

Schools & Learning Council Meeting Packet

**April 11, 2008
9:30 am – 12:00 pm
212 Knott**

**Marco Rubio
Speaker**

**Joe H. Pickens
Council Chair**

Council Meeting Notice
HOUSE OF REPRESENTATIVES

Speaker Marco Rubio

Schools & Learning Council

Start Date and Time: Friday, April 11, 2008 09:30 am

End Date and Time: Friday, April 11, 2008 12:00 pm

Location: 212 Knott Building

Duration: 2.50 hrs

Consideration of the following bill(s):

PCS for HB 331 -- Education

PCS for HB 359 -- Exceptional Students

HB 1483 Teaching Chemical and Biological Evolution by Hays

CS/CS/CS/SB 1712 Ethics in Education Act by Education Pre-K - 12 Appropriations, Governmental Operations,
Education Pre-K - 12, Education Pre-K - 12

CS/CS/SB 1906 Alternative Credit High School Courses by Education Pre-K - 12 Appropriations, Education
Pre-K - 12, Gaetz

CS/SB 1908 Designation of High School Grades by Education Pre-K - 12, Gaetz

NOTICE FINALIZED on 04/09/2008 16:24 by TJG

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: PCS FOR HB 331 Education

SPONSOR(S): Schools & Learning Council; Bean

TIED BILLS: IDEN./SIM. BILLS: SB 284

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) Schools & Learning Council		^{DM} Merritt	Cobb <i>lcc</i>
2) Policy & Budget Council			
3)			
4)			
5)			

SUMMARY ANALYSIS

The bill outlines the criteria that charter technical career centers must meet to use the designation "technical college."

The effective date provided is July 1, 2008.

The bill appears to have no fiscal impact.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. HOUSE PRINCIPLES ANALYSIS:

This bill does not appear to implicate any of the House Principles.

B. EFFECT OF PROPOSED CHANGES:

Background

Charter Technical Career Centers

A charter technical career center is a public school or a public technical center that is operated under a charter granted by a district school board, a community college board of trustees, or a consortium of one or more of each of these.¹ An application to establish a charter technical career center must include, in addition to other information, the name of the proposed center.² The charter must be signed by both the governing body of the center and the sponsor of the center and must be approved by the district school board and community college board of trustees in whose geographic region the facility is located.³ The charter technical career center is managed by a board of directors. The board of directors is authorized to decide matters relating to the operation of the school, including budgeting, curriculum, and operating procedures, subject to the center's charter.⁴

Three charter technical career centers have been established since the Legislature authorized these centers in 1999 – Flagler/Volusia Advanced Technology Center in Volusia County (2001); First Coast Technical Institute in St. Johns County (1999); and Lake Technical Center in Lake County (2004).

Advanced Technology Center – offers PSAV programs, postsecondary vocational (PSV) certificate programs, apprenticeship programs, associate in applied science (AAS) degree programs, and associate in science (AS) degree programs.

First Coast Technical Institute – offers adult education programs, postsecondary adult vocational (PSAV) certificate programs, applied technology diploma (ATD) programs, apprenticeship programs, and continuing workforce education programs.

Lake Technical Center – offers adult education programs, PSAV programs, apprenticeship programs, and continuing workforce education programs.

Accreditation

State universities and public community colleges in Florida are accredited by the Southern Association of Colleges and Schools Commission on Colleges (SACS COC).⁵ All of Advanced Technology Center's programs are accredited under Daytona Beach Community College's Southern Association of

¹ See s. 1002.34(3)(a), F.S.

² See s. 1002.34(4), F.S.

³ *Id.*

⁴ See s. 1002.34(13), F.S.

⁵ SACS COC accredits institutions of higher education that award associate, baccalaureate, master's, or doctoral degrees.

Colleges and Schools level-two accreditation.⁶ First Coast Technical Institute is accredited by the Southern Association of Colleges and Schools Council on Accreditation and School Improvement (SACS CASI) and the Council on Occupational Education (COE).⁷ Lake Technical Center is accredited by COE.

Use of the Designation “College” or “University” in Current Law

Section 1005.03, F.S. restricts the use of the designation “college” or “university” in Florida to colleges or universities as defined in s. 1005.02, F.S., that offer degrees as defined in s. 1005.02, F.S., and fall into at least one of the following categories:⁸

- A Florida public college.
- A Florida or out-of-state college that has been in active operation and using the designation “college” or “university” since April 1, 1970.
- A college for which the Commission for Independent Education (CIE) has issued a license pursuant to the provisions of Chapter 1005, F.S.
- A college that is eligible to participate in the Florida Resident Access Grant Program.
- Certain institutions that are not under the jurisdiction of the CIE because of grandfather provisions or because of religious college status.⁹

Any entity offering postsecondary educational courses or programs of study in Florida, whether or not college credit is awarded, is subject to the provisions of s. 1005.03, F.S.¹⁰

The CIE is responsible for setting licensing standards, reviewing applications for and issuing licenses, and monitoring the consumer practices of all independent postsecondary education institutions in Florida with the exception of those independent nonprofit colleges or universities eligible to participate in the Florida Resident Access Grant program.¹¹ The standards and procedures for licensure of institutions under the jurisdiction of the CIE are set forth in Rule 6E-2.004, F.A.C. An institution seeking licensure from the CIE may use the term “college” in its name if it offers, or if a new applicant for licensure proposes to offer, as the majority of its total offerings and student enrollments, an academic associate degree, a baccalaureate degree, or a graduate or professional degree. Other conditions relating to facilities and evidence of continued operations also apply.

Following the 2007 Legislative Session, the Florida House of Representatives Committee on Postsecondary Education compiled a report on the use of the designation “college” by career centers and charter technical career centers.¹² In preparing this report, the committee looked at institutions in

⁶ DOE annual comparative evaluation of charter technical career centers and public technical centers.

⁷ SACS CASI accredits Elementary, Middle, and Secondary Schools and school districts. COE accredits postsecondary occupational institutions that offer certificate, diploma, or applied associate degree programs.

⁸ Section 1005.02, F.S., defines “college” or “university” as any incorporated postsecondary educational entity, and its additional locations, offering a substantially complete program that confers or offers to confer at least an associate degree requiring at least 15 semester hours or the equivalent of general education, or that furnishes or offers to furnish instruction leading toward, or prerequisite to, college credit. The terms include any college-credit-granting independent educational institution that is chartered in this state and any center or branch campus within this state of an out-of-state institution at the college-credit level. Section 1005.02, F.S. defines “degree” as any educational credential that is generally taken to signify satisfactory completion of the requirements of an undergraduate, graduate, academic, educational, or professional program of study or any honorary credential conferred for meritorious recognition. At the undergraduate level, an institution may not award a degree for a program unless it includes a general education component as established by rule and at least 60 semester hours or 90 quarter hours of study or the equivalent.

⁹ See s. 1005.03, F.S.

¹⁰ See s. 1005.03(3), F.S.

¹¹ The Florida House of Representatives Schools & Learning Council, 2008 *Education Fact Sheets*.

¹² Florida House of Representatives, Schools & Learning Council, *Use Of The Designation “College” By Career Centers & Charter Technical Career Centers* (2008).

other Southern Regional Education Board (SREB) states. Of the institutions that were reviewed, the ones that used the designation “technical college” offered degree programs.

According to the Department of Education, the names of First Coast Technical Center and Advanced Technology Center were changed in 2007.

- The name change from Advanced Technology Center to Advanced Technology College was approved by the governing board of the center (the board of directors of Advanced Technology Center) and the sponsor/community college board of trustees in whose geographic region the facility is located (the Daytona Beach Community College Board of Trustees).¹³
- The name change from First Coast Technical Institute to First Coast Technical College was approved by the governing board of the center (the board of directors of First Coast) and the sponsor/district school board in whose geographic region the facility is located (the St. Johns County School Board).¹⁴

Statewide Course Numbering System

The purpose of the Statewide Course Numbering System (SCNS) is to facilitate student acceleration and the transfer of students and credits between public school districts, public postsecondary educational institutions, and participating nonpublic educational institutions.

Section 1007.23, F.S., requires the State Board of Education (SBE) and the Board of Governors to enter into a statewide articulation agreement that preserves Florida’s “2+2” system of articulation and facilitates the seamless articulation of credit across and among Florida’s educational entities. Among other things, the statewide articulation agreement must guarantee the statewide articulation of appropriate workforce education programs and courses between school districts and community colleges. The SBE must adopt the statewide articulation agreement in rule.¹⁵ Florida’s statewide articulation agreement is viewed as the most comprehensive articulation agreement in the nation.¹⁶

Proposed Changes

The bill establishes criteria that charter technical career centers must meet to use the designation “technical college.” A charter technical career center that was in operation prior to July 1, 2008, may use the designation “technical college” under the following conditions:

- The charter technical career center must have the approval of the center’s board of directors, the center’s sponsor, the district school board that initially approved the center’s charter, and the community college board of trustees that initially approved the center’s charter to change the center’s name.
- The charter technical career center must have the approval of the center’s board of directors, the center’s sponsor, the district school board that initially approved the center’s charter, and the community college board of trustees that initially approved the charter to offer one or more associate in applied science (AAS) degree programs. Separate approval is required for each degree program the center plans to offer.

¹³ Conversation with DOE on February 8, 2008.

¹⁴ *Id.*

¹⁵ See s. 1007.23(1), F.S. The statewide articulation agreement is codified in Rule 6A-10.024, F.A.C.

¹⁶ DOE, *Statewide Postsecondary Articulation Manual* (Revised April 2007).

- The charter technical career center must participate fully in the statewide course numbering system.
- The charter technical career center must comply with all provisions of the statewide articulation agreement that relate to 2-year and 4-year public degree-granting institutions as adopted by the State Board of Education.
- The charter technical career center must be accredited by the SACS COC.

The bill permits a charter technical career center to use the designation "technical college" while the center pursues accreditation by SACS COC. If the center has the approval of its board of directors, the center's sponsor, and the district school board and community college board of trustees that initially approved the center's charter to both change its name and to offer one or more AAS degree programs.

A charter technical career center that begins operation after July 1, 2008 may not use the designation "technical college" unless specifically authorized by the Legislature.

The bill prohibits charter technical career centers from using the designation "college."

The bill prohibits a charter technical career center that is sponsored by a school district from offering associate in arts or associate in science degree programs unless specifically authorized by the Legislature.

C. SECTION DIRECTORY:

Section 1: Adds subsection s. 1002.34(20), F.S., providing conditions for use of the designations "technical college" and "college"; prohibiting certain degrees.

Section 2: Provides an effective date of July 1, 2008.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

See Fiscal Comments.

2. Expenditures:

See Fiscal Comments.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

See Fiscal Comments.

2. Expenditures:
See Fiscal Comments.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

The bill appears to have no fiscal impact.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

This bill does not appear to require a city or county to expend funds or to take any action requiring the expenditure of funds.

The bill does not appear to reduce the authority that municipalities or counties have to raise revenues in the aggregate.

This bill does not appear to reduce the percentage of state tax shared with counties or municipalities.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

D. STATEMENT OF THE SPONSOR

IV. AMENDMENTS/COUNCIL SUBSTITUTE CHANGES

1 A bill to be entitled
 2 An act relating to charter technical career centers;
 3 amending s. 1002.34, F.S.; providing conditions for use of
 4 the designations "technical college" and "college";
 5 prohibiting certain degrees; providing an effective date.

6
 7 Be It Enacted by the Legislature of the State of Florida:

8
 9 Section 1. Subsection (20) is added to section 1002.34,
 10 Florida Statutes, to read:

11 1002.34 Charter technical career centers.--

12 (20) (a) A charter technical career center that was in
 13 operation prior to July 1, 2008, may use the designation
 14 "technical college" under the following conditions:

15 1. The charter technical career center must have the
 16 approval of the center's board of directors, the center's
 17 sponsor, the district school board that initially approved the
 18 center's charter, and the community college board of trustees
 19 that initially approved the center's charter to change the
 20 center's name.

21 2. The charter technical career center must have the
 22 approval of the center's board of directors, the center's
 23 sponsor, the district school board that initially approved the
 24 center's charter, and the community college board of trustees
 25 that initially approved the charter to offer one or more
 26 associate in applied science degree programs. Separate approval
 27 is required for each degree program the center plans to offer.

PCS for HB 331

ORIGINAL

2008

28 3. The charter technical career center must participate
29 fully in the statewide course numbering system.

30 4. The charter technical career center must comply with
31 all provisions of the statewide articulation agreement that
32 relate to 2-year and 4-year public degree-granting institutions
33 as adopted by the State Board of Education pursuant to s.
34 1007.23.

35 5. The charter technical career center must be accredited
36 by the Commission on Colleges of the Southern Association of
37 Colleges and Schools. A charter technical career center that
38 obtains the approvals required by subparagraphs 1. and 2. may
39 use the designation "technical college" while the center pursues
40 accreditation by the Southern Association of Colleges and
41 Schools Commission on Colleges.

42 (b) A charter technical career center that begins
43 operation after July 1, 2008 may not use the designation
44 "technical college" unless specifically authorized by the
45 Legislature.

46 (c) A charter technical career center may not use the
47 designation "college."

48 (d) A charter technical career center that is sponsored by
49 a school district may not offer associate in arts or associate
50 in science degree programs unless specifically authorized by the
51 Legislature.

52 Section 2. This act shall take effect July 1, 2008.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. HOUSE PRINCIPLES ANALYSIS:

The bill does not appear to implicate any of the House Principles.

B. EFFECT OF PROPOSED CHANGES:

Present Situation

Free Appropriate Public Education: Under the Individuals with Disabilities Education Improvement Act (IDEA), the term "free appropriate public education" means special education and related services that are provided by the public school system at no cost to the parent.¹ Such students must be educated in the least restrictive environment; i.e., the student must be educated in an environment that is as close to a typical school environment as is appropriate in relation to the severity of the student's disability.²

Exceptional Student Education Services: Florida law requires each district school board to provide special education services, i.e., ESE services, to exceptional students.³ Florida law defines special education services as specially designed instruction and related services as are needed for an exceptional student to benefit from education.⁴ School districts may provide such services within the district school system, in cooperation with other district school systems, or through contractual agreements with an approved private school or community facility.⁵

Current law prohibits a student from being given special instruction or services as an exceptional student until he or she has been properly evaluated, classified, and placed in the manner prescribed by State Board of Education (SBE) rule. The parent of an exceptional student evaluated, placed, or denied placement must be notified of each evaluation, placement, or denial. In addition, parents must be notified of the right to a due process hearing.⁶

Individual Educational Plans: The evaluation and written services plan required for an exceptional student is referred to as an IEP.⁷ The IEP must describe the student's educational needs and the services that will be provided to meet those needs. The IEP is developed by a multidisciplinary team that includes school and district staff and other experts, if necessary. Parents must participate in the development of the plan. The IEP must be developed by district staff within 30 days of determining that the student is eligible for ESE services. An exceptional student must have an IEP at the beginning of each school year. The IEP must be reviewed every twelve months to determine if services currently provided appropriately serve the student.⁸

¹ 20 U.S.C. 1412(a)(1).

² 20 U.S.C. 1412(a)(5).

³ Section 1003.57(1), F.S. (Section 1003.01(3)(a), F.S. (An "exceptional student" is defined to include individuals with disabilities who are mentally handicapped, speech and language impaired, deaf or hard of hearing, visually impaired, dual sensory impaired, physically impaired, emotionally handicapped, specific learning disabled, hospital and homebound, autistic, developmentally delayed children, ages birth through 5 years, or children, ages birth through 2 years, with established conditions in SBE rule. Students who are gifted are also classified as exceptional students).

⁴ Section 1003.01(1), F.S. (Such services may include: transportation; diagnostic and evaluation services; social services; physical and occupational therapy; speech and language therapy; job placement; orientation and mobility training; braille, typists, and readers for the blind; interpreters and auditory amplification; rehabilitation counseling; transition services; mental health services; guidance and career counseling; specified materials, assistive technology devices, and other specialized equipment; and other services as approved by SBE rules).

⁵ Section 1003.57(1)(b), F.S. See also ss. 1001.42(4)(l) and 1002.42(12), F.S.

⁶ Section 1003.57(1)(e), F.S.

⁷ 20 U.S.C. § 1414(d).

⁸ Rule 6A-6.03028, F.A.C.

Agency-Operated Residential Facilities Placements: Current law specifically requires district school boards to provide and pay for educational programs for students who reside in a residential facility operated by the DCF or the APD.⁹ School boards receive weighted funding for these students via the Florida Education Finance Program (FEFP).¹⁰ Further, statute provides that district school boards have the “full and complete authority” to determine the assignment and placement of such students in an appropriate educational program.¹¹ Each district school board must have a written agreement with the DCF and APD that delineates each entity’s respective obligations concerning the funding and provision of educational services for such students.¹² Statute provides that DOE, DCF, APD, and district school board programs for residential exceptional students must be mutually supportive.¹³

Private Residential Facilities Placements: Statute does not directly address the placement of exceptional students in private residential facilities by the DCF or APD. Thus, the responsibilities of agencies, district school boards, and residential facilities concerning such placements are less clear. Typically, the district where the facility is located provides educational services to the student. District personnel review the student’s IEP and determine which educational services are appropriate.¹⁴

In some cases, exceptional students are transferred by the agency from a private facility in their home school district to a private facility in another district. Such placements are often motivated by availability, special residential needs, or other noneducational needs. Because some placements are made in urgent or emergency situations, it is not always feasible for the agency to formally notify the school district of the placement.¹⁵ Because school districts are usually not involved in these placement decisions, and do not receive timely notice of the placement, delays in delivering educational services to such students have resulted.¹⁶

Rule 6A-6.0361, F.A.C., authorizes school districts to enter into contracts with a private school or residential facility for the provision of ESE services. The district must first determine that no special educational program offered by it, a cooperating district school board, or a state agency is appropriate to serve the student.¹⁷ These contracts may be entered into for either non-residential or residential exceptional students.¹⁸ Contract provisions must include a method for determining charges, sharing costs with other agencies, and resolving disputes.¹⁹ Such contracts must also specify that the exceptional student served under the contract generates FEFP funds for the school district.²⁰ School districts are not required to enter into these contracts. Thus, not all districts have them.²¹

Likewise, Rule 6A-6.0311, F.A.C., authorizes district school boards to establish multi-district programs that allow exceptional students to be served outside of their assigned school district. Each participating district must enter into a written agreement governing the provision of ESE services. When ESE services are provided to students residing in an agency-operated or private residential facility under a multi-district agreement, each school district and the facility must be party to the written agreement. However, these provisions only address placements made under a multi-district agreement.²²

⁹ Sections 1003.58, F.S. and 402.22(2), F.S.

¹⁰ Section 402.22(4), F.S.

¹¹ Section 1003.58(3), F.S.

¹² Section 1003.58(4), F.S. (Section 39.0016, F.S., specifies the requirements for agreements between school boards and the DCF. Among other things, the agreement must indicate all educational services that the district school board believes are reasonably necessary to educate the student. For students placed in residential care by the APD, s. 393.0651, F.S., specifies that the educational services that must be provided and paid for by the district school board are those services set forth in the student’s IEP).

¹³ Section 402.22(3), F.S.

¹⁴ Department of Education, 2008 Bill Analysis for House Bill 359.

¹⁵ Department of Children and Families, 2008 Bill Analysis for House Bill 359.

¹⁶ Department of Education, 2008 Bill Analysis for House Bill 359.

¹⁷ Rule 6A-6.0361(1), F.A.C.

¹⁸ Rule 6A-6.0361(2), F.A.C.

¹⁹ Rule 6A-6.0361(5)(h), F.A.C.

²⁰ Rule 6A-6.0361(7), F.A.C.

²¹ Department of Education, 2008 Bill Analysis for House Bill 359.

²² Rule 6A-6.0311, F.A.C.

According to a survey conducted by the Office of Program Policy Analysis and Government Accountability (OPPAGA), school districts reported serving 469 exceptional students placed in residential treatment facilities regulated/licensed by the DCF, APD, or AHCA as of October 2007. Two hundred and seventy-six of these students reside in facilities located outside of the school district where their parents reside. These students were served by 31 of the state's 67 school districts.²³

Effect of Proposed Changes

The bill revises requirements relating to the delivery of educational instruction and student funding when an exceptional student with disabilities is placed in or referred to a private residential care facility by the DCF, APD, or AHCA.

The bill's provisions only apply when such placement or referral: (a) is made primarily for residential or noneducational purposes; and (b) crosses school district lines. Specifically, the bill requires:

- The DCF, APD, and AHCA to provide written notice to the school district where the residential facility is located within 10 days of placement or referral.
- The school district in which the facility is located must review the student's individual educational plan (IEP) within 10 days after receiving the notice to determine appropriate educational services for the student.
- The school district in which the facility is located must provide educational services to the student, either directly or by contract with a provider, or decline to provide such services.

If the school district declines to provide educational services, the school district in which the student was enrolled prior to the interdistrict placement or referral is required to provide or contract for the student's educational services. The bill further specifies that the school district providing the educational services is to report the student for FEFP funding purposes.

C. SECTION DIRECTORY:

Section 1.: Amending s. 1003.57, F.S.; requiring the DCF, APD, and AHCA to notify district school boards regarding the placement of students in private residential facilities; requiring school districts to review student IEPs; providing that bill provisions only address certain placements; providing school district responsibilities for the cost and delivery of educational services; requiring reporting of students for funding.

Section 2.: Providing an effective date of July 1, 2007.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

The bill does not appear to have a fiscal impact on state revenues.

2. Expenditures:

The bill does not appear to have a fiscal impact on state expenditures.

²³ Data Provided by OPPAGA, March 31, 2008 (The school districts that reported students were Alachua, Bay, Brevard, Broward, Citrus, Collier, Dade, Duval, Hendry, Hernando, Hillsborough, Lake, Lee, Levy, Leon, Manatee, Marion, Martin, Orange, Osceola, Palm Beach, Pasco, Pinellas, Sarasota, Seminole, St Johns, St. Lucie, Suwannee, Taylor, Volusia, and Washington).

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

The bill does not appear to have a fiscal impact on local revenues.

2. Expenditures:

The bill does not appear to have a fiscal impact on local expenditures.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

The bill does not appear to have a direct economic impact on the private sector.

D. FISCAL COMMENTS:

Under the bill, the school district in which a private residential facility is located will have the option of either providing, or declining to provide, educational services to the student placed in the facility. If the district declines, the district in which the student was enrolled prior to the interdistrict placement or referral must provide or contract for the student's educational services. The bill specifies that the district that provides or contracts for the educational services is to report the student for FEFP funding purposes.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable. The bill does not require counties or municipalities to take an action requiring the expenditure of funds; reduce the authority that counties or municipalities had as of February 1, 1989, to raise revenue in the aggregate; or reduce the percentage of state tax shared with counties or municipalities as of February 1, 1989.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

D. STATEMENT OF THE SPONSOR

IV. AMENDMENTS/COUNCIL SUBSTITUTE CHANGES

1 A bill to be entitled
 2 An act relating to exceptional students; amending s.
 3 1003.57, F.S.; requiring notice to school districts by the
 4 Department of Children and Family Services, the Agency for
 5 Persons with Disabilities, and the Agency for Health Care
 6 Administration for certain exceptional student placements
 7 in or referrals to private residential facilities;
 8 requiring a review of a student's individual educational
 9 plan; providing for a determination of responsibility for
 10 educational instruction; requiring specified reporting of
 11 the student for funding purposes; providing an effective
 12 date.

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

15
 16 Section 1. Subsection (3) is added to section 1003.57,
 17 Florida Statutes, to read:

18 1003.57 Exceptional students instruction.--

19 (3) (a) For purposes of this subsection, the term "agency"
 20 means the Department of Children and Family Services, the Agency
 21 for Persons with Disabilities, or the Agency for Health Care
 22 Administration.

23 (b) Within 10 days after an exceptional student with a
 24 disability is placed in or referred to a private residential
 25 care facility by an agency, the agency must provide written
 26 notice of the placement or referral to the school district in
 27 which the private residential care facility is located. This
 28 subsection applies when the placement or referral is for the

29 primary purpose of addressing residential or other
 30 noneducational needs and the placement or referral crosses
 31 school district lines.

32 (c) Within 10 days after receiving the notice, the school
 33 district in which the private residential care facility is
 34 located must review the student's individual educational plan to
 35 determine if the student may benefit from instruction provided
 36 by the school district or by a provider or facility under
 37 contract with the school district. The school district shall
 38 provide educational instruction to the student, contract with
 39 another provider or facility to provide the educational
 40 instruction, contract with the private residential care facility
 41 in which the student resides to provide the educational
 42 instruction, or decline to provide or contract for educational
 43 instruction. If the school district declines to provide or
 44 contract for the educational instruction, the school district in
 45 which the student was enrolled prior to the placement in or
 46 referral to the private residential care facility shall provide
 47 or contract for the educational instruction to the student. The
 48 school district that provides educational instruction or
 49 contracts to provide educational instruction shall report the
 50 student for funding purposes under s. 1011.62.

51 Section 2. This act shall take effect July 1, 2008.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

Bill No. 0359

COUNCIL/COMMITTEE ACTION

ADOPTED ___ (Y/N)
ADOPTED AS AMENDED ___ (Y/N)
ADOPTED W/O OBJECTION ___ (Y/N)
FAILED TO ADOPT ___ (Y/N)
WITHDRAWN ___ (Y/N)
OTHER _____

1 Council/Committee hearing bill: Schools & Learning Council
2 Representative Kiar offered the following:

3
4 **Amendment (with title amendment)**

5 Remove everything after the enacting clause and insert:

6 Section 1. Subsection (3) is added to section 1003.57,

7 Florida Statutes, to read:

8 1003.57 Exceptional students instruction.--

9 (3) (a) For purposes of this subsection:

10 1. "Agency" means the Department of Children and Family
11 Services or its contracted lead agency, the Agency for Persons
12 with Disabilities, and the Agency for Health Care
13 Administration.

14 2. "Home school district" means the district that is the
15 legal residence of the student.

16 3. "Receiving school district" means the district in which
17 the private residential care facility serving a student is
18 located.

19 4. "Residential placement" or "placement" occurs when an
20 agency has funded or arranged for funding of all or a part of
21 the cost of an exceptional student to live in a facility that

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

22 provides educational services operated or licensed by the
23 agency.

24 (b) The Department of Education in consultation with
25 Department of Children and Family Services, the Agency for
26 Persons with Disabilities, the Agency for Health Care
27 Administration, and school districts shall develop procedures
28 for the timely notification of school districts regarding the
29 placement of exceptional students in residential care
30 facilities. The procedures must provide written notification
31 within 10 days of the placement to the school district where the
32 child is currently counted for FTE purposes and the school
33 district where the facility is located if the facility is
34 located across school district lines. The procedures must also
35 identify the entity responsible for notification for each type
36 of facility that the state agencies operate, regulate, or
37 license. Notification, as required by this subsection, for
38 students admitted to residential facilities licensed by the
39 Agency for Persons with Disabilities shall be provided by the
40 facility.

41 (c) Within 10 days after receiving the agency's notice,
42 the receiving school district must review the student's
43 individual education plan to determine if the student may
44 benefit from instruction provided by the school district or by a
45 provider or facility under contract with the school district.

46 The school district shall:

- 47 1. Provide educational instruction to the student;
- 48 2. Contract with another provider or facility to provide
49 the educational instruction;
- 50 3. Contract with the private residential care facility in
51 which the student resides to provide the educational
52 instruction; or

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

53 4. Decline to provide or contract for educational
54 instruction.

55 (d) If the receiving school district declines to provide
56 or contract for the educational instruction, the home school
57 district of the student shall provide or contract for the
58 educational instruction to the student. The school district that
59 provides educational instruction shall report the student for
60 funding purposes under s. 1011.62.

61 Section 2. Subsection (4) of section 1003.58, Florida
62 Statutes, is amended to read:

63 1003.58 Students in residential care facilities.--Each
64 district school board shall provide educational programs
65 according to rules of the State Board of Education to students
66 who reside in residential care facilities operated by the
67 Department of Children and Family Services or the Agency for
68 Persons with Disabilities.

69 (4) The district school board shall have a written
70 agreement with the Department of Children and Family Services
71 and the Agency for Persons with Disabilities outlining the
72 respective duties and responsibilities of each party. The
73 Department of Education, the Department of Children and Family
74 Services, the Agency for Persons with Disabilities, and the
75 Agency for Health Care Administration shall enter into a
76 cooperative agreement for interagency coordination to ensure
77 that the services required by the Individuals with Disabilities
78 Education Act are provided. The agreement shall incorporate the
79 elements set out in 34 CFR s. 300.154.

80
81 Notwithstanding the provisions herein, the educational program
82 at the Marianna Sunland Center in Jackson County shall be
83 operated by the Department of Education, either directly or

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

84 through grants or contractual agreements with other public or
85 duly accredited educational agencies approved by the Department
86 of Education.

87 Section 3. This act shall take effect July 1, 2008.

88

89

90

T I T L E A M E N D M E N T

91

Remove the entire title and insert:

92

A bill to be entitled

93

An act relating to exceptional students; amending s. 1003.57,

94

F.S.; providing definitions; requiring the Department of

95

Education, in consultation with specified agencies, to develop

96

procedures for the placement of exceptional students in

97

residential care facilities; requiring a school district to

98

review a student's individual education plan; providing for a

99

determination of responsibility for educational instruction;

100

requiring specified reporting of a student for funding purposes;

101

amending s. 1003.58, F.S.; requiring a cooperative agreement for

102

interagency coordination to ensure that certain services are

103

provided for students in residential care facilities; providing

104

an effective date.

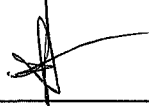
HB 1483

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 1483 Teaching Chemical and Biological Evolution

SPONSOR(S): Hays and others

TIED BILLS: IDEN./SIM. BILLS: CS/SB 2692

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) Schools & Learning Council		Kutasi 	Cobb
2)			
3)			
4)			
5)			

SUMMARY ANALYSIS

House Bill 1483 creates the "Academic Freedom Act." The bill provides that every public school teacher in grades K through 12 has the affirmative right and freedom to objectively present scientific information relevant to the full range of views regarding biological and chemical evolution in connection with teaching any prescribed curriculum regarding chemical or biological origins. The bill further provides that a public school teacher may not be disciplined, denied tenure, terminated, or otherwise discriminated against for objectively presenting scientific information relevant to the full range of scientific views regarding biological or chemical evolution in connection with teaching any prescribed curriculum regarding chemical or biological origins.

The bill clarifies that the rights and privileges contained in the bill do not require or encourage any change in the state curriculum standards for the K-12 public school system. Finally, the bill provides that a public school student in the state's K-12 school system may be evaluated based upon his or her understanding of course materials, but may not be penalized in any way because he or she subscribes to a particular position or view regarding biological or chemical evolution.

See FISCAL ANALYSIS, Section II. D. for fiscal comments and COMMENTS, Section III. for constitutional issues.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. HOUSE PRINCIPLES ANALYSIS:

The bill does not appear to implicate any of the House Principles.

B. EFFECT OF PROPOSED CHANGES:

Background:

Public K-12 educational instruction is based on the "Sunshine State Standards" (SSS) which "delineate the academic achievement of students, for which the state will hold schools accountable."¹ The Sunshine State Standards were first approved by the State Board of Education (SBE) in 1996 in order to identify academic expectations and provide greater accountability for student achievement.²

Florida adopted a six year "review and revise" cycle for all of the state's K-12 SSS.³ More particularly, the review of the science standards began in June 2007.⁴

Present Situation:

In February 2008, the SBE adopted revised Science SSS for K-12.⁵ The new standards include content related to the scientific theory of evolution.⁶ For example, the following are included in the standards for grades 9-12:

- Recognize that the strength or usefulness of a scientific claim is evaluated through scientific argumentation, which depends on critical and logical thinking, and the active consideration of alternative scientific explanations to explain the data present.
- Discuss mechanisms of evolutionary change other than natural selection such as genetic drift and gene flow.
- Explain how the scientific theory of evolution is supported by the fossil record, comparative anatomy, comparative embryology, biogeography, molecular biology, and observed evolutionary change.⁷

¹ §1003.41, Fla. Stat.

² The Department of Education, *Florida's Student Performance Standards-Adopted Feb. 19, 2008*, available at http://www.fldoestem.org/FLDOE_STEM/Review_FL_Science_Standards.aspx (last viewed Apr. 9, 2008).

³ *Id.*

⁴ The Department of Education, *Sunshine State Standards Proposed Six Year Cycle: Standards Revisions, Instructional Materials Adoption, and Assessment Alignment* (Jun. 20, 2006).

⁵ The Department of Education, *Florida Standards-Science*, available at <http://www.floridastandards.org/F1StandardSearch.aspx> (last viewed Apr. 9, 2008).

