

By the Committees on Education Pre-K - 12 Appropriations;
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 charter school sponsor to suspend
50 the school's charter for failing to comply with these
51 requirements; amending s. 1002.36, F.S.; requiring the
52 Florida School for the Deaf and the Blind to meet certain
53 requirements governing the screening of educators;
54 amending ss. 1002.421 and 1002.55, F.S.; requiring owners
55 of certain private schools and private prekindergarten
56 providers to adopt ethical standards for all employees;
57 prohibiting confidentiality agreements regarding
58 terminated or dismissed employees which have the effect of

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59 | concealing certain conduct; requiring such owners and
60 | providers to contact the previous employer of each
61 | instructional or administrative candidate for employment;
62 | amending ss. 1002.61, 1002.63, 1002.65, 1003.413, 1003.53,
63 | and 1004.92, F.S.; conforming cross-references; amending
64 | s. 1006.061, F.S.; requiring the school board, charter
65 | school, private school participating in a state school
66 | choice scholarship program, and private provider
67 | participating in the Voluntary Prekindergarten Education
68 | Program to post its policies relating to misconduct by
69 | personnel; requiring the head of such entities to act as a
70 | liaison in suspected cases of child abuse; amending ss.
71 | 1007.21, 1007.23, 1008.33, 1008.345, 1010.215, and
72 | 1011.18, F.S.; conforming cross-references; amending s.
73 | 1012.27, F.S.; requiring the district school
74 | superintendent to contact the previous employer of each
75 | instructional or administrative candidate for employment,
76 | screen the candidate, and document findings; creating s.
77 | 1012.315, F.S.; specifying offenses that disqualify
78 | instructional and administrative personnel from employment
79 | in positions involving direct contact with students;
80 | amending s. 1012.32, F.S.; providing that instructional
81 | and administrative personnel who have been convicted of
82 | certain offenses are disqualified from employment in
83 | positions having direct contact with students; amending s.
84 | 1012.33, F.S.; providing that just cause for terminating
85 | instructional staff includes immorality or the commission
86 | of a criminal act; amending s. 1012.34, F.S., relating to
87 | assessment procedures; conforming a cross-reference;

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88 amending s. 1012.56, F.S., relating to certification
89 requirements for educators; revising the requirements for
90 conducting state and national criminal history records
91 checks of persons seeking certification; providing for the
92 Department of Education to maintain personnel records on
93 an electronic database; amending s. 1012.79, F.S.;
94 providing for additional members to be appointed to the
95 Education Practices Commission; revising the composition
96 of the panel appointed to review complaints against
97 teachers; amending s. 1012.795, F.S.; providing for
98 suspending the educator certificate of a person who
99 knowingly fails to report child abuse or suspected or
100 actual misconduct by instructional personnel; amending s.
101 1012.796, F.S.; requiring the Department of Education to
102 investigate each complaint involving misconduct by
103 certificated personnel; clarifying what constitutes a
104 legally sufficient complaint; providing requirements for
105 school board policies and procedures relating to ethical
106 standards; providing that the district school
107 superintendent is accountable for communicating standards,
108 policies, and procedures to district employees; requiring
109 that an employee be immediately suspended and reassigned
110 upon an allegation of misconduct affecting the health,
111 safety, or welfare of a student; requiring employers of
112 certified personnel to file complaints in writing to the
113 Department of Education; amending ss. 1012.98 and 1013.03,
114 F.S., relating to the School Community Professional
115 Development Act and functions of the department and Board
116 of Governors; conforming cross-references; providing an

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117 appropriation and authorizing additional positions;
118 providing an effective date.
119

120 Be It Enacted by the Legislature of the State of Florida:
121

122 Section 1. This act may be cited as the "Ethics in
123 Education Act."

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

126 24.121 Allocation of revenues and expenditure of funds for
127 public education.--

128 (5)

129 (c) A portion of such net revenues, as determined annually
130 by the Legislature, shall be distributed to each school district
131 and shall be made available to each public school in the district
132 for enhancing school performance through development and
133 implementation of a school improvement plan pursuant to s.
134 1001.42(18) ~~s. 1001.42(16)~~. A portion of these moneys, as
135 determined annually in the General Appropriations Act, must be
136 allocated to each school in an equal amount for each student
137 enrolled. These moneys may be expended only on programs or
138 projects selected by the school advisory council or by a parent
139 advisory committee created pursuant to this paragraph. If a
140 school does not have a school advisory council, the district
141 advisory council must appoint a parent advisory committee
142 composed of parents of students enrolled in that school, which
143 ~~committee~~ is representative of the ethnic, racial, and economic
144 community served by the school, to advise the school's principal
145 on the programs or projects to be funded. Neither school district

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146 staff nor principals may override the recommendations of the
147 school advisory council or the parent advisory committee. These
148 moneys may not be used for capital improvements or, ~~nor may they~~
149 ~~be used~~ for any project or program that has a duration of more
150 than 1 year; however, a school advisory council or parent
151 advisory committee may independently determine that a program or
152 project formerly funded under this paragraph should receive funds
153 in a subsequent year.

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

163 Section 3. Paragraph (e) of subsection (2) of section
164 112.3173, Florida Statutes, is amended to read:

165 112.3173 Felonies involving breach of public trust and
166 other specified offenses by public officers and employees;
167 forfeiture of retirement benefits.--

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

170 (e) "Specified offense" means:

171 1. The committing, aiding, or abetting of an embezzlement
172 of public funds;

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

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175 3. Bribery in connection with the employment of a public
176 officer or employee;

177 4. Any felony specified in chapter 838, except ss. 838.15
178 and 838.16;

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

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

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

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

201 121.091 Benefits payable under the system.--Benefits may
202 not be paid under this section unless the member has terminated
203 employment as provided in s. 121.021(39)(a) or begun

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204 participation in the Deferred Retirement Option Program as
205 provided in subsection (13), and a proper application has been
206 filed in the manner prescribed by the department. The department
207 may cancel an application for retirement benefits when the member
208 or beneficiary fails to timely provide the information and
209 documents required by this chapter and the department's rules.
210 The department shall adopt rules establishing procedures for
211 application for retirement benefits and for the cancellation of
212 such application when the required information or documents are
213 not received.

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

224 (i) Effective October 1, 2008, except for the return of the
225 member's accumulated contributions as of the date of conviction,
226 the division may not pay benefits to any member who has committed
227 any felony defined in s. 800.04 against a victim younger than 16
228 years of age or any felony defined in chapter 794, s. 800.02, or
229 s. 800.03 against a victim younger than 18 years of age through
230 the use or attempted use of power, rights, privileges, duties, or
231 position of his or her public office or employment position.

232 Section 5. Subsection (4) is added to section 402.316,

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233 Florida Statutes, to read:

234 402.316 Exemptions.--

235 (4) In order to implement the provisions of s. 1002.55(2),
236 the department shall, by rule, establish minimum standards for
237 screening and notification of employee termination for all child
238 care personnel.

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

241 435.04 Level 2 screening standards.--

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

243 (c) For child care personnel screened pursuant to s.
244 402.305, s. 402.3055, s. 402.313, s. 402.3131, or s. 402.316, has
245 not been convicted of, or entered a plea of guilty or nolo
246 contendere, regardless of adjudication, to offenses prohibited
247 under any of the following statutes or under similar statutes of
248 another jurisdiction:

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

250 2. Section 794.05, relating to unlawful sexual activity
251 with certain minors.

252 3. Section 810.14, relating to voyeurism.

253 4. Section 810.145, relating to video voyeurism.

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

257 Section 7. Present subsection (4) of section 1001.10,
258 Florida Statutes, is redesignated as subsection (6), and new
259 subsections (4) and (5) are added to that section, to read:

260 1001.10 Commissioner of Education; general powers and
261 duties.--

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

268 (5) The Department of Education shall provide authorized
269 staff of local school districts, charter schools, the Florida
270 School for the Deaf and the Blind, private schools that accept
271 scholarship students under chapter 1002 or s. 220.187, and
272 private providers pursuant to s. 1002.55 with access to
273 electronic verification of information from the following
274 employment-screening tools:

275 (a) The Professional Practices' Database of Disciplinary
276 Actions Against Educators; and

277 (b) The Department of Education's Teacher Certification
278 Database.

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

281 1001.32 Management, control, operation, administration, and
282 supervision.--The district school system must be managed,
283 controlled, operated, administered, and supervised as follows:

284 (4) SCHOOL PRINCIPAL OR HEAD OF SCHOOL.--Responsibility for
285 the administration of any school or schools at a given school
286 center, for the supervision of instruction therein, and for
287 providing leadership in the development or revision and
288 implementation of a school improvement plan required by s.
289 1001.42(18) ~~pursuant to s. 1001.42(16)~~ shall be delegated to the
290 school principal or head of the school or schools in accordance

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291 | with rules established by the district school board.

