

By the Committee on Education Pre-K - 12; and Senator Carlton

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1 A bill to be entitled
2 An act relating to ethics; providing a short title;
3 amending s. 24.121, F.S., relating to public school
4 funding; conforming cross-references; amending s.
5 112.3173, F.S.; specifying certain additional offenses
6 that constitute a breach of the public trust; amending s.
7 121.091, F.S.; prohibiting the Division of Retirement from
8 paying benefits to a member who has committed certain
9 felony offenses against a minor; amending s. 1001.03,
10 F.S.; requiring the State Board of Education to adopt by
11 rule a list of specified criminal and delinquent acts that
12 disqualify a person from acquiring or retaining a teaching
13 certificate; amending s. 1001.10, F.S.; requiring the
14 Commissioner of Education to assist school districts, the
15 Florida School for the Deaf and the Blind, and private
16 providers in developing policies and procedures governing
17 educator ethics and employment; amending s. 1001.32, F.S.,
18 relating to school administration; conforming a cross-
19 reference; amending s. 1001.42, F.S.; requiring each
20 district school board to adopt ethical standards for all
21 employees; prohibiting confidentiality agreements
22 regarding terminated or dismissed employees which have the
23 effect of concealing certain conduct; requiring each
24 district school board to adopt a list of criminal or
25 delinquent acts that disqualify a person having direct
26 contact with students from employment; providing that a
27 district school board that knowingly signs or transmits a
28 false report or fails to report allegations of educator
29 misconduct forfeits its right to pay for a specified

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30 period; amending s. 1001.452, F.S., relating to district
31 and school advisory councils; conforming cross-references;
32 amending s. 1001.51, F.S.; providing that a district
33 school superintendent or district school board member
34 forfeits his or her salary for a specified period
35 following failure to report allegations of misconduct by
36 an educator; amending ss. 1001.54 and 1002.32, F.S.,
37 relating to duties of principals and lab schools;
38 conforming cross-references; amending s. 1002.36, F.S.;
39 requiring the Florida School for the Deaf and the Blind to
40 meet certain requirements governing the screening of
41 educators; amending ss. 1002.421 and 1002.55, F.S.;
42 requiring owners of certain private schools and private
43 prekindergarten providers to adopt a list of criminal or
44 delinquent acts that disqualify a person having direct
45 contact with students from employment; requiring such
46 owners and providers to adopt ethical standards for all
47 employees; prohibiting confidentiality agreements
48 regarding terminated or dismissed employees which have the
49 effect of concealing certain conduct; requiring such
50 owners and providers to contact the previous employer of
51 each candidate for employment and notify the Department of
52 Education of the termination of an employee, regardless of
53 cause; amending ss. 1002.61, 1002.63, 1002.65, 1003.413,
54 1003.53, and 1004.92, F.S., relating to prekindergarten
55 programs and instructors, the Florida Secondary School
56 Redesign Act, dropout prevention, and career education;
57 conforming cross-references; amending s. 1006.061, F.S.;
58 requiring each district school board to post its policies

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59 and procedures for reporting misconduct by educators and
60 the penalties imposed for failing to report suspected or
61 actual child abuse; amending ss. 1007.21, 1007.23,
62 1008.33, 1008.345, 1010.215, and 1011.18, F.S., relating
63 to readiness for postsecondary education and the
64 workplace, the statewide articulation agreement, public
65 school improvement and educator accountability, funding
66 accountability, and school depositories; conforming cross-
67 references; amending s. 1012.27, F.S.; requiring the
68 district school superintendent to contact the previous
69 employer of each candidate for employment and notify the
70 Department of Education of the termination of an employee,
71 regardless of cause; amending s. 1012.33, F.S.; providing
72 that just cause for terminating instructional staff
73 includes immorality or the commission of a criminal or
74 delinquent act; providing for the termination of other
75 personnel as provided by policy and rules of the district
76 school board; amending s. 1012.34, F.S., relating to
77 assessment procedures; conforming a cross-reference;
78 amending s. 1012.56, F.S., relating to certification
79 requirements for educators; providing for the Department
80 of Education to maintain personnel records on an
81 electronic database; amending s. 1012.79, F.S.; providing
82 for additional members to be appointed to the Education
83 Practices Commission, including five sworn law enforcement
84 officials; revising the composition of the panel appointed
85 to review complaints against teachers; amending s.
86 1012.795, F.S.; providing for suspending the educator
87 certificate of a person who knowingly fails to report

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88 child abuse or suspected or actual misconduct by an
89 educator; requiring each district school superintendent
90 and the governing authority of certain schools to report
91 to the department the names of employees dismissed for any
92 reason; providing sanctions for failing to make such
93 reports; amending s. 1012.796, F.S.; requiring that the
94 Department of Education investigate each complaint;
95 clarifying what constitutes a legally sufficient
96 complaint; providing requirements for adopted school board
97 policies and procedures; providing that the district
98 school superintendent is accountable for communicating
99 standards, policies, and procedures to district employees;
100 requiring that an educator be immediately suspended and
101 reassigned upon an allegation of educator misconduct;
102 amending ss. 1012.98 and 1013.03, F.S., relating to the
103 School Community Professional Development Act and
104 functions of the department and Board of Governors;
105 conforming cross-references; providing an effective date.
106

107 Be It Enacted by the Legislature of the State of Florida:
108

109 Section 1. This act may be cited as the "Ethics in
110 Education Act."

111 Section 2. Paragraphs (c) and (d) of subsection (5) of
112 section 24.121, Florida Statutes, are amended to read:

113 24.121 Allocation of revenues and expenditure of funds for
114 public education.--

115 (5)

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116 (c) A portion of such net revenues, as determined annually
117 by the Legislature, shall be distributed to each school district
118 and shall be made available to each public school in the district
119 for enhancing school performance through development and
120 implementation of a school improvement plan pursuant to s.
121 1001.42(18) ~~s. 1001.42(16)~~. A portion of these moneys, as
122 determined annually in the General Appropriations Act, must be
123 allocated to each school in an equal amount for each student
124 enrolled. These moneys may be expended only on programs or
125 projects selected by the school advisory council or by a parent
126 advisory committee created pursuant to this paragraph. If a
127 school does not have a school advisory council, the district
128 advisory council must appoint a parent advisory committee
129 composed of parents of students enrolled in that school, which
130 committee is representative of the ethnic, racial, and economic
131 community served by the school, to advise the school's principal
132 on the programs or projects to be funded. Neither school district
133 staff nor principals may override the recommendations of the
134 school advisory council or the parent advisory committee. These
135 moneys may not be used for capital improvements, nor may they be
136 used for any project or program that has a duration of more than
137 1 year; however, a school advisory council or parent advisory
138 committee may independently determine that a program or project
139 formerly funded under this paragraph should receive funds in a
140 subsequent year.

141 (d) No funds shall be released for any purpose from the
142 Educational Enhancement Trust Fund to any school district in
143 which one or more schools do not have an approved school
144 improvement plan pursuant to s. 1001.42(18) ~~s. 1001.42(16)~~ or do

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145 not comply with school advisory council membership composition
146 requirements pursuant to s. 1001.452(1). The Commissioner of
147 Education shall withhold disbursements from the trust fund to any
148 school district that fails to adopt the performance-based salary
149 schedule required by s. 1012.22(1).

150 Section 3. Paragraph (e) of subsection (2) of section
151 112.3173, Florida Statutes, is amended to read:

152 112.3173 Felonies involving breach of public trust and
153 other specified offenses by public officers and employees;
154 forfeiture of retirement benefits.--

155 (2) DEFINITIONS.--As used in this section, unless the
156 context otherwise requires, the term:

157 (e) "Specified offense" means:

158 1. The committing, aiding, or abetting of an embezzlement
159 of public funds;

160 2. The committing, aiding, or abetting of any theft by a
161 public officer or employee from his or her employer;

162 3. Bribery in connection with the employment of a public
163 officer or employee;

164 4. Any felony specified in chapter 838, except ss. 838.15
165 and 838.16;

166 5. The committing of an impeachable offense; ~~or~~

167 6. The committing of any felony by a public officer or
168 employee who, willfully and with intent to defraud the public or
169 the public agency for which the public officer or employee acts
170 or in which he or she is employed of the right to receive the
171 faithful performance of his or her duty as a public officer or
172 employee, realizes or obtains, or attempts to realize or obtain,
173 a profit, gain, or advantage for himself or herself or for some

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174 other person through the use or attempted use of the power,
175 rights, privileges, duties, or position of his or her public
176 office or employment position; or-

177 7. Effective October 1, 2008, the committing of any felony
178 defined in s. 800.04 against a victim younger than 16 years of
179 age or any felony defined in chapter 794 or ss. 800.02 and 800.03
180 against a victim younger than 18 years of age by a public officer
181 or employee through the use or attempted use of power, rights,
182 privileges, duties, or position of his or her public office or
183 employment position.