⁶ *Id.*

⁷ *Mozert v. Hawkins Co. Bd. of Edu.*, 827 F.2d 1058 (6th Cir. 1987) (finding that teaching or using books referring to, in example, evolution does not violate the free exercise rights of persons believing in the literal truth of the biblical story of creation, since the mere exposure to objectionable ideas, without governmental compulsion to affirm or deny a religious belief, is insufficient to support a free exercise complaint).

- Identify which questions can be answered through science and which questions are outside the boundaries of scientific investigation, such as questions addressed by other ways of knowing, such as art, philosophy, and religion.⁸

These SSS are intended to help public school science educators increase the science literacy of their students and to support students not only with acquisition of science content knowledge, but also to have a greater understanding of the scientific method of inquiry and an ability to understand how “scientists know what they know.”⁹ The science SSS encourage teachers and students to discuss scientific evidence related to all science, including evolution.¹⁰

Effect of Proposed Changes:

Teacher’s Rights and Prescribed Curriculum:

The bill provides that every public school teacher in grades K through 12 has the “affirmative right and freedom” to “objectively present scientific information relevant to the full range of views regarding biological and chemical evolution in connection with teaching any prescribed curriculum regarding chemical or biological origins.” If a teacher determines that certain information is sufficiently “scientific” and “relevant,” the teacher has a “right” to teach that material irrespective of whether such information is contrary to the curriculum adopted by the State Board of Education through the SSS or by the school district through its instructional materials. The principal, the district school superintendent, the district school board, or the State Board of Education may disagree that the information is “scientific,” “relevant,” or “objectively present[ed];” however, that fact does not affect that teacher’s “right” to present the material. If the principal or other school district staff attempts to restrict a teacher’s ability to teach such information, or govern the manner of presentation, it appears the bill grants the teacher a cause of action to enforce the “right” granted in the bill.¹¹

The bill, in effect, with regard only to biological or chemical evolution restricts the ability of the State Board of Education or the district school board to define and regulate curriculum content.

Teacher Immunity:

The bill provides that a public school teacher “may not be disciplined, denied tenure, terminated, or otherwise discriminated against” for “objectively presenting scientific information relevant to the full range of scientific views regarding biological or chemical evolution in connection with teaching any prescribed curriculum regarding chemical or biological origins.”

⁸ *Florida Standards-Science*, available at <http://www.floridastandards.org/FIStandardSearch.aspx>.

⁹ *Id.*

¹⁰ *Id.*

¹¹ See *Tinker v. Des Moines Indep. Community Sch. Dist.*, 393 U.S. 503 (1969) (recognizing that public schools may limit classroom speech to promote educational goals), and U.S. Dep’t of Ed.–Guidelines to *Religious Expression in Public Schools* (May 1998) (stating that the First Amendment affords ample freedom of religious expression; however, it does not necessarily include the right for a teacher or a student to have an audience held captive or to require other students or teachers to participate or adhere to a specific doctrine), and *Hazelwood Sch. Dist. V. Kuhlmeier*, 484 U.S. 260 (1988), with *Keyishian v. Board of Regents*, 385 U.S. 589 (1967) (establishing the test for whether a school may regulate a teacher’s classroom speech by determining whether the “the regulation is reasonably related to legitimate pedagogical concern” and if “the school provided the teacher with notice of what conduct was prohibited.”), and *Ward v. Hickey*, 996 F.2d 448 (C.A.1 Mass. 1993) (finding that a teacher’s statements in class during instructional periods are part of the curriculum and regular class activity and thus subject to reasonable speech regulation).

A teacher's "affirmative right and freedom" to teach anything he or she deems appropriate only applies to the teaching of science and more specifically, to the particular area of biological and chemical evolution, yet the title of the bill is the "Academic Freedom Act."¹² Teachers are not granted such a "right" in any other subject area. This fact raises issues concerning the underlying intent of the bill.

The bill provides that the "rights and privileges" contained in the bill "do not require or encourage any change in the state curriculum standards for the K-12 public school system." It appears that a teacher must still teach the prescribed curriculum as dictated by the SSS. However, it is unclear how this provision will be executed if other "objective and relevant" curriculum, which is within the teacher's purview to determine, is inconsistent with the prescribed curriculum.¹³ The bill does not describe how to remedy potential conflicts between the SSS standards and information a teacher deems "objective and relevant."

Finally, if a principal, the district school superintendent, or the school board determine that the information a teacher is presenting is not objective, relevant, or scientific, then the administration must prove its case prior to any action against a teacher. This may result in case-by-case determinations which, based on the propensities of the science teachers in the district, may prove frequent and challenging. This bill will affect costs of administering the science curriculum and, although indeterminate, may increase litigation expenses for the school district.

Student Performance:

The bill provides that "a public school student in the state's K-12 school system may be evaluated based upon his or her understanding of *course materials*, but may not be penalized in any way because he or she subscribes to a particular position or view regarding biological or chemical evolution." It is unclear if a student's performance in a science class will be measured based upon his or her position regarding evolution (or the teacher's), or by a consistent standard applied to all students. There may be difficulty in implementing and monitoring this provision. This bill may result in inconsistent standards in grading among teachers in a school, among schools in the district, and among schools in the state.

"Course materials" may include any supplemental "scientific, relevant, objective" information deemed appropriate by each, individual science teacher. Accordingly, the teacher could include in any student evaluation the content of such supplemental course materials. To the degree the supplemental course material contradicts the established science curriculum (as set forth in the SSS and established by the school district), the student is put in a tenuous situation. Likewise, the Florida Comprehensive Assessment Test (FCAT) in science, which is given in the eleventh grade, expects a student to understand the adopted science curriculum. The student is expected to respond to the FCAT questions based on that student's knowledge of the adopted science curriculum, not upon any understanding of supplemental information the science teacher may have provided the students based upon his or her personal understanding of what is "scientific, relevant, and objective" information.

¹² See *supra* text page 2; Teachers already have the opportunity to "consider[] alternative scientific explanations to explain the data present." Therefore, the need to elevate such explanations to a "right" clearly intends to raise teacher discretion over curriculum above that of the State Board of Education or the district school board.

¹³ The bill states that it does not "require or encourage any change in the state curriculum standards;" however, if the information the teacher presents is in conflict with the SSS it appears the teacher's "right" would not be diminished.

C. SECTION DIRECTORY:

Section 1. Creates the "Academic Freedom Act," granting teachers the right to present certain information regarding biological and chemical evolution; preventing discipline of teachers for presenting information regarding biological and chemical evolution; preventing students from being penalized for subscribing to certain views concerning biological and chemical evolution; and providing that the bill does not require changes to the state curriculum standards.

Section 2. Provides an effective date of October 1, 2008.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

See FISCAL COMMENTS.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

Although there is no direct fiscal impact upon the school districts, to the degree the bill creates the opportunity for litigation, the cost thereof is indeterminate.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

This bill does not appear to require a city or county to expend funds or to take any action requiring the expenditure of funds.

This bill does not appear to reduce the authority that municipalities or counties have to raise revenues in the aggregate.

This bill does not appear to reduce the percentage of state tax shared with counties or municipalities.

2. Other:

The First Amendment to the United States Constitution-Establishment Clause:

The Establishment Clause forbids the enactment of any law "respecting an establishment of religion."¹⁴ The United States Supreme Court has established a three-prong test that a statute must meet in order to not violate the Establishment Clause.¹⁵ The first prong states that "the legislature must have adopted the law with a secular purpose."¹⁶ In determining whether the state's purpose is indeed secular, the Court is "normally deferential" to the state; however, "it is required that the statement of such purpose be sincere and not a sham."¹⁷

The United States Supreme Court found, in *Edwards v. Aguillard*, that a Louisiana statute violated the Establishment Clause when it required the teaching of "creation science" if the teaching of evolution occurred in public schools.¹⁸ The Court examined whether the statute was adopted with a secular purpose and to "advance academic freedom."¹⁹ Although this bill does not require the teaching of "creation science," evaluating the purpose of the bill in light of *Aguillard* is appropriate.²⁰

The Court in *Aguillard* looked to the statutes already in place governing the content of science curriculum and found that the act in question "does not grant teachers a flexibility that they did not already possess" and that "no law prohibited . . . public school teachers from teaching any scientific

¹⁴ *Edwards v. Aguillard*, 482 U.S. 578 (1987). The First Amendment to the United States Constitution states, "Congress shall make no law respecting an establishment of religion . . ."

¹⁵ *Edwards* at 583.

¹⁶ *Lemon v. Kurtzman*, 403 U.S. 602 (1971). The other two prongs of the test require that the statute's principal or primary effect be one that neither advances nor inhibits religion and the statute must not result in an excessive entanglement of government with religion. Once the Court has found that a statute was enacted for the "purpose of endorsing religion" then "no consideration of the second or third criteria is necessary."

¹⁷ *Edwards* at 586-87; see also *Epperson v. Arkansas*, 393 U.S. 97 (1968) (holding that an Arkansas statute violated the Establishment Clause even though the law "did not explicitly state its predominant religious purpose").

¹⁸ *Edwards* at 587.

¹⁹ *Id.*

²⁰ *Id.* at 584. The United States Supreme Court has, "been particularly vigilant in monitoring compliance with the Establishment Clause in elementary and secondary schools. Families entrust public schools with the education of their children, but condition their trust on the understanding that the classroom will not purposely be used to advance religious views that may conflict with the private beliefs of the students and his or her family. Students in such institutions are impressionable and their attendance is involuntary. The State exerts great authority and coercive power through mandatory attendance requirements, and because of the students' emulation of teachers as role models and the children's susceptibility to peer pressure."

theory.”²¹ The Court determined that “the Act provides . . . school teachers with no new authority . . . [and] the stated purpose is not furthered by it.”²²

The SSS already authorize “consideration of alternative scientific explanations to explain data,” and school districts have flexibility in shaping curriculum as well.²³ This includes discretion to establish course requirements and determine the instructional materials that will be used in classroom instruction.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

D. STATEMENT OF THE SPONSOR

None, due to time constraints.

IV. AMENDMENTS/COUNCIL SUBSTITUTE CHANGES

Not applicable.

²¹ *Id.* at 587.

²² *Id.*

²³ *See supra* page 2 of text, and *see also* § 1003.02, Fla. Stat.; The Department of Education, *Course Code Directory System Guide*, states that, “[D]istricts and schools [have] flexibility in designing educational programs which meet the needs of their students . . . district school boards may . . . substitute locally approved course requirements within a Course Description, provided these substitutions adequately address the major concepts and content contained in the Course Description and provided the waiver request is submitted in accordance with specified procedures.” *available at*

http://www.fldoe.org/articulation/CCD/files/0708/curicstand07_08.pdf (last viewed Apr. 9, 2008).

29 positions or views regarding biological or chemical evolution.
30 The Legislature finds that the topic of biological and chemical
31 evolution has generated intense controversy about the rights of
32 teachers and students to hold differing views on those subjects.
33 It is therefore the intent of the Legislature that this section
34 expressly protects those rights.

35 (3) Every public school teacher in the state's K-12 school
36 system shall have the affirmative right and freedom to
37 objectively present scientific information relevant to the full
38 range of scientific views regarding biological and chemical
39 evolution in connection with teaching any prescribed curriculum
40 regarding chemical or biological origins.

41 (4) A public school teacher in the state's K-12 school
42 system may not be disciplined, denied tenure, terminated, or
43 otherwise discriminated against for objectively presenting
44 scientific information relevant to the full range of scientific
45 views regarding biological or chemical evolution in connection
46 with teaching any prescribed curriculum regarding chemical or
47 biological origins.

48 (5) A public school student in the state's K-12 school
49 system may be evaluated based upon his or her understanding of
50 course materials, but may not be penalized in any way because he
51 or she subscribes to a particular position or view regarding
52 biological or chemical evolution.

53 (6) The rights and privileges contained in this section
54 apply when the subject of biological or chemical origins is part
55 of the curriculum. The provisions of this section do not require

HB 1483

2008

56 or encourage any change in the state curriculum standards for
57 the K-12 public school system.

58 (7) This section shall not be construed to promote any
59 religious doctrine, promote discrimination for or against a
60 particular set of religious beliefs, or promote discrimination
61 for or against religion or nonreligion.

62 Section 2. This act shall take effect October 1, 2008.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 01 (for drafter's use only)

23
24
25
26
27
28
29
30
31
32
33

T I T L E A M E N D M E N T

Remove the entire title and insert:

A bill to be entitled

An act relating to evolutionary theory; amending s.
1003.42; requiring instruction in, and the critical
analysis of, the scientific theory of evolution; providing
an effective date.

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Education Pre-K-12 Appropriations Committee

BILL: CS/CS/CS/SB 1712

INTRODUCER: Education Pre-K – 12 Appropriations, Governmental Operations Committee, Education Pre-K – 12 Committee, Education Pre-K-12 Committee and Senator Carlton

SUBJECT: Ethics in Education Act

DATE: March 20, 2008 **REVISED:** _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Carrouth	Matthews	ED	Fav/CS
2.	Wilson	Wilson	GO	Fav/CS
3.	Sumner	Maclure	JU	Fav/2 amendments
4.	Armstrong	Hamon	EA	Fav/CS
5.				
6.				

Please see Section VIII. for Additional Information:

- | | | |
|------------------------------|-------------------------------------|---|
| A. COMMITTEE SUBSTITUTE..... | <input checked="" type="checkbox"/> | Statement of Substantial Changes |
| B. AMENDMENTS..... | <input type="checkbox"/> | Technical amendments were recommended |
| | <input type="checkbox"/> | Amendments were recommended |
| | <input type="checkbox"/> | Significant amendments were recommended |

I. Summary:

The bill establishes comprehensive changes at the state and local level regarding the screening, hiring, and termination policies for educators and the reporting procedures related to allegations of educator misconduct.

Employment Disqualification

A list of crimes is established that would serve as an absolute bar against any individual, if convicted, from obtaining or retaining a teaching certificate or instructional employment involving direct contact with students, and requires each school district, charter school, and private schools and providers that accept scholarship students to adhere to the disqualifying offenses when employing instructional personnel.

Educator Employment and Child Care Screening Policies

School districts for educators, and the Department of Children and Family Services for child care personnel, would be required to adopt stringent and effective policies for screening potential instructional employees and terminating these employees for misconduct. The superintendent would be held responsible for communicating to the employees the expected ethical standards of

the teaching profession and the procedures for reporting allegations of teacher misconduct. The Department of Education (DOE) provides electronic verification of employee information to screen prospective employees to school districts, charter schools, the Florida School for the Deaf and the Blind, private schools, and private providers.

School districts are prohibited from entering into any form of confidentiality agreement when terminating an employee. Each school district must contact the previous employer of every candidate for employment and verify employee information provided in a secure manner from the DOE certification website to determine if a teaching candidate's certificate has been sanctioned or is under investigation. There are significant financial penalties and certification sanctions for non-compliance.

Schools of Choice

Private schools and private Voluntary Prekindergarten (VPK) providers that accept students under certain educational scholarships programs, the Florida School for the Deaf and Blind, and charter schools would be held to the same standards as those required of local school districts. Private schools or VPK providers that fail to comply would be prohibited from accepting funds under these programs for the period of one state fiscal year and until they comply. Charter schools that fail to comply would have their charter terminated by the charter sponsor.

Education Practices Commission

The membership of the Education Practices Commission is revised to include sworn law enforcement officers, parents of public school students, and an administrator of a private school. The authority of the commission is also expanded to allow for the discipline of an educator who knowingly fails to report suspected or actual child abuse or misconduct by an educator that affects the health, safety, or welfare of a student.

Retirement Benefits

Finally, any public officer or employee convicted of certain crimes involving minors would forfeit his or her right to any state retirement benefits, except for an individual's accumulated contributions up to the time of the conviction.

This bill creates section 1012.315 and substantially amends the following sections of the Florida Statutes: 24.121, 112.3173, 121.091, 402.316, 435.04, 1001.10, 1001.32, 1001.42, 1001.452, 1001.51, 1001.54, 1002.32, 1002.33, 1002.36, 1002.421, 1002.55, 1002.61, 1002.63, 1002.65, 1003.413, 1003.53, 1004.92, 1006.061, 1007.21, 1007.23, 1008.33, 1008.345, 1010.215, 1011.18, 1012.27, 1012.32, 1012.33, 1012.34, 1012.56, 1012.79, 1012.795, 1012.796, 1012.98, and 1013.03.

II. Present Situation:

Complaints Against Educators

Under s. 1012.796, F.S., the Department of Education (DOE) is required to investigate any legally sufficient complaint filed before it or called to its attention if the complaint contains grounds for a sanction against an educator's certificate. Grounds for sanction against a teaching certificate include, but are not limited to, sexual misconduct, inappropriate student discipline, drug use, credential fraud, and standardized testing violations.¹ The Bureau of Professional Practices Services (PPS) in the DOE investigates legally sufficient complaints of alleged violations by individuals who currently hold a Florida teaching certificate or by those seeking a teaching certificate. The local school districts maintain jurisdiction over lesser infractions, such as chronic tardiness or minor acts of insubordination.

Provided that an allegation is legally sufficient and the PPS finds that there is probable cause that teacher misconduct has occurred, the PPS will forward its report to the Education Practices Commission (EPC), an appointed board whose members include teachers, administrators, and lay members, many of whom are former educators. If there are disputed issues of material fact, the case is assigned to an administrative law judge in the Division of Administrative Hearings who, after a determination of the merits of the complaint, makes a recommendation to the EPC to either dismiss the complaint or to impose a sanction against the teaching certificate.² Following its review, the EPC will issue a final order, either clearing the educator or imposing one of several sanctions against the educator's certificate.³ Section 1012.796(1)(c), F.S., requires each school district to file all legally sufficient complaints in writing with the DOE within 30 days after the date on which the school district becomes aware of the subject matter of the complaint.⁴

Current Screening Requirements

Florida statutes require all educators to submit fingerprints to the Florida Department of Law Enforcement for criminal background checks to screen for criminal offenses,⁵ and pursuant to s. 1002.42, F.S., all private school owners, but not staff, are required to submit fingerprints as well. All charter schools, and private schools or providers receiving funds under the Corporate Tax Credit Scholarship Program, the Voluntary Prekindergarten Program, or the John M. McKay Scholarships for Students with Disabilities Program must adhere to the background screening provisions required of all public school employees.⁶

¹ Section 1012.795, F.S., includes a complete list of punishable infractions.

² The Education Practices Commission has the authority to contest the recommendation of the administrative law judge.

³ Referral to the Recovery Network Program; written reprimand; restriction of scope of practice; probation; administrative fine up to \$2,000; suspension of certificate; revocation of certificate; or denial of certificate application. *See* s. 1012.796(7), F.S.

⁴ Section 1012.796(1)(c), F.S.

⁵ Sections 1012.32 and 1012.56, F.S.

⁶ Sections 1002.421 and 1002.55, F.S.

Recent Studies and Findings

Multiple news reports have recently been published alleging inconsistent practices and inadequate reporting policies that allow unfit educators who have committed violations of law or professional practices standards to have access to students. Following an investigative series published by a Florida newspaper, the Commissioner of Education conducted a review of the professional practice procedures.⁷ The State Board of Education (SBE) subsequently appointed an advisory council in March 2007, to review professional practices in Florida and other states and to recommend to the SBE improvements to Florida's professional practices educator system. The advisory council, comprised of educators, law enforcement officials, child protection services staff, school district human resource personnel, school board attorneys, and professional education association representatives, conducted a survey of other states to gather information on best practices and presented recommendations to the SBE in an effort to strengthen Florida's policies.⁸ Three of the 13 states that responded to the advisory council's survey require local school districts to check a teaching candidate's background with the previous employer,⁹ a practice not currently required in Florida law.

The DOE currently provides access by eligible district staff to the Florida Educator Certification database, a secure website that includes what are often referred to as red flags: pending investigations, sanctions against a certificate, or notes of previous allegations of unethical behavior.¹⁰ While this site provides invaluable information to potential and existing employers, current law does not require districts to access this information, nor are there systematic procedures in place to ensure that local staff are aware of the screening system.

Senate Interim Report 2008-118

The Senate Committee on Education Pre-K-12 was tasked to review educator misconduct and reporting procedures and, as part of the study, conducted a survey of local school districts to assess current policies and practices. Of the 28 school districts that responded to the committee survey, seven districts reported that they do not access the DOE's secure website when screening new employees. Additionally, three districts reported that they do not contact previous employers, and four do not question potential employees about any previous allegations. All districts responding to the survey reported having adopted school board policies; however, few included due diligence on rigorous pre-screening and hiring procedures. While there is no guarantee that an individual will be forthcoming, providing false information to a prospective employer can be grounds for termination.¹¹

⁷ See <http://www.heraldtribune.com>, March 27, 2007.

⁸ State Board of Education meetings on June 19, 2007 and August 14, 2007.

⁹ Colorado, Connecticut, and Michigan

¹⁰ See <http://www.fldoe.org/meetings/2007>.

¹¹ Section 1012.56(2), F.S., requires notice to an applicant for a teaching certificate that giving false information on his or her affidavit subjects the applicant to criminal prosecution.

Automatic Grounds for Termination and Certificate Sanctions

Several states specifically define in law offenses that are grounds for dismissal or an absolute bar from employment in the public school system.¹² While Florida has a list of disqualifying offenses, the offenses are not a complete bar, with districts retaining some discretion to employ an individual notwithstanding a disqualifying offense.

Confidentiality Agreements with Terminated Employees

Some reports have suggested that school districts often enter into confidentiality or non-disclosure agreements, allowing educators to resign without cause in order to spare the district potentially prohibitive litigation costs and public disgrace.¹³ This can result in an unfit educator moving from one location to another. Current Florida law does not prohibit such agreements.

Gross Immorality and Moral Turpitude

A complaint against an educator is deemed legally sufficient if it contains ultimate facts that show a violation has occurred as provided in s. 1012.795, F.S., which includes infractions such as obtaining a teaching certificate through fraudulent means, incompetence, conduct which seriously reduces the employee's effectiveness, gross immorality, and acts involving moral turpitude. The determination of action for purposes of reporting a certificate-holder for unethical conduct has been complicated by the use of the terms "gross immorality" and "moral turpitude" in describing acts that meet the legally sufficient standard. Although these terms are defined in rule,¹⁴ there is considerable leeway at the district level in interpreting the definition and, consequently, the determination to report unethical conduct varies from district to district. This lack of uniformity may undermine attempts to notify prospective employing districts of educator misconduct.

Jurisdictional Oversight Provisions

Many school districts may not clearly understand the magnitude of their jurisdictional power over the employment, suspension, or termination of an educator alleged to have committed unethical conduct. The local school district retains the ability to suspend the educator from student contact or to terminate the employee; however, school districts often defer to the final order of the Education Practices Commission (EPC) before making a final employment decision on an accused educator. Although the EPC may at times be constrained in its efforts to discipline the certificate-holder because of due process rights, some school districts take immediate action in response to an educator accused of misconduct, suspend the educator from student contact or terminate the educator altogether.

Review of Previous Employment

Additionally, school districts with prudent screening and employment policies look diligently at prospective employees for any prior evidence that may signal a breach of conduct such as

¹² Ten of the 13 states responding to the advisory council's survey operate under a list of specific offenses that trigger automatic action on the teaching certificate or deny eligibility for employment (Arizona, California, Colorado, Connecticut, Illinois, Kentucky, Michigan, Minnesota, Ohio, and Oregon).

¹³ See Education Week, December 9, 1998.

¹⁴ Rule 6B- 4.009, F.A.C., in turn references Rules 6B-1.001, F.A.C., and 6B-1.006, F.A.C., which address the Code of Ethics of the Education Profession in Florida and the Principles of Professional Conduct for the Education Profession in Florida.

unexplained mid-year employment changes, individuals holding multiple positions over a short period of time, and questionable lapses in employment.

III. **Effect of Proposed Changes:**

The bill establishes comprehensive changes at the state and local level regarding the screening, hiring, and termination policies for instructional personnel and the reporting procedures related to allegations of educator misconduct. These reforms are intended to minimize opportunities for unethical educators to have contact with students, support the integrity of the teaching profession, and ensure the safety and welfare of students.

Criminal Acts/Disqualifying Offenses as a Bar Against Teaching

The bill creates a new section of law to establish a list of crimes and offenses that would serve as an absolute bar against any individual, if convicted, from obtaining or retaining a teaching certificate or instructional employment involving direct contact with students. The list includes the following:

- Offenses listed in s. 435.04, F.S., which is the current statutory framework for the state and national background screening of educators and school employees having direct contact with students;
- Crimes involving moral turpitude;
- s. 787.025, relating to luring or enticing a child;
- s. 794.05, relating to unlawful sexual activity with certain minors;
- s. 810.14, relating to voyeurism;
- s. 810.145, relating to video voyeurism; and
- Any delinquent act that qualified or would have qualified an individual for inclusion on the Registered Juvenile Sex Offender List under s. 943.0435(1)(a)1.d., F.S.

School districts, charter schools, and private schools and private VPK providers, who participate in certain educational scholarship programs would be required to adhere to the established list of disqualifying offenses when employing instructional personnel and prekindergarten instructors.

In order to further strengthen a school district's autonomy to screen and terminate unethical educators based upon local community standards, local school boards are granted authority to determine thresholds for immorality and provisions for just cause termination.

Confidentiality Agreements Prohibited

School districts and other designated providers may not enter into any form of confidentiality agreement when terminating an employee, and the bill provides significant financial penalties and certification sanctions for non-compliance. These provisions would prohibit efforts to conceal unethical conduct by educators or allowing them to be passed from one school district to another unsuspecting site.

Forfeiture of Public Pension Retirement Benefits

Any public officer or employee who commits a felony pursuant to s. 800.04, F.S., against a child under the age of 16, or a felony against a child under the age of 18 pursuant to ch. 794, F.S., or

ss. 800.02 and 800.03, F.S.,¹⁵ shall forfeit his or her right to public pension retirement benefits, with the exception of the individual's accumulated contributions up to the time of the conviction. Under these provisions, taxpayers would not bear financial responsibility under the Florida Retirement System for an individual who commits one of these crimes against a child.

Stringent Screening, Hiring, and Termination Policies

School districts must contact the previous employer of every candidate for instructional employment, verify information provided by the Department from DOE certification websites to determine if a teaching candidate's certificate has been sanctioned or is under investigation, effectively screen instructional candidates, and document the findings. Instructional personnel must be immediately removed from their assigned duties that involve direct contact with students, when allegations involving misconduct that effects the health, safety, or welfare of a student arises. Removal from contact with students would continue, pending the outcome of an investigation either by local law enforcement or the Bureau of Professional Practices.

Stringent Reporting Requirements

School districts and other designated providers must establish ethical standards for educators, policies and procedures for reporting suspected or actual misconduct, and an explanation of liability protections to those who report. School districts and schools are prohibited from providing a favorable employment recommendation for any individual who resigns in lieu of termination, based on unethical conduct with a student.

Non-Compliance and Accountability Provisions

Failure to comply with the provisions for ethical standards, policies, and procedures would lead to sanctions against an educator's teaching certificate, financial penalties, and ineligibility of applicable private schools or providers from accepting educational scholarship funds for a period of one state fiscal year and until such time as the school or provider complies. In addition, charter schools that fail to comply would face termination of their charter from the charter sponsor.

A district superintendent who knowingly fails to investigate misconduct affecting the health, safety, or welfare of a student, or a school board member who knowingly fails to adopt appropriate policies to ensure the investigation and reporting procedures of such misconduct, shall forfeit his or her right to a salary for a period of one year. The superintendent is held accountable for communicating the policies and procedures to all employees and for providing appropriate professional development for all staff. School districts or other designated providers are required to file a legally sufficient complaint to the governing body when any proscribed conduct is alleged to have occurred by a certificated educator.

Education Practices Commission – Authority and Oversight

The membership of the Education Practices Commission is revised to include sworn law enforcement officers, parents of public school students, and a private school administrator, thus providing their input as to whether a teacher should be allowed back in the classroom.

¹⁵ Chapter 800, F.S., relates to sexual battery; ch. 794, F.S., relates to lewdness and indecent exposure.

Application to Schools of Choice

The Florida School for the Deaf and Blind, charter schools, and private schools or private VPK providers that accept students under certain educational scholarship programs are held to the same statutory provisions as those required of local school districts.

IV. Constitutional Issues:**A. Municipality/County Mandates Restrictions:**

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

Certain private schools and providers may need to conduct more extensive background screening on potential employees.

C. Government Sector Impact:

The bill appropriates to the Department of Education for the 2008-09 fiscal year, \$153,872 from the Educational Certification and Services Trust Fund for two positions in the Bureau of Professional Practices Services to implement the provisions of the bill.

The Department of Management Services, Division of Retirement, estimates that approximately 250 individuals face forfeiture of their right to state retirement benefits annually; however, the resulting financial savings to the state are currently indeterminate. On March 11, 2008, the division supplemented this estimate by the addition of another 125 to 150 cases it believed would be generated by CS/SB 1712.

VI. Technical Deficiencies:

None.

VII. Related Issues:

Both the rules of the Criminal Justice Standards and Training Commission (the commission) and the Code of Professional Educator Practices promulgated by the Department of Education contain specific provisions on professional misconduct which use the phrase "moral character" or "moral turpitude." The rules of the commission, Chapter 11B-27, FAC, make specific reference to the underlying offenses and their relationship to ch. 777, F.S., while the DOE rules are silent on the subject. This becomes significant because the bill publishes as a disqualifying offense the following act(s): "Conviction of a crime involving moral turpitude . . ." Moral turpitude is defined in the DOE Rule 6B-4.009, FAC, as the following:

(6) . . . (A) crime that is evidenced by an act of baseness, vileness or depravity in the private and social duties, which, according to the accepted standards of the time a man owes to his or her fellow man or to society in general, and the doing of the act itself and not its prohibition by statute fixes the moral turpitude.

Strictly speaking, the provision seems to provide a disqualification for the conviction of a crime which is not a crime. While the context of the phrase appears to reach behavior that is unacceptable but not necessarily criminal, as it does not require its prohibition by law, the direction both these regulatory entities take on this subject is quite different.

Because the bill provides a pension forfeiture for *designated felonies only*, its impact will be a direct function of the charging, plea, and sentencing practices of the circuit in which the prosecution occurs. Chapter 777, F.S., provides penalties for criminal acts when the parties are principals or accessories or the acts themselves are attempts, solicitations, or conspiracies. Generally, the offenses are punishable at one level below the underlying offense. The prosecution of a felony of the third degree which results in a misdemeanor conviction will result in an employment termination and licensure revocation but will not, under the text of this bill, preclude the receipt of pension benefits. The pension sanction is a direct function of the felony class, not of its ranking in the offense severity levels in ch. 921, F.S.

Section 112.011, F.S., provides a statement that ". . . (e)xcept as provided in s. 775.16, a person shall not be disqualified from employment by the state, any of its agencies or political subdivisions, or any municipality solely because of a prior conviction for a crime." The section further provides an exception to this when ". . . the crime was a felony or first degree misdemeanor and directly related to the specific occupation, trade, vocation, profession or business for which the license, permit, or certificate is sought." The employment restrictions contained in new s. 1012.315, F.S., in the bill appear supplemental and not contradictory to that exception.

For cross-referencing purposes in subsequent editions of the Florida Statutes, some recognition of the cumulative effect of employment restrictions on public employment may need to be taken. The Governor's Office Ex-Offender Task Force was convened in 2005 to study this issue. It completed its report the following year and made a presentation on the subject before the Senate Criminal Justice Committee in late 2007. Senate Bill 922, 2008 Regular Session, requires state agencies to report restrictions on public employment as it relates to ex-offenders.

Various portions of the bill refer to s. 768.095, F.S., which provides civil immunity for government officials who provide employment information on former or current employees.

The bill's prohibition on providing a "favorable recommendation for employment," to persons affected by the proscribed conduct may be highly variable in its enforceability. "Favorable" may be judged more by the recipient than the sender, since it is the recipient that makes the hiring decision. It would appear that a safer path school districts could follow is the communication of only objective information otherwise available in the public domain such as job title and duties, courses taught, hours of duty, awards received or discipline imposed, and salary. Furthermore, the prohibition extends only to successive employment in another educational setting.

The bill provides disqualification from employment for the commission of named offenses or conduct. Section 443.101, F.S., also renders a person ineligible for unemployment compensation benefits when either voluntarily leaving work or being discharged or suspended for misconduct connected with his or her work.

The bill provides for a forfeiture of public pension benefits for persons convicted of named felony offenses against children when the acts involve the use of the public office or employment position. Because this provision amends s. 112.3173, F.S., and is a part of the existing Code of Ethics for Public Officers and Employees, its provisions will reach to all public pension plans in the state and not just the Florida Retirement System. The penalty will not affect amounts held by employees in personally owned tax sheltered accounts, such as IRAs, deferred compensation plans, or purchased annuities, as these are secured with employee funds and are not considered pension plans. Because this provision links the disqualification with the use of the public office or position, it may not extend to additional but unrelated employment. A person owning a business or conducting a trade outside of public employment who commits a disqualifying act in that capacity may not have the pension benefits sanctioned. The act in question may sustain an employment termination and licensure revocation, but its occurrence may also indicate it was wholly removed from the public workplace, an essential requirement for the forfeiture to take place.

