

By the Committees on Governmental Operations; Education Pre-K - 12; 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. 402.316,
10 F.S.; authorizing the Department of Children and Family
11 Services to adopt minimum standards for screening child
12 care personnel and for notification of termination of such
13 personnel; amending s. 435.04, F.S.; providing additional
14 criminal offenses for screening child care personnel;
15 amending s. 1001.10, F.S.; requiring the Department of
16 Education to assist school districts, charter schools, the
17 Florida School for the Deaf and the Blind, and certain
18 private schools and providers in developing policies and
19 procedures governing educator ethics and employment;
20 requiring the department to provide authorized staff with
21 access to or provide verification through certain
22 employment-screening tools; amending s. 1001.32, F.S.,
23 relating to school administration; conforming a cross-
24 reference; amending s. 1001.42, F.S.; requiring each
25 district school board to adopt ethical standards for all
26 employees; prohibiting confidentiality agreements
27 regarding terminated or dismissed employees which have the
28 effect of concealing certain conduct; providing that a
29 district school board official who knowingly signs or

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30 transmits a false report, fails to support policies that
31 ensure the investigation of reports, or fails to report
32 allegations of misconduct by instructional or
33 administrative personnel forfeits his or her salary for a
34 specified period; amending s. 1001.452, F.S., relating to
35 district and school advisory councils; conforming cross-
36 references; amending s. 1001.51, F.S.; providing that a
37 district school superintendent or district school board
38 member forfeits his or her salary for a specified period
39 following failure to report allegations of misconduct by
40 instructional or administrative personnel; amending ss.
41 1001.54 and 1002.32, F.S., relating to duties of
42 principals and lab schools; conforming cross-references;
43 amending s. 1002.33, F.S.; requiring charter schools to
44 adopt ethical standards for all employees; prohibiting
45 confidentiality agreements regarding terminated or
46 dismissed employees which have the effect of concealing
47 certain conduct; requiring the school to contact the prior
48 employer and assess a candidate's ability to meet ethical
49 standards; requiring the school to notify the Department
50 of Education of dates of employment for instructional and
51 administrative personnel; requiring the charter school
52 sponsor to suspend the school's charter for failing to
53 comply with these requirements; amending s. 1002.36, F.S.;
54 requiring the Florida School for the Deaf and the Blind to
55 meet certain requirements governing the screening of
56 educators; amending ss. 1002.421 and 1002.55, F.S.;
57 requiring owners of certain private schools and private
58 prekindergarten providers to adopt ethical standards for

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59 | all employees; prohibiting confidentiality agreements
60 | regarding terminated or dismissed employees which have the
61 | effect of concealing certain conduct; requiring such
62 | owners and providers to contact the previous employer of
63 | each instructional or administrative candidate for
64 | employment and notify the Department of Education of dates
65 | of employment of an educator; amending ss. 1002.61,
66 | 1002.63, 1002.65, 1003.413, 1003.53, and 1004.92, F.S.;
67 | conforming cross-references; amending s. 1006.061, F.S.;
68 | requiring the school board, charter school, private school
69 | participating in a state school choice scholarship
70 | program, and private provider participating in the
71 | Voluntary Prekindergarten Education Program to post its
72 | policies relating to misconduct by personnel; requiring
73 | the head of such entities to act as a liaison in suspected
74 | cases of child abuse; amending ss. 1007.21, 1007.23,
75 | 1008.33, 1008.345, 1010.215, and 1011.18, F.S.; conforming
76 | cross-references; amending s. 1012.27, F.S.; requiring the
77 | district school superintendent to contact the previous
78 | employer of each instructional or administrative candidate
79 | for employment, screen the candidate, and document
80 | findings; creating s. 1012.315, F.S.; specifying offenses
81 | that disqualify instructional and administrative personnel
82 | from employment in positions involving direct contact with
83 | students; amending s. 1012.32, F.S.; providing that
84 | instructional and administrative personnel who have been
85 | convicted of certain offenses are disqualified from
86 | employment in positions having direct contact with
87 | students; amending s. 1012.33, F.S.; providing that just

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88 cause for terminating instructional staff includes
89 immorality or the commission of a criminal act; amending
90 s. 1012.34, F.S., relating to assessment procedures;
91 conforming a cross-reference; amending s. 1012.56, F.S.,
92 relating to certification requirements for educators;
93 revising the requirements for conducting state and
94 national criminal history records checks of persons
95 seeking certification; providing for the Department of
96 Education to maintain personnel records on an electronic
97 database; amending s. 1012.79, F.S.; providing for
98 additional members to be appointed to the Education
99 Practices Commission; revising the composition of the
100 panel appointed to review complaints against teachers;
101 amending s. 1012.795, F.S.; providing for suspending the
102 educator certificate of a person who knowingly fails to
103 report child abuse or suspected or actual misconduct by
104 instructional personnel; amending s. 1012.796, F.S.;
105 requiring the Department of Education to investigate each
106 complaint involving misconduct by certificated personnel;
107 clarifying what constitutes a legally sufficient
108 complaint; providing requirements for school board
109 policies and procedures relating to ethical standards;
110 providing that the district school superintendent is
111 accountable for communicating standards, policies, and
112 procedures to district employees; requiring that an
113 employee be immediately suspended and reassigned upon an
114 allegation of misconduct affecting the health, safety, or
115 welfare of a student; requiring employers of certified
116 personnel to file complaints in writing to the Department

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117 of Education; amending ss. 1012.98 and 1013.03, F.S.,
118 relating to the School Community Professional Development
119 Act and functions of the department and Board of
120 Governors; conforming cross-references; providing an
121 effective date.
122

123 Be It Enacted by the Legislature of the State of Florida:
124

125 Section 1. This act may be cited as the "Ethics in
126 Education Act."

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

129 24.121 Allocation of revenues and expenditure of funds for
130 public education.--

131 (5)

132 (c) A portion of such net revenues, as determined annually
133 by the Legislature, shall be distributed to each school district
134 and shall be made available to each public school in the district
135 for enhancing school performance through development and
136 implementation of a school improvement plan pursuant to s.
137 1001.42(18) ~~s. 1001.42(16)~~. A portion of these moneys, as
138 determined annually in the General Appropriations Act, must be
139 allocated to each school in an equal amount for each student
140 enrolled. These moneys may be expended only on programs or
141 projects selected by the school advisory council or by a parent
142 advisory committee created pursuant to this paragraph. If a
143 school does not have a school advisory council, the district
144 advisory council must appoint a parent advisory committee
145 composed of parents of students enrolled in that school, which

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146 ~~committee~~ is representative of the ethnic, racial, and economic
147 community served by the school, to advise the school's principal
148 on the programs or projects to be funded. Neither school district
149 staff nor principals may override the recommendations of the
150 school advisory council or the parent advisory committee. These
151 moneys may not be used for capital improvements or, ~~nor may they~~
152 ~~be used~~ for any project or program that has a duration of more
153 than 1 year; however, a school advisory council or parent
154 advisory committee may independently determine that a program or
155 project formerly funded under this paragraph should receive funds
156 in a subsequent year.

157 (d) No funds shall be released for any purpose from the
158 Educational Enhancement Trust Fund to any school district in
159 which one or more schools do not have an approved school
160 improvement plan pursuant to s. 1001.42(18) ~~s. 1001.42(16)~~ or do
161 not comply with school advisory council membership composition
162 requirements pursuant to s. 1001.452(1). The Commissioner of
163 Education shall withhold disbursements from the trust fund to any
164 school district that fails to adopt the performance-based salary
165 schedule required by s. 1012.22(1).

166 Section 3. Paragraph (e) of subsection (2) of section
167 112.3173, Florida Statutes, is amended to read:

168 112.3173 Felonies involving breach of public trust and
169 other specified offenses by public officers and employees;
170 forfeiture of retirement benefits.--

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

173 (e) "Specified offense" means:

174 1. The committing, aiding, or abetting of an embezzlement

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175 | of public funds;

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

178 | 3. Bribery in connection with the employment of a public
179 | officer or employee;

180 | 4. Any felony specified in chapter 838, except ss. 838.15
181 | and 838.16;

182 | 5. The committing of an impeachable offense; ~~or~~

183 | 6. The committing of any felony by a public officer or
184 | employee who, willfully and with intent to defraud the public or
185 | the public agency for which the public officer or employee acts
186 | or in which he or she is employed of the right to receive the
187 | faithful performance of his or her duty as a public officer or
188 | employee, realizes or obtains, or attempts to realize or obtain,
189 | a profit, gain, or advantage for himself or herself or for some
190 | other person through the use or attempted use of the power,
191 | rights, privileges, duties, or position of his or her public
192 | office or employment position; or-

193 | 7. Effective October 1, 2008, the committing of any felony
194 | defined in s. 800.04 against a victim younger than 16 years of
195 | age or any felony defined in chapter 794, s. 800.02, or s. 800.03
196 | against a victim younger than 18 years of age by a public officer
197 | or employee through the use or attempted use of power, rights,
198 | privileges, duties, or position of his or her public office or
199 | employment position.

200 | Section 4. Present paragraphs (i) and (j) of subsection (5)
201 | of section 121.091, Florida Statutes, are redesignated as
202 | subsections (j) and (k), respectively, and a new paragraph (i) is
203 | added to that subseccion, to read:

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204 121.091 Benefits payable under the system.--Benefits may
205 not be paid under this section unless the member has terminated
206 employment as provided in s. 121.021(39) (a) or begun
207 participation in the Deferred Retirement Option Program as
208 provided in subsection (13), and a proper application has been
209 filed in the manner prescribed by the department. The department
210 may cancel an application for retirement benefits when the member
211 or beneficiary fails to timely provide the information and
212 documents required by this chapter and the department's rules.
213 The department shall adopt rules establishing procedures for
214 application for retirement benefits and for the cancellation of
215 such application when the required information or documents are
216 not received.

