

By Senator Saunders

37-278A-03

1 A bill to be entitled
2 An act relating to school district employees
3 and contractors; amending ss. 1002.33, 1012.21,
4 1012.32, 1012.56, 1012.57, F.S.; requiring
5 background screening, initially and
6 periodically, of charter school employees and
7 members of the governing board; requiring
8 background screening, initially and
9 periodically, of persons certified under ch.
10 1012, F.S.; requiring background screening,
11 initially and periodically, of adjunct
12 educators; requiring background screening,
13 initially and periodically, of certain
14 noninstructional personnel and contractors with
15 the school district; requiring any such person
16 to report his or her conviction of a
17 disqualifying offense; providing that
18 noninstructional personnel may perform certain
19 services before the results of the screening
20 have been reported, with limitations; providing
21 for suspending any such personnel who do not
22 meet the screening requirements and voiding the
23 certification of any such certified person;
24 providing for appeal; providing that the school
25 district or the employee may pay for the
26 screening; providing an effective date.

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

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30 Section 1. Paragraph (g) of subsection (12) of section
31 1002.33, Florida Statutes, is amended to read:

1 1002.33 Charter schools.--

2 (12) EMPLOYEES OF CHARTER SCHOOLS.--

3 (g) A charter school shall employ or contract with
4 employees who have undergone background screening ~~been~~
5 ~~fingerprinted~~ as provided in s. 1012.32. Members of the
6 governing board of the charter school shall also undergo
7 background screening ~~be fingerprinted~~ in a manner similar to
8 that provided in s. 1012.32.

9 Section 2. Subsection (1) of section 1012.21, Florida
10 Statutes, is amended to read:

11 1012.21 Department of Education duties; K-12
12 personnel.--

13 (1) BACKGROUND SCREENINGS; PERIODIC CRIMINAL HISTORY
14 RECORD CHECKS.--In cooperation with the Florida Department of
15 Law Enforcement, the Department of Education shall perform
16 background screening as required under s. 1012.56 and may
17 periodically perform criminal history record checks on
18 individuals who hold a certificate pursuant to ~~s. 1012.56 or~~
19 s. 1012.57.

20 Section 3. Subsection (2) of section 1012.32, Florida
21 Statutes, is amended to read:

22 1012.32 Qualifications of personnel.--

23 (2)~~(a)~~ Instructional and noninstructional personnel
24 who are hired to fill positions requiring direct contact with
25 students in any district school system or university lab
26 school shall, upon employment, undergo background screening as
27 required under s. 1012.56 or section 4 of this act, whichever
28 is applicable ~~file a complete set of fingerprints taken by an~~
29 ~~authorized law enforcement officer or an employee of the~~
30 ~~school or district who is trained to take fingerprints. These~~
31 ~~fingerprints shall be submitted to the Department of Law~~

1 ~~Enforcement for state processing and to the Federal Bureau of~~
2 ~~Investigation for federal processing. The new employees shall~~
3 ~~be on probationary status pending fingerprint processing and~~
4 ~~determination of compliance with standards of good moral~~
5 ~~character. Employees found through fingerprint processing to~~
6 ~~have been convicted of a crime involving moral turpitude may~~
7 ~~shall not be employed in any position requiring direct contact~~
8 ~~with students. Probationary employees terminated because of~~
9 ~~their criminal record shall have the right to appeal such~~
10 ~~decisions. The cost of the background screening fingerprint~~
11 ~~processing may be borne by the district school board or the~~
12 ~~employee.~~

13 ~~(b) Personnel who have been fingerprinted or screened~~
14 ~~pursuant to this subsection and who have not been unemployed~~
15 ~~for more than 90 days shall not be required to be~~
16 ~~refingerprinted or rescreened in order to comply with the~~
17 ~~requirements of this subsection.~~

18 Section 4. Paragraph (d) of subsection (2) of section
19 1012.56, Florida Statutes, is amended, present subsections
20 (9), (10), (11), (12), (13), (14), and (15) of that section
21 are redesignated as subsections (10), (11), (12), (13), (14),
22 (15), and (16), respectively, and a new subsection (9) is
23 added to that section, to read:

24 1012.56 Educator certification requirements.--

25 (2) ELIGIBILITY CRITERIA.--To be eligible to seek
26 certification pursuant to this chapter, a person must:

27 (d) Submit to background screening in accordance with
28 subsection (9)~~a fingerprint check from the Department of Law~~
29 ~~Enforcement and the Federal Bureau of Investigation pursuant~~
30 ~~to s. 1012.32. If the background screening indicates~~
31 ~~fingerprint reports indicate a criminal history or if the~~

1 applicant acknowledges a criminal history, the applicant's
2 records shall be referred to the Bureau of Educator Standards
3 for review and determination of eligibility for certification.
4 If the applicant fails to provide the necessary documentation
5 requested by the Bureau of Educator Standards within 90 days
6 after the date of the receipt of the certified mail request,
7 the statement of eligibility and pending application shall
8 become invalid.