The bill provides a suspension of salary for one year for school officials who knowingly violate the proscribed hiring provisions. It is not clear from the text if that prohibition also extends to salary supplements or bonuses provided to education officials. These supplements are titled with a variety of names other than "salary," such as housing, travel, entertainment, performance, insurance, communications, or car allowances. Salary is a subset of compensation, the specific components of which are determined by the public employer. The components of salary for the Florida Retirement System are defined in s. 121.021(22), F.S.

The bill provides a disqualification from employment "in an instructional position that involves direct contact with students . . ." Strictly speaking, this limits its coverage to only the five classes of instructional personnel listed in ch. 1012, F.S. It does not extend to non-instructional positions or to positions which do not have direct contact with students, although other provisions of the bill may invoke related criteria to reach that same disqualifying result.

VIII. Additional Information:**A. Committee Substitute – Statement of Substantial Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS/CS/CS by Education Pre-K-12 Appropriations on March 20, 2008:

The CS for CS for CS for SB 1712:

- Adjusts the make-up of Education Practices Commission complaint review panels to allow flexibility for lay members and to maintain a majority of teacher or administrator peers;
- Further clarifies that immediate removal from direct contact with students must occur if teacher misconduct affects a student's health, safety, or welfare;
- Deletes the requirement for private schools and providers and charter schools to report dates of hire and termination of employees;
- Removes the provisions for a new employment data base;
- Assures electronic verification of employee information without a breach to secure information;
- Streamlines the confidentiality provisions for private schools and private VPK providers to address misconduct more generally and not specific to statutory provisions for certified teachers;
- Restores current law to allow for a superintendent's designee to serve as a liaison with DCF in cases of suspected child abuse; and
- Provides funds from the Educational Certification and Services Trust Fund for two staff positions to meet the requirements of the bill.

CS/CS by Governmental Operations on March 13, 2008:

The CS for CS for SB 1712:

- Allows the Department of Children and Families to promulgate a rule for voluntary faith-based providers to meet the requirements of the act.
- Clarifies that a school board member or superintendent who files a report known to be false will be subject to salary forfeiture.
- Requires all public and private school providers to post policies and reporting procedures related to misconduct with students at each site and on each school and school district website.

CS by Education Pre-K-12 on March 5, 2008:

The CS for SB 1712:

- Revises the list of disqualifying offenses for instructional employment to exclude convictions for delinquent acts with the exception of acts that qualify or would qualify an individual for listing on the Registered Juvenile Sex Offender list under s. 943.0435(1)(a)1.d., F.S.;
- Allows for individuals who forfeit their retirement benefits under the bill as a result of a conviction for certain sex offenses involving minors to recoup their accumulated contributions up to the date of conviction;

- Identifies screening tools to be provided by the Department of Education to authorized public school, private school, VPK providers, and charter school personnel to screen prospective employees;
- Adds charter schools to the investigating, reporting, and employment requirements outlined in the bill and includes provisions for the sponsor of a charter school to terminate the charter of a school that fails to comply;
- Requires school districts, charter schools, VPK providers, and private schools participating in scholarship programs under ch. 1002, F.S., and s. 220.187, F.S., to report to the Department of Education the hire and termination dates of all instructional personnel;
- Deletes the requirement for private schools and private VPK providers to suspend with pay instructional personnel accused of misconduct with students;
- Authorizes the Agency for Workforce Innovation to withhold VPK funds to a private provider that fails to comply with the bill; and
- Provides for a private school administrator to be included as a member of the Education Practices Commission.

B. Amendments:

None.

By the Committees on Education Pre-K - 12 Appropriations;
Governmental Operations; Education Pre-K - 12; Education Pre-K -
12; and Senator Carlton

602-05461B-08

20081712c3

1 A bill to be entitled
2 An act relating to ethics; providing a short title;
3 amending s. 24.121, F.S., relating to public school
4 funding; conforming cross-references; amending s.
5 112.3173, F.S.; specifying certain additional offenses
6 that constitute a breach of the public trust; amending s.
7 121.091, F.S.; prohibiting the Division of Retirement from
8 paying benefits to a member who has committed certain
9 felony offenses against a minor; amending s. 402.316,
10 F.S.; authorizing the Department of Children and Family
11 Services to adopt minimum standards for screening child
12 care personnel and for notification of termination of such
13 personnel; amending s. 435.04, F.S.; providing additional
14 criminal offenses for screening child care personnel;
15 amending s. 1001.10, F.S.; requiring the Department of
16 Education to assist school districts, charter schools, the
17 Florida School for the Deaf and the Blind, and certain
18 private schools and providers in developing policies and
19 procedures governing educator ethics and employment;
20 requiring the department to provide authorized staff with
21 access to or provide verification through certain
22 employment-screening tools; amending s. 1001.32, F.S.,
23 relating to school administration; conforming a cross-
24 reference; amending s. 1001.42, F.S.; requiring each
25 district school board to adopt ethical standards for all
26 employees; prohibiting confidentiality agreements
27 regarding terminated or dismissed employees which have the
28 effect of concealing certain conduct; providing that a
29 district school board official who knowingly signs or

602-05461B-08

20081712c3

30 transmits a false report, fails to support policies that
31 ensure the investigation of reports, or fails to report
32 allegations of misconduct by instructional or
33 administrative personnel forfeits his or her salary for a
34 specified period; amending s. 1001.452, F.S., relating to
35 district and school advisory councils; conforming cross-
36 references; amending s. 1001.51, F.S.; providing that a
37 district school superintendent or district school board
38 member forfeits his or her salary for a specified period
39 following failure to report allegations of misconduct by
40 instructional or administrative personnel; amending ss.
41 1001.54 and 1002.32, F.S., relating to duties of
42 principals and lab schools; conforming cross-references;
43 amending s. 1002.33, F.S.; requiring charter schools to
44 adopt ethical standards for all employees; prohibiting
45 confidentiality agreements regarding terminated or
46 dismissed employees which have the effect of concealing
47 certain conduct; requiring the school to contact the prior
48 employer and assess a candidate's ability to meet ethical
49 standards; requiring the charter school sponsor to suspend
50 the school's charter for failing to comply with these
51 requirements; amending s. 1002.36, F.S.; requiring the
52 Florida School for the Deaf and the Blind to meet certain
53 requirements governing the screening of educators;
54 amending ss. 1002.421 and 1002.55, F.S.; requiring owners
55 of certain private schools and private prekindergarten
56 providers to adopt ethical standards for all employees;
57 prohibiting confidentiality agreements regarding
58 terminated or dismissed employees which have the effect of

602-05461B-08

20081712c3

59 | concealing certain conduct; requiring such owners and
60 | providers to contact the previous employer of each
61 | instructional or administrative candidate for employment;
62 | amending ss. 1002.61, 1002.63, 1002.65, 1003.413, 1003.53,
63 | and 1004.92, F.S.; conforming cross-references; amending
64 | s. 1006.061, F.S.; requiring the school board, charter
65 | school, private school participating in a state school
66 | choice scholarship program, and private provider
67 | participating in the Voluntary Prekindergarten Education
68 | Program to post its policies relating to misconduct by
69 | personnel; requiring the head of such entities to act as a
70 | liaison in suspected cases of child abuse; amending ss.
71 | 1007.21, 1007.23, 1008.33, 1008.345, 1010.215, and
72 | 1011.18, F.S.; conforming cross-references; amending s.
73 | 1012.27, F.S.; requiring the district school
74 | superintendent to contact the previous employer of each
75 | instructional or administrative candidate for employment,
76 | screen the candidate, and document findings; creating s.
77 | 1012.315, F.S.; specifying offenses that disqualify
78 | instructional and administrative personnel from employment
79 | in positions involving direct contact with students;
80 | amending s. 1012.32, F.S.; providing that instructional
81 | and administrative personnel who have been convicted of
82 | certain offenses are disqualified from employment in
83 | positions having direct contact with students; amending s.
84 | 1012.33, F.S.; providing that just cause for terminating
85 | instructional staff includes immorality or the commission
86 | of a criminal act; amending s. 1012.34, F.S., relating to
87 | assessment procedures; conforming a cross-reference;

602-05461B-08

20081712c3

88 amending s. 1012.56, F.S., relating to certification
89 requirements for educators; revising the requirements for
90 conducting state and national criminal history records
91 checks of persons seeking certification; providing for the
92 Department of Education to maintain personnel records on
93 an electronic database; amending s. 1012.79, F.S.;
94 providing for additional members to be appointed to the
95 Education Practices Commission; revising the composition
96 of the panel appointed to review complaints against
97 teachers; amending s. 1012.795, F.S.; providing for
98 suspending the educator certificate of a person who
99 knowingly fails to report child abuse or suspected or
100 actual misconduct by instructional personnel; amending s.
101 1012.796, F.S.; requiring the Department of Education to
102 investigate each complaint involving misconduct by
103 certificated personnel; clarifying what constitutes a
104 legally sufficient complaint; providing requirements for
105 school board policies and procedures relating to ethical
106 standards; providing that the district school
107 superintendent is accountable for communicating standards,
108 policies, and procedures to district employees; requiring
109 that an employee be immediately suspended and reassigned
110 upon an allegation of misconduct affecting the health,
111 safety, or welfare of a student; requiring employers of
112 certified personnel to file complaints in writing to the
113 Department of Education; amending ss. 1012.98 and 1013.03,
114 F.S., relating to the School Community Professional
115 Development Act and functions of the department and Board
116 of Governors; conforming cross-references; providing an

602-05461B-08

20081712c3

117 appropriation and authorizing additional positions;
118 providing an effective date.

119

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

121

122 Section 1. This act may be cited as the "Ethics in
123 Education Act."

124 Section 2. Paragraphs (c) and (d) of subsection (5) of
125 section 24.121, Florida Statutes, are amended to read:

126 24.121 Allocation of revenues and expenditure of funds for
127 public education.--

128 (5)

129 (c) A portion of such net revenues, as determined annually
130 by the Legislature, shall be distributed to each school district
131 and shall be made available to each public school in the district
132 for enhancing school performance through development and
133 implementation of a school improvement plan pursuant to s.
134 1001.42(18) ~~s. 1001.42(16)~~. A portion of these moneys, as
135 determined annually in the General Appropriations Act, must be
136 allocated to each school in an equal amount for each student
137 enrolled. These moneys may be expended only on programs or
138 projects selected by the school advisory council or by a parent
139 advisory committee created pursuant to this paragraph. If a
140 school does not have a school advisory council, the district
141 advisory council must appoint a parent advisory committee
142 composed of parents of students enrolled in that school, which
143 ~~committee~~ is representative of the ethnic, racial, and economic
144 community served by the school, to advise the school's principal
145 on the programs or projects to be funded. Neither school district

602-05461B-08

20081712c3

146 staff nor principals may override the recommendations of the
147 school advisory council or the parent advisory committee. These
148 moneys may not be used for capital improvements or, ~~nor may they~~
149 ~~be used~~ for any project or program that has a duration of more
150 than 1 year; however, a school advisory council or parent
151 advisory committee may independently determine that a program or
152 project formerly funded under this paragraph should receive funds
153 in a subsequent year.

154 (d) No funds shall be released for any purpose from the
155 Educational Enhancement Trust Fund to any school district in
156 which one or more schools do not have an approved school
157 improvement plan pursuant to s. 1001.42(18) ~~s. 1001.42(16)~~ or do
158 not comply with school advisory council membership composition
159 requirements pursuant to s. 1001.452(1). The Commissioner of
160 Education shall withhold disbursements from the trust fund to any
161 school district that fails to adopt the performance-based salary
162 schedule required by s. 1012.22(1).

163 Section 3. Paragraph (e) of subsection (2) of section
164 112.3173, Florida Statutes, is amended to read:

165 112.3173 Felonies involving breach of public trust and
166 other specified offenses by public officers and employees;
167 forfeiture of retirement benefits.--

168 (2) DEFINITIONS.--As used in this section, unless the
169 context otherwise requires, the term:

170 (e) "Specified offense" means:

- 171 1. The committing, aiding, or abetting of an embezzlement
172 of public funds;
- 173 2. The committing, aiding, or abetting of any theft by a
174 public officer or employee from his or her employer;

602-05461B-08

20081712c3

175 3. Bribery in connection with the employment of a public
176 officer or employee;

177 4. Any felony specified in chapter 838, except ss. 838.15
178 and 838.16;

179 5. The committing of an impeachable offense; ~~or~~

180 6. The committing of any felony by a public officer or
181 employee who, willfully and with intent to defraud the public or
182 the public agency for which the public officer or employee acts
183 or in which he or she is employed of the right to receive the
184 faithful performance of his or her duty as a public officer or
185 employee, realizes or obtains, or attempts to realize or obtain,
186 a profit, gain, or advantage for himself or herself or for some
187 other person through the use or attempted use of the power,
188 rights, privileges, duties, or position of his or her public
189 office or employment position; or-

190 7. Effective October 1, 2008, the committing of any felony
191 defined in s. 800.04 against a victim younger than 16 years of
192 age or any felony defined in chapter 794, s. 800.02, or s. 800.03
193 against a victim younger than 18 years of age by a public officer
194 or employee through the use or attempted use of power, rights,
195 privileges, duties, or position of his or her public office or
196 employment position.

197 Section 4. Present paragraphs (i) and (j) of subsection (5)
198 of section 121.091, Florida Statutes, are redesignated as
199 subsections (j) and (k), respectively, and a new paragraph (i) is
200 added to that subseccion, to read:

201 121.091 Benefits payable under the system.--Benefits may
202 not be paid under this section unless the member has terminated
203 employment as provided in s. 121.021(39) (a) or begun

602-05461B-08

20081712c3

204 participation in the Deferred Retirement Option Program as
205 provided in subsection (13), and a proper application has been
206 filed in the manner prescribed by the department. The department
207 may cancel an application for retirement benefits when the member
208 or beneficiary fails to timely provide the information and
209 documents required by this chapter and the department's rules.
210 The department shall adopt rules establishing procedures for
211 application for retirement benefits and for the cancellation of
212 such application when the required information or documents are
213 not received.

214 (5) TERMINATION BENEFITS.--A member whose employment is
215 terminated prior to retirement retains membership rights to
216 previously earned member-noncontributory service credit, and to
217 member-contributory service credit, if the member leaves the
218 member contributions on deposit in his or her retirement account.
219 If a terminated member receives a refund of member contributions,
220 such member may reinstate membership rights to the previously
221 earned service credit represented by the refund by completing 1
222 year of creditable service and repaying the refunded member
223 contributions, plus interest.

224 (i) Effective October 1, 2008, except for the return of the
225 member's accumulated contributions as of the date of conviction,
226 the division may not pay benefits to any member who has committed
227 any felony defined in s. 800.04 against a victim younger than 16
228 years of age or any felony defined in chapter 794, s. 800.02, or
229 s. 800.03 against a victim younger than 18 years of age through
230 the use or attempted use of power, rights, privileges, duties, or
231 position of his or her public office or employment position.

232 Section 5. Subsection (4) is added to section 402.316,

602-05461B-08

20081712c3

233 Florida Statutes, to read:

234 402.316 Exemptions.--

235 (4) In order to implement the provisions of s. 1002.55(2),
 236 the department shall, by rule, establish minimum standards for
 237 screening and notification of employee termination for all child
 238 care personnel.

239 Section 6. Paragraph (c) is added to subsection (4) of
 240 section 435.04, Florida Statutes, to read:

241 435.04 Level 2 screening standards.--

242 (4) Standards must also ensure that the person:

243 (c) For child care personnel screened pursuant to s.
 244 402.305, s. 402.3055, s. 402.313, s. 402.3131, or s. 402.316, has
 245 not been convicted of, or entered a plea of guilty or nolo
 246 contendere, regardless of adjudication, to offenses prohibited
 247 under any of the following statutes or under similar statutes of
 248 another jurisdiction:

- 249 1. Section 787.025, relating to luring or enticing a child.
- 250 2. Section 794.05, relating to unlawful sexual activity
- 251 with certain minors.
- 252 3. Section 810.14, relating to voyeurism.
- 253 4. Section 810.145, relating to video voyeurism.
- 254 5. Any delinquent act that qualified or would have
- 255 qualified an individual for inclusion on the Registered Juvenile
- 256 Sex Offender List pursuant to s. 943.0435(1)(a)1.d.

257 Section 7. Present subsection (4) of section 1001.10,
 258 Florida Statutes, is redesignated as subsection (6), and new
 259 subsections (4) and (5) are added to that section, to read:

260 1001.10 Commissioner of Education; general powers and
 261 duties.--

602-05461B-08

20081712c3

262 (4) The Department of Education shall provide technical
263 assistance to local school districts, charter schools, the
264 Florida School for the Deaf and the Blind, and private schools
265 that accept scholarship students under chapter 1002 or s.
266 220.187, in the development of policies, procedures, and training
267 related to educator ethics and employment practices.

268 (5) The Department of Education shall provide authorized
269 staff of local school districts, charter schools, the Florida
270 School for the Deaf and the Blind, private schools that accept
271 scholarship students under chapter 1002 or s. 220.187, and
272 private providers pursuant to s. 1002.55 with access to
273 electronic verification of information from the following
274 employment-screening tools:

275 (a) The Professional Practices' Database of Disciplinary
276 Actions Against Educators; and

277 (b) The Department of Education's Teacher Certification
278 Database.

279 Section 8. Subsection (4) of section 1001.32, Florida
280 Statutes, is amended to read:

281 1001.32 Management, control, operation, administration, and
282 supervision.--The district school system must be managed,
283 controlled, operated, administered, and supervised as follows:

284 (4) SCHOOL PRINCIPAL OR HEAD OF SCHOOL.--Responsibility for
285 the administration of any school or schools at a given school
286 center, for the supervision of instruction therein, and for
287 providing leadership in the development or revision and
288 implementation of a school improvement plan required by s.
289 1001.42(18) ~~pursuant to s. 1001.42(16)~~ shall be delegated to the
290 school principal or head of the school or schools in accordance

602-05461B-08

20081712c3

291 with rules established by the district school board.

292 Section 9. Present subsections (6) through (23) of section
293 1001.42, Florida Statutes, are redesignated as subsections (8)
294 through (25), respectively, and new subsections (6) and (7) are
295 added to that section, to read:

296 1001.42 Powers and duties of district school board.--The
297 district school board, acting as a board, shall exercise all
298 powers and perform all duties listed below:

299 (6) ESTABLISH ETHICAL STANDARDS.--Adopt and communicate
300 policies and procedures setting forth ethical standards for all
301 employees. The policies and procedures must include
302 responsibilities and procedures for reporting suspected or actual
303 misconduct by instructional personnel and school administrators,
304 as defined in s. 1012.01, which affects the health, safety, or
305 welfare of a student and an explanation of liability protections
306 provided to students, parents, and employees under ss. 39.201,
307 39.202, and 768.095 who report suspected or actual misconduct. A
308 district school board or any of its employees may not enter into
309 a confidentiality agreement regarding a terminated or dismissed
310 employee or an employee who resigns in lieu of termination based
311 in whole or in part on unethical conduct that affects the health,
312 safety, or welfare of a student and may not provide the employee
313 with a favorable recommendation for employment in another
314 educational setting. Any portion of an agreement or contract that
315 has the purpose or effect of concealing the conduct of an
316 educator regarding actions over which the Education Practices
317 Commission has disciplinary jurisdiction is void, is contrary to
318 public policy, and may not be enforced.

319 (7) EMPLOYMENT DISQUALIFICATIONS.--Disqualify from

602-05461B-08

20081712c3

320 employment instructional personnel and school administrators, as
321 defined in s. 1012.01, who have been convicted of a disqualifying
322 offense as described in s. 1012.315. An elected or appointed
323 school board official who knowingly signs and transmits to any
324 state official a report known to be false or incorrect or who
325 fails to support the adoption of policies that ensure the
326 investigation of all reports of suspected or actual misconduct by
327 instructional personnel and school administrators, which affects
328 the health, safety, or welfare of a student and the reporting of
329 allegations of misconduct by such personnel which affects the
330 health, safety, or welfare of a student pursuant to s. 1012.796
331 forfeits his or her salary for 1 year.

332 Section 10. Paragraphs (a) and (c) of subsection (1) and
333 subsection (2) of section 1001.452, Florida Statutes, are amended
334 to read:

335 1001.452 District and school advisory councils.--

336 (1) ESTABLISHMENT.--

337 (a) The district school board shall establish an advisory
338 council for each school in the district and shall develop
339 procedures for the election and appointment of advisory council
340 members. Each school advisory council shall include in its name
341 the words "school advisory council." The school advisory council
342 shall be the sole body responsible for final decisionmaking at
343 the school relating to implementation of ss. 1001.42(18) ~~the~~
344 ~~provisions of ss. 1001.42(16)~~ and 1008.345. A majority of the
345 members of each school advisory council must be persons who are
346 not employed by the school. Each advisory council shall be
347 composed of the principal and an appropriately balanced number of
348 teachers, education support employees, students, parents, and

602-05461B-08

20081712c3

349 other business and community citizens who are representative of
350 the ethnic, racial, and economic community served by the school.
351 Career center and high school advisory councils shall include
352 students, and middle and junior high school advisory councils may
353 include students. School advisory councils of career centers and
354 adult education centers are not required to include parents as
355 members. Council members representing teachers, education support
356 employees, students, and parents shall be elected by their
357 respective peer groups at the school in a fair and equitable
358 manner as follows:

- 359 1. Teachers shall be elected by teachers.
- 360 2. Education support employees shall be elected by
361 education support employees.
- 362 3. Students shall be elected by students.
- 363 4. Parents shall be elected by parents.

364
365 The district school board shall establish procedures to be used
366 ~~for use~~ by schools in selecting business and community members
367 that include means of ensuring wide notice of vacancies and of
368 taking input on possible members from local business, chambers of
369 commerce, community and civic organizations and groups, and the
370 public at large. The district school board shall review the
371 membership composition of each advisory council. If the district
372 school board determines that the membership elected by the school
373 is not representative of the ethnic, racial, and economic
374 community served by the school, the district school board shall
375 appoint additional members to achieve proper representation. The
376 commissioner shall determine if schools have maximized their
377 efforts to include on their advisory councils minority persons

602-05461B-08

20081712c3

378 and persons of lower socioeconomic status. Although schools are
379 strongly encouraged to establish school advisory councils, the
380 district school board of any school district that has a student
381 population of 10,000 or fewer may establish a district advisory
382 council which includes ~~shall include~~ at least one duly elected
383 teacher from each school in the district. For the purposes of
384 school advisory councils and district advisory councils, the term
385 "teacher" includes ~~shall include~~ classroom teachers, certified
386 student services personnel, and media specialists. For purposes
387 of this paragraph, "education support employee" means any person
388 employed by a school who is not defined as instructional or
389 administrative personnel pursuant to s. 1012.01 and whose duties
390 require 20 or more hours in each normal working week.

391 (c) For those schools operating for the purpose of
392 providing educational services to youth in Department of Juvenile
393 Justice programs, district school boards may establish a district
394 advisory council with appropriate representatives for the purpose
395 of developing and monitoring a district school improvement plan
396 that encompasses all such schools in the district, pursuant to s.
397 1001.42(18)(a) ~~s. 1001.42(16)(a)~~.

398 (2) DUTIES.--Each advisory council shall perform ~~such~~
399 functions ~~as are~~ prescribed by regulations of the district school
400 board; however, no advisory council shall have any of the powers
401 and duties now reserved by law to the district school board. Each
402 school advisory council shall assist in the preparation and
403 evaluation of the school improvement plan required pursuant to s.
404 1001.42(18) ~~s. 1001.42(16)~~. With technical assistance from the
405 Department of Education, each school advisory council shall
406 assist in the preparation of the school's annual budget and plan

602-05461B-08

20081712c3

407 as required by s. 1008.385(1). A portion of funds provided in the
408 annual General Appropriations Act for use by school advisory
409 councils must be used for implementing the school improvement
410 plan.

411 Section 11. Subsection (12) of section 1001.51, Florida
412 Statutes, is amended to read:

413 1001.51 Duties and responsibilities of district school
414 superintendent.--The district school superintendent shall
415 exercise all powers and perform all duties listed below and
416 elsewhere in the law, provided that, in so doing, he or she shall
417 advise and counsel with the district school board. The district
418 school superintendent shall perform all tasks necessary to make
419 sound recommendations, nominations, proposals, and reports
420 required by law to be acted upon by the district school board.
421 All such recommendations, nominations, proposals, and reports by
422 the district school superintendent shall be either recorded in
423 the minutes or shall be made in writing, noted in the minutes,
424 and filed in the public records of the district school board. It
425 shall be presumed that, in the absence of the record required in
426 this section, the recommendations, nominations, and proposals
427 required of the district school superintendent were not contrary
428 to the action taken by the district school board in such matters.

429 (12) RECORDS AND REPORTS.--Recommend such records as should
430 be kept in addition to those prescribed by rules of the State
431 Board of Education; prepare forms for keeping such records as are
432 approved by the district school board; ensure that such records
433 are properly kept; and make all reports that are needed or
434 required, as follows:

435 (a) Forms, blanks, and reports.--Require that all employees

602-05461B-08

20081712c3

436 accurately keep all records and promptly make in proper form all
437 reports required by the education code or by rules of the State
438 Board of Education; recommend the keeping of such additional
439 records and the making of such additional reports as may be
440 deemed necessary to provide data essential for the operation of
441 the school system; and prepare such forms and blanks as may be
442 required and ensure that these records and reports are properly
443 prepared.

444 (b) Reports to the department.--Prepare, for the approval
445 of the district school board, all reports ~~that may be~~ required by
446 law or rules of the State Board of Education to be made to the
447 department and transmit promptly all such reports, when approved,
448 to the department, as required by law. If any ~~such~~ reports are
449 not transmitted at the time and in the manner prescribed by law
450 or by State Board of Education rules, the salary of the district
451 school superintendent must be withheld until the report has been
452 properly submitted. Unless otherwise provided by rules of the
453 State Board of Education, the annual report on attendance and
454 personnel is due on or before July 1, and the annual school
455 budget and the report on finance are due on the date prescribed
456 by the commissioner.

457

458 Any district school superintendent who knowingly signs and
459 transmits to any state official a ~~false or incorrect~~ report known
460 to be false or incorrect or who knowingly fails to investigate
461 all reports of suspected or actual misconduct by instructional
462 personnel and school administrators, as defined in s. 1012.01,
463 which affects the health, safety, or welfare of a student or
464 report allegations of misconduct by such personnel which affects

602-05461B-08

20081712c3

465 the health, safety, or welfare of a student pursuant to s.
466 1012.796 forfeits shall forfeit his or her ~~right to any~~ salary
467 ~~for the period of 1 year following the~~ from that date of such act
468 or failure to act.

469 Section 12. Subsection (2) of section 1001.54, Florida
470 Statutes, is amended to read:

471 1001.54 Duties of school principals.--

472 (2) Each school principal shall provide instructional
473 leadership in the development, revision, and implementation of a
474 school improvement plan pursuant to s. 1001.42(18) ~~s.~~
475 ~~1001.42(16)~~.

476 Section 13. Paragraph (b) of subsection (11) of section
477 1002.32, Florida Statutes, is amended to read:

478 1002.32 Developmental research (laboratory) schools.--

479 (11) EXCEPTIONS TO LAW.--To encourage innovative practices
480 and facilitate the mission of the lab schools, in addition to the
481 exceptions to law specified in s. 1001.23(2), the following
482 exceptions shall be permitted for lab schools:

483 (b) With the exception of s. 1001.42(18) ~~s. 1001.42(16)~~, s.
484 1001.42 shall be held in abeyance. Reference to district school
485 boards in s. 1001.42(18) ~~s. 1001.42(16)~~ shall mean the president
486 of the university or the president's designee.

487 Section 14. Paragraph (g) of subsection (12) of section
488 1002.33, Florida Statutes, is amended to read:

489 1002.33 Charter schools.--

490 (12) EMPLOYEES OF CHARTER SCHOOLS.--

491 (g) In order to protect the health, safety, or welfare of
492 students, a charter school governing board shall:

493 1. A charter school shall Employ or contract with employees

602-05461B-08

20081712c3

494 who have undergone background screening as provided in s.
495 1012.32. Members of the governing board of the charter school
496 shall also undergo background screening in a manner similar to
497 that provided in s. 1012.32.

498 2. Disqualify any individual convicted of an offense
499 pursuant to s. 1012.315 from employment in an instructional or
500 school administrator position that involves direct contact with
501 students.

502 3. Adopt and communicate policies and procedures setting
503 forth ethical standards for all employees and include policies
504 and procedures in professional development for all staff. The
505 policies and procedures must include responsibilities and
506 procedures for reporting suspected or actual misconduct by
507 instructional personnel or a school administrator which affects
508 the health, safety, or welfare of a student and an explanation of
509 liability protections provided to students, parents, and
510 employees under ss. 39.201, 39.202, and 768.095 who report
511 suspected or actual misconduct that affects the health, safety,
512 or welfare of a student. A charter school or any of its employees
513 may not enter into a confidentiality agreement regarding a
514 terminated or dismissed employee or an employee who resigns in
515 lieu of termination based in whole or in part on unethical
516 conduct that affects the health, safety, or welfare of a student
517 and may not provide the employee with a favorable recommendation
518 for employment in another educational setting. Any portion of an
519 agreement or contract that has the purpose or effect of
520 concealing the conduct of an educator regarding actions over
521 which the Education Practices Commission has disciplinary
522 jurisdiction is void, is contrary to public policy, and may not

602-05461B-08

20081712c3

523 be enforced.

524 4. Before appointing a candidate to an instructional or
525 school administrator position that involves direct contact with
526 students, contact the previous employer of the candidate to
527 assess the candidate's ability to meet ethical standards for
528 professional educators, screen the candidate through the use of
529 educator screening tools described in s. 1001.10(5), and document
530 the findings.

531 5. The sponsor of a charter school that fails to comply
532 with this paragraph shall terminate the charter pursuant to
533 subsection (8).

534 Section 15. Paragraph (g) is added to subsection (7) of
535 section 1002.36, Florida Statutes, to read:

536 1002.36 Florida School for the Deaf and the Blind.--

537 (7) PERSONNEL SCREENING.--

538 (g) For the purpose of protecting the health, safety, or
539 welfare of students and the ethical standards for professional
540 educators, the Florida School for the Deaf and the Blind shall be
541 considered a school district and shall meet the provisions of ss.
542 1001.03, 1001.42, 1001.51, 1006.061, 1012.27, 1012.315, 1012.32,
543 1012.56, 1012.33, 1012.795, and 1012.796.

544 Section 16. Present subsections (4), (5), and (6) of
545 section 1002.421, Florida Statutes, are redesignated as
546 subsections (5), (6), and (7), respectively, and a new subsection
547 (4) is added to that section, to read:

548 1002.421 Accountability of private schools participating in
549 state school choice scholarship programs.--

550 (4) A private school participating in a scholarship program
551 under this section shall:

602-05461B-08

20081712c3

552 (a) Disqualify from employment in an instructional or
553 school administrator position that involves direct contact with
554 students any individual convicted of a disqualifying offense
555 identified under s. 1012.315.

556 (b) Adopt and communicate policies and procedures setting
557 forth ethical standards for all employees and include policies
558 and procedures in professional development for all staff. The
559 policies and procedures must include responsibilities and
560 procedures for reporting suspected or actual misconduct by
561 instructional personnel or a school administrator which affects
562 the health, safety, or welfare of a student and an explanation of
563 liability protections provided to students, parents, and
564 employees under ss. 39.201, 39.202, and 768.095 who report
565 suspected or actual misconduct that affects the health, safety,
566 or welfare of a student. A private school or any of its employees
567 may not enter into a confidentiality agreement regarding a
568 terminated or dismissed employee or an employee who resigns in
569 lieu of termination based in whole or in part on unethical
570 conduct that affects the health, safety, or welfare of a student
571 and may not provide the employee with a favorable recommendation
572 for employment in another educational setting. Any portion of an
573 agreement or contract that has the purpose or effect of
574 concealing the misconduct of an educator is void, is contrary to
575 public policy, and may not be enforced.

576 (c) Prior to appointing a candidate to an instructional or
577 school administrator position that involves direct contact with
578 students, contact the previous employer of the candidate to
579 assess the candidate's ability to meet ethical standards for
580 professional educators, screen the candidate through the use of

602-05461B-08

20081712c3

581 educator screening tools described in s. 1001.10(5), and document
582 the findings.