292 | Section 9. Present subsections (6) through (23) of section
293 | 1001.42, Florida Statutes, are redesignated as subsections (8)
294 | through (25), respectively, and new subsections (6) and (7) are
295 | added to that section, to read:

296 | 1001.42 Powers and duties of district school board.--The
297 | district school board, acting as a board, shall exercise all
298 | powers and perform all duties listed below:

299 | (6) ESTABLISH ETHICAL STANDARDS.--Adopt and communicate
300 | policies and procedures setting forth ethical standards for all
301 | employees. The policies and procedures must include
302 | responsibilities and procedures for reporting suspected or actual
303 | misconduct by instructional personnel and school administrators,
304 | as defined in s. 1012.01, which affects the health, safety, or
305 | welfare of a student and an explanation of liability protections
306 | provided to students, parents, and employees under ss. 39.201,
307 | 39.202, and 768.095 who report suspected or actual misconduct. A
308 | district school board or any of its employees may not enter into
309 | a confidentiality agreement regarding a terminated or dismissed
310 | employee or an employee who resigns in lieu of termination based
311 | in whole or in part on unethical conduct that affects the health,
312 | safety, or welfare of a student and may not provide the employee
313 | with a favorable recommendation for employment in another
314 | educational setting. Any portion of an agreement or contract that
315 | has the purpose or effect of concealing the conduct of an
316 | educator regarding actions over which the Education Practices
317 | Commission has disciplinary jurisdiction is void, is contrary to
318 | public policy, and may not be enforced.

319 | (7) EMPLOYMENT DISQUALIFICATIONS.--Disqualify from

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

332 Section 10. Paragraphs (a) and (c) of subsection (1) and
333 subsection (2) of section 1001.452, Florida Statutes, are amended
334 to read:

335 1001.452 District and school advisory councils.--

336 (1) ESTABLISHMENT.--

337 (a) The district school board shall establish an advisory
338 council for each school in the district and shall develop
339 procedures for the election and appointment of advisory council
340 members. Each school advisory council shall include in its name
341 the words "school advisory council." The school advisory council
342 shall be the sole body responsible for final decisionmaking at
343 the school relating to implementation of ss. 1001.42(18) ~~the~~
344 ~~provisions of ss. 1001.42(16)~~ and 1008.345. A majority of the
345 members of each school advisory council must be persons who are
346 not employed by the school. Each advisory council shall be
347 composed of the principal and an appropriately balanced number of
348 teachers, education support employees, students, parents, and

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349 other business and community citizens who are representative of
350 the ethnic, racial, and economic community served by the school.
351 Career center and high school advisory councils shall include
352 students, and middle and junior high school advisory councils may
353 include students. School advisory councils of career centers and
354 adult education centers are not required to include parents as
355 members. Council members representing teachers, education support
356 employees, students, and parents shall be elected by their
357 respective peer groups at the school in a fair and equitable
358 manner as follows:

- 359 1. Teachers shall be elected by teachers.
- 360 2. Education support employees shall be elected by
361 education support employees.
- 362 3. Students shall be elected by students.
- 363 4. Parents shall be elected by parents.

364
365 The district school board shall establish procedures to be used
366 ~~for use~~ by schools in selecting business and community members
367 that include means of ensuring wide notice of vacancies and of
368 taking input on possible members from local business, chambers of
369 commerce, community and civic organizations and groups, and the
370 public at large. The district school board shall review the
371 membership composition of each advisory council. If the district
372 school board determines that the membership elected by the school
373 is not representative of the ethnic, racial, and economic
374 community served by the school, the district school board shall
375 appoint additional members to achieve proper representation. The
376 commissioner shall determine if schools have maximized their
377 efforts to include on their advisory councils minority persons

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378 and persons of lower socioeconomic status. Although schools are
379 strongly encouraged to establish school advisory councils, the
380 district school board of any school district that has a student
381 population of 10,000 or fewer may establish a district advisory
382 council which includes ~~shall include~~ at least one duly elected
383 teacher from each school in the district. For the purposes of
384 school advisory councils and district advisory councils, the term
385 "teacher" includes ~~shall include~~ classroom teachers, certified
386 student services personnel, and media specialists. For purposes
387 of this paragraph, "education support employee" means any person
388 employed by a school who is not defined as instructional or
389 administrative personnel pursuant to s. 1012.01 and whose duties
390 require 20 or more hours in each normal working week.

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

398 (2) DUTIES.--Each advisory council shall perform ~~such~~
399 functions ~~as are~~ prescribed by regulations of the district school
400 board; however, no advisory council shall have any of the powers
401 and duties now reserved by law to the district school board. Each
402 school advisory council shall assist in the preparation and
403 evaluation of the school improvement plan required pursuant to s.
404 1001.42(18) ~~s. 1001.42(16)~~. With technical assistance from the
405 Department of Education, each school advisory council shall
406 assist in the preparation of the school's annual budget and plan

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407 as required by s. 1008.385(1). A portion of funds provided in the
408 annual General Appropriations Act for use by school advisory
409 councils must be used for implementing the school improvement
410 plan.

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

413 1001.51 Duties and responsibilities of district school
414 superintendent.--The district school superintendent shall
415 exercise all powers and perform all duties listed below and
416 elsewhere in the law, provided that, in so doing, he or she shall
417 advise and counsel with the district school board. The district
418 school superintendent shall perform all tasks necessary to make
419 sound recommendations, nominations, proposals, and reports
420 required by law to be acted upon by the district school board.
421 All such recommendations, nominations, proposals, and reports by
422 the district school superintendent shall be either recorded in
423 the minutes or shall be made in writing, noted in the minutes,
424 and filed in the public records of the district school board. It
425 shall be presumed that, in the absence of the record required in
426 this section, the recommendations, nominations, and proposals
427 required of the district school superintendent were not contrary
428 to the action taken by the district school board in such matters.

429 (12) RECORDS AND REPORTS.--Recommend such records as should
430 be kept in addition to those prescribed by rules of the State
431 Board of Education; prepare forms for keeping such records as are
432 approved by the district school board; ensure that such records
433 are properly kept; and make all reports that are needed or
434 required, as follows:

435 (a) Forms, blanks, and reports.--Require that all employees

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436 accurately keep all records and promptly make in proper form all
437 reports required by the education code or by rules of the State
438 Board of Education; recommend the keeping of such additional
439 records and the making of such additional reports as may be
440 deemed necessary to provide data essential for the operation of
441 the school system; and prepare such forms and blanks as may be
442 required and ensure that these records and reports are properly
443 prepared.

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

457
458 Any district school superintendent who knowingly signs and
459 transmits to any state official a ~~false or incorrect~~ report known
460 to be false or incorrect or who knowingly fails to investigate
461 all reports of suspected or actual misconduct by instructional
462 personnel and school administrators, as defined in s. 1012.01,
463 which affects the health, safety, or welfare of a student or
464 report allegations of misconduct by such personnel which affects

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465 the health, safety, or welfare of a student pursuant to s.
466 1012.796 forfeits ~~shall forfeit~~ his or her ~~right to any~~ salary
467 ~~for the period of 1 year~~ following the ~~from that~~ date of such act
468 or failure to act.

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

471 1001.54 Duties of school principals.--

472 (2) Each school principal shall provide instructional
473 leadership in the development, revision, and implementation of a
474 school improvement plan pursuant to s. 1001.42(18) ~~s.~~
475 ~~1001.42(16)~~.

476 Section 13. Paragraph (b) of subsection (11) of section
477 1002.32, Florida Statutes, is amended to read:

478 1002.32 Developmental research (laboratory) schools.--

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

483 (b) With the exception of s. 1001.42(18) ~~s. 1001.42(16)~~, s.
484 1001.42 shall be held in abeyance. Reference to district school
485 boards in s. 1001.42(18) ~~s. 1001.42(16)~~ shall mean the president
486 of the university or the president's designee.

487 Section 14. Paragraph (g) of subsection (12) of section
488 1002.33, Florida Statutes, is amended to read:

489 1002.33 Charter schools.--

490 (12) EMPLOYEES OF CHARTER SCHOOLS.--

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

493 1. ~~A charter school shall~~ Employ or contract with employees

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494 | who have undergone background screening as provided in s.
495 | 1012.32. Members of the governing board of the charter school
496 | shall also undergo background screening in a manner similar to
497 | that provided in s. 1012.32.

498 | 2. Disqualify any individual convicted of an offense
499 | pursuant to s. 1012.315 from employment in an instructional or
500 | school administrator position that involves direct contact with
501 | students.