184 Section 4. Present paragraphs (i) and (j) of subsection (5)
185 of section 121.091, Florida Statutes, are redesignated as
186 subsections (j) and (k), respectively, and a new paragraph (i) is
187 added to that subsecection, to read:

188 121.091 Benefits payable under the system.--Benefits may
189 not be paid under this section unless the member has terminated
190 employment as provided in s. 121.021(39) (a) or begun
191 participation in the Deferred Retirement Option Program as
192 provided in subsection (13), and a proper application has been
193 filed in the manner prescribed by the department. The department
194 may cancel an application for retirement benefits when the member
195 or beneficiary fails to timely provide the information and
196 documents required by this chapter and the department's rules.
197 The department shall adopt rules establishing procedures for
198 application for retirement benefits and for the cancellation of
199 such application when the required information or documents are
200 not received.

201 (5) TERMINATION BENEFITS.--A member whose employment is
202 terminated prior to retirement retains membership rights to

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203 | previously earned member-noncontributory service credit, and to
204 | member-contributory service credit, if the member leaves the
205 | member contributions on deposit in his or her retirement account.
206 | If a terminated member receives a refund of member contributions,
207 | such member may reinstate membership rights to the previously
208 | earned service credit represented by the refund by completing 1
209 | year of creditable service and repaying the refunded member
210 | contributions, plus interest.

211 | (i) Effective October 1, 2008, the division may not pay
212 | benefits to any member who has committed any felony defined in s.
213 | 800.04 against a victim younger than 16 years of age or any
214 | felony defined in chapter 794 or ss. 800.02 and 800.03 against a
215 | victim younger than 18 years of age through the use or attempted
216 | use of power, rights, privileges, duties, or position of his or
217 | her public office or employment position.

218 | Section 5. Present subsections (3) through (15) of section
219 | 1001.03, Florida Statutes, are redesignated as subsections (4)
220 | through (16), respectively, and a new subsection (3) is added to
221 | that section, to read:

222 | 1001.03 Specific powers of State Board of Education.--

223 | (3) ESTABLISH CRIMINAL OR DELINQUENT ACTS DISQUALIFYING A
224 | PERSON FROM ACQUIRING OR RETAINING A FLORIDA EDUCATOR
225 | CERTIFICATE.--The State Board of Education shall establish and
226 | adopt by rule a list of criminal or delinquent acts that
227 | disqualify a person from acquiring or retaining a Florida
228 | Educator Certificate when a court of competent jurisdiction has
229 | entered a judgment of conviction or an adjudication of
230 | delinquency. The board shall review the list annually and amend
231 | the list as necessary. A criminal or delinquent act committed in

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232 another state or under federal law, the elements of which
233 constitute a criminal or delinquent act in this state, shall be
234 considered for purposes of disqualification as if the act was
235 committed in this state. The list of criminal or delinquent acts
236 must include, at minimum, offenses included in s. 435.04, crimes
237 involving moral turpitude, and the following:

238 (a) Section 787.025, relating to luring or enticing a
239 child.

240 (b) Section 794.05, relating to unlawful sexual activity
241 with certain minors.

242 (c) Section 810.14, relating to voyeurism.

243 (d) Section 810.145, relating to video voyeurism.

244 Section 6. Present subsection (4) of section 1001.10,
245 Florida Statutes, is redesignated as subsection (5), and a new
246 subsection (4) is added to that section, to read:

247 1001.10 Commissioner of Education; general powers and
248 duties.--

249 (4) The Commissioner of Education shall provide technical
250 assistance and support to local school districts, the Florida
251 School for the Deaf and the Blind, and private providers pursuant
252 to ss. 1002.421 and 1002.55 in the development of policies and
253 procedures related to educator ethics and employment.

254 Section 7. Subsection (4) of section 1001.32, Florida
255 Statutes, is amended to read:

256 1001.32 Management, control, operation, administration, and
257 supervision.--The district school system must be managed,
258 controlled, operated, administered, and supervised as follows:

259 (4) SCHOOL PRINCIPAL OR HEAD OF SCHOOL.--Responsibility for
260 the administration of any school or schools at a given school

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261 center, for the supervision of instruction therein, and for
262 providing leadership in the development or revision and
263 implementation of a school improvement plan required pursuant to
264 s. 1001.42(18) ~~s. 1001.42(16)~~ shall be delegated to the school
265 principal or head of the school or schools in accordance with
266 rules established by the district school board.

267 Section 8. Present subsections (6) through (23) of section
268 1001.42, Florida Statutes, are redesignated as subsections (8)
269 through (25), respectively, and new subsections (6) and (7) are
270 added to that section, to read:

271 1001.42 Powers and duties of district school board.--The
272 district school board, acting as a board, shall exercise all
273 powers and perform all duties listed below:

274 (6) ESTABLISH ETHICAL STANDARDS.--Adopt and communicate
275 policies and procedures setting forth ethical standards for all
276 employees. The policies and procedures must include
277 responsibilities and procedures for reporting suspected or actual
278 misconduct by an educator and an explanation of liability
279 protections provided to students, parents, and employees who
280 report suspected or actual misconduct pursuant to s. 39.201, s.
281 39.202, or s. 768.095. A district school board or any of its
282 employees may not enter into any confidentiality agreement
283 regarding a terminated or dismissed employee or an employee who
284 resigns in lieu of termination and may not provide for any such
285 employee a favorable recommendation for employment in another
286 educational setting. Any portion of an agreement or contract that
287 has the purpose or effect of concealing the conduct of an
288 educator regarding actions over which the Education Practices
289 Commission has disciplinary jurisdiction is void, is contrary to

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290 public policy, and may not be enforced.

291 (7) ESTABLISH CRIMINAL OR DELINQUENT ACTS DISQUALIFYING A
292 PERSON FROM EMPLOYMENT.--Establish and adopt a list of criminal
293 or delinquent acts that disqualify a person from employment in a
294 position that involves direct contact with students. The list
295 must include, at minimum, criminal and delinquent acts identified
296 pursuant to s. 1001.03(3). The district school board shall review
297 the list annually and amend the list as necessary. A criminal or
298 delinquent act committed in another state or under federal law,
299 the elements of which constitute a criminal or delinquent act in
300 this state, shall be considered for purposes of disqualification
301 as if the act was committed in this state. Any district school
302 board that knowingly signs and transmits to any state official a
303 false or incorrect report or that fails to ensure investigation
304 of all reports of suspected or actual misconduct and reporting of
305 allegations of misconduct by an educator pursuant to s. 1012.796
306 forfeits its right to any salary for the period of 1 year.

307 Section 9. Paragraphs (a) and (c) of subsection (1) and
308 subsection (2) of section 1001.452, Florida Statutes, are amended
309 to read:

310 1001.452 District and school advisory councils.--

311 (1) ESTABLISHMENT.--

312 (a) The district school board shall establish an advisory
313 council for each school in the district and shall develop
314 procedures for the election and appointment of advisory council
315 members. Each school advisory council shall include in its name
316 the words "school advisory council." The school advisory council
317 shall be the sole body responsible for final decisionmaking at
318 the school relating to implementation of the provisions of ss.

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319 1001.42(18) ~~1001.42(16)~~ and 1008.345. A majority of the members
320 of each school advisory council must be persons who are not
321 employed by the school. Each advisory council shall be composed
322 of the principal and an appropriately balanced number of
323 teachers, education support employees, students, parents, and
324 other business and community citizens who are representative of
325 the ethnic, racial, and economic community served by the school.
326 Career center and high school advisory councils shall include
327 students, and middle and junior high school advisory councils may
328 include students. School advisory councils of career centers and
329 adult education centers are not required to include parents as
330 members. Council members representing teachers, education support
331 employees, students, and parents shall be elected by their
332 respective peer groups at the school in a fair and equitable
333 manner as follows:

- 334 1. Teachers shall be elected by teachers.
- 335 2. Education support employees shall be elected by
336 education support employees.
- 337 3. Students shall be elected by students.
- 338 4. Parents shall be elected by parents.

339
340 The district school board shall establish procedures for use by
341 schools in selecting business and community members that include
342 means of ensuring wide notice of vacancies and of taking input on
343 possible members from local business, chambers of commerce,
344 community and civic organizations and groups, and the public at
345 large. The district school board shall review the membership
346 composition of each advisory council. If the district school
347 board determines that the membership elected by the school is not

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348 representative of the ethnic, racial, and economic community
349 served by the school, the district school board shall appoint
350 additional members to achieve proper representation. The
351 commissioner shall determine if schools have maximized their
352 efforts to include on their advisory councils minority persons
353 and persons of lower socioeconomic status. Although schools are
354 strongly encouraged to establish school advisory councils, the
355 district school board of any school district that has a student
356 population of 10,000 or fewer may establish a district advisory
357 council which shall include at least one duly elected teacher
358 from each school in the district. For the purposes of school
359 advisory councils and district advisory councils, the term
360 "teacher" shall include classroom teachers, certified student
361 services personnel, and media specialists. For purposes of this
362 paragraph, "education support employee" means any person employed
363 by a school who is not defined as instructional or administrative
364 personnel pursuant to s. 1012.01 and whose duties require 20 or
365 more hours in each normal working week.