583

584 The department shall prohibit a private school that accepts
585 scholarship students under chapter 1002 or s. 220.187 and that
586 fails to comply with this subsection from accepting such
587 scholarship students and shall disqualify the private school from
588 accepting funds under those programs for a period of 1 state
589 fiscal year and until the private school complies with this
590 subsection.

591 Section 17. Present subsections (2), (3), and (4) of
592 section 1002.55, Florida Statutes, are renumbered as subsections
593 (3), (4), and (5), respectively, a new subsection (2) is added to
594 that section, and present subsection (4) of that section is
595 amended, to read:

596 1002.55 School-year prekindergarten program delivered by
597 private prekindergarten providers.--

598 (2) A private provider participating in the Voluntary
599 Prekindergarten Education Program under this section must comply
600 with the following:

601 (a) The provider must complete ethics training that has
602 been developed jointly by the Department of Children and Family
603 Services, the Department of Education, and the Agency for
604 Workforce Innovation. Such training shall include strategies on
605 how to adopt and communicate policies, responsibilities, and
606 procedures for reporting suspected or actual misconduct by a
607 prekindergarten instructor or administrator which affects the
608 health, safety, or welfare of a student, and an explanation of
609 liability protections provided to students, parents, and

602-05461B-08

20081712c3

610 employees under ss. 39.201, 39.202, and 768.095. Successful
611 completion of training shall be documented on the child care
612 personnel training transcript of the Department of Children and
613 Family Services.

614 (b) The provider must disqualify from employment any
615 prekindergarten instructor or administrator who has been
616 convicted of a disqualifying offense identified under s. 435.04.

617 (c) Before appointing a candidate as a prekindergarten
618 instructor or administrator, the provider must contact the
619 candidate's previous employer pursuant to ss. 402.302(13) and
620 435.10 to assess the candidate's ability to meet ethical
621 standards for professional educators, screen the candidate
622 through the use of the educator-screening tools described in s.
623 1001.10(5) and the electronic database of the Department of
624 Children and Family Services, and document the findings.

625 (d) The provider may not enter into a confidentiality
626 agreement regarding a terminated or dismissed employee or an
627 employee who resigns in lieu of termination based in whole or in
628 part on unethical conduct that affects the health, safety, or
629 welfare of a student and may not provide the employee with a
630 favorable recommendation for employment in another educational
631 setting. A portion of an agreement or contract that has the
632 purpose or effect of concealing the misconduct of a
633 prekindergarten instructor or administrator is void, is contrary
634 to public policy, and may not be enforced.

635 (e) The Agency for Workforce Innovation shall prohibit a
636 private provider that fails to comply with this subsection from
637 accepting funds under the Voluntary Prekindergarten Program for a
638 period of 1 state fiscal year and until the provider complies

602-05461B-08

20081712c3

639 with this subsection.

640 (5)~~(4)~~ A prekindergarten instructor, in lieu of the minimum
641 credentials and courses required under paragraph (4) (c) ~~(3) (e)~~,
642 may hold one of the following educational credentials:

643 (a) A bachelor's or higher degree in early childhood
644 education, prekindergarten or primary education, preschool
645 education, or family and consumer science;

646 (b) A bachelor's or higher degree in elementary education,
647 if the prekindergarten instructor has been certified to teach
648 children ~~any age~~ from birth through 6th grade, regardless of
649 whether the instructor's educator certificate is current, and if
650 the instructor is not ineligible to teach in a public school
651 because his or her educator certificate is suspended or revoked;

652 (c) An associate's or higher degree in child development;

653 (d) An associate's or higher degree in an unrelated field,
654 at least 6 credit hours in early childhood education or child
655 development, and at least 480 hours of experience in teaching or
656 providing child care services for children ~~any age~~ from birth
657 through 8 years of age; or

658 (e) An educational credential approved by the department as
659 being equivalent to or greater than an educational credential
660 described in this subsection. The department may adopt criteria
661 and procedures for approving equivalent educational credentials
662 under this paragraph.

663 Section 18. Subsections (4) and (6) of section 1002.61,
664 Florida Statutes, are amended to read:

665 1002.61 Summer prekindergarten program delivered by public
666 schools and private prekindergarten providers.--

667 (4) Notwithstanding ss. 1002.55(4)(c)1. ~~1002.55(3)(e)1.~~ and

602-05461B-08

20081712c3

668 1002.63(5), each public school and private prekindergarten
669 provider must have, for each prekindergarten class, at least one
670 prekindergarten instructor who:

671 (a) Is a certified teacher; or

672 (b) Holds one of the educational credentials specified in
673 s. 1002.55(4) (a) or (b).

674

675 As used in this subsection, the term "certified teacher" means a
676 teacher holding a valid Florida educator certificate under s.
677 1012.56 who has the qualifications required by the district
678 school board to instruct students in the summer prekindergarten
679 program. In selecting instructional staff for the summer
680 prekindergarten program, each school district shall give priority
681 to teachers who have experience or coursework in early childhood
682 education.

683 (6) Notwithstanding ss. 1002.55(4)(e) ~~1002.55(3)(e)~~ and
684 1002.63(7), each prekindergarten class in the summer
685 prekindergarten program, regardless of whether the class is a
686 public school's or private prekindergarten provider's class, must
687 have ~~be composed of~~ at least 4 students but may not exceed 10
688 students. In order to protect the health and safety of students,
689 each public school or private prekindergarten provider must also
690 provide appropriate adult supervision for students at all times.
691 This subsection does not supersede any requirement imposed on a
692 provider under ss. 402.301-402.319.

693 Section 19. Subsections (5) and (7) of section 1002.63,
694 Florida Statutes, are amended to read:

695 1002.63 School-year prekindergarten program delivered by
696 public schools.--

602-05461B-08

20081712c3

697 (5) Each public school must have, for each prekindergarten
698 class, at least one prekindergarten instructor who meets each
699 requirement in s. 1002.55(4)(c) ~~s. 1002.55(3)(e)~~ for a
700 prekindergarten instructor of a private prekindergarten provider.

701 (7) Each prekindergarten class in a public school
702 delivering the school-year prekindergarten program must have be
703 ~~composed of~~ at least 4 students but may not exceed 18 students.
704 In order to protect the health and safety of students, each
705 school must also provide appropriate adult supervision for
706 students at all times and, for each prekindergarten class
707 composed of 11 or more students, must have, in addition to a
708 prekindergarten instructor who meets the requirements of s.
709 1002.55(4)(c) ~~s. 1002.55(3)(e)~~, at least one adult
710 prekindergarten instructor who is not required to meet those
711 requirements but who must meet each requirement of subsection
712 (6).

713 Section 20. Paragraph (a) of subsection (2) of section
714 1002.65, Florida Statutes, is amended to read:

715 1002.65 Professional credentials of prekindergarten
716 instructors; aspirational goals; legislative intent.--

717 (2) To improve these educational outcomes, the Legislature
718 intends that all prekindergarten instructors will continue to
719 improve their skills and preparation through education and
720 training, so that the following aspirational goals will be
721 achieved:

722 (a) By the 2010-2011 school year:

723 1. Each prekindergarten class will have at least one
724 prekindergarten instructor who holds an associate's or higher
725 degree in the field of early childhood education or child

602-05461B-08

20081712c3

726 development; and

727 2. For each prekindergarten class composed of 11 or more
728 students, in addition to a prekindergarten instructor who meets
729 the requirements of subparagraph 1., the class will have at least
730 one prekindergarten instructor who meets the requirements of s.
731 1002.55(4)(c) ~~s. 1002.55(3)(e)~~.

732 Section 21. Subsection (2) of section 1003.413, Florida
733 Statutes, is amended to read:

734 1003.413 Florida Secondary School Redesign Act.--

735 (2) The following guiding principles for secondary school
736 redesign shall be used in the annual preparation of each
737 secondary school's improvement plan required by s. 1001.42(18) ~~s.~~
738 ~~1001.42(16)~~:

739 (a) Struggling students, especially those in failing
740 schools, need the highest quality teachers and dramatically
741 different, innovative approaches to teaching and learning.

742 (b) Every teacher must contribute to every student's
743 reading improvement.

744 (c) Quality professional development provides teachers and
745 principals with the tools they need to better serve students.

746 (d) Small learning communities allow teachers to
747 personalize instruction to better address student learning
748 styles, strengths, and weaknesses.

749 (e) Intensive intervention in reading and mathematics must
750 occur early and through innovative delivery systems.

751 (f) Parents need access to tools they can use to monitor
752 their child's progress in school, communicate with teachers, and
753 act early on behalf of their child.

754 (g) Applied and integrated courses help students see the

602-05461B-08

20081712c3

755 relationships between subjects and relevance to their futures.

756 (h) School is more relevant when students choose courses
757 based on their goals, interests, and talents.

758 (i) Master schedules should not determine instruction and
759 must be designed based on student needs, not adult or
760 institutional needs.

761 (j) Academic and career planning engages students in
762 developing a personally meaningful course of study so they can
763 achieve goals they have set for themselves.

764 Section 22. Paragraph (b) of subsection (2) of section
765 1003.53, Florida Statutes, is amended to read:

766 1003.53 Dropout prevention and academic intervention.--

767 (2)

768 (b) Each school that establishes a dropout prevention and
769 academic intervention program at that school site shall reflect
770 that program in the school improvement plan as required under s.
771 1001.42(18) ~~s. 1001.42(16)~~.

772 Section 23. Subsections (1) and (3) of section 1004.92,
773 Florida Statutes, are amended to read:

774 1004.92 Purpose and responsibilities for career
775 education.--

776 (1) The purpose of career education is to enable students
777 who complete career programs to attain and sustain employment and
778 realize economic self-sufficiency. The purpose of this section is
779 to identify issues related to career education for which school
780 boards and community college boards of trustees are accountable.
781 It is the intent of the Legislature that the standards
782 articulated in subsection (2) be considered in the development of
783 accountability standards for public schools pursuant to ss.

602-05461B-08

20081712c3

784 1000.03, 1001.42(18) ~~1001.42(16)~~, and 1008.345 and for community
785 colleges pursuant to s. 1008.45.

786 (3) Each career center operated by a district school board
787 shall establish a center advisory council pursuant to s.
788 1001.452. The center advisory council shall assist in the
789 preparation and evaluation of center improvement plans required
790 pursuant to s. 1001.42(18) ~~s. 1001.42(16)~~ and may provide
791 assistance, upon the request of the center director, in the
792 preparation of the center's annual budget and plan as required by
793 s. 1008.385(1).

794 Section 24. Section 1006.061, Florida Statutes, is amended
795 to read:

796 1006.061 Child abuse, abandonment, and neglect
797 policy.--Each district school board, charter school, private
798 school participating in a state school choice scholarship
799 program, and private provider participating in the Voluntary
800 Prekindergarten Education Program shall:

801 (1) Post in a prominent place in each school a notice that,
802 pursuant to chapter 39, all employees and agents of the district
803 school board, charter school, private school, or private provider
804 have an affirmative duty to report all actual or suspected cases
805 of child abuse, abandonment, or neglect; have immunity from
806 liability if they report such cases in good faith; and have a
807 duty to comply with child protective investigations and all other
808 provisions of law relating to child abuse, abandonment, and
809 neglect. The notice shall also include the statewide toll-free
810 telephone number of the central abuse hotline.

811 (2) Post in a prominent place at each school site and on
812 each school website, the policies and procedures for reporting

602-05461B-08

20081712c3

813 suspected or actual misconduct by instructional personnel or
814 school administrators, as defined in s. 1012.01, which affects
815 the health, safety, or welfare of a student, the contact person
816 to whom the report should be made, and the penalties imposed on
817 employees or agents for failing to report suspected or actual
818 child abuse or misconduct by instructional personnel or school
819 administrators which affects the health, safety, or welfare of a
820 student.

821 (3)(2) Require the person in charge of the charter school,
822 private school, or private provider or the district school
823 superintendent, or the superintendent's designee, at the request
824 of the Department of Children and Family Services, to act as a
825 liaison to the Department of Children and Family Services and the
826 child protection team, as defined in s. 39.01, when in a case of
827 suspected child abuse, abandonment, or neglect or an unlawful
828 sexual offense involving a child the case is referred to such a
829 team; except that this does not relieve or restrict the
830 Department of Children and Family Services from discharging its
831 duty and responsibility under the law to investigate and report
832 every suspected or actual case of child abuse, abandonment, or
833 neglect or unlawful sexual offense involving a child.

834 Section 25. Paragraph (c) of subsection (2) of section
835 1007.21, Florida Statutes, is amended to read:

836 1007.21 Readiness for postsecondary education and the
837 workplace.--

838 (2)

839 (c) The common placement test authorized in ss. 1001.03(11)
840 ~~1001.03(10)~~ and 1008.30 or a similar test may be administered to
841 all high school second semester sophomores who have chosen one of

602-05461B-08

20081712c3

842 the four destinations. The results of the placement test shall be
843 used to target additional instructional needs in reading,
844 writing, and mathematics prior to graduation.

845 Section 26. Subsection (5) of section 1007.23, Florida
846 Statutes, is amended to read:

847 1007.23 Statewide articulation agreement.--

848 (5) The articulation agreement must guarantee the
849 articulation of 9 credit hours toward a postsecondary degree in
850 early childhood education for programs approved by the State
851 Board of Education and the Board of Governors which:

852 (a) Award a child development associate credential issued
853 by the National Credentialing Program of the Council for
854 Professional Recognition or award a credential approved under s.
855 1002.55(4)(c)1.b. ~~s. 1002.55(3)(e)1.b.~~ or s. 402.305(3)(c) as
856 being equivalent to the child development associate credential;
857 and

858 (b) Include training in emergent literacy which meets or
859 exceeds the minimum standards for training courses for
860 prekindergarten instructors of the Voluntary Prekindergarten
861 Education Program in s. 1002.59.

862 Section 27. Subsection (4) of section 1008.33, Florida
863 Statutes, is amended to read:

864 1008.33 Authority to enforce public school improvement.--It
865 is the intent of the Legislature that all public schools be held
866 accountable for students performing at acceptable levels. A
867 system of school improvement and accountability that assesses
868 student performance by school, identifies schools in which
869 students are not making adequate progress toward state standards,
870 institutes appropriate measures for enforcing improvement, and

602-05461B-08

20081712c3

871 provides rewards and sanctions based on performance shall be the
872 responsibility of the State Board of Education.

873 (4) The State Board of Education may require the Department
874 of Education or Chief Financial Officer to withhold any transfer
875 of state funds to the school district if, within the timeframe
876 specified in state board action, the school district has failed
877 to comply with the action ordered to improve the district's low-
878 performing schools. Withholding the transfer of funds shall occur
879 only after all other recommended actions for school improvement
880 have failed to improve performance. The State Board of Education
881 may impose the same penalty on any district school board that
882 fails to develop and implement a plan for assistance and
883 intervention for low-performing schools as specified in s.
884 1001.42(18)(c) ~~s. 1001.42(16)(e)~~.

885 Section 28. Paragraph (c) of subsection (6) of section
886 1008.345, Florida Statutes, is amended to read:

887 1008.345 Implementation of state system of school
888 improvement and education accountability.--

889 (6)

890 (c) Pursuant to s. 24.121(5)(d), the department shall not
891 release funds from the Educational Enhancement Trust Fund to any
892 district in which a school, including schools operating for the
893 purpose of providing educational services to youth in Department
894 of Juvenile Justice programs, does not have an approved school
895 improvement plan, pursuant to s. 1001.42(18) ~~s. 1001.42(16)~~,
896 after 1 full school year of planning and development, or does not
897 comply with school advisory council membership composition
898 requirements pursuant to s. 1001.452. The department shall send a
899 technical assistance team to each school without an approved plan

602-05461B-08

20081712c3

900 to develop such school improvement plan or to each school without
901 appropriate school advisory council membership composition to
902 develop a strategy for corrective action. The department shall
903 release the funds upon approval of the plan or upon establishment
904 of a plan of corrective action. Notice shall be given to the
905 public of the department's intervention and shall identify each
906 school without a plan or without appropriate school advisory
907 council membership composition.

908 Section 29. Subsection (5) of section 1010.215, Florida
909 Statutes, is amended to read:

910 1010.215 Educational funding accountability.--

911 (5) The annual school public accountability report required
912 by ss. 1001.42(18) ~~1001.42(16)~~ and 1008.345 must include a school
913 financial report. The purpose of the school financial report is
914 to better inform parents and the public concerning how funds were
915 spent to operate the school during the prior fiscal year. Each
916 school's financial report must follow a uniform, districtwide
917 format that is easy to read and understand.

918 (a) Total revenue must be reported at the school, district,
919 and state levels. The revenue sources that must be addressed are
920 state and local funds, other than lottery funds; lottery funds;
921 federal funds; and private donations.

922 (b) Expenditures must be reported as the total expenditures
923 per unweighted full-time equivalent student at the school level
924 and the average expenditures per full-time equivalent student at
925 the district and state levels in each of the following categories
926 and subcategories:

927 1. Teachers, excluding substitute teachers, and education
928 paraprofessionals who provide direct classroom instruction to

602-05461B-08

20081712c3

929 students enrolled in programs classified by s. 1011.62 as:

930 a. Basic programs;

931 b. Students-at-risk programs;

932 c. Special programs for exceptional students;

933 d. Career education programs; and

934 e. Adult programs.

935 2. Substitute teachers.

936 3. Other instructional personnel, including school-based

937 instructional specialists and their assistants.

938 4. Contracted instructional services, including training

939 for instructional staff and other contracted instructional

940 services.

941 5. School administration, including school-based

942 administrative personnel and school-based education support

943 personnel.

944 6. The following materials, supplies, and operating capital

945 outlay:

946 a. Textbooks;

947 b. Computer hardware and software;

948 c. Other instructional materials;

949 d. Other materials and supplies; and

950 e. Library media materials.

951 7. Food services.

952 8. Other support services.

953 9. Operation and maintenance of the school plant.

954 (c) The school financial report must also identify the

955 types of district-level expenditures that support the school's

956 operations. The total amount of these district-level expenditures

957 must be reported and expressed as total expenditures per full-

602-05461B-08

20081712c3

958 | time equivalent student.

959 | Section 30. Paragraph (b) of subsection (6) of section
960 | 1011.18, Florida Statutes, is amended to read:

961 | 1011.18 School depositories; payments into and withdrawals
962 | from depositories.--

963 | (6) EXEMPTION FOR SELF-INSURANCE PROGRAMS AND THIRD-PARTY
964 | ADMINISTERED EMPLOYEES' FRINGE BENEFIT PROGRAMS.--

965 | (b) The district school board may contract with an
966 | insurance company or professional administrator who holds a valid
967 | certificate of authority issued by the Office of Insurance
968 | Regulation of the Financial Services Commission to provide any ~~or~~
969 | ~~all~~ services that a third-party administrator is authorized by
970 | law to perform. Pursuant to such contract, the district school
971 | board may advance or remit money to the administrator to be
972 | deposited in a designated special checking account for paying
973 | claims against the district school board under its self-insurance
974 | programs, and remitting premiums to the providers of insured
975 | benefits on behalf of the district school board and the
976 | participants in such programs, and otherwise fulfilling the
977 | obligations imposed upon the administrator by law and the
978 | contractual agreements between the district school board and the
979 | administrator. The special checking account shall be maintained
980 | in a designated district school depository. The district school
981 | board may replenish such account as often as necessary upon the
982 | presentation by the service organization of documentation for
983 | claims or premiums due paid equal to the amount of the requested
984 | reimbursement. Such replenishment shall be made by a warrant
985 | signed by the chair of the district school board and
986 | countersigned by the district school superintendent. Such

602-05461B-08

20081712c3

987 replenishment may be made by electronic, telephonic, or other
988 medium, and each transfer shall be confirmed in writing and
989 signed by the district school superintendent or his or her
990 designee. The provisions of strict accountability of all funds
991 and an annual audit by an independent certified public accountant
992 as provided in s. 1001.42(12)(k) ~~s. 1001.42(10)(k)~~ shall apply to
993 this subsection.

994 Section 31. Present subsection (6) of section 1012.27,
995 Florida Statutes, is redesignated as subsection (7), and a new
996 subsection (6) is added to that section, to read:

997 1012.27 Public school personnel; powers and duties of
998 district school superintendent.--The district school
999 superintendent is responsible for directing the work of the
1000 personnel, subject to the requirements of this chapter, and in
1001 addition the district school superintendent shall perform the
1002 following:

1003 (6) Before appointing a candidate to an instructional or
1004 school administrator position that involves direct contact with
1005 students, contact the candidate's previous employer to assess the
1006 candidate's ability to meet state and local ethical standards for
1007 professional educators, screen the candidate using the screening
1008 tools as described in s. 1001.10(5), and document the findings.

1009 Section 32. Section 1012.315, Florida Statutes, is created
1010 to read:

1011 1012.315 Disqualification from employment.--

1012 (1) Any instructional personnel or school administrators,
1013 as defined in s. 1012.01, are ineligible for employment in any
1014 position that involves direct contact with students if convicted
1015 of the following disqualifying offenses:

602-05461B-08

20081712c3

- 1016 (a) Any offense listed in s. 435.04;
- 1017 (b) Section 787.025, relating to luring or enticing a
- 1018 child;
- 1019 (c) Section 794.05, relating to unlawful sexual activity
- 1020 with certain minors;
- 1021 (d) Section 810.14, relating to voyeurism;
- 1022 (e) Section 810.145, relating to video voyeurism;
- 1023 (f) Conviction of a crime involving moral turpitude; or
- 1024 (g) Any delinquent act that qualified or would have
- 1025 qualified an individual for inclusion on the Registered Juvenile
- 1026 Sex Offender List pursuant to s. 943.0435(1)(a)1.d.

1027 (2) A criminal act committed in another state or under
 1028 federal law, the elements of which constitute a criminal act as
 1029 described in subsection (1) shall, for purposes of
 1030 disqualification, be considered as if the act was committed in
 1031 this state.

1032 Section 33. Subsection (1) of section 1012.32, Florida
 1033 Statutes, is amended to read:

1034 1012.32 Qualifications of personnel.--

1035 (1) (a) To be eligible for appointment in any position in
 1036 any district school system, a person shall be of good moral
 1037 character; shall have attained the age of 18 years, if he or she
 1038 is to be employed in an instructional capacity; and shall, when
 1039 required by law, hold a certificate or license issued under rules
 1040 of the State Board of Education or the Department of Children and
 1041 Family Services, except when employed pursuant to s. 1012.55 or
 1042 under the emergency provisions of s. 1012.24. Previous residence
 1043 in this state shall not be required in any school of the state as
 1044 a prerequisite for any person holding a valid Florida certificate

602-05461B-08

20081712c3

1045 or license to serve in an instructional capacity.

1046 (b) Any instructional personnel or school administrators,
1047 as defined in s. 1012.01, are disqualified from employment in any
1048 position having direct contact with students if convicted of a
1049 disqualifying offense as described in s. 1012.315.

1050 Section 34. Paragraph (a) of subsection (1), paragraph (c)
1051 of subsection (4), and paragraph (b) of subsection (6) of section
1052 1012.33, Florida Statutes, are amended to read:

1053 1012.33 Contracts with instructional staff, supervisors,
1054 and school principals.--

1055 (1)(a) Each person employed as a member of the
1056 instructional staff in any district school system shall be
1057 properly certified pursuant to s. 1012.56 or s. 1012.57 or
1058 employed pursuant to s. 1012.39 and shall be entitled to and
1059 shall receive a written contract as specified in this section.
1060 All such contracts, except continuing contracts as specified in
1061 subsection (4), shall contain provisions for dismissal during the
1062 term of the contract only for just cause. Just cause includes,
1063 but is not limited to, the following instances, as defined by
1064 rule of the State Board of Education: immorality, misconduct in
1065 office, incompetency, gross insubordination, willful neglect of
1066 duty, the commission of a criminal act, regardless of
1067 adjudication, or crimes ~~or conviction of a crime~~ involving moral
1068 turpitude.

1069 (4)

1070 (c) Any member of the district administrative or
1071 supervisory staff and any member of the instructional staff,
1072 including any school principal, who is under continuing contract
1073 may be suspended or dismissed at any time during the school year;

602-05461B-08

20081712c3

1074 | however, the charges against him or her must be based on
1075 | immorality, misconduct in office, incompetency, gross
1076 | insubordination, willful neglect of duty, drunkenness, crimes or
1077 | ~~conviction of a crime~~ involving moral turpitude, as these terms
1078 | are defined by rule of the State Board of Education, or the
1079 | commission of a criminal act, regardless of adjudication.
1080 | Whenever such charges are made against an ~~any such~~ employee of
1081 | the district school board, the district school board may suspend
1082 | such person without pay; but, if the charges are not sustained,
1083 | he or she shall be immediately reinstated, and his or her back
1084 | salary shall be paid. In cases of suspension by the district
1085 | school board or by the district school superintendent, the
1086 | district school board shall determine upon the evidence submitted
1087 | whether the charges have been sustained and, if the charges are
1088 | sustained, shall determine either to dismiss the employee or fix
1089 | the terms under which he or she may be reinstated. If such
1090 | charges are sustained by a majority vote of the full membership
1091 | of the district school board and the ~~such~~ employee is discharged,
1092 | his or her contract of employment shall be ~~thereby~~ canceled. Any
1093 | ~~such~~ decision adverse to the employee may be appealed by the
1094 | employee pursuant to s. 120.68, provided the ~~such~~ appeal is filed
1095 | within 30 days after the decision of the district school board.

1096 | (6)

1097 | (b) Any member of the district administrative or
1098 | supervisory staff, including any principal but excluding an
1099 | employee specified in subsection (4), may be suspended or
1100 | dismissed at any time during the term of the contract; however,
1101 | the charges against him or her must be based on immorality,
1102 | misconduct in office, incompetency, gross insubordination,

602-05461B-08

20081712c3

1103 willful neglect of duty, drunkenness, or crimes ~~conviction of any~~
1104 ~~crime~~ involving moral turpitude, as these terms are defined by
1105 rule of the State Board of Education. Whenever such charges are
1106 made against an ~~any such~~ employee of the district school board,
1107 the district school board may suspend the employee without pay;
1108 but, if the charges are not sustained, he or she shall be
1109 immediately reinstated, and his or her back salary shall be paid.
1110 In cases of suspension by the district school board or by the
1111 district school superintendent, the district school board shall
1112 determine upon the evidence submitted whether the charges have
1113 been sustained and, if the charges are sustained, shall determine
1114 either to dismiss the employee or fix the terms under which he or
1115 she may be reinstated. If such charges are sustained by a
1116 majority vote of the full membership of the district school board
1117 and the ~~such~~ employee is discharged, his or her contract of
1118 employment shall be ~~thereby~~ canceled. Any ~~such~~ decision adverse
1119 to the employee may be appealed by him or her pursuant to s.
1120 120.68, provided such appeal is filed within 30 days after the
1121 decision of the district school board.

1122 Section 35. Subsection (4) of section 1012.34, Florida
1123 Statutes, is amended to read:

1124 1012.34 Assessment procedures and criteria.--

1125 (4) The district school superintendent shall notify the
1126 department of any instructional personnel who receive two
1127 consecutive unsatisfactory evaluations and who have been given
1128 written notice by the district that their employment is being
1129 terminated or is not being renewed or that the district school
1130 board intends to terminate, or not renew, their employment. The
1131 department shall conduct an investigation to determine whether

602-05461B-08

20081712c3

1132 action shall be taken against the certificateholder pursuant to
 1133 s. 1012.795(1)(c) ~~s. 1012.795(1)(b)~~.

1134 Section 36. Subsections (9) and (14) of section 1012.56,
 1135 Florida Statutes, are amended to read:

1136 1012.56 Educator certification requirements.--

1137 (9) BACKGROUND SCREENING REQUIRED, INITIALLY AND
 1138 PERIODICALLY.--

1139 (a) Each person who seeks certification under this chapter
 1140 must undergo state and national criminal history records checks
 1141 pursuant to s. 435.04 and may not have been convicted of any
 1142 disqualifying offense under s. 1012.315. An individual is exempt
 1143 from undergoing an additional state and national criminal history
 1144 records checks if the checks have meet level 2 screening
 1145 requirements as described in s. 1012.32 unless a level 2
 1146 screening has been conducted by a district school board or the
 1147 Department of Education within 12 months before the date the
 1148 person initially obtains certification under this chapter, the
 1149 results of which are submitted to the district school board or to
 1150 the Department of Education.

1151 (b) A person may not receive a certificate under this
 1152 chapter until the person undergoes state and national criminal
 1153 history records checks pursuant to s. 435.04 verifying that the
 1154 person has not been convicted of a disqualifying offense as
 1155 described in s. 1012.315, level 2 screening has been completed
 1156 and the results have been submitted to the Department of
 1157 Education or to the district school superintendent of the school
 1158 district that employs the person. Every 5 years after obtaining
 1159 initial certification, each person who is required to be
 1160 certified under this chapter must meet the level 2 screening

602-05461B-08

20081712c3

1161 requirements as described in paragraph (a) s. 1012.32, at which
1162 time the school district shall request the Department of Law
1163 Enforcement to forward the fingerprints to the Federal Bureau of
1164 Investigation for national processing ~~the level 2 screening~~. If,
1165 for any reason after obtaining initial certification, the
1166 fingerprints of a person who is required to be certified under
1167 this chapter are not retained by the Department of Law
1168 Enforcement under s. 1012.32(3)(a) and (b), the person must file
1169 a complete set of fingerprints with the district school
1170 superintendent of the employing school district. Upon submission
1171 of fingerprints for this purpose, the school district shall
1172 request the Department of Law Enforcement to forward the
1173 fingerprints to the Federal Bureau of Investigation for national
1174 processing ~~the level 2 screening~~, and the fingerprints shall be
1175 retained by the Department of Law Enforcement under s.
1176 1012.32(3)(a) and (b). The cost of the state and federal criminal
1177 history check required by paragraph (a) and this paragraph ~~level~~
1178 ~~2 screening~~ may be borne by the district school board or the
1179 employee. Under penalty of perjury, each person who is certified
1180 under this chapter must agree to inform his or her employer
1181 within 48 hours if convicted of any disqualifying offense while
1182 he or she is employed in a position for which such certification
1183 is required.

1184 (c) If it is found under s. 1012.796 that a person who is
1185 employed in a position requiring certification under this chapter
1186 is ineligible for employment under s. 1012.315 ~~does not meet the~~
1187 ~~level 2 screening requirements~~, the person's certification shall
1188 be immediately revoked or suspended and he or she shall be
1189 immediately suspended from the position requiring certification.

602-05461B-08

20081712c3

1190 (14) PERSONNEL RECORDS.--The Department of Education shall
 1191 maintain an electronic database that includes, but need not be
 1192 limited to, a complete statement of the academic preparation,
 1193 professional training, and teaching experience of each person to
 1194 whom a certificate is issued. The applicant or the district
 1195 school superintendent shall furnish the information using a
 1196 format ~~or forms~~ provided by the department.

1197 Section 37. Subsection (1) and paragraph (a) of subsection
 1198 (8) of section 1012.79, Florida Statutes, are amended to read:

1199 1012.79 Education Practices Commission; organization.--

1200 (1) The Education Practices Commission consists of 25 ~~17~~
 1201 members, including 8 ~~7~~ teachers; 7 ~~5~~ administrators, at least one
 1202 of whom shall represent a private school; 7 and 5 lay citizens,
 1203 ~~of whom 5 shall be parents of public school students and who are~~
 1204 unrelated to public school employees and 2 shall be current or
 1205 former district school board members; ~~7~~ and 5 sworn law
 1206 enforcement officials, appointed by the State Board of Education
 1207 from nominations by the Commissioner of Education and subject to
 1208 Senate confirmation. Before ~~Prior~~ to making nominations, the
 1209 commissioner shall consult with ~~the~~ teaching associations, parent
 1210 organizations, law enforcement agencies, and other involved
 1211 associations in the state. In making nominations, the
 1212 commissioner shall attempt to achieve equal geographical
 1213 representation, as closely as possible.

1214 (a) A teacher member, in order to be qualified for
 1215 appointment:

- 1216 1. Must be certified to teach in the state.
- 1217 2. Must be a resident of the state.
- 1218 3. Must have practiced the profession in this state for at

602-05461B-08

20081712c3

1219 | least 5 years immediately preceding the appointment.

1220 | (b) A school administrator member, in order to be qualified
1221 | for appointment:

1222 | 1. Must have an endorsement on the educator certificate in
1223 | the area of school administration or supervision.

1224 | 2. Must be a resident of the state.

1225 | 3. Must have practiced the profession as an administrator
1226 | for at least 5 years immediately preceding the appointment.

1227 | (c) The lay members must be residents of the state.

1228 | (d) The members who are law enforcement officials must have
1229 | served in the profession for at least 5 years immediately
1230 | preceding appointment and have background expertise in child
1231 | safety.

