

FOR CONSIDERATION By the Committee on Education Pre-K - 12

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

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

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59 | instructors, the Florida Secondary School Redesign Act,
60 | dropout prevention, and career education; conforming
61 | cross-references; amending s. 1006.061, F.S.; requiring
62 | each district school board to post its policies and
63 | procedures for reporting misconduct by educators and the
64 | penalties imposed for failing to report suspected or
65 | actual child abuse; amending ss. 1007.21, 1007.23,
66 | 1008.33, 1008.345, 1010.215, and 1011.18, F.S., relating
67 | to readiness for postsecondary education and the
68 | workplace, the statewide articulation agreement, public
69 | school improvement and educator accountability, funding
70 | accountability, and school depositories; conforming cross-
71 | references; amending s. 1012.27, F.S.; requiring the
72 | district school superintendent to contact the previous
73 | employer of each candidate for employment and notify the
74 | Department of Education of the termination of an employee,
75 | regardless of cause; amending s. 1012.33, F.S.; providing
76 | that just cause for terminating instructional staff
77 | includes immorality or the commission of a criminal or
78 | delinquent act; providing for the termination of other
79 | personnel as provided by policy and rules of the district
80 | school board; amending s. 1012.34, F.S., relating to
81 | assessment procedures; conforming a cross-reference;
82 | amending s. 1012.56, F.S., relating to certification
83 | requirements for educators; providing for the Department
84 | of Education to maintain personnel records on an
85 | electronic database; amending s. 1012.79, F.S.; providing
86 | for additional members to be appointed to the Education
87 | Practices Commission, including five sworn law enforcement

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88 officials; revising the composition of the panel appointed
89 to review complaints against teachers; amending s.
90 1012.795, F.S.; providing for suspending the educator
91 certificate of a person who knowingly fails to report
92 suspected or actual child abuse or violates certain
93 principles of professional conduct; requiring each
94 district school superintendent and the governing authority
95 of certain schools to report to the department the names
96 of employees dismissed for any reason; providing sanctions
97 for failing to make such reports; amending s. 1012.796,
98 F.S.; requiring that the Department of Education
99 investigate each complaint; clarifying what constitutes a
100 legally sufficient complaint; providing requirements for
101 adopted school board policies and procedures; providing
102 that the district school superintendent is accountable for
103 communicating standards, policies, and procedures to
104 district employees; requiring that an educator be
105 immediately suspended and reassigned upon an allegation of
106 educator misconduct; amending ss. 1012.98 and 1013.03,
107 F.S., relating to the School Community Professional
108 Development Act and functions of the department and Board
109 of Governors; conforming cross-references; providing an
110 effective date.

111
112 Be It Enacted by the Legislature of the State of Florida:

113
114 Section 1. This act may be cited as the "Ethics in
115 Education Act."

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

118 24.121 Allocation of revenues and expenditure of funds for
119 public education.--

120 (5)

121 (c) A portion of such net revenues, as determined annually
122 by the Legislature, shall be distributed to each school district
123 and shall be made available to each public school in the district
124 for enhancing school performance through development and
125 implementation of a school improvement plan pursuant to s.
126 1001.42(18) ~~s. 1001.42(16)~~. A portion of these moneys, as
127 determined annually in the General Appropriations Act, must be
128 allocated to each school in an equal amount for each student
129 enrolled. These moneys may be expended only on programs or
130 projects selected by the school advisory council or by a parent
131 advisory committee created pursuant to this paragraph. If a
132 school does not have a school advisory council, the district
133 advisory council must appoint a parent advisory committee
134 composed of parents of students enrolled in that school, which
135 committee is representative of the ethnic, racial, and economic
136 community served by the school, to advise the school's principal
137 on the programs or projects to be funded. Neither school district
138 staff nor principals may override the recommendations of the
139 school advisory council or the parent advisory committee. These
140 moneys may not be used for capital improvements, nor may they be
141 used for any project or program that has a duration of more than
142 1 year; however, a school advisory council or parent advisory
143 committee may independently determine that a program or project

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144 formerly funded under this paragraph should receive funds in a
145 subsequent year.

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

155 Section 3. Paragraph (e) of subsection (2) of section
156 112.3173, Florida Statutes, is amended to read:

157 112.3173 Felonies involving breach of public trust and
158 other specified offenses by public officers and employees;
159 forfeiture of retirement benefits.--

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

162 (e) "Specified offense" means:

163 1. The committing, aiding, or abetting of an embezzlement
164 of public funds;

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

167 3. Bribery in connection with the employment of a public
168 officer or employee;

169 4. Any felony specified in chapter 838, except ss. 838.15
170 and 838.16;

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

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

182 7. Effective October 1, 2008, the committing of any felony
183 defined in chapter 800 against a victim younger than 16 years of
184 age or any felony defined in chapter 794 against a victim younger
185 than 18 years of age by a public officer or employee through the
186 use or attempted use of power, rights, privileges, duties, or
187 position of his or her public office or employment position.

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

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

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201 The department shall adopt rules establishing procedures for
202 application for retirement benefits and for the cancellation of
203 such application when the required information or documents are
204 not received.

205 (5) TERMINATION BENEFITS.--A member whose employment is
206 terminated prior to retirement retains membership rights to
207 previously earned member-noncontributory service credit, and to
208 member-contributory service credit, if the member leaves the
209 member contributions on deposit in his or her retirement account.
210 If a terminated member receives a refund of member contributions,
211 such member may reinstate membership rights to the previously
212 earned service credit represented by the refund by completing 1
213 year of creditable service and repaying the refunded member
214 contributions, plus interest.

215 (i) Effective October 1, 2008, the division may not pay
216 benefits to any member who has committed any felony defined in
217 chapter 800 against a victim younger than 16 years of age or any
218 felony defined in chapter 794 against a victim younger than 18
219 years of age through the use or attempted use of power, rights,
220 privileges, duties, or position of his or her public office or
221 employment position.

222
223 Section 5. Present subsections (3) through (15) of section
224 1001.03, Florida Statutes, are redesignated as subsections (4)
225 through (16), respectively, and a new subsection (3) is added to
226 that section, to read:

227 1001.03 Specific powers of State Board of Education.--

228 (3) ESTABLISH CRIMINAL OR DELINQUENT ACTS DISQUALIFYING A
229 PERSON FROM ACQUIRING OR RETAINING A FLORIDA TEACHING

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230 CERTIFICATE.--The State Board of Education shall establish and
231 adopt by rule a list of criminal or delinquent acts that
232 disqualify a person from acquiring or retaining a Florida
233 Teaching Certificate when a court of competent jurisdiction has
234 entered a judgment of conviction or an adjudication of
235 delinquency. The board shall review the list annually and amend
236 the list as necessary. A criminal or delinquent act committed in
237 another state or under federal law, the elements of which
238 constitute a criminal or delinquent act in this state, shall be
239 considered for purposes of disqualification as if the act was
240 committed in this state. The list of criminal or delinquent acts
241 must include, at minimum, the following:

242 (a) Section 393.135, relating to sexual misconduct with
243 certain developmentally disabled clients and reporting of such
244 sexual misconduct.

245 (b) Section 394.4593, relating to sexual misconduct with
246 certain mental health patients and reporting of such sexual
247 misconduct.

248 (c) Section 782.04, relating to murder.

249 (d) Section 787.01, relating to the kidnapping of a child
250 younger than 13 years of age.

251 (e) Section 787.02, relating to false imprisonment and
252 false imprisonment of a child younger than 13 years of age.

253 (f) Section 787.025, relating to luring or enticing a
254 child.

255 (g) Section 794.011, relating to sexual battery.

256 (h) Section 794.05, relating to unlawful sexual activity
257 with certain minors.

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258 (i) Section 800.04, relating to lewd or lascivious offenses
259 committed upon or in the presence of persons less than 16 years
260 of age.

261 (j) Section 810.14, relating to voyeurism.

262 (k) Section 810.145, relating to video voyeurism.

