

By Senator Legg

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1 A bill to be entitled
2 An act relating to education; amending s. 1003.576,
3 F.S.; requiring the Department of Education to have an
4 operating electronic IEP system in place for statewide
5 use; amending s. 1005.22, F.S.; requiring the
6 Commission for Independent Education to report certain
7 data to the department annually by a certain date
8 regarding institutions licensed by the commission;
9 amending s. 1012.796, F.S.; authorizing the
10 Commissioner of Education to issue a letter of
11 guidance in response to a complaint against a teacher
12 or administrator in lieu of a probable cause
13 determination; providing an effective date.

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15 Be It Enacted by the Legislature of the State of Florida:

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17 Section 1. Section 1003.576, Florida Statutes, is amended
18 to read:

19 1003.576 Individual education plans for exceptional
20 students.—The Department of Education must develop and have an
21 operating electronic IEP system in place for ~~potential~~ statewide
22 use ~~no later than July 1, 2007~~. The statewide system shall be
23 developed collaboratively with school districts and must include
24 input from school districts currently developing or operating
25 electronic IEP systems.

26 Section 2. Paragraph (i) of subsection (1) of section
27 1005.22, Florida Statutes, is amended to read:

28 1005.22 Powers and duties of commission.—

29 (1) The commission shall:

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30 (i) Serve as a central agency for collecting and
31 distributing current information regarding institutions licensed
32 by the commission. The commission shall annually collect, and
33 all institutions licensed by the commission shall annually
34 report, student-level data from the prior year for each student
35 who receives state funds, in a format prescribed by the
36 Department of Education. At a minimum, data from the prior year
37 must include retention rates, transfer rates, completion rates,
38 graduation rates, employment and placement rates, and earnings
39 of graduates. By October 1 of each year ~~December 31, 2013,~~ the
40 commission shall report the data for the ~~2012-2013~~ academic year
41 to the Department of Education. ~~By October 1 of each year~~
42 ~~thereafter, the commission shall report the data to the~~
43 ~~department.~~

44 Section 3. Subsection (3) of section 1012.796, Florida
45 Statutes, is amended to read:

46 1012.796 Complaints against teachers and administrators;
47 procedure; penalties.-

48 (3) The department staff shall advise the commissioner
49 concerning the findings of the investigation. The department
50 general counsel or members of that staff shall review the
51 investigation and advise the commissioner concerning probable
52 cause or lack thereof. The determination of probable cause shall
53 be made by the commissioner. The commissioner shall provide an
54 opportunity for a conference, if requested, prior to determining
55 probable cause. The commissioner may enter into deferred
56 prosecution agreements in lieu of finding probable cause if, in
57 his or her judgment, such agreements are in the best interests
58 of the department, the certificateholder, and the public. Such

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59 deferred prosecution agreements shall become effective when
60 filed with the clerk of the Education Practices Commission.
61 However, a deferred prosecution agreement may ~~shall~~ not be
62 entered into if there is probable cause to believe that a felony
63 or an act of moral turpitude, as defined by rule of the State
64 Board of Education, has occurred. Upon finding no probable
65 cause, the commissioner shall dismiss the complaint. In lieu of
66 a finding of probable cause, the commissioner may also issue a
67 letter of guidance to the educator.

68 Section 4. This act shall take effect July 1, 2015.