1232 | (8) (a) The commission shall, from time to time, designate
1233 | members of the commission to serve on panels for the purpose of
1234 | reviewing and issuing final orders upon cases presented to the
1235 | commission. A case concerning a complaint against a teacher shall
1236 | be reviewed and a final order ~~thereon shall be~~ entered by a panel
1237 | composed of five commission members, at least one of whom must be
1238 | a parent or a sworn law enforcement officer, and at least three
1239 | of whom ~~must shall~~ be teachers. A case concerning a complaint
1240 | against an administrator shall be reviewed and a final order
1241 | ~~thereon shall be~~ entered by a panel composed of five commission
1242 | members, at least one of whom must be a parent or a sworn law
1243 | enforcement officer, and at least three of whom ~~must shall~~ be
1244 | administrators.

1245 | Section 38. Subsection (1) of section 1012.795, Florida
1246 | Statutes, is amended to read:

1247 | 1012.795 Education Practices Commission; authority to

602-05461B-08

20081712c3

1248 discipline.--

1249 (1) The Education Practices Commission may suspend the
1250 educator certificate of any person as defined in s. 1012.01(2) or
1251 (3) for a period of time not to exceed 5 years, thereby denying
1252 that person the right to teach or otherwise be employed by a
1253 district school board or public school in any capacity requiring
1254 direct contact with students for that period of time, after which
1255 the holder may return to teaching as provided in subsection (4);
1256 may revoke the educator certificate of any person, thereby
1257 denying that person the right to teach or otherwise be employed
1258 by a district school board or public school in any capacity
1259 requiring direct contact with students for a period of time not
1260 to exceed 10 years, with reinstatement subject to the provisions
1261 of subsection (4); may revoke permanently the educator
1262 certificate of any person thereby denying that person the right
1263 to teach or otherwise be employed by a district school board or
1264 public school in any capacity requiring direct contact with
1265 students; may suspend the educator certificate, upon order of the
1266 court, of any person found to have a delinquent child support
1267 obligation; or may impose any other penalty provided by law, if
1268 ~~provided it can be shown that~~ the person:

1269 (a) Obtained or attempted to obtain an educator certificate
1270 by fraudulent means.

1271 (b) Knowingly failed to report any suspected or actual
1272 child abuse pursuant to s. 1006.061 or misconduct by
1273 instructional personnel or school administrators under s.
1274 1012.795, which affects the health, safety, or welfare of a
1275 student.

1276 (c) ~~(b)~~ Has proved to be incompetent to teach or to perform

602-05461B-08

20081712c3

1277 duties as an employee of the public school system or to teach in
1278 or to operate a private school.

1279 (d)~~(e)~~ Has been guilty of gross immorality or an act
1280 involving moral turpitude as defined by rules of the State Board
1281 of Education.

1282 (e)~~(d)~~ Has had an educator certificate sanctioned by
1283 revocation, suspension, or surrender in another state.

1284 (f)~~(e)~~ Has been convicted of a misdemeanor, felony, or any
1285 other criminal charge, other than a minor traffic violation.

1286 (g)~~(f)~~ Upon investigation, has been found guilty of
1287 personal conduct which seriously reduces that person's
1288 effectiveness as an employee of the district school board.

1289 (h)~~(g)~~ Has breached a contract, as provided in s.
1290 1012.33(2).

1291 (i)~~(h)~~ Has been the subject of a court order directing the
1292 Education Practices Commission to suspend the certificate as a
1293 result of a delinquent child support obligation.

1294 (j)~~(i)~~ Has violated the Principles of Professional Conduct
1295 for the Education Profession prescribed by State Board of
1296 Education rules.

1297 (k)~~(j)~~ Has otherwise violated the provisions of law, the
1298 penalty for which is the revocation of the educator certificate.

1299 (l)~~(k)~~ Has violated any order of the Education Practices
1300 Commission.

1301 (m)~~(l)~~ Has been the subject of a court order or plea
1302 agreement in any jurisdiction which requires the
1303 certificateholder to surrender or otherwise relinquish his or her
1304 educator's certificate. A surrender or relinquishment shall be
1305 for permanent revocation of the certificate. A person may not

602-05461B-08

20081712c3

1306 surrender or otherwise relinquish his or her certificate prior to
1307 a finding of probable cause by the commissioner as provided in s.
1308 1012.796.

1309 Section 39. Subsections (1), (3), and (5) of section
1310 1012.796, Florida Statutes, are amended to read:

1311 1012.796 Complaints against teachers and administrators;
1312 procedure; penalties.--

1313 (1) (a) The Department of Education shall cause to be
1314 investigated expeditiously any complaint filed before it or
1315 otherwise called to its attention which, if legally sufficient,
1316 contains grounds for the revocation or suspension of a
1317 certificate or any other appropriate penalty as set forth in
1318 subsection (7). The complaint is legally sufficient if it
1319 contains the ultimate facts which show a violation has occurred
1320 as provided in s. 1012.795 and defined by rule. The department
1321 shall ~~may~~ investigate or continue to investigate and take
1322 appropriate action on a complaint even though the original
1323 complainant withdraws the complaint or otherwise indicates a
1324 desire not to cause it to be investigated or prosecuted to
1325 completion. The department may investigate or continue to
1326 investigate and take action on a complaint filed against a person
1327 whose educator certificate has expired if the act or acts that
1328 ~~which~~ are the basis for the complaint were allegedly committed
1329 while that person possessed an educator certificate.

1330 (b) The Department of Education shall investigate
1331 immediately any complaint filed before it or otherwise called to
1332 its attention which involves misconduct by any certificated
1333 personnel which affects the health, safety, or welfare of a
1334 student. The department must investigate or continue to

602-05461B-08

20081712c3

1335 investigate and take action on such a complaint filed against a
1336 person whose educator certificate has expired if the act or acts
1337 that are the basis for the complaint were allegedly committed
1338 while that person possessed an educator certificate.

1339 (c)~~(b)~~ When an investigation is undertaken, the department
1340 shall notify the certificateholder or applicant for certification
1341 and the district school superintendent or the university
1342 laboratory school, charter school, or private school in which the
1343 certificateholder or applicant for certification is employed or
1344 was employed at the time the alleged offense occurred. In
1345 addition, the department shall inform the certificateholder or
1346 applicant for certification of the substance of any complaint
1347 which has been filed against that certificateholder or applicant,
1348 unless the department determines that such notification would be
1349 detrimental to the investigation, in which case the department
1350 may withhold notification.

1351 (d)~~(e)~~ Each school district shall file in writing with the
1352 department all legally sufficient complaints within 30 days after
1353 the date on which subject matter of the complaint comes to the
1354 attention of the school district. A complaint is legally
1355 sufficient if it contains ultimate facts that show a violation
1356 has occurred as provided in s. 1012.795 and defined by rule. The
1357 school district shall include all information relating to the
1358 complaint which is known to the school district at the time of
1359 filing. Each district school board shall develop and adopt
1360 policies and procedures to comply with this reporting
1361 requirement. School board policies and procedures must include
1362 standards for screening, hiring, and terminating employees,
1363 ethical standards for all employees, responsibilities of

602-05461B-08

20081712c3

1364 educators to uphold the standards, detailed steps to be followed
1365 in reporting suspected or actual misconduct by instructional
1366 personnel or a school administrator which affects the health,
1367 safety, or welfare of a student, requirements for the
1368 reassignment of an employee pending the outcome of a misconduct
1369 investigation, and penalties for failing to comply pursuant to
1370 ss. 1001.51 and 1012.795. The district school board policies and
1371 procedures shall include appropriate penalties for all personnel
1372 of the district school board for nonreporting and procedures for
1373 promptly informing the district school superintendent of each
1374 legally sufficient complaint. The district school superintendent
1375 is charged with knowledge of these policies and procedures and is
1376 accountable for communicating the ethical standards, policies,
1377 and procedures, to be provided through professional development
1378 for all staff. If the district school superintendent has
1379 knowledge of a legally sufficient complaint and does not report
1380 the complaint, or fails to enforce the policies and procedures of
1381 the district school board, and fails to comply with the
1382 requirements of this subsection, in addition to other actions
1383 against certificateholders authorized by law, the district school
1384 superintendent is shall be subject to penalties as specified in
1385 s. 1001.51(12). If the superintendent determines that misconduct
1386 affecting the health, safety, or welfare of a student has
1387 occurred which warrants termination, the employee may resign or
1388 be terminated and a record, including information relating to the
1389 misconduct that resulted in the severance from employment, shall
1390 be reported to the Department of Education and maintained in the
1391 employee's public personnel file. This paragraph does not limit
1392 or restrict the power and duty of the department to investigate

602-05461B-08

20081712c3

1393 complaints as provided in paragraphs (a) and (c) ~~(b)~~, regardless
1394 of the school district's untimely filing, or failure to file,
1395 complaints and followup reports.

1396 (e) If allegations arise against an employee who is
1397 certified under s. 1012.56, and employed in an educator-
1398 certificated position by any school or provider in the state,
1399 such school or provider, or governing body thereof, shall file in
1400 writing with the department a legally sufficient complaint within
1401 30 days after the date on which the subject matter of the
1402 complaint came to the attention of the school or provider. A
1403 complaint is legally sufficient if it contains ultimate facts
1404 that show a violation has occurred as provided in s. 1012.795.
1405 The school or provider shall include all known information
1406 relating to the complaint with the filing of the complaint. This
1407 paragraph does not limit or restrict the power and duty of the
1408 department to investigate complaints as provided in paragraphs
1409 (a) and (c) regardless of the school's or provider's untimely
1410 filing, or failure to file, complaints and followup reports.

1411 (f) ~~(d)~~ Notwithstanding any other law, all law enforcement
1412 agencies, state attorneys, social service agencies, district
1413 school boards, and the Division of Administrative Hearings shall
1414 fully cooperate with and, upon request, shall provide unredacted
1415 documents to the Department of Education to further
1416 investigations and prosecutions conducted pursuant to this
1417 section. Any document received ~~pursuant to this paragraph~~ may not
1418 be redisclosed except as authorized by law.

1419 (3) The department staff shall advise the commissioner
1420 concerning the findings of the investigation. The department
1421 general counsel or members of that staff shall review the

602-05461B-08

20081712c3

1422 investigation and advise the commissioner concerning probable
1423 cause or lack thereof. The determination of probable cause shall
1424 be made by the commissioner. The commissioner shall provide an
1425 opportunity for a conference, if requested, prior to determining
1426 probable cause. The commissioner may enter into deferred
1427 prosecution agreements in lieu of finding probable cause if, when
1428 in his or her judgment, such agreements are ~~would be~~ in the best
1429 interests of the department, the certificateholder, and the
1430 public. Such deferred prosecution agreements shall become
1431 effective when filed with the clerk of the Education Practices
1432 Commission. However, a deferred prosecution agreement shall not
1433 be entered into if where there is probable cause to believe that
1434 a felony or an act of moral turpitude, as defined in rule, has
1435 occurred. Upon finding no probable cause, the commissioner shall
1436 dismiss the complaint.

1437 (5) When an allegation of misconduct involving a student,
1438 which affects the student's health, safety, or welfare, by
1439 instructional personnel or a school administrator, as defined in
1440 s. 1012.01, occurs ~~deemed necessary to protect the health,~~
1441 ~~safety, and welfare of a minor student,~~ the district school
1442 superintendent in consultation with the school principal, or may,
1443 and upon the request of the Commissioner of Education, must
1444 immediately ~~shall, temporarily~~ suspend the employee a
1445 ~~certificateholder from the certificateholder's~~ regularly assigned
1446 duties, with pay, and reassign the suspended instructor or
1447 administrator ~~certificateholder~~ to a position that does not
1448 require direct contact with students in the district school
1449 system. Such suspension shall continue until the completion of
1450 the proceedings and the determination of sanctions, if any,

602-05461B-08

20081712c3

1451 pursuant to this section and s. 1012.795.

1452 Section 40. Paragraph (b) of subsection (4) of section
1453 1012.98, Florida Statutes, is amended to read:

1454 1012.98 School Community Professional Development Act.--

1455 (4) The Department of Education, school districts, schools,
1456 community colleges, and state universities share the
1457 responsibilities described in this section. These
1458 responsibilities include the following:

1459 (b) Each school district shall develop a professional
1460 development system as specified in subsection (3). The system
1461 shall be developed in consultation with teachers, teacher-
1462 educators of community colleges and state universities, business
1463 and community representatives, and local education foundations,
1464 consortia, and professional organizations. The professional
1465 development system must:

1466 1. Be approved by the department. All substantial revisions
1467 to the system shall be submitted to the department for review for
1468 continued approval.

1469 2. Be based on analyses of student achievement data and
1470 instructional strategies and methods that support rigorous,
1471 relevant, and challenging curricula for all students. Schools and
1472 districts, in developing and refining the professional
1473 development system, shall also review and monitor school
1474 discipline data; school environment surveys; assessments of
1475 parental satisfaction; performance appraisal data of teachers,
1476 managers, and administrative personnel; and other performance
1477 indicators to identify school and student needs that can be met
1478 by improved professional performance.

1479 3. Provide inservice activities coupled with followup

602-05461B-08

20081712c3

1480 support appropriate to accomplish district-level and school-level
1481 improvement goals and standards. The inservice activities for
1482 instructional personnel shall focus on analysis of student
1483 achievement data, ongoing formal and informal assessments of
1484 student achievement, identification and use of enhanced and
1485 differentiated instructional strategies that emphasize rigor,
1486 relevance, and reading in the content areas, enhancement of
1487 subject content expertise, integrated use of classroom technology
1488 that enhances teaching and learning, classroom management, parent
1489 involvement, and school safety.

1490 4. Include a master plan for inservice activities, pursuant
1491 to rules of the State Board of Education, for all district
1492 employees from all fund sources. The master plan shall be updated
1493 annually by September 1, must be based on input from teachers and
1494 district and school instructional leaders, and must use the
1495 latest available student achievement data and research to enhance
1496 rigor and relevance in the classroom. Each district inservice
1497 plan must be aligned to and support the school-based inservice
1498 plans and school improvement plans pursuant to s. 1001.42(18) ~~s.~~
1499 ~~1001.42(16)~~. District plans must be approved by the district
1500 school board annually in order to ensure compliance with
1501 subsection (1) and to allow for dissemination of research-based
1502 best practices to other districts. District school boards must
1503 submit verification of their approval to the Commissioner of
1504 Education no later than October 1, annually.

1505 5. Require each school principal to establish and maintain
1506 an individual professional development plan for each
1507 instructional employee assigned to the school as a seamless
1508 component to the school improvement plans developed pursuant to

602-05461B-08

20081712c3

1509 s. 1001.42(18) ~~s. 1001.42(16)~~. The individual professional
 1510 development plan must:

1511 a. Be related to specific performance data for the students
 1512 to whom the teacher is assigned.

1513 b. Define the inservice objectives and specific measurable
 1514 improvements expected in student performance as a result of the
 1515 inservice activity.

1516 c. Include an evaluation component that determines the
 1517 effectiveness of the professional development plan.

1518 6. Include inservice activities for school administrative
 1519 personnel that address updated skills necessary for instructional
 1520 leadership and effective school management pursuant to s.
 1521 1012.986.

1522 7. Provide for systematic consultation with regional and
 1523 state personnel designated to provide technical assistance and
 1524 evaluation of local professional development programs.

1525 8. Provide for delivery of professional development by
 1526 distance learning and other technology-based delivery systems to
 1527 reach more educators at lower costs.

1528 9. Provide for the continuous evaluation of the quality and
 1529 effectiveness of professional development programs in order to
 1530 eliminate ineffective programs and strategies and to expand
 1531 effective ones. Evaluations must consider the impact of such
 1532 activities on the performance of participating educators and
 1533 their students' achievement and behavior.

1534 Section 41. Subsection (4) of section 1013.03, Florida
 1535 Statutes, is amended to read:

1536 1013.03 Functions of the department and the Board of
 1537 Governors.--The functions of the Department of Education as it

602-05461B-08

20081712c3

1538 | pertains to educational facilities of school districts and
1539 | community colleges and of the Board of Governors as it pertains
1540 | to educational facilities of state universities shall include,
1541 | but not be limited to, the following:

1542 | (4) Require each board and other appropriate agencies to
1543 | submit complete and accurate financial data as to the amounts of
1544 | funds from all sources that are available and spent for
1545 | construction and capital improvements. The commissioner shall
1546 | prescribe the format and the date for the submission of this data
1547 | and any other educational facilities data. If any district does
1548 | not submit the required educational facilities fiscal data by the
1549 | prescribed date, the Commissioner of Education shall notify the
1550 | district school board of this fact and, if appropriate action is
1551 | not taken to immediately submit the required report, the district
1552 | school board shall be directed to proceed pursuant to s.
1553 | 1001.42(13)(b) ~~the provisions of s. 1001.42(11)(b)~~. If any
1554 | community college or university does not submit the required
1555 | educational facilities fiscal data by the prescribed date, the
1556 | same policy prescribed in this subsection for school districts
1557 | shall be implemented.

1558 | Section 42. The sum of \$153,872 is appropriated from the
1559 | Educational Certification and Services Trust Fund to the
1560 | Department of Education for the 2008-2009 fiscal year, and two
1561 | additional full-time equivalent positions and associated salary
1562 | rate of 90,088 are authorized, for the purpose of implementing
1563 | this act.

1564 | Section 43. This act shall take effect July 1, 2008.

COUNCIL/COMMITTEE ACTION

ADOPTED _____ (Y/N)
ADOPTED AS AMENDED _____ (Y/N)
ADOPTED W/O OBJECTION _____ (Y/N)
FAILED TO ADOPT _____ (Y/N)
WITHDRAWN _____ (Y/N)
OTHER _____

1 Council/Committee hearing bill: Schools & Learning Council
2 Representative Legg offered the following:

3
4 **Amendment to the strike-all amendment (with title amendment)**

5 Between line(s) 46-47, insert:

6 Section 3. Subsection (9) of section 100.361, Florida
7 Statutes, is amended to read:

8 100.361 Municipal recall.--

9 (9) PROVISIONS APPLICABLE.--The provisions of this act
10 shall apply to:

11 (a) Cities and charter counties whether or not they have
12 adopted recall provisions.

13 (b) District school boards, except that when a district
14 school board member is elected only by electors residing in a
15 district school board member residence area, only electors from
16 that residence area are eligible to sign the petition to recall
17 that official and are entitled to vote in the recall election.

18
19
20 -----
21 **T I T L E A M E N D M E N T**

22 Remove line(s) 1684 and insert:

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

23 funding; conforming cross-references; amending s. 100.361, F.S.;

24 specifying that provisions relating to the recall of a member of

25 the governing body of a municipality or charter county shall

26 apply to district school board members; providing conditions;

27 amending s.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 01 (for drafter's use only)

Bill No. **CS/CS/CS/SB 1712**

COUNCIL/COMMITTEE ACTION

ADOPTED	___	(Y/N)
ADOPTED AS AMENDED	___	(Y/N)
ADOPTED W/O OBJECTION	___	(Y/N)
FAILED TO ADOPT	___	(Y/N)
WITHDRAWN	___	(Y/N)
OTHER	_____	

1 Council/Committee hearing bill: Schools & Learning Council
 2 Representative Pickens offered the following:

Amendment (with title amendment)

5 Remove everything after the enacting clause and insert:

6 Section 1. This act may be cited as the "Ethics in
 7 Education Act."

8 Section 2. Paragraphs (c) and (d) of subsection (5) of
 9 section 24.121, Florida Statutes, are amended to read:

10 24.121 Allocation of revenues and expenditure of funds for
 11 public education.--

12 (5)

13 (c) A portion of such net revenues, as determined annually
 14 by the Legislature, shall be distributed to each school district
 15 and shall be made available to each public school in the
 16 district for enhancing school performance through development
 17 and implementation of a school improvement plan pursuant to s.
 18 1001.42(18) ~~s. 1001.42(16)~~. A portion of these moneys, as
 19 determined annually in the General Appropriations Act, must be
 20 allocated to each school in an equal amount for each student
 21 enrolled. These moneys may be expended only on programs or
 22 projects selected by the school advisory council or by a parent

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 01 (for drafter's use only)

23 advisory committee created pursuant to this paragraph. If a
24 school does not have a school advisory council, the district
25 advisory council must appoint a parent advisory committee
26 composed of parents of students enrolled in that school, which
27 ~~committee~~ is representative of the ethnic, racial, and economic
28 community served by the school, to advise the school's principal
29 on the programs or projects to be funded. Neither school
30 district staff nor principals may override the recommendations
31 of the school advisory council or the parent advisory committee.
32 These moneys may not be used for capital improvements ~~or, nor~~
33 ~~may they be used~~ for any project or program that has a duration
34 of more than 1 year; however, a school advisory council or
35 parent advisory committee may independently determine that a
36 program or project formerly funded under this paragraph should
37 receive funds in a subsequent year.

38 (d) No funds shall be released for any purpose from the
39 Educational Enhancement Trust Fund to any school district in
40 which one or more schools do not have an approved school
41 improvement plan pursuant to s. 1001.42(18) ~~s. 1001.42(16)~~ or do
42 not comply with school advisory council membership composition
43 requirements pursuant to s. 1001.452(1). The Commissioner of
44 Education shall withhold disbursements from the trust fund to
45 any school district that fails to adopt the performance-based
46 salary schedule required by s. 1012.22(1).

47 Section 3. Paragraph (e) of subsection (2) of section
48 112.3173, Florida Statutes, is amended to read:

49 112.3173 Felonies involving breach of public trust and
50 other specified offenses by public officers and employees;
51 forfeiture of retirement benefits.--

52 (2) DEFINITIONS.--As used in this section, unless the
53 context otherwise requires, the term:

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 01 (for drafter's use only)

54 (e) "Specified offense" means:

55 1. The committing, aiding, or abetting of an embezzlement
56 of public funds;

57 2. The committing, aiding, or abetting of any theft by a
58 public officer or employee from his or her employer;

59 3. Bribery in connection with the employment of a public
60 officer or employee;

61 4. Any felony specified in chapter 838, except ss. 838.15
62 and 838.16;

63 5. The committing of an impeachable offense; ~~or~~

64 6. The committing of any felony by a public officer or
65 employee who, willfully and with intent to defraud the public or
66 the public agency for which the public officer or employee acts
67 or in which he or she is employed of the right to receive the
68 faithful performance of his or her duty as a public officer or
69 employee, realizes or obtains, or attempts to realize or obtain,
70 a profit, gain, or advantage for himself or herself or for some
71 other person through the use or attempted use of the power,
72 rights, privileges, duties, or position of his or her public
73 office or employment position; or

74 7. The committing on or after October 1, 2008, of any
75 felony offense defined in s. 800.04 against a victim younger
76 than 16 years of age, or any felony offense defined in chapter
77 794 against a victim younger than 18 years of age, by a public
78 officer or employee through the use or attempted use of power,
79 rights, privileges, duties, or position of his or her public
80 office or employment position.

81 Section 4. Paragraph (j) of subsection (5) of section
82 121.091, Florida Statutes, is amended, paragraphs (i) and (j) of
83 that subsection are redesignated as paragraphs (j) and (k),

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 01 (for drafter's use only)

84 respectively, and a new paragraph (i) is added to that
85 subsection, to read:

86 121.091 Benefits payable under the system.--Benefits may
87 not be paid under this section unless the member has terminated
88 employment as provided in s. 121.021(39)(a) or begun
89 participation in the Deferred Retirement Option Program as
90 provided in subsection (13), and a proper application has been
91 filed in the manner prescribed by the department. The department
92 may cancel an application for retirement benefits when the
93 member or beneficiary fails to timely provide the information
94 and documents required by this chapter and the department's
95 rules. The department shall adopt rules establishing procedures
96 for application for retirement benefits and for the cancellation
97 of such application when the required information or documents
98 are not received.

99 (5) TERMINATION BENEFITS.--A member whose employment is
100 terminated prior to retirement retains membership rights to
101 previously earned member-noncontributory service credit, and to
102 member-contributory service credit, if the member leaves the
103 member contributions on deposit in his or her retirement
104 account. If a terminated member receives a refund of member
105 contributions, such member may reinstate membership rights to
106 the previously earned service credit represented by the refund
107 by completing 1 year of creditable service and repaying the
108 refunded member contributions, plus interest.

109 (i) The division may not pay benefits to any member who on
110 or after October 1, 2008, commits any felony offense defined in
111 s. 800.04 against a victim younger than 16 years of age, or any
112 felony offense defined in chapter 794 against a victim younger
113 than 18 years of age, through the use or attempted use of power,
114 rights, privileges, duties, or position of the member's public

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 01 (for drafter's use only)

115 office or employment position. However, the division shall
116 return the member's accumulated contributions, if any, that the
117 member accumulated as of the date of conviction.

118 (k)~~(j)~~ Benefits shall not be paid by the division pending
119 final resolution of such charges against a member or beneficiary
120 if the resolution of such charges could require the forfeiture
121 of benefits as provided in paragraph (f), paragraph (g),
122 paragraph (h), ~~or~~ paragraph (i), or paragraph (j).

123 Section 5. Paragraph (g) of subsection (2) of section
124 402.3055, Florida Statutes, is amended, and subsections (3) and
125 (4) are added to that section, to read:

126 402.3055 Child care personnel requirements.--

127 (2) EXCLUSION FROM OWNING, OPERATING, OR BEING EMPLOYED BY
128 A CHILD CARE FACILITY OR OTHER CHILD CARE PROGRAM; HEARINGS
129 PROVIDED.--

130 (g) Refusal on the part of an applicant or licensee to
131 dismiss child care personnel who are ineligible for such
132 employment under chapter 435 or s. 1012.315 ~~have been found to~~
133 ~~be in noncompliance with personnel standards of s. 402.305(2)~~
134 shall result in automatic denial or revocation of the license in
135 addition to any other remedies pursued by the department or
136 local licensing agency.

137 (3) DISQUALIFICATION FROM EMPLOYMENT.--Child care
138 personnel required to be screened under ss. 402.301-402.319 must
139 be disqualified from employment if ineligible for such
140 employment under chapter 435 or s. 1012.315.

141 (4) REPORTING UPON SEPARATION FROM EMPLOYMENT.--The
142 employer of any child care personnel required to be screened
143 under ss. 402.301-403.319 shall, upon the child care personnel's
144 separation from employment, report the separation to the
145 department in the format and within the time limits that the

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 01 (for drafter's use only)

146 department prescribes by rule. The report must include the
147 reason for separation; whether the separation was based in whole
148 or in part on misconduct of the child care personnel which
149 affects the health, safety, or welfare of a child; and whether
150 the child care personnel were terminated or dismissed or
151 resigned in lieu of termination. The department shall maintain a
152 record of each employment separation in the Child Care Licensing
153 Information System. As used in this subsection, the term
154 "employer" includes, but is not limited to, an employer of child
155 care personnel required to be screened under s. 402.302, s.
156 402.3025, s. 402.305, s. 402.3054, s. 402.313, s. 402.3131, s.
157 402.316, s. 1002.55, s. 1002.61, or s. 1002.63.

158 Section 6. Paragraph (d) of subsection (3) and paragraph
159 (d) of subsection (4) of section 402.308, Florida Statutes, are
160 amended to read:

161 402.308 Issuance of license.--

162 (3) STATE ADMINISTRATION OF LICENSING.--In any county in
163 which the department has the authority to issue licenses, the
164 following procedures shall be applied:

165 (d) The department shall issue or renew a license upon
166 receipt of the license fee and upon being satisfied that all
167 standards required by ss. 402.301-402.319 have been met. A
168 license may be issued if all the screening materials have been
169 timely submitted; however, a license may not be issued or
170 renewed if any of the child care personnel at the applicant
171 facility are ineligible for such employment under chapter 435 or
172 s. 1012.315 have failed the screening required by ss. 402.305(2)
173 and 402.3055.

174 (4) LOCAL ADMINISTRATION OF LICENSING.--In any county in
175 which there is a local licensing agency approved by the
176 department, the following procedures shall apply:

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 01 (for drafter's use only)

177 (d) The local licensing agency shall issue a license or
178 renew a license upon being satisfied that all standards required
179 by ss. 402.301-402.319 have been met. A license may be issued or
180 renewed if all the screening materials have been timely
181 submitted; however, the local licensing agency shall not issue
182 or renew a license if any of the child care personnel at the
183 applicant facility are ineligible for such employment under
184 chapter 435 or s. 1012.315 have failed the screening required by
185 ss. 402.305(2) and 402.3055.

186 Section 7. Subsections (4) and (5) of section 435.04,
187 Florida Statutes, are renumbered as subsections (5) and (6),
188 respectively, and a new subsection (4) is added to that section,
189 to read:

190 435.04 Level 2 screening standards.--

191 (4) The security background investigations conducted under
192 this section must ensure that any child care personnel subject
193 to this section pursuant to ss. 402.301-402.319, or any
194 prekindergarten instructor subject to this section pursuant to
195 s. 1002.55 or s. 1002.61, has not been found guilty of,
196 regardless of adjudication, or entered a plea of nolo contendere
197 or guilty to, any offense prohibited under any statute listed in
198 subsection (2) or under any of the following statutes:

199 (a) Section 787.025, relating to luring or enticing a
200 child.

201 (b) Chapter 794, relating to sexual battery, if the
202 offense is a felony.

203 (c) Section 810.14, relating to voyeurism.

204 (d) Section 810.145, relating to video voyeurism.

205 (e) Any crime involving moral turpitude as prescribed by
206 the licensing agency, which shall be adopted by rule if the
207 licensing agency is an agency as defined in s. 120.52.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 01 (for drafter's use only)

208 (f) Any criminal act committed in another state or under
209 federal law which, if committed in this state, constitutes an
210 offense prohibited under any statute listed in paragraphs (a)-
211 (e) or subsection (2).

212 (g) Any delinquent act committed in this state, or any
213 delinquent or criminal act committed in another state or under
214 federal law which, if committed in this state, qualifies an
215 individual for inclusion on the Registered Juvenile Sex Offender
216 List under s. 943.0435(1)(a)1.d.

217 Section 8. Section 794.09, Florida Statutes, is created to
218 read:

219 794.09 Forfeiture of retirement benefits.--The retirement
220 benefits of a person who commits any felony offense under this
221 chapter on or after October 1, 2008, are subject to forfeiture
222 in accordance with s. 112.3173 or s. 121.091, if the person is a
223 public officer or employee when the violation occurs; the person
224 commits the violation through the use or attempted use of power,
225 rights, privileges, duties, or position of the person's public
226 office or employment position; and the victim is younger than 18
227 years of age when the violation occurs.

228 Section 9. Section 800.05, Florida Statutes, is created
229 to:

230 800.05 Forfeiture of retirement benefits for felony
231 violations of s. 800.04.--The retirement benefits of a person
232 who commits any felony violation of s. 800.04 on or after
233 October 1, 2008, are subject to forfeiture in accordance with s.
234 112.3173 or s. 121.091, if the person is a public officer or
235 employee when the violation occurs; the person commits the
236 violation through the use or attempted use of power, rights,
237 privileges, duties, or position of the person's public office or

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 01 (for drafter's use only)

238 employment position; and the victim is younger than 16 years of
239 age when the violation occurs.

240 Section 10. Subsection (4) of section 1001.10, Florida
241 Statutes, is renumbered as subsection (6), and new subsections
242 (4) and (5) are added to that section, to read:

243 1001.10 Commissioner of Education; general powers and
244 duties.--

245 (4) The Department of Education shall provide technical
246 assistance to school districts, charter schools, and the Florida
247 School for the Deaf and the Blind in the development of
248 policies, procedures, and training related to standards of
249 conduct for employees and employment practices.

250 (5) The Department of Education shall provide authorized
251 staff of the Department of Children and Family Services, the
252 Agency for Workforce Innovation, school districts, charter
253 schools, the Florida School for the Deaf and the Blind, private
254 schools that accept scholarship students under s. 220.187 or s.
255 1002.39, early learning coalitions created under s. 411.01, and
256 private prekindergarten providers as defined in s. 1002.51 with
257 access to electronic verification of information from the
258 following employment-screening tools:

259 (a) The Professional Practices' Database of Disciplinary
260 Actions Against Educators; and

261 (b) The Department of Education's Teacher Certification
262 Database.

263
264 This subsection does not require the department to provide these
265 staff with unlimited access to the databases. However, the
266 department shall provide the staff with access to the data
267 necessary for performing employment-history checks of employees
268 included in the databases.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 01 (for drafter's use only)

269 Section 11. Subsection (4) of section 1001.32, Florida
270 Statutes, is amended to read:

271 1001.32 Management, control, operation, administration,
272 and supervision.--The district school system must be managed,
273 controlled, operated, administered, and supervised as follows:

274 (4) SCHOOL PRINCIPAL OR HEAD OF SCHOOL.--Responsibility
275 for the administration of any school or schools at a given
276 school center, for the supervision of instruction therein, and
277 for providing leadership in the development or revision and
278 implementation of a school improvement plan required by s.
279 1001.42(18) pursuant to s. 1001.42(16) shall be delegated to the
280 school principal or head of the school or schools in accordance
281 with rules established by the district school board.