502 | 3. Adopt and communicate policies and procedures setting
503 | forth ethical standards for all employees and include policies
504 | and procedures in professional development for all staff. The
505 | policies and procedures must include responsibilities and
506 | procedures for reporting suspected or actual misconduct by
507 | instructional personnel or a school administrator which affects
508 | the health, safety, or welfare of a student and an explanation of
509 | liability protections provided to students, parents, and
510 | employees under ss. 39.201, 39.202, and 768.095 who report
511 | suspected or actual misconduct that affects the health, safety,
512 | or welfare of a student. A charter school or any of its employees
513 | may not enter into a confidentiality agreement regarding a
514 | terminated or dismissed employee or an employee who resigns in
515 | lieu of termination based in whole or in part on unethical
516 | conduct that affects the health, safety, or welfare of a student
517 | and may not provide the employee with a favorable recommendation
518 | for employment in another educational setting. Any portion of an
519 | agreement or contract that has the purpose or effect of
520 | concealing the conduct of an educator regarding actions over
521 | which the Education Practices Commission has disciplinary
522 | jurisdiction is void, is contrary to public policy, and may not

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523 | be enforced.

524 | 4. Before appointing a candidate to an instructional or
525 | school administrator position that involves direct contact with
526 | students, contact the previous employer of the candidate to
527 | assess the candidate's ability to meet ethical standards for
528 | professional educators, screen the candidate through the use of
529 | educator screening tools described in s. 1001.10(5), and document
530 | the findings.

531 | 5. The sponsor of a charter school that fails to comply
532 | with this paragraph shall terminate the charter pursuant to
533 | subsection (8).

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

536 | 1002.36 Florida School for the Deaf and the Blind.--

537 | (7) PERSONNEL SCREENING.--

538 | (g) For the purpose of protecting the health, safety, or
539 | welfare of students and the ethical standards for professional
540 | educators, the Florida School for the Deaf and the Blind shall be
541 | considered a school district and shall meet the provisions of ss.
542 | 1001.03, 1001.42, 1001.51, 1006.061, 1012.27, 1012.315, 1012.32,
543 | 1012.56, 1012.33, 1012.795, and 1012.796.

544 | Section 16. Present subsections (4), (5), and (6) of
545 | section 1002.421, Florida Statutes, are redesignated as
546 | subsections (5), (6), and (7), respectively, and a new subsection
547 | (4) is added to that section, to read:

548 | 1002.421 Accountability of private schools participating in
549 | state school choice scholarship programs.--

550 | (4) A private school participating in a scholarship program
551 | under this section shall:

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552 (a) Disqualify from employment in an instructional or
553 school administrator position that involves direct contact with
554 students any individual convicted of a disqualifying offense
555 identified under s. 1012.315.

556 (b) Adopt and communicate policies and procedures setting
557 forth ethical standards for all employees and include policies
558 and procedures in professional development for all staff. The
559 policies and procedures must include responsibilities and
560 procedures for reporting suspected or actual misconduct by
561 instructional personnel or a school administrator which affects
562 the health, safety, or welfare of a student and an explanation of
563 liability protections provided to students, parents, and
564 employees under ss. 39.201, 39.202, and 768.095 who report
565 suspected or actual misconduct that affects the health, safety,
566 or welfare of a student. A private school or any of its employees
567 may not enter into a confidentiality agreement regarding a
568 terminated or dismissed employee or an employee who resigns in
569 lieu of termination based in whole or in part on unethical
570 conduct that affects the health, safety, or welfare of a student
571 and may not provide the employee with a favorable recommendation
572 for employment in another educational setting. Any portion of an
573 agreement or contract that has the purpose or effect of
574 concealing the misconduct of an educator is void, is contrary to
575 public policy, and may not be enforced.

576 (c) Prior to appointing a candidate to an instructional or
577 school administrator position that involves direct contact with
578 students, contact the previous employer of the candidate to
579 assess the candidate's ability to meet ethical standards for
580 professional educators, screen the candidate through the use of

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581 educator screening tools described in s. 1001.10(5), and document
582 the findings.

583
584 The department shall prohibit a private school that accepts
585 scholarship students under chapter 1002 or s. 220.187 and that
586 fails to comply with this subsection from accepting such
587 scholarship students and shall disqualify the private school from
588 accepting funds under those programs for a period of 1 state
589 fiscal year and until the private school complies with this
590 subsection.

591 Section 17. Present subsections (2), (3), and (4) of
592 section 1002.55, Florida Statutes, are renumbered as subsections
593 (3), (4), and (5), respectively, a new subsection (2) is added to
594 that section, and present subsection (4) of that section is
595 amended, to read:

596 1002.55 School-year prekindergarten program delivered by
597 private prekindergarten providers.--

598 (2) A private provider participating in the Voluntary
599 Prekindergarten Education Program under this section must comply
600 with the following:

601 (a) The provider must complete ethics training that has
602 been developed jointly by the Department of Children and Family
603 Services, the Department of Education, and the Agency for
604 Workforce Innovation. Such training shall include strategies on
605 how to adopt and communicate policies, responsibilities, and
606 procedures for reporting suspected or actual misconduct by a
607 prekindergarten instructor or administrator which affects the
608 health, safety, or welfare of a student, and an explanation of
609 liability protections provided to students, parents, and

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610 employees under ss. 39.201, 39.202, and 768.095. Successful
611 completion of training shall be documented on the child care
612 personnel training transcript of the Department of Children and
613 Family Services.

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

617 (c) Before appointing a candidate as a prekindergarten
618 instructor or administrator, the provider must contact the
619 candidate's previous employer pursuant to ss. 402.302(13) and
620 435.10 to assess the candidate's ability to meet ethical
621 standards for professional educators, screen the candidate
622 through the use of the educator-screening tools described in s.
623 1001.10(5) and the electronic database of the Department of
624 Children and Family Services, and document the findings.

625 (d) The provider may not enter into a confidentiality
626 agreement regarding a terminated or dismissed employee or an
627 employee who resigns in lieu of termination based in whole or in
628 part on unethical conduct that affects the health, safety, or
629 welfare of a student and may not provide the employee with a
630 favorable recommendation for employment in another educational
631 setting. A portion of an agreement or contract that has the
632 purpose or effect of concealing the misconduct of a
633 prekindergarten instructor or administrator is void, is contrary
634 to public policy, and may not be enforced.

635 (e) The Agency for Workforce Innovation shall prohibit a
636 private provider that fails to comply with this subsection from
637 accepting funds under the Voluntary Prekindergarten Program for a
638 period of 1 state fiscal year and until the provider complies

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639 with this subsection.

640 (5)~~(4)~~ A prekindergarten instructor, in lieu of the minimum
641 credentials and courses required under paragraph (4) (c) ~~(3) (e)~~,
642 may hold one of the following educational credentials:

643 (a) A bachelor's or higher degree in early childhood
644 education, prekindergarten or primary education, preschool
645 education, or family and consumer science;

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

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

653 (d) An associate's or higher degree in an unrelated field,
654 at least 6 credit hours in early childhood education or child
655 development, and at least 480 hours of experience in teaching or
656 providing child care services for children ~~any age~~ from birth
657 through 8 years of age; or

658 (e) An educational credential approved by the department as
659 being equivalent to or greater than an educational credential
660 described in this subsection. The department may adopt criteria
661 and procedures for approving equivalent educational credentials
662 under this paragraph.

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

665 1002.61 Summer prekindergarten program delivered by public
666 schools and private prekindergarten providers.--

667 (4) Notwithstanding ss. 1002.55 (4) (c) 1. ~~1002.55 (3) (e) 1.~~ and

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668 1002.63(5), each public school and private prekindergarten
669 provider must have, for each prekindergarten class, at least one
670 prekindergarten instructor who:

671 (a) Is a certified teacher; or

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

674

675 As used in this subsection, the term "certified teacher" means a
676 teacher holding a valid Florida educator certificate under s.
677 1012.56 who has the qualifications required by the district
678 school board to instruct students in the summer prekindergarten
679 program. In selecting instructional staff for the summer
680 prekindergarten program, each school district shall give priority
681 to teachers who have experience or coursework in early childhood
682 education.

683 (6) Notwithstanding ss. 1002.55(4)(e) ~~1002.55(3)(e)~~ and
684 1002.63(7), each prekindergarten class in the summer
685 prekindergarten program, regardless of whether the class is a
686 public school's or private prekindergarten provider's class, must
687 have ~~be composed of~~ at least 4 students but may not exceed 10
688 students. In order to protect the health and safety of students,
689 each public school or private prekindergarten provider must also
690 provide appropriate adult supervision for students at all times.
691 This subsection does not supersede any requirement imposed on a
692 provider under ss. 402.301-402.319.

