

By the Committees on Appropriations; and Education Pre-K - 12;
and Senator Detert

576-03781-16

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1 A bill to be entitled

2 An act relating to education personnel; amending s.
3 39.201, F.S.; authorizing certain information to be
4 used for educator certification discipline and review;
5 amending s. 39.202, F.S.; authorizing certain
6 employees or agents of the Department of Education to
7 have access to certain reports and records; amending
8 s. 1012.05, F.S.; authorizing, rather than requiring,
9 the department to sponsor a job fair meeting certain
10 criteria; requiring the department to coordinate a
11 best practice community; amending s. 1012.2315, F.S.;
12 eliminating certain State Board of Education
13 rulemaking authority related to teacher assignment;
14 amending s. 1012.39, F.S.; providing requirements
15 regarding liability insurance for students performing
16 clinical field experience; creating s. 1012.562, F.S.;
17 requiring the department to approve school leader
18 preparation programs; providing for approval;
19 providing program requirements; providing for
20 rulemaking; amending s. 1012.79, F.S.; revising
21 membership of the Education Practices Commission;
22 authorizing the Commissioner of Education to appoint
23 emeritus members to the commission; amending s.
24 1012.796, F.S.; authorizing the commissioner to issue
25 a letter of guidance in response to a complaint
26 against a certified teacher or administrator;
27 providing an effective date.

28
29 Be It Enacted by the Legislature of the State of Florida:

30
31 Section 1. Subsection (6) of section 39.201, Florida

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32 Statutes, is amended to read:

33 39.201 Mandatory reports of child abuse, abandonment, or
34 neglect; mandatory reports of death; central abuse hotline.—

35 (6) Information in the central abuse hotline may not be
36 used for employment screening, except as provided in s.
37 39.202(2)(a) and (h). Information in the central abuse hotline
38 and the department's automated abuse information system may be
39 used by the department, its authorized agents or contract
40 providers, the Department of Health, or county agencies as part
41 of the licensure or registration process pursuant to ss.
42 402.301-402.319 and ss. 409.175-409.176. Pursuant to s.
43 39.202(2)(q), the information in the central abuse hotline may
44 also be used by the Department of Education for purposes of
45 educator certification discipline and review.

46 Section 2. Paragraphs (q), (r), and (s) of subsection (2)
47 of section 39.202, Florida Statutes, are redesignated as
48 paragraphs (r), (s), and (t), respectively, and a new paragraph
49 (q) is added to that subsection, to read:

50 39.202 Confidentiality of reports and records in cases of
51 child abuse or neglect.—

52 (2) Except as provided in subsection (4), access to such
53 records, excluding the name of the reporter which shall be
54 released only as provided in subsection (5), shall be granted
55 only to the following persons, officials, and agencies:

56 (q) An employee or agent of the Department of Education who
57 is responsible for the investigation or prosecution of
58 misconduct by a certified educator.

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

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61 1012.05 Teacher recruitment and retention.—

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

77 Section 4. Paragraph (b) of subsection (2) of section
78 1012.2315, Florida Statutes, is amended to read:

79 1012.2315 Assignment of teachers.—

80 (2) ASSIGNMENT TO SCHOOLS GRADED "D" or "F".—

81 (b)1. Beginning July 1, 2014, a school district may assign
82 an individual newly hired as instructional personnel to a school
83 that has earned a grade of "F" in the previous year or any
84 combination of three consecutive grades of "D" or "F" in the
85 previous 3 years pursuant to s. 1008.34 if the individual:

86 a. Has received an effective rating or highly effective
87 rating in the immediate prior year's performance evaluation
88 pursuant s. 1012.34;

89 b. Has successfully completed or is enrolled in a teacher

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90 preparation program pursuant to s. 1004.04, s. 1004.85, or s.
91 1012.56, or a teacher preparation program specified in State
92 Board of Education rule, is provided with high quality mentoring
93 during the first 2 years of employment, holds a certificate
94 issued pursuant to s. 1012.56, and holds a probationary contract
95 pursuant to s. 1012.335(2) (a); or

96 c. Holds a probationary contract pursuant to s.
97 1012.335(2) (a), holds a certificate issued pursuant to s.
98 1012.56, and has successful teaching experience, and if, in the
99 judgment of the school principal, students would benefit from
100 the placement of that individual.