217 (5) TERMINATION BENEFITS.--A member whose employment is
218 terminated prior to retirement retains membership rights to
219 previously earned member-noncontributory service credit, and to
220 member-contributory service credit, if the member leaves the
221 member contributions on deposit in his or her retirement account.
222 If a terminated member receives a refund of member contributions,
223 such member may reinstate membership rights to the previously
224 earned service credit represented by the refund by completing 1
225 year of creditable service and repaying the refunded member
226 contributions, plus interest.

227 (i) Effective October 1, 2008, except for the return of the
228 member's accumulated contributions as of the date of conviction,
229 the division may not pay benefits to any member who has committed
230 any felony defined in s. 800.04 against a victim younger than 16
231 years of age or any felony defined in chapter 794, s. 800.02, or
232 s. 800.03 against a victim younger than 18 years of age through

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233 the use or attempted use of power, rights, privileges, duties, or
234 position of his or her public office or employment position.

235 Section 5. Subsection (4) is added to section 402.316,
236 Florida Statutes, to read:

237 402.316 Exemptions.--

238 (4) The department shall adopt rules establishing minimum
239 standards for screening child care personnel and for providing
240 notification of employee termination to child care personnel
241 pursuant to s. 1002.55(2).

242 Section 6. Paragraph (c) of subsection (4) is added to
243 section 435.04, Florida Statutes, to read:

244 435.04 Level 2 screening standards.--

245 (4) Standards must also ensure that the person:

246 (c) For child care personnel screened pursuant to s.
247 402.305, s. 402.3055, s. 402.313, s. 402.3131, or s. 402.316, has
248 not been convicted of, or entered a plea of guilty or nolo
249 contendere, regardless of adjudication, to offenses prohibited
250 under any of the following statutes or under similar statutes of
251 another jurisdiction:

252 1. Section 787.025, relating to luring or enticing a child.

253 2. Section 794.05, relating to unlawful sexual activity
254 with certain minors.

255 3. Section 810.14, relating to voyeurism.

256 4. Section 810.145, relating to video voyeurism.

257 5. Any delinquent act that qualified or would have
258 qualified an individual for inclusion on the Registered Juvenile
259 Sex Offender List pursuant to s. 943.0435(1)(a)1.d.

260 Section 7. Present subsection (4) of section 1001.10,
261 Florida Statutes, is redesignated as subsection (6), and new

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262 subsections (4) and (5) are added to that section, to read:

263 1001.10 Commissioner of Education; general powers and
264 duties.--

265 (4) The Department of Education shall provide technical
266 assistance to local school districts, charter schools, the
267 Florida School for the Deaf and the Blind, and private schools
268 that accept scholarship students under chapter 1002 or s.
269 220.187, in the development of policies, procedures, and training
270 related to educator ethics and employment practices.

271 (5) The Department of Education shall provide authorized
272 staff of local school districts, charter schools, the Florida
273 School for the Deaf and the Blind, private schools that accept
274 scholarship students under chapter 1002 or s. 220.187, and
275 private providers pursuant to s. 1002.55 with secure access to or
276 provide electronic verification of information required to
277 effectively screen employees through the following employment-
278 screening tools:

279 (a) The Professional Practices' Database of Disciplinary
280 Actions Against Educators;

281 (b) The Department of Education's Teacher Certification
282 Database; and

283 (c) The Department of Education's Educator Employment
284 Information Database.

285 Section 8. Subsection (4) of section 1001.32, Florida
286 Statutes, is amended to read:

287 1001.32 Management, control, operation, administration, and
288 supervision.--The district school system must be managed,
289 controlled, operated, administered, and supervised as follows:

290 (4) SCHOOL PRINCIPAL OR HEAD OF SCHOOL.--Responsibility for

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291 the administration of any school or schools at a given school
292 center, for the supervision of instruction therein, and for
293 providing leadership in the development or revision and
294 implementation of a school improvement plan required by s.
295 1001.42(18) ~~pursuant to s. 1001.42(16)~~ shall be delegated to the
296 school principal or head of the school or schools in accordance
297 with rules established by the district school board.

298 Section 9. Present subsections (6) through (23) of section
299 1001.42, Florida Statutes, are redesignated as subsections (8)
300 through (25), respectively, and new subsections (6) and (7) are
301 added to that section, to read:

302 1001.42 Powers and duties of district school board.--The
303 district school board, acting as a board, shall exercise all
304 powers and perform all duties listed below:

305 (6) ESTABLISH ETHICAL STANDARDS.--Adopt and communicate
306 policies and procedures setting forth ethical standards for all
307 employees. The policies and procedures must include
308 responsibilities and procedures for reporting suspected or actual
309 misconduct by instructional personnel and school administrators,
310 as defined in s. 1012.01, which affects the health, safety, or
311 welfare of a student and an explanation of liability protections
312 provided to students, parents, and employees under ss. 39.201,
313 39.202, and 768.095 who report suspected or actual misconduct. A
314 district school board or any of its employees may not enter into
315 a confidentiality agreement regarding a terminated or dismissed
316 employee or an employee who resigns in lieu of termination based
317 in whole or in part on unethical conduct that affects the health,
318 safety, or welfare of a student and may not provide the employee
319 with a favorable recommendation for employment in another

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320 educational setting. Any portion of an agreement or contract that
321 has the purpose or effect of concealing the conduct of an
322 educator regarding actions over which the Education Practices
323 Commission has disciplinary jurisdiction is void, is contrary to
324 public policy, and may not be enforced.

325 (7) EMPLOYMENT DISQUALIFICATIONS.--Disqualify from
326 employment instructional personnel and school administrators, as
327 defined in s. 1012.01, who have been convicted of a disqualifying
328 offense as described in s. 1012.315. An elected or appointed
329 school board official who knowingly signs and transmits to any
330 state official a report known to be false or incorrect or who
331 fails to support the adoption of policies that ensure the
332 investigation of all reports of suspected or actual misconduct by
333 instructional personnel and school administrators, which affects
334 the health, safety, or welfare of a student and the reporting of
335 allegations of misconduct by such personnel which affects the
336 health, safety, or welfare of a student pursuant to s. 1012.796
337 forfeits his or her salary for 1 year.

338 Section 10. Paragraphs (a) and (c) of subsection (1) and
339 subsection (2) of section 1001.452, Florida Statutes, are amended
340 to read:

341 1001.452 District and school advisory councils.--

342 (1) ESTABLISHMENT.--

343 (a) The district school board shall establish an advisory
344 council for each school in the district and shall develop
345 procedures for the election and appointment of advisory council
346 members. Each school advisory council shall include in its name
347 the words "school advisory council." The school advisory council
348 shall be the sole body responsible for final decisionmaking at

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349 the school relating to implementation of ss. 1001.42(18) ~~the~~
350 ~~provisions of ss. 1001.42(16)~~ and 1008.345. A majority of the
351 members of each school advisory council must be persons who are
352 not employed by the school. Each advisory council shall be
353 composed of the principal and an appropriately balanced number of
354 teachers, education support employees, students, parents, and
355 other business and community citizens who are representative of
356 the ethnic, racial, and economic community served by the school.
357 Career center and high school advisory councils shall include
358 students, and middle and junior high school advisory councils may
359 include students. School advisory councils of career centers and
360 adult education centers are not required to include parents as
361 members. Council members representing teachers, education support
362 employees, students, and parents shall be elected by their
363 respective peer groups at the school in a fair and equitable
364 manner as follows:

- 365 1. Teachers shall be elected by teachers.
- 366 2. Education support employees shall be elected by
367 education support employees.
- 368 3. Students shall be elected by students.
- 369 4. Parents shall be elected by parents.

370
371 The district school board shall establish procedures to be used
372 ~~for use~~ by schools in selecting business and community members
373 that include means of ensuring wide notice of vacancies and of
374 taking input on possible members from local business, chambers of
375 commerce, community and civic organizations and groups, and the
376 public at large. The district school board shall review the
377 membership composition of each advisory council. If the district

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378 school board determines that the membership elected by the school
379 is not representative of the ethnic, racial, and economic
380 community served by the school, the district school board shall
381 appoint additional members to achieve proper representation. The
382 commissioner shall determine if schools have maximized their
383 efforts to include on their advisory councils minority persons
384 and persons of lower socioeconomic status. Although schools are
385 strongly encouraged to establish school advisory councils, the
386 district school board of any school district that has a student
387 population of 10,000 or fewer may establish a district advisory
388 council which includes ~~shall include~~ at least one duly elected
389 teacher from each school in the district. For the purposes of
390 school advisory councils and district advisory councils, the term
391 "teacher" includes ~~shall include~~ classroom teachers, certified
392 student services personnel, and media specialists. For purposes
393 of this paragraph, "education support employee" means any person
394 employed by a school who is not defined as instructional or
395 administrative personnel pursuant to s. 1012.01 and whose duties
396 require 20 or more hours in each normal working week.

397 (c) For those schools operating for the purpose of
398 providing educational services to youth in Department of Juvenile
399 Justice programs, district school boards may establish a district
400 advisory council with appropriate representatives for the purpose
401 of developing and monitoring a district school improvement plan
402 that encompasses all such schools in the district, pursuant to s.
403 1001.42(18)(a) ~~s. 1001.42(16)(a)~~.

