

HB 719

2016

1 A bill to be entitled
2 An act relating to education personnel; amending s.
3 39.202, F.S.; authorizing certain employees or agents
4 of the Department of Education to have access to
5 certain reports and records; amending s. 215.22, F.S.;
6 providing that certain provisions do not apply to the
7 Educational Certification and Service Trust Fund;
8 amending s. 1012.05, F.S.; authorizing rather than
9 requiring the Department of Education to sponsor a job
10 fair meeting certain criteria; requiring the
11 department to coordinate a best practice community;
12 amending s. 1012.39, F.S.; providing requirements
13 regarding liability insurance for students performing
14 clinical field experience; creating s. 1012.562, F.S.;
15 requiring the department to approve school leader
16 preparation programs; providing for approval;
17 providing program requirements; providing for
18 rulemaking; amending s. 1012.75, F.S.; deleting the
19 minimum required amount of liability coverage for
20 specified personnel; requiring annual notification of
21 liability insurance to specified personnel; abrogating
22 the scheduled expiration of the educator liability
23 insurance program; amending s. 1012.79, F.S.; revising
24 membership of the Education Practices Commission;
25 authorizing the Commissioner of Education to appoint
26 emeritus members to the commission; amending s.

27 | 1012.796, F.S.; authorizing the commissioner to issue
 28 | a letter of guidance in response to a complaint
 29 | against a certified teacher or administrator;
 30 | providing an effective date.

31 |

32 | Be It Enacted by the Legislature of the State of Florida:

33 |

34 | Section 1. Paragraphs (q), (r), and (s) of subsection (2)
 35 | of section 39.202, Florida Statutes, are redesignated as
 36 | paragraphs (r), (s), and (t), respectively, and a new paragraph
 37 | (q) is added to that subsection, to read:

38 | 39.202 Confidentiality of reports and records in cases of
 39 | child abuse or neglect.—

40 | (2) Except as provided in subsection (4), access to such
 41 | records, excluding the name of the reporter which shall be
 42 | released only as provided in subsection (5), shall be granted
 43 | only to the following persons, officials, and agencies:

44 | (q) An employee or agent of the Department of Education
 45 | who is responsible for the investigation or prosecution of
 46 | misconduct by a certified educator.

47 | Section 2. Subsection (4) of section 215.22, Florida
 48 | Statutes, is amended to read:

49 | 215.22 Certain income and certain trust funds exempt.—

50 | (4) Notwithstanding the exemptions granted in subsections
 51 | (1), (2), and (3), this section shall not exempt income of a
 52 | revenue nature or any trust fund which was subject to the

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53 service charge pursuant to s. 215.20 on January 1, 1990. This
54 subsection does not apply to the Educational Certification and
55 Service Trust Fund.

56 Section 3. Subsection (4) of section 1012.05, Florida
57 Statutes, is amended to read:

58 1012.05 Teacher recruitment and retention.—

59 (4) The Department of Education, in cooperation with
60 district personnel offices, may ~~shall~~ sponsor a job fair in a
61 central part of the state to match in-state educators and
62 potential educators and out-of-state educators and potential
63 educators with teaching opportunities in this state. The
64 Department of Education is authorized to collect a job fair
65 registration fee not to exceed \$20 per person and a booth fee
66 not to exceed \$250 per school district or other interested
67 participating organization. The revenue from the fees shall be
68 used to promote and operate the job fair. Funds may be used to
69 purchase promotional items such as mementos, awards, and
70 plaques. The Department of Education shall also coordinate a
71 best practice community to ensure that school district personnel
72 responsible for teacher recruitment and other human resources
73 functions are operating with the most up-to-date knowledge.