366 (c) For those schools operating for the purpose of
367 providing educational services to youth in Department of Juvenile
368 Justice programs, district school boards may establish a district
369 advisory council with appropriate representatives for the purpose
370 of developing and monitoring a district school improvement plan
371 that encompasses all such schools in the district, pursuant to s.
372 1001.42(18)(a) ~~s. 1001.42(16)(a)~~.

373 (2) DUTIES.--Each advisory council shall perform such
374 functions as are prescribed by regulations of the district school
375 board; however, no advisory council shall have any of the powers
376 and duties now reserved by law to the district school board. Each

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377 school advisory council shall assist in the preparation and
378 evaluation of the school improvement plan required pursuant to s.
379 1001.42(18) ~~s. 1001.42(16)~~. With technical assistance from the
380 Department of Education, each school advisory council shall
381 assist in the preparation of the school's annual budget and plan
382 as required by s. 1008.385(1). A portion of funds provided in the
383 annual General Appropriations Act for use by school advisory
384 councils must be used for implementing the school improvement
385 plan.

386 Section 10. Subsection (12) of section 1001.51, Florida
387 Statutes, is amended to read:

388 1001.51 Duties and responsibilities of district school
389 superintendent.--The district school superintendent shall
390 exercise all powers and perform all duties listed below and
391 elsewhere in the law, provided that, in so doing, he or she shall
392 advise and counsel with the district school board. The district
393 school superintendent shall perform all tasks necessary to make
394 sound recommendations, nominations, proposals, and reports
395 required by law to be acted upon by the district school board.
396 All such recommendations, nominations, proposals, and reports by
397 the district school superintendent shall be either recorded in
398 the minutes or shall be made in writing, noted in the minutes,
399 and filed in the public records of the district school board. It
400 shall be presumed that, in the absence of the record required in
401 this section, the recommendations, nominations, and proposals
402 required of the district school superintendent were not contrary
403 to the action taken by the district school board in such matters.

404 (12) RECORDS AND REPORTS.--Recommend such records as should
405 be kept in addition to those prescribed by rules of the State

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406 Board of Education; prepare forms for keeping such records as are
407 approved by the district school board; ensure that such records
408 are properly kept; and make all reports that are needed or
409 required, as follows:

410 (a) Forms, blanks, and reports.--Require that all employees
411 accurately keep all records and promptly make in proper form all
412 reports required by the education code or by rules of the State
413 Board of Education; recommend the keeping of such additional
414 records and the making of such additional reports as may be
415 deemed necessary to provide data essential for the operation of
416 the school system; and prepare such forms and blanks as may be
417 required and ensure that these records and reports are properly
418 prepared.

419 (b) Reports to the department.--Prepare, for the approval
420 of the district school board, all reports that may be required by
421 law or rules of the State Board of Education to be made to the
422 department and transmit promptly all such reports, when approved,
423 to the department, as required by law. If any such reports are
424 not transmitted at the time and in the manner prescribed by law
425 or by State Board of Education rules, the salary of the district
426 school superintendent must be withheld until the report has been
427 properly submitted. Unless otherwise provided by rules of the
428 State Board of Education, the annual report on attendance and
429 personnel is due on or before July 1, and the annual school
430 budget and the report on finance are due on the date prescribed
431 by the commissioner.

432

433 Any district school superintendent who knowingly signs and
434 transmits to any state official a false or incorrect report or

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435 who fails to investigate all reports of suspected or actual
436 misconduct or report allegations of misconduct by an educator
437 pursuant to s. 1012.796 forfeits ~~shall forfeit~~ his or her right
438 to any salary for the period of 1 year following the ~~from that~~
439 date of such act or failure to act.

440 Section 11. Subsection (2) of section 1001.54, Florida
441 Statutes, is amended to read:

442 1001.54 Duties of school principals.--

443 (2) Each school principal shall provide instructional
444 leadership in the development, revision, and implementation of a
445 school improvement plan pursuant to s. 1001.42(18) ~~s.~~
446 ~~1001.42(16)~~.

447 Section 12. Paragraph (b) of subsection (11) of section
448 1002.32, Florida Statutes, is amended to read:

449 1002.32 Developmental research (laboratory) schools.--

450 (11) EXCEPTIONS TO LAW.--To encourage innovative practices
451 and facilitate the mission of the lab schools, in addition to the
452 exceptions to law specified in s. 1001.23(2), the following
453 exceptions shall be permitted for lab schools:

454 (b) With the exception of s. 1001.42(18) ~~s. 1001.42(16)~~, s.
455 1001.42 shall be held in abeyance. Reference to district school
456 boards in s. 1001.42(18) ~~s. 1001.42(16)~~ shall mean the president
457 of the university or the president's designee.

458 Section 13. Paragraph (g) is added to subsection (7) of
459 section 1002.36, Florida Statutes, to read:

460 1002.36 Florida School for the Deaf and the Blind.--

461 (7) PERSONNEL SCREENING.--

462 (g) For the purpose of protecting the health, safety, and
463 welfare of students and the ethical standards for professional

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464 educators, the Florida School for the Deaf and the Blind shall be
465 considered a school district and shall meet the provisions of ss.
466 1001.03, 1001.42, 1001.51, 1006.061, 1012.27, 1012.795, and
467 1012.796.

468 Section 14. Present subsections (4), (5), and (6) of
469 section 1002.421, Florida Statutes, are redesignated as
470 subsections (5), (6), and (7), respectively, and a new subsection
471 (4) is added to that section, to read:

472 1002.421 Accountability of private schools participating in
473 state school choice scholarship programs.--

474 (4) A private school participating in a scholarship program
475 under this section shall:

476 (a) Establish and adopt a list of criminal or delinquent
477 acts that disqualify a person from employment in a position that
478 involves direct contact with students. The list must include, at
479 a minimum, criminal and delinquent acts identified pursuant to s.
480 1001.03(3). The private school shall review the list annually and
481 amend the list as necessary. A criminal or delinquent act
482 committed in another state or under federal law, the elements of
483 which constitute a criminal or delinquent act in this state,
484 shall be considered for purposes of disqualification as if the
485 act was committed in this state.

486 (b) Adopt and communicate policies and procedures setting
487 forth ethical standards for all employees. The policies and
488 procedures must include responsibilities and procedures for
489 reporting suspected or actual misconduct by an educator and an
490 explanation of liability protections provided to students,
491 parents, and employees who report suspected or actual misconduct
492 pursuant to s. 39.201, s. 39.202, or s. 768.095. A private school

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493 or any of its employees may not enter into any confidentiality
494 agreement regarding a terminated or dismissed employee or an
495 employee who resigns in lieu of termination and may not provide
496 for any such employee a favorable recommendation for employment
497 in another educational setting. Any portion of an agreement or
498 contract that has the purpose or effect of concealing the conduct
499 of an educator regarding actions over which the Education
500 Practices Commission has disciplinary jurisdiction is void, is
501 contrary to public policy, and may not be enforced.

502 (c) Prior to appointing a candidate to any position,
503 contact the previous employer of the candidate to assess the
504 candidate's ability to meet ethical standards for professional
505 educators, screen the candidate through the use of educator
506 screening tools provided by the Department of Education, and
507 document findings.

508 (d) In order to protect the health, safety, and welfare of
509 a minor student, immediately suspend an educator from his or her
510 regularly assigned duties, with pay, and reassign the suspended
511 educator to a position that does not require direct contact with
512 students when an allegation of educator misconduct occurs which
513 involves that educator. Such suspension shall continue until the
514 completion of an investigation by a local law enforcement agency
515 or the Department of Education and the determination of
516 sanctions, if any, pursuant to ss. 1012.795 and 1012.796.

517 (e) Report to the Department of Education the name of any
518 person who has been dismissed or severed from employment for any
519 reason, regardless of cause. The Department of Education shall
520 include termination information on a secure website for use by

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521 authorized school district personnel and private schools that
522 accept students pursuant to this section or s. 1002.55.

523

524 The department shall prohibit a private school that fails to
525 comply with this subsection from accepting students pursuant to
526 this section and disqualify the private school from accepting
527 state funds for a period of 1 calendar year. The Education
528 Practices Commission shall impose applicable certification
529 sanctions pursuant to s. 1012.795.

530 Section 15. Present subsections (2), (3), and (4) of
531 section 1002.55, Florida Statutes, are redesignated as
532 subsections (3), (4), and (5), respectively, a new subsection (2)
533 is added to that section, and present subsection (4) of that
534 section is amended, to read:

535 1002.55 School-year prekindergarten program delivered by
536 private prekindergarten providers.--

537 (2) A private school participating in the Voluntary
538 Prekindergarten Education Program under this section shall:

539 (a) Establish and adopt a list of criminal or delinquent
540 acts that disqualify a person from employment in a position that
541 involves direct contact with students. The list must include, at
542 minimum, criminal and delinquent acts identified pursuant to s.
543 1001.03(3). The private school shall review the list annually and
544 amend the list as necessary. A criminal or delinquent act
545 committed in another state or under federal law, the elements of
546 which constitute a criminal or delinquent act in this state,
547 shall be considered for purposes of disqualification as if the
548 act was committed in this state.