404 (2) DUTIES.--Each advisory council shall perform ~~such~~
405 functions ~~as are~~ prescribed by regulations of the district school
406 board; however, no advisory council shall have any of the powers

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407 and duties now reserved by law to the district school board. Each
408 school advisory council shall assist in the preparation and
409 evaluation of the school improvement plan required pursuant to s.
410 1001.42(18) ~~s. 1001.42(16)~~. With technical assistance from the
411 Department of Education, each school advisory council shall
412 assist in the preparation of the school's annual budget and plan
413 as required by s. 1008.385(1). A portion of funds provided in the
414 annual General Appropriations Act for use by school advisory
415 councils must be used for implementing the school improvement
416 plan.

417 Section 11. Subsection (12) of section 1001.51, Florida
418 Statutes, is amended to read:

419 1001.51 Duties and responsibilities of district school
420 superintendent.--The district school superintendent shall
421 exercise all powers and perform all duties listed below and
422 elsewhere in the law, provided that, in so doing, he or she shall
423 advise and counsel with the district school board. The district
424 school superintendent shall perform all tasks necessary to make
425 sound recommendations, nominations, proposals, and reports
426 required by law to be acted upon by the district school board.
427 All such recommendations, nominations, proposals, and reports by
428 the district school superintendent shall be either recorded in
429 the minutes or shall be made in writing, noted in the minutes,
430 and filed in the public records of the district school board. It
431 shall be presumed that, in the absence of the record required in
432 this section, the recommendations, nominations, and proposals
433 required of the district school superintendent were not contrary
434 to the action taken by the district school board in such matters.

435 (12) RECORDS AND REPORTS.--Recommend such records as should

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436 be kept in addition to those prescribed by rules of the State
437 Board of Education; prepare forms for keeping such records as are
438 approved by the district school board; ensure that such records
439 are properly kept; and make all reports that are needed or
440 required, as follows:

441 (a) Forms, blanks, and reports.--Require that all employees
442 accurately keep all records and promptly make in proper form all
443 reports required by the education code or by rules of the State
444 Board of Education; recommend the keeping of such additional
445 records and the making of such additional reports as may be
446 deemed necessary to provide data essential for the operation of
447 the school system; and prepare such forms and blanks as may be
448 required and ensure that these records and reports are properly
449 prepared.

450 (b) Reports to the department.--Prepare, for the approval
451 of the district school board, all reports ~~that may be~~ required by
452 law or rules of the State Board of Education to be made to the
453 department and transmit promptly all such reports, when approved,
454 to the department, as required by law. If any ~~such~~ reports are
455 not transmitted at the time and in the manner prescribed by law
456 or by State Board of Education rules, the salary of the district
457 school superintendent must be withheld until the report has been
458 properly submitted. Unless otherwise provided by rules of the
459 State Board of Education, the annual report on attendance and
460 personnel is due on or before July 1, and the annual school
461 budget and the report on finance are due on the date prescribed
462 by the commissioner.

463
464 Any district school superintendent who knowingly signs and

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465 transmits to any state official a ~~false or incorrect~~ report known
466 to be false or incorrect or who knowingly fails to investigate
467 all reports of suspected or actual misconduct by instructional
468 personnel and school administrators, as defined in s. 1012.01,
469 which affects the health, safety, or welfare of a student or
470 report allegations of misconduct by such personnel which affects
471 the health, safety, or welfare of a student pursuant to s.
472 1012.796 forfeits ~~shall forfeit~~ his or her ~~right to any~~ salary
473 ~~for the period of 1 year~~ following the ~~from that~~ date of such act
474 or failure to act.

475 Section 12. Subsection (2) of section 1001.54, Florida
476 Statutes, is amended to read:

477 1001.54 Duties of school principals.--

478 (2) Each school principal shall provide instructional
479 leadership in the development, revision, and implementation of a
480 school improvement plan pursuant to s. 1001.42(18) ~~s.~~
481 ~~1001.42(16)~~.

482 Section 13. Paragraph (b) of subsection (11) of section
483 1002.32, Florida Statutes, is amended to read:

484 1002.32 Developmental research (laboratory) schools.--

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

489 (b) With the exception of s. 1001.42(18) ~~s. 1001.42(16)~~, s.
490 1001.42 shall be held in abeyance. Reference to district school
491 boards in s. 1001.42(18) ~~s. 1001.42(16)~~ shall mean the president
492 of the university or the president's designee.

493 Section 14. Paragraph (g) of subsection (12) of section

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494 1002.33, Florida Statutes, is amended to read:

495 1002.33 Charter schools.--

496 (12) EMPLOYEES OF CHARTER SCHOOLS.--

497 (g) In order to protect the health, safety, or welfare of
498 students, a charter school governing board shall:

499 1. ~~A charter school shall~~ Employ or contract with employees
500 who have undergone background screening as provided in s.
501 1012.32. Members of the governing board of the charter school
502 shall also undergo background screening in a manner similar to
503 that provided in s. 1012.32.

504 2. Disqualify any individual convicted of an offense
505 pursuant to s. 1012.315 from employment in an instructional or
506 school administrator position that involves direct contact with
507 students.

508 3. Adopt and communicate policies and procedures setting
509 forth ethical standards for all employees and include policies
510 and procedures in professional development for all staff. The
511 policies and procedures must include responsibilities and
512 procedures for reporting suspected or actual misconduct by
513 instructional personnel or a school administrator which affects
514 the health, safety, or welfare of a student and an explanation of
515 liability protections provided to students, parents, and
516 employees under ss. 39.201, 39.202, and 768.095 who report
517 suspected or actual misconduct that affects the health, safety,
518 or welfare of a student. A charter school or any of its employees
519 may not enter into a confidentiality agreement regarding a
520 terminated or dismissed employee or an employee who resigns in
521 lieu of termination based in whole or in part on unethical
522 conduct that affects the health, safety, or welfare of a student

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523 and may not provide the employee with a favorable recommendation
524 for employment in another educational setting. Any portion of an
525 agreement or contract that has the purpose or effect of
526 concealing the conduct of an educator regarding actions over
527 which the Education Practices Commission has disciplinary
528 jurisdiction is void, is contrary to public policy, and may not
529 be enforced.

530 4. Before appointing a candidate to an instructional or
531 school administrator position that involves direct contact with
532 students, contact the previous employer of the candidate to
533 assess the candidate's ability to meet ethical standards for
534 professional educators, screen the candidate through the use of
535 educator screening tools described in s. 1001.10(5), and document
536 the findings.

537 5. Report to the Department of Education the date of hire
538 and, when applicable, the date employment is severed, for all
539 instructional personnel and school administrators.

540 6. The sponsor of a charter school that fails to comply
541 with this paragraph shall terminate the charter pursuant to
542 subsection (8).

543 Section 15. Paragraph (g) is added to subsection (7) of
544 section 1002.36, Florida Statutes, to read:

545 1002.36 Florida School for the Deaf and the Blind.--

546 (7) PERSONNEL SCREENING.--

547 (g) For the purpose of protecting the health, safety, or
548 welfare of students and the ethical standards for professional
549 educators, the Florida School for the Deaf and the Blind shall be
550 considered a school district and shall meet the provisions of ss.
551 1001.03, 1001.42, 1001.51, 1006.061, 1012.27, 1012.315, 1012.32,

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552 1012.56, 1012.33, 1012.795, and 1012.796.

553 Section 16. Present subsections (4), (5), and (6) of
554 section 1002.421, Florida Statutes, are redesignated as
555 subsections (5), (6), and (7), respectively, and a new subsection
556 (4) is added to that section, to read:

557 1002.421 Accountability of private schools participating in
558 state school choice scholarship programs.--

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

561 (a) Disqualify from employment in an instructional or
562 school administrator position that involves direct contact with
563 students any individual convicted of a disqualifying offense
564 identified under s. 1012.315.

565 (b) Adopt and communicate policies and procedures setting
566 forth ethical standards for all employees and include policies
567 and procedures in professional development for all staff. The
568 policies and procedures must include responsibilities and
569 procedures for reporting suspected or actual misconduct by
570 instructional personnel or a school administrator which affects
571 the health, safety, or welfare of a student and an explanation of
572 liability protections provided to students, parents, and
573 employees under ss. 39.201, 39.202, and 768.095 who report
574 suspected or actual misconduct that affects the health, safety,
575 or welfare of a student. A private school or any of its employees
576 may not enter into a confidentiality agreement regarding a
577 terminated or dismissed employee or an employee who resigns in
578 lieu of termination based in whole or in part on unethical
579 conduct that affects the health, safety, or welfare of a student
580 and may not provide the employee with a favorable recommendation

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581 for employment in another educational setting. Any portion of an
582 agreement or contract that has the purpose or effect of
583 concealing the unethical conduct of an educator as described
584 under s. 1012.795 is void, is contrary to public policy, and may
585 not be enforced.

586 (c) Prior to appointing a candidate to an instructional or
587 school administrator position that involves direct contact with
588 students, contact the previous employer of the candidate to
589 assess the candidate's ability to meet ethical standards for
590 professional educators, screen the candidate through the use of
591 educator screening tools described in s. 1001.10(5), and document
592 the findings.

593 (d) Report to the Department of Education the date of hire
594 and, when applicable, the date employment is severed, for all
595 instructional personnel and school administrators.

596
597 The department shall prohibit a private school that accepts
598 scholarship students under chapter 1002 or s. 220.187, which
599 fails to comply with this subsection from accepting such
600 scholarship students and disqualify the private school from
601 accepting funds under those programs for a period of 1 calendar
602 year and until the private school complies with this subsection.