263 (l) Section 827.03, relating to abuse, aggravated abuse,
264 and neglect of a child.

265 (m) Section 827.071, relating to sexual performance by a
266 child.

267 (n) Section 847.0133, relating to protection of minors and
268 prohibition of certain acts in connection with obscenity.

269 (o) Section 847.0135, relating to computer pornography and
270 traveling to meet minor.

271 (p) Section 847.0137, relating to transmission of child
272 pornography by electronic device.

273 (q) Section 847.0138, relating to transmission of material
274 harmful to minors by electronic device.

275 (r) Section 985.701, relating to sexual misconduct in
276 juvenile justice programs.

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

280 1001.10 Commissioner of Education; general powers and
281 duties.--

282 (4) The Commissioner of Education shall provide technical
283 assistance and support to local school districts, the Florida
284 School for the Deaf and the Blind, and private providers pursuant
285 to ss. 1002.421 and 1002.55 in the development of policies and
286 procedures related to educator ethics and employment.

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

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

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

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

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

307 (6) ESTABLISH ETHICAL STANDARDS.--Adopt and communicate
308 policies and procedures setting forth ethical standards for all
309 employees. The policies and procedures must include
310 responsibilities and procedures for reporting suspected or actual
311 misconduct by an educator and liability protections provided to
312 students, parents, and employees who report suspected or actual
313 misconduct pursuant to s. 39.201, s. 39.202, or s. 768.095.

314 (a) A district school board or any of its employees may not
315 enter into any form of confidentiality agreement regarding a

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316 terminated or dismissed employee or an employee who resigns in
317 lieu of termination and may not provide for any such employee a
318 favorable recommendation for employment in another educational
319 setting. Any portion of an agreement or contract that has the
320 purpose or effect of concealing the conduct of an educator
321 regarding actions over which the Education Practices Commission
322 has disciplinary jurisdiction is void, is contrary to public
323 policy, and may not be enforced.

324 (b) No court shall enter an order or judgment that has the
325 purpose or effect of concealing the conduct of an educator
326 regarding actions over which the Education Practices Commission
327 has disciplinary jurisdiction.

328 (c) Any substantially affected person has standing to
329 contest an order, judgment, agreement, or contract that violates
330 paragraph (a) or paragraph (b). A person may contest an order,
331 judgment, agreement, or contract that violates paragraph (a) or
332 paragraph (b) by a motion in the court that entered the order of
333 judgment or by bringing an action for a declaratory judgment
334 under chapter 86.

335 (7) ESTABLISH CRIMINAL OR DELINQUENT ACTS DISQUALIFYING A
336 PERSON FROM EMPLOYMENT.--Establish and adopt a list of criminal
337 or delinquent acts that disqualify a person from employment in a
338 position that involves direct contact with students. The list
339 must include, at minimum, criminal and delinquent acts identified
340 pursuant to s. 1001.03(3). The district school board shall review
341 the list annually and amend the list as necessary. A criminal or
342 delinquent act committed in another state or under federal law,
343 the elements of which constitute a criminal or delinquent act in
344 this state, shall be considered for purposes of disqualification

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345 as if the act was committed in this state. Any district school
346 board member who knowingly signs and transmits to any state
347 official a false or incorrect report or who fails to investigate
348 all reports of suspected or actual misconduct or report
349 allegations of misconduct by an educator pursuant to s. 1012.796
350 forfeits his or her right to any salary for the period of 1 year
351 following the date of such act or failure to act.

352 Section 9. Paragraphs (a) and (c) of subsection (1) and
353 subsection (2) of section 1001.452, Florida Statutes, are amended
354 to read:

355 1001.452 District and school advisory councils.--

356 (1) ESTABLISHMENT.--

357 (a) The district school board shall establish an advisory
358 council for each school in the district and shall develop
359 procedures for the election and appointment of advisory council
360 members. Each school advisory council shall include in its name
361 the words "school advisory council." The school advisory council
362 shall be the sole body responsible for final decisionmaking at
363 the school relating to implementation of the provisions of ss.
364 1001.42(18) ~~1001.42(16)~~ and 1008.345. A majority of the members
365 of each school advisory council must be persons who are not
366 employed by the school. Each advisory council shall be composed
367 of the principal and an appropriately balanced number of
368 teachers, education support employees, students, parents, and
369 other business and community citizens who are representative of
370 the ethnic, racial, and economic community served by the school.
371 Career center and high school advisory councils shall include
372 students, and middle and junior high school advisory councils may
373 include students. School advisory councils of career centers and

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374 adult education centers are not required to include parents as
375 members. Council members representing teachers, education support
376 employees, students, and parents shall be elected by their
377 respective peer groups at the school in a fair and equitable
378 manner as follows:

- 379 1. Teachers shall be elected by teachers.
- 380 2. Education support employees shall be elected by
381 education support employees.
- 382 3. Students shall be elected by students.
- 383 4. Parents shall be elected by parents.

384
385 The district school board shall establish procedures for use by
386 schools in selecting business and community members that include
387 means of ensuring wide notice of vacancies and of taking input on
388 possible members from local business, chambers of commerce,
389 community and civic organizations and groups, and the public at
390 large. The district school board shall review the membership
391 composition of each advisory council. If the district school
392 board determines that the membership elected by the school is not
393 representative of the ethnic, racial, and economic community
394 served by the school, the district school board shall appoint
395 additional members to achieve proper representation. The
396 commissioner shall determine if schools have maximized their
397 efforts to include on their advisory councils minority persons
398 and persons of lower socioeconomic status. Although schools are
399 strongly encouraged to establish school advisory councils, the
400 district school board of any school district that has a student
401 population of 10,000 or fewer may establish a district advisory
402 council which shall include at least one duly elected teacher

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403 from each school in the district. For the purposes of school
404 advisory councils and district advisory councils, the term
405 "teacher" shall include classroom teachers, certified student
406 services personnel, and media specialists. For purposes of this
407 paragraph, "education support employee" means any person employed
408 by a school who is not defined as instructional or administrative
409 personnel pursuant to s. 1012.01 and whose duties require 20 or
410 more hours in each normal working week.

411 (c) For those schools operating for the purpose of
412 providing educational services to youth in Department of Juvenile
413 Justice programs, district school boards may establish a district
414 advisory council with appropriate representatives for the purpose
415 of developing and monitoring a district school improvement plan
416 that encompasses all such schools in the district, pursuant to s.
417 1001.42(18)(a) ~~s. 1001.42(16)(a)~~.

418 (2) DUTIES.--Each advisory council shall perform such
419 functions as are prescribed by regulations of the district school
420 board; however, no advisory council shall have any of the powers
421 and duties now reserved by law to the district school board. Each
422 school advisory council shall assist in the preparation and
423 evaluation of the school improvement plan required pursuant to s.
424 1001.42(18) ~~s. 1001.42(16)~~. With technical assistance from the
425 Department of Education, each school advisory council shall
426 assist in the preparation of the school's annual budget and plan
427 as required by s. 1008.385(1). A portion of funds provided in the
428 annual General Appropriations Act for use by school advisory
429 councils must be used for implementing the school improvement
430 plan.

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

433 1001.51 Duties and responsibilities of district school
434 superintendent.--The district school superintendent shall
435 exercise all powers and perform all duties listed below and
436 elsewhere in the law, provided that, in so doing, he or she shall
437 advise and counsel with the district school board. The district
438 school superintendent shall perform all tasks necessary to make
439 sound recommendations, nominations, proposals, and reports
440 required by law to be acted upon by the district school board.
441 All such recommendations, nominations, proposals, and reports by
442 the district school superintendent shall be either recorded in
443 the minutes or shall be made in writing, noted in the minutes,
444 and filed in the public records of the district school board. It
445 shall be presumed that, in the absence of the record required in
446 this section, the recommendations, nominations, and proposals
447 required of the district school superintendent were not contrary
448 to the action taken by the district school board in such matters.