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

695 1002.63 School-year prekindergarten program delivered by
696 public schools.--

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697 (5) Each public school must have, for each prekindergarten
698 class, at least one prekindergarten instructor who meets each
699 requirement in s. 1002.55(4)(c) ~~s. 1002.55(3)(c)~~ for a
700 prekindergarten instructor of a private prekindergarten provider.

701 (7) Each prekindergarten class in a public school
702 delivering the school-year prekindergarten program must have ~~be~~
703 ~~composed of~~ at least 4 students but may not exceed 18 students.
704 In order to protect the health and safety of students, each
705 school must also provide appropriate adult supervision for
706 students at all times and, for each prekindergarten class
707 composed of 11 or more students, must have, in addition to a
708 prekindergarten instructor who meets the requirements of s.
709 1002.55(4)(c) ~~s. 1002.55(3)(c)~~, at least one adult
710 prekindergarten instructor who is not required to meet those
711 requirements but who must meet each requirement of subsection
712 (6).

713 Section 20. Paragraph (a) of subsection (2) of section
714 1002.65, Florida Statutes, is amended to read:

715 1002.65 Professional credentials of prekindergarten
716 instructors; aspirational goals; legislative intent.--

717 (2) To improve these educational outcomes, the Legislature
718 intends that all prekindergarten instructors will continue to
719 improve their skills and preparation through education and
720 training, so that the following aspirational goals will be
721 achieved:

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

723 1. Each prekindergarten class will have at least one
724 prekindergarten instructor who holds an associate's or higher
725 degree in the field of early childhood education or child

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726 development; and

727 2. For each prekindergarten class composed of 11 or more
728 students, in addition to a prekindergarten instructor who meets
729 the requirements of subparagraph 1., the class will have at least
730 one prekindergarten instructor who meets the requirements of s.
731 1002.55(4)(c) ~~s. 1002.55(3)(e)~~.

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

734 1003.413 Florida Secondary School Redesign Act.--

735 (2) The following guiding principles for secondary school
736 redesign shall be used in the annual preparation of each
737 secondary school's improvement plan required by s. 1001.42(18) ~~s.~~
738 ~~1001.42(16)~~:

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

742 (b) Every teacher must contribute to every student's
743 reading improvement.

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

746 (d) Small learning communities allow teachers to
747 personalize instruction to better address student learning
748 styles, strengths, and weaknesses.

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

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

754 (g) Applied and integrated courses help students see the

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755 relationships between subjects and relevance to their futures.

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

758 (i) Master schedules should not determine instruction and
759 must be designed based on student needs, not adult or
760 institutional needs.

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

764 Section 22. Paragraph (b) of subsection (2) of section
765 1003.53, Florida Statutes, is amended to read:

766 1003.53 Dropout prevention and academic intervention.--

767 (2)

768 (b) Each school that establishes a dropout prevention and
769 academic intervention program at that school site shall reflect
770 that program in the school improvement plan as required under s.
771 1001.42(18) ~~s. 1001.42(16)~~.

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

774 1004.92 Purpose and responsibilities for career
775 education.--

776 (1) The purpose of career education is to enable students
777 who complete career programs to attain and sustain employment and
778 realize economic self-sufficiency. The purpose of this section is
779 to identify issues related to career education for which school
780 boards and community college boards of trustees are accountable.
781 It is the intent of the Legislature that the standards
782 articulated in subsection (2) be considered in the development of
783 accountability standards for public schools pursuant to ss.

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784 1000.03, 1001.42(18) ~~1001.42(16)~~, and 1008.345 and for community
785 colleges pursuant to s. 1008.45.

786 (3) Each career center operated by a district school board
787 shall establish a center advisory council pursuant to s.
788 1001.452. The center advisory council shall assist in the
789 preparation and evaluation of center improvement plans required
790 pursuant to s. 1001.42(18) ~~s. 1001.42(16)~~ and may provide
791 assistance, upon the request of the center director, in the
792 preparation of the center's annual budget and plan as required by
793 s. 1008.385(1).

794 Section 24. Section 1006.061, Florida Statutes, is amended
795 to read:

796 1006.061 Child abuse, abandonment, and neglect
797 policy.--Each district school board, charter school, private
798 school participating in a state school choice scholarship
799 program, and private provider participating in the Voluntary
800 Prekindergarten Education Program shall:

801 (1) Post in a prominent place in each school a notice that,
802 pursuant to chapter 39, all employees and agents of the district
803 school board, charter school, private school, or private provider
804 have an affirmative duty to report all actual or suspected cases
805 of child abuse, abandonment, or neglect; have immunity from
806 liability if they report such cases in good faith; and have a
807 duty to comply with child protective investigations and all other
808 provisions of law relating to child abuse, abandonment, and
809 neglect. The notice shall also include the statewide toll-free
810 telephone number of the central abuse hotline.

811 (2) Post in a prominent place at each school site and on
812 each school website, the policies and procedures for reporting

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813 suspected or actual misconduct by instructional personnel or
814 school administrators, as defined in s. 1012.01, which affects
815 the health, safety, or welfare of a student, the contact person
816 to whom the report should be made, and the penalties imposed on
817 employees or agents for failing to report suspected or actual
818 child abuse or misconduct by instructional personnel or school
819 administrators which affects the health, safety, or welfare of a
820 student.

821 (3)(2) Require the person in charge of the charter school,
822 private school, or private provider or the district school
823 superintendent, or the superintendent's designee, at the request
824 of the Department of Children and Family Services, to act as a
825 liaison to the Department of Children and Family Services and the
826 child protection team, as defined in s. 39.01, when in a case of
827 suspected child abuse, abandonment, or neglect or an unlawful
828 sexual offense involving a child the case is referred to such a
829 team; except that this does not relieve or restrict the
830 Department of Children and Family Services from discharging its
831 duty and responsibility under the law to investigate and report
832 every suspected or actual case of child abuse, abandonment, or
833 neglect or unlawful sexual offense involving a child.

834 Section 25. Paragraph (c) of subsection (2) of section
835 1007.21, Florida Statutes, is amended to read:

836 1007.21 Readiness for postsecondary education and the
837 workplace.--

838 (2)

839 (c) The common placement test authorized in ss. 1001.03(11)
840 ~~1001.03(10)~~ and 1008.30 or a similar test may be administered to
841 all high school second semester sophomores who have chosen one of

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842 the four destinations. The results of the placement test shall be
843 used to target additional instructional needs in reading,
844 writing, and mathematics prior to graduation.

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

847 1007.23 Statewide articulation agreement.--

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

852 (a) Award a child development associate credential issued
853 by the National Credentialing Program of the Council for
854 Professional Recognition or award a credential approved under s.
855 1002.55(4)(c)1.b. ~~s. 1002.55(3)(e)1.b.~~ or s. 402.305(3)(c) as
856 being equivalent to the child development associate credential;
857 and

858 (b) Include training in emergent literacy which meets or
859 exceeds the minimum standards for training courses for
860 prekindergarten instructors of the Voluntary Prekindergarten
861 Education Program in s. 1002.59.

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

864 1008.33 Authority to enforce public school improvement.--It
865 is the intent of the Legislature that all public schools be held
866 accountable for students performing at acceptable levels. A
867 system of school improvement and accountability that assesses
868 student performance by school, identifies schools in which
869 students are not making adequate progress toward state standards,
870 institutes appropriate measures for enforcing improvement, and

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871 provides rewards and sanctions based on performance shall be the
872 responsibility of the State Board of Education.

873 (4) The State Board of Education may require the Department
874 of Education or Chief Financial Officer to withhold any transfer
875 of state funds to the school district if, within the timeframe
876 specified in state board action, the school district has failed
877 to comply with the action ordered to improve the district's low-
878 performing schools. Withholding the transfer of funds shall occur
879 only after all other recommended actions for school improvement
880 have failed to improve performance. The State Board of Education
881 may impose the same penalty on any district school board that
882 fails to develop and implement a plan for assistance and
883 intervention for low-performing schools as specified in s.
884 1001.42(18)(c) ~~s. 1001.42(16)(e)~~.

885 Section 28. Paragraph (c) of subsection (6) of section
886 1008.345, Florida Statutes, is amended to read:

887 1008.345 Implementation of state system of school
888 improvement and education accountability.--

889 (6)

890 (c) Pursuant to s. 24.121(5)(d), the department shall not
891 release funds from the Educational Enhancement Trust Fund to any
892 district in which a school, including schools operating for the
893 purpose of providing educational services to youth in Department
894 of Juvenile Justice programs, does not have an approved school
895 improvement plan, pursuant to s. 1001.42(18) ~~s. 1001.42(16)~~,
896 after 1 full school year of planning and development, or does not
897 comply with school advisory council membership composition
898 requirements pursuant to s. 1001.452. The department shall send a
899 technical assistance team to each school without an approved plan

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900 | to develop such school improvement plan or to each school without
901 | appropriate school advisory council membership composition to
902 | develop a strategy for corrective action. The department shall
903 | release the funds upon approval of the plan or upon establishment
904 | of a plan of corrective action. Notice shall be given to the
905 | public of the department's intervention and shall identify each
906 | school without a plan or without appropriate school advisory
907 | council membership composition.

