

By Senator Smith

5-940-01

1 A bill to be entitled
2 An act relating to education; amending s.
3 231.262, F.S.; requiring school districts to
4 institute policies regarding complaints against
5 teachers and administrators; providing
6 penalties for noncompliance; authorizing the
7 Commissioner of Education to suspend
8 certificates of certain educational personnel;
9 providing appeals procedures; providing an
10 effective date.

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

13
14 Section 1. Subsection (1) of section 231.262, Florida
15 Statutes, is amended, present subsections (5), (6), (7), and
16 (8) of that section are redesignated as subsections (6), (7),
17 (8), and (9), respectively, and a new subsection (5) is added
18 to that section, to read:

19 231.262 Complaints against teachers and
20 administrators; procedure; penalties.--

21 (1)(a) The Department of Education shall cause to be
22 investigated expeditiously any complaint filed before it or
23 otherwise called to its attention which, if legally
24 sufficient, contains grounds for the revocation or suspension
25 of a certificate or any other appropriate penalty as set forth
26 in subsection (6). The complaint is legally sufficient if it
27 contains the ultimate facts which show a violation has
28 occurred as provided in s. 231.2615. The department may
29 investigate or continue to investigate and take appropriate
30 action in a complaint even though the original complainant
31 withdraws the complaint or otherwise indicates a desire not to

1 cause it to be investigated or prosecuted to completion. The
2 department may investigate or continue to investigate and take
3 action on a complaint filed against a person whose teaching
4 certificate has expired if the act or acts which are the basis
5 for the complaint were allegedly committed while that person
6 possessed a teaching certificate.

7 (b) When an investigation is undertaken, the
8 department shall notify the certificateholder and the
9 superintendent of schools in the district in which the
10 certificateholder is employed and shall inform the
11 certificateholder of the substance of any complaint which has
12 been filed against that certificateholder, unless the
13 department determines that such notification would be
14 detrimental to the investigation, in which case the department
15 may withhold notification.

16 (c) Each school district shall file in writing with
17 the department all legally sufficient complaints within 30
18 days after the date on which subject matter of the complaint
19 comes to the attention of the school district. The school
20 district shall include all information relating to the
21 complaint which is known to the school district at the time of
22 filing. Each school district shall develop policies and
23 procedures to comply with this requirement and to ensure that
24 the superintendent is promptly informed of each legally
25 sufficient complaint. The superintendent is charged with
26 knowledge of these policies and procedures and is presumed to
27 have knowledge of each legally sufficient complaint. If the
28 school district or the superintendent does not comply with
29 this section, in addition to other actions against
30 certificateholders authorized by law, the commissioner may
31 permanently withhold discretionary funds that are otherwise

1 available to the school district during the period of
2 noncompliance, and may also fine the school district and
3 superintendent an amount not to exceed \$1,000 for each day of
4 noncompliance. The school district and superintendent shall be
5 jointly and severally liable for any fine. This paragraph does
6 not limit or restrict the power and duty of the department to
7 investigate complaints as provided in paragraphs (a) and (b),
8 regardless of the school district's untimely filing, or
9 failure to file, complaints and followup reports.

10 (5) To protect the health, safety, or welfare of a
11 minor student, the commissioner may temporarily suspend the
12 certificate of a certificateholder pending the completion of
13 the proceedings and the determinations of sanctions, pursuant
14 to this section and s. 231.2615. The certificateholder may at
15 any time request in writing that the commissioner set aside
16 the temporary suspension, and the commissioner may do so with
17 or without conditions. If the commissioner refuses to set
18 aside a temporary suspension, or if the certificateholder
19 contends that the commissioner's conditions are unreasonable,
20 the certificateholder may seek review of the suspension by the
21 Education Practices Commission. In such case, the commission
22 shall conduct a formal review and issue an order sustaining or
23 overturning the temporary suspension, or setting it aside
24 under specified conditions.

25 Section 2. This act shall take effect July 1, 2001.
26
27
28
29
30
31

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

SENATE SUMMARY

Revises provisions relating to complaints filed against teachers and administrators. Requires school districts to establish certain procedures and provides penalties for the failure to do so. Authorizes the Commissioner of Education to suspend the certificates of certain educational personnel and provides for review of such action.