74 Section 4. Subsection (3) of section 1012.39, Florida
75 Statutes, is amended to read:

76 1012.39 Employment of substitute teachers, teachers of
77 adult education, nondegreed teachers of career education, and
78 career specialists; students performing clinical field

79 | experience.—

80 | (3) A student who is enrolled in a state-approved teacher
 81 | preparation program in a postsecondary educational institution
 82 | that is approved by rules of the State Board of Education and
 83 | who is jointly assigned by the postsecondary educational
 84 | institution and a district school board to perform a clinical
 85 | field experience under the direction of a regularly employed and
 86 | certified educator shall, while serving such supervised clinical
 87 | field experience, be accorded the same protection of law as that
 88 | accorded to the certified educator except for the right to
 89 | bargain collectively as an employee of the district school
 90 | board. The district school board providing the clinical field
 91 | experience shall notify the student electronically or in writing
 92 | of the availability of educator liability insurance under s.
 93 | 1012.75. A postsecondary educational institution or district
 94 | school board may not require a student enrolled in a state-
 95 | approved teacher preparation program to purchase liability
 96 | insurance as a condition of participation in any clinical field
 97 | experience or related activity on the premises of an elementary
 98 | or secondary school.

99 | Section 5. Section 1012.562, Florida Statutes, is created
 100 | to read:

101 | 1012.562 Public accountability and state approval of school
 102 | leader preparation programs.—The Department of Education shall
 103 | establish a process for the approval of Level I and Level II
 104 | school leader preparation programs that will enable aspiring

105 school leaders to obtain their certificate in educational
106 leadership under s. 1012.56. School leader preparation programs
107 must be competency-based, aligned to the principal leadership
108 standards adopted by the state board, and open to individuals
109 employed by public schools, including charter schools and virtual
110 schools. Level I programs may be offered by school districts or
111 postsecondary institutions and lead to initial certification in
112 educational leadership for the purpose of preparing individuals
113 to serve as school administrators. Level II programs may be
114 offered by school districts, build upon Level I training, and
115 lead to renewal certification as a school principal.

116 (1) PURPOSE.—The purpose of school leader preparation
117 programs are to:

118 (a) Increase the supply of effective school leaders in the
119 public schools of this state.

120 (b) Produce school leaders who are prepared to lead the
121 state's diverse student population in meeting high standards for
122 academic achievement.

123 (c) Enable school leaders to facilitate the development and
124 retention of effective and highly effective classroom teachers.

125 (d) Produce leaders with the competencies and skills
126 necessary to achieve the state's education goals.

127 (e) Sustain the state system of school improvement and
128 education accountability.

129 (2) LEVEL I PROGRAMS.—

130 (a) Initial approval of a Level I program shall be for a

131 period of 5 years. A postsecondary institution or school
132 district may submit to the department in a format prescribed by
133 the department an application to establish a Level I school
134 leader preparation program. To be approved, a Level I program
135 must:

136 1. Provide competency-based training aligned to the
137 principal leadership standards adopted by the State Board of
138 Education.

139 2. If the program is provided by a postsecondary
140 institution, partner with at least one school district.

141 3. Describe the qualifications that will be used to
142 determine program admission standards, including a candidate's
143 instructional expertise and leadership potential.

144 4. Describe how the training provided through the program
145 will be aligned to the personnel evaluation criteria under s.
146 1012.34.

147 (b) Renewal of a Level I program's approval shall be for a
148 period of 5 years and shall be based upon evidence of the
149 program's continued ability to meet the requirements of
150 paragraph (a). A postsecondary institution or school district
151 must submit an institutional program evaluation plan in a format
152 prescribed by the department for a Level I program to be
153 considered for renewal. The plan must include:

154 1. The percentage of personnel who complete the program
155 and are placed in school leadership positions in public schools
156 within the state.

157 2. Results from the personnel evaluations required under
158 s. 1012.34 for personnel who complete the program.

159 3. The passage rate of personnel who complete the program
160 on the Florida Education Leadership Examination.

161 4. The impact personnel who complete the program have on
162 student learning as measured by the formulas developed by the
163 commissioner pursuant to s. 1012.34(7).