101 2. As used in this paragraph, the term "mentoring" includes
102 the use of student achievement data combined with at least
103 monthly observations to improve the educator's effectiveness in
104 improving student outcomes. Mentoring may be provided by a
105 school district, a teacher preparation program approved pursuant
106 to s. 1004.04, s. 1004.85, or s. 1012.56, or a teacher
107 preparation program specified in State Board of Education rule.

108 ~~3. The State Board of Education shall adopt rules under ss.~~
109 ~~120.536(1) and 120.54 to implement this paragraph.~~

110
111 Each school district shall annually certify to the Commissioner
112 of Education that the requirements in this subsection have been
113 met. If the commissioner determines that a school district is
114 not in compliance with this subsection, the State Board of
115 Education shall be notified and shall take action pursuant to s.
116 1008.32 in the next regularly scheduled meeting to require
117 compliance.

118 Section 5. Subsection (3) of section 1012.39, Florida

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119 Statutes, is amended to read:

120 1012.39 Employment of substitute teachers, teachers of
121 adult education, nondegreed teachers of career education, and
122 career specialists; students performing clinical field
123 experience.-

124 (3) A student who is enrolled in a state-approved teacher
125 preparation program in a postsecondary educational institution
126 that is approved by rules of the State Board of Education and
127 who is jointly assigned by the postsecondary educational
128 institution and a district school board to perform a clinical
129 field experience under the direction of a regularly employed and
130 certified educator shall, while serving such supervised clinical
131 field experience, be accorded the same protection of law as that
132 accorded to the certified educator except for the right to
133 bargain collectively as an employee of the district school
134 board. The district school board providing the clinical field
135 experience shall notify the student electronically or in writing
136 of the availability of educator liability insurance under s.
137 1012.75. A postsecondary educational institution or district
138 school board may not require a student enrolled in a state-
139 approved teacher preparation program to purchase liability
140 insurance as a condition of participation in any clinical field
141 experience or related activity on the premises of an elementary
142 or secondary school.

143 Section 6. Section 1012.562, Florida Statutes, is created
144 to read:

145 1012.562 Public accountability and state approval of school
146 leader preparation programs.-The Department of Education shall
147 establish a process for the approval of Level I and Level II

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148 school leader preparation programs that will enable aspiring
149 school leaders to obtain their certificate in educational
150 leadership under s. 1012.56. School leader preparation programs
151 must be competency-based, aligned to the principal leadership
152 standards adopted by the state board, and open to individuals
153 employed by public schools, including charter schools and
154 virtual schools. Level I programs may be offered by school
155 districts or postsecondary institutions and lead to initial
156 certification in educational leadership for the purpose of
157 preparing individuals to serve as school administrators. Level
158 II programs may be offered by school districts, build upon Level
159 I training, and lead to renewal certification as a school
160 principal.

161 (1) PURPOSE.—The purpose of school leader preparation
162 programs is to:

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

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

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

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

172 (e) Sustain the state system of school improvement and
173 education accountability.

174 (2) LEVEL I PROGRAMS.—

175 (a) Initial approval of a Level I program shall be for a
176 period of 5 years. A postsecondary institution or school

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177 district may submit to the department in a format prescribed by
178 the department an application to establish a Level I school
179 leader preparation program. To be approved, a Level I program
180 must:

181 1. Provide competency-based training aligned to the
182 principal leadership standards adopted by the State Board of
183 Education.

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

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

189 4. Describe how the training provided through the program
190 will be aligned to the personnel evaluation criteria under s.
191 1012.34.

