

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 1899 (formerly PCB EDK 03-04) w/CS Educator Certification and Discipline

SPONSOR(S): Committee on Education K-20

TIED BILLS: **IDEN./SIM. BILLS:** SB 2006

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) General Education (Sub)	6 Y, 0 N	Britton	Bohannon
2) Education K-20	22 Y, 4 N w/CS	Britton	Bohannon
3)			
4)			
5)			

SUMMARY ANALYSIS

The Education Practices Commission investigates complaints against educators and determines if the findings warrant disciplinary action against the certification status. HB 1899 w/CS strives to make the operations of the Education Practices Commission (EPC) more cost efficient and to strengthen disciplinary actions of the commission.

HB 1899 w/CS has a positive fiscal impact on state revenues, with a \$30,000 savings annually with the use of regular mail in place of certified mail, and a \$7,000 average annual savings on travel expenses related to disciplinary hearings.

HB1899 w/CS shall take effect upon becoming law.

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STORAGE NAME: h1899.edk.doc

DATE: April 18, 2003

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. DOES THE BILL:

- | | | | |
|--------------------------------------|------------------------------|-----------------------------|---|
| 1. Reduce government? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 2. Lower taxes? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 3. Expand individual freedom? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 4. Increase personal responsibility? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 5. Empower families? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |

For any principle that received a "no" above, please explain:

B. EFFECT OF PROPOSED CHANGES:

The Education Practices Commission investigates complaints against educators and determines if the findings warrant disciplinary action against the certification status. Each year the Department of Education, through the Education Practices Commission, investigates over 2,500 complaints against certified teachers and applicants for certification. In 2002, there were over 500 cases that resulted in prosecution or denial of certification.

HB 1899 w/ CS strives to strengthen disciplinary actions of the Education Practices Commission as well as make the operations of the commission more cost efficient. Provisions include:

- Requiring all certified educators and applicants for certification to have a current mailing address on file with the Bureau of Educator Certification, a certified educator or applicant must notify their employing school district of a change address in writing within 10 days after the change has occurred. The employing district board must notify the bureau of the change of address, in a manner prescribed by the Department of Education, within 20 days after the school board receives such notification.
- Permitting the Department of Education to send all official communications from the Department of Education, the Education Practices Commission, or the Recovery Network Program by regular mail in place of its current certified mail system.
- Reducing the number of members of the Education Practices Commission required to serve on a disciplinary panel (teacher or administrator) from 7 to 5 members.
- Increasing the maximum period an Educator's Certificate may be suspended from 3 to 5 years.
- Restricting an educator whose certificate is suspended, from being employed in a public school in any capacity requiring direct contact with students.
- Revising circumstances under which the Educational Practices Commission may sanction an educator's certificate.
- Revising circumstances under which alleged criminal conduct are grounds for discipline by the Education Practices Commission.
- Expanding the use of an order to show cause to include any violation of a final order of the Education Practices Commission, rather than just the violation of the terms of a settlement agreement.
- Clarifying the three strikes rule, which requires a minimum revocation of one year, if an individual's certificate has been the subject of Education Practices Commission sanctions on two previous occasions.
- Requiring other agencies, including law enforcement, school boards, and the Division of Administrative Hearings, to provide unredacted documents upon request to further investigations and prosecutions concerning educators.
- Providing minimum requirements for Education Practices Commission probation.

- Providing that the Education Practices Commission has the option to refer an educator to the Recovery Network Program.
- Permitting applicants for certification to access the Recovery Network Program.
- Allowing educators to voluntarily enroll in the Recovery Network Program.
- Modifying the process of declaring an educator ineligible for the Recovery Network Program.
- Permitting the violation of an Education Practices Commission final order requiring participation in the program to be addressed by the commission through the show cause process.
- Permitting university laboratory schools, charter schools, and any private or parochial schools to have access to sealed and expunged criminal history records for employment purposes.

C. SECTION DIRECTORY:

Section 1: Amends s. 1012.56, F.S., to require an affidavit for educator certification.

Section 2: Creates s. 1012.561, F.S., to require each certified educator and applicant for certification as an educator to notify the Bureau of Educator Certification in writing of his or her current mailing address; to provide a penalty for noncompliance; to authorize service by regular mail for certain purposes.

Section 3: Amends s. 1012.79, F.S., relating to the number of members required for certain panels of the Education Practices Commission.

Section 4: Amends s. 1012.795, F.S., relating to the Education Practices Commission's authority to discipline; revising grounds for discipline; providing penalties.

Section 5: Amends s. 1012.796, F.S., to require certain agencies to provide unredacted documents to the Department of Education for purposes of investigating and prosecuting certified educators and applicants for certification; to provide minimum standards that a probationer must meet; to revise penalties that the Education Practices Commission may impose; to revise criteria for the use of an order to show cause.

Section 6: Amends s. 1012.798, F.S., to revise provisions relating to the recovery network program for educators.

Section 7: Amends s. 943.0585, F.S., to allow certain employers of educators to have access to expunged records.

Section 8: Amends s. 943.059, F.S., to allow certain employers of educators to have access to sealed records.

Section 9: Provides an effective date upon becoming a law.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

Cost savings will be realized from several measures in the bill, including a \$30,000 savings annually by use of regular mail in place of certified mail. In addition, by reducing the required membership for a disciplinary panel from 7 to 5, travel expenses for Education Practices Commission members would be reduced by an average of \$7,000 annually for disciplinary hearings.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

The cost of a criminal record history check from the Florida Department of Law Enforcement is \$15 per name. The Department of Education requires a complete report in order to issue an educator's certificate, one containing sealed and expunged arrests. Some schools are not currently entitled to receive this information and therefore, two reports must be run on the same person: one with the sealed and expunged information and one without. By allowing schools that do not currently have access to a criminal history record containing sealed or expunged arrests, only one report will need to be run. This will result in a cost saving of \$15 per name. This fee is paid for by the applicant or the school.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

This bill does not require counties or municipalities to spend or take action requiring the expenditure of funds.

2. Other:

This bill does not appear to have any constitutional issues.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES

On March 24, 2003, the Subcommittee on General Education recommended one amendment.

- Amendment 1, requires that an employee's or applicant's notification of change of address is made "*in writing*".

The bill, as amended, was reported favorably out of subcommittee by a vote of 6 Yeas and 0 Nays.

On April 14, 2003, the Committee on Education K-20 adopted 5 amendments.

- Amendment 2, requires each certified educator or applicant for certification to notify his or her school district of a change of address within 10 days after the change has occurred. The employing district school board must notify the bureau of the change of address, in the manner prescribed by the Department of Education, within 20 days after the school board receives such notification.
- Amendment 3, removes the definition of the term conviction.
- Amendment 4, removes section of the bill giving Education Practices Commission the authority to discipline a person who has failed to maintain a current address with the Bureau of Educator Certification as required under s. 1012.561.
- Amendment 5, states the grounds for revocation of the certificate include the plea of guilty in any court, the decision of guilt by any court, the forfeiture by the teaching certificate holder of a bond in any court of law, or the written acknowledgement, duly witnessed, of offenses listed in subsection (1) to the district school superintendent or a duly appointed representative or to the district school board.
- Amendment 6, states that each district school superintendent and the governing authority of each university lab school, state-supported school, or private school shall report to the department the name of any person who has been convicted of, or who has pled nolo contendere to, a misdemeanor, felony, or any other criminal charge, other than a minor traffic infraction.

The bill, as amended, was reported favorably with a committee substitute by the committee with a vote of 22 Yeas 4 Nays.