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549 (b) Adopt and communicate policies and procedures setting
550 forth ethical standards for all employees. The policies and
551 procedures must include responsibilities and procedures for
552 reporting suspected or actual misconduct by an educator and an
553 explanation of liability protections provided to students,
554 parents, and employees who report suspected or actual misconduct
555 pursuant to s. 39.201, s. 39.202, or s. 768.095. A private school
556 or any of its employees may not enter into any confidentiality
557 agreement regarding a terminated or dismissed employee or an
558 employee who resigns in lieu of termination and may not provide
559 for such employee a favorable recommendation for employment in
560 another educational setting. Any portion of an agreement or
561 contract that has the purpose or effect of concealing the conduct
562 of an educator regarding actions over which the Education
563 Practices Commission has disciplinary jurisdiction is void, is
564 contrary to public policy, and may not be enforced.

565 (c) Prior to appointing a candidate to any position,
566 contact the previous employer of the candidate to assess the
567 candidate's ability to meet ethical standards for professional
568 educators and screen the candidate through the use of educator
569 screening tools provided by the Department of Education, and
570 document findings.

571 (d) In order to protect the health, safety, and welfare of
572 a minor student, immediately suspend an educator from the
573 regularly assigned duties, with pay, and reassign the suspended
574 educator to a position that does not require direct contact with
575 students when an allegation of educator misconduct occurs which
576 involves that educator. Such suspension shall continue until the
577 completion of an investigation by a local law enforcement agency

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578 or the Department of Education and the determination of
579 sanctions, if any, pursuant to ss. 1012.795 and 1012.796.

580 (d) Report to the Department of Education the name of any
581 person who has been dismissed or severed from employment for any
582 reason, regardless of cause. The Department of Education shall
583 include termination information on a secure website for use by
584 authorized school district personnel and private schools that
585 accept students pursuant to s. 1002.421 or this section.

586

587 The department shall prohibit a private school that fails to
588 comply with this subsection from accepting students pursuant to
589 this section and disqualify the private school from accepting
590 state funds for a period of 1 calendar year. The Education
591 Practices Commission shall impose applicable certification
592 sanctions pursuant to s. 1012.795.

593 (5)~~(4)~~ A prekindergarten instructor, in lieu of the minimum
594 credentials and courses required under paragraph (4) (c) ~~(3) (e)~~,
595 may hold one of the following educational credentials:

596 (a) A bachelor's or higher degree in early childhood
597 education, prekindergarten or primary education, preschool
598 education, or family and consumer science;

599 (b) A bachelor's or higher degree in elementary education,
600 if the prekindergarten instructor has been certified to teach
601 children any age from birth through 6th grade, regardless of
602 whether the instructor's educator certificate is current, and if
603 the instructor is not ineligible to teach in a public school
604 because his or her educator certificate is suspended or revoked;

605 (c) An associate's or higher degree in child development;

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606 (d) An associate's or higher degree in an unrelated field,
607 at least 6 credit hours in early childhood education or child
608 development, and at least 480 hours of experience in teaching or
609 providing child care services for children any age from birth
610 through 8 years of age; or

611 (e) An educational credential approved by the department as
612 being equivalent to or greater than an educational credential
613 described in this subsection. The department may adopt criteria
614 and procedures for approving equivalent educational credentials
615 under this paragraph.

616 Section 16. Subsections (4) and (6) of section 1002.61,
617 Florida Statutes, are amended to read:

618 1002.61 Summer prekindergarten program delivered by public
619 schools and private prekindergarten providers.--

620 (4) Notwithstanding ss. 1002.55(4)(c)1. ~~1002.55(3)(c)1.~~ and
621 1002.63(5), each public school and private prekindergarten
622 provider must have, for each prekindergarten class, at least one
623 prekindergarten instructor who:

624 (a) Is a certified teacher; or

625 (b) Holds one of the educational credentials specified in
626 s. 1002.55(4)(a) or (b).

627
628 As used in this subsection, the term "certified teacher" means a
629 teacher holding a valid Florida educator certificate under s.
630 1012.56 who has the qualifications required by the district
631 school board to instruct students in the summer prekindergarten
632 program. In selecting instructional staff for the summer
633 prekindergarten program, each school district shall give priority

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634 to teachers who have experience or coursework in early childhood
635 education.

636 (6) Notwithstanding ss. 1002.55(4)(e) ~~1002.55(3)(e)~~ and
637 1002.63(7), each prekindergarten class in the summer
638 prekindergarten program, regardless of whether the class is a
639 public school's or private prekindergarten provider's class, must
640 be composed of at least 4 students but may not exceed 10
641 students. In order to protect the health and safety of students,
642 each public school or private prekindergarten provider must also
643 provide appropriate adult supervision for students at all times.
644 This subsection does not supersede any requirement imposed on a
645 provider under ss. 402.301-402.319.

646 Section 17. Subsections (5) and (7) of section 1002.63,
647 Florida Statutes, are amended to read:

648 1002.63 School-year prekindergarten program delivered by
649 public schools.--

650 (5) Each public school must have, for each prekindergarten
651 class, at least one prekindergarten instructor who meets each
652 requirement in s. 1002.55(4)(c) ~~s. 1002.55(3)(e)~~ for a
653 prekindergarten instructor of a private prekindergarten provider.

654 (7) Each prekindergarten class in a public school
655 delivering the school-year prekindergarten program must be
656 composed of at least 4 students but may not exceed 18 students.
657 In order to protect the health and safety of students, each
658 school must also provide appropriate adult supervision for
659 students at all times and, for each prekindergarten class
660 composed of 11 or more students, must have, in addition to a
661 prekindergarten instructor who meets the requirements of s.
662 1002.55(4)(c) ~~s. 1002.55(3)(e)~~, at least one adult

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663 | prekindergarten instructor who is not required to meet those
664 | requirements but who must meet each requirement of subsection
665 | (6).

666 | Section 18. Paragraph (a) of subsection (2) of section
667 | 1002.65, Florida Statutes, is amended to read:

668 | 1002.65 Professional credentials of prekindergarten
669 | instructors; aspirational goals; legislative intent.--

670 | (2) To improve these educational outcomes, the Legislature
671 | intends that all prekindergarten instructors will continue to
672 | improve their skills and preparation through education and
673 | training, so that the following aspirational goals will be
674 | achieved:

675 | (a) By the 2010-2011 school year:

676 | 1. Each prekindergarten class will have at least one
677 | prekindergarten instructor who holds an associate's or higher
678 | degree in the field of early childhood education or child
679 | development; and

680 | 2. For each prekindergarten class composed of 11 or more
681 | students, in addition to a prekindergarten instructor who meets
682 | the requirements of subparagraph 1., the class will have at least
683 | one prekindergarten instructor who meets the requirements of s.
684 | 1002.55(4)(c) ~~s. 1002.55(3)(e)~~.

685 | Section 19. Subsection (2) of section 1003.413, Florida
686 | Statutes, is amended to read:

687 | 1003.413 Florida Secondary School Redesign Act.--

688 | (2) The following guiding principles for secondary school
689 | redesign shall be used in the annual preparation of each
690 | secondary school's improvement plan required by s. 1001.42(18) ~~s.~~
691 | ~~1001.42(16)~~:

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692 (a) Struggling students, especially those in failing
693 schools, need the highest quality teachers and dramatically
694 different, innovative approaches to teaching and learning.

695 (b) Every teacher must contribute to every student's
696 reading improvement.

697 (c) Quality professional development provides teachers and
698 principals with the tools they need to better serve students.

699 (d) Small learning communities allow teachers to
700 personalize instruction to better address student learning
701 styles, strengths, and weaknesses.

702 (e) Intensive intervention in reading and mathematics must
703 occur early and through innovative delivery systems.

704 (f) Parents need access to tools they can use to monitor
705 their child's progress in school, communicate with teachers, and
706 act early on behalf of their child.

707 (g) Applied and integrated courses help students see the
708 relationships between subjects and relevance to their futures.

709 (h) School is more relevant when students choose courses
710 based on their goals, interests, and talents.

711 (i) Master schedules should not determine instruction and
712 must be designed based on student needs, not adult or
713 institutional needs.

714 (j) Academic and career planning engages students in
715 developing a personally meaningful course of study so they can
716 achieve goals they have set for themselves.

717 Section 20. Paragraph (b) of subsection (2) of section
718 1003.53, Florida Statutes, is amended to read:

719 1003.53 Dropout prevention and academic intervention.--

720 (2)

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721 (b) Each school that establishes a dropout prevention and
722 academic intervention program at that school site shall reflect
723 that program in the school improvement plan as required under s.
724 1001.42(18) ~~s. 1001.42(16)~~.