603 Section 17. Present subsections (2), (3), and (4) of
604 section 1002.55, Florida Statutes, are renumbered as subsections
605 (3), (4), and (5), respectively, a new subsection (2) is added to
606 that section, and present subsection (4) of that section is
607 amended, to read:

608 1002.55 School-year prekindergarten program delivered by
609 private prekindergarten providers.--

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610 (2) A private provider participating in the Voluntary
611 Prekindergarten Education Program under this section must comply
612 with the following:

613 (a) The provider must complete ethics training that has
614 been developed jointly by the Department of Children and Family
615 Services, the Department of Education, and the Agency for
616 Workforce Innovation. Such training shall include strategies on
617 how to adopt and communicate policies, responsibilities, and
618 procedures for reporting suspected or actual misconduct by a
619 prekindergarten instructor or administrator which affects the
620 health, safety, or welfare of a student, and an explanation of
621 liability protections provided to students, parents, and
622 employees under ss. 39.201, 39.202, and 768.095. Successful
623 completion of training shall be documented on the child care
624 personnel training transcript of the Department of Children and
625 Family Services.

626 (b) The provider must disqualify from employment any
627 prekindergarten instructor or administrator who has been
628 convicted of a disqualifying offense identified under s. 435.04.

629 (c) Before appointing a candidate as a prekindergarten
630 instructor or administrator, the provider must contact the
631 candidate's previous employer pursuant to ss. 402.302(13) and
632 435.10 to assess the candidate's ability to meet ethical
633 standards for professional educators, screen the candidate
634 through the use of the educator screening tools described in s.
635 1001.10(5) and the Department of Children and Families'
636 electronic database, and document the findings.

637 (d) The provider may not enter into a confidentiality
638 agreement regarding a terminated or dismissed employee or an

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639 employee who resigns in lieu of termination based in whole or in
640 part on unethical conduct that affects the health, safety, or
641 welfare of a student and may not provide the employee with a
642 favorable recommendation for employment in another educational
643 setting. A portion of an agreement or contract that has the
644 purpose or effect of concealing the unethical conduct of a
645 prekindergarten instructor or administrator as described under s.
646 1012.795 is void, is contrary to public policy, and may not be
647 enforced.

648 (e) The Agency for Workforce Innovation shall prohibit a
649 private provider that fails to comply with this subsection from
650 accepting funds under the Voluntary Prekindergarten Program for a
651 period of 1 calendar year and until the provider complies with
652 this subsection.

653 (5)(4) A prekindergarten instructor, in lieu of the minimum
654 credentials and courses required under paragraph (4) (c) ~~(3) (e)~~,
655 may hold one of the following educational credentials:

656 (a) A bachelor's or higher degree in early childhood
657 education, prekindergarten or primary education, preschool
658 education, or family and consumer science;

659 (b) A bachelor's or higher degree in elementary education,
660 if the prekindergarten instructor has been certified to teach
661 children ~~any age~~ from birth through 6th grade, regardless of
662 whether the instructor's educator certificate is current, and if
663 the instructor is not ineligible to teach in a public school
664 because his or her educator certificate is suspended or revoked;

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

666 (d) An associate's or higher degree in an unrelated field,
667 at least 6 credit hours in early childhood education or child

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668 development, and at least 480 hours of experience in teaching or
669 providing child care services for children ~~any age~~ from birth
670 through 8 years of age; or

671 (e) An educational credential approved by the department as
672 being equivalent to or greater than an educational credential
673 described in this subsection. The department may adopt criteria
674 and procedures for approving equivalent educational credentials
675 under this paragraph.

676 Section 18. Subsections (4) and (6) of section 1002.61,
677 Florida Statutes, are amended to read:

678 1002.61 Summer prekindergarten program delivered by public
679 schools and private prekindergarten providers.--

680 (4) Notwithstanding ss. 1002.55(4)(c)1. ~~1002.55(3)(c)1.~~ and
681 1002.63(5), each public school and private prekindergarten
682 provider must have, for each prekindergarten class, at least one
683 prekindergarten instructor who:

684 (a) Is a certified teacher; or

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

687
688 As used in this subsection, the term "certified teacher" means a
689 teacher holding a valid Florida educator certificate under s.
690 1012.56 who has the qualifications required by the district
691 school board to instruct students in the summer prekindergarten
692 program. In selecting instructional staff for the summer
693 prekindergarten program, each school district shall give priority
694 to teachers who have experience or coursework in early childhood
695 education.

696 (6) Notwithstanding ss. 1002.55(4)(e) ~~1002.55(3)(e)~~ and

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697 1002.63(7), each prekindergarten class in the summer
698 prekindergarten program, regardless of whether the class is a
699 public school's or private prekindergarten provider's class, must
700 have ~~be composed of~~ at least 4 students but may not exceed 10
701 students. In order to protect the health and safety of students,
702 each public school or private prekindergarten provider must also
703 provide appropriate adult supervision for students at all times.
704 This subsection does not supersede any requirement imposed on a
705 provider under ss. 402.301-402.319.

706 Section 19. Subsections (5) and (7) of section 1002.63,
707 Florida Statutes, are amended to read:

708 1002.63 School-year prekindergarten program delivered by
709 public schools.--

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

714 (7) Each prekindergarten class in a public school
715 delivering the school-year prekindergarten program must have ~~be~~
716 ~~composed of~~ at least 4 students but may not exceed 18 students.
717 In order to protect the health and safety of students, each
718 school must also provide appropriate adult supervision for
719 students at all times and, for each prekindergarten class
720 composed of 11 or more students, must have, in addition to a
721 prekindergarten instructor who meets the requirements of s.
722 1002.55(4)(c) ~~s. 1002.55(3)(e)~~, at least one adult
723 prekindergarten instructor who is not required to meet those
724 requirements but who must meet each requirement of subsection
725 (6).

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726 Section 20. Paragraph (a) of subsection (2) of section
727 1002.65, Florida Statutes, is amended to read:

728 1002.65 Professional credentials of prekindergarten
729 instructors; aspirational goals; legislative intent.--

730 (2) To improve these educational outcomes, the Legislature
731 intends that all prekindergarten instructors will continue to
732 improve their skills and preparation through education and
733 training, so that the following aspirational goals will be
734 achieved:

735 (a) By the 2010-2011 school year:

736 1. Each prekindergarten class will have at least one
737 prekindergarten instructor who holds an associate's or higher
738 degree in the field of early childhood education or child
739 development; and

740 2. For each prekindergarten class composed of 11 or more
741 students, in addition to a prekindergarten instructor who meets
742 the requirements of subparagraph 1., the class will have at least
743 one prekindergarten instructor who meets the requirements of s.
744 1002.55(4)(c) ~~s. 1002.55(3)(e)~~.

745 Section 21. Subsection (2) of section 1003.413, Florida
746 Statutes, is amended to read:

747 1003.413 Florida Secondary School Redesign Act.--

748 (2) The following guiding principles for secondary school
749 redesign shall be used in the annual preparation of each
750 secondary school's improvement plan required by s. 1001.42(18) ~~s.~~
751 ~~1001.42(16)~~:

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

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755 (b) Every teacher must contribute to every student's
756 reading improvement.

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

759 (d) Small learning communities allow teachers to
760 personalize instruction to better address student learning
761 styles, strengths, and weaknesses.

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

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

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

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

771 (i) Master schedules should not determine instruction and
772 must be designed based on student needs, not adult or
773 institutional needs.

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

777 Section 22. Paragraph (b) of subsection (2) of section
778 1003.53, Florida Statutes, is amended to read:

779 1003.53 Dropout prevention and academic intervention.--

780 (2)

781 (b) Each school that establishes a dropout prevention and
782 academic intervention program at that school site shall reflect
783 that program in the school improvement plan as required under s.

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784 1001.42(18) ~~s. 1001.42(16)~~.

785 Section 23. Subsections (1) and (3) of section 1004.92,
786 Florida Statutes, are amended to read:

787 1004.92 Purpose and responsibilities for career
788 education.--

789 (1) The purpose of career education is to enable students
790 who complete career programs to attain and sustain employment and
791 realize economic self-sufficiency. The purpose of this section is
792 to identify issues related to career education for which school
793 boards and community college boards of trustees are accountable.
794 It is the intent of the Legislature that the standards
795 articulated in subsection (2) be considered in the development of
796 accountability standards for public schools pursuant to ss.
797 1000.03, 1001.42(18) ~~1001.42(16)~~, and 1008.345 and for community
798 colleges pursuant to s. 1008.45.

799 (3) Each career center operated by a district school board
800 shall establish a center advisory council pursuant to s.
801 1001.452. The center advisory council shall assist in the
802 preparation and evaluation of center improvement plans required
803 pursuant to s. 1001.42(18) ~~s. 1001.42(16)~~ and may provide
804 assistance, upon the request of the center director, in the
805 preparation of the center's annual budget and plan as required by
806 s. 1008.385(1).

807 Section 24. Section 1006.061, Florida Statutes, is amended
808 to read:

809 1006.061 Child abuse, abandonment, and neglect
810 policy.--Each district school board, charter school, private
811 school participating in a state school choice scholarship
812 program, and private provider participating in the Voluntary

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813 Prekindergarten Education Program shall:

814 (1) Post in a prominent place in each school a notice that,
815 pursuant to chapter 39, all employees and agents of the district
816 school board, charter school, private school, or private provider
817 have an affirmative duty to report all actual or suspected cases
818 of child abuse, abandonment, or neglect; have immunity from
819 liability if they report such cases in good faith; and have a
820 duty to comply with child protective investigations and all other
821 provisions of law relating to child abuse, abandonment, and
822 neglect. The notice shall also include the statewide toll-free
823 telephone number of the central abuse hotline.