282 Section 12. Subsections (6) through (23) of section
283 1001.42, Florida Statutes, are renumbered as subsections (8)
284 through (25), respectively, and new subsections (6) and (7) are
285 added to that section, to read:

286 1001.42 Powers and duties of district school board.--The
287 district school board, acting as a board, shall exercise all
288 powers and perform all duties listed below:

289 (6) STANDARDS OF CONDUCT FOR EMPLOYEES.--Adopt policies
290 establishing standards of conduct for all employees and
291 requiring training for all employees on the standards. The
292 policies must include the duty of employees to report, and
293 procedures for reporting, the alleged misconduct of an employee
294 which affects the health, safety, or welfare of a student and an
295 explanation of the liability protections provided for students,
296 parents, and employees under ss. 39.203 and 768.095. A district
297 school board, or any of its employees, may not enter into a
298 confidentiality agreement regarding a terminated or dismissed
299 employee, or an employee who resigns in lieu of termination,

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 01 (for drafter's use only)

300 based in whole or in part on misconduct that affects the health,
301 safety, or welfare of a student, and may not provide the
302 employee with an employment reference, or discuss the employee's
303 performance with a prospective employer in another educational
304 setting, without disclosing the misconduct that led to the
305 employee's termination, dismissal, or resignation. Any portion
306 of an agreement or contract that has the purpose or effect of
307 concealing the misconduct of an employee which affects the
308 health, safety, or welfare of a student is void, is contrary to
309 public policy, and may not be enforced.

310 (7) DISQUALIFICATION FROM EMPLOYMENT.--Disqualify from
311 employment in any position that requires direct contact with
312 students a person who is ineligible for such employment under s.
313 1012.315. An elected or appointed school board official forfeits
314 his or her salary for 1 year, if the official knowingly signs
315 and transmits to any state official a false or incorrect report
316 of the alleged misconduct of an employee, if the official knows
317 the report to be false or incorrect, and the alleged misconduct
318 affects the health, safety, or welfare of a student.

319 Section 13. Paragraphs (a) and (c) of subsection (1) and
320 subsection (2) of section 1001.452, Florida Statutes, are
321 amended to read:

322 1001.452 District and school advisory councils.--

323 (1) ESTABLISHMENT.--

324 (a) The district school board shall establish an advisory
325 council for each school in the district and shall develop
326 procedures for the election and appointment of advisory council
327 members. Each school advisory council shall include in its name
328 the words "school advisory council." The school advisory council
329 shall be the sole body responsible for final decisionmaking at
330 the school relating to implementation of ss. 1001.42(18) the

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 01 (for drafter's use only)

331 ~~provisions of ss. 1001.42(16)~~ and 1008.345. A majority of the
332 members of each school advisory council must be persons who are
333 not employed by the school. Each advisory council shall be
334 composed of the principal and an appropriately balanced number
335 of teachers, education support employees, students, parents, and
336 other business and community citizens who are representative of
337 the ethnic, racial, and economic community served by the school.
338 Career center and high school advisory councils shall include
339 students, and middle and junior high school advisory councils
340 may include students. School advisory councils of career centers
341 and adult education centers are not required to include parents
342 as members. Council members representing teachers, education
343 support employees, students, and parents shall be elected by
344 their respective peer groups at the school in a fair and
345 equitable manner as follows:

- 346 1. Teachers shall be elected by teachers.
- 347 2. Education support employees shall be elected by
348 education support employees.
- 349 3. Students shall be elected by students.
- 350 4. Parents shall be elected by parents.

351
352 The district school board shall establish procedures to be used
353 ~~for use~~ by schools in selecting business and community members
354 that include means of ensuring wide notice of vacancies and of
355 taking input on possible members from local business, chambers
356 of commerce, community and civic organizations and groups, and
357 the public at large. The district school board shall review the
358 membership composition of each advisory council. If the district
359 school board determines that the membership elected by the
360 school is not representative of the ethnic, racial, and economic
361 community served by the school, the district school board shall

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 01 (for drafter's use only)

362 appoint additional members to achieve proper representation. The
363 commissioner shall determine if schools have maximized their
364 efforts to include on their advisory councils minority persons
365 and persons of lower socioeconomic status. Although schools are
366 strongly encouraged to establish school advisory councils, the
367 district school board of any school district that has a student
368 population of 10,000 or fewer may establish a district advisory
369 council which includes ~~shall include~~ at least one duly elected
370 teacher from each school in the district. For the purposes of
371 school advisory councils and district advisory councils, the
372 term "teacher" includes ~~shall include~~ classroom teachers,
373 certified student services personnel, and media specialists. For
374 purposes of this paragraph, "education support employee" means
375 any person employed by a school who is not defined as
376 instructional or administrative personnel pursuant to s. 1012.01
377 and whose duties require 20 or more hours in each normal working
378 week.

379 (c) For those schools operating for the purpose of
380 providing educational services to youth in Department of
381 Juvenile Justice programs, district school boards may establish
382 a district advisory council with appropriate representatives for
383 the purpose of developing and monitoring a district school
384 improvement plan that encompasses all such schools in the
385 district, pursuant to s. 1001.42(18)(a) ~~s. 1001.42(16)(a)~~.

386 (2) DUTIES.--Each advisory council shall perform ~~such~~
387 functions ~~as are~~ prescribed by regulations of the district
388 school board; however, no advisory council shall have any of the
389 powers and duties now reserved by law to the district school
390 board. Each school advisory council shall assist in the
391 preparation and evaluation of the school improvement plan
392 required pursuant to s. 1001.42(18) ~~s. 1001.42(16)~~. With

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 01 (for drafter's use only)

393 technical assistance from the Department of Education, each
394 school advisory council shall assist in the preparation of the
395 school's annual budget and plan as required by s. 1008.385(1). A
396 portion of funds provided in the annual General Appropriations
397 Act for use by school advisory councils must be used for
398 implementing the school improvement plan.

399 Section 14. Subsection (12) of section 1001.51, Florida
400 Statutes, is amended to read:

401 1001.51 Duties and responsibilities of district school
402 superintendent.--The district school superintendent shall
403 exercise all powers and perform all duties listed below and
404 elsewhere in the law, provided that, in so doing, he or she
405 shall advise and counsel with the district school board. The
406 district school superintendent shall perform all tasks necessary
407 to make sound recommendations, nominations, proposals, and
408 reports required by law to be acted upon by the district school
409 board. All such recommendations, nominations, proposals, and
410 reports by the district school superintendent shall be either
411 recorded in the minutes or shall be made in writing, noted in
412 the minutes, and filed in the public records of the district
413 school board. It shall be presumed that, in the absence of the
414 record required in this section, the recommendations,
415 nominations, and proposals required of the district school
416 superintendent were not contrary to the action taken by the
417 district school board in such matters.

418 (12) RECORDS AND REPORTS.--Recommend such records as
419 should be kept in addition to those prescribed by rules of the
420 State Board of Education; prepare forms for keeping such records
421 as are approved by the district school board; ensure that such
422 records are properly kept; and make all reports that are needed
423 or required, as follows:

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 01 (for drafter's use only)

424 (a) Forms, blanks, and reports.--Require that all
425 employees accurately keep all records and promptly make in
426 proper form all reports required by the education code or by
427 rules of the State Board of Education; recommend the keeping of
428 such additional records and the making of such additional
429 reports as may be deemed necessary to provide data essential for
430 the operation of the school system; and prepare such forms and
431 blanks as may be required and ensure that these records and
432 reports are properly prepared.

433 (b) Reports to the department.--Prepare, for the approval
434 of the district school board, all reports ~~that may be~~ required
435 by law or rules of the State Board of Education to be made to
436 the department and transmit promptly all such reports, when
437 approved, to the department, as required by law. If any ~~such~~
438 reports are not transmitted at the time and in the manner
439 prescribed by law or by State Board of Education rules, the
440 salary of the district school superintendent must be withheld
441 until the report has been properly submitted. Unless otherwise
442 provided by rules of the State Board of Education, the annual
443 report on attendance and personnel is due on or before July 1,
444 and the annual school budget and the report on finance are due
445 on the date prescribed by the commissioner.

446
447 Any district school superintendent who knowingly signs and
448 transmits to any state official a ~~false or incorrect~~ report
449 known to be false or incorrect, or who knowingly fails to
450 investigate each allegation of misconduct by an employee which
451 affects the health, safety, or welfare of a student or report
452 each allegation of such misconduct pursuant to s. 1012.796,
453 forfeits ~~shall forfeit~~ his or her ~~right to any~~ salary for the

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 01 (for drafter's use only)

454 ~~period of 1 year following the from that date of such act or~~
455 failure to act.

456 Section 15. Subsection (2) of section 1001.54, Florida
457 Statutes, is amended to read:

458 1001.54 Duties of school principals.--

459 (2) Each school principal shall provide instructional
460 leadership in the development, revision, and implementation of a
461 school improvement plan pursuant to s. 1001.42(18) ~~s.~~
462 ~~1001.42(16)~~.

463 Section 16. Paragraph (b) of subsection (11) of section
464 1002.32, Florida Statutes, is amended to read:

465 1002.32 Developmental research (laboratory) schools.--

466 (11) EXCEPTIONS TO LAW.--To encourage innovative practices
467 and facilitate the mission of the lab schools, in addition to
468 the exceptions to law specified in s. 1001.23(2), the following
469 exceptions shall be permitted for lab schools:

470 (b) With the exception of s. 1001.42(18) ~~s. 1001.42(16)~~,
471 s. 1001.42 shall be held in abeyance. Reference to district
472 school boards in s. 1001.42(18) ~~s. 1001.42(16)~~ shall mean the
473 president of the university or the president's designee.

474 Section 17. Paragraph (g) of subsection (12) of section
475 1002.33, Florida Statutes, is amended to read:

476 1002.33 Charter schools.--

477 (12) EMPLOYEES OF CHARTER SCHOOLS.--

478 (g)1. A charter school shall employ or contract with
479 employees who have undergone background screening as provided in
480 s. 1012.32. Members of the governing board of the charter school
481 shall also undergo background screening in a manner similar to
482 that provided in s. 1012.32.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 01 (for drafter's use only)

483 2. A charter school shall disqualify from employment in
484 any position that requires direct contact with students a person
485 who is ineligible for such employment under s. 1012.315.

486 3. The governing board of a charter school shall adopt
487 policies establishing standards of conduct for all employees and
488 requiring training for all employees on the standards. The
489 policies must include the duty of employees to report, and
490 procedures for reporting, the alleged misconduct of an employee
491 which affects the health, safety, or welfare of a student and an
492 explanation of the liability protections provided for students,
493 parents, and employees under ss. 39.203 and 768.095. A charter
494 school, or any of its employees, may not enter into a
495 confidentiality agreement regarding a terminated or dismissed
496 employee, or an employee who resigns in lieu of termination,
497 based in whole or in part on misconduct that affects the health,
498 safety, or welfare of a student, and may not provide the
499 employee with an employment reference, or discuss the employee's
500 performance with a prospective employer in another educational
501 setting, without disclosing the misconduct that led to the
502 employee's termination, dismissal, or resignation. Any portion
503 of an agreement or contract that has the purpose or effect of
504 concealing the misconduct of an employee which affects the
505 health, safety, or welfare of a student is void, is contrary to
506 public policy, and may not be enforced.

507 4. Before employing a person in any position that requires
508 direct contact with students, a charter school shall conduct an
509 employment-history check of the person's previous employer,
510 screen the person through use of the educator-screening tools
511 described in s. 1001.10(5), and document the findings. If unable
512 to contact the person's previous employer, the charter school
513 must document efforts to contact the employer.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 01 (for drafter's use only)

514 5. The sponsor of a charter school that refuses to comply
515 with this paragraph shall terminate the charter under subsection
516 (8).

517 Section 18. Paragraph (g) is added to subsection (7) of
518 section 1002.36, Florida Statutes, to read:

519 1002.36 Florida School for the Deaf and the Blind.--

520 (7) PERSONNEL SCREENING.--

521 (g) For purposes of protecting the health, safety, or
522 welfare of students, the Florida School for the Deaf and the
523 Blind is considered a school district and must, except as
524 otherwise provided in this section, comply with ss. 1001.03,
525 1001.42, 1001.51, 1006.061, 1012.27, 1012.315, 1012.32, 1012.56,
526 1012.33, 1012.795, and 1012.796.

527 Section 19. Subsections (4), (5), and (6) of section
528 1002.421, Florida Statutes, are renumbered as subsections (5),
529 (6), and (7), respectively, and a new subsection (4) is added to
530 that section, to read:

531 1002.421 Accountability of private schools participating
532 in state school choice scholarship programs.--

533 (4) A private school participating in a scholarship
534 program under s. 220.187 or s. 1002.39 must:

535 (a) Disqualify from employment in any position that
536 requires direct contact with students a person who is ineligible
537 for such employment under s. 1012.315.

538 (b) Adopt policies establishing standards of conduct for
539 all employees and requiring training for all employees on the
540 standards. The policies must include the duty of employees to
541 report, and procedures for reporting, the alleged misconduct of
542 an employee which affects the health, safety, or welfare of a
543 student and an explanation of the liability protections provided
544 for students, parents, and employees under ss. 39.203 and

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 01 (for drafter's use only)

545 768.095. A private school, or any of its employees, may not
546 enter into a confidentiality agreement regarding a terminated or
547 dismissed employee, or an employee who resigns in lieu of
548 termination, based in whole or in part on misconduct that
549 affects the health, safety, or welfare of a student, and may not
550 provide the employee with an employment reference, or discuss
551 the employee's performance with a prospective employer in
552 another educational setting, without disclosing the misconduct
553 that led to the employee's termination, dismissal, or
554 resignation. Any portion of an agreement or contract that has
555 the purpose or effect of concealing the misconduct of an
556 employee which affects the health, safety, or welfare of a
557 student is void, is contrary to public policy, and may not be
558 enforced.

559 (c) Before employing a person in a position that requires
560 direct contact with students, conduct an employment-history
561 check of the person's previous employer, screen the person
562 through use of the educator-screening tools described in s.
563 1001.10(5), and document the findings. If unable to contact the
564 person's previous employer, the private school must document
565 efforts to contact the employer.

566
567 The department shall suspend the payment of funds under ss.
568 220.187 and 1002.39 to a private school that refuses to comply
569 with this subsection, and shall prohibit the school from
570 enrolling new scholarship students, until the provider complies.

571 Section 20. Paragraph (d) of subsection (3) of section
572 1002.55, Florida Statutes, is amended, and paragraph (i) is
573 added to that subsection, to read:

574 1002.55 School-year prekindergarten program delivered by
575 private prekindergarten providers.--

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 01 (for drafter's use only)

576 (3) To be eligible to deliver the prekindergarten program,
577 a private prekindergarten provider must meet each of the
578 following requirements:

579 (d) Each prekindergarten instructor employed by the
580 private prekindergarten provider must be of good moral
581 character, must be screened according to ~~using~~ the level 2
582 screening standards in s. 435.04 upon ~~before~~ employment and
583 rescreened at least once every 5 years in the same manner
584 required for child care personnel under ss. 402.301-402.319,
585 must be disqualified from ~~denied~~ employment ~~or terminated~~ if
586 ineligible for such employment under chapter 435 or s. 1012.315
587 ~~required under s. 435.06,~~ and must not be ineligible to teach in
588 a public school because his or her educator certificate is
589 suspended or revoked.

590 (i) The private prekindergarten provider must comply with
591 s. 1002.64.

592 Section 21. Subsection (5) of section 1002.61, Florida
593 Statutes, is amended to read:

594 1002.61 Summer prekindergarten program delivered by public
595 schools and private prekindergarten providers.--

596 (5) Each prekindergarten instructor employed by a public
597 school or private prekindergarten provider delivering the summer
598 prekindergarten program:

599 (a) Must be of good moral character;

600 (b) If employed by a public school, must be screened, and
601 rescreened at least once every 5 years, in accordance with s.
602 1012.32 and must be disqualified from employment if ineligible
603 for such employment under s. 1012.315;

604 (c) If employed by a private prekindergarten provider,
605 must be screened according to ~~using~~ the level 2 screening
606 standards in s. 435.04 upon ~~before~~ employment, must be and

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 01 (for drafter's use only)

607 rescreened at least once every 5 years in the same manner
608 required for child care personnel under s. 402.301-402.319, and
609 must be disqualified from denied employment or terminated if
610 ineligible for such employment under chapter 435 or s. 1012.315;
611 required under s. 435.06, and

612 (d) Must not be ineligible to teach in a public school
613 because his or her educator certificate is suspended or revoked.

614
615 This subsection does not supersede employment requirements for
616 instructional personnel in public schools which are more
617 stringent than the requirements of this subsection.

618 Section 22. Subsection (6) of section 1002.63, Florida
619 Statutes, is amended to read:

620 1002.63 School-year prekindergarten program delivered by
621 public schools.--

622 (6) Each prekindergarten instructor employed by a public
623 school delivering the school-year prekindergarten program must
624 be of good moral character; ~~7~~ must be screened, ~~using the level 2~~
625 ~~screening standards in s. 435.04 before employment~~ and
626 rescreened at least once every 5 years, in accordance with s.
627 1012.32; must be disqualified from denied employment or
628 terminated if ineligible for such employment under s. 1012.315;
629 ~~required under s. 435.06,~~ and must not be ineligible to teach in
630 a public school because his or her educator certificate is
631 suspended or revoked. This subsection does not supersede
632 employment requirements for instructional personnel in public
633 schools which are more stringent than the requirements of this
634 subsection.

635 Section 23. Section 1002.64, Florida Statutes, is created
636 to read:

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 01 (for drafter's use only)

637 1002.64 Private prekindergarten providers; standards of
638 conduct; training; employment-history checks; prohibited
639 confidentiality agreements.--

640 (1) A private prekindergarten provider delivering a
641 school-year prekindergarten program under s. 1002.55, or a
642 summer prekindergarten program under s. 1002.61, shall comply
643 with the following requirements:

644 (a) The private prekindergarten provider must complete
645 training developed by the Department of Children and Family
646 Services in collaboration with the Agency for Workforce
647 Innovation. The training shall include strategies for the
648 adoption of policies establishing standards of conduct for all
649 employees, requiring training on the standards, creating a duty
650 of employees to report, and procedures for reporting, the
651 alleged misconduct of an employee which affects the health,
652 safety, or welfare of a student, and an explanation of the
653 liability protections provided for students, parents, and
654 employees under ss. 39.203 and 768.095. Successful completion of
655 the training shall be documented on the child care personnel
656 training transcript of the Department of Children and Family
657 Services.

658 (b) The private prekindergarten provider, or any of its
659 employees, may not enter into a confidentiality agreement
660 regarding a terminated or dismissed employee, or an employee who
661 resigns in lieu of termination, based in whole or in part on
662 misconduct that affects the health, safety, or welfare of a
663 student, and may not provide the employee with an employment
664 reference, or discuss the employee's performance with a
665 prospective employer in another educational setting, without
666 disclosing the misconduct that led to the employee's
667 termination, dismissal, or resignation. A portion of an

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 01 (for drafter's use only)

668 agreement or contract that has the purpose or effect of
669 concealing the misconduct of an employee which affects the
670 health, safety, or welfare of a child is void, is contrary to
671 public policy, and may not be enforced.

672 (c) The private prekindergarten provider must, before
673 employing a person in any position that requires direct contact
674 with children, conduct an employment-history check of the
675 person's previous employer, screen the person through use of the
676 educator-screening tools described in s. 1001.10(5) and records
677 of employment separation which are maintained in the Child Care
678 Licensing Information System by the Department of Children and
679 Family Services under s. 402.3055(4), and document the findings.
680 If unable to contact the person's previous employer, the private
681 prekindergarten provider shall document efforts to contact the
682 employer.

683 (2) The Agency for Workforce Innovation and the early
684 learning coalition shall suspend the payment of funds under this
685 part to a private prekindergarten provider that refuses to
686 comply with this section, and shall prohibit the provider from
687 enrolling new children in a prekindergarten program, until the
688 provider complies.

689 Section 24. Subsection (2) of section 1003.413, Florida
690 Statutes, is amended to read:

691 1003.413 Florida Secondary School Redesign Act.--

692 (2) The following guiding principles for secondary school
693 redesign shall be used in the annual preparation of each
694 secondary school's improvement plan required by s. 1001.42(18)
695 ~~s. 1001.42(16)~~:

696 (a) Struggling students, especially those in failing
697 schools, need the highest quality teachers and dramatically
698 different, innovative approaches to teaching and learning.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 01 (for drafter's use only)

699 (b) Every teacher must contribute to every student's
700 reading improvement.

701 (c) Quality professional development provides teachers and
702 principals with the tools they need to better serve students.

703 (d) Small learning communities allow teachers to
704 personalize instruction to better address student learning
705 styles, strengths, and weaknesses.

706 (e) Intensive intervention in reading and mathematics must
707 occur early and through innovative delivery systems.

708 (f) Parents need access to tools they can use to monitor
709 their child's progress in school, communicate with teachers, and
710 act early on behalf of their child.

711 (g) Applied and integrated courses help students see the
712 relationships between subjects and relevance to their futures.

713 (h) School is more relevant when students choose courses
714 based on their goals, interests, and talents.

715 (i) Master schedules should not determine instruction and
716 must be designed based on student needs, not adult or
717 institutional needs.

718 (j) Academic and career planning engages students in
719 developing a personally meaningful course of study so they can
720 achieve goals they have set for themselves.

721 Section 25. Paragraph (b) of subsection (2) of section
722 1003.53, Florida Statutes, is amended to read:

723 1003.53 Dropout prevention and academic intervention.--
724 (2)

725 (b) Each school that establishes a dropout prevention and
726 academic intervention program at that school site shall reflect
727 that program in the school improvement plan as required under s.
728 1001.42(18) ~~s. 1001.42(16)~~.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 01 (for drafter's use only)

729 Section 26. Subsections (1) and (3) of section 1004.92,
730 Florida Statutes, are amended to read:

731 1004.92 Purpose and responsibilities for career
732 education.--

733 (1) The purpose of career education is to enable students
734 who complete career programs to attain and sustain employment
735 and realize economic self-sufficiency. The purpose of this
736 section is to identify issues related to career education for
737 which school boards and community college boards of trustees are
738 accountable. It is the intent of the Legislature that the
739 standards articulated in subsection (2) be considered in the
740 development of accountability standards for public schools
741 pursuant to ss. 1000.03, 1001.42(18) ~~1001.42(16)~~, and 1008.345
742 and for community colleges pursuant to s. 1008.45.

743 (3) Each career center operated by a district school board
744 shall establish a center advisory council pursuant to s.
745 1001.452. The center advisory council shall assist in the
746 preparation and evaluation of center improvement plans required
747 pursuant to s. 1001.42(18) ~~s. 1001.42(16)~~ and may provide
748 assistance, upon the request of the center director, in the
749 preparation of the center's annual budget and plan as required
750 by s. 1008.385(1).

751 Section 27. Section 1006.061, Florida Statutes, is amended
752 to read:

753 1006.061 Child abuse, abandonment, and neglect
754 policy.--Each district school board, charter school, private
755 school that accepts scholarship students under s. 220.187 or s.
756 1002.39, and private prekindergarten provider as defined in s.
757 1002.51 shall:

758 (1) Post in a prominent place in each school a notice
759 that, pursuant to chapter 39, all employees and agents of the

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 01 (for drafter's use only)

760 district school board, charter school, private school, or
761 private prekindergarten provider have an affirmative duty to
762 report all actual or suspected cases of child abuse,
763 abandonment, or neglect; have immunity from liability if they
764 report such cases in good faith; and have a duty to comply with
765 child protective investigations and all other provisions of law
766 relating to child abuse, abandonment, and neglect. The notice
767 shall also include the statewide toll-free telephone number of
768 the central abuse hotline.

769 (2) Post in a prominent place at each school site and on
770 each school's Internet website, if available, the policies and
771 procedures for reporting the alleged misconduct of an employee
772 which affects the health, safety, or welfare of a student; the
773 contact person to whom the report is made; and the penalties
774 imposed on employees or agents for failing to report actual or
775 suspected cases of child abuse or alleged misconduct by an
776 employee.

777 (3)~~(2)~~ Require the principal of the charter school or
778 private school, the prekindergarten director of the private
779 prekindergarten provider, or the district school superintendent,
780 or the superintendent's designee, at the request of the
781 Department of Children and Family Services, to act as a liaison
782 to the Department of Children and Family Services and the child
783 protection team, as defined in s. 39.01, when in a case of
784 suspected child abuse, abandonment, or neglect or an unlawful
785 sexual offense involving a child the case is referred to such a
786 team; except that this does not relieve or restrict the
787 Department of Children and Family Services from discharging its
788 duty and responsibility under the law to investigate and report
789 every suspected or actual case of child abuse, abandonment, or
790 neglect or unlawful sexual offense involving a child.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 01 (for drafter's use only)

791
792
793
794
795
796
797
798
799
800
801
802
803
804
805
806
807
808
809
810
811
812
813
814
815
816
817
818
819
820

The Department of Education shall develop, and publish on the department's Internet website, sample notices suitable for posting in accordance with subsections (1) and (2).

Section 28. Subsection (4) of section 1008.33, Florida Statutes, is amended to read:

1008.33 Authority to enforce public school improvement.--It is the intent of the Legislature that all public schools be held accountable for students performing at acceptable levels. A system of school improvement and accountability that assesses student performance by school, identifies schools in which students are not making adequate progress toward state standards, institutes appropriate measures for enforcing improvement, and provides rewards and sanctions based on performance shall be the responsibility of the State Board of Education.

(4) The State Board of Education may require the Department of Education or Chief Financial Officer to withhold any transfer of state funds to the school district if, within the timeframe specified in state board action, the school district has failed to comply with the action ordered to improve the district's low-performing schools. Withholding the transfer of funds shall occur only after all other recommended actions for school improvement have failed to improve performance. The State Board of Education may impose the same penalty on any district school board that fails to develop and implement a plan for assistance and intervention for low-performing schools as specified in s. 1001.42(18)(c) ~~s. 1001.42(16)(e)~~.

Section 29. Paragraph (c) of subsection (6) of section 1008.345, Florida Statutes, is amended to read:

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 01 (for drafter's use only)

821 1008.345 Implementation of state system of school
822 improvement and education accountability.--

823 (6)

824 (c) Pursuant to s. 24.121(5)(d), the department shall not
825 release funds from the Educational Enhancement Trust Fund to any
826 district in which a school, including schools operating for the
827 purpose of providing educational services to youth in Department
828 of Juvenile Justice programs, does not have an approved school
829 improvement plan, pursuant to s. 1001.42(18) ~~s. 1001.42(16)~~,
830 after 1 full school year of planning and development, or does
831 not comply with school advisory council membership composition
832 requirements pursuant to s. 1001.452. The department shall send
833 a technical assistance team to each school without an approved
834 plan to develop such school improvement plan or to each school
835 without appropriate school advisory council membership
836 composition to develop a strategy for corrective action. The
837 department shall release the funds upon approval of the plan or
838 upon establishment of a plan of corrective action. Notice shall
839 be given to the public of the department's intervention and
840 shall identify each school without a plan or without appropriate
841 school advisory council membership composition.

842 Section 30. Subsection (5) of section 1010.215, Florida
843 Statutes, is amended to read:

844 1010.215 Educational funding accountability.--

845 (5) The annual school public accountability report
846 required by ss. 1001.42(18) ~~1001.42(16)~~ and 1008.345 must
847 include a school financial report. The purpose of the school
848 financial report is to better inform parents and the public
849 concerning how funds were spent to operate the school during the
850 prior fiscal year. Each school's financial report must follow a

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 01 (for drafter's use only)

851 uniform, districtwide format that is easy to read and
852 understand.

853 (a) Total revenue must be reported at the school,
854 district, and state levels. The revenue sources that must be
855 addressed are state and local funds, other than lottery funds;
856 lottery funds; federal funds; and private donations.

857 (b) Expenditures must be reported as the total
858 expenditures per unweighted full-time equivalent student at the
859 school level and the average expenditures per full-time
860 equivalent student at the district and state levels in each of
861 the following categories and subcategories:

862 1. Teachers, excluding substitute teachers, and education
863 paraprofessionals who provide direct classroom instruction to
864 students enrolled in programs classified by s. 1011.62 as:

- 865 a. Basic programs;
- 866 b. Students-at-risk programs;
- 867 c. Special programs for exceptional students;
- 868 d. Career education programs; and
- 869 e. Adult programs.

870 2. Substitute teachers.

871 3. Other instructional personnel, including school-based
872 instructional specialists and their assistants.

873 4. Contracted instructional services, including training
874 for instructional staff and other contracted instructional
875 services.

876 5. School administration, including school-based
877 administrative personnel and school-based education support
878 personnel.

879 6. The following materials, supplies, and operating
880 capital outlay:

- 881 a. Textbooks;

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 01 (for drafter's use only)

- 882 b. Computer hardware and software;
883 c. Other instructional materials;
884 d. Other materials and supplies; and
885 e. Library media materials.
886 7. Food services.
887 8. Other support services.
888 9. Operation and maintenance of the school plant.

889 (c) The school financial report must also identify the
890 types of district-level expenditures that support the school's
891 operations. The total amount of these district-level
892 expenditures must be reported and expressed as total
893 expenditures per full-time equivalent student.

894 Section 31. Paragraph (b) of subsection (6) of section
895 1011.18, Florida Statutes, is amended to read:

896 1011.18 School depositories; payments into and withdrawals
897 from depositories.--

898 (6) EXEMPTION FOR SELF-INSURANCE PROGRAMS AND THIRD-PARTY
899 ADMINISTERED EMPLOYEES' FRINGE BENEFIT PROGRAMS.--

900 (b) The district school board may contract with an
901 insurance company or professional administrator who holds a
902 valid certificate of authority issued by the Office of Insurance
903 Regulation of the Financial Services Commission to provide any
904 ~~or all~~ services that a third-party administrator is authorized
905 by law to perform. Pursuant to such contract, the district
906 school board may advance or remit money to the administrator to
907 be deposited in a designated special checking account for paying
908 claims against the district school board under its self-
909 insurance programs, and remitting premiums to the providers of
910 insured benefits on behalf of the district school board and the
911 participants in such programs, and otherwise fulfilling the
912 obligations imposed upon the administrator by law and the

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 01 (for drafter's use only)

913 contractual agreements between the district school board and the
914 administrator. The special checking account shall be maintained
915 in a designated district school depository. The district school
916 board may replenish such account as often as necessary upon the
917 presentation by the service organization of documentation for
918 claims or premiums due paid equal to the amount of the requested
919 reimbursement. Such replenishment shall be made by a warrant
920 signed by the chair of the district school board and
921 countersigned by the district school superintendent. Such
922 replenishment may be made by electronic, telephonic, or other
923 medium, and each transfer shall be confirmed in writing and
924 signed by the district school superintendent or his or her
925 designee. The provisions of strict accountability of all funds
926 and an annual audit by an independent certified public
927 accountant as provided in s. 1001.42(12)(k) ~~s. 1001.42(10)(k)~~
928 shall apply to this subsection.

929 Section 32. Subsection (6) of section 1012.27, Florida
930 Statutes, is renumbered as subsection (7) and a new subsection
931 (6) is added to that section to read:

932 1012.27 Public school personnel; powers and duties of
933 district school superintendent.--The district school
934 superintendent is responsible for directing the work of the
935 personnel, subject to the requirements of this chapter, and in
936 addition the district school superintendent shall perform the
937 following:

938 (6) EMPLOYMENT HISTORY CHECKS.--Before employing a person
939 in any position that requires direct contact with students,
940 conduct an employment history check of the person's previous
941 employer, screen the person through use of the educator-
942 screening tools described in s. 1001.10(5), and document the
943 findings. If unable to contact the person's previous employer,

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 01 (for drafter's use only)

944 the district school superintendent shall document efforts to
945 contact the employer.

946 Section 33. Section 1012.315, Florida Statutes, is created
947 to read:

948 1012.315 Disqualification from employment.--A person is
949 ineligible for employment in any position that requires direct
950 contact with students in a district school system, charter
951 school, or private school that accepts scholarship students
952 under s. 220.187 or s. 1002.39, or employment as a
953 prekindergarten instructor as defined in s. 1002.51 or as child
954 care personnel as defined in s. 402.302, if the person has been
955 convicted or found guilty of, or entered a plea of guilty or
956 nolo contendere to, regardless of adjudication of guilt, any
957 felony offense prohibited under any of the following statutes:

958 (a) Section 393.135, relating to sexual misconduct with
959 certain developmentally disabled clients and reporting of such
960 sexual misconduct.