725 Section 21. Subsections (1) and (3) of section 1004.92,
726 Florida Statutes, are amended to read:

727 1004.92 Purpose and responsibilities for career
728 education.--

729 (1) The purpose of career education is to enable students
730 who complete career programs to attain and sustain employment and
731 realize economic self-sufficiency. The purpose of this section is
732 to identify issues related to career education for which school
733 boards and community college boards of trustees are accountable.
734 It is the intent of the Legislature that the standards
735 articulated in subsection (2) be considered in the development of
736 accountability standards for public schools pursuant to ss.
737 1000.03, 1001.42(18) ~~1001.42(16)~~, and 1008.345 and for community
738 colleges pursuant to s. 1008.45.

739 (3) Each career center operated by a district school board
740 shall establish a center advisory council pursuant to s.
741 1001.452. The center advisory council shall assist in the
742 preparation and evaluation of center improvement plans required
743 pursuant to s. 1001.42(18) ~~s. 1001.42(16)~~ and may provide
744 assistance, upon the request of the center director, in the
745 preparation of the center's annual budget and plan as required by
746 s. 1008.385(1).

747 Section 22. Present subsection (2) of section 1006.061,
748 Florida Statutes, is redesignated as subsection (3), and a new
749 subsection (2) is added to that section, to read:

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750 1006.061 Child abuse, abandonment, and neglect
751 policy.--Each district school board shall:

752 (2) Post in a prominent place in each district site the
753 school board policies and procedures for reporting suspected or
754 actual misconduct with students by an educator, the district
755 contact person to whom the report should be made, and the
756 penalties imposed against an educator for failing to report
757 suspected or actual child abuse pursuant to s. 1012.795.

758 Section 23. Paragraph (c) of subsection (2) of section
759 1007.21, Florida Statutes, is amended to read:

760 1007.21 Readiness for postsecondary education and the
761 workplace.--

762 (2)

763 (c) The common placement test authorized in ss. 1001.03(11)
764 ~~1001.03(10)~~ and 1008.30 or a similar test may be administered to
765 all high school second semester sophomores who have chosen one of
766 the four destinations. The results of the placement test shall be
767 used to target additional instructional needs in reading,
768 writing, and mathematics prior to graduation.

769 Section 24. Subsection (5) of section 1007.23, Florida
770 Statutes, is amended to read:

771 1007.23 Statewide articulation agreement.--

772 (5) The articulation agreement must guarantee the
773 articulation of 9 credit hours toward a postsecondary degree in
774 early childhood education for programs approved by the State
775 Board of Education and the Board of Governors which:

776 (a) Award a child development associate credential issued
777 by the National Credentialing Program of the Council for
778 Professional Recognition or award a credential approved under s.

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779 1002.55(4)(c)1.b. ~~s. 1002.55(3)(c)1.b.~~ or s. 402.305(3)(c) as
780 being equivalent to the child development associate credential;
781 and

782 (b) Include training in emergent literacy which meets or
783 exceeds the minimum standards for training courses for
784 prekindergarten instructors of the Voluntary Prekindergarten
785 Education Program in s. 1002.59.

786 Section 25. Subsection (4) of section 1008.33, Florida
787 Statutes, is amended to read:

788 1008.33 Authority to enforce public school improvement.--It
789 is the intent of the Legislature that all public schools be held
790 accountable for students performing at acceptable levels. A
791 system of school improvement and accountability that assesses
792 student performance by school, identifies schools in which
793 students are not making adequate progress toward state standards,
794 institutes appropriate measures for enforcing improvement, and
795 provides rewards and sanctions based on performance shall be the
796 responsibility of the State Board of Education.

797 (4) The State Board of Education may require the Department
798 of Education or Chief Financial Officer to withhold any transfer
799 of state funds to the school district if, within the timeframe
800 specified in state board action, the school district has failed
801 to comply with the action ordered to improve the district's low-
802 performing schools. Withholding the transfer of funds shall occur
803 only after all other recommended actions for school improvement
804 have failed to improve performance. The State Board of Education
805 may impose the same penalty on any district school board that
806 fails to develop and implement a plan for assistance and

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807 intervention for low-performing schools as specified in s.
808 1001.42(18)(c) ~~s. 1001.42(16)(c)~~.

809 Section 26. Paragraph (c) of subsection (6) of section
810 1008.345, Florida Statutes, is amended to read:

811 1008.345 Implementation of state system of school
812 improvement and education accountability.--

813 (6)

814 (c) Pursuant to s. 24.121(5)(d), the department shall not
815 release funds from the Educational Enhancement Trust Fund to any
816 district in which a school, including schools operating for the
817 purpose of providing educational services to youth in Department
818 of Juvenile Justice programs, does not have an approved school
819 improvement plan, pursuant to s. 1001.42(18) ~~s. 1001.42(16)~~,
820 after 1 full school year of planning and development, or does not
821 comply with school advisory council membership composition
822 requirements pursuant to s. 1001.452. The department shall send a
823 technical assistance team to each school without an approved plan
824 to develop such school improvement plan or to each school without
825 appropriate school advisory council membership composition to
826 develop a strategy for corrective action. The department shall
827 release the funds upon approval of the plan or upon establishment
828 of a plan of corrective action. Notice shall be given to the
829 public of the department's intervention and shall identify each
830 school without a plan or without appropriate school advisory
831 council membership composition.

832 Section 27. Subsection (5) of section 1010.215, Florida
833 Statutes, is amended to read:

834 1010.215 Educational funding accountability.--

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835 (5) The annual school public accountability report required
836 by ss. 1001.42(18) ~~1001.42(16)~~ and 1008.345 must include a school
837 financial report. The purpose of the school financial report is
838 to better inform parents and the public concerning how funds were
839 spent to operate the school during the prior fiscal year. Each
840 school's financial report must follow a uniform, districtwide
841 format that is easy to read and understand.

842 (a) Total revenue must be reported at the school, district,
843 and state levels. The revenue sources that must be addressed are
844 state and local funds, other than lottery funds; lottery funds;
845 federal funds; and private donations.

846 (b) Expenditures must be reported as the total expenditures
847 per unweighted full-time equivalent student at the school level
848 and the average expenditures per full-time equivalent student at
849 the district and state levels in each of the following categories
850 and subcategories:

851 1. Teachers, excluding substitute teachers, and education
852 paraprofessionals who provide direct classroom instruction to
853 students enrolled in programs classified by s. 1011.62 as:

- 854 a. Basic programs;
- 855 b. Students-at-risk programs;
- 856 c. Special programs for exceptional students;
- 857 d. Career education programs; and
- 858 e. Adult programs.

859 2. Substitute teachers.

860 3. Other instructional personnel, including school-based
861 instructional specialists and their assistants.

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862 4. Contracted instructional services, including training
863 for instructional staff and other contracted instructional
864 services.

865 5. School administration, including school-based
866 administrative personnel and school-based education support
867 personnel.

868 6. The following materials, supplies, and operating capital
869 outlay:

870 a. Textbooks;

871 b. Computer hardware and software;

872 c. Other instructional materials;

873 d. Other materials and supplies; and

874 e. Library media materials.

875 7. Food services.

876 8. Other support services.

877 9. Operation and maintenance of the school plant.

878 (c) The school financial report must also identify the
879 types of district-level expenditures that support the school's
880 operations. The total amount of these district-level expenditures
881 must be reported and expressed as total expenditures per full-
882 time equivalent student.

883 Section 28. Paragraph (b) of subsection (6) of section
884 1011.18, Florida Statutes, is amended to read:

885 1011.18 School depositories; payments into and withdrawals
886 from depositories.--

887 (6) EXEMPTION FOR SELF-INSURANCE PROGRAMS AND THIRD-PARTY
888 ADMINISTERED EMPLOYEES' FRINGE BENEFIT PROGRAMS.--

889 (b) The district school board may contract with an
890 insurance company or professional administrator who holds a valid

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891 certificate of authority issued by the Office of Insurance
892 Regulation of the Financial Services Commission to provide any or
893 all services that a third-party administrator is authorized by
894 law to perform. Pursuant to such contract, the district school
895 board may advance or remit money to the administrator to be
896 deposited in a designated special checking account for paying
897 claims against the district school board under its self-insurance
898 programs, and remitting premiums to the providers of insured
899 benefits on behalf of the district school board and the
900 participants in such programs, and otherwise fulfilling the
901 obligations imposed upon the administrator by law and the
902 contractual agreements between the district school board and the
903 administrator. The special checking account shall be maintained
904 in a designated district school depository. The district school
905 board may replenish such account as often as necessary upon the
906 presentation by the service organization of documentation for
907 claims or premiums due paid equal to the amount of the requested
908 reimbursement. Such replenishment shall be made by a warrant
909 signed by the chair of the district school board and
910 countersigned by the district school superintendent. Such
911 replenishment may be made by electronic, telephonic, or other
912 medium, and each transfer shall be confirmed in writing and
913 signed by the district school superintendent or his or her
914 designee. The provisions of strict accountability of all funds
915 and an annual audit by an independent certified public accountant
916 as provided in s. 1001.42(12)(k) ~~s. 1001.42(10)(k)~~ shall apply to
917 this subsection.