908 | Section 29. Subsection (5) of section 1010.215, Florida
909 | Statutes, is amended to read:

910 | 1010.215 Educational funding accountability.--

911 | (5) The annual school public accountability report required
912 | by ss. 1001.42(18) ~~1001.42(16)~~ and 1008.345 must include a school
913 | financial report. The purpose of the school financial report is
914 | to better inform parents and the public concerning how funds were
915 | spent to operate the school during the prior fiscal year. Each
916 | school's financial report must follow a uniform, districtwide
917 | format that is easy to read and understand.

918 | (a) Total revenue must be reported at the school, district,
919 | and state levels. The revenue sources that must be addressed are
920 | state and local funds, other than lottery funds; lottery funds;
921 | federal funds; and private donations.

922 | (b) Expenditures must be reported as the total expenditures
923 | per unweighted full-time equivalent student at the school level
924 | and the average expenditures per full-time equivalent student at
925 | the district and state levels in each of the following categories
926 | and subcategories:

927 | 1. Teachers, excluding substitute teachers, and education
928 | paraprofessionals who provide direct classroom instruction to

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929 students enrolled in programs classified by s. 1011.62 as:

930 a. Basic programs;

931 b. Students-at-risk programs;

932 c. Special programs for exceptional students;

933 d. Career education programs; and

934 e. Adult programs.

935 2. Substitute teachers.

936 3. Other instructional personnel, including school-based

937 instructional specialists and their assistants.

938 4. Contracted instructional services, including training

939 for instructional staff and other contracted instructional

940 services.

941 5. School administration, including school-based

942 administrative personnel and school-based education support

943 personnel.

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

945 outlay:

946 a. Textbooks;

947 b. Computer hardware and software;

948 c. Other instructional materials;

949 d. Other materials and supplies; and

950 e. Library media materials.

951 7. Food services.

952 8. Other support services.

953 9. Operation and maintenance of the school plant.

954 (c) The school financial report must also identify the

955 types of district-level expenditures that support the school's

956 operations. The total amount of these district-level expenditures

957 must be reported and expressed as total expenditures per full-

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958 | time equivalent student.

959 | Section 30. Paragraph (b) of subsection (6) of section
960 | 1011.18, Florida Statutes, is amended to read:

961 | 1011.18 School depositories; payments into and withdrawals
962 | from depositories.--

963 | (6) EXEMPTION FOR SELF-INSURANCE PROGRAMS AND THIRD-PARTY
964 | ADMINISTERED EMPLOYEES' FRINGE BENEFIT PROGRAMS.--

965 | (b) The district school board may contract with an
966 | insurance company or professional administrator who holds a valid
967 | certificate of authority issued by the Office of Insurance
968 | Regulation of the Financial Services Commission to provide any ~~or~~
969 | ~~all~~ services that a third-party administrator is authorized by
970 | law to perform. Pursuant to such contract, the district school
971 | board may advance or remit money to the administrator to be
972 | deposited in a designated special checking account for paying
973 | claims against the district school board under its self-insurance
974 | programs, and remitting premiums to the providers of insured
975 | benefits on behalf of the district school board and the
976 | participants in such programs, and otherwise fulfilling the
977 | obligations imposed upon the administrator by law and the
978 | contractual agreements between the district school board and the
979 | administrator. The special checking account shall be maintained
980 | in a designated district school depository. The district school
981 | board may replenish such account as often as necessary upon the
982 | presentation by the service organization of documentation for
983 | claims or premiums due paid equal to the amount of the requested
984 | reimbursement. Such replenishment shall be made by a warrant
985 | signed by the chair of the district school board and
986 | countersigned by the district school superintendent. Such

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987 replenishment may be made by electronic, telephonic, or other
988 medium, and each transfer shall be confirmed in writing and
989 signed by the district school superintendent or his or her
990 designee. The provisions of strict accountability of all funds
991 and an annual audit by an independent certified public accountant
992 as provided in s. 1001.42(12)(k) ~~s. 1001.42(10)(k)~~ shall apply to
993 this subsection.

994 Section 31. Present subsection (6) of section 1012.27,
995 Florida Statutes, is redesignated as subsection (7), and a new
996 subsection (6) is added to that section, to read:

997 1012.27 Public school personnel; powers and duties of
998 district school superintendent.--The district school
999 superintendent is responsible for directing the work of the
1000 personnel, subject to the requirements of this chapter, and in
1001 addition the district school superintendent shall perform the
1002 following:

1003 (6) Before appointing a candidate to an instructional or
1004 school administrator position that involves direct contact with
1005 students, contact the candidate's previous employer to assess the
1006 candidate's ability to meet state and local ethical standards for
1007 professional educators, screen the candidate using the screening
1008 tools as described in s. 1001.10(5), and document the findings.

1009 Section 32. Section 1012.315, Florida Statutes, is created
1010 to read:

1011 1012.315 Disqualification from employment.--

1012 (1) Any instructional personnel or school administrators,
1013 as defined in s. 1012.01, are ineligible for employment in any
1014 position that involves direct contact with students if convicted
1015 of the following disqualifying offenses:

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- 1016 (a) Any offense listed in s. 435.04;
1017 (b) Section 787.025, relating to luring or enticing a
1018 child;
1019 (c) Section 794.05, relating to unlawful sexual activity
1020 with certain minors;
1021 (d) Section 810.14, relating to voyeurism;
1022 (e) Section 810.145, relating to video voyeurism;
1023 (f) Conviction of a crime involving moral turpitude; or
1024 (g) Any delinquent act that qualified or would have
1025 qualified an individual for inclusion on the Registered Juvenile
1026 Sex Offender List pursuant to s. 943.0435(1)(a)1.d.

1027 (2) A criminal act committed in another state or under
1028 federal law, the elements of which constitute a criminal act as
1029 described in subsection (1) shall, for purposes of
1030 disqualification, be considered as if the act was committed in
1031 this state.

1032 Section 33. Subsection (1) of section 1012.32, Florida
1033 Statutes, is amended to read:

1034 1012.32 Qualifications of personnel.--

1035 (1) (a) To be eligible for appointment in any position in
1036 any district school system, a person shall be of good moral
1037 character; shall have attained the age of 18 years, if he or she
1038 is to be employed in an instructional capacity; and shall, when
1039 required by law, hold a certificate or license issued under rules
1040 of the State Board of Education or the Department of Children and
1041 Family Services, except when employed pursuant to s. 1012.55 or
1042 under the emergency provisions of s. 1012.24. Previous residence
1043 in this state shall not be required in any school of the state as
1044 a prerequisite for any person holding a valid Florida certificate

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1045 or license to serve in an instructional capacity.

1046 (b) Any instructional personnel or school administrators,
1047 as defined in s. 1012.01, are disqualified from employment in any
1048 position having direct contact with students if convicted of a
1049 disqualifying offense as described in s. 1012.315.

1050 Section 34. Paragraph (a) of subsection (1), paragraph (c)
1051 of subsection (4), and paragraph (b) of subsection (6) of section
1052 1012.33, Florida Statutes, are amended to read:

1053 1012.33 Contracts with instructional staff, supervisors,
1054 and school principals.--

1055 (1) (a) Each person employed as a member of the
1056 instructional staff in any district school system shall be
1057 properly certified pursuant to s. 1012.56 or s. 1012.57 or
1058 employed pursuant to s. 1012.39 and shall be entitled to and
1059 shall receive a written contract as specified in this section.
1060 All such contracts, except continuing contracts as specified in
1061 subsection (4), shall contain provisions for dismissal during the
1062 term of the contract only for just cause. Just cause includes,
1063 but is not limited to, the following instances, as defined by
1064 rule of the State Board of Education: immorality, misconduct in
1065 office, incompetency, gross insubordination, willful neglect of
1066 duty, the commission of a criminal act, regardless of
1067 adjudication, or crimes ~~or conviction of a crime~~ involving moral
1068 turpitude.