824 (2) Post in a prominent place at each school site and on
825 each school website, the policies and procedures for reporting
826 suspected or actual misconduct by instructional personnel or
827 school administrators, as defined in s. 1012.01, which affects
828 the health, safety, or welfare of a student, the contact person
829 to whom the report should be made, and the penalties imposed on
830 employees or agents for failing to report suspected or actual
831 child abuse or misconduct by instructional personnel or school
832 administrators which affects the health, safety, or welfare of a
833 student.

834 (3)~~(2)~~ Require the person in charge of the school district,
835 charter school, private school, or private provider ~~district~~
836 ~~school superintendent, or the superintendent's designee,~~ at the
837 request of the Department of Children and Family Services, to act
838 as a liaison to the Department of Children and Family Services
839 and the child protection team, as defined in s. 39.01, when in a
840 case of suspected child abuse, abandonment, or neglect or an
841 unlawful sexual offense involving a child the case is referred to

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842 such a team; except that this does not relieve or restrict the
843 Department of Children and Family Services from discharging its
844 duty and responsibility under the law to investigate and report
845 every suspected or actual case of child abuse, abandonment, or
846 neglect or unlawful sexual offense involving a child.

847 Section 25. Paragraph (c) of subsection (2) of section
848 1007.21, Florida Statutes, is amended to read:

849 1007.21 Readiness for postsecondary education and the
850 workplace.--

851 (2)

852 (c) The common placement test authorized in ss. 1001.03(11)
853 ~~1001.03(10)~~ and 1008.30 or a similar test may be administered to
854 all high school second semester sophomores who have chosen one of
855 the four destinations. The results of the placement test shall be
856 used to target additional instructional needs in reading,
857 writing, and mathematics prior to graduation.

858 Section 26. Subsection (5) of section 1007.23, Florida
859 Statutes, is amended to read:

860 1007.23 Statewide articulation agreement.--

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

865 (a) Award a child development associate credential issued
866 by the National Credentialing Program of the Council for
867 Professional Recognition or award a credential approved under s.
868 1002.55(4)(c)1.b. ~~s. 1002.55(3)(c)1.b.~~ or s. 402.305(3)(c) as
869 being equivalent to the child development associate credential;
870 and

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871 (b) Include training in emergent literacy which meets or
872 exceeds the minimum standards for training courses for
873 prekindergarten instructors of the Voluntary Prekindergarten
874 Education Program in s. 1002.59.

875 Section 27. Subsection (4) of section 1008.33, Florida
876 Statutes, is amended to read:

877 1008.33 Authority to enforce public school improvement.--It
878 is the intent of the Legislature that all public schools be held
879 accountable for students performing at acceptable levels. A
880 system of school improvement and accountability that assesses
881 student performance by school, identifies schools in which
882 students are not making adequate progress toward state standards,
883 institutes appropriate measures for enforcing improvement, and
884 provides rewards and sanctions based on performance shall be the
885 responsibility of the State Board of Education.

886 (4) The State Board of Education may require the Department
887 of Education or Chief Financial Officer to withhold any transfer
888 of state funds to the school district if, within the timeframe
889 specified in state board action, the school district has failed
890 to comply with the action ordered to improve the district's low-
891 performing schools. Withholding the transfer of funds shall occur
892 only after all other recommended actions for school improvement
893 have failed to improve performance. The State Board of Education
894 may impose the same penalty on any district school board that
895 fails to develop and implement a plan for assistance and
896 intervention for low-performing schools as specified in s.
897 1001.42(18)(c) ~~s. 1001.42(16)(e)~~.

898 Section 28. Paragraph (c) of subsection (6) of section
899 1008.345, Florida Statutes, is amended to read:

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900 1008.345 Implementation of state system of school
901 improvement and education accountability.--

902 (6)

903 (c) Pursuant to s. 24.121(5)(d), the department shall not
904 release funds from the Educational Enhancement Trust Fund to any
905 district in which a school, including schools operating for the
906 purpose of providing educational services to youth in Department
907 of Juvenile Justice programs, does not have an approved school
908 improvement plan, pursuant to s. 1001.42(18) ~~s. 1001.42(16)~~,
909 after 1 full school year of planning and development, or does not
910 comply with school advisory council membership composition
911 requirements pursuant to s. 1001.452. The department shall send a
912 technical assistance team to each school without an approved plan
913 to develop such school improvement plan or to each school without
914 appropriate school advisory council membership composition to
915 develop a strategy for corrective action. The department shall
916 release the funds upon approval of the plan or upon establishment
917 of a plan of corrective action. Notice shall be given to the
918 public of the department's intervention and shall identify each
919 school without a plan or without appropriate school advisory
920 council membership composition.

921 Section 29. Subsection (5) of section 1010.215, Florida
922 Statutes, is amended to read:

923 1010.215 Educational funding accountability.--

924 (5) The annual school public accountability report required
925 by ss. 1001.42(18) ~~1001.42(16)~~ and 1008.345 must include a school
926 financial report. The purpose of the school financial report is
927 to better inform parents and the public concerning how funds were
928 spent to operate the school during the prior fiscal year. Each

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929 school's financial report must follow a uniform, districtwide
930 format that is easy to read and understand.

931 (a) Total revenue must be reported at the school, district,
932 and state levels. The revenue sources that must be addressed are
933 state and local funds, other than lottery funds; lottery funds;
934 federal funds; and private donations.

935 (b) Expenditures must be reported as the total expenditures
936 per unweighted full-time equivalent student at the school level
937 and the average expenditures per full-time equivalent student at
938 the district and state levels in each of the following categories
939 and subcategories:

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

- 943 a. Basic programs;
- 944 b. Students-at-risk programs;
- 945 c. Special programs for exceptional students;
- 946 d. Career education programs; and
- 947 e. Adult programs.

948 2. Substitute teachers.

949 3. Other instructional personnel, including school-based
950 instructional specialists and their assistants.

951 4. Contracted instructional services, including training
952 for instructional staff and other contracted instructional
953 services.

954 5. School administration, including school-based
955 administrative personnel and school-based education support
956 personnel.

957 6. The following materials, supplies, and operating capital

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958 outlay:

- 959 a. Textbooks;
- 960 b. Computer hardware and software;
- 961 c. Other instructional materials;
- 962 d. Other materials and supplies; and
- 963 e. Library media materials.
- 964 7. Food services.
- 965 8. Other support services.
- 966 9. Operation and maintenance of the school plant.

967 (c) The school financial report must also identify the
968 types of district-level expenditures that support the school's
969 operations. The total amount of these district-level expenditures
970 must be reported and expressed as total expenditures per full-
971 time equivalent student.

972 Section 30. Paragraph (b) of subsection (6) of section
973 1011.18, Florida Statutes, is amended to read:

974 1011.18 School depositories; payments into and withdrawals
975 from depositories.--

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

978 (b) The district school board may contract with an
979 insurance company or professional administrator who holds a valid
980 certificate of authority issued by the Office of Insurance
981 Regulation of the Financial Services Commission to provide any ~~or~~
982 ~~all~~ services that a third-party administrator is authorized by
983 law to perform. Pursuant to such contract, the district school
984 board may advance or remit money to the administrator to be
985 deposited in a designated special checking account for paying
986 claims against the district school board under its self-insurance

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987 | programs, and remitting premiums to the providers of insured
988 | benefits on behalf of the district school board and the
989 | participants in such programs, and otherwise fulfilling the
990 | obligations imposed upon the administrator by law and the
991 | contractual agreements between the district school board and the
992 | administrator. The special checking account shall be maintained
993 | in a designated district school depository. The district school
994 | board may replenish such account as often as necessary upon the
995 | presentation by the service organization of documentation for
996 | claims or premiums due paid equal to the amount of the requested
997 | reimbursement. Such replenishment shall be made by a warrant
998 | signed by the chair of the district school board and
999 | countersigned by the district school superintendent. Such
1000 | replenishment may be made by electronic, telephonic, or other
1001 | medium, and each transfer shall be confirmed in writing and
1002 | signed by the district school superintendent or his or her
1003 | designee. The provisions of strict accountability of all funds
1004 | and an annual audit by an independent certified public accountant
1005 | as provided in s. 1001.42(12)(k) ~~s. 1001.42(10)(k)~~ shall apply to
1006 | this subsection.

1007 | Section 31. Present subsection (6) of section 1012.27,
1008 | Florida Statutes, is redesignated as subsection (7), and a new
1009 | subsection (6) is added to that section, to read:

1010 | 1012.27 Public school personnel; powers and duties of
1011 | district school superintendent.--The district school
1012 | superintendent is responsible for directing the work of the
1013 | personnel, subject to the requirements of this chapter, and in
1014 | addition the district school superintendent shall perform the
1015 | following:

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1016 (6) Before appointing a candidate to an instructional or
1017 school administrator position that involves direct contact with
1018 students, contact the candidate's previous employer to assess the
1019 candidate's ability to meet state and local ethical standards for
1020 professional educators, screen the candidate using the screening
1021 tools as described in s. 1001.10(5), and document the findings.