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918 Section 29. Present subsection (6) of section 1012.27,
919 Florida Statutes, is redesignated as subsection (7), and a new
920 subsection (6) is added to that section, to read:

921 1012.27 Public school personnel; powers and duties of
922 district school superintendent.--The district school
923 superintendent is responsible for directing the work of the
924 personnel, subject to the requirements of this chapter, and in
925 addition the district school superintendent shall perform the
926 following:

927 (6) Before appointing a candidate to any position in the
928 district school system, contact the previous employer of the
929 candidate to assess the candidate's ability to meet state and
930 local ethical standards for professional educators, and screen
931 the candidate through the use of educator screening tools
932 provided by the Department of Education, and document findings.
933 The school superintendent shall report to the Department of
934 Education the termination of any employee, regardless of cause,
935 and the Department of Education shall include termination
936 information on a secure website for use by authorized school
937 district personnel and private schools that accept students
938 pursuant to s. 1002.421 or s. 1002.55.

939 Section 30. Paragraph (a) of subsection (1), paragraph (c)
940 of subsection (4), and paragraph (b) of subsection (6) of section
941 1012.33, Florida Statutes, are amended to read:

942 1012.33 Contracts with instructional staff, supervisors,
943 and school principals.--

944 (1) (a) Each person employed as a member of the
945 instructional staff in any district school system shall be
946 properly certified pursuant to s. 1012.56 or s. 1012.57 or

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947 employed pursuant to s. 1012.39 and shall be entitled to and
948 shall receive a written contract as specified in this section.
949 All such contracts, except continuing contracts as specified in
950 subsection (4), shall contain provisions for dismissal during the
951 term of the contract only for just cause. Just cause includes,
952 but is not limited to, the following instances, as defined by
953 district school board policy or rules ~~rule~~ of the State Board of
954 Education: immorality, misconduct in office, incompetency, gross
955 insubordination, willful neglect of duty, or the commission of a
956 criminal or delinquent act, regardless of adjudication, or crimes
957 ~~conviction of a crime~~ involving moral turpitude.

958 (4)

959 (c) Any member of the district administrative or
960 supervisory staff and any member of the instructional staff,
961 including any school principal, who is under continuing contract
962 may be suspended or dismissed at any time during the school year;
963 however, the charges against him or her must be based on
964 immorality, misconduct in office, incompetency, gross
965 insubordination, willful neglect of duty, drunkenness, or crimes
966 ~~conviction of a crime~~ involving moral turpitude, as these terms
967 are defined by district school board policy or rules ~~rule~~ of the
968 State Board of Education, or the commission of a criminal or
969 delinquent act, regardless of adjudication. Whenever such charges
970 are made against any such employee of the district school board,
971 the district school board may suspend such person without pay;
972 but, if the charges are not sustained, he or she shall be
973 immediately reinstated, and his or her back salary shall be paid.
974 In cases of suspension by the district school board or by the
975 district school superintendent, the district school board shall

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976 determine upon the evidence submitted whether the charges have
977 been sustained and, if the charges are sustained, shall determine
978 either to dismiss the employee or fix the terms under which he or
979 she may be reinstated. If such charges are sustained by a
980 majority vote of the full membership of the district school board
981 and such employee is discharged, his or her contract of
982 employment shall be thereby canceled. Any such decision adverse
983 to the employee may be appealed by the employee pursuant to s.
984 120.68, provided such appeal is filed within 30 days after the
985 decision of the district school board.

986 (6)

987 (b) Any member of the district administrative or
988 supervisory staff, including any principal but excluding an
989 employee specified in subsection (4), may be suspended or
990 dismissed at any time during the term of the contract; however,
991 the charges against him or her must be based on immorality,
992 misconduct in office, incompetency, gross insubordination,
993 willful neglect of duty, drunkenness, or crimes ~~conviction of any~~
994 ~~crime~~ involving moral turpitude, as these terms are defined by
995 district school board policy or rules ~~rule~~ of the State Board of
996 Education. Whenever such charges are made against any such
997 employee of the district school board, the district school board
998 may suspend the employee without pay; but, if the charges are not
999 sustained, he or she shall be immediately reinstated, and his or
1000 her back salary shall be paid. In cases of suspension by the
1001 district school board or by the district school superintendent,
1002 the district school board shall determine upon the evidence
1003 submitted whether the charges have been sustained and, if the
1004 charges are sustained, shall determine either to dismiss the

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1005 employee or fix the terms under which he or she may be
1006 reinstated. If such charges are sustained by a majority vote of
1007 the full membership of the district school board and such
1008 employee is discharged, his or her contract of employment shall
1009 be thereby canceled. Any such decision adverse to the employee
1010 may be appealed by him or her pursuant to s. 120.68, provided
1011 such appeal is filed within 30 days after the decision of the
1012 district school board.

1013 Section 31. Subsection (4) of section 1012.34, Florida
1014 Statutes, is amended to read:

1015 1012.34 Assessment procedures and criteria.--

1016 (4) The district school superintendent shall notify the
1017 department of any instructional personnel who receive two
1018 consecutive unsatisfactory evaluations and who have been given
1019 written notice by the district that their employment is being
1020 terminated or is not being renewed or that the district school
1021 board intends to terminate, or not renew, their employment. The
1022 department shall conduct an investigation to determine whether
1023 action shall be taken against the certificateholder pursuant to
1024 s. 1012.795(1)(c) ~~s. 1012.795(1)(b)~~.

1025 Section 32. Subsection (14) of section 1012.56, Florida
1026 Statutes, is amended to read:

1027 1012.56 Educator certification requirements.--

1028 (14) PERSONNEL RECORDS.--The Department of Education shall
1029 maintain an electronic database that includes, but need not be
1030 limited to, a complete statement of the academic preparation,
1031 professional training, and teaching experience of each person to
1032 whom a certificate is issued. The applicant or the district

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1033 school superintendent shall furnish the information using a
1034 format ~~or forms~~ provided by the department.

1035 Section 33. Section 1012.79, Florida Statutes, is amended
1036 to read:

1037 1012.79 Education Practices Commission; organization.--

1038 (1) The Education Practices Commission consists of 25 ~~17~~
1039 members, including 8 ~~7~~ teachers, 5 administrators, ~~and~~ 7 ~~5~~ lay
1040 citizens (of whom 5 shall be parents of public school students
1041 and who are unrelated to public school employees and 2 shall be
1042 former district school board members), and 5 sworn law
1043 enforcement officials, appointed by the State Board of Education
1044 from nominations by the Commissioner of Education and subject to
1045 Senate confirmation. Prior to making nominations, the
1046 commissioner shall consult with ~~the~~ teaching associations, parent
1047 organizations, law enforcement agencies, and other involved
1048 associations in the state. In making nominations, the
1049 commissioner shall attempt to achieve equal geographical
1050 representation, as closely as possible.

1051 (a) A teacher member, in order to be qualified for
1052 appointment:

- 1053 1. Must be certified to teach in the state.
- 1054 2. Must be a resident of the state.
- 1055 3. Must have practiced the profession in this state for at
1056 least 5 years immediately preceding the appointment.

1057 (b) A school administrator member, in order to be qualified
1058 for appointment:

- 1059 1. Must have an endorsement on the educator certificate in
1060 the area of school administration or supervision.
- 1061 2. Must be a resident of the state.

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1062 3. Must have practiced the profession as an administrator
1063 for at least 5 years immediately preceding the appointment.

1064 (c) The lay members must be residents of the state.

1065 (d) The members who are law enforcement officials must have
1066 served in the profession for at least 5 years immediately
1067 preceding appointment and have background expertise in child
1068 safety.

1069 (2) Members of the commission shall serve for 4-year
1070 staggered terms. No commission member may serve more than 8
1071 years.

1072 (3) The State Board of Education may remove any member from
1073 the commission for misconduct or malfeasance in office,
1074 incapacity, or neglect of duty.

1075 (4) From among its members, the commission shall elect a
1076 chair who shall preside over meetings of the commission and
1077 perform other duties directed by the commission or required by
1078 its duly adopted rules or operating procedures. School districts
1079 shall be reimbursed for substitute teachers required to replace
1080 commission members, when they are carrying out their official
1081 duties, at a rate established by the school district for
1082 substitute teachers. The department may reimburse local school
1083 districts for substitutes.

1084 (5) The commission, by a vote of three-fourths of the
1085 membership, shall employ an executive director, who shall be
1086 exempt from career service. The executive director may be
1087 dismissed by a majority vote of the membership.

1088 (6) (a) The commission shall be assigned to the Department
1089 of Education for administrative purposes. The commission, in the
1090 performance of its powers and duties, shall not be subject to

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1091 control, supervision, or direction by the Department of
1092 Education.

