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LEGISLATIVE ACTION

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| Senate | . | House |
| Comm: WD | . | |
| 04/08/2015 | . | |
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Appropriations Subcommittee on Education (Simmons) recommended the following:

Senate Amendment (with title amendment)

Delete lines 30 - 98

and insert:

Section 2. Section 1012.731, Florida Statutes, is created to read:

1012.731 The Florida Best and Brightest Teacher Scholarship Program.—

(1) The Legislature recognizes that, second only to parents, teachers play the most critical role in preparing



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11 students to achieve a high level of academic performance in
12 school. The Legislature further recognizes that research has
13 linked student outcomes to a teacher's own academic achievement.
14 Therefore, it is the intent of the Legislature to designate
15 teachers who have achieved high academic standards during their
16 own education as Florida's best and brightest teacher scholars.

17 (2) There is created the Florida Best and Brightest Teacher
18 Scholarship Program to be administered by the Department of
19 Education. Beginning in the 2015-2016 school year, the
20 scholarship program shall provide categorical funding for
21 scholarships to be awarded to teachers who have demonstrated a
22 high level of academic achievement.

23 (3) (a) To be eligible for a scholarship, a teacher:

24 1. Must have scored at or above the 80th percentile on
25 either the SAT or the ACT, based upon the percentile ranks in
26 effect when the teacher took the assessment, and have been
27 evaluated as highly effective pursuant to s. 1012.34; or

28 2. If the teacher is a first-year teacher who has not been
29 evaluated pursuant to s. 1012.34, must have scored at or above
30 the 80th percentile on either the SAT or the ACT, based upon the
31 percentile ranks in effect when the teacher took the assessment.

32 (b) In order to demonstrate eligibility for an award, an
33 eligible teacher must submit to the school district no later
34 than October 1 an official record of his or her SAT or ACT score
35 demonstrating that the teacher scored at or above the 80th
36 percentile, based upon the percentile ranks in effect when the
37 teacher took the assessment. Once a teacher is deemed eligible
38 by the school district, the teacher shall remain eligible as
39 long as he or she is employed by the school district and



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40 maintains or, if the teacher is a first-year teacher, earns the
41 evaluation designation of highly effective pursuant to s.
42 1012.34.

43 (4) Annually, by December 1, each school district shall
44 submit to the department the number of eligible teachers who
45 qualify for the scholarship.

46 (5) Annually, by February 1, the department shall disburse
47 scholarship funds, in an amount prescribed annually by the
48 Legislature in the General Appropriations Act, to each school
49 district for each eligible teacher to receive a scholarship. If
50 the number of eligible teachers exceeds the total appropriation
51 authorized in the General Appropriation Act, the department
52 shall prorate the per teacher scholarship amount.

53 (6) Annually, by April 1, each school district shall
54 provide payment of the scholarship to each eligible teacher.

55 (7) For purposes of this section, the term "school
56 district" includes the Florida School for the Deaf and the Blind
57 and charter school governing boards.

58 Section 3. Subsection (3) of section 1012.39, Florida
59 Statutes, is amended to read:

60 1012.39 Employment of substitute teachers, teachers of
61 adult education, nondegreed teachers of career education, and
62 career specialists; students performing clinical field
63 experience.-

64 (3) A student who is enrolled in a state-approved teacher
65 preparation program in a postsecondary educational institution
66 that is approved by rules of the State Board of Education and
67 who is jointly assigned by the postsecondary educational
68 institution and a district school board to perform a clinical



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69 field experience under the direction of a regularly employed and
70 certified educator shall, while serving such supervised clinical
71 field experience, be accorded the same protection of law as that
72 accorded to the certified educator except for the right to
73 bargain collectively as an employee of the district school
74 board. The district school board providing the clinical field
75 experience shall notify the student electronically or in writing
76 of the availability of educator liability insurance under s.
77 1012.75. A postsecondary educational institution or district
78 school board may not require a student enrolled in a state-
79 approved teacher preparation program to purchase liability
80 insurance as a condition of participation in any clinical field
81 experience or related activity on the premises of an elementary
82 or secondary school.

83 Section 4. Section 1012.75, Florida Statutes, is amended to
84 read:

85 1012.75 Liability of teacher or principal; ~~excessive~~
86 ~~force.~~-

87 (1) Except in the case of excessive force or cruel and
88 unusual punishment, a teacher or other member of the
89 instructional staff, a principal or the principal's designated
90 representative, or a bus driver shall not be civilly or
91 criminally liable for any action carried out in conformity with
92 State Board of Education and district school board rules
93 regarding the control, discipline, suspension, and expulsion of
94 students, including, but not limited to, any exercise of
95 authority under s. 1003.32 or s. 1006.09.

96 (2) The State Board of Education shall adopt rules that
97 outline administrative standards for the use of reasonable force



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98 by school personnel to maintain a safe and orderly learning
99 environment. Such standards shall be distributed to each school
100 in the state and shall provide guidance to school personnel in
101 receiving the limitations on liability specified in this
102 section.

103 (3) Beginning with the 2015-2016 school year, the
104 Department of Education shall administer an educator liability
105 insurance program, as provided in the General Appropriation Act,
106 to protect full-time instructional personnel from liability for
107 monetary damages and the costs of defending actions resulting
108 from claims made against the instructional personnel arising out
109 of occurrences in the course of activities within the
110 instructional personnel's professional capacity. For purposes of
111 this subsection, the terms "full-time," "part-time," and
112 "administrative personnel" shall be defined by the individual
113 district school board. For purposes of this subsection, the term
114 "instructional personnel" has the same meaning as provided in s.
115 1012.01(2).