164 5. Strategies for continuous improvement of the program.

165 6. Strategies for involving personnel who complete the
166 program, other school personnel, community agencies, business
167 representatives, and other stakeholders in the program
168 evaluation process.

169 7. Additional data included at the discretion of the
170 postsecondary institution or school district.

171 (c) A Level I program must guarantee the high quality of
172 personnel who complete the program for the first 2 years after
173 program completion or the person's initial certification as a
174 school leader, whichever occurs first. If a person who completed
175 the program is evaluated at less than highly effective or
176 effective under s. 1012.34 and the person's employer requests
177 additional training, the Level I program must provide additional
178 training at no cost to the person or his or her employer. The
179 training must include the creation of an individualized plan
180 agreed to by the employer that includes specific learning
181 outcomes. The Level I program is not responsible for the
182 person's employment contract with his or her employer.

183 (3) LEVEL II PROGRAMS.—Initial approval and subsequent
184 renewal of a Level II program shall be for a period of 5 years.
185 A school district may submit to the department in a format
186 prescribed by the department an application to establish a Level
187 II school leader preparation program or for program renewal. To
188 be approved or renewed, a Level II program must:

189 (a) Demonstrate that personnel accepted into the Level II
190 program have:

191 1. Obtained their certificate in educational leadership
192 under s. 1012.56.

193 2. Earned a highly effective or effective designation under
194 s. 1012.34.

195 3. Satisfactorily performed instructional leadership
196 responsibilities as measured by the evaluation system in s.
197 1012.34.

198 (b) Demonstrate that the Level II program:

199 1. Provides competency-based training aligned to the
200 principal leadership standards adopted by the State Board of
201 Education.

202 2. Provides training aligned to the personnel evaluation
203 criteria under s. 1012.34 and professional development program
204 in s. 1012.986.

205 3. Provides individualized instruction using a customized
206 learning plan for each person enrolled in the program that is
207 based on data from self-assessment, selection, and appraisal
208 instruments.

209 4. Conducts program evaluations and implements program
 210 improvements using input from personnel who completed the
 211 program and employers and data gathered pursuant to paragraph
 212 (2) (b).

213 (c) Gather and monitor the data specified in paragraph
 214 (2) (b).

215 (4) RULES.—The State Board of Education shall adopt rules
 216 to administer this section.

217 Section 6. Subsection (3) of section 1012.75, Florida
 218 Statutes, is amended to read:

219 1012.75 Liability of teacher or principal; excessive
 220 force.—

221 (3) The Department of Education shall administer an
 222 educator liability insurance program, as provided in the General
 223 Appropriations Act, to protect full-time instructional personnel
 224 from liability for monetary damages and the costs of defending
 225 actions resulting from claims made against the instructional
 226 personnel arising out of occurrences in the course of activities
 227 within the instructional personnel's professional capacity. For
 228 purposes of this subsection, the terms "full-time," "part-time,"
 229 and "administrative personnel" shall be defined by the
 230 individual district school board. For purposes of this
 231 subsection, the term "instructional personnel" has the same
 232 meaning as provided in s. 1012.01(2).

233 (a) Liability coverage ~~of at least \$2 million~~ shall be
 234 provided to all full-time instructional personnel. Liability

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235 coverage may be provided to the following individuals who choose
236 to participate in the program, at cost: part-time instructional
237 personnel, administrative personnel, and students enrolled in a
238 state-approved teacher preparation program pursuant to s.
239 1012.39(3).

240 (b) By August 1 of each year, the department shall notify
241 the personnel specified in paragraph (a) of the pending
242 procurement for liability coverage. By September 1 of each year,
243 each district school board shall notify the personnel specified
244 in paragraph (a) of the liability coverage provided pursuant to
245 this subsection. The department shall develop the form of the
246 notice which shall be used by each district school board. The
247 notice must be on an 8 1/2-inch by 5 1/2-inch postcard and
248 include the amount of coverage, a general description of the
249 nature of the coverage, and the contact information for coverage
250 and claims questions. The notification shall be provided
251 separately from any other correspondence. Each district school
252 board shall certify to the department, by September 15 of each
253 year, that the notification required by this paragraph has been
254 provided.

