

By the Committee on Education; and Senator Saunders

304-969-04

1 A bill to be entitled
2 An act relating to school district employees
3 and contractors; amending ss. 1002.33, 1012.32,
4 1012.56, 1012.57, F.S.; requiring background
5 screening, initially and periodically, of
6 charter school employees and members of the
7 governing board; requiring background
8 screening, initially and periodically, of
9 persons certified under ch. 1012, F.S.;
10 requiring background screening, initially and
11 periodically, of adjunct educators; requiring
12 both instructional and noninstructional
13 personnel of charter schools to undergo
14 background screening by filing fingerprints
15 with the school board of the district within
16 which the charter school is located; providing
17 that contractors have the same probationary
18 status as employees; providing duties of the
19 Department of Law Enforcement with respect to
20 retention of fingerprint records submitted on
21 behalf of school employees and contractors;
22 creating s. 1012.465, F.S.; requiring
23 background screening, initially and
24 periodically, of certain noninstructional
25 personnel and contractors with the school
26 district; requiring any such person to report
27 his or her conviction of a disqualifying
28 offense; providing that noninstructional
29 personnel may perform certain services before
30 the results of the screening have been
31 reported, with limitations; providing for

1 suspending any such personnel who do not meet
2 the screening requirements and revoking or
3 suspending the certification of any such
4 certified person; providing for appeal;
5 providing that the school district or the
6 employee may pay for the screening; providing
7 an effective date.

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

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

13 1002.33 Charter schools.--

14 (12) EMPLOYEES OF CHARTER SCHOOLS.--

15 (g) A charter school shall employ or contract with
16 employees who have undergone background screening ~~been~~
17 ~~fingerprinted~~ as provided in s. 1012.32. Members of the
18 governing board of the charter school shall also undergo
19 background screening ~~be fingerprinted~~ in a manner similar to
20 that provided in s. 1012.32.

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

23 1012.32 Qualifications of personnel.--

24 (2)(a) Instructional and noninstructional personnel
25 who are hired to fill positions requiring direct contact with
26 students in any district school system or university lab
27 school shall, upon employment, undergo background screening as
28 required under s. 1012.56 or s. 1012.465, whichever is
29 applicable ~~file a complete set of fingerprints taken by an~~
30 ~~authorized law enforcement officer or an employee of the~~
31 ~~school or district who is trained to take fingerprints.~~

1 Instructional and noninstructional personnel who are hired or
2 contracted to fill positions in any charter school and members
3 of the governing board of any charter school, in compliance
4 with s. 1002.33(12)(g), shall, upon employment, engagement of
5 services, or appointment, undergo background screening as
6 required under s. 1012.56 or s. 1012.465, whichever is
7 applicable, by filing with the district school board for the
8 district in which the charter school is located a complete set
9 of fingerprints taken by an authorized law enforcement officer
10 or an employee of the school or district who is trained to
11 take fingerprints. ~~These fingerprints shall be submitted to~~
12 ~~the Department of Law Enforcement for state processing and to~~
13 ~~the Federal Bureau of Investigation for federal processing.~~
14 ~~The new employees shall be on probationary status pending~~
15 ~~fingerprint processing and determination of compliance with~~
16 ~~standards of good moral character.~~ Employees or contractors
17 found through fingerprint processing to have been convicted of
18 a crime involving moral turpitude may shall not be employed or
19 engaged to provide services in any position requiring direct
20 contact with students. Probationary employees or contractors
21 terminated because of their criminal record shall have the
22 right to appeal such decisions. The cost of the background
23 screening fingerprint processing may be borne by the district
24 school board, the charter school, or the employee, or the
25 contractor.

26 ~~(b) Personnel who have been fingerprinted or screened~~
27 ~~pursuant to this subsection and who have not been unemployed~~
28 ~~for more than 90 days shall not be required to be~~
29 ~~refingerprinted or rescreened in order to comply with the~~
30 ~~requirements of this subsection.~~

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1 (b) Beginning July 1, 2004, all fingerprints submitted
2 to the Department of Law Enforcement as required by paragraph
3 (a), shall be retained by the Department of Law Enforcement
4 and entered in the statewide automated fingerprint
5 identification system authorized by s. 943.05(2)(b). Such
6 fingerprints shall thereafter be available for all purposes
7 and uses authorized for arrest fingerprint cards entered in
8 the statewide automated fingerprint identification system
9 pursuant to s. 943.051.