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

455 (a) Forms, blanks, and reports.--Require that all employees
456 accurately keep all records and promptly make in proper form all
457 reports required by the education code or by rules of the State
458 Board of Education; recommend the keeping of such additional
459 records and the making of such additional reports as may be

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460 deemed necessary to provide data essential for the operation of
461 the school system; and prepare such forms and blanks as may be
462 required and ensure that these records and reports are properly
463 prepared.

464 (b) Reports to the department.--Prepare, for the approval
465 of the district school board, all reports that may be required by
466 law or rules of the State Board of Education to be made to the
467 department and transmit promptly all such reports, when approved,
468 to the department, as required by law. If any such reports are
469 not transmitted at the time and in the manner prescribed by law
470 or by State Board of Education rules, the salary of the district
471 school superintendent must be withheld until the report has been
472 properly submitted. Unless otherwise provided by rules of the
473 State Board of Education, the annual report on attendance and
474 personnel is due on or before July 1, and the annual school
475 budget and the report on finance are due on the date prescribed
476 by the commissioner.

477
478 Any district school superintendent who knowingly signs and
479 transmits to any state official a false or incorrect report or
480 who fails to investigate all reports of suspected or actual
481 misconduct or report allegations of misconduct by an educator
482 pursuant to s. 1012.796 forfeits ~~shall forfeit~~ his or her right
483 to any salary for the period of 1 year following the ~~from that~~
484 date of such act or failure to act.

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

487 1001.54 Duties of school principals.--

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488 (2) Each school principal shall provide instructional
489 leadership in the development, revision, and implementation of a
490 school improvement plan pursuant to s. 1001.42(18) ~~s.~~
491 ~~1001.42(16)~~.

492 Section 12. Paragraph (b) of subsection (11) of section
493 1002.32, Florida Statutes, is amended to read:

494 1002.32 Developmental research (laboratory) schools.--

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

499 (b) With the exception of s. 1001.42(18) ~~s. 1001.42(16)~~, s.
500 1001.42 shall be held in abeyance. Reference to district school
501 boards in s. 1001.42(18) ~~s. 1001.42(16)~~ shall mean the president
502 of the university or the president's designee.

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

505 1002.36 Florida School for the Deaf and the Blind.--

506 (7) PERSONNEL SCREENING.--

507 (g) For the purpose of protecting the health, safety, and
508 welfare of students and the ethical standards for professional
509 educators, the Florida School for the Deaf and the Blind shall be
510 considered a school district and shall meet the provisions of ss.
511 1001.03, 1001.42, 1001.51, 1006.061, 1012.27, 1012.795, and
512 1012.796.

513 Section 14. Present subsections (4), (5), and (6) of
514 section 1002.421, Florida Statutes, are redesignated as
515 subsections (5), (6), and (7), respectively, and a new subsection
516 (4) is added to that section, to read:

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517 1002.421 Accountability of private schools participating in
518 state school choice scholarship programs.--

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

521 (a) Establish and adopt a list of criminal or delinquent
522 acts that disqualify a person from employment in a position that
523 involves direct contact with students. The list must include, at
524 minimum, criminal and delinquent acts identified pursuant to s.
525 1001.03(3). The private school shall review the list annually and
526 amend the list as necessary. A criminal or delinquent act
527 committed in another state or under federal law, the elements of
528 which constitute a criminal or delinquent act in this state,
529 shall be considered for purposes of disqualification as if the
530 act was committed in this state.

531 (b) Adopt and communicate policies and procedures setting
532 forth ethical standards for all employees. The policies and
533 procedures must include responsibilities and procedures for
534 reporting suspected or actual misconduct by an educator and
535 liability protections provided to students, parents, and
536 employees who report suspected or actual misconduct pursuant to
537 s. 39.201, s. 39.202, or s. 768.095..

538 1. A private school or any of its employees may not enter
539 into any form of confidentiality agreement regarding a terminated
540 or dismissed employee or an employee who resigns in lieu of
541 termination and may not provide for any such employee a favorable
542 recommendation for employment in another educational setting. Any
543 portion of an agreement or contract that has the purpose or
544 effect of concealing the conduct of an educator regarding actions
545 over which the Education Practices Commission has disciplinary

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546 jurisdiction is void, is contrary to public policy, and may not
547 be enforced.

548 2. No court shall enter an order or judgment that has the
549 purpose or effect of concealing the conduct of an educator
550 regarding actions over which the Education Practices Commission
551 has disciplinary jurisdiction.

552 3. Any substantially affected person has standing to
553 contest an order, judgment, agreement, or contract that violates
554 subparagraph 1. or subparagraph 2. A person may contest an order,
555 judgment, agreement, or contract that violates subparagraph 1. or
556 subparagraph 2. by motion in the court that entered the order of
557 judgment or by bringing an action for a declaratory judgment
558 under chapter 86.

559 (c) Prior to appointing a candidate to any position,
560 contact the previous employer of the candidate to assess the
561 candidate's ability to meet ethical standards for professional
562 educators, screen the candidate through the use of educator
563 screening tools provided by the Department of Education, and
564 document findings.

565 (d) In order to protect the health, safety, and welfare of
566 a minor student, immediately suspend an educator from his or her
567 regularly assigned duties, with pay, and reassign the suspended
568 educator to a position that does not require direct contact with
569 students when an allegation of educator misconduct occurs which
570 involves that educator. Such suspension shall continue until the
571 completion of an investigation by a local law enforcement agency
572 or the Department of Education and the determination of
573 sanctions, if any, pursuant to ss. 1012.795 and 1012.796.

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574 (e) Report to the Department of Education the name of any
575 person who has been dismissed or severed from employment for any
576 reason, regardless of cause. The Department of Education shall
577 include termination information on a secure website for use by
578 authorized school district personnel and private schools that
579 accept students pursuant to this section or s. 1002.55.

580
581 The department shall prohibit a private school that fails to
582 comply with this subsection from accepting students pursuant to
583 this section and disqualify the private school from accepting
584 state funds for a period of 1 calendar year. The Education
585 Practices Commission shall impose applicable certification
586 sanctions pursuant to s. 1012.795.

587 Section 15. Present subsections (2), (3), and (4) of
588 section 1002.55, Florida Statutes, are redesignated as
589 subsections (3), (4), and (5), respectively, a new subsection (2)
590 is added to that section, and present subsection (4) of that
591 section is amended, to read:

592 1002.55 School-year prekindergarten program delivered by
593 private prekindergarten providers.--

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

596 (a) Establish and adopt a list of criminal or delinquent
597 acts that disqualify a person from employment in a position that
598 involves direct contact with students. The list must include, at
599 minimum, criminal and delinquent acts identified pursuant to s.
600 1001.03(3). The private school shall review the list annually and
601 amend the list as necessary. A criminal or delinquent act
602 committed in another state or under federal law, the elements of

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603 which constitute a criminal or delinquent act in this state,
604 shall be considered for purposes of disqualification as if the
605 act was committed in this state.

606 (b) Adopt and communicate policies and procedures setting
607 forth ethical standards for all employees. The policies and
608 procedures must include responsibilities and procedures for
609 reporting suspected or actual misconduct by an educator and
610 liability protections provided to students, parents, and
611 employees who report suspected or actual misconduct pursuant to
612 s. 39.201, s. 39.202, or s. 768.095.

613 1. A private school or any of its employees may not enter
614 into any form of confidentiality agreement regarding a terminated
615 or dismissed employee or an employee who resigns in lieu of
616 termination and may not provide for such employee a favorable
617 recommendation for employment in another educational setting. Any
618 portion of an agreement or contract that has the purpose or
619 effect of concealing the conduct of an educator regarding actions
620 over which the Education Practices Commission has disciplinary
621 jurisdiction is void, is contrary to public policy, and may not
622 be enforced.

623 2. No court shall enter an order or judgment that has the
624 purpose or effect of concealing the conduct of an educator
625 regarding actions over which the Education Practices Commission
626 has disciplinary jurisdiction.

