

By Senator Hukill

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1 A bill to be entitled
2 An act relating to education; amending s. 1002.421,
3 F.S.; requiring the Department of Education to suspend
4 specified payments to private schools that fail,
5 rather than knowingly fail, to meet certain
6 scholarship program accountability standards;
7 providing that the failure of, rather than the
8 inability of, private schools to meet such standards
9 constitutes the basis for ineligibility for
10 participation in a scholarship program; providing an
11 effective date.

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

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15 Section 1. Subsections (4) and (5) of section 1002.421,
16 Florida Statutes, are amended to read:

17 1002.421 Accountability of private schools participating in
18 state school choice scholarship programs.—

19 (4) A private school that accepts scholarship students
20 under s. 1002.39 or s. 1002.395 must:

21 (a) Disqualify instructional personnel and school
22 administrators, as defined in s. 1012.01, from employment in any
23 position that requires direct contact with students if the
24 personnel or administrators are ineligible for such employment
25 under s. 1012.315.

26 (b) Adopt policies establishing standards of ethical
27 conduct for instructional personnel and school administrators.
28 The policies must require all instructional personnel and school
29 administrators, as defined in s. 1012.01, to complete training

14-00942A-18

20181614__

30 on the standards; establish the duty of instructional personnel
31 and school administrators to report, and procedures for
32 reporting, alleged misconduct by other instructional personnel
33 and school administrators which affects the health, safety, or
34 welfare of a student; and include an explanation of the
35 liability protections provided under ss. 39.203 and 768.095. A
36 private school, or any of its employees, may not enter into a
37 confidentiality agreement regarding terminated or dismissed
38 instructional personnel or school administrators, or personnel
39 or administrators who resign in lieu of termination, based in
40 whole or in part on misconduct that affects the health, safety,
41 or welfare of a student, and may not provide the instructional
42 personnel or school administrators with employment references or
43 discuss the personnel's or administrators' performance with
44 prospective employers in another educational setting, without
45 disclosing the personnel's or administrators' misconduct. Any
46 part of an agreement or contract that has the purpose or effect
47 of concealing misconduct by instructional personnel or school
48 administrators which affects the health, safety, or welfare of a
49 student is void, is contrary to public policy, and may not be
50 enforced.

51 (c) Before employing instructional personnel or school
52 administrators in any position that requires direct contact with
53 students, conduct employment history checks of each of the
54 personnel's or administrators' previous employers, screen the
55 personnel or administrators through use of the educator
56 screening tools described in s. 1001.10(5), and document the
57 findings. If unable to contact a previous employer, the private
58 school must document efforts to contact the employer.

14-00942A-18

20181614__

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60 The department shall suspend the payment of funds under ss.
61 1002.39 and 1002.395 to a private school that ~~knowingly~~ fails to
62 comply with this subsection, and shall prohibit the school from
63 enrolling new scholarship students, for 1 fiscal year and until
64 the school complies.

65 (5) The failure ~~inability~~ of a private school to meet the
66 requirements of this section shall constitute a basis for the
67 ineligibility of the private school to participate in a
68 scholarship program as determined by the department.

69 Section 2. This act shall take effect July 1, 2018.