

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.

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

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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 instructional
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
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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.
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