192 (b) Renewal of a Level I program's approval shall be for a
193 period of 5 years and shall be based upon evidence of the
194 program's continued ability to meet the requirements of
195 paragraph (a). A postsecondary institution or school district
196 must submit an institutional program evaluation plan in a format
197 prescribed by the department for a Level I program to be
198 considered for renewal. The plan must include:

199 1. The percentage of personnel who complete the program and
200 are placed in school leadership positions in public schools
201 within the state.

202 2. Results from the personnel evaluations required under s.
203 1012.34 for personnel who complete the program.

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

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

209 5. Strategies for continuous improvement of the program.

210 6. Strategies for involving personnel who complete the
211 program, other school personnel, community agencies, business
212 representatives, and other stakeholders in the program
213 evaluation process.

214 7. Additional data included at the discretion of the
215 postsecondary institution or school district.

216 (c) A Level I program must guarantee the high quality of
217 personnel who complete the program for the first 2 years after
218 program completion or the person's initial certification as a
219 school leader, whichever occurs first. If a person who completed
220 the program is evaluated at less than highly effective or
221 effective under s. 1012.34 and the person's employer requests
222 additional training, the Level I program must provide additional
223 training at no cost to the person or his or her employer. The
224 training must include the creation of an individualized plan
225 agreed to by the employer that includes specific learning
226 outcomes. The Level I program is not responsible for the
227 person's employment contract with his or her employer.

228 (3) LEVEL II PROGRAMS.—Initial approval and subsequent
229 renewal of a Level II program shall be for a period of 5 years.
230 A school district may submit to the department in a format
231 prescribed by the department an application to establish a Level
232 II school leader preparation program or for program renewal. To
233 be approved or renewed, a Level II program must:

234 (a) Demonstrate that personnel accepted into the Level II

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235 program have:

236 1. Obtained their certificate in educational leadership
237 under s. 1012.56.

238 2. Earned a highly effective or effective designation under
239 s. 1012.34.

240 3. Satisfactorily performed instructional leadership
241 responsibilities as measured by the evaluation system in s.
242 1012.34.

243 (b) Demonstrate that the Level II program:

244 1. Provides competency-based training aligned to the
245 principal leadership standards adopted by the State Board of
246 Education.

247 2. Provides training aligned to the personnel evaluation
248 criteria under s. 1012.34 and professional development program
249 in s. 1012.986.

250 3. Provides individualized instruction using a customized
251 learning plan for each person enrolled in the program that is
252 based on data from self-assessment, selection, and appraisal
253 instruments.

254 4. Conducts program evaluations and implements program
255 improvements using input from personnel who completed the
256 program and employers and data gathered pursuant to paragraph
257 (2) (b) .

258 (c) Gather and monitor the data specified in paragraph
259 (2) (b) .

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

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

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264 1012.79 Education Practices Commission; organization.—
265 (1) The Education Practices Commission is composed ~~consists~~
266 of the following 25 members: 10, ~~including 8~~ teachers; 5
267 administrators, at least one of whom represents ~~shall represent~~
268 a private or virtual school; 4 7 lay citizens who are, ~~5 of whom~~
269 ~~shall be~~ parents of public school students and who are unrelated
270 to public school employees; and 2 of whom shall be former
271 charter school governing board or district school board members
272 or former superintendents, assistant superintendents, or deputy
273 superintendents; and 4 5 sworn law enforcement officials,
274 appointed by the State Board of Education from nominations by
275 the Commissioner of Education and subject to Senate
276 confirmation. Before ~~Prior to~~ making nominations, the
277 commissioner shall consult with teaching associations, parent
278 organizations, law enforcement agencies, and other involved
279 associations in the state. In making nominations, the
280 commissioner shall attempt to achieve equal geographical
281 representation, as closely as possible.

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

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

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

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

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

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

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

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

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

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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.