627 3. Any substantially affected person has standing to
628 contest an order, judgment, agreement, or contract that violates
629 subparagraph 1. or subparagraph 2. A person may contest an order,
630 judgment, agreement, or contract that violates subparagraph 1. or
631 subparagraph 2. by motion in the court that entered the order of

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632 judgment or by bringing an action for a declaratory judgment
633 under chapter 86.

634 (c) Prior to appointing a candidate to any position,
635 contact the previous employer of the candidate to assess the
636 candidate's ability to meet ethical standards for professional
637 educators and screen the candidate through the use of educator
638 screening tools provided by the Department of Education, and
639 document findings.

640 (d) In order to protect the health, safety, and welfare of
641 a minor student, immediately suspend an educator from the
642 regularly assigned duties, with pay, and reassign the suspended
643 educator to a position that does not require direct contact with
644 students when an allegation of educator misconduct occurs which
645 involves that educator. Such suspension shall continue until the
646 completion of an investigation by a local law enforcement agency
647 or the Department of Education and the determination of
648 sanctions, if any, pursuant to ss. 1012.795 and 1012.796.

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

655
656 The department shall prohibit a private school that fails to
657 comply with this subsection from accepting students pursuant to
658 this section and disqualify the private school from accepting
659 state funds for a period of 1 calendar year. The Education

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660 Practices Commission shall impose applicable certification
661 sanctions pursuant to s. 1012.795.

662 ~~(5)(4)~~ A prekindergarten instructor, in lieu of the minimum
663 credentials and courses required under paragraph (4)(c) ~~(3)(e)~~,
664 may hold one of the following educational credentials:

665 (a) A bachelor's or higher degree in early childhood
666 education, prekindergarten or primary education, preschool
667 education, or family and consumer science;

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

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

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

680 (e) An educational credential approved by the department as
681 being equivalent to or greater than an educational credential
682 described in this subsection. The department may adopt criteria
683 and procedures for approving equivalent educational credentials
684 under this paragraph.

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

687 1002.61 Summer prekindergarten program delivered by public
688 schools and private prekindergarten providers.--

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689 (4) Notwithstanding ss. 1002.55(4)(c)1. ~~1002.55(3)(e)1.~~ and
690 1002.63(5), each public school and private prekindergarten
691 provider must have, for each prekindergarten class, at least one
692 prekindergarten instructor who:

693 (a) Is a certified teacher; or

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

696

697 As used in this subsection, the term "certified teacher" means a
698 teacher holding a valid Florida educator certificate under s.
699 1012.56 who has the qualifications required by the district
700 school board to instruct students in the summer prekindergarten
701 program. In selecting instructional staff for the summer
702 prekindergarten program, each school district shall give priority
703 to teachers who have experience or coursework in early childhood
704 education.

705 (6) Notwithstanding ss. 1002.55(4)(e) ~~1002.55(3)(e)~~ and
706 1002.63(7), each prekindergarten class in the summer
707 prekindergarten program, regardless of whether the class is a
708 public school's or private prekindergarten provider's class, must
709 be composed of at least 4 students but may not exceed 10
710 students. In order to protect the health and safety of students,
711 each public school or private prekindergarten provider must also
712 provide appropriate adult supervision for students at all times.
713 This subsection does not supersede any requirement imposed on a
714 provider under ss. 402.301-402.319.

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

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717 1002.63 School-year prekindergarten program delivered by
718 public schools.--

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

723 (7) Each prekindergarten class in a public school
724 delivering the school-year prekindergarten program must be
725 composed of at least 4 students but may not exceed 18 students.
726 In order to protect the health and safety of students, each
727 school must also provide appropriate adult supervision for
728 students at all times and, for each prekindergarten class
729 composed of 11 or more students, must have, in addition to a
730 prekindergarten instructor who meets the requirements of s.
731 1002.55(4)(c) ~~s. 1002.55(3)(e)~~, at least one adult
732 prekindergarten instructor who is not required to meet those
733 requirements but who must meet each requirement of subsection
734 (6).

735 Section 18. Paragraph (a) of subsection (2) of section
736 1002.65, Florida Statutes, is amended to read:

737 1002.65 Professional credentials of prekindergarten
738 instructors; aspirational goals; legislative intent.--

739 (2) To improve these educational outcomes, the Legislature
740 intends that all prekindergarten instructors will continue to
741 improve their skills and preparation through education and
742 training, so that the following aspirational goals will be
743 achieved:

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

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745 1. Each prekindergarten class will have at least one
746 prekindergarten instructor who holds an associate's or higher
747 degree in the field of early childhood education or child
748 development; and

749 2. For each prekindergarten class composed of 11 or more
750 students, in addition to a prekindergarten instructor who meets
751 the requirements of subparagraph 1., the class will have at least
752 one prekindergarten instructor who meets the requirements of s.
753 1002.55(4)(c) ~~s. 1002.55(3)(c)~~.

754 Section 19. Subsection (2) of section 1003.413, Florida
755 Statutes, is amended to read:

756 1003.413 Florida Secondary School Redesign Act.--

757 (2) The following guiding principles for secondary school
758 redesign shall be used in the annual preparation of each
759 secondary school's improvement plan required by s. 1001.42(18) ~~s.~~
760 ~~1001.42(16)~~:

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

764 (b) Every teacher must contribute to every student's
765 reading improvement.

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

768 (d) Small learning communities allow teachers to
769 personalize instruction to better address student learning
770 styles, strengths, and weaknesses.

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

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

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

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

780 (i) Master schedules should not determine instruction and
781 must be designed based on student needs, not adult or
782 institutional needs.

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

786 Section 20. Paragraph (b) of subsection (2) of section
787 1003.53, Florida Statutes, is amended to read:

788 1003.53 Dropout prevention and academic intervention.--

789 (2)

790 (b) Each school that establishes a dropout prevention and
791 academic intervention program at that school site shall reflect
792 that program in the school improvement plan as required under s.
793 1001.42(18) ~~s. 1001.42(16)~~.

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

796 1004.92 Purpose and responsibilities for career
797 education.--

798 (1) The purpose of career education is to enable students
799 who complete career programs to attain and sustain employment and
800 realize economic self-sufficiency. The purpose of this section is
801 to identify issues related to career education for which school

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802 boards and community college boards of trustees are accountable.
803 It is the intent of the Legislature that the standards
804 articulated in subsection (2) be considered in the development of
805 accountability standards for public schools pursuant to ss.
806 1000.03, 1001.42(18) ~~1001.42(16)~~, and 1008.345 and for community
807 colleges pursuant to s. 1008.45.

808 (3) Each career center operated by a district school board
809 shall establish a center advisory council pursuant to s.
810 1001.452. The center advisory council shall assist in the
811 preparation and evaluation of center improvement plans required
812 pursuant to s. 1001.42(18) ~~s. 1001.42(16)~~ and may provide
813 assistance, upon the request of the center director, in the
814 preparation of the center's annual budget and plan as required by
815 s. 1008.385(1).

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

819 1006.061 Child abuse, abandonment, and neglect
820 policy.--Each district school board shall:

821 (2) Post in a prominent place in each district site the
822 school board policies and procedures for reporting suspected or
823 actual misconduct by an educator, the district contact person to
824 whom the report should be made, and the penalties imposed against
825 an educator for failing to report suspected or actual child abuse
826 pursuant to s. 1012.795.

827 Section 23. Paragraph (c) of subsection (2) of section
828 1007.21, Florida Statutes, is amended to read:

829 1007.21 Readiness for postsecondary education and the
830 workplace.--

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831 (2)

832 (c) The common placement test authorized in ss. 1001.03(11)
833 ~~1001.03(10)~~ and 1008.30 or a similar test may be administered to
834 all high school second semester sophomores who have chosen one of
835 the four destinations. The results of the placement test shall be
836 used to target additional instructional needs in reading,
837 writing, and mathematics prior to graduation.