1069 (4)

1070 (c) Any member of the district administrative or
1071 supervisory staff and any member of the instructional staff,
1072 including any school principal, who is under continuing contract
1073 may be suspended or dismissed at any time during the school year;

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1074 | however, the charges against him or her must be based on
1075 | immorality, misconduct in office, incompetency, gross
1076 | insubordination, willful neglect of duty, drunkenness, crimes or
1077 | ~~conviction of a crime~~ involving moral turpitude, as these terms
1078 | are defined by rule of the State Board of Education, or the
1079 | commission of a criminal act, regardless of adjudication.

1080 | Whenever such charges are made against an ~~any such~~ employee of
1081 | the district school board, the district school board may suspend
1082 | such person without pay; but, if the charges are not sustained,
1083 | he or she shall be immediately reinstated, and his or her back
1084 | salary shall be paid. In cases of suspension by the district
1085 | school board or by the district school superintendent, the
1086 | district school board shall determine upon the evidence submitted
1087 | whether the charges have been sustained and, if the charges are
1088 | sustained, shall determine either to dismiss the employee or fix
1089 | the terms under which he or she may be reinstated. If such
1090 | charges are sustained by a majority vote of the full membership
1091 | of the district school board and the ~~such~~ employee is discharged,
1092 | his or her contract of employment shall be ~~thereby~~ canceled. Any
1093 | ~~such~~ decision adverse to the employee may be appealed by the
1094 | employee pursuant to s. 120.68, provided the ~~such~~ appeal is filed
1095 | within 30 days after the decision of the district school board.

1096 | (6)

1097 | (b) Any member of the district administrative or
1098 | supervisory staff, including any principal but excluding an
1099 | employee specified in subsection (4), may be suspended or
1100 | dismissed at any time during the term of the contract; however,
1101 | the charges against him or her must be based on immorality,
1102 | misconduct in office, incompetency, gross insubordination,

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1103 willful neglect of duty, drunkenness, or crimes ~~conviction of any~~
1104 ~~crime~~ involving moral turpitude, as these terms are defined by
1105 rule of the State Board of Education. Whenever such charges are
1106 made against an ~~any such~~ employee of the district school board,
1107 the district school board may suspend the employee without pay;
1108 but, if the charges are not sustained, he or she shall be
1109 immediately reinstated, and his or her back salary shall be paid.
1110 In cases of suspension by the district school board or by the
1111 district school superintendent, the district school board shall
1112 determine upon the evidence submitted whether the charges have
1113 been sustained and, if the charges are sustained, shall determine
1114 either to dismiss the employee or fix the terms under which he or
1115 she may be reinstated. If such charges are sustained by a
1116 majority vote of the full membership of the district school board
1117 and the ~~such~~ employee is discharged, his or her contract of
1118 employment shall be ~~thereby~~ canceled. Any ~~such~~ decision adverse
1119 to the employee may be appealed by him or her pursuant to s.
1120 120.68, provided such appeal is filed within 30 days after the
1121 decision of the district school board.

1122 Section 35. Subsection (4) of section 1012.34, Florida
1123 Statutes, is amended to read:

1124 1012.34 Assessment procedures and criteria.--

1125 (4) The district school superintendent shall notify the
1126 department of any instructional personnel who receive two
1127 consecutive unsatisfactory evaluations and who have been given
1128 written notice by the district that their employment is being
1129 terminated or is not being renewed or that the district school
1130 board intends to terminate, or not renew, their employment. The
1131 department shall conduct an investigation to determine whether

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1132 action shall be taken against the certificateholder pursuant to
1133 s. 1012.795(1)(c) ~~s. 1012.795(1)(b)~~.

1134 Section 36. Subsections (9) and (14) of section 1012.56,
1135 Florida Statutes, are amended to read:

1136 1012.56 Educator certification requirements.--

1137 (9) BACKGROUND SCREENING REQUIRED, INITIALLY AND
1138 PERIODICALLY.--

1139 (a) Each person who seeks certification under this chapter
1140 must undergo state and national criminal history records checks
1141 pursuant to s. 435.04 and may not have been convicted of any
1142 disqualifying offense under s. 1012.315. An individual is exempt
1143 from undergoing an additional state and national criminal history
1144 records checks if the checks have ~~meet level 2 screening~~
1145 requirements as described in s. 1012.32 unless a level 2
1146 screening has been conducted by a district school board or the
1147 Department of Education within 12 months before the date the
1148 person initially obtains certification under this chapter, the
1149 results of which are submitted to the district school board or to
1150 the Department of Education.

1151 (b) A person may not receive a certificate under this
1152 chapter until the person undergoes state and national criminal
1153 history records checks pursuant to s. 435.04 verifying that the
1154 person has not been convicted of a disqualifying offense as
1155 described in s. 1012.315, ~~level 2 screening has been completed~~
1156 and the results have been submitted to the Department of
1157 Education or to the district school superintendent of the school
1158 district that employs the person. Every 5 years after obtaining
1159 initial certification, each person who is required to be
1160 certified under this chapter must meet the ~~level 2 screening~~

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1161 requirements as described in paragraph (a) ~~s. 1012.32~~, at which
1162 time the school district shall request the Department of Law
1163 Enforcement to forward the fingerprints to the Federal Bureau of
1164 Investigation for national processing ~~the level 2 screening~~. If,
1165 for any reason after obtaining initial certification, the
1166 fingerprints of a person who is required to be certified under
1167 this chapter are not retained by the Department of Law
1168 Enforcement under s. 1012.32(3) (a) and (b), the person must file
1169 a complete set of fingerprints with the district school
1170 superintendent of the employing school district. Upon submission
1171 of fingerprints for this purpose, the school district shall
1172 request the Department of Law Enforcement to forward the
1173 fingerprints to the Federal Bureau of Investigation for national
1174 processing ~~the level 2 screening~~, and the fingerprints shall be
1175 retained by the Department of Law Enforcement under s.
1176 1012.32(3) (a) and (b). The cost of the state and federal criminal
1177 history check required by paragraph (a) and this paragraph ~~level~~
1178 ~~2 screening~~ may be borne by the district school board or the
1179 employee. Under penalty of perjury, each person who is certified
1180 under this chapter must agree to inform his or her employer
1181 within 48 hours if convicted of any disqualifying offense while
1182 he or she is employed in a position for which such certification
1183 is required.

1184 (c) If it is found under s. 1012.796 that a person who is
1185 employed in a position requiring certification under this chapter
1186 is ineligible for employment under s. 1012.315 ~~does not meet the~~
1187 ~~level 2 screening requirements~~, the person's certification shall
1188 be immediately revoked or suspended and he or she shall be
1189 immediately suspended from the position requiring certification.

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1190 (14) PERSONNEL RECORDS.--The Department of Education shall
1191 maintain an electronic database that includes, but need not be
1192 limited to, a complete statement of the academic preparation,
1193 professional training, and teaching experience of each person to
1194 whom a certificate is issued. The applicant or the district
1195 school superintendent shall furnish the information using a
1196 format ~~or forms~~ provided by the department.

1197 Section 37. Subsection (1) and paragraph (a) of subsection
1198 (8) of section 1012.79, Florida Statutes, are amended to read:

1199 1012.79 Education Practices Commission; organization.--

1200 (1) The Education Practices Commission consists of 25 ~~17~~
1201 members, including 8 ~~7~~ teachers; 7 ~~5~~ administrators, at least one
1202 of whom shall represent a private school; 7 and 5 lay citizens,
1203 ~~of whom 5 shall be parents of public school students and who are~~
1204 unrelated to public school employees and 2 shall be current or
1205 former district school board members; ~~7~~ and 5 sworn law
1206 enforcement officials, appointed by the State Board of Education
1207 from nominations by the Commissioner of Education and subject to
1208 Senate confirmation. Before ~~Prior~~ to making nominations, the
1209 commissioner shall consult with ~~the~~ teaching associations, parent
1210 organizations, law enforcement agencies, and other involved
1211 associations in the state. In making nominations, the
1212 commissioner shall attempt to achieve equal geographical
1213 representation, as closely as possible.

1214 (a) A teacher member, in order to be qualified for
1215 appointment:

- 1216 1. Must be certified to teach in the state.
- 1217 2. Must be a resident of the state.
- 1218 3. Must have practiced the profession in this state for at

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1219 | least 5 years immediately preceding the appointment.

1220 | (b) A school administrator member, in order to be qualified
1221 | for appointment:

1222 | 1. Must have an endorsement on the educator certificate in
1223 | the area of school administration or supervision.

1224 | 2. Must be a resident of the state.

1225 | 3. Must have practiced the profession as an administrator
1226 | for at least 5 years immediately preceding the appointment.

1227 | (c) The lay members must be residents of the state.

1228 | (d) The members who are law enforcement officials must have
1229 | served in the profession for at least 5 years immediately
1230 | preceding appointment and have background expertise in child
1231 | safety.