116 (a) Liability coverage of at least \$2 million shall be
117 provided to all full-time instructional personnel. Liability
118 coverage may be provided to the following individuals who choose
119 to participate in the program, at cost: part-time instructional
120 personnel, administrative personnel, and students enrolled in a
121 state-approved teacher preparation program pursuant to s.
122 1012.39(3).

123 (b) Annually, by August 1, each district school board shall
124 notify personnel specified in paragraph (a) of the liability
125 coverage provided pursuant to this subsection. The department
126 shall develop the form of the notice which each district school



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127 board must use. The notice must be on an 8 1/2-inch by 5 1/2-
128 inch postcard and include the amount of coverage, a general
129 description of the nature of the coverage, and the contact
130 information for coverage and claims questions. The notification
131 must be provided separately from any other correspondence. Each
132 district school board shall certify to the department, by August
133 5 of each year, that the notification required by this paragraph
134 has been provided.

135 (c) The department shall consult with the Department of
136 Financial Services to select the most economically prudent and
137 cost-effective means of implementing the program through self-
138 insurance, a risk management program, or competitive
139 procurement.

140 Section 5. Subsection (1) of section 1012.79, Florida
141 Statutes, is amended to read:

142 1012.79 Education Practices Commission; organization.-

143 (1) The Education Practices Commission is composed ~~consists~~
144 of the following 25 members: 10, including 8 teachers; 5
145 administrators, at least one of whom represents ~~shall represent~~
146 a private or virtual school; 4 7 lay citizens who are, ~~5 of whom~~
147 ~~shall be~~ parents of public school students and who are unrelated
148 to public school employees; and 2 of whom shall be former
149 charter school governing board or district school board members
150 or former superintendents, assistant superintendents, or deputy
151 superintendents; and 4 5 sworn law enforcement officials,
152 appointed by the State Board of Education from nominations by
153 the Commissioner of Education and subject to Senate
154 confirmation. Prior to making nominations, the commissioner
155 shall consult with teaching associations, parent organizations,



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156 law enforcement agencies, and other involved associations in the
157 state. In making nominations, the commissioner shall attempt to
158 achieve equal geographical representation, as closely as
159 possible.

160 (a) A teacher member, in order to be qualified for
161 appointment:

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

163 ~~2. Must be a resident of the state.~~

164 ~~2.3.~~ Must have practiced the profession in this state for
165 at least 5 years immediately preceding the appointment.

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

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

170 ~~2. Must be a resident of the state.~~

171 ~~2.3.~~ Must have practiced the profession as an administrator
172 for at least 5 years immediately preceding the appointment.

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

174 ~~(c)~~ ~~(d)~~ The law enforcement official members must have
175 served in the profession for at least 5 years immediately
176 preceding appointment and have background expertise in child
177 safety.

178 (d) The Commissioner of Education, upon request or
179 recommendation from the commission, may also appoint up to five
180 emeritus members from the commission's prior membership to each
181 serve 1-year terms. Notwithstanding any prior service on the
182 commission, an emeritus member may serve up to five 1-year
183 terms. An emeritus member serves as a voting member at a
184 discipline hearing and as a consulting but nonvoting member



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185 during a business meeting.

186 (e) All members must be residents of the state.

187 Section 6. Subsection (3) of section 1012.796, Florida
188 Statutes, is amended to read:

189 1012.796 Complaints against teachers and administrators;
190 procedure; penalties.-

191 (3) The department staff shall advise the commissioner
192 concerning the findings of the investigation. The department
193 general counsel or members of that staff shall review the
194 investigation and advise the commissioner concerning probable
195 cause or lack thereof. The determination of probable cause shall
196 be made by the commissioner. The commissioner shall provide an
197 opportunity for a conference, if requested, prior to determining
198 probable cause. The commissioner may enter into deferred
199 prosecution agreements in lieu of finding probable cause if, in
200 his or her judgment, such agreements are in the best interests
201 of the department, the certificateholder, and the public. Such
202 deferred prosecution agreements shall become effective when
203 filed with the clerk of the Education Practices Commission.
204 However, a deferred prosecution agreement may ~~shall~~ not be
205 entered into if there is probable cause to believe that a felony
206 or an act of moral turpitude, as defined by rule of the State
207 Board of Education, has occurred. Upon finding no probable
208 cause, the commissioner shall dismiss the complaint and may
209 issue a letter of guidance to the certificateholder.

210
211 ===== T I T L E A M E N D M E N T =====

212 And the title is amended as follows:

213 Delete lines 5 - 13



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214 and insert:
215 have access to certain reports and records; creating
216 s. 1012.731, F.S.; providing legislative intent;
217 establishing the Florida Best and Brightest Teacher
218 Scholarship Program; providing eligibility criteria;
219 requiring a school district to annually submit the
220 number of eligible teachers to the department;
221 providing for funding and the disbursement of funds;
222 defining the term "school district" for purposes of
223 the act; amending s. 1012.39, F.S.; providing
224 requirements regarding liability insurance for
225 students performing clinical field experience;
226 amending s. 1012.75, F.S.; requiring the department to
227 administer an educator liability insurance program;
228 defining terms; specifying program administration and
229 eligibility requirements; amending s. 1012.79, F.S.;
230 revising the membership of the Education Practices
231 Commission; authorizing the Commissioner of Education
232 to appoint emeritus members to the commission;
233 amending s. 1012.796, F.S.; authorizing the
234 commissioner to issue a letter of guidance in response
235 to a complaint against a teacher or administrator;
236 providing an effective date.