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

840 1007.23 Statewide articulation agreement.--

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

845 (a) Award a child development associate credential issued
846 by the National Credentialing Program of the Council for
847 Professional Recognition or award a credential approved under s.
848 1002.55(4)(c)1.b. ~~s. 1002.55(3)(e)1.b.~~ or s. 402.305(3)(c) as
849 being equivalent to the child development associate credential;
850 and

851 (b) Include training in emergent literacy which meets or
852 exceeds the minimum standards for training courses for
853 prekindergarten instructors of the Voluntary Prekindergarten
854 Education Program in s. 1002.59.

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

857 1008.33 Authority to enforce public school improvement.--It
858 is the intent of the Legislature that all public schools be held
859 accountable for students performing at acceptable levels. A

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860 | system of school improvement and accountability that assesses
861 | student performance by school, identifies schools in which
862 | students are not making adequate progress toward state standards,
863 | institutes appropriate measures for enforcing improvement, and
864 | provides rewards and sanctions based on performance shall be the
865 | responsibility of the State Board of Education.

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

878 | Section 26. Paragraph (c) of subsection (6) of section
879 | 1008.345, Florida Statutes, is amended to read:

880 | 1008.345 Implementation of state system of school
881 | improvement and education accountability.--

882 | (6)

883 | (c) Pursuant to s. 24.121(5)(d), the department shall not
884 | release funds from the Educational Enhancement Trust Fund to any
885 | district in which a school, including schools operating for the
886 | purpose of providing educational services to youth in Department
887 | of Juvenile Justice programs, does not have an approved school
888 | improvement plan, pursuant to s. 1001.42(18) ~~s. 1001.42(16)~~,

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889 after 1 full school year of planning and development, or does not
890 comply with school advisory council membership composition
891 requirements pursuant to s. 1001.452. The department shall send a
892 technical assistance team to each school without an approved plan
893 to develop such school improvement plan or to each school without
894 appropriate school advisory council membership composition to
895 develop a strategy for corrective action. The department shall
896 release the funds upon approval of the plan or upon establishment
897 of a plan of corrective action. Notice shall be given to the
898 public of the department's intervention and shall identify each
899 school without a plan or without appropriate school advisory
900 council membership composition.

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

903 1010.215 Educational funding accountability.--

904 (5) The annual school public accountability report required
905 by ss. 1001.42(18) ~~1001.42(16)~~ and 1008.345 must include a school
906 financial report. The purpose of the school financial report is
907 to better inform parents and the public concerning how funds were
908 spent to operate the school during the prior fiscal year. Each
909 school's financial report must follow a uniform, districtwide
910 format that is easy to read and understand.

911 (a) Total revenue must be reported at the school, district,
912 and state levels. The revenue sources that must be addressed are
913 state and local funds, other than lottery funds; lottery funds;
914 federal funds; and private donations.

915 (b) Expenditures must be reported as the total expenditures
916 per unweighted full-time equivalent student at the school level
917 and the average expenditures per full-time equivalent student at

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918 | the district and state levels in each of the following categories
919 | and subcategories:

920 | 1. Teachers, excluding substitute teachers, and education
921 | paraprofessionals who provide direct classroom instruction to
922 | students enrolled in programs classified by s. 1011.62 as:

- 923 | a. Basic programs;
924 | b. Students-at-risk programs;
925 | c. Special programs for exceptional students;
926 | d. Career education programs; and
927 | e. Adult programs.

928 | 2. Substitute teachers.

929 | 3. Other instructional personnel, including school-based
930 | instructional specialists and their assistants.

931 | 4. Contracted instructional services, including training
932 | for instructional staff and other contracted instructional
933 | services.

934 | 5. School administration, including school-based
935 | administrative personnel and school-based education support
936 | personnel.

937 | 6. The following materials, supplies, and operating capital
938 | outlay:

- 939 | a. Textbooks;
940 | b. Computer hardware and software;
941 | c. Other instructional materials;
942 | d. Other materials and supplies; and
943 | e. Library media materials.
944 | 7. Food services.
945 | 8. Other support services.
946 | 9. Operation and maintenance of the school plant.

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947 (c) The school financial report must also identify the
948 types of district-level expenditures that support the school's
949 operations. The total amount of these district-level expenditures
950 must be reported and expressed as total expenditures per full-
951 time equivalent student.

952 Section 28. Paragraph (b) of subsection (6) of section
953 1011.18, Florida Statutes, is amended to read:

954 1011.18 School depositories; payments into and withdrawals
955 from depositories.--

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

958 (b) The district school board may contract with an
959 insurance company or professional administrator who holds a valid
960 certificate of authority issued by the Office of Insurance
961 Regulation of the Financial Services Commission to provide any or
962 all services that a third-party administrator is authorized by
963 law to perform. Pursuant to such contract, the district school
964 board may advance or remit money to the administrator to be
965 deposited in a designated special checking account for paying
966 claims against the district school board under its self-insurance
967 programs, and remitting premiums to the providers of insured
968 benefits on behalf of the district school board and the
969 participants in such programs, and otherwise fulfilling the
970 obligations imposed upon the administrator by law and the
971 contractual agreements between the district school board and the
972 administrator. The special checking account shall be maintained
973 in a designated district school depository. The district school
974 board may replenish such account as often as necessary upon the
975 presentation by the service organization of documentation for

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976 claims or premiums due paid equal to the amount of the requested
977 reimbursement. Such replenishment shall be made by a warrant
978 signed by the chair of the district school board and
979 countersigned by the district school superintendent. Such
980 replenishment may be made by electronic, telephonic, or other
981 medium, and each transfer shall be confirmed in writing and
982 signed by the district school superintendent or his or her
983 designee. The provisions of strict accountability of all funds
984 and an annual audit by an independent certified public accountant
985 as provided in s. 1001.42(12)(k) ~~s. 1001.42(10)(k)~~ shall apply to
986 this subsection.

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

990 1012.27 Public school personnel; powers and duties of
991 district school superintendent.--The district school
992 superintendent is responsible for directing the work of the
993 personnel, subject to the requirements of this chapter, and in
994 addition the district school superintendent shall perform the
995 following:

996 (6) Before appointing a candidate to any position in the
997 district school system, contact the previous employer of the
998 candidate to assess the candidate's ability to meet state and
999 local ethical standards for professional educators, and screen
1000 the candidate through the use of educator screening tools
1001 provided by the Department of Education, and document findings.
1002 The school superintendent shall report to the Department of
1003 Education the termination of any employee, regardless of cause,
1004 and the Department of Education shall include termination

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1005 information on a secure website for use by authorized school
1006 district personnel and private schools that accept students
1007 pursuant to s. 1002.421 or s. 1002.55.

1008 Section 30. Paragraph (a) of subsection (1), paragraph (c)
1009 of subsection (4), and paragraph (b) of subsection (6) of section
1010 1012.33, Florida Statutes, are amended to read:

1011 1012.33 Contracts with instructional staff, supervisors,
1012 and school principals.--

1013 (1) (a) Each person employed as a member of the
1014 instructional staff in any district school system shall be
1015 properly certified pursuant to s. 1012.56 or s. 1012.57 or
1016 employed pursuant to s. 1012.39 and shall be entitled to and
1017 shall receive a written contract as specified in this section.
1018 All such contracts, except continuing contracts as specified in
1019 subsection (4), shall contain provisions for dismissal during the
1020 term of the contract only for just cause. Just cause includes,
1021 but is not limited to, the following instances, as defined by
1022 district school board policy and rules ~~rule~~ of the State Board of
1023 Education: immorality, misconduct in office, incompetency, gross
1024 insubordination, willful neglect of duty, or the commission of a
1025 criminal or delinquent act, regardless of adjudication, as
1026 established and set forth by rule ~~statutorily authorized in s.~~
1027 1001.03(3) conviction of a crime involving moral turpitude.