1093 (b) The property, personnel, and appropriations related to
1094 the specified authority, powers, duties, and responsibilities of
1095 the commission shall be provided to the commission by the
1096 Department of Education.

1097 (7) The duties and responsibilities of the commission are
1098 to:

1099 (a) Interpret and apply the standards of professional
1100 practice established by the State Board of Education.

1101 (b) Revoke or suspend a certificate or take other
1102 appropriate action as provided in ss. 1012.795 and 1012.796.

1103 (c) Report to and meet with the State Board of Education at
1104 least once each year.

1105 (d) Adopt rules pursuant to ss. 120.536(1) and 120.54 to
1106 implement provisions of law conferring duties upon it.

1107 (8)(a) The commission shall, from time to time, designate
1108 members of the commission to serve on panels for the purpose of
1109 reviewing and issuing final orders upon cases presented to the
1110 commission. A case concerning a complaint against a teacher shall
1111 be reviewed and a final order thereon shall be entered by a panel
1112 composed of five commission members, at least one of whom must be
1113 a parent, one of whom must be a sworn law enforcement officer,
1114 and three of whom must ~~shall~~ be teachers. A case concerning a
1115 complaint against an administrator shall be reviewed and a final
1116 order thereon shall be entered by a panel composed of five
1117 commission members, at least one of whom must be a parent, one of
1118 whom must be a sworn law enforcement officer, and three of whom
1119 shall be administrators.

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1120 (b) A majority of a quorum of a panel of the commission
1121 shall have final agency authority in all cases involving the
1122 revocation, suspension, or other disciplining of certificates of
1123 teachers and school administrators. A majority of the membership
1124 of the panel shall constitute a quorum. The district school board
1125 shall retain the authority to discipline teachers and
1126 administrators pursuant to law.

1127 (9) The commission shall make such expenditures as may be
1128 necessary in exercising its authority and powers and carrying out
1129 its duties and responsibilities, including expenditures for
1130 personal services, general counsel or access to counsel, and rent
1131 at the seat of government and elsewhere; for books of reference,
1132 periodicals, furniture, equipment, and supplies; and for printing
1133 and binding. The expenditures of the commission shall be subject
1134 to the powers and duties of the Department of Financial Services
1135 as provided in s. 17.03.

1136 (10) The commission shall be financed from the following:
1137 certification fees; fines, penalties, and costs collected
1138 pursuant to s. 1012.796(9); and general revenue.

1139 Section 34. Subsection (1) of section 1012.795, Florida
1140 Statutes, is amended to read:

1141 1012.795 Education Practices Commission; authority to
1142 discipline.--

1143 (1) The Education Practices Commission may suspend the
1144 educator certificate of any person as defined in s. 1012.01(2) or
1145 (3) for a period of time not to exceed 5 years, thereby denying
1146 that person the right to teach or otherwise be employed by a
1147 district school board or public school in any capacity requiring
1148 direct contact with students for that period of time, after which

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1149 | the holder may return to teaching as provided in subsection (4);
1150 | may revoke the educator certificate of any person, thereby
1151 | denying that person the right to teach or otherwise be employed
1152 | by a district school board or public school in any capacity
1153 | requiring direct contact with students for a period of time not
1154 | to exceed 10 years, with reinstatement subject to the provisions
1155 | of subsection (4); may revoke permanently the educator
1156 | certificate of any person thereby denying that person the right
1157 | to teach or otherwise be employed by a district school board or
1158 | public school in any capacity requiring direct contact with
1159 | students; may suspend the educator certificate, upon order of the
1160 | court, of any person found to have a delinquent child support
1161 | obligation; or may impose any other penalty provided by law,
1162 | provided it can be shown that the person:

1163 | (a) Obtained or attempted to obtain an educator certificate
1164 | by fraudulent means.

1165 | **(b) Knowingly failed to report any suspected or actual**
1166 | **child abuse pursuant to s. 1006.061 or misconduct by an educator**
1167 | **which affects the health, safety, or welfare of a student.**

1168 | **(c)**~~(b)~~ Has proved to be incompetent to teach or to perform
1169 | duties as an employee of the public school system or to teach in
1170 | or to operate a private school.

1171 | **(d)**~~(e)~~ Has been guilty of gross immorality or an act
1172 | involving moral turpitude **as defined by rules of the State Board**
1173 | **of Education.**

1174 | **(e)**~~(d)~~ Has had an educator certificate sanctioned by
1175 | revocation, suspension, or surrender in another state.

1176 | **(f)**~~(e)~~ Has been convicted of a misdemeanor, felony, or any
1177 | other criminal charge, other than a minor traffic violation.

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1178 (g)~~(f)~~ Upon investigation, has been found guilty of
1179 personal conduct which seriously reduces that person's
1180 effectiveness as an employee of the district school board.

1181 (h)~~(g)~~ Has breached a contract, as provided in s.
1182 1012.33(2).

1183 (i)~~(h)~~ Has been the subject of a court order directing the
1184 Education Practices Commission to suspend the certificate as a
1185 result of a delinquent child support obligation.

1186 (j)~~(i)~~ Has violated the Principles of Professional Conduct
1187 for the Education Profession prescribed by State Board of
1188 Education rules.

1189 (k)~~(j)~~ Has otherwise violated the provisions of law, the
1190 penalty for which is the revocation of the educator certificate.

1191 (l)~~(k)~~ Has violated any order of the Education Practices
1192 Commission.

1193 (m)~~(l)~~ Has been the subject of a court order or plea
1194 agreement in any jurisdiction which requires the
1195 certificateholder to surrender or otherwise relinquish his or her
1196 educator's certificate. A surrender or relinquishment shall be
1197 for permanent revocation of the certificate. A person may not
1198 surrender or otherwise relinquish his or her certificate prior to
1199 a finding of probable cause by the commissioner as provided in s.
1200 1012.796.

1201
1202 Failure to report employee actions as outlined in this subsection
1203 shall result in prohibition to accept students pursuant to s.
1204 220.187, s. 1002.39, or s. 1002.53; the imposition of financial
1205 penalties pursuant to s. 1001.51; and certification sanctions
1206 pursuant to this section.

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1207 Section 35. Subsections (1), (3), and (5) of section
1208 1012.796, Florida Statutes, are amended to read:

1209 1012.796 Complaints against teachers and administrators;
1210 procedure; penalties.--

1211 (1)(a) The Department of Education shall cause to be
1212 investigated expeditiously any complaint filed before it or
1213 otherwise called to its attention which, if legally sufficient,
1214 contains grounds for the revocation or suspension of a
1215 certificate or any other appropriate penalty as set forth in
1216 subsection (7). The complaint is legally sufficient if it
1217 contains the ultimate facts which show a violation has occurred
1218 as provided in s. 1012.795 and defined in rules. The department
1219 shall ~~may~~ investigate or continue to investigate and take
1220 appropriate action on a complaint even though the original
1221 complainant withdraws the complaint or otherwise indicates a
1222 desire not to cause it to be investigated or prosecuted to
1223 completion. The department may investigate or continue to
1224 investigate and take action on a complaint filed against a person
1225 whose educator certificate has expired if the act or acts that
1226 ~~which~~ are the basis for the complaint were allegedly committed
1227 while that person possessed an educator certificate.

1228 (b) The Department of Education shall cause to be
1229 investigated immediately any complaint filed before it or
1230 otherwise called to its attention which involves misconduct by an
1231 educator with a student or any complaint filed before it or
1232 otherwise called to its attention which involves the health,
1233 safety, and welfare of a minor child. The department must
1234 investigate or continue to investigate and take action on such a
1235 complaint filed against a person whose educator certificate has

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1236 expired if the act or acts that are the basis for the complaint
1237 were allegedly committed while that person possessed an educator
1238 certificate.

1239 (c) ~~(b)~~ When an investigation is undertaken, the department
1240 shall notify the certificateholder or applicant for certification
1241 and the district school superintendent or the university
1242 laboratory school, charter school, or private school in which the
1243 certificateholder or applicant for certification is employed or
1244 was employed at the time the alleged offense occurred. In
1245 addition, the department shall inform the certificateholder or
1246 applicant for certification of the substance of any complaint
1247 which has been filed against that certificateholder or applicant,
1248 unless the department determines that such notification would be
1249 detrimental to the investigation, in which case the department
1250 may withhold notification to the certificateholder or applicant
1251 for certification.

