

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 district school superintendent to temporarily
8 suspend a certificateholder from regularly
9 assigned duties until completion of certain
10 proceedings; 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. 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 district school board shall develop policies and
23 procedures to comply with this reporting requirement. The
24 policies and procedures must include appropriate penalties for
25 nonreporting for all personnel of the district school board
26 and procedures for promptly informing the superintendent of
27 schools of each legally sufficient complaint. The
28 superintendent of schools is charged with knowledge of these
29 policies and procedures. If the superintendent of schools has
30 knowledge of a legally sufficient complaint and does not
31 report the legally sufficient complaint, or if the

1 superintendent fails to enforce the policies and procedures of
2 the district school board and fails to comply with the
3 requirements of this subsection, in addition to other actions
4 against a certificateholder authorized by law, the
5 superintendent is subject to the penalties specified in s.
6 230.33(13).This paragraph does not limit or restrict the
7 power and duty of the department to investigate complaints as
8 provided in paragraphs (a) and (b), regardless of the school
9 district's untimely filing, or failure to file, complaints and
10 followup reports.

11 (5) When deemed necessary to protect the health,
12 safety, and welfare of a student, the district school
13 superintendent in consultation with the school principal may,
14 and upon the request of the Commissioner of Education shall,
15 temporarily suspend a certificateholder from the
16 certificateholder's regularly assigned duties, with pay, and
17 reassign the suspended certificateholder to a position that
18 does not require direct contact with students in the district
19 school system. Such suspension shall continue until the
20 completion of the proceedings and the determination of
21 sanctions, if any, pursuant to this section and s. 231.2615.

22 Section 2. This act shall take effect July 1, 2001.
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