assessment programs
4 and so as to use information obtained from district programs.
5 Pursuant to the statewide assessment program, the commissioner
6 shall:

7 (c) Develop and implement a student achievement
8 testing program as part of the statewide assessment program,
9 to be administered at designated times at the elementary,
10 middle, and high school levels to measure reading, writing,
11 and mathematics. The testing program must be designed so
12 that:

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

25 2. The tests are criterion-referenced and include, to
26 the extent determined by the commissioner, items that require
27 the student to produce information or perform tasks in such a
28 way that the skills and competencies he or she uses can be
29 measured.

30 3. Each testing program, whether at the elementary,
31 middle, or high school level, includes a test of writing in

1 which students are required to produce writings which are then
2 scored by appropriate methods.

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

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

26 6. Participation in the testing program is mandatory
27 for all students, except as otherwise prescribed by the
28 commissioner. The commissioner shall recommend rules to the
29 state board for the provision of test adaptations and
30 modifications of procedures as necessary for students in
31

1 exceptional education programs and for students who have
2 limited English proficiency.

3 7. A student seeking an adult high school diploma must
4 meet the same testing requirements that a regular high school
5 student must meet.

6
7 The commissioner may design and implement student testing
8 programs for any grade level and subject area, based on
9 procedures designated by the commissioner to monitor
10 educational achievement in the state.

11 Section 20. Paragraph (d) of subsection (5) of section
12 24.121, Florida Statutes, is amended to read:

13 24.121 Allocation of revenues and expenditure of funds
14 for public education.--

15 (5)

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

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

22 229.58 District and school advisory councils.--

23 (1) ESTABLISHMENT.--

24 (a) The school board shall establish an advisory
25 council for each school in the district, and shall develop
26 procedures for the election and appointment of advisory
27 council members. A majority of the members of each school
28 advisory council must be persons who are not employed by the
29 school board. Each advisory council shall be composed of the
30 principal and an appropriately balanced number of teachers,
31 education support employees, students, parents, and other

1 business and community citizens who are representative of the
2 ethnic, racial, and economic community served by the school.⁷
3 ~~provided that~~ Vocational-technical center and high school
4 advisory councils shall include students, and middle and
5 junior high school advisory councils may include students.
6 School advisory councils of vocational-technical and adult
7 education centers are not required to include parents as
8 members. Council members representing teachers, education
9 support employees, students, and parents shall be elected by
10 their respective peer groups at the school in a fair and
11 equitable manner as follows:

- 12 1. Teachers shall be elected by teachers.
- 13 2. Education support employees shall be elected by
14 education support employees.
- 15 3. Students shall be elected by students.
- 16 4. Parents shall be elected by parents.

17
18 The school board shall establish procedures for use by schools
19 in selecting business and community members. Such procedures
20 shall include means of ensuring wide notice of vacancies and
21 for taking input on possible members from local business,
22 chambers of commerce, community and civic organizations and
23 groups, and the public at large. The school board shall review
24 the membership composition of each advisory council. Should
25 the school board determine that the membership elected by the
26 school is not representative of the ethnic, racial, and
27 economic community served by the school, the board shall
28 appoint additional members to achieve proper representation.
29 Although schools should be strongly encouraged to establish
30 school advisory councils, any school district that has a
31 student population of 10,000 or fewer may establish a district

1 advisory council which shall include at least one duly elected
2 teacher from each school in the district. For the purposes of
3 school advisory councils and district advisory councils, the
4 term "teacher" shall include classroom teachers, certified
5 student services personnel, and media specialists. For
6 purposes of this paragraph, "education support employee" means
7 any person employed by a school who is not defined as
8 instructional or administrative personnel pursuant to s.
9 228.041 and whose duties require 20 or more hours in each
10 normal working week.

11 Section 22. Paragraph (f) of subsection (3) of section
12 229.591, Florida Statutes, is amended to read:

13 229.591 Comprehensive revision of Florida's system of
14 school improvement and education accountability.--

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

17 (f) Teachers and staff.--The schools, district, all
18 postsecondary institutions, and state ensure professional
19 teachers and staff.

20 Section 23. Deregulated Public Schools.--

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

31

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

3 (a) Improve student learning.

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

7 (c) Encourage the use of different and innovative
8 learning methods.

9 (d) Increase choice of learning opportunities for
10 students.

11 (e) Establish a new form of accountability for
12 schools.

13 (f) Require the measurement of learning outcomes and
14 create innovative measurement tools.

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

16 (h) Relieve schools of paperwork and procedures that
17 are required by the state and the district for purposes other
18 than health, safety, equal opportunity, fiscal accountability
19 and documentation of student achievement.

20 (3) PROPOSAL.--

21 (a) A proposal to be a deregulated school must be
22 developed by the school principal and the school advisory
23 council. A majority of the members of the school advisory
24 council must approve the proposal, and the principal and the
25 school advisory council chairman must sign the proposal. At
26 least 50 percent of the teachers employed at the school must
27 approve the proposal. The school must conduct a survey to show
28 parental support for the proposal.

