

690-100AXA-38

Bill No. CS/HB 751 & others

Amendment No. 22 (for drafter's use only)

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
1		.	
2		.	
3		.	
4		.	

ORIGINAL STAMP BELOW

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31

Representative(s) Lynn and Feeney offered the following:

Amendment (with title amendment)

On page 107, between lines 24 & 25,

insert:

Section 43. Paragraph (a) of subsection (1), paragraph (c) of subsection (4), and paragraph (b) of subsection (6) of section 231.36, Florida Statutes, are amended to read:

231.36 Contracts with instructional staff, supervisors, and principals.--

(1)(a) Each person employed as a member of the instructional staff in any district school system shall be properly certificated pursuant to s. 231.17 or employed pursuant to s. 231.1725 and shall be entitled to and shall receive a written contract as specified in chapter 230. All such contracts, except continuing contracts as specified in subsection (4), shall contain provisions for dismissal during the term of the contract only for just cause, as defined by rule of the State Board of Education. Just cause shall include ~~includes~~, but is not limited to, misconduct in office,

1 incompetency, gross insubordination, willful neglect of duty,
2 or conviction of a crime involving moral turpitude.

3 (4)

4 (c) Any member of the district administrative or
5 supervisory staff and any member of the instructional staff,
6 including any principal, who is under continuing contract may
7 be suspended or dismissed at any time during the school year
8 for just cause, as defined by rule of the State Board of
9 Education; however, the charges against him or her must be
10 based on immorality, misconduct in office, incompetency, gross
11 insubordination, willful neglect of duty, drunkenness, or
12 conviction of a crime involving moral turpitude. Whenever
13 such charges are made against any such employee of the school
14 board, the school board may suspend such person without pay;
15 but, if the charges are not sustained, he or she shall be
16 immediately reinstated, and his or her back salary shall be
17 paid. In cases of suspension by the school board or by the
18 superintendent, the school board shall determine upon the
19 evidence submitted whether the charges have been sustained
20 and, if the charges are sustained, shall determine either to
21 dismiss the employee or fix the terms under which he or she
22 may be reinstated. If such charges are sustained by a
23 majority vote of the full membership of the school board and
24 such employee is discharged, his or her contract of employment
25 shall be thereby canceled. Any such decision adverse to the
26 employee may be appealed by the employee pursuant to s.
27 120.68, provided such appeal is filed within 30 days after the
28 decision of the school board.

29 (6)

30 (b) Any member of the district administrative or
31 supervisory staff, including any principal but excluding an

1 employee specified in subsection (4), may be suspended or
 2 dismissed at any time during the term of the contract for just
 3 cause, as defined by rule of the State Board of Education;
 4 however, the charges against him or her must be based on
 5 immorality, misconduct in office, incompetency, gross
 6 insubordination, willful neglect of duty, drunkenness, or
 7 conviction of any crime involving moral turpitude. Whenever
 8 such charges are made against any such employee of the school
 9 board, the school board may suspend the employee without pay;
 10 but, if the charges are not sustained, he or she shall be
 11 immediately reinstated, and his or her back salary shall be
 12 paid. In cases of suspension by the school board or by the
 13 superintendent, the school board shall determine upon the
 14 evidence submitted whether the charges have been sustained
 15 and, if the charges are sustained, shall determine either to
 16 dismiss the employee or fix the terms under which he or she
 17 may be reinstated. If such charges are sustained by a
 18 majority vote of the full membership of the school board and
 19 such employee is discharged, his or her contract of employment
 20 shall be thereby canceled. Any such decision adverse to the
 21 employee may be appealed by him or her pursuant to s. 120.68,
 22 provided such appeal is filed within 30 days after the
 23 decision of the school board.

24
25

26 ===== T I T L E A M E N D M E N T =====

27 And the title is amended as follows:

28 On page 7, line 25, before "amending"

29

30 insert:

31 amending s. 231.36, F.S.; providing for the

690-100AXA-38

Bill No. CS/HB 751 & others

Amendment No. 22 (for drafter's use only)

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31

State Board of Education to define by rule
conduct constituting just cause for dismissal
of instructional staff, supervisors, and
principals during the term of their contracts;