1232 | (8) (a) The commission shall, from time to time, designate
1233 | members of the commission to serve on panels for the purpose of
1234 | reviewing and issuing final orders upon cases presented to the
1235 | commission. A case concerning a complaint against a teacher shall
1236 | be reviewed and a final order ~~thereon shall be~~ entered by a panel
1237 | composed of five commission members, at least one of whom must be
1238 | a parent or a sworn law enforcement officer, and at least three
1239 | of whom must ~~shall~~ be teachers. A case concerning a complaint
1240 | against an administrator shall be reviewed and a final order
1241 | ~~thereon shall be~~ entered by a panel composed of five commission
1242 | members, at least one of whom must be a parent or a sworn law
1243 | enforcement officer, and at least three of whom must ~~shall~~ be
1244 | administrators.

1245 | Section 38. Subsection (1) of section 1012.795, Florida
1246 | Statutes, is amended to read:

1247 | 1012.795 Education Practices Commission; authority to

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1248 discipline.--

1249 (1) The Education Practices Commission may suspend the
1250 educator certificate of any person as defined in s. 1012.01(2) or
1251 (3) for a period of time not to exceed 5 years, thereby denying
1252 that person the right to teach or otherwise be employed by a
1253 district school board or public school in any capacity requiring
1254 direct contact with students for that period of time, after which
1255 the holder may return to teaching as provided in subsection (4);
1256 may revoke the educator certificate of any person, thereby
1257 denying that person the right to teach or otherwise be employed
1258 by a district school board or public school in any capacity
1259 requiring direct contact with students for a period of time not
1260 to exceed 10 years, with reinstatement subject to the provisions
1261 of subsection (4); may revoke permanently the educator
1262 certificate of any person thereby denying that person the right
1263 to teach or otherwise be employed by a district school board or
1264 public school in any capacity requiring direct contact with
1265 students; may suspend the educator certificate, upon order of the
1266 court, of any person found to have a delinquent child support
1267 obligation; or may impose any other penalty provided by law, if
1268 ~~provided it can be shown that~~ the person:

1269 (a) Obtained or attempted to obtain an educator certificate
1270 by fraudulent means.

1271 (b) Knowingly failed to report any suspected or actual
1272 child abuse pursuant to s. 1006.061 or misconduct by
1273 instructional personnel or school administrators under s.
1274 1012.795, which affects the health, safety, or welfare of a
1275 student.

1276 (c) ~~(b)~~ Has proved to be incompetent to teach or to perform

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1277 | duties as an employee of the public school system or to teach in
1278 | or to operate a private school.

1279 | (d) ~~(e)~~ Has been guilty of gross immorality or an act
1280 | involving moral turpitude as defined by rules of the State Board
1281 | of Education.

1282 | (e) ~~(d)~~ Has had an educator certificate sanctioned by
1283 | revocation, suspension, or surrender in another state.

1284 | (f) ~~(e)~~ Has been convicted of a misdemeanor, felony, or any
1285 | other criminal charge, other than a minor traffic violation.

1286 | (g) ~~(f)~~ Upon investigation, has been found guilty of
1287 | personal conduct which seriously reduces that person's
1288 | effectiveness as an employee of the district school board.

1289 | (h) ~~(g)~~ Has breached a contract, as provided in s.
1290 | 1012.33(2).

1291 | (i) ~~(h)~~ Has been the subject of a court order directing the
1292 | Education Practices Commission to suspend the certificate as a
1293 | result of a delinquent child support obligation.

1294 | (j) ~~(i)~~ Has violated the Principles of Professional Conduct
1295 | for the Education Profession prescribed by State Board of
1296 | Education rules.

1297 | (k) ~~(j)~~ Has otherwise violated the provisions of law, the
1298 | penalty for which is the revocation of the educator certificate.

1299 | (l) ~~(k)~~ Has violated any order of the Education Practices
1300 | Commission.

1301 | (m) ~~(l)~~ Has been the subject of a court order or plea
1302 | agreement in any jurisdiction which requires the
1303 | certificateholder to surrender or otherwise relinquish his or her
1304 | educator's certificate. A surrender or relinquishment shall be
1305 | for permanent revocation of the certificate. A person may not

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1306 surrender or otherwise relinquish his or her certificate prior to
1307 a finding of probable cause by the commissioner as provided in s.
1308 1012.796.

1309 Section 39. Subsections (1), (3), and (5) of section
1310 1012.796, Florida Statutes, are amended to read:

1311 1012.796 Complaints against teachers and administrators;
1312 procedure; penalties.--

1313 (1) (a) The Department of Education shall cause to be
1314 investigated expeditiously any complaint filed before it or
1315 otherwise called to its attention which, if legally sufficient,
1316 contains grounds for the revocation or suspension of a
1317 certificate or any other appropriate penalty as set forth in
1318 subsection (7). The complaint is legally sufficient if it
1319 contains the ultimate facts which show a violation has occurred
1320 as provided in s. 1012.795 and defined by rule. The department
1321 shall ~~may~~ investigate or continue to investigate and take
1322 appropriate action on a complaint even though the original
1323 complainant withdraws the complaint or otherwise indicates a
1324 desire not to cause it to be investigated or prosecuted to
1325 completion. The department may investigate or continue to
1326 investigate and take action on a complaint filed against a person
1327 whose educator certificate has expired if the act or acts that
1328 ~~which~~ are the basis for the complaint were allegedly committed
1329 while that person possessed an educator certificate.

1330 (b) The Department of Education shall investigate
1331 immediately any complaint filed before it or otherwise called to
1332 its attention which involves misconduct by any certificated
1333 personnel which affects the health, safety, or welfare of a
1334 student. The department must investigate or continue to

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1335 investigate and take action on such a complaint filed against a
1336 person whose educator certificate has expired if the act or acts
1337 that are the basis for the complaint were allegedly committed
1338 while that person possessed an educator certificate.

1339 (c) ~~(b)~~ When an investigation is undertaken, the department
1340 shall notify the certificateholder or applicant for certification
1341 and the district school superintendent or the university
1342 laboratory school, charter school, or private school in which the
1343 certificateholder or applicant for certification is employed or
1344 was employed at the time the alleged offense occurred. In
1345 addition, the department shall inform the certificateholder or
1346 applicant for certification of the substance of any complaint
1347 which has been filed against that certificateholder or applicant,
1348 unless the department determines that such notification would be
1349 detrimental to the investigation, in which case the department
1350 may withhold notification.

1351 (d) ~~(e)~~ Each school district shall file in writing with the
1352 department all legally sufficient complaints within 30 days after
1353 the date on which subject matter of the complaint comes to the
1354 attention of the school district. A complaint is legally
1355 sufficient if it contains ultimate facts that show a violation
1356 has occurred as provided in s. 1012.795 and defined by rule. The
1357 school district shall include all information relating to the
1358 complaint which is known to the school district at the time of
1359 filing. Each district school board shall develop and adopt
1360 policies and procedures to comply with this reporting
1361 requirement. School board policies and procedures must include
1362 standards for screening, hiring, and terminating employees,
1363 ethical standards for all employees, responsibilities of

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1364 educators to uphold the standards, detailed steps to be followed
1365 in reporting suspected or actual misconduct by instructional
1366 personnel or a school administrator which affects the health,
1367 safety, or welfare of a student, requirements for the
1368 reassignment of an employee pending the outcome of a misconduct
1369 investigation, and penalties for failing to comply pursuant to
1370 ss. 1001.51 and 1012.795. The district school board policies and
1371 procedures shall include appropriate penalties for all personnel
1372 of the district school board for nonreporting and procedures for
1373 promptly informing the district school superintendent of each
1374 legally sufficient complaint. The district school superintendent
1375 is charged with knowledge of these policies and procedures and is
1376 accountable for communicating the ethical standards, policies,
1377 and procedures, to be provided through professional development
1378 for all staff. If the district school superintendent has
1379 knowledge of a legally sufficient complaint and does not report
1380 the complaint, or fails to enforce the policies and procedures of
1381 the district school board, and fails to comply with the
1382 requirements of this subsection, in addition to other actions
1383 against certificateholders authorized by law, the district school
1384 superintendent is shall be subject to penalties as specified in
1385 s. 1001.51(12). If the superintendent determines that misconduct
1386 affecting the health, safety, or welfare of a student has
1387 occurred which warrants termination, the employee may resign or
1388 be terminated and a record, including information relating to the
1389 misconduct that resulted in the severance from employment, shall
1390 be reported to the Department of Education and maintained in the
1391 employee's public personnel file. This paragraph does not limit
1392 or restrict the power and duty of the department to investigate

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1393 complaints as provided in paragraphs (a) and (c) ~~(b)~~, regardless
1394 of the school district's untimely filing, or failure to file,
1395 complaints and followup reports.