29 (b) A district school board shall receive and review
30 all proposals for a deregulated public school during July and
31 August. A district school board must by a majority vote

1 approve or deny a proposal no later than 30 days after the
2 proposal is received. If a proposal is denied, the district
3 school board must, within 10 calendar days, articulate in
4 writing the specific reasons based upon good cause supporting
5 its denial of the proposal.

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

8 (d) The terms and conditions for the operation of a
9 deregulated public school shall be set forth in the proposal.
10 The school district shall not impose unreasonable rules or
11 regulations that violate the intent of giving schools greater
12 flexibility to meet educational goals.

13 (4) ELIGIBLE STUDENTS.--

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

17 (b) The deregulated public school shall have maximum
18 flexibility to enroll students under the school district open
19 enrolled plan.

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

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

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

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

28 (d) Not violate the antidiscrimination provisions of
29 s. 228.2001.

30
31

1 (e) Be subject to an annual financial audit in a
2 manner similar to that of other public schools in the
3 district.

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

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

9 1. The school's mission and the students to be served.

10 2. The focus of the curriculum, the instructional
11 methods to be used, and any distinctive instructional
12 techniques to be employed.

13 3. The current baseline standard of achievement and
14 the outcomes to be achieved and the method of measurement that
15 will be used.

16 4. The methods used to identify the educational
17 strengths and needs of students and how well educational goals
18 and performance standards are met by students attending the
19 school. Students in deregulated and flexible public schools
20 shall, at a minimum, participate in the statewide assessment
21 program.

22 5. In secondary schools, a method for determining
23 that a student has satisfied the requirements for graduation
24 in s. 232.246.

25 6. A method for resolving conflicts between the school
26 and the district.

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

29 8. The ways by which the school's racial/ethnic
30 balance reflects the community it serves or reflects the
31

1 racial/ethnic range of other public schools in the same school
2 district.

3 9. The financial and administrative management of the
4 school including a statement of the areas in which the school
5 will have administrative and fiscal autonomy and the areas in
6 which the school will follow school district fiscal and
7 administrative policies.

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

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

13 (b) The school shall make annual progress reports to
14 the district, which upon verification shall be forwarded to
15 the Commissioner of Education at the same time as other annual
16 school accountability reports. The report shall contain at
17 least the following information:

18 1. The school's progress towards achieving the goals
19 outlined in its proposal.

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

22 3. Financial records of the school, including revenues
23 and expenditures.

24 4. Salary and benefit levels of school employees.

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

28 (d) Upon receipt of the annual report required by
29 paragraph (b), the Department of Education shall provide to
30 the State Board of Education, the Commissioner of Education,
31 the President of the Senate, and the Speaker of the House of

1 Representatives with a copy of each report and an analysis and
2 comparison of the overall performance of students, to include
3 all students in deregulated public schools whose scores are
4 counted as part of the norm-referenced assessment tests,
5 versus comparable public school students in the district as
6 determined by norm-referenced assessment tests currently
7 administered in the school district, and, as appropriate, the
8 Florida Writes Assessment Test, the High School Competency
9 Test, and other assessments administered pursuant to section
10 229.57(3), Florida Statutes.

11 (7) EXEMPTION FROM STATUTES.--

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

29 (b) Teachers employed by or under contract to a
30 deregulated public school shall be certified as required by
31 chapter 231. A deregulated public school may employ or

1 contract with skilled selected noncertified personnel to
2 provide instructional services or to assist instructional
3 staff members as teacher aides in the same manner as defined
4 in chapter 231. A deregulated public school may not employ an
5 individual to provide instructional services or to serve as a
6 teacher aide if the individual's certification or licensure as
7 an educator is suspended or revoked by this or any other
8 state. The qualifications of teachers shall be disclosed to
9 parents.

10 (c) A deregulated public school shall employ or
11 contract with employees who have been fingerprinted as
12 provided in section 231.02, Florida Statutes.

13 (8) REVENUE.--Students enrolled in a deregulated
14 public school, shall be funded in a basic program or a special
15 program, in the same manner as students enrolled in other
16 public schools in the school district.

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

21 (10) FACILITIES.--A deregulated public school shall
22 utilize facilities which comply with the State Uniform
23 Building Code for Public Educational Facilities Construction
24 adopted pursuant to section 235.26, Florida Statutes, or with
25 applicable state minimum building codes pursuant to chapter
26 553 and state minimum fire protection codes pursuant to
27 section 633.025, Florida Statutes, as adopted by the authority
28 in whose jurisdiction the facility is located.

29 Section 24. Section 231.613, Florida Statutes, is
30 repealed.

31

1 Section 25. This act shall take effect upon becoming a
2 law.
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