961 (b) Section 394.4593, relating to sexual misconduct with
962 certain mental health patients and reporting of such sexual
963 misconduct.

964 (c) Section 782.04, relating to murder.

965 (d) Section 782.07, relating to manslaughter, aggravated
966 manslaughter of an elderly person or disabled adult, or
967 aggravated manslaughter of a child.

968 (e) Section 782.09, relating to killing of an unborn quick
969 child by injury to the mother.

970 (f) Section 787.01, relating to kidnapping.

971 (g) Section 787.02, relating to false imprisonment.

972 (h) Section 787.025, relating to luring or enticing a
973 child.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 01 (for drafter's use only)

974 (i) Section 787.04(2), relating to taking, enticing, or
975 removing a child beyond the state limits with criminal intent
976 pending custody proceedings.

977 (j) Section 787.04(3), relating to carrying a child beyond
978 the state lines with criminal intent to avoid producing a child
979 at a custody hearing or delivering the child to the designated
980 person.

981 (k) Chapter 794, relating to sexual battery.

982 (l) Section 796.03, relating to procuring a person under
983 the age of 18 for prostitution.

984 (m) Section 796.035, relating to selling or buying of
985 minors into sex trafficking or prostitution.

986 (n) Chapter 800, relating to lewdness and indecent
987 exposure.

988 (o) Section 810.14, relating to voyeurism.

989 (p) Section 810.145, relating to video voyeurism.

990 (q) Section 825.102, relating to abuse, aggravated abuse,
991 or neglect of an elderly person or disabled adult.

992 (r) Section 825.1025, relating to lewd or lascivious
993 offenses committed upon or in the presence of an elderly person
994 or disabled adult.

995 (s) Section 826.04, relating to incest.

996 (t) Section 827.03, relating to child abuse, aggravated
997 child abuse, or neglect of a child.

998 (u) Section 827.04(3), relating to person 21 years of age
999 or older impregnating a child under 16 years of age.

1000 (v) Section 827.071, relating to sexual performance by a
1001 child.

1002 (w) Chapter 847, relating to obscene literature.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 01 (for drafter's use only)

1003 (x) Section 916.1075, relating to sexual misconduct with
1004 certain forensic clients and reporting of such sexual
1005 misconduct.

1006 (y) Section 985.701, relating to sexual misconduct in
1007 juvenile justice programs.

1008 (z) Any criminal act committed in another state or under
1009 federal law which, if committed in this state, constitutes an
1010 offense prohibited under any statute listed in paragraphs (a)-
1011 (y).

1012 (aa) Any delinquent act committed in this state, or any
1013 delinquent or criminal act committed in another state or under
1014 federal law which, if committed in this state, qualifies an
1015 individual for inclusion on the Registered Juvenile Sex Offender
1016 List under s. 943.0435(1)(a)1.d.

1017 Section 34. Subsection (1) and (2) and paragraph (c) of
1018 subsection (3) of section 1012.32, Florida Statutes, is amended
1019 to read:

1020 1012.32 Qualifications of personnel.--

1021 (1) To be eligible for appointment in any position in any
1022 district school system, a person must ~~shall~~ be of good moral
1023 character; must ~~shall~~ have attained the age of 18 years, if he
1024 or she is to be employed in an instructional capacity; must not
1025 be ineligible for such employment under s. 1012.315; and must
1026 ~~shall~~, when required by law, hold a certificate or license
1027 issued under rules of the State Board of Education or the
1028 Department of Children and Family Services, except when employed
1029 pursuant to s. 1012.55 or under the emergency provisions of s.
1030 1012.24. Previous residence in this state shall not be required
1031 in any school of the state as a prerequisite for any person
1032 holding a valid Florida certificate or license to serve in an
1033 instructional capacity.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 01 (for drafter's use only)

1034 (2) (a) Instructional and noninstructional personnel who
1035 are hired or contracted to fill positions that require ~~requiring~~
1036 direct contact with students in any district school system or
1037 university lab school shall, upon employment or engagement to
1038 provide services, undergo background screening as required under
1039 s. 1012.465 or s. 1012.56, whichever is applicable.

1040 (b) Instructional and noninstructional personnel who are
1041 hired or contracted to fill positions in any charter school and
1042 members of the governing board of any charter school, in
1043 compliance with s. 1002.33(12)(g), shall, upon employment,
1044 engagement of services, or appointment, undergo background
1045 screening as required under s. 1012.465 or s. 1012.56, whichever
1046 is applicable, by filing with the district school board for the
1047 school district in which the charter school is located a
1048 complete set of fingerprints taken by an authorized law
1049 enforcement agency or an employee of the school or school
1050 district who is trained to take fingerprints.

1051 (c) Instructional and noninstructional personnel who are
1052 hired or contracted to fill positions that require ~~requiring~~
1053 direct contact with students in an alternative school that
1054 operates under contract with a district school system shall,
1055 upon employment or engagement to provide services, undergo
1056 background screening as required under s. 1012.465 or s.
1057 1012.56, whichever is applicable, by filing with the district
1058 school board for the school district to which the alternative
1059 school is under contract a complete set of fingerprints taken by
1060 an authorized law enforcement agency or an employee of the
1061 school or school district who is trained to take fingerprints.

1062 (d) Student teachers, persons participating in a field
1063 experience pursuant to s. 1004.04(6) or s. 1004.85, and persons
1064 participating in a short-term experience as a teacher assistant

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 01 (for drafter's use only)

1065 pursuant to s. 1004.04(10) in any district school system, lab
1066 school, or charter school shall, upon engagement to provide
1067 services, undergo background screening as required under s.
1068 1012.56.

1069
1070 Fingerprints shall be submitted to the Department of Law
1071 Enforcement for statewide criminal and juvenile records checks
1072 ~~state processing~~ and to the Federal Bureau of Investigation for
1073 federal criminal records checks processing. A person ~~Persons~~
1074 subject to this subsection who is found ineligible for
1075 employment under s. 1012.315, or otherwise found through
1076 background screening fingerprint processing to have been
1077 convicted or found guilty of, or entered a plea of guilty or
1078 nolo contendere to, regardless of adjudication of guilt, any a
1079 crime involving moral turpitude as defined by rule of the State
1080 Board of Education, shall not be employed, engaged to provide
1081 services, or serve in any position that requires ~~requiring~~
1082 direct contact with students. Probationary persons subject to
1083 this subsection terminated because of their criminal record have
1084 the right to appeal such decisions. The cost of the background
1085 screening may be borne by the district school board, the charter
1086 school, the employee, the contractor, or a person subject to
1087 this subsection.

1088 (3)

1089 (c) Personnel whose fingerprints are not retained by the
1090 Department of Law Enforcement under paragraphs (a) and (b) must
1091 ~~are required to~~ be refingerprinted and rescreened in accordance
1092 with subsection (2) must meet level 2 screening requirements as
1093 ~~described in this section~~ upon reemployment or reengagement to
1094 provide services in order to comply with the requirements of
1095 this subsection.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 01 (for drafter's use only)

1096 Section 35. Paragraph (a) of subsection (1), paragraph (c)
1097 of subsection (4), and paragraph (b) of subsection (6) of
1098 section 1012.33, Florida Statutes, are amended to read:

1099 1012.33 Contracts with instructional staff, supervisors,
1100 and school principals.--

1101 (1) (a) Each person employed as a member of the
1102 instructional staff in any district school system shall be
1103 properly certified pursuant to s. 1012.56 or s. 1012.57 or
1104 employed pursuant to s. 1012.39 and shall be entitled to and
1105 shall receive a written contract as specified in this section.
1106 All such contracts, except continuing contracts as specified in
1107 subsection (4), shall contain provisions for dismissal during
1108 the term of the contract only for just cause. Just cause
1109 includes, but is not limited to, the following instances, as
1110 defined by rule of the State Board of Education: immorality,
1111 misconduct in office, incompetency, gross insubordination,
1112 willful neglect of duty, or being convicted or found guilty of,
1113 or entering a plea of guilty or nolo contendere to, regardless
1114 of adjudication of guilt, any ~~or conviction of a~~ crime involving
1115 moral turpitude.

1116 (4)

1117 (c) Any member of the district administrative or
1118 supervisory staff and any member of the instructional staff,
1119 including any school principal, who is under continuing contract
1120 may be suspended or dismissed at any time during the school
1121 year; however, the charges against him or her must be based on
1122 immorality, misconduct in office, incompetency, gross
1123 insubordination, willful neglect of duty, drunkenness, or being
1124 convicted or found guilty of, or entering a plea of guilty or
1125 nolo contendere to, regardless of adjudication of guilt, any
1126 ~~conviction of a~~ crime involving moral turpitude, as these terms

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 01 (for drafter's use only)

1127 are defined by rule of the State Board of Education. Whenever
1128 such charges are made against an ~~any such~~ employee of the
1129 district school board, the district school board may suspend
1130 such person without pay; but, if the charges are not sustained,
1131 he or she shall be immediately reinstated, and his or her back
1132 salary shall be paid. In cases of suspension by the district
1133 school board or by the district school superintendent, the
1134 district school board shall determine upon the evidence
1135 submitted whether the charges have been sustained and, if the
1136 charges are sustained, shall determine either to dismiss the
1137 employee or fix the terms under which he or she may be
1138 reinstated. If such charges are sustained by a majority vote of
1139 the full membership of the district school board and the ~~such~~
1140 employee is discharged, his or her contract of employment shall
1141 be ~~thereby~~ canceled. Any ~~such~~ decision adverse to the employee
1142 may be appealed by the employee pursuant to s. 120.68, provided
1143 the ~~such~~ appeal is filed within 30 days after the decision of
1144 the district school board.

1145 (6)

1146 (b) Any member of the district administrative or
1147 supervisory staff, including any principal but excluding an
1148 employee specified in subsection (4), may be suspended or
1149 dismissed at any time during the term of the contract; however,
1150 the charges against him or her must be based on immorality,
1151 misconduct in office, incompetency, gross insubordination,
1152 willful neglect of duty, drunkenness, or being convicted or
1153 found guilty of, or entering a plea of guilty or nolo contendere
1154 to, regardless of adjudication of guilt, ~~conviction of~~ any crime
1155 involving moral turpitude, as these terms are defined by rule of
1156 the State Board of Education. Whenever such charges are made
1157 against an ~~any such~~ employee of the district school board, the

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 01 (for drafter's use only)

1158 district school board may suspend the employee without pay; but,
1159 if the charges are not sustained, he or she shall be immediately
1160 reinstated, and his or her back salary shall be paid. In cases
1161 of suspension by the district school board or by the district
1162 school superintendent, the district school board shall determine
1163 upon the evidence submitted whether the charges have been
1164 sustained and, if the charges are sustained, shall determine
1165 either to dismiss the employee or fix the terms under which he
1166 or she may be reinstated. If such charges are sustained by a
1167 majority vote of the full membership of the district school
1168 board and the ~~such~~ employee is discharged, his or her contract
1169 of employment shall be ~~thereby~~ canceled. Any ~~such~~ decision
1170 adverse to the employee may be appealed by him or her pursuant
1171 to s. 120.68, provided such appeal is filed within 30 days after
1172 the decision of the district school board.

1173 Section 36. Subsection (4) of section 1012.34, Florida
1174 Statutes, is amended to read:

1175 1012.34 Assessment procedures and criteria.--

1176 (4) The district school superintendent shall notify the
1177 department of any instructional personnel who receive two
1178 consecutive unsatisfactory evaluations and who have been given
1179 written notice by the district that their employment is being
1180 terminated or is not being renewed or that the district school
1181 board intends to terminate, or not renew, their employment. The
1182 department shall conduct an investigation to determine whether
1183 action shall be taken against the certificateholder pursuant to
1184 s. 1012.795(1)(c) ~~s. 1012.795(1)(b)~~.

1185 Section 37. Section 1012.465, Florida Statutes, is amended
1186 to read:

1187 1012.465 Background screening requirements for certain
1188 noninstructional school district employees and contractors.--

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 01 (for drafter's use only)

1189 (1) Except as provided in s. 1012.467 or s. 1012.468,
1190 noninstructional school district employees or contractual
1191 personnel who are permitted access on school grounds when
1192 students are present, who have direct contact with students or
1193 who have access to or control of school funds must be screened
1194 ~~meet level 2 screening requirements as described in accordance~~
1195 with s. 1012.32 and, if employed in any position that requires
1196 direct contact with students, must not be ineligible for such
1197 employment under s. 1012.315. Contractual personnel shall
1198 include any vendor, individual, or entity under contract with a
1199 school or the school board.

1200 (2) Every 5 years following employment or entry into a
1201 contract in a capacity described in subsection (1), each person
1202 who is so employed or under contract with the school district
1203 must be rescreened ~~meet level 2 screening requirements as~~
1204 ~~described in accordance with s. 1012.32,~~ at which time the
1205 school district shall request the Department of Law Enforcement
1206 to forward the fingerprints to the Federal Bureau of
1207 Investigation for federal criminal records checks ~~the level 2~~
1208 ~~screening~~. If, for any reason following employment or entry into
1209 a contract in a capacity described in subsection (1), the
1210 fingerprints of a person who is so employed or under contract
1211 with the school district are not retained by the Department of
1212 Law Enforcement under s. 1012.32(3)(a) and (b), the person must
1213 file a complete set of fingerprints with the district school
1214 superintendent of the employing or contracting school district.
1215 Upon submission of fingerprints for this purpose, the school
1216 district shall request the Department of Law Enforcement to
1217 forward the fingerprints to the Federal Bureau of Investigation
1218 for federal criminal records checks ~~the level 2 screening,~~ and
1219 the fingerprints shall be retained by the Department of Law

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 01 (for drafter's use only)

1220 Enforcement under s. 1012.32(3)(a) and (b). The cost of the
1221 state and federal criminal history check required by subsection
1222 (1) and this subsection level 2 screening may be borne by the
1223 district school board, the contractor, or the person
1224 fingerprinted. Under penalty of perjury, each person who is
1225 employed or under contract in a capacity described in subsection
1226 (1) must agree to inform his or her employer or the party with
1227 whom he or she is under contract within 48 hours if convicted of
1228 any disqualifying offense while he or she is employed or under
1229 contract in that capacity.

1230 (3) If it is found that a person who is employed or under
1231 contract in a capacity described in subsection (1) has does not
1232 been screened in accordance with s. 1012.32, or is ineligible
1233 for such employment under s. 1012.315 meet the level 2
1234 requirements, the person shall be immediately suspended from
1235 working in that capacity and shall remain suspended until final
1236 resolution of any appeals.

1237 Section 38. Subsections (9) and (14) of section 1012.56,
1238 Florida Statutes, are amended to read:

1239 1012.56 Educator certification requirements.--

1240 (9) BACKGROUND SCREENING REQUIRED, INITIALLY AND
1241 PERIODICALLY.--

1242 (a) Each person who seeks certification under this chapter
1243 must be fingerprinted and screened meet level 2 screening
1244 requirements as described in accordance with s. 1012.32 and must
1245 not be ineligible for employment under s. 1012.315. A person who
1246 has been screened in accordance with s. 1012.32 unless a level 2
1247 screening has been conducted by a district school board or the
1248 Department of Education within 12 months before the date the
1249 person initially obtains certification under this chapter, the
1250 results of which are submitted to the district school board or

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 01 (for drafter's use only)

1251 to the Department of Education, is not required to repeat the
1252 screening under this paragraph.

1253 (b) A person may not receive a certificate under this
1254 chapter until the person's level-2 screening under s. 1012.32 is
1255 ~~has been~~ completed and the results have been submitted to the
1256 Department of Education or to the district school superintendent
1257 of the school district that employs the person. Every 5 years
1258 after obtaining initial certification, each person who is
1259 required to be certified under this chapter must be rescreened
1260 ~~meet level-2 screening requirements as described in accordance~~
1261 with s. 1012.32, at which time the school district shall request
1262 the Department of Law Enforcement to forward the fingerprints to
1263 the Federal Bureau of Investigation for federal criminal records
1264 checks ~~the level-2 screening~~. If, for any reason after obtaining
1265 initial certification, the fingerprints of a person who is
1266 required to be certified under this chapter are not retained by
1267 the Department of Law Enforcement under s. 1012.32(3)(a) and
1268 (b), the person must file a complete set of fingerprints with
1269 the district school superintendent of the employing school
1270 district. Upon submission of fingerprints for this purpose, the
1271 school district shall request the Department of Law Enforcement
1272 to forward the fingerprints to the Federal Bureau of
1273 Investigation for federal criminal records checks ~~the level-2~~
1274 ~~screening~~, and the fingerprints shall be retained by the
1275 Department of Law Enforcement under s. 1012.32(3)(a) and (b).
1276 The cost of the state and federal criminal history checks ~~check~~
1277 required by paragraph (a) and this paragraph ~~level-2 screening~~
1278 may be borne by the district school board or the employee. Under
1279 penalty of perjury, each person who is certified under this
1280 chapter must agree to inform his or her employer within 48 hours

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 01 (for drafter's use only)

1281 if convicted of any disqualifying offense while he or she is
1282 employed in a position for which such certification is required.

1283 (c) If it is found under s. 1012.796 that a person who is
1284 employed in a position requiring certification under this
1285 chapter ~~has does~~ not been screened in accordance with s.
1286 1012.32, or is ineligible for such employment under s. 1012.315
1287 ~~meet the level 2 screening requirements,~~ the person's
1288 certification shall be immediately revoked or suspended and he
1289 or she shall be immediately suspended from the position
1290 requiring certification.

1291 (14) PERSONNEL RECORDS.--The Department of Education shall
1292 maintain an electronic database that includes, but need not be
1293 limited to, ~~a complete statement of~~ the academic preparation,
1294 professional training, and teaching experience of each person to
1295 whom a certificate is issued. The applicant or the district
1296 school superintendent shall furnish the information using a
1297 format ~~or forms~~ provided by the department.

1298 Section 39. Subsection (1) and paragraph (a) of subsection
1299 (8) of section 1012.79, Florida Statutes, are amended to read:

1300 1012.79 Education Practices Commission; organization.--

1301 (1) The Education Practices Commission consists of 25 ~~17~~
1302 members, including 8 ~~7~~ teachers; ~~7~~ 5 administrators, at least one
1303 of whom shall represent a private school; 7 ~~and 5~~ lay citizens,
1304 ~~(of whom 5 shall be parents of public school students and who~~
1305 are unrelated to public school employees and 2 shall be former
1306 district school board members; ~~7~~ and 5 sworn law enforcement
1307 officials, appointed by the State Board of Education from
1308 nominations by the Commissioner of Education and subject to
1309 Senate confirmation. Prior to making nominations, the
1310 commissioner shall consult with ~~the~~ teaching associations,
1311 parent organizations, law enforcement agencies, and other

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 01 (for drafter's use only)

1312 involved associations in the state. In making nominations, the
1313 commissioner shall attempt to achieve equal geographical
1314 representation, as closely as possible.

1315 (a) A teacher member, in order to be qualified for
1316 appointment:

- 1317 1. Must be certified to teach in the state.
- 1318 2. Must be a resident of the state.
- 1319 3. Must have practiced the profession in this state for at
1320 least 5 years immediately preceding the appointment.

1321 (b) A school administrator member, in order to be
1322 qualified for appointment:

- 1323 1. Must have an endorsement on the educator certificate in
1324 the area of school administration or supervision.
- 1325 2. Must be a resident of the state.
- 1326 3. Must have practiced the profession as an administrator
1327 for at least 5 years immediately preceding the appointment.

1328 (c) The lay members must be residents of the state.

1329 (d) The members who are law enforcement officials must
1330 have served in the profession for at least 5 years immediately
1331 preceding appointment and have background expertise in child
1332 safety.

1333 (8) (a) The commission shall, from time to time, designate
1334 members of the commission to serve on panels for the purpose of
1335 reviewing and issuing final orders upon cases presented to the
1336 commission. A case concerning a complaint against a teacher
1337 shall be reviewed and a final order ~~thereon shall be~~ entered by
1338 a panel composed of five commission members, at least one of
1339 whom must be a parent or a sworn law enforcement officer, and at
1340 least three of whom must shall be teachers. A case concerning a
1341 complaint against an administrator shall be reviewed and a final
1342 order ~~thereon shall be~~ entered by a panel composed of five

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 01 (for drafter's use only)

1343 commission members, at least one of whom must be a parent or a
1344 sworn law enforcement officer, and at least three of whom must
1345 ~~shall~~ be administrators.

1346 Section 40. Subsection (1) of section 1012.795, Florida
1347 Statutes, is amended to read:

1348 1012.795 Education Practices Commission; authority to
1349 discipline.--

1350 (1) The Education Practices Commission may suspend the
1351 educator certificate of any person as defined in s. 1012.01(2)
1352 or (3) for a period of time not to exceed 5 years, thereby
1353 denying that person the right to teach or otherwise be employed
1354 by a district school board or public school in any capacity
1355 requiring direct contact with students for that period of time,
1356 after which the holder may return to teaching as provided in
1357 subsection (4); may revoke the educator certificate of any
1358 person, thereby denying that person the right to teach or
1359 otherwise be employed by a district school board or public
1360 school in any capacity requiring direct contact with students
1361 for a period of time not to exceed 10 years, with reinstatement
1362 subject to the provisions of subsection (4); may revoke
1363 permanently the educator certificate of any person thereby
1364 denying that person the right to teach or otherwise be employed
1365 by a district school board or public school in any capacity
1366 requiring direct contact with students; may suspend the educator
1367 certificate, upon order of the court, of any person found to
1368 have a delinquent child support obligation; or may impose any
1369 other penalty provided by law, if ~~provided it can be shown that~~
1370 the person:

1371 (a) Obtained or attempted to obtain an educator
1372 certificate by fraudulent means.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 01 (for drafter's use only)

1373 (b) ~~(b)~~ Knowingly failed to report any actual or suspected
1374 case of child abuse as required in s. 1006.061 or report the
1375 alleged misconduct of an employee which affects the health,
1376 safety, or welfare of a student.

1377 (c) ~~(b)~~ Has proved to be incompetent to teach or to perform
1378 duties as an employee of the public school system or to teach in
1379 or to operate a private school.

1380 (d) ~~(e)~~ Has been guilty of gross immorality or an act
1381 involving moral turpitude as defined by rule of the State Board
1382 of Education.

1383 (e) ~~(d)~~ Has had an educator certificate sanctioned by
1384 revocation, suspension, or surrender in another state.

1385 (f) ~~(e)~~ Has been convicted or found guilty of, or entered a
1386 plea of guilty or nolo contendere to, regardless of adjudication
1387 of guilt, a misdemeanor, felony, or any other criminal charge,
1388 other than a minor traffic violation.

1389 (g) ~~(f)~~ Upon investigation, has been found guilty of
1390 personal conduct which seriously reduces that person's
1391 effectiveness as an employee of the district school board.

1392 (h) ~~(g)~~ Has breached a contract, as provided in s.
1393 1012.33(2).

1394 (i) ~~(h)~~ Has been the subject of a court order directing the
1395 Education Practices Commission to suspend the certificate as a
1396 result of a delinquent child support obligation.

1397 (j) ~~(i)~~ Has violated the Principles of Professional Conduct
1398 for the Education Profession prescribed by State Board of
1399 Education rules.

1400 (k) ~~(j)~~ Has otherwise violated the provisions of law, the
1401 penalty for which is the revocation of the educator certificate.

1402 (l) ~~(k)~~ Has violated any order of the Education Practices
1403 Commission.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 01 (for drafter's use only)

1404 (m) ~~(l)~~ Has been the subject of a court order or plea
1405 agreement in any jurisdiction which requires the
1406 certificateholder to surrender or otherwise relinquish his or
1407 her educator's certificate. A surrender or relinquishment shall
1408 be for permanent revocation of the certificate. A person may not
1409 surrender or otherwise relinquish his or her certificate prior
1410 to a finding of probable cause by the commissioner as provided
1411 in s. 1012.796.

1412 (n) Has been disqualified from employment under s.
1413 1012.315.

1414 Section 41. Subsections (1), (3), and (5) of section
1415 1012.796, Florida Statutes, are amended to read:

1416 1012.796 Complaints against teachers and administrators;
1417 procedure; penalties.--

1418 (1) (a) The Department of Education shall cause to be
1419 investigated expeditiously any complaint filed before it or
1420 otherwise called to its attention which, if legally sufficient,
1421 contains grounds for the revocation or suspension of a
1422 certificate or any other appropriate penalty as set forth in
1423 subsection (7). The complaint is legally sufficient if it
1424 contains the ultimate facts which show a violation has occurred
1425 as provided in s. 1012.795 and defined by rule. The department
1426 shall ~~may~~ investigate or continue to investigate and take
1427 appropriate action on a complaint even though the original
1428 complainant withdraws the complaint or otherwise indicates a
1429 desire not to cause it to be investigated or prosecuted to
1430 completion. The department may investigate or continue to
1431 investigate and take action on a complaint filed against a
1432 person whose educator certificate has expired if the act or acts
1433 that ~~which~~ are the basis for the complaint were allegedly
1434 committed while that person possessed an educator certificate.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 01 (for drafter's use only)

1435 (b) The Department of Education shall expeditiously
1436 investigate any legally sufficient complaint filed before it or
1437 otherwise called to its attention which involves misconduct by
1438 any certificated personnel which affects the health, safety, or
1439 welfare of a student. The department must investigate or
1440 continue to investigate and take action on such a complaint
1441 filed against a person whose educator certificate has expired if
1442 the act or acts that are the basis for the complaint were
1443 allegedly committed while that person possessed an educator
1444 certificate.

1445 (c)~~(b)~~ When an investigation is undertaken, the department
1446 shall notify the certificateholder or applicant for
1447 certification and the district school superintendent or the
1448 university laboratory school, charter school, or private school
1449 in which the certificateholder or applicant for certification is
1450 employed or was employed at the time the alleged offense
1451 occurred. In addition, the department shall inform the
1452 certificateholder or applicant for certification of the
1453 substance of any complaint which has been filed against that
1454 certificateholder or applicant, unless the department determines
1455 that such notification would be detrimental to the
1456 investigation, in which case the department may withhold
1457 notification.

1458 (d)~~(e)~~ Each school district shall file in writing with the
1459 department all legally sufficient complaints within 30 days
1460 after the date on which subject matter of the complaint comes to
1461 the attention of the school district. A complaint is legally
1462 sufficient if it contains ultimate facts that show a violation
1463 has occurred as provided in s. 1012.795 and defined by rule. The
1464 school district shall include all information relating to the
1465 complaint which is known to the school district at the time of

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 01 (for drafter's use only)

1466 filing. Each district school board shall develop and adopt
1467 policies and procedures to comply with this reporting
1468 requirement. School board policies and procedures must include
1469 standards for screening, hiring, and terminating employees;
1470 standards of conduct for all employees; the duties of employees
1471 for upholding the standards; detailed procedures for reporting
1472 the alleged misconduct of an employee which affects the health,
1473 safety, or welfare of a student; requirements for the
1474 reassignment of an employee pending the outcome of a misconduct
1475 investigation; and penalties for failing to comply with s.
1476 1001.51 or s. 1012.795. The district school board policies and
1477 procedures shall include appropriate penalties for all personnel
1478 of the district school board for nonreporting and procedures for
1479 promptly informing the district school superintendent of each
1480 legally sufficient complaint. The district school superintendent
1481 is charged with knowledge of these policies and procedures and
1482 is accountable for the training of all employees of the school
1483 district on the standards of conduct, policies, and procedures.
1484 If the district school superintendent has knowledge of a legally
1485 sufficient complaint and does not report the complaint, or fails
1486 to enforce the policies and procedures of the district school
1487 board, and fails to comply with the requirements of this
1488 subsection, in addition to other actions against
1489 certificateholders authorized by law, the district school
1490 superintendent is shall be subject to penalties as specified in
1491 s. 1001.51(12). If the superintendent determines that the
1492 misconduct of an employee who holds an educator certificate
1493 affects the health, safety, or welfare of a student, and the
1494 misconduct warrants termination, the employee may resign or be
1495 terminated, and the superintendent shall report the misconduct
1496 to the department in the format prescribed by the department.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 01 (for drafter's use only)

1497 The department shall maintain each report of misconduct as a
1498 public record in the employee's certification file. This
1499 paragraph does not limit or restrict the power and duty of the
1500 department to investigate complaints as provided in paragraphs
1501 (a) and (c) ~~(b)~~, regardless of the school district's untimely
1502 filing, or failure to file, complaints and followup reports.

1503 (e) If allegations arise against an employee who is
1504 certified under s. 1012.56, and employed in an educator-
1505 certificated position by any school or provider in the state,
1506 such school or provider, or governing body thereof, shall file
1507 in writing with the department a legally sufficient complaint
1508 within 30 days after the date on which the subject matter of the
1509 complaint came to the attention of the school or provider. A
1510 complaint is legally sufficient if it contains ultimate facts
1511 that show a violation has occurred as provided in s. 1012.795.
1512 The school or provider shall include all known information
1513 relating to the complaint with the filing of the complaint. This
1514 paragraph does not limit or restrict the power and duty of the
1515 department to investigate complaints as provided in paragraphs
1516 (a) and (c) regardless of the school's or provider's untimely
1517 filing, or failure to file, complaints and followup reports.

1518 (f) ~~(d)~~ Notwithstanding any other law, all law enforcement
1519 agencies, state attorneys, social service agencies, district
1520 school boards, and the Division of Administrative Hearings shall
1521 fully cooperate with and, upon request, shall provide unredacted
1522 documents to the Department of Education to further
1523 investigations and prosecutions conducted pursuant to this
1524 section. Any document received ~~pursuant to this paragraph~~ may
1525 not be redisclosed except as authorized by law.

1526 (3) The department staff shall advise the commissioner
1527 concerning the findings of the investigation. The department

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 01 (for drafter's use only)

1528 general counsel or members of that staff shall review the
1529 investigation and advise the commissioner concerning probable
1530 cause or lack thereof. The determination of probable cause shall
1531 be made by the commissioner. The commissioner shall provide an
1532 opportunity for a conference, if requested, prior to determining
1533 probable cause. The commissioner may enter into deferred
1534 prosecution agreements in lieu of finding probable cause if,
1535 ~~when~~ in his or her judgment, such agreements are ~~would be~~ in the
1536 best interests of the department, the certificateholder, and the
1537 public. Such deferred prosecution agreements shall become
1538 effective when filed with the clerk of the Education Practices
1539 Commission. However, a deferred prosecution agreement shall not
1540 be entered into if ~~where~~ there is probable cause to believe that
1541 a felony or an act of moral turpitude, as defined by rule of the
1542 State Board of Education, has occurred. Upon finding no probable
1543 cause, the commissioner shall dismiss the complaint.

1544 (5) When an allegation of an employee's misconduct is
1545 received, if the alleged misconduct affects ~~deemed necessary to~~
1546 ~~protect~~ the health, safety, or ~~and~~ welfare of a ~~minor~~ student,
1547 and, after preliminary inquiry, there is reason to believe that
1548 the allegation is true, the district school superintendent in
1549 consultation with the school principal, or ~~may,~~ and upon the
1550 request of the Commissioner of Education, must immediately
1551 ~~shall, temporarily~~ suspend the employee ~~a certificateholder~~ from
1552 ~~the certificateholder's~~ regularly assigned duties, with pay, and
1553 reassign the suspended employee ~~certificateholder~~ to a position
1554 that does not require direct contact with students in the
1555 district school system. Such suspension shall continue until the
1556 completion of the proceedings and the determination of
1557 sanctions, if any, pursuant to this section and s. 1012.795.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 01 (for drafter's use only)

1558 Section 42. Paragraph (b) of subsection (4) of section
1559 1012.98, Florida Statutes, is amended to read:

1560 1012.98 School Community Professional Development Act.--

1561 (4) The Department of Education, school districts,
1562 schools, community colleges, and state universities share the
1563 responsibilities described in this section. These
1564 responsibilities include the following:

1565 (b) Each school district shall develop a professional
1566 development system as specified in subsection (3). The system
1567 shall be developed in consultation with teachers, teacher-
1568 educators of community colleges and state universities, business
1569 and community representatives, and local education foundations,
1570 consortia, and professional organizations. The professional
1571 development system must:

1572 1. Be approved by the department. All substantial
1573 revisions to the system shall be submitted to the department for
1574 review for continued approval.

1575 2. Be based on analyses of student achievement data and
1576 instructional strategies and methods that support rigorous,
1577 relevant, and challenging curricula for all students. Schools
1578 and districts, in developing and refining the professional
1579 development system, shall also review and monitor school
1580 discipline data; school environment surveys; assessments of
1581 parental satisfaction; performance appraisal data of teachers,
1582 managers, and administrative personnel; and other performance
1583 indicators to identify school and student needs that can be met
1584 by improved professional performance.

