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CHAMBER ACTION

<u>Senate</u>	.	<u>House</u>
Comm: RCS	.	
3/20/2008	.	
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1 The Committee on Education Pre-K - 12 Appropriations (Wise)
2 recommended the following **amendment**:

3
4 **Senate Amendment**

5
6 Delete lines 565 through 652
7 and insert:

8 (b) Adopt and communicate policies and procedures setting
9 forth ethical standards for all employees and include policies
10 and procedures concerning professional development for all staff.
11 The policies and procedures must include responsibilities and
12 procedures for reporting suspected or actual misconduct by
13 instructional personnel or a school administrator which affects
14 the health, safety, or welfare of a student and an explanation of
15 liability protections provided to students, parents, and
16 employees under ss. 39.201, 39.202, and 768.095 who report
17 suspected or actual misconduct that affects the health, safety,



121532

18 or welfare of a student. A private school or any of its employees
19 may not enter into a confidentiality agreement regarding a
20 terminated or dismissed employee or an employee who resigns in
21 lieu of termination based in whole or in part on unethical
22 conduct that affects the health, safety, or welfare of a student
23 and may not provide the employee with a favorable recommendation
24 for employment in another educational setting. Any portion of an
25 agreement or contract that has the purpose or effect of
26 concealing the misconduct of an educator is void, is contrary to
27 public policy, and may not be enforced.

28 (c) Prior to appointing a candidate to an instructional or
29 school administrator position that involves direct contact with
30 students, contact the previous employer of the candidate to
31 assess the candidate's ability to meet ethical standards for
32 professional educators, screen the candidate through the use of
33 educator screening tools described in s. 1001.10(5), and document
34 the findings.

35
36 The department shall prohibit a private school that accepts
37 scholarship students under chapter 1002 or s. 220.187 and that
38 fails to comply with this subsection from accepting such
39 scholarship students and shall disqualify the private school from
40 accepting funds under those programs for a period of 1 state
41 fiscal year and until the private school complies with this
42 subsection.

43 Section 17. Present subsections (2), (3), and (4) of
44 section 1002.55, Florida Statutes, are renumbered as subsections
45 (3), (4), and (5), respectively, a new subsection (2) is added to
46 that section, and present subsection (4) of that section is
47 amended, to read:



121532

48 | 1002.55 School-year prekindergarten program delivered by
49 | private prekindergarten providers.--

50 | (2) A private provider participating in the Voluntary
51 | Prekindergarten Education Program under this section must comply
52 | with the following:

53 | (a) The provider must complete ethics training that has
54 | been developed jointly by the Department of Children and Family
55 | Services, the Department of Education, and the Agency for
56 | Workforce Innovation. Such training shall include strategies on
57 | how to adopt and communicate policies, responsibilities, and
58 | procedures for reporting suspected or actual misconduct by a
59 | prekindergarten instructor or administrator which affects the
60 | health, safety, or welfare of a student, and an explanation of
61 | liability protections provided to students, parents, and
62 | employees under ss. 39.201, 39.202, and 768.095. Successful
63 | completion of training shall be documented on the child care
64 | personnel training transcript of the Department of Children and
65 | Family Services.

66 | (b) The provider must disqualify from employment any
67 | prekindergarten instructor or administrator who has been
68 | convicted of a disqualifying offense identified under s. 435.04.

69 | (c) Before appointing a candidate as a prekindergarten
70 | instructor or administrator, the provider must contact the
71 | candidate's previous employer pursuant to ss. 402.302(13) and
72 | 435.10 to assess the candidate's ability to meet ethical
73 | standards for professional educators, screen the candidate
74 | through the use of the educator-screening tools described in s.
75 | 1001.10(5) and the electronic database of the Department of
76 | Children and Family Services, and document the findings.



121532

77 (d) The provider may not enter into a confidentiality
78 agreement regarding a terminated or dismissed employee or an
79 employee who resigns in lieu of termination based in whole or in
80 part on unethical conduct that affects the health, safety, or
81 welfare of a student and may not provide the employee with a
82 favorable recommendation for employment in another educational
83 setting. A portion of an agreement or contract that has the
84 purpose or effect of concealing the misconduct of a
85 prekindergarten instructor or administrator is void, is contrary
86 to public policy, and may not be enforced.

87 (e) The Agency for Workforce Innovation shall prohibit a
88 private provider that fails to comply with this subsection from
89 accepting funds under the Voluntary Prekindergarten Program for a
90 period of 1 state fiscal year and until the provider complies
91 with this subsection.