1022 Section 32. Section 1012.315, Florida Statutes, is created
1023 to read:

1024 1012.315 Disqualification from employment.--

1025 (1) Any instructional personnel or school administrators,
1026 as defined in s. 1012.01, are ineligible for employment in any
1027 position that involves direct contact with students if convicted
1028 of the following disqualifying offenses:

1029 (a) Any offense listed in s. 435.04;

1030 (b) Section 787.025, relating to luring or enticing a
1031 child;

1032 (c) Section 794.05, relating to unlawful sexual activity
1033 with certain minors;

1034 (d) Section 810.14, relating to voyeurism;

1035 (e) Section 810.145, relating to video voyeurism;

1036 (f) Conviction of a crime involving moral turpitude; or

1037 (g) Any delinquent act that qualified or would have
1038 qualified an individual for inclusion on the Registered Juvenile
1039 Sex Offender List pursuant to s. 943.0435(1)(a)1.d.

1040 (2) A criminal act committed in another state or under
1041 federal law, the elements of which constitute a criminal act as
1042 described in subsection (1) shall, for purposes of
1043 disqualification, be considered as if the act was committed in
1044 this state.

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1045 Section 33. Subsection (1) of section 1012.32, Florida
1046 Statutes, is amended to read:

1047 1012.32 Qualifications of personnel.--

1048 (1) (a) To be eligible for appointment in any position in
1049 any district school system, a person shall be of good moral
1050 character; shall have attained the age of 18 years, if he or she
1051 is to be employed in an instructional capacity; and shall, when
1052 required by law, hold a certificate or license issued under rules
1053 of the State Board of Education or the Department of Children and
1054 Family Services, except when employed pursuant to s. 1012.55 or
1055 under the emergency provisions of s. 1012.24. Previous residence
1056 in this state shall not be required in any school of the state as
1057 a prerequisite for any person holding a valid Florida certificate
1058 or license to serve in an instructional capacity.

1059 (b) Any instructional personnel or school administrators,
1060 as defined in s. 1012.01, are disqualified from employment in any
1061 position having direct contact with students if convicted of a
1062 disqualifying offense as described in s. 1012.315.

1063 Section 34. Paragraph (a) of subsection (1), paragraph (c)
1064 of subsection (4), and paragraph (b) of subsection (6) of section
1065 1012.33, Florida Statutes, are amended to read:

1066 1012.33 Contracts with instructional staff, supervisors,
1067 and school principals.--

1068 (1) (a) Each person employed as a member of the
1069 instructional staff in any district school system shall be
1070 properly certified pursuant to s. 1012.56 or s. 1012.57 or
1071 employed pursuant to s. 1012.39 and shall be entitled to and
1072 shall receive a written contract as specified in this section.
1073 All such contracts, except continuing contracts as specified in

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1074 subsection (4), shall contain provisions for dismissal during the
1075 term of the contract only for just cause. Just cause includes,
1076 but is not limited to, the following instances, as defined by
1077 rule of the State Board of Education: immorality, misconduct in
1078 office, incompetency, gross insubordination, willful neglect of
1079 duty, the commission of a criminal act, regardless of
1080 adjudication, or crimes ~~or conviction of a crime~~ involving moral
1081 turpitude.

1082 (4)

1083 (c) Any member of the district administrative or
1084 supervisory staff and any member of the instructional staff,
1085 including any school principal, who is under continuing contract
1086 may be suspended or dismissed at any time during the school year;
1087 however, the charges against him or her must be based on
1088 immorality, misconduct in office, incompetency, gross
1089 insubordination, willful neglect of duty, drunkenness, crimes ~~or~~
1090 ~~conviction of a crime~~ involving moral turpitude, as these terms
1091 are defined by rule of the State Board of Education, or the
1092 commission of a criminal act, regardless of adjudication.

1093 Whenever such charges are made against an ~~any such~~ employee of
1094 the district school board, the district school board may suspend
1095 such person without pay; but, if the charges are not sustained,
1096 he or she shall be immediately reinstated, and his or her back
1097 salary shall be paid. In cases of suspension by the district
1098 school board or by the district school superintendent, the
1099 district school board shall determine upon the evidence submitted
1100 whether the charges have been sustained and, if the charges are
1101 sustained, shall determine either to dismiss the employee or fix
1102 the terms under which he or she may be reinstated. If such

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1103 charges are sustained by a majority vote of the full membership
1104 of the district school board and the ~~such~~ employee is discharged,
1105 his or her contract of employment shall be ~~thereby~~ canceled. Any
1106 ~~such~~ decision adverse to the employee may be appealed by the
1107 employee pursuant to s. 120.68, provided the ~~such~~ appeal is filed
1108 within 30 days after the decision of the district school board.

1109 (6)

1110 (b) Any member of the district administrative or
1111 supervisory staff, including any principal but excluding an
1112 employee specified in subsection (4), may be suspended or
1113 dismissed at any time during the term of the contract; however,
1114 the charges against him or her must be based on immorality,
1115 misconduct in office, incompetency, gross insubordination,
1116 willful neglect of duty, drunkenness, or crimes ~~conviction of any~~
1117 ~~crime~~ involving moral turpitude, as these terms are defined by
1118 rule of the State Board of Education. Whenever such charges are
1119 made against an ~~any such~~ employee of the district school board,
1120 the district school board may suspend the employee without pay;
1121 but, if the charges are not sustained, he or she shall be
1122 immediately reinstated, and his or her back salary shall be paid.
1123 In cases of suspension by the district school board or by the
1124 district school superintendent, the district school board shall
1125 determine upon the evidence submitted whether the charges have
1126 been sustained and, if the charges are sustained, shall determine
1127 either to dismiss the employee or fix the terms under which he or
1128 she may be reinstated. If such charges are sustained by a
1129 majority vote of the full membership of the district school board
1130 and the ~~such~~ employee is discharged, his or her contract of
1131 employment shall be ~~thereby~~ canceled. Any ~~such~~ decision adverse

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1132 to the employee may be appealed by him or her pursuant to s.
1133 120.68, provided such appeal is filed within 30 days after the
1134 decision of the district school board.

1135 Section 35. Subsection (4) of section 1012.34, Florida
1136 Statutes, is amended to read:

1137 1012.34 Assessment procedures and criteria.--

1138 (4) The district school superintendent shall notify the
1139 department of any instructional personnel who receive two
1140 consecutive unsatisfactory evaluations and who have been given
1141 written notice by the district that their employment is being
1142 terminated or is not being renewed or that the district school
1143 board intends to terminate, or not renew, their employment. The
1144 department shall conduct an investigation to determine whether
1145 action shall be taken against the certificateholder pursuant to
1146 s. 1012.795(1)(c) ~~s. 1012.795(1)(b)~~.

1147 Section 36. Subsections (9) and (14) of section 1012.56,
1148 Florida Statutes, are amended to read:

1149 1012.56 Educator certification requirements.--

1150 (9) BACKGROUND SCREENING REQUIRED, INITIALLY AND
1151 PERIODICALLY.--

1152 (a) Each person who seeks certification under this chapter
1153 must undergo state and national criminal history records checks
1154 pursuant to s. 435.04 and may not have been convicted of any
1155 disqualifying offense under s. 1012.315. An individual is exempt
1156 from undergoing an additional state and national criminal history
1157 records checks if the checks have meet level 2 screening
1158 requirements as described in s. 1012.32 unless a level 2
1159 screening has been conducted by a district school board or the
1160 Department of Education within 12 months before the date the

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1161 person initially obtains certification under this chapter, the
1162 results of which are submitted to the district school board or to
1163 the Department of Education.

1164 (b) A person may not receive a certificate under this
1165 chapter until the person undergoes state and national criminal
1166 history records checks pursuant to s. 435.04 verifying that the
1167 person has not been convicted of a disqualifying offense as
1168 described in s. 1012.315, ~~level 2 screening has been completed~~
1169 and the results have been submitted to the Department of
1170 Education or to the district school superintendent of the school
1171 district that employs the person. Every 5 years after obtaining
1172 initial certification, each person who is required to be
1173 certified under this chapter must meet the ~~level 2 screening~~
1174 requirements as described in paragraph (a) s. 1012.32, at which
1175 time the school district shall request the Department of Law
1176 Enforcement to forward the fingerprints to the Federal Bureau of
1177 Investigation for national processing ~~the level 2 screening~~. If,
1178 for any reason after obtaining initial certification, the
1179 fingerprints of a person who is required to be certified under
1180 this chapter are not retained by the Department of Law
1181 Enforcement under s. 1012.32(3)(a) and (b), the person must file
1182 a complete set of fingerprints with the district school
1183 superintendent of the employing school district. Upon submission
1184 of fingerprints for this purpose, the school district shall
1185 request the Department of Law Enforcement to forward the
1186 fingerprints to the Federal Bureau of Investigation for national
1187 processing ~~the level 2 screening~~, and the fingerprints shall be
1188 retained by the Department of Law Enforcement under s.
1189 1012.32(3)(a) and (b). The cost of the state and federal criminal

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1190 history check required by paragraph (a) and this paragraph level
 1191 ~~2-screening~~ may be borne by the district school board or the
 1192 employee. Under penalty of perjury, each person who is certified
 1193 under this chapter must agree to inform his or her employer
 1194 within 48 hours if convicted of any disqualifying offense while
 1195 he or she is employed in a position for which such certification
 1196 is required.

1197 (c) If it is found under s. 1012.796 that a person who is
 1198 employed in a position requiring certification under this chapter
 1199 is ineligible for employment under s. 1012.315 ~~does not meet the~~
 1200 ~~level 2-screening requirements~~, the person's certification shall
 1201 be immediately revoked or suspended and he or she shall be
 1202 immediately suspended from the position requiring certification.