1028 (4)

1029 (c) Any member of the district administrative or
1030 supervisory staff and any member of the instructional staff,
1031 including any school principal, who is under continuing contract
1032 may be suspended or dismissed at any time during the school year;
1033 however, the charges against him or her must be based on

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1034 immorality, misconduct in office, incompetency, gross
1035 insubordination, willful neglect of duty, or drunkenness, ~~or~~
1036 ~~conviction of a crime involving moral turpitude,~~ as these terms
1037 are defined by district school board policy and rules ~~rule~~ of the
1038 State Board of Education, or the commission of a criminal or
1039 delinquent act, regardless of adjudication, as established and
1040 set forth by rule statutorily authorized in s. 1001.03(3).

1041 Whenever such charges are made against any such employee of the
1042 district school board, the district school board may suspend such
1043 person without pay; but, if the charges are not sustained, he or
1044 she shall be immediately reinstated, and his or her back salary
1045 shall be paid. In cases of suspension by the district school
1046 board or by the district school superintendent, the district
1047 school board shall determine upon the evidence submitted whether
1048 the charges have been sustained and, if the charges are
1049 sustained, shall determine either to dismiss the employee or fix
1050 the terms under which he or she may be reinstated. If such
1051 charges are sustained by a majority vote of the full membership
1052 of the district school board and such employee is discharged, his
1053 or her contract of employment shall be thereby canceled. Any such
1054 decision adverse to the employee may be appealed by the employee
1055 pursuant to s. 120.68, provided such appeal is filed within 30
1056 days after the decision of the district school board.

1057 (6)

1058 (b) Any member of the district administrative or
1059 supervisory staff, including any principal but excluding an
1060 employee specified in subsection (4), may be suspended or
1061 dismissed at any time during the term of the contract; however,
1062 the charges against him or her must be based on immorality,

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1063 misconduct in office, incompetency, gross insubordination,
1064 willful neglect of duty, drunkenness, or conviction of any crime
1065 involving moral turpitude, as these terms are defined by district
1066 school board policy and rules ~~rule~~ of the State Board of
1067 Education. Whenever such charges are made against any such
1068 employee of the district school board, the district school board
1069 may suspend the employee without pay; but, if the charges are not
1070 sustained, he or she shall be immediately reinstated, and his or
1071 her back salary shall be paid. In cases of suspension by the
1072 district school board or by the district school superintendent,
1073 the district school board shall determine upon the evidence
1074 submitted whether the charges have been sustained and, if the
1075 charges are sustained, shall determine either to dismiss the
1076 employee or fix the terms under which he or she may be
1077 reinstated. If such charges are sustained by a majority vote of
1078 the full membership of the district school board and such
1079 employee is discharged, his or her contract of employment shall
1080 be thereby canceled. Any such decision adverse to the employee
1081 may be appealed by him or her pursuant to s. 120.68, provided
1082 such appeal is filed within 30 days after the decision of the
1083 district school board.

1084 Section 31. Subsection (4) of section 1012.34, Florida
1085 Statutes, is amended to read:

1086 1012.34 Assessment procedures and criteria.--

1087 (4) The district school superintendent shall notify the
1088 department of any instructional personnel who receive two
1089 consecutive unsatisfactory evaluations and who have been given
1090 written notice by the district that their employment is being
1091 terminated or is not being renewed or that the district school

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1092 board intends to terminate, or not renew, their employment. The
1093 department shall conduct an investigation to determine whether
1094 action shall be taken against the certificateholder pursuant to
1095 s. 1012.795(1)(c) ~~s. 1012.795(1)(b)~~.

1096 Section 32. Subsection (14) of section 1012.56, Florida
1097 Statutes, is amended to read:

1098 1012.56 Educator certification requirements.--

1099 (14) PERSONNEL RECORDS.--The Department of Education shall
1100 maintain an electronic database that includes, but need not be
1101 limited to, a complete statement of the academic preparation,
1102 professional training, and teaching experience of each person to
1103 whom a certificate is issued. The applicant or the district
1104 school superintendent shall furnish the information using a
1105 format ~~or forms~~ provided by the department.

1106 Section 33. Section 1012.79, Florida Statutes, is amended
1107 to read:

1108 1012.79 Education Practices Commission; organization.--

1109 (1) The Education Practices Commission consists of 25 ~~17~~
1110 members, including 8 ~~7~~ teachers, 5 administrators, ~~and~~ 7 ~~5~~ lay
1111 citizens (of whom 5 shall be parents of public school students
1112 and who are unrelated to public school employees and 2 shall be
1113 former district school board members), and 5 sworn law
1114 enforcement officials, appointed by the State Board of Education
1115 from nominations by the Commissioner of Education and subject to
1116 Senate confirmation. Prior to making nominations, the
1117 commissioner shall consult with ~~the~~ teaching associations, parent
1118 organizations, law enforcement agencies, and other involved
1119 associations in the state. In making nominations, the

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1120 commissioner shall attempt to achieve equal geographical
1121 representation, as closely as possible.

1122 (a) A teacher member, in order to be qualified for
1123 appointment:

1124 1. Must be certified to teach in the state.

1125 2. Must be a resident of the state.

1126 3. Must have practiced the profession in this state for at
1127 least 5 years immediately preceding the appointment.

1128 (b) A school administrator member, in order to be qualified
1129 for appointment:

1130 1. Must have an endorsement on the educator certificate in
1131 the area of school administration or supervision.

1132 2. Must be a resident of the state.

1133 3. Must have practiced the profession as an administrator
1134 for at least 5 years immediately preceding the appointment.

1135 (c) The lay members must be residents of the state.

1136 (d) The members who are law enforcement officials must have
1137 served in the profession for at least 5 years immediately
1138 preceding appointment and have background expertise in child
1139 safety.

1140 (2) Members of the commission shall serve for 4-year
1141 staggered terms. No commission member may serve more than 8
1142 years.

1143 (3) The State Board of Education may remove any member from
1144 the commission for misconduct or malfeasance in office,
1145 incapacity, or neglect of duty.

1146 (4) From among its members, the commission shall elect a
1147 chair who shall preside over meetings of the commission and
1148 perform other duties directed by the commission or required by

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1149 | its duly adopted rules or operating procedures. School districts
1150 | shall be reimbursed for substitute teachers required to replace
1151 | commission members, when they are carrying out their official
1152 | duties, at a rate established by the school district for
1153 | substitute teachers. The department may reimburse local school
1154 | districts for substitutes.

1155 | (5) The commission, by a vote of three-fourths of the
1156 | membership, shall employ an executive director, who shall be
1157 | exempt from career service. The executive director may be
1158 | dismissed by a majority vote of the membership.

1159 | (6) (a) The commission shall be assigned to the Department
1160 | of Education for administrative purposes. The commission, in the
1161 | performance of its powers and duties, shall not be subject to
1162 | control, supervision, or direction by the Department of
1163 | Education.

1164 | (b) The property, personnel, and appropriations related to
1165 | the specified authority, powers, duties, and responsibilities of
1166 | the commission shall be provided to the commission by the
1167 | Department of Education.

1168 | (7) The duties and responsibilities of the commission are
1169 | to:

1170 | (a) Interpret and apply the standards of professional
1171 | practice established by the State Board of Education.

1172 | (b) Revoke or suspend a certificate or take other
1173 | appropriate action as provided in ss. 1012.795 and 1012.796.

1174 | (c) Report to and meet with the State Board of Education at
1175 | least once each year.

1176 | (d) Adopt rules pursuant to ss. 120.536(1) and 120.54 to
1177 | implement provisions of law conferring duties upon it.

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1178 (8) (a) The commission shall, from time to time, designate
1179 members of the commission to serve on panels for the purpose of
1180 reviewing and issuing final orders upon cases presented to the
1181 commission. A case concerning a complaint against a teacher shall
1182 be reviewed and a final order thereon shall be entered by a panel
1183 composed of five commission members, at least one of whom must be
1184 a parent, one of whom must be a sworn law enforcement officer,
1185 and two ~~three~~ of whom must ~~shall~~ be teachers. A case concerning a
1186 complaint against an administrator shall be reviewed and a final
1187 order thereon shall be entered by a panel composed of five
1188 commission members, at least one of whom must be a parent, one of
1189 whom must be a sworn law enforcement officer, and three of whom
1190 shall be administrators.