1396 (e) If allegations arise against an employee who is
1397 certified under s. 1012.56, and employed in an educator-
1398 certificated position by any school or provider in the state,
1399 such school or provider, or governing body thereof, shall file in
1400 writing with the department a legally sufficient complaint within
1401 30 days after the date on which the subject matter of the
1402 complaint came to the attention of the school or provider. A
1403 complaint is legally sufficient if it contains ultimate facts
1404 that show a violation has occurred as provided in s. 1012.795.
1405 The school or provider shall include all known information
1406 relating to the complaint with the filing of the complaint. This
1407 paragraph does not limit or restrict the power and duty of the
1408 department to investigate complaints as provided in paragraphs
1409 (a) and (c) regardless of the school's or provider's untimely
1410 filing, or failure to file, complaints and followup reports.

1411 (f) ~~(d)~~ Notwithstanding any other law, all law enforcement
1412 agencies, state attorneys, social service agencies, district
1413 school boards, and the Division of Administrative Hearings shall
1414 fully cooperate with and, upon request, shall provide unredacted
1415 documents to the Department of Education to further
1416 investigations and prosecutions conducted pursuant to this
1417 section. Any document received ~~pursuant to this paragraph~~ may not
1418 be redisclosed except as authorized by law.

1419 (3) The department staff shall advise the commissioner
1420 concerning the findings of the investigation. The department
1421 general counsel or members of that staff shall review the

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1422 investigation and advise the commissioner concerning probable
1423 cause or lack thereof. The determination of probable cause shall
1424 be made by the commissioner. The commissioner shall provide an
1425 opportunity for a conference, if requested, prior to determining
1426 probable cause. The commissioner may enter into deferred
1427 prosecution agreements in lieu of finding probable cause if, when
1428 in his or her judgment, such agreements are ~~would be~~ in the best
1429 interests of the department, the certificateholder, and the
1430 public. Such deferred prosecution agreements shall become
1431 effective when filed with the clerk of the Education Practices
1432 Commission. However, a deferred prosecution agreement shall not
1433 be entered into if ~~where~~ there is probable cause to believe that
1434 a felony or an act of moral turpitude, as defined in rule, has
1435 occurred. Upon finding no probable cause, the commissioner shall
1436 dismiss the complaint.

1437 (5) When an allegation of misconduct involving a student,
1438 which affects the student's health, safety, or welfare, by
1439 instructional personnel or a school administrator, as defined in
1440 s. 1012.01, occurs ~~deemed necessary to protect the health,~~
1441 ~~safety, and welfare of a minor student,~~ the district school
1442 superintendent in consultation with the school principal, or may,
1443 ~~and~~ upon the request of the Commissioner of Education, must
1444 immediately ~~shall, temporarily~~ suspend the employee a
1445 ~~certificateholder~~ from ~~the certificateholder's~~ regularly assigned
1446 duties, with pay, and reassign the suspended instructor or
1447 administrator ~~certificateholder~~ to a position that does not
1448 require direct contact with students in the district school
1449 system. Such suspension shall continue until the completion of
1450 the proceedings and the determination of sanctions, if any,

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1451 pursuant to this section and s. 1012.795.

1452 Section 40. Paragraph (b) of subsection (4) of section
1453 1012.98, Florida Statutes, is amended to read:

1454 1012.98 School Community Professional Development Act.--

1455 (4) The Department of Education, school districts, schools,
1456 community colleges, and state universities share the
1457 responsibilities described in this section. These
1458 responsibilities include the following:

1459 (b) Each school district shall develop a professional
1460 development system as specified in subsection (3). The system
1461 shall be developed in consultation with teachers, teacher-
1462 educators of community colleges and state universities, business
1463 and community representatives, and local education foundations,
1464 consortia, and professional organizations. The professional
1465 development system must:

1466 1. Be approved by the department. All substantial revisions
1467 to the system shall be submitted to the department for review for
1468 continued approval.

1469 2. Be based on analyses of student achievement data and
1470 instructional strategies and methods that support rigorous,
1471 relevant, and challenging curricula for all students. Schools and
1472 districts, in developing and refining the professional
1473 development system, shall also review and monitor school
1474 discipline data; school environment surveys; assessments of
1475 parental satisfaction; performance appraisal data of teachers,
1476 managers, and administrative personnel; and other performance
1477 indicators to identify school and student needs that can be met
1478 by improved professional performance.

1479 3. Provide inservice activities coupled with followup

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1480 support appropriate to accomplish district-level and school-level
1481 improvement goals and standards. The inservice activities for
1482 instructional personnel shall focus on analysis of student
1483 achievement data, ongoing formal and informal assessments of
1484 student achievement, identification and use of enhanced and
1485 differentiated instructional strategies that emphasize rigor,
1486 relevance, and reading in the content areas, enhancement of
1487 subject content expertise, integrated use of classroom technology
1488 that enhances teaching and learning, classroom management, parent
1489 involvement, and school safety.

1490 4. Include a master plan for inservice activities, pursuant
1491 to rules of the State Board of Education, for all district
1492 employees from all fund sources. The master plan shall be updated
1493 annually by September 1, must be based on input from teachers and
1494 district and school instructional leaders, and must use the
1495 latest available student achievement data and research to enhance
1496 rigor and relevance in the classroom. Each district inservice
1497 plan must be aligned to and support the school-based inservice
1498 plans and school improvement plans pursuant to s. 1001.42(18) ~~s.~~
1499 ~~1001.42(16)~~. District plans must be approved by the district
1500 school board annually in order to ensure compliance with
1501 subsection (1) and to allow for dissemination of research-based
1502 best practices to other districts. District school boards must
1503 submit verification of their approval to the Commissioner of
1504 Education no later than October 1, annually.

1505 5. Require each school principal to establish and maintain
1506 an individual professional development plan for each
1507 instructional employee assigned to the school as a seamless
1508 component to the school improvement plans developed pursuant to

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1509 s. 1001.42(18) ~~s. 1001.42(16)~~. The individual professional
1510 development plan must:

1511 a. Be related to specific performance data for the students
1512 to whom the teacher is assigned.

1513 b. Define the inservice objectives and specific measurable
1514 improvements expected in student performance as a result of the
1515 inservice activity.

1516 c. Include an evaluation component that determines the
1517 effectiveness of the professional development plan.

1518 6. Include inservice activities for school administrative
1519 personnel that address updated skills necessary for instructional
1520 leadership and effective school management pursuant to s.
1521 1012.986.

1522 7. Provide for systematic consultation with regional and
1523 state personnel designated to provide technical assistance and
1524 evaluation of local professional development programs.

1525 8. Provide for delivery of professional development by
1526 distance learning and other technology-based delivery systems to
1527 reach more educators at lower costs.

1528 9. Provide for the continuous evaluation of the quality and
1529 effectiveness of professional development programs in order to
1530 eliminate ineffective programs and strategies and to expand
1531 effective ones. Evaluations must consider the impact of such
1532 activities on the performance of participating educators and
1533 their students' achievement and behavior.

1534 Section 41. Subsection (4) of section 1013.03, Florida
1535 Statutes, is amended to read:

1536 1013.03 Functions of the department and the Board of
1537 Governors.--The functions of the Department of Education as it

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1538 | pertains to educational facilities of school districts and
1539 | community colleges and of the Board of Governors as it pertains
1540 | to educational facilities of state universities shall include,
1541 | but not be limited to, the following:

1542 | (4) Require each board and other appropriate agencies to
1543 | submit complete and accurate financial data as to the amounts of
1544 | funds from all sources that are available and spent for
1545 | construction and capital improvements. The commissioner shall
1546 | prescribe the format and the date for the submission of this data
1547 | and any other educational facilities data. If any district does
1548 | not submit the required educational facilities fiscal data by the
1549 | prescribed date, the Commissioner of Education shall notify the
1550 | district school board of this fact and, if appropriate action is
1551 | not taken to immediately submit the required report, the district
1552 | school board shall be directed to proceed pursuant to s.
1553 | 1001.42(13)(b) ~~the provisions of s. 1001.42(11)(b)~~. If any
1554 | community college or university does not submit the required
1555 | educational facilities fiscal data by the prescribed date, the
1556 | same policy prescribed in this subsection for school districts
1557 | shall be implemented.

1558 | Section 42. The sum of \$153,872 is appropriated from the
1559 | Educational Certification and Services Trust Fund to the
1560 | Department of Education for the 2008-2009 fiscal year, and two
1561 | additional full-time equivalent positions and associated salary
1562 | rate of 90,088 are authorized, for the purpose of implementing
1563 | this act.

1564 | Section 43. This act shall take effect July 1, 2008.