1203 (14) PERSONNEL RECORDS.--The Department of Education shall
 1204 maintain an electronic database that includes, but need not be
 1205 limited to, a complete statement of the academic preparation,
 1206 professional training, and teaching experience of each person to
 1207 whom a certificate is issued. The applicant or the district
 1208 school superintendent shall furnish the information using a
 1209 format ~~or forms~~ provided by the department.

1210 Section 37. Subsection (1) and paragraph (a) of subsection
 1211 (8) of section 1012.79, Florida Statutes, are amended to read:

1212 1012.79 Education Practices Commission; organization.--

1213 (1) The Education Practices Commission consists of 25 ~~17~~
 1214 members, including 8 ~~7~~ teachers; 7 ~~5~~ administrators, at least one
 1215 of whom shall represent a private school; 7 and 5 lay citizens,
 1216 ~~of whom 5 shall be parents of public school students and who are~~
 1217 unrelated to public school employees and 2 shall be current or
 1218 former district school board members; ~~7~~ and 5 sworn law

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1219 enforcement officials, appointed by the State Board of Education
1220 from nominations by the Commissioner of Education and subject to
1221 Senate confirmation. Before ~~Prior~~ to making nominations, the
1222 commissioner shall consult with ~~the~~ teaching associations, parent
1223 organizations, law enforcement agencies, and other involved
1224 associations in the state. In making nominations, the
1225 commissioner shall attempt to achieve equal geographical
1226 representation, as closely as possible.

1227 (a) A teacher member, in order to be qualified for
1228 appointment:

- 1229 1. Must be certified to teach in the state.
- 1230 2. Must be a resident of the state.
- 1231 3. Must have practiced the profession in this state for at
1232 least 5 years immediately preceding the appointment.

1233 (b) A school administrator member, in order to be qualified
1234 for appointment:

- 1235 1. Must have an endorsement on the educator certificate in
1236 the area of school administration or supervision.
- 1237 2. Must be a resident of the state.
- 1238 3. Must have practiced the profession as an administrator
1239 for at least 5 years immediately preceding the appointment.

1240 (c) The lay members must be residents of the state.

1241 (d) The members who are law enforcement officials must have
1242 served in the profession for at least 5 years immediately
1243 preceding appointment and have background expertise in child
1244 safety.

1245 (8) (a) The commission shall, from time to time, designate
1246 members of the commission to serve on panels for the purpose of
1247 reviewing and issuing final orders upon cases presented to the

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1248 commission. A case concerning a complaint against a teacher shall
1249 be reviewed and a final order ~~thereon shall be~~ entered by a panel
1250 composed of five commission members, at least one of whom must be
1251 a parent, one of whom must be a sworn law enforcement officer,
1252 and three of whom must ~~shall~~ be teachers. A case concerning a
1253 complaint against an administrator shall be reviewed and a final
1254 order ~~thereon shall be~~ entered by a panel composed of five
1255 commission members, at least one of whom must be a parent, one of
1256 whom must be a sworn law enforcement officer, and three of whom
1257 shall be administrators.

1258 Section 38. Subsection (1) of section 1012.795, Florida
1259 Statutes, is amended to read:

1260 1012.795 Education Practices Commission; authority to
1261 discipline.--

1262 (1) The Education Practices Commission may suspend the
1263 educator certificate of any person as defined in s. 1012.01(2) or
1264 (3) for a period of time not to exceed 5 years, thereby denying
1265 that person the right to teach or otherwise be employed by a
1266 district school board or public school in any capacity requiring
1267 direct contact with students for that period of time, after which
1268 the holder may return to teaching as provided in subsection (4);
1269 may revoke the educator certificate of any person, thereby
1270 denying that person the right to teach or otherwise be employed
1271 by a district school board or public school in any capacity
1272 requiring direct contact with students for a period of time not
1273 to exceed 10 years, with reinstatement subject to the provisions
1274 of subsection (4); may revoke permanently the educator
1275 certificate of any person thereby denying that person the right
1276 to teach or otherwise be employed by a district school board or

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1277 public school in any capacity requiring direct contact with
1278 students; may suspend the educator certificate, upon order of the
1279 court, of any person found to have a delinquent child support
1280 obligation; or may impose any other penalty provided by law, if
1281 ~~provided it can be shown that~~ the person:

1282 (a) Obtained or attempted to obtain an educator certificate
1283 by fraudulent means.

1284 (b) Knowingly failed to report any suspected or actual
1285 child abuse pursuant to s. 1006.061 or misconduct by
1286 instructional personnel or school administrators under s.
1287 1012.795, which affects the health, safety, or welfare of a
1288 student.

1289 (c) ~~(b)~~ Has proved to be incompetent to teach or to perform
1290 duties as an employee of the public school system or to teach in
1291 or to operate a private school.

1292 (d) ~~(e)~~ Has been guilty of gross immorality or an act
1293 involving moral turpitude as defined by rules of the State Board
1294 of Education.

1295 (e) ~~(d)~~ Has had an educator certificate sanctioned by
1296 revocation, suspension, or surrender in another state.

1297 (f) ~~(e)~~ Has been convicted of a misdemeanor, felony, or any
1298 other criminal charge, other than a minor traffic violation.

1299 (g) ~~(f)~~ Upon investigation, has been found guilty of
1300 personal conduct which seriously reduces that person's
1301 effectiveness as an employee of the district school board.

1302 (h) ~~(g)~~ Has breached a contract, as provided in s.
1303 1012.33(2).

1304 (i) ~~(h)~~ Has been the subject of a court order directing the
1305 Education Practices Commission to suspend the certificate as a

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1306 result of a delinquent child support obligation.

1307 (j)~~(i)~~ Has violated the Principles of Professional Conduct
1308 for the Education Profession prescribed by State Board of
1309 Education rules.

1310 (k)~~(j)~~ Has otherwise violated the provisions of law, the
1311 penalty for which is the revocation of the educator certificate.

1312 (l)~~(k)~~ Has violated any order of the Education Practices
1313 Commission.

1314 (m)~~(l)~~ Has been the subject of a court order or plea
1315 agreement in any jurisdiction which requires the
1316 certificateholder to surrender or otherwise relinquish his or her
1317 educator's certificate. A surrender or relinquishment shall be
1318 for permanent revocation of the certificate. A person may not
1319 surrender or otherwise relinquish his or her certificate prior to
1320 a finding of probable cause by the commissioner as provided in s.
1321 1012.796.

1322 Section 39. Subsections (1), (3), and (5) of section
1323 1012.796, Florida Statutes, are amended to read:

1324 1012.796 Complaints against teachers and administrators;
1325 procedure; penalties.--

1326 (1) (a) The Department of Education shall cause to be
1327 investigated expeditiously any complaint filed before it or
1328 otherwise called to its attention which, if legally sufficient,
1329 contains grounds for the revocation or suspension of a
1330 certificate or any other appropriate penalty as set forth in
1331 subsection (7). The complaint is legally sufficient if it
1332 contains the ultimate facts which show a violation has occurred
1333 as provided in s. 1012.795 and defined by rule. The department
1334 shall ~~may~~ investigate or continue to investigate and take

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1335 appropriate action on a complaint even though the original
1336 complainant withdraws the complaint or otherwise indicates a
1337 desire not to cause it to be investigated or prosecuted to
1338 completion. The department may investigate or continue to
1339 investigate and take action on a complaint filed against a person
1340 whose educator certificate has expired if the act or acts that
1341 ~~which~~ are the basis for the complaint were allegedly committed
1342 while that person possessed an educator certificate.

1343 (b) The Department of Education shall investigate
1344 immediately any complaint filed before it or otherwise called to
1345 its attention which involves misconduct by any certificated
1346 personnel which affects the health, safety, or welfare of a
1347 student. The department must investigate or continue to
1348 investigate and take action on such a complaint filed against a
1349 person whose educator certificate has expired if the act or acts
1350 that are the basis for the complaint were allegedly committed
1351 while that person possessed an educator certificate.

1352 (c) ~~(b)~~ When an investigation is undertaken, the department
1353 shall notify the certificateholder or applicant for certification
1354 and the district school superintendent or the university
1355 laboratory school, charter school, or private school in which the
1356 certificateholder or applicant for certification is employed or
1357 was employed at the time the alleged offense occurred. In
1358 addition, the department shall inform the certificateholder or
1359 applicant for certification of the substance of any complaint
1360 which has been filed against that certificateholder or applicant,
1361 unless the department determines that such notification would be
1362 detrimental to the investigation, in which case the department
1363 may withhold notification.