1191 (b) A majority of a quorum of a panel of the commission
1192 shall have final agency authority in all cases involving the
1193 revocation, suspension, or other disciplining of certificates of
1194 teachers and school administrators. A majority of the membership
1195 of the panel shall constitute a quorum. The district school board
1196 shall retain the authority to discipline teachers and
1197 administrators pursuant to law.

1198 (9) The commission shall make such expenditures as may be
1199 necessary in exercising its authority and powers and carrying out
1200 its duties and responsibilities, including expenditures for
1201 personal services, general counsel or access to counsel, and rent
1202 at the seat of government and elsewhere; for books of reference,
1203 periodicals, furniture, equipment, and supplies; and for printing
1204 and binding. The expenditures of the commission shall be subject
1205 to the powers and duties of the Department of Financial Services
1206 as provided in s. 17.03.

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1207 (10) The commission shall be financed from the following:
1208 certification fees; fines, penalties, and costs collected
1209 pursuant to s. 1012.796(9); and general revenue.

1210 Section 34. Subsection (1) of section 1012.795, Florida
1211 Statutes, is amended to read:

1212 1012.795 Education Practices Commission; authority to
1213 discipline.--

1214 (1) The Education Practices Commission may suspend the
1215 educator certificate of any person as defined in s. 1012.01(2) or
1216 (3) for a period of time not to exceed 5 years, thereby denying
1217 that person the right to teach or otherwise be employed by a
1218 district school board or public school in any capacity requiring
1219 direct contact with students for that period of time, after which
1220 the holder may return to teaching as provided in subsection (4);
1221 may revoke the educator certificate of any person, thereby
1222 denying that person the right to teach or otherwise be employed
1223 by a district school board or public school in any capacity
1224 requiring direct contact with students for a period of time not
1225 to exceed 10 years, with reinstatement subject to the provisions
1226 of subsection (4); may revoke permanently the educator
1227 certificate of any person thereby denying that person the right
1228 to teach or otherwise be employed by a district school board or
1229 public school in any capacity requiring direct contact with
1230 students; may suspend the educator certificate, upon order of the
1231 court, of any person found to have a delinquent child support
1232 obligation; or may impose any other penalty provided by law,
1233 provided it can be shown that the person:

1234 (a) Obtained or attempted to obtain an educator certificate
1235 by fraudulent means.

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1236 (b) Knowingly failed to report any suspected or actual
1237 child abuse pursuant to s. 1006.061 or any violation of the
1238 Principles of Professional Conduct for the Education Profession
1239 pursuant to paragraph (j) and prescribed by rules of the State
1240 Board of Education.

1241 (c)~~(b)~~ Has proved to be incompetent to teach or to perform
1242 duties as an employee of the public school system or to teach in
1243 or to operate a private school.

1244 (d)~~(e)~~ Has been guilty of gross immorality or an act
1245 involving moral turpitude as defined and adopted by rules of the
1246 State Board of Education.

1247 (e)~~(d)~~ Has had an educator certificate sanctioned by
1248 revocation, suspension, or surrender in another state.

1249 (f)~~(e)~~ Has been convicted of a misdemeanor, felony, or any
1250 other criminal charge, other than a minor traffic violation.

1251 (g)~~(f)~~ Upon investigation, has been found guilty of
1252 personal conduct which seriously reduces that person's
1253 effectiveness as an employee of the district school board.

1254 (h)~~(g)~~ Has breached a contract, as provided in s.
1255 1012.33(2).

1256 (i)~~(h)~~ Has been the subject of a court order directing the
1257 Education Practices Commission to suspend the certificate as a
1258 result of a delinquent child support obligation.

1259 (j)~~(i)~~ Has violated the Principles of Professional Conduct
1260 for the Education Profession prescribed by State Board of
1261 Education rules.

1262 (k)~~(j)~~ Has otherwise violated the provisions of law, the
1263 penalty for which is the revocation of the educator certificate.

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1264 (1)~~(*)~~ Has violated any order of the Education Practices
1265 Commission.

1266 (m)~~(1)~~ Has been the subject of a court order or plea
1267 agreement in any jurisdiction which requires the
1268 certificateholder to surrender or otherwise relinquish his or her
1269 educator's certificate. A surrender or relinquishment shall be
1270 for permanent revocation of the certificate. A person may not
1271 surrender or otherwise relinquish his or her certificate prior to
1272 a finding of probable cause by the commissioner as provided in s.
1273 1012.796.

1274
1275 Failure to report employee actions as outlined in this subsection
1276 shall result in prohibition to accept students pursuant to s.
1277 220.187, s. 1002.39, or s. 1002.53; the imposition of financial
1278 penalties pursuant to s. 1001.51; and certification sanctions
1279 pursuant to this section.

1280 Section 35. Subsections (1), (3), and (5) of section
1281 1012.796, Florida Statutes, are amended to read:

1282 1012.796 Complaints against teachers and administrators;
1283 procedure; penalties.--

1284 (1) (a) The Department of Education shall cause to be
1285 investigated expeditiously any complaint filed before it or
1286 otherwise called to its attention which, if legally sufficient,
1287 contains grounds for the revocation or suspension of a
1288 certificate or any other appropriate penalty as set forth in
1289 subsection (7). The complaint is legally sufficient if it
1290 contains the ultimate facts which show a violation has occurred
1291 as provided in s. 1012.795 and defined in rules. The department
1292 shall ~~may~~ investigate or continue to investigate and take

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1293 appropriate action on a complaint even though the original
1294 complainant withdraws the complaint or otherwise indicates a
1295 desire not to cause it to be investigated or prosecuted to
1296 completion. The department may investigate or continue to
1297 investigate and take action on a complaint filed against a person
1298 whose educator certificate has expired if the act or acts that
1299 ~~which~~ are the basis for the complaint were allegedly committed
1300 while that person possessed an educator certificate.

1301 (b) When an investigation is undertaken, the department
1302 shall notify the certificateholder or applicant for certification
1303 and the district school superintendent or the university
1304 laboratory school, charter school, or private school in which the
1305 certificateholder or applicant for certification is employed or
1306 was employed at the time the alleged offense occurred. In
1307 addition, the department shall inform the certificateholder or
1308 applicant for certification of the substance of any complaint
1309 which has been filed against that certificateholder or applicant,
1310 unless the department determines that such notification would be
1311 detrimental to the investigation, in which case the department
1312 may withhold notification to the certificateholder or applicant
1313 for certification.

1314 (c) Each school district shall file in writing with the
1315 department all legally sufficient complaints within 30 days after
1316 the date on which subject matter of the complaint comes to the
1317 attention of the school district. A complaint is legally
1318 sufficient if it contains the ultimate facts that show a
1319 violation has occurred as provided in s. 1012.795 and defined in
1320 rules. The school district shall include all information relating
1321 to the complaint which is known to the school district at the

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1322 time of filing. Each district school board shall develop and
1323 adopt policies and procedures to comply with this reporting
1324 requirement. School board policies and procedures must include
1325 standards for screening, hiring, and terminating employees,
1326 ethical standards for all employees, responsibilities of
1327 educators to uphold the standards, detailed steps to be followed
1328 in reporting suspected or actual misconduct by an educator,
1329 requirements for the reassignment of an employee pending the
1330 outcome of a misconduct investigation, and penalties for failing
1331 to comply pursuant to ss. 1001.51 and 1012.795. The district
1332 school board policies and procedures shall include appropriate
1333 penalties for all personnel of the district school board for
1334 nonreporting and procedures for promptly informing the district
1335 school superintendent of each legally sufficient complaint. The
1336 district school superintendent is charged with knowledge of these
1337 policies and procedures and is accountable for communicating the
1338 ethical standards, policies, and procedures to all district
1339 employees. If the district school superintendent has knowledge of
1340 a legally sufficient complaint and does not report the complaint,
1341 or fails to enforce the policies and procedures of the district
1342 school board, and fails to comply with the requirements of this
1343 subsection, in addition to other actions against
1344 certificateholders authorized by law, the district school
1345 superintendent shall be subject to penalties as specified in s.
1346 1001.51(12). If the superintendent determines that misconduct has
1347 occurred which warrants termination, the employee may not be
1348 allowed to resign but must be terminated and a record, including
1349 the cause of the termination, shall be reported to the Department
1350 of Education and maintained in the employee's public personnel

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1351 file. This paragraph does not limit or restrict the power and
1352 duty of the department to investigate complaints as provided in
1353 paragraphs (a) and (b), regardless of the school district's
1354 untimely filing, or failure to file, complaints and followup
1355 reports.