1252 (d) ~~(e)~~ Each school district shall file in writing with the
1253 department all legally sufficient complaints within 30 days after
1254 the date on which subject matter of the complaint comes to the
1255 attention of the school district. A complaint is legally
1256 sufficient if it contains the ultimate facts that show a
1257 violation has occurred as provided in s. 1012.795 and defined in
1258 rules. The school district shall include all information relating
1259 to the complaint which is known to the school district at the
1260 time of filing. Each district school board shall develop and
1261 adopt policies and procedures to comply with this reporting
1262 requirement. School board policies and procedures must include
1263 standards for screening, hiring, and terminating employees,
1264 ethical standards for all employees, responsibilities of

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1265 educators to uphold the standards, detailed steps to be followed
1266 in reporting suspected or actual misconduct by an educator,
1267 requirements for the reassignment of an employee pending the
1268 outcome of a misconduct investigation, and penalties for failing
1269 to comply pursuant to ss. 1001.51 and 1012.795. The district
1270 school board policies and procedures shall include appropriate
1271 penalties for all personnel of the district school board for
1272 nonreporting and procedures for promptly informing the district
1273 school superintendent of each legally sufficient complaint. The
1274 district school superintendent is charged with knowledge of these
1275 policies and procedures and is accountable for communicating the
1276 ethical standards, policies, and procedures to all district
1277 employees. If the district school superintendent has knowledge of
1278 a legally sufficient complaint and does not report the complaint,
1279 or fails to enforce the policies and procedures of the district
1280 school board, and fails to comply with the requirements of this
1281 subsection, in addition to other actions against
1282 certificateholders authorized by law, the district school
1283 superintendent shall be subject to penalties as specified in s.
1284 1001.51(12). If the superintendent determines that misconduct has
1285 occurred which warrants termination, the employee may not be
1286 allowed to resign but must be terminated and a record, including
1287 the cause of the termination, shall be reported to the Department
1288 of Education and maintained in the employee's public personnel
1289 file. This paragraph does not limit or restrict the power and
1290 duty of the department to investigate complaints as provided in
1291 paragraphs (a) and (c) ~~(b)~~, regardless of the school district's
1292 untimely filing, or failure to file, complaints and followup
1293 reports.

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1294 (e)~~(d)~~ Notwithstanding any other law, all law enforcement
1295 agencies, state attorneys, social service agencies, district
1296 school boards, and the Division of Administrative Hearings shall
1297 fully cooperate with and, upon request, shall provide unredacted
1298 documents to the Department of Education to further
1299 investigations and prosecutions conducted pursuant to this
1300 section. Any document received pursuant to this paragraph may not
1301 be redisclosed except as authorized by law.

1302 (3) The department staff shall advise the commissioner
1303 concerning the findings of the investigation. The department
1304 general counsel or members of that staff shall review the
1305 investigation and advise the commissioner concerning probable
1306 cause or lack thereof. The determination of probable cause shall
1307 be made by the commissioner. The commissioner shall provide an
1308 opportunity for a conference, if requested, prior to determining
1309 probable cause. The commissioner may enter into deferred
1310 prosecution agreements in lieu of finding probable cause when in
1311 his or her judgment such agreements would be in the best
1312 interests of the department, the certificateholder, and the
1313 public. Such deferred prosecution agreements shall become
1314 effective when filed with the clerk of the Education Practices
1315 Commission. However, a deferred prosecution agreement shall not
1316 be entered into if ~~where~~ there is probable cause to believe that
1317 a felony or an act of moral turpitude, as defined in rule, has
1318 occurred. Upon finding no probable cause, the commissioner shall
1319 dismiss the complaint.

1320 (5) In order ~~When deemed necessary~~ to protect the health,
1321 safety, and welfare of a minor student, when an allegation of
1322 educator misconduct occurs, the district school superintendent in

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1323 consultation with the school principal, or may, and upon the
1324 request of the Commissioner of Education, must immediately shall,
1325 ~~temporarily~~ suspend the educator ~~a certificateholder~~ from the
1326 ~~certificateholder's~~ regularly assigned duties, with pay, and
1327 reassign the suspended educator ~~certificateholder~~ to a position
1328 that does not require direct contact with students in the
1329 district school system. Such suspension shall continue until the
1330 completion of the proceedings and the determination of sanctions,
1331 if any, pursuant to this section and s. 1012.795.

1332 Section 36. Paragraph (b) of subsection (4) of section
1333 1012.98, Florida Statutes, is amended to read:

1334 1012.98 School Community Professional Development Act.--

1335 (4) The Department of Education, school districts, schools,
1336 community colleges, and state universities share the
1337 responsibilities described in this section. These
1338 responsibilities include the following:

1339 (b) Each school district shall develop a professional
1340 development system as specified in subsection (3). The system
1341 shall be developed in consultation with teachers, teacher-
1342 educators of community colleges and state universities, business
1343 and community representatives, and local education foundations,
1344 consortia, and professional organizations. The professional
1345 development system must:

1346 1. Be approved by the department. All substantial revisions
1347 to the system shall be submitted to the department for review for
1348 continued approval.

1349 2. Be based on analyses of student achievement data and
1350 instructional strategies and methods that support rigorous,
1351 relevant, and challenging curricula for all students. Schools and

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1352 districts, in developing and refining the professional
1353 development system, shall also review and monitor school
1354 discipline data; school environment surveys; assessments of
1355 parental satisfaction; performance appraisal data of teachers,
1356 managers, and administrative personnel; and other performance
1357 indicators to identify school and student needs that can be met
1358 by improved professional performance.

1359 3. Provide inservice activities coupled with followup
1360 support appropriate to accomplish district-level and school-level
1361 improvement goals and standards. The inservice activities for
1362 instructional personnel shall focus on analysis of student
1363 achievement data, ongoing formal and informal assessments of
1364 student achievement, identification and use of enhanced and
1365 differentiated instructional strategies that emphasize rigor,
1366 relevance, and reading in the content areas, enhancement of
1367 subject content expertise, integrated use of classroom technology
1368 that enhances teaching and learning, classroom management, parent
1369 involvement, and school safety.

1370 4. Include a master plan for inservice activities, pursuant
1371 to rules of the State Board of Education, for all district
1372 employees from all fund sources. The master plan shall be updated
1373 annually by September 1, must be based on input from teachers and
1374 district and school instructional leaders, and must use the
1375 latest available student achievement data and research to enhance
1376 rigor and relevance in the classroom. Each district inservice
1377 plan must be aligned to and support the school-based inservice
1378 plans and school improvement plans pursuant to s. 1001.42(18) ~~s.~~
1379 ~~1001.42(16)~~. District plans must be approved by the district
1380 school board annually in order to ensure compliance with

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1381 subsection (1) and to allow for dissemination of research-based
1382 best practices to other districts. District school boards must
1383 submit verification of their approval to the Commissioner of
1384 Education no later than October 1, annually.

1385 5. Require each school principal to establish and maintain
1386 an individual professional development plan for each
1387 instructional employee assigned to the school as a seamless
1388 component to the school improvement plans developed pursuant to
1389 s. 1001.42(18) ~~s. 1001.42(16)~~. The individual professional
1390 development plan must:

1391 a. Be related to specific performance data for the students
1392 to whom the teacher is assigned.

1393 b. Define the inservice objectives and specific measurable
1394 improvements expected in student performance as a result of the
1395 inservice activity.

1396 c. Include an evaluation component that determines the
1397 effectiveness of the professional development plan.

1398 6. Include inservice activities for school administrative
1399 personnel that address updated skills necessary for instructional
1400 leadership and effective school management pursuant to s.
1401 1012.986.

1402 7. Provide for systematic consultation with regional and
1403 state personnel designated to provide technical assistance and
1404 evaluation of local professional development programs.

1405 8. Provide for delivery of professional development by
1406 distance learning and other technology-based delivery systems to
1407 reach more educators at lower costs.

1408 9. Provide for the continuous evaluation of the quality and
1409 effectiveness of professional development programs in order to

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1410 eliminate ineffective programs and strategies and to expand
1411 effective ones. Evaluations must consider the impact of such
1412 activities on the performance of participating educators and
1413 their students' achievement and behavior.

1414 Section 37. Subsection (4) of section 1013.03, Florida
1415 Statutes, is amended to read:

1416 1013.03 Functions of the department and the Board of
1417 Governors.--The functions of the Department of Education as it
1418 pertains to educational facilities of school districts and
1419 community colleges and of the Board of Governors as it pertains
1420 to educational facilities of state universities shall include,
1421 but not be limited to, the following:

1422 (4) Require each board and other appropriate agencies to
1423 submit complete and accurate financial data as to the amounts of
1424 funds from all sources that are available and spent for
1425 construction and capital improvements. The commissioner shall
1426 prescribe the format and the date for the submission of this data
1427 and any other educational facilities data. If any district does
1428 not submit the required educational facilities fiscal data by the
1429 prescribed date, the Commissioner of Education shall notify the
1430 district school board of this fact and, if appropriate action is
1431 not taken to immediately submit the required report, the district
1432 school board shall be directed to proceed pursuant to the
1433 provisions of s. 1001.42(13)(b) ~~s. 1001.42(11)(b)~~. If any
1434 community college or university does not submit the required
1435 educational facilities fiscal data by the prescribed date, the
1436 same policy prescribed in this subsection for school districts
1437 shall be implemented.

1438 Section 38. This act shall take effect July 1, 2008.