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1364 ~~(d)(e)~~ Each school district shall file in writing with the
1365 department all legally sufficient complaints within 30 days after
1366 the date on which subject matter of the complaint comes to the
1367 attention of the school district. A complaint is legally
1368 sufficient if it contains ultimate facts that show a violation
1369 has occurred as provided in s. 1012.795 and defined by rule. The
1370 school district shall include all information relating to the
1371 complaint which is known to the school district at the time of
1372 filing. Each district school board shall develop and adopt
1373 policies and procedures to comply with this reporting
1374 requirement. School board policies and procedures must include
1375 standards for screening, hiring, and terminating employees,
1376 ethical standards for all employees, responsibilities of
1377 educators to uphold the standards, detailed steps to be followed
1378 in reporting suspected or actual misconduct by instructional
1379 personnel or a school administrator which affects the health,
1380 safety, or welfare of a student, requirements for the
1381 reassignment of an employee pending the outcome of a misconduct
1382 investigation, and penalties for failing to comply pursuant to
1383 ss. 1001.51 and 1012.795. The district school board policies and
1384 procedures shall include appropriate penalties for all personnel
1385 of the district school board for nonreporting and procedures for
1386 promptly informing the district school superintendent of each
1387 legally sufficient complaint. The district school superintendent
1388 is charged with knowledge of these policies and procedures and is
1389 accountable for communicating the ethical standards, policies,
1390 and procedures, to be provided through professional development
1391 for all staff. If the district school superintendent has
1392 knowledge of a legally sufficient complaint and does not report

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1393 the complaint, or fails to enforce the policies and procedures of
1394 the district school board, and fails to comply with the
1395 requirements of this subsection, in addition to other actions
1396 against certificateholders authorized by law, the district school
1397 superintendent is ~~shall be~~ subject to penalties as specified in
1398 s. 1001.51(12). If the superintendent determines that misconduct
1399 affecting the health, safety, or welfare of a student has
1400 occurred which warrants termination, the employee may resign or
1401 be terminated and a record, including information relating to the
1402 misconduct that resulted in the severance from employment, shall
1403 be reported to the Department of Education and maintained in the
1404 employee's public personnel file. This paragraph does not limit
1405 or restrict the power and duty of the department to investigate
1406 complaints as provided in paragraphs (a) and (c) ~~(b)~~, regardless
1407 of the school district's untimely filing, or failure to file,
1408 complaints and followup reports.

1409 (e) If allegations arise against an employee who is
1410 certified under s. 1012.56, and employed in an educator-
1411 certificated position by any school or provider in the state,
1412 such school or provider, or governing body thereof, shall file in
1413 writing with the department a legally sufficient complaint within
1414 30 days after the date on which the subject matter of the
1415 complaint came to the attention of the school or provider. A
1416 complaint is legally sufficient if it contains ultimate facts
1417 that show a violation has occurred as provided in s. 1012.795.
1418 The school or provider shall include all known information
1419 relating to the complaint with the filing of the complaint. This
1420 paragraph does not limit or restrict the power and duty of the
1421 department to investigate complaints as provided in paragraphs

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1422 (a) and (c) regardless of the school's or provider's untimely
1423 filing, or failure to file, complaints and followup reports.

1424 (f) ~~(d)~~ Notwithstanding any other law, all law enforcement
1425 agencies, state attorneys, social service agencies, district
1426 school boards, and the Division of Administrative Hearings shall
1427 fully cooperate with and, upon request, shall provide unredacted
1428 documents to the Department of Education to further
1429 investigations and prosecutions conducted pursuant to this
1430 section. Any document received ~~pursuant to this paragraph~~ may not
1431 be redisclosed except as authorized by law.

1432 (3) The department staff shall advise the commissioner
1433 concerning the findings of the investigation. The department
1434 general counsel or members of that staff shall review the
1435 investigation and advise the commissioner concerning probable
1436 cause or lack thereof. The determination of probable cause shall
1437 be made by the commissioner. The commissioner shall provide an
1438 opportunity for a conference, if requested, prior to determining
1439 probable cause. The commissioner may enter into deferred
1440 prosecution agreements in lieu of finding probable cause if, when
1441 in his or her judgment, such agreements are ~~would be~~ in the best
1442 interests of the department, the certificateholder, and the
1443 public. Such deferred prosecution agreements shall become
1444 effective when filed with the clerk of the Education Practices
1445 Commission. However, a deferred prosecution agreement shall not
1446 be entered into if ~~where~~ there is probable cause to believe that
1447 a felony or an act of moral turpitude, as defined in rule, has
1448 occurred. Upon finding no probable cause, the commissioner shall
1449 dismiss the complaint.

1450 (5) When an allegation of misconduct with a student by

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1451 instructional personnel or a school administrator, as defined in
1452 s. 1012.01, occurs ~~deemed necessary to protect the health,~~
1453 ~~safety, and welfare of a minor student,~~ the district school
1454 superintendent in consultation with the school principal, or may,
1455 ~~and~~ upon the request of the Commissioner of Education, must
1456 immediately shall, ~~temporarily~~ suspend the employee a
1457 ~~certificat~~holder from ~~the certificat~~holder's regularly assigned
1458 duties, with pay, and reassign the suspended instructor or
1459 administrator ~~certificat~~holder to a position that does not
1460 require direct contact with students in the district school
1461 system. Such suspension shall continue until the completion of
1462 the proceedings and the determination of sanctions, if any,
1463 pursuant to this section and s. 1012.795.

1464 Section 40. Paragraph (b) of subsection (4) of section
1465 1012.98, Florida Statutes, is amended to read:

1466 1012.98 School Community Professional Development Act.--

1467 (4) The Department of Education, school districts, schools,
1468 community colleges, and state universities share the
1469 responsibilities described in this section. These
1470 responsibilities include the following:

1471 (b) Each school district shall develop a professional
1472 development system as specified in subsection (3). The system
1473 shall be developed in consultation with teachers, teacher-
1474 educators of community colleges and state universities, business
1475 and community representatives, and local education foundations,
1476 consortia, and professional organizations. The professional
1477 development system must:

1478 1. Be approved by the department. All substantial revisions
1479 to the system shall be submitted to the department for review for

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1480 continued approval.

1481 2. Be based on analyses of student achievement data and
1482 instructional strategies and methods that support rigorous,
1483 relevant, and challenging curricula for all students. Schools and
1484 districts, in developing and refining the professional
1485 development system, shall also review and monitor school
1486 discipline data; school environment surveys; assessments of
1487 parental satisfaction; performance appraisal data of teachers,
1488 managers, and administrative personnel; and other performance
1489 indicators to identify school and student needs that can be met
1490 by improved professional performance.

1491 3. Provide inservice activities coupled with followup
1492 support appropriate to accomplish district-level and school-level
1493 improvement goals and standards. The inservice activities for
1494 instructional personnel shall focus on analysis of student
1495 achievement data, ongoing formal and informal assessments of
1496 student achievement, identification and use of enhanced and
1497 differentiated instructional strategies that emphasize rigor,
1498 relevance, and reading in the content areas, enhancement of
1499 subject content expertise, integrated use of classroom technology
1500 that enhances teaching and learning, classroom management, parent
1501 involvement, and school safety.

1502 4. Include a master plan for inservice activities, pursuant
1503 to rules of the State Board of Education, for all district
1504 employees from all fund sources. The master plan shall be updated
1505 annually by September 1, must be based on input from teachers and
1506 district and school instructional leaders, and must use the
1507 latest available student achievement data and research to enhance
1508 rigor and relevance in the classroom. Each district inservice

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1509 | plan must be aligned to and support the school-based inservice
1510 | plans and school improvement plans pursuant to s. 1001.42(18) ~~s.~~
1511 | ~~1001.42(16)~~. District plans must be approved by the district
1512 | school board annually in order to ensure compliance with
1513 | subsection (1) and to allow for dissemination of research-based
1514 | best practices to other districts. District school boards must
1515 | submit verification of their approval to the Commissioner of
1516 | Education no later than October 1, annually.

1517 | 5. Require each school principal to establish and maintain
1518 | an individual professional development plan for each
1519 | instructional employee assigned to the school as a seamless
1520 | component to the school improvement plans developed pursuant to
1521 | s. 1001.42(18) ~~s. 1001.42(16)~~. The individual professional
1522 | development plan must:

1523 | a. Be related to specific performance data for the students
1524 | to whom the teacher is assigned.

1525 | b. Define the inservice objectives and specific measurable
1526 | improvements expected in student performance as a result of the
1527 | inservice activity.

1528 | c. Include an evaluation component that determines the
1529 | effectiveness of the professional development plan.

1530 | 6. Include inservice activities for school administrative
1531 | personnel that address updated skills necessary for instructional
1532 | leadership and effective school management pursuant to s.
1533 | 1012.986.

1534 | 7. Provide for systematic consultation with regional and
1535 | state personnel designated to provide technical assistance and
1536 | evaluation of local professional development programs.

1537 | 8. Provide for delivery of professional development by

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1538 distance learning and other technology-based delivery systems to
1539 reach more educators at lower costs.

1540 9. Provide for the continuous evaluation of the quality and
1541 effectiveness of professional development programs in order to
1542 eliminate ineffective programs and strategies and to expand
1543 effective ones. Evaluations must consider the impact of such
1544 activities on the performance of participating educators and
1545 their students' achievement and behavior.

1546 Section 41. Subsection (4) of section 1013.03, Florida
1547 Statutes, is amended to read:

1548 1013.03 Functions of the department and the Board of
1549 Governors.--The functions of the Department of Education as it
1550 pertains to educational facilities of school districts and
1551 community colleges and of the Board of Governors as it pertains
1552 to educational facilities of state universities shall include,
1553 but not be limited to, the following:

1554 (4) Require each board and other appropriate agencies to
1555 submit complete and accurate financial data as to the amounts of
1556 funds from all sources that are available and spent for
1557 construction and capital improvements. The commissioner shall
1558 prescribe the format and the date for the submission of this data
1559 and any other educational facilities data. If any district does
1560 not submit the required educational facilities fiscal data by the
1561 prescribed date, the Commissioner of Education shall notify the
1562 district school board of this fact and, if appropriate action is
1563 not taken to immediately submit the required report, the district
1564 school board shall be directed to proceed pursuant to s.
1565 1001.42(13)(b) ~~the provisions of s. 1001.42(11)(b)~~. If any
1566 community college or university does not submit the required

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1567 | educational facilities fiscal data by the prescribed date, the
1568 | same policy prescribed in this subsection for school districts
1569 | shall be implemented.

1570 | Section 42. This act shall take effect July 1, 2008.