1356 (d) Notwithstanding any other law, all law enforcement
1357 agencies, state attorneys, social service agencies, district
1358 school boards, and the Division of Administrative Hearings shall
1359 fully cooperate with and, upon request, shall provide unredacted
1360 documents to the Department of Education to further
1361 investigations and prosecutions conducted pursuant to this
1362 section. Any document received pursuant to this paragraph may not
1363 be redisclosed except as authorized by law.

1364 (3) The department staff shall advise the commissioner
1365 concerning the findings of the investigation. The department
1366 general counsel or members of that staff shall review the
1367 investigation and advise the commissioner concerning probable
1368 cause or lack thereof. The determination of probable cause shall
1369 be made by the commissioner. The commissioner shall provide an
1370 opportunity for a conference, if requested, prior to determining
1371 probable cause. The commissioner may enter into deferred
1372 prosecution agreements in lieu of finding probable cause when in
1373 his or her judgment such agreements would be in the best
1374 interests of the department, the certificateholder, and the
1375 public. Such deferred prosecution agreements shall become
1376 effective when filed with the clerk of the Education Practices
1377 Commission. However, a deferred prosecution agreement shall not
1378 be entered into if ~~where~~ there is probable cause to believe that
1379 a felony or an act of moral turpitude, as defined in rule, has

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1380 occurred. Upon finding no probable cause, the commissioner shall
1381 dismiss the complaint.

1382 (5) In order ~~When deemed necessary~~ to protect the health,
1383 safety, and welfare of a minor student, when an allegation of
1384 educator misconduct occurs, the district school superintendent in
1385 consultation with the school principal, or may, ~~and~~ upon the
1386 request of the Commissioner of Education, must immediately ~~shall,~~
1387 ~~temporarily~~ suspend the educator ~~a certificateholder~~ from the
1388 ~~certificateholder's~~ regularly assigned duties, with pay, and
1389 reassign the suspended educator ~~certificateholder~~ to a position
1390 that does not require direct contact with students in the
1391 district school system. Such suspension shall continue until the
1392 completion of the proceedings and the determination of sanctions,
1393 if any, pursuant to this section and s. 1012.795.

1394 Section 36. Paragraph (b) of subsection (4) of section
1395 1012.98, Florida Statutes, is amended to read:

1396 1012.98 School Community Professional Development Act.--

1397 (4) The Department of Education, school districts, schools,
1398 community colleges, and state universities share the
1399 responsibilities described in this section. These
1400 responsibilities include the following:

1401 (b) Each school district shall develop a professional
1402 development system as specified in subsection (3). The system
1403 shall be developed in consultation with teachers, teacher-
1404 educators of community colleges and state universities, business
1405 and community representatives, and local education foundations,
1406 consortia, and professional organizations. The professional
1407 development system must:

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1408 1. Be approved by the department. All substantial revisions
1409 to the system shall be submitted to the department for review for
1410 continued approval.

1411 2. Be based on analyses of student achievement data and
1412 instructional strategies and methods that support rigorous,
1413 relevant, and challenging curricula for all students. Schools and
1414 districts, in developing and refining the professional
1415 development system, shall also review and monitor school
1416 discipline data; school environment surveys; assessments of
1417 parental satisfaction; performance appraisal data of teachers,
1418 managers, and administrative personnel; and other performance
1419 indicators to identify school and student needs that can be met
1420 by improved professional performance.

1421 3. Provide inservice activities coupled with followup
1422 support appropriate to accomplish district-level and school-level
1423 improvement goals and standards. The inservice activities for
1424 instructional personnel shall focus on analysis of student
1425 achievement data, ongoing formal and informal assessments of
1426 student achievement, identification and use of enhanced and
1427 differentiated instructional strategies that emphasize rigor,
1428 relevance, and reading in the content areas, enhancement of
1429 subject content expertise, integrated use of classroom technology
1430 that enhances teaching and learning, classroom management, parent
1431 involvement, and school safety.

1432 4. Include a master plan for inservice activities, pursuant
1433 to rules of the State Board of Education, for all district
1434 employees from all fund sources. The master plan shall be updated
1435 annually by September 1, must be based on input from teachers and
1436 district and school instructional leaders, and must use the

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1437 latest available student achievement data and research to enhance
1438 rigor and relevance in the classroom. Each district inservice
1439 plan must be aligned to and support the school-based inservice
1440 plans and school improvement plans pursuant to s. 1001.42(18) ~~s.~~
1441 ~~1001.42(16)~~. District plans must be approved by the district
1442 school board annually in order to ensure compliance with
1443 subsection (1) and to allow for dissemination of research-based
1444 best practices to other districts. District school boards must
1445 submit verification of their approval to the Commissioner of
1446 Education no later than October 1, annually.

1447 5. Require each school principal to establish and maintain
1448 an individual professional development plan for each
1449 instructional employee assigned to the school as a seamless
1450 component to the school improvement plans developed pursuant to
1451 s. 1001.42(18) ~~s. 1001.42(16)~~. The individual professional
1452 development plan must:

1453 a. Be related to specific performance data for the students
1454 to whom the teacher is assigned.

1455 b. Define the inservice objectives and specific measurable
1456 improvements expected in student performance as a result of the
1457 inservice activity.

1458 c. Include an evaluation component that determines the
1459 effectiveness of the professional development plan.

1460 6. Include inservice activities for school administrative
1461 personnel that address updated skills necessary for instructional
1462 leadership and effective school management pursuant to s.
1463 1012.986.

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1464 7. Provide for systematic consultation with regional and
1465 state personnel designated to provide technical assistance and
1466 evaluation of local professional development programs.

1467 8. Provide for delivery of professional development by
1468 distance learning and other technology-based delivery systems to
1469 reach more educators at lower costs.

1470 9. Provide for the continuous evaluation of the quality and
1471 effectiveness of professional development programs in order to
1472 eliminate ineffective programs and strategies and to expand
1473 effective ones. Evaluations must consider the impact of such
1474 activities on the performance of participating educators and
1475 their students' achievement and behavior.

1476 Section 37. Subsection (4) of section 1013.03, Florida
1477 Statutes, is amended to read:

1478 1013.03 Functions of the department and the Board of
1479 Governors.--The functions of the Department of Education as it
1480 pertains to educational facilities of school districts and
1481 community colleges and of the Board of Governors as it pertains
1482 to educational facilities of state universities shall include,
1483 but not be limited to, the following:

1484 (4) Require each board and other appropriate agencies to
1485 submit complete and accurate financial data as to the amounts of
1486 funds from all sources that are available and spent for
1487 construction and capital improvements. The commissioner shall
1488 prescribe the format and the date for the submission of this data
1489 and any other educational facilities data. If any district does
1490 not submit the required educational facilities fiscal data by the
1491 prescribed date, the Commissioner of Education shall notify the
1492 district school board of this fact and, if appropriate action is

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1493 | not taken to immediately submit the required report, the district
1494 | school board shall be directed to proceed pursuant to the
1495 | provisions of s. 1001.42(13)(b) ~~s. 1001.42(11)(b)~~. If any
1496 | community college or university does not submit the required
1497 | educational facilities fiscal data by the prescribed date, the
1498 | same policy prescribed in this subsection for school districts
1499 | shall be implemented.

1500 | Section 38. This act shall take effect July 1, 2008.