255 (c) The department shall consult with the Department of
256 Financial Services to select the most economically prudent and
257 cost-effective means of implementing the program through self-
258 insurance, a risk management program, or competitive
259 procurement.

260 ~~(d) This subsection expires July 1, 2016.~~

261 Section 7. Subsection (1) of section 1012.79, Florida
 262 Statutes, is amended to read:

263 1012.79 Education Practices Commission; organization.—

264 (1) The Education Practices Commission is composed
 265 ~~consists of the following~~ 25 members: 10, ~~including 8~~ teachers;
 266 5 administrators, at least one of whom represents ~~shall~~
 267 ~~represent~~ a private or virtual school; 4 ~~7~~ lay citizens who are,
 268 ~~5 of whom shall be~~ parents of public school students and who are
 269 unrelated to public school employees; and 2 of whom shall be
 270 former charter school governing board or district school board
 271 members or former superintendents, assistant superintendents, or
 272 deputy superintendents; and 4 ~~5~~ sworn law enforcement officials,
 273 appointed by the State Board of Education from nominations by
 274 the Commissioner of Education and subject to Senate
 275 confirmation. Before ~~Prior to~~ making nominations, the
 276 commissioner shall consult with teaching associations, parent
 277 organizations, law enforcement agencies, and other involved
 278 associations in the state. In making nominations, the
 279 commissioner shall attempt to achieve equal geographical
 280 representation, as closely as possible.

281 (a) A teacher member, in order to be qualified for
 282 appointment:

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

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

285 ~~2.3.~~ Must have practiced the profession in this state for
 286 at least 5 years immediately preceding the appointment.

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

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

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

292 2.3. Must have practiced the profession as an
 293 administrator for at least 5 years immediately preceding the
 294 appointment.

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

296 (c) ~~(d)~~ The law enforcement official members must have
 297 served in the profession for at least 5 years immediately
 298 preceding appointment and have background expertise in child
 299 safety.

300 (d) The Commissioner of Education, upon request or
 301 recommendation from the commission, may also appoint up to 5
 302 emeritus members from the commission's prior membership to serve
 303 1-year terms. Notwithstanding any prior service on the
 304 commission, an emeritus member may serve up to five 1-year
 305 terms. An emeritus member serves as a voting member at a
 306 discipline hearing and as a consulting but nonvoting member
 307 during a business meeting.

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

309 Section 8. Subsection (3) of section 1012.796, Florida
 310 Statutes, is amended to read:

311 1012.796 Complaints against teachers and administrators;
 312 procedure; penalties.—

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313 (3) The department staff shall advise the commissioner
314 concerning the findings of the investigation. The department
315 general counsel or members of that staff shall review the
316 investigation and advise the commissioner concerning probable
317 cause or lack thereof. The determination of probable cause shall
318 be made by the commissioner. The commissioner shall provide an
319 opportunity for a conference, if requested, prior to determining
320 probable cause. The commissioner may enter into deferred
321 prosecution agreements in lieu of finding probable cause if, in
322 his or her judgment, such agreements are in the best interests
323 of the department, the certificateholder, and the public. Such
324 deferred prosecution agreements shall become effective when
325 filed with the clerk of the Education Practices Commission.
326 However, a deferred prosecution agreement may ~~shall~~ not be
327 entered into if there is probable cause to believe that a felony
328 or an act of moral turpitude, as defined by rule of the State
329 Board of Education, has occurred. Upon finding no probable
330 cause, the commissioner shall dismiss the complaint and may
331 issue a letter of guidance to the certificateholder.

332 Section 9. This act shall take effect July 1, 2016.