

By Senator Kirkpatrick

5-700-00

1                                   A bill to be entitled  
2           An act relating to education; amending s.  
3           230.23, F.S.; providing a procedure for the  
4           employment of instructional personnel; amending  
5           s. 230.33, F.S.; revising the superintendent's  
6           responsibility regarding the employment of  
7           instructional personnel; amending s. 231.085,  
8           F.S.; describing the duties of a school  
9           principal in the employment of instructional  
10          personnel; providing an effective date.

11  
12 Be It Enacted by the Legislature of the State of Florida:

13  
14           Section 1. Paragraph (a) of subsection (5) of section  
15 230.23, Florida Statutes, is amended to read:

16           230.23 Powers and duties of school board.--The school  
17 board, acting as a board, shall exercise all powers and  
18 perform all duties listed below:

19           (5) PERSONNEL.--Designate positions to be filled,  
20 prescribe qualifications for those positions, and provide for  
21 the appointment, compensation, promotion, suspension, and  
22 dismissal of employees as follows, subject to the requirements  
23 of chapter 231:

24           (a) Positions, qualifications, and appointments.--Act  
25 upon written recommendations submitted by the superintendent  
26 for positions to be filled and for minimum qualifications for  
27 personnel for the various positions and act upon written  
28 nominations of persons to fill such positions. The  
29 superintendent's recommendations for filling institutional  
30 positions at the school level must be based on nominations  
31 received from each school principal.The school board may

1 reject for good cause any employee nominated. If the third  
2 nomination by the superintendent for any position is rejected  
3 for good cause, if the superintendent fails to submit a  
4 nomination for initial employment within a reasonable time as  
5 prescribed by the school board, or if the superintendent fails  
6 to submit a nomination for reemployment within the time  
7 prescribed by law, the school board may proceed on its own  
8 motion to fill such position. The school board's decision to  
9 reject a person's nomination does not give that person a right  
10 of action to sue over the rejection and may not be used as a  
11 cause of action by the nominated employee.

12 Section 2. Paragraph (a) of subsection (7) of section  
13 230.33, Florida Statutes, is amended to read:

14 230.33 Duties and responsibilities of  
15 superintendent.--The superintendent shall exercise all powers  
16 and perform all duties listed below and elsewhere in the law;  
17 provided, that in so doing he or she shall advise and counsel  
18 with the school board. The superintendent shall perform all  
19 tasks necessary to make sound recommendations, nominations,  
20 proposals, and reports required by law to be acted upon by the  
21 school board. All such recommendations, nominations,  
22 proposals, and reports by the superintendent shall be either  
23 recorded in the minutes or shall be made in writing, noted in  
24 the minutes, and filed in the public records of the board. It  
25 shall be presumed that, in the absence of the record required  
26 in this paragraph, the recommendations, nominations, and  
27 proposals required of the superintendent were not contrary to  
28 the action taken by the school board in such matters.

29 (7) PERSONNEL.--Be responsible, as required herein,  
30 for directing the work of the personnel, subject to the  
31

1 requirements of chapter 231, and in addition the  
2 superintendent shall have the following duties:

3 (a) Positions, qualifications, and  
4 nominations.--Recommend to the school board duties and  
5 responsibilities which need to be performed and positions  
6 which need to be filled to make possible the development of an  
7 adequate school program in the district; recommend minimum  
8 qualifications of personnel for these various positions; and  
9 nominate in writing persons to fill such positions. The  
10 nominations of persons to fill instructional positions at each  
11 of the district's schools must be based on the recommendations  
12 received from the principals of the respective schools.

13 Section 3. Section 231.085, Florida Statutes, is  
14 amended to read:

15 231.085 Duties of principals.--A district school board  
16 shall employ, through written contract, public school  
17 principals who shall supervise the operation and management of  
18 the schools and property as the board determines necessary.  
19 The principal is responsible for recommending to the  
20 superintendent the employment of instructional personnel to be  
21 assigned to the school to which the principal is assigned.

22 Each principal is responsible for the performance of all  
23 personnel employed by the school board and assigned to the  
24 school to which the principal is assigned. The principal shall  
25 faithfully and effectively apply the personnel assessment  
26 system approved by the school board pursuant to s. 231.29.  
27 Each principal shall perform such duties as may be assigned by  
28 the superintendent pursuant to the rules of the school board.  
29 Such rules shall include, but not be limited to, rules  
30 relating to administrative responsibility, instructional  
31 leadership in implementing the Sunshine State Standards and

1 the overall educational program of the school to which the  
2 principal is assigned, submission of personnel recommendations  
3 to the superintendent, administrative responsibility for  
4 records and reports, administration of corporal punishment,  
5 and student suspension. Each principal shall provide  
6 leadership in the development or revision and implementation  
7 of a school improvement plan pursuant to s. 230.23(16). Each  
8 principal must make the necessary provisions to ensure that  
9 all school reports are accurate and timely, and must provide  
10 the necessary training opportunities for staff to accurately  
11 report attendance, FTE program participation, student  
12 performance, teacher appraisal, and school safety and  
13 discipline data. A principal who fails to comply with this  
14 section shall be ineligible for any portion of the performance  
15 pay policy incentive under s. 230.23(5)(c).

16 Section 4. This act shall take effect July 1, 2000.

17  
18 \*\*\*\*\*

19 SENATE SUMMARY

20 Requires school principals to recommend to school  
21 superintendents persons for employment as instructional  
22 personnel, and requires superintendents to make their  
23 recommendations to the school board from persons  
24 nominated by the principals.  
25  
26  
27  
28  
29  
30  
31