9 (9) BACKGROUND SCREENING REQUIRED, INITIALLY AND
10 PERIODICALLY.--

11 (a) Each person who seeks certification under this
12 chapter must meet level 2 screening requirements as described
13 in s. 435.04. A person may satisfy the requirements of this
14 paragraph by submitting proof of compliance with the
15 requirements of level 2 screening conducted within 12 months
16 before the date that person initially obtains certification
17 under this chapter.

18 (b) A person may not receive a certificate under this
19 chapter until the level 2 screening has been completed and the
20 results have been submitted to the district school
21 superintendent of the school district that employs him or her.
22 Every 5 years after obtaining initial certification, each
23 person who is required to be certified under this chapter must
24 meet level 2 screening requirements and must submit the
25 results of that screening to the district school
26 superintendent. Under penalty of perjury, each person who is
27 certified under this chapter must agree to inform his or her
28 employer immediately if convicted of any disqualifying offense
29 while he or she is employed in a position for which such
30 certification is required.

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1 (c) If it is found that a person who is employed in a
2 position requiring certification under this chapter does not
3 meet the level 2 requirements, the person's certification
4 immediately becomes void, and he or she is immediately
5 suspended from the position requiring certification.

6 Section 5. Section 1012.57, Florida Statutes, is
7 amended to read:

8 1012.57 Certification of adjunct educators.--

9 (1) Notwithstanding the provisions of ss. 1012.32,
10 1012.55, and 1012.56, or any other provision of law or rule to
11 the contrary, district school boards may issue an adjunct
12 teaching certificate to any applicant who fulfills the
13 requirements of s. 1012.56(2)(a)-(f) and (9)and who has
14 expertise in the subject area to be taught. An applicant shall
15 be considered to have expertise in the subject area to be
16 taught if the applicant has at least a minor in the subject
17 area or demonstrates sufficient subject area mastery as
18 determined by district school board policy. The adjunct
19 teaching certificate shall be used for part-time teaching
20 positions. The intent of this provision is to allow school
21 districts to tap the wealth of talent and expertise
22 represented in Florida's citizens who may wish to teach
23 part-time in a Florida public school by permitting school
24 districts to issue adjunct certificates. Adjunct
25 certificateholders should be used as a strategy to reduce the
26 teacher shortage; thus, adjunct certificateholders should
27 supplement a school's instructional staff, not supplant it.
28 Each school principal shall assign an experienced peer mentor
29 to assist the adjunct teaching certificateholder during the
30 certificateholder's first year of teaching, and an adjunct
31 certificateholder may participate in a district's new teacher

1 training program. District school boards shall provide the
2 adjunct teaching certificateholder an orientation in classroom
3 management prior to assigning the certificateholder to a
4 school. Each adjunct teaching certificate is valid for 5
5 school years and is renewable if:

6 (a) The applicant completes a minimum of 60 inservice
7 points or 3 semester hours of college credit. The earned
8 credits must include instruction in classroom management,
9 district school board procedures, school culture, and other
10 activities that enhance the professional teaching skills of
11 the certificateholder.

12 (b) The applicant has received satisfactory
13 performance evaluations during each year of teaching under
14 adjunct teaching certification.

15 (2) Individuals who are certified and employed
16 pursuant to this section shall have the same rights and
17 protection of laws as teachers certified pursuant to s.
18 1012.56.

19 Section 6. Background screening requirements for
20 certain noninstructional school district employees and
21 contractors.--

22 (1) Noninstructional school district employees or
23 contractual personnel who have direct contact with minors or
24 access to or control of school funds must meet level 2
25 screening requirements as described in s. 435.04. A person may
26 satisfy the requirements of this subsection by submitting to
27 the district school superintendent proof of compliance with
28 the requirements of level 2 screening conducted within 12
29 months before the date that person initially is employed in
30 the position requiring such screening under this subsection.

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1 (2) A person who meets the criteria set forth in
2 subsection (1) but who is serving in a noninstructional
3 capacity may provide services before the completion of his or
4 her level 2 screening. However, pending the results of the
5 screening, the person may not be alone with a minor in
6 connection with providing those services.

7 (3) Every 5 years following employment in a capacity
8 described in subsection (1), each person who is so employed
9 must meet level 2 screening requirements and must submit the
10 results of that screening to the district school
11 superintendent of the school district that employs him or her.
12 Under penalty of perjury, each person who is employed in a
13 capacity described in subsection (1) must agree to inform his
14 or her employer immediately if convicted of any disqualifying
15 offense while he or she is employed in that capacity.

16 (4) If it is found that a person who is employed in a
17 capacity described in subsection (1) does not meet the level 2
18 requirements, the person shall be immediately suspended from
19 working in that capacity and shall remain suspended until any
20 appeal of that suspension has been resolved in his or her
21 favor.

22 Section 7. This act shall take effect July 1, 2003.
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SENATE SUMMARY

Requires initial and periodic level 2 background screening of certain persons who work for school districts, including instructional personnel certified under ch. 1012, F.S., and noninstructional personnel and contractors who have direct contact with minors or access to or control of school funds. Requires such screening of charter school employees and members of the governing board and of adjunct educators. Requires any such person to report his or her conviction of a disqualifying offense. Provides for suspending personnel who do not meet the screening requirements and voiding their certification under ch. 1012, F.S. Provides for appeals. Provides that either the school district or the employee may pay for the screening.