10 Section 3. Paragraph (d) of subsection (2) of section
11 1012.56, Florida Statutes, is amended, present subsections
12 (9), (10), (11), (12), (13), (14), and (15) of that section
13 are redesignated as subsections (10), (11), (12), (13), (14),
14 (15), and (16), respectively, and a new subsection (9) is
15 added to that section, to read:

16 1012.56 Educator certification requirements.--

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

19 (d) Submit to background screening in accordance with
20 subsection (9)~~a fingerprint check from the Department of Law~~
21 ~~Enforcement and the Federal Bureau of Investigation pursuant~~
22 ~~to s. 1012.32. If the background screening indicates~~
23 ~~fingerprint reports indicate~~ a criminal history or if the
24 applicant acknowledges a criminal history, the applicant's
25 records shall be referred to the Bureau of Educator Standards
26 for review and determination of eligibility for certification.
27 If the applicant fails to provide the necessary documentation
28 requested by the Bureau of Educator Standards within 90 days
29 after the date of the receipt of the certified mail request,
30 the statement of eligibility and pending application shall
31 become invalid.

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

3 (a) Each person who seeks certification under this
4 chapter must meet level 2 screening requirements as described
5 in s. 435.04. A person may satisfy the requirements of this
6 paragraph by submitting proof of compliance with the
7 requirements of level 2 screening conducted within 12 months
8 before the date that person initially obtains certification
9 under this chapter.

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

23 (c) If it is found under s. 1012.796 that a person who
24 is employed in a position requiring certification under this
25 chapter does not meet the level 2 requirements, the person's
26 certification shall be immediately revoked or suspended, and
27 he or she shall be immediately suspended from the position
28 requiring certification.

29 Section 4. Section 1012.57, Florida Statutes, is
30 amended to read:

31 1012.57 Certification of adjunct educators.--

1 (1) Notwithstanding the provisions of ss. 1012.32,
2 1012.55, and 1012.56, or any other provision of law or rule to
3 the contrary, district school boards may issue an adjunct
4 teaching certificate to any applicant who fulfills the
5 requirements of s. 1012.56(2)(a)-(f) and (9)and who has
6 expertise in the subject area to be taught. An applicant shall
7 be considered to have expertise in the subject area to be
8 taught if the applicant has at least a minor in the subject
9 area or demonstrates sufficient subject area mastery as
10 determined by district school board policy. The adjunct
11 teaching certificate shall be used for part-time teaching
12 positions. The intent of this provision is to allow school
13 districts to tap the wealth of talent and expertise
14 represented in Florida's citizens who may wish to teach
15 part-time in a Florida public school by permitting school
16 districts to issue adjunct certificates. Adjunct
17 certificateholders should be used as a strategy to reduce the
18 teacher shortage; thus, adjunct certificateholders should
19 supplement a school's instructional staff, not supplant it.
20 Each school principal shall assign an experienced peer mentor
21 to assist the adjunct teaching certificateholder during the
22 certificateholder's first year of teaching, and an adjunct
23 certificateholder may participate in a district's new teacher
24 training program. District school boards shall provide the
25 adjunct teaching certificateholder an orientation in classroom
26 management prior to assigning the certificateholder to a
27 school. Each adjunct teaching certificate is valid for 5
28 school years and is renewable if:

29 (a) The applicant completes a minimum of 60 inservice
30 points or 3 semester hours of college credit. The earned
31 credits must include instruction in classroom management,

1 district school board procedures, school culture, and other
2 activities that enhance the professional teaching skills of
3 the certificateholder.

4 (b) The applicant has received satisfactory
5 performance evaluations during each year of teaching under
6 adjunct teaching certification.

7 (2) Individuals who are certified and employed under
8 ~~pursuant to~~ this section ~~shall~~ have the same rights and
9 protection of laws as teachers certified under ~~pursuant to~~ s.
10 1012.56.

11 Section 5. Section 1012.465, Florida Statutes, is
12 created to read:

13 1012.465 Background screening requirements for certain
14 noninstructional school district employees and contractors.--

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

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

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

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

19 Section 6. This act shall take effect July 1, 2004.

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21 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
22 COMMITTEE SUBSTITUTE FOR
23 Senate Bill 154

24 The committee substitute requires the Department of Law
25 Enforcement to retain the fingerprint records of all
26 instructional and noninstructional personnel required to
27 undergo background screening in the school districts, charter
28 schools, and university lab schools, and enter the records
29 into the statewide automated fingerprint identification
30 system.