1585 3. Provide inservice activities coupled with followup
1586 support appropriate to accomplish district-level and school-
1587 level improvement goals and standards. The inservice activities
1588 for instructional personnel shall focus on analysis of student

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 01 (for drafter's use only)

1589 achievement data, ongoing formal and informal assessments of
1590 student achievement, identification and use of enhanced and
1591 differentiated instructional strategies that emphasize rigor,
1592 relevance, and reading in the content areas, enhancement of
1593 subject content expertise, integrated use of classroom
1594 technology that enhances teaching and learning, classroom
1595 management, parent involvement, and school safety.

1596 4. Include a master plan for inservice activities,
1597 pursuant to rules of the State Board of Education, for all
1598 district employees from all fund sources. The master plan shall
1599 be updated annually by September 1, must be based on input from
1600 teachers and district and school instructional leaders, and must
1601 use the latest available student achievement data and research
1602 to enhance rigor and relevance in the classroom. Each district
1603 inservice plan must be aligned to and support the school-based
1604 inservice plans and school improvement plans pursuant to s.
1605 1001.42(18) ~~s. 1001.42(16)~~. District plans must be approved by
1606 the district school board annually in order to ensure compliance
1607 with subsection (1) and to allow for dissemination of research-
1608 based best practices to other districts. District school boards
1609 must submit verification of their approval to the Commissioner
1610 of Education no later than October 1, annually.

1611 5. Require each school principal to establish and maintain
1612 an individual professional development plan for each
1613 instructional employee assigned to the school as a seamless
1614 component to the school improvement plans developed pursuant to
1615 s. 1001.42(18) ~~s. 1001.42(16)~~. The individual professional
1616 development plan must:

1617 a. Be related to specific performance data for the
1618 students to whom the teacher is assigned.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 01 (for drafter's use only)

1619 b. Define the inservice objectives and specific measurable
1620 improvements expected in student performance as a result of the
1621 inservice activity.

1622 c. Include an evaluation component that determines the
1623 effectiveness of the professional development plan.

1624 6. Include inservice activities for school administrative
1625 personnel that address updated skills necessary for
1626 instructional leadership and effective school management
1627 pursuant to s. 1012.986.

1628 7. Provide for systematic consultation with regional and
1629 state personnel designated to provide technical assistance and
1630 evaluation of local professional development programs.

1631 8. Provide for delivery of professional development by
1632 distance learning and other technology-based delivery systems to
1633 reach more educators at lower costs.

1634 9. Provide for the continuous evaluation of the quality
1635 and effectiveness of professional development programs in order
1636 to eliminate ineffective programs and strategies and to expand
1637 effective ones. Evaluations must consider the impact of such
1638 activities on the performance of participating educators and
1639 their students' achievement and behavior.

1640 Section 43. Subsection (4) of section 1013.03, Florida
1641 Statutes, is amended to read:

1642 1013.03 Functions of the department and the Board of
1643 Governors.--The functions of the Department of Education as it
1644 pertains to educational facilities of school districts and
1645 community colleges and of the Board of Governors as it pertains
1646 to educational facilities of state universities shall include,
1647 but not be limited to, the following:

1648 (4) Require each board and other appropriate agencies to
1649 submit complete and accurate financial data as to the amounts of

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 01 (for drafter's use only)

1650 funds from all sources that are available and spent for
1651 construction and capital improvements. The commissioner shall
1652 prescribe the format and the date for the submission of this
1653 data and any other educational facilities data. If any district
1654 does not submit the required educational facilities fiscal data
1655 by the prescribed date, the Commissioner of Education shall
1656 notify the district school board of this fact and, if
1657 appropriate action is not taken to immediately submit the
1658 required report, the district school board shall be directed to
1659 proceed pursuant to s. 1001.42(13)(b) ~~the provisions of s.~~
1660 ~~1001.42(11)(b)~~. If any community college or university does not
1661 submit the required educational facilities fiscal data by the
1662 prescribed date, the same policy prescribed in this subsection
1663 for school districts shall be implemented.

1664 Section 44. The sum of \$153,872 is appropriated from the
1665 Educational Certification and Services Trust Fund to the
1666 Department of Education for the 2008-2009 fiscal year, and two
1667 additional full-time equivalent positions and associated salary
1668 rate of \$90,088 are authorized, for the purpose of implementing
1669 this act.

1670 Section 45. The sum of \$270,514 is appropriated from the
1671 General Revenue Fund to the Department of Children and Family
1672 Services for the 2008-2009 fiscal year, and five additional
1673 full-time equivalent positions are authorized, for the purpose
1674 of implementing this act.

1675 Section 46. This act shall take effect July 1, 2008.

1676

1677

1678

1679

1680

T I T L E A M E N D M E N T

Remove the entire title and insert:

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 01 (for drafter's use only)

1681 A bill to be entitled
1682 An act relating to ethics; providing a short title;
1683 amending s. 24.121, F.S., relating to public school
1684 funding; conforming cross-references; amending s.
1685 112.3173, F.S.; specifying certain felony offenses against
1686 a minor as additional offenses that constitute a breach of
1687 the public trust; requiring a person committing such an
1688 offense to forfeit benefits under certain public
1689 retirement systems; amending s. 121.091, F.S.; prohibiting
1690 the Division of Retirement from paying benefits to a
1691 member who commits certain felony offenses against a
1692 minor; conforming a cross-reference; amending s. 402.3055,
1693 F.S.; requiring the denial or revocation of a child care
1694 license under certain circumstances; prohibiting persons
1695 who commit certain crimes from employment as child care
1696 personnel under certain circumstances; requiring employers
1697 of child care personnel and certain public and private
1698 school personnel to report certain employees' separation
1699 from employment and requiring a record of the employment
1700 separations to be recorded in a certain database;
1701 requiring the Department of Children and Family Services
1702 to adopt rules; amending s. 402.308, F.S.; prohibiting the
1703 issuance or renewal of a child care license under certain
1704 circumstances; amending s. 435.04, F.S.; specifying
1705 additional criminal offenses for the screening of child
1706 care personnel and certain prekindergarten instructors;
1707 creating ss. 794.09 and 800.05, F.S.; providing notice in
1708 the criminal statutes that certain retirement benefits are
1709 subject to forfeiture for committing certain felony
1710 offenses; amending s. 1001.10, F.S.; requiring the
1711 Department of Education to assist school districts,

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 01 (for drafter's use only)

1712 charter schools, and the Florida School for the Deaf and
1713 the Blind in developing policies, procedures, and training
1714 related to employee standards of conduct and employment
1715 practices; requiring the department to provide authorized
1716 staff with access to certain databases for employment-
1717 history verification; amending s. 1001.32, F.S., relating
1718 to school administration; conforming a cross-reference;
1719 amending s. 1001.42, F.S.; requiring each district school
1720 board to adopt standards of conduct and provide training
1721 for all employees; prohibiting confidentiality agreements
1722 regarding terminated or dismissed employees which have the
1723 effect of concealing certain misconduct; prohibiting a
1724 school district from providing employment references for
1725 specified employees except under certain circumstances;
1726 requiring a person who committed certain crimes to be
1727 disqualified from employment in certain positions in a
1728 district school system under specified conditions;
1729 providing that a district school board official who
1730 knowingly signs or transmits a false report forfeits his
1731 or her salary for a specified period; amending s.
1732 1001.452, F.S., relating to district and school advisory
1733 councils; conforming cross-references; amending. S.
1734 1001.51, F.S.; providing that a district school
1735 superintendent forfeits his or her salary for a specified
1736 period following failure to investigate and report
1737 allegations of certain misconduct by employees; amending
1738 ss. 1001.54 and 1002.32, F.S., relating to duties of
1739 principals and laboratory schools; conforming cross-
1740 references; amending s. 1002.33, F.S.; requiring a person
1741 who committed certain crimes to be disqualified from
1742 employment in certain positions in a charter school under

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 01 (for drafter's use only)

1743 specified conditions; requiring charter schools to adopt
1744 standards of conduct and provide training for all
1745 employees; prohibiting confidentiality agreements
1746 regarding terminated or dismissed employees which have the
1747 effect of concealing certain misconduct; prohibiting a
1748 charter school from providing employment references for
1749 specified employees except under certain circumstances;
1750 requiring a charter school to contact a prospective
1751 employee's previous employer, verify employment history
1752 against certain databases, and document findings;
1753 requiring a charter school's sponsor to suspend the
1754 school's charter for failing to comply with these
1755 requirements; amending s. 1002.36, F.S.; requiring the
1756 Florida School for the Deaf and the Blind to meet certain
1757 requirements governing the screening of personnel;
1758 amending s. 1002.421, F.S.; requiring a person who
1759 committed certain crimes to be disqualified from
1760 employment in certain positions in a private school that
1761 accepts certain scholarship students under specified
1762 conditions; requiring certain private schools to adopt
1763 standards of conduct and provide training for all
1764 employees; prohibiting confidentiality agreements
1765 regarding terminated or dismissed employees which have the
1766 effect of concealing certain misconduct; prohibiting a
1767 private school from providing employment references for
1768 specified employees except under certain circumstances;
1769 requiring a private school to contact a prospective
1770 employee's previous employer, verify employment history
1771 against certain databases, and document findings;
1772 requiring the Department of Education to suspend
1773 enrollment of new students and the payment of funds to a

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 01 (for drafter's use only)

1774 private school failing to comply with these requirements;
1775 amending ss. 1002.55, 1002.61, and 1002.63, F.S.; revising
1776 requirements for the Voluntary Prekindergarten Education
1777 Program; requiring prekindergarten instructors employed by
1778 private prekindergarten providers to be screened upon
1779 employment and rescreened in the same manner required for
1780 child care personnel; requiring prekindergarten
1781 instructors employed by public schools to be screened and
1782 rescreened in the same manner required for school
1783 employees; requiring a person who committed certain crimes
1784 to be disqualified from employment as a prekindergarten
1785 instructor under specified conditions; creating s.
1786 1002.64, F.S.; requiring private prekindergarten providers
1787 to complete certain training; requiring documentation of
1788 such training on child care personnel training
1789 transcripts; prohibiting confidentiality agreements
1790 regarding terminated or dismissed employees which have the
1791 effect of concealing certain misconduct; prohibiting a
1792 provider from providing employment references for
1793 specified employees except under certain circumstances;
1794 requiring a provider to contact a prospective employee's
1795 previous employer, verify employment history against
1796 certain databases, and document findings; requiring the
1797 Agency for Workforce Innovation and early learning
1798 coalitions to suspend enrollment of new children and the
1799 payment of funds to a provider failing to comply with
1800 these requirements; amending ss. 1003.413, 1003.53, and
1801 1004.92, F.S.; conforming cross-references; amending s.
1802 1006.061, F.S.; requiring district school boards, charter
1803 schools, private schools that accept certain scholarship
1804 students, and private prekindergarten providers to post

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 01 (for drafter's use only)

1805 policies for reporting child abuse and misconduct by
1806 employees; requiring the principal of such schools or
1807 prekindergarten director of such providers to act as a
1808 liaison in suspected cases of child abuse; requiring the
1809 Department of Education to publish sample notices;
1810 amending ss. 1008.33, 1008.345, 1010.215, and 1011.18,
1811 F.S.; conforming cross-references; amending s. 1012.27,
1812 F.S.; requiring the district school superintendent to
1813 contact a prospective employee's previous employer, verify
1814 employment history against certain databases, and document
1815 findings; creating s. 1012.315, F.S.; specifying offenses
1816 that disqualify persons from employment in certain
1817 positions requiring direct contact with students and
1818 children; amending s. 1012.32, F.S.; requiring a person
1819 who committed certain crimes to be disqualified from
1820 employment in certain positions in a district school
1821 system or charter school under specified conditions;
1822 amending s. 1012.33, F.S.; providing that just cause for
1823 terminating instructional staff includes immorality or
1824 commission of a criminal act; amending s. 1012.34, F.S.,
1825 relating to assessment procedures; conforming a cross-
1826 reference; amending s. 1012.465, F.S.; requiring certain
1827 noninstructional personnel who committed certain crimes to
1828 be disqualified from employment in certain positions in a
1829 district school system under specified conditions;
1830 amending s. 1012.56, F.S., relating to certification
1831 requirements for educators; revising requirements for
1832 conducting state and federal criminal records checks of
1833 persons seeking certification; requiring a person who
1834 committed certain crimes to be ineligible for
1835 certification under specified conditions; providing for

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 01 (for drafter's use only)

1836 the Department of Education to maintain educator records
1837 in an electronic database; amending s. 1012.79, F.S.;
1838 providing for additional members to be appointed to the
1839 Education Practices Commission; revising the composition
1840 of the panel appointed to review complaints against
1841 teachers; amending s. 1012.795, F.S.; providing for the
1842 suspension of the educator certificate of a person who
1843 knowingly fails to report child abuse or certain employee
1844 misconduct; clarifying authority of the commission to
1845 discipline educators who commit certain crimes; amending
1846 s. 1012.796, F.S.; requiring the Department of Education
1847 to investigate each complaint involving misconduct by
1848 certificated personnel; clarifying what constitutes a
1849 legally sufficient complaint; providing requirements for
1850 school board policies and procedures relating to standards
1851 of conduct; providing that the district school
1852 superintendent is accountable for training of district
1853 employees on the standards, policies, and procedures;
1854 requiring employers of certificated personnel to report
1855 employee misconduct to the Department of Education;
1856 requiring that an employee be immediately suspended and
1857 reassigned under certain circumstances; amending ss.
1858 1012.98 and 1013.03, F.S., relating to the School
1859 Community Professional Development Act and functions of
1860 the Department of Education and Board of Governors;
1861 conforming cross-references; providing appropriations and
1862 authorizing additional positions; providing an effective
1863 date.

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Education Pre-K - 12 Appropriations Committee

BILL: CS/CS/SB 1906

INTRODUCER: Education Pre-K-12 Appropriations, Education Pre-K-12 Committee and Senator Gaetz

SUBJECT: Alternative Credit High School Courses

DATE: March 20, 2008 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Carrouth</u>	<u>Matthews</u>	<u>ED</u>	<u>Fav/CS</u>
2.	<u>Armstrong</u>	<u>Hamon</u>	<u>EA</u>	<u>Fav/CS</u>
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

Please see Section VIII. for Additional Information:

- | | | |
|------------------------------|-------------------------------------|---|
| A. COMMITTEE SUBSTITUTE..... | <input checked="" type="checkbox"/> | Statement of Substantial Changes |
| B. AMENDMENTS..... | <input type="checkbox"/> | Technical amendments were recommended |
| | <input type="checkbox"/> | Amendments were recommended |
| | <input type="checkbox"/> | Significant amendments were recommended |

I. Summary:

The bill creates a pilot program to provide opportunities for high school students enrolled in rigorous career academies to simultaneously earn alternative credit in specific math and science courses.

High school students enrolled in career and professional academies as currently defined in law, could potentially earn credit for Integrated Math 1 and 2, Algebra 1a and 1b, Algebra 1, Geometry, and Biology, provided the standards and essential concepts of these courses were included in their career coursework and the students could verify mastery of the core content on approved end-of-course-assessments.

Pilot-project career academy students would be engaged in instruction that integrates multiple subjects and disciplines, is relevant to future academic and career opportunities, and allows for integrated, relevant instruction and application of knowledge. The pilot project would also allow students who are struggling academically, as well as academically advanced students, to accelerate time to graduation.

Students who attain scores that verify mastery of content on the end-of-course assessments would earn an additional 1/6 FTE. However, a district would not be able to report a student for more than 1 FTE per fiscal year.

This bill creates section 1002.375 and amends section 1011.61 of the Florida Statutes.

II. **Present Situation:**

In order to graduate with a standard high school diploma, Florida secondary students are required to complete a total of 24 courses (credits), 16 of which must include core courses in English, math, science and social studies. Beginning with students entering their first year of high school in the 2007-2008 school year, students must complete four math and three science courses for high school graduation.¹

Section 1003.436, F.S., defines a credit as 135 hours of bona fide instruction in a designated course for purposes of high school graduation.² Students who are able to master content quickly and accelerate to more demanding coursework or students who require additional academic support are not exempted from this requirement.

Furthermore, under s. 1011.60(2), in order for districts to receive funding through the Florida Education Finance Program (FEFP), all schools must operate for a term of no less than 180 days, and s. 1011.61(1)(a)1., F.S., stipulates that a student must be enrolled in instruction for a minimum of 900 net hours in order to be considered full time and, therefore, eligible for funding.

Florida secondary students enrolled in rigorous career and professional academies, as described in s. 1003.493, F.S., currently enroll in separate math and science courses with little or no transfer of, or application to, the math and science skills and standards taught within the career course. For example, a student participating in a pre-architecture course within a construction technology academy is required to take a separate, self-contained algebra or geometry course, with little or no opportunity to apply, transfer, or make relevant those math skills in the architecture course. Conversely, students in the pre-architecture course are currently acquiring the requisite math skills along with the pre-architecture skills and given ample opportunities to apply and master both skill sets, but are not awarded credit for mastery of the math skills without taking an additional course.

III. **Effect of Proposed Changes:**

The bill would provide, on a pilot basis, opportunities for students who are enrolled in relevant career-related instruction in high-interest fields to validate their acquisition of core math and science skills through career coursework that integrates and demands application of the math and science concepts. Students would not be held to traditional "seat time," thus allowing advanced students to accelerate and providing struggling students encouragement to remain in school and acquire essential and relevant academic and work-related skills.

¹ s. 1003.428(2), F.S. Section 1003.43(1), F.S., requires only three math and three science courses for high school students that entered the ninth grade in the 1997-1998 school year.

² s. 1003.436(1)(a), F.S., defines a credit as 120 hours per course in a block scheduling format.

Recently released research studies by the National Governor's Association and the Bill and Melinda Gates Foundation indicate that 47 percent of dropouts surveyed indicate that courses were not interesting and 81 percent stated that providing opportunities for real-world learning that enhances the connection between school and work would improve a student's chances to remain in school and succeed.³ The Davidson Institute for Talent Development states that 20 percent of the nation's dropouts test in the gifted range, an additional indication of the need to address and rethink the current high school curriculum and the conventional methods of instructional delivery.

The Department of Education would select up to three pilot school districts that currently operate approved career academies in high-skill, high-wage, and high-demand occupations⁴ to offer alternative credit for specific math and science courses to students who verify attainment of math and science concepts via approved end-of-course assessments.

Students enrolled in the approved academies would participate in targeted courses associated with the career theme and simultaneously earn credit in a core math or science course, provided that the career course integrated the required state standards in the math or science course and the student is able to pass an approved end-of-course assessment.

The bill assigns the following duties to the Commissioner of Education and the Department of Education in order to successfully implement the pilot project:

- Establishment of participation criteria for districts and the selection of up to three participating school districts by July 30, 2008, with interested school districts submitting a letter of intent to the Commissioner of Education by July 15, 2008;
- Approval of a course as an alternative credit course within a qualified career and professional academy;
- Selection and approval of end-of-course assessments for alternative credit;
- Maintenance of a list of approved assessments and minimum passing scores for each approved course and incorporation of the list into the Course Code Directory;
- Approval or denial within 30 days of receipt of requests from a participating pilot district for a course to be included for alternative credit purposes;
- Procedures for school districts to report all enrollments and credits earned for alternative education courses; and
- Submission of a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives by January 1, 2010, on the participation and credits earned by students as well as recommendations for expanding the use of alternative credit for core academic courses.

³ <http://www.silentepidemic.org>

⁴ Secondary career academies are described in s. 1003.493, F.S., and approved by the Agency for Workforce Innovation.

IV. Constitutional Issues:**A. Municipality/County Mandates Restrictions:**

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The bill would allow a district to earn 1/6 FTE for funding for a student who passes the appropriate end-of-course assessment and receives the alternative credit; however, a district would not be able to report a student for more than one FTE per year.

Accordingly, the bill would have an insignificant impact on Florida Education Finance Program funding.

In addition, the Department of Education would have additional responsibilities as a result of this bill, including developing criteria for participation, selecting the districts and assuring compliance with program requirements, adopting passing scores for the end-of-term examinations, and overseeing the administration and scoring of the examinations.

However, the department indicates that these efforts can be accomplished within existing funds.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Additional Information:

- A. **Committee Substitute – Statement of Substantial Changes:**
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS/CS by Education Pre-K – 12 Appropriations on March 20, 2008:

The CS for CS for SB 1906:

- Adds statewide standardized end-of-course assessments if adopted or developed by the Department of Education to the Florida Virtual School assessments that are approved to measure student mastery of the alternative credit course.

CS by Education Pre-K – 12 on March 12, 2008:

The CS for SB 1906:

- Creates a pilot program to provide opportunities for high school students enrolled in rigorous career academies to simultaneously earn alternative credit in specific math and science courses;
- Grants alternative credit to students, provided the content standards and essential concepts of the math or science course is included in the career-academy coursework and the students are able to attain a specific level of mastery of the core content as evidenced by approved end-of-course-assessments;
- Directs the Commissioner of Education to designate up to three pilot projects in school districts with approved career and professional academies. Students in the pilot districts would be engaged in instruction that integrates multiple subjects and disciplines, is relevant to future academic and career opportunities, and allows for relevant instruction and application of knowledge; and
- Provides that students who attain certain scores on approved end-of-course assessments would earn an additional 1/6 FTE; however, a district would not be able to report a student for more than 1 FTE per fiscal year.

- B. **Amendments:**

None.

20081906e1

1 A bill to be entitled
2 An act relating to alternative credit high school courses;
3 creating s. 1002.375, F.S.; establishing a pilot project
4 for awarding high school credit to students enrolled in
5 industry certification programs; requiring the
6 Commissioner of Education to establish criteria for
7 program participation; requiring that a school district
8 submit a letter of interest by a specified date in order
9 to participate in the pilot project; requiring that the
10 Commissioner of Education submit a report to the Governor
11 and the Legislature; providing for specified courses to be
12 included as alternative credit courses; exempting
13 alternative credit courses from certain requirements;
14 authorizing the Department of Education to approve certain
15 courses for credit by examination; requiring the
16 Department of Education to adopt passing minimum scores on
17 approved assessments and maintain a course directory;
18 requiring the State Board of Education to adopt rules;
19 amending s. 1011.61, F.S., relating to definitions for the
20 Florida Education Finance Program; providing for an
21 alternate method of reporting full-time equivalent
22 membership for credit earned in alternative high school
23 credit courses for the pilot project created under s.
24 1002.375, F.S.; providing an effective date.

25
26 Be It Enacted by the Legislature of the State of Florida:

27
28 Section 1. Section 1002.375, Florida Statutes, is created
29 to read:

20081906e1

30 1002.375 Alternative credit for high school courses; pilot
31 project.--

32 (1) The Commissioner of Education shall implement a pilot
33 project in up to three school districts beginning in the 2008-
34 2009 school year which allows school districts to award
35 alternative course credit for students enrolled in nationally or
36 state-recognized industry certification programs, as defined by
37 the Agency for Workforce Innovation in accordance with the
38 criteria described in s. 1003.492(2). The Commissioner of
39 Education shall establish criteria for districts that participate
40 in the pilot program. School districts interested in
41 participating in the program must submit a letter of interest by
42 July 15, 2008, to the Commissioner of Education identifying up to
43 five nationally or state-recognized industry certification
44 programs, as defined by the Agency for Workforce Innovation in
45 accordance with the criteria described in s. 1003.492(2), under
46 which the district would like to award alternative credit for the
47 eligible courses identified in subsection (2). The Commissioner
48 of Education shall select up to three participating school
49 districts by July 30, 2008. The Commissioner of Education shall
50 submit a report to the Governor, the President of the Senate, and
51 the Speaker of the House of Representatives identifying the
52 number of students choosing to earn alternative credit, the
53 number of students that received alternative credit, and
54 legislative recommendations for expanding the use of alternative
55 credit for core academic courses required for high school
56 graduation. The report shall be submitted by January 1, 2010.

57 (2) For purposes of designing and implementing a successful
58 pilot project, eligible alternative credit courses include

20081906e1

59 Algebra 1a, Algebra 1b, Algebra 1, Geometry, and Biology.
60 Alternative credits shall be awarded for courses in which a
61 student is not enrolled, but for which the student may earn
62 academic credit by enrolling in another course or sequence of
63 courses required to earn a nationally or state-recognized
64 industry certificate, as defined by the Agency for Workforce
65 Innovation in accordance with the criteria described in s.
66 1003.492(2), of which the majority of the standards-based content
67 in the course description is consistent with the alternative
68 credit course description approved by the Department of
69 Education.

70 (3) An alternative credit course is not subject to:
71 (a) The definition of credit under s. 1003.436;
72 (b) The time requirements of s. 1011.60(2); or
73 (c) The net hours of instruction requirements for purposes
74 of determining full-time equivalency pursuant to s.
75 1011.61(1)(a)1. under the Florida Education Finance Program.

76 (4) The Department of Education may approve a course as an
77 alternative credit course pursuant to this section. In order to
78 earn credit, each participating student must pass an end-of-
79 course assessment that measures proficiency in the Sunshine State
80 Standards addressed by the course. The Department of Education
81 shall approve each end-of-course assessment and the minimum
82 passing score for each assessment. Approved assessments shall be
83 limited to assessments for Algebra 1a, Algebra 1b, Algebra 1,
84 Geometry, and Biology developed by the Florida Virtual School, or
85 end-of-course statewide standardized assessments for these
86 courses which may be adopted or developed by the department. The
87 department shall approve the method of administering end-of-

20081906e1

88 course assessments for alternative credit courses in each
89 participating school district in order to ensure the validity of
90 the assessment results.

91 (5) School districts shall report all enrollments and
92 credits awarded for alternative education courses pursuant to
93 this section under procedures prescribed by the Department of
94 Education.

95 (6) The Department of Education shall maintain a list of
96 approved assessments and minimum passing scores for each approved
97 course. The approved list must be incorporated into the Course
98 Code Directory. The department shall prescribe the information a
99 district must provide in order to have a course considered for
100 inclusion in the directory listing for the approved courses used
101 in the pilot program. A properly completed request by a district
102 to have a course included in the directory must be approved or
103 denied by the department within 30 days after receipt. When a
104 request is denied, the department must provide the district with
105 its reason for denial in writing within 10 days after the denial.

106 (7) The State Board of Education shall adopt rules pursuant
107 to ss. 120.536(1) and 120.54 to implement the pilot program
108 created in this section.

109 Section 2. Paragraph (c) of subsection (1) of section
110 1011.61, Florida Statutes, is amended to read:

111 1011.61 Definitions.--Notwithstanding the provisions of s.
112 1000.21, the following terms are defined as follows for the
113 purposes of the Florida Education Finance Program:

114 (1) A "full-time equivalent student" in each program of the
115 district is defined in terms of full-time students and part-time
116 students as follows:

20081906e1

117 (c)1. A "full-time equivalent student" is:

118 a. A full-time student in any one of the programs listed in
119 s. 1011.62(1)(c); or

120 b. A combination of full-time or part-time students in any
121 one of the programs listed in s. 1011.62(1)(c) which is the
122 equivalent of one full-time student based on the following
123 calculations:

124 (I) A full-time student, except a postsecondary or adult
125 student or a senior high school student enrolled in adult
126 education when such courses are required for high school
127 graduation, in a combination of programs listed in s.
128 1011.62(1)(c) shall be a fraction of a full-time equivalent
129 membership in each special program equal to the number of net
130 hours per school year for which he or she is a member, divided by
131 the appropriate number of hours set forth in subparagraph (a)1.
132 or subparagraph (a)2. The difference between that fraction or sum
133 of fractions and the maximum value as set forth in subsection (4)
134 for each full-time student is presumed to be the balance of the
135 student's time not spent in such special education programs and
136 shall be recorded as time in the appropriate basic program.

137 (II) A prekindergarten handicapped student shall meet the
138 requirements specified for kindergarten students.

139 (III) A Florida Virtual School full-time equivalent student
140 shall consist of six full credit completions in the programs
141 listed in s. 1011.62(1)(c)1. and 4. Credit completions can be a
142 combination of either full credits or half credits.

143 (IV) Each successfully completed credit earned under the
144 alternative high school course credit requirements authorized in
145 s. 1002.375, which is not reported as a portion of the 900 net

20081906e1

146 hours of instruction pursuant to subparagraph (1)(a)1., shall be
147 calculated as 1/6 FTE.

148 2. A student in membership in a program scheduled for more
149 or less than 180 school days is a fraction of a full-time
150 equivalent membership equal to the number of instructional hours
151 in membership divided by the appropriate number of hours set
152 forth in subparagraph (a)1.; however, for the purposes of this
153 subparagraph, membership in programs scheduled for more than 180
154 days is limited to students enrolled in juvenile justice
155 education programs and the Florida Virtual School.

156
157 The department shall determine and implement an equitable method
158 of equivalent funding for experimental schools and for schools
159 operating under emergency conditions, which schools have been
160 approved by the department to operate for less than the minimum
161 school day.

162 Section 3. This act shall take effect July 1, 2008.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1 (for drafter's use only)

Bill No. **CS/CS 1906, 1st Eng.**

COUNCIL/COMMITTEE ACTION

ADOPTED _____ (Y/N)
ADOPTED AS AMENDED _____ (Y/N)
ADOPTED W/O OBJECTION _____ (Y/N)
FAILED TO ADOPT _____ (Y/N)
WITHDRAWN _____ (Y/N)
OTHER _____

1 Council/Committee hearing bill: Schools and Learning Council
2 Representatives McBurney and Legg offered the following:

3
4 **Amendment (with title amendment)**

5 Between line(s) 161 and 162 and insert:

6 Section 3. Section 1003.215, Florida Statutes, is created
7 to read:

8 1003.215 Student Preparedness Pilot Program.--

9 (1) The Legislature finds it to be in the public interest
10 that all students exit from the public schools with academic
11 skills that provide the students with the opportunity to pursue
12 postsecondary education or with skills that lead to ready to
13 work certification, industry certification, or skill licensure.

14 (2) (a) Beginning with the 2008-2009 school year, and
15 continuing through the 2014-2015 school year, there is created
16 the Student Preparedness Pilot Program to be piloted by school
17 districts. Students in a school district selected to implement
18 the pilot program pursuant to subsection (3) who attain the age
19 of 16 years but have not reached the age of 18 years and who
20 choose to exercise their option not to regularly attend school

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1 (for drafter's use only)

21 pursuant to s. 1003.21(1)(c) shall be subject to the attendance
22 and completion requirements of this section.

23 (b) In the 2008-2009 school year, each school district
24 selected pursuant to subsection (3) shall review, identify, and
25 develop curricula options for the implementation of the pilot
26 program requirements pursuant to paragraph (5)(a) for students
27 who attain the age of 16 years but have not reached the age of
28 18 years whose academic goals may not include a traditional high
29 school diploma. These options shall include, but are not limited
30 to, nontraditional academic options and flexible attendance
31 options and may include a phase-in of students by age or grade.
32 Each selected school district must develop a plan to meet the
33 student's needs and the attendance and completion requirements
34 of this section prior to implementation of the pilot program in
35 the 2009-2010 school year.

36 (3) The Department of Education shall develop an
37 application process for all school districts to apply to
38 participate in the pilot program. The State Board of Education
39 shall select the pilot program districts, one of which shall be
40 the Duval County School District.

41 (4) Parents of public school students enrolled in a
42 participating pilot program district must receive accurate and
43 timely information regarding their child's academic progress and
44 must be informed of ways they can help their child to succeed in
45 school.

46 (5)(a) A student in a participating pilot program district
47 who attains the age of 16 years but has not reached the age of
48 18 years has the right to file a formal declaration of intent to
49 terminate school enrollment if the declaration is signed by the
50 parent. The parent has the right to be notified by the school

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1 (for drafter's use only)

51 district of the district's receipt of the student's declaration
52 of intent to terminate school enrollment. The student's guidance
53 counselor or other school personnel must conduct an exit
54 interview pursuant to s. 1003.21(1)(c). Any student in a
55 participating pilot program district who files a declaration
56 seeking to terminate school enrollment but has not reached the
57 age of 18 years shall be required, until completion or
58 attainment of the age of 18 years, to continue pursuing credits
59 toward a high school diploma, pursue a high school equivalency
60 diploma with participation in the Florida Ready to Work
61 Certification Program under s. 1004.99, participate in a career
62 or job training program leading to industry certification or
63 skill licensure that is developed by or in cooperation with the
64 district school board, or participate in the Florida Ready to
65 Work Certification Program under s. 1004.99.

66 (b) A Student Preparedness Pilot Program student subject
67 to the attendance and completion requirements of this section is
68 not an "eligible student" for purposes of school grading under
69 s. 1008.34(3)(b) if the student has selected a nontraditional
70 academic option of the pilot program.

71 (6) Students who become or have become married or who are
72 pregnant and parenting have the right to attend school and
73 receive the same or equivalent educational instruction as other
74 students.

75 (7) The Office of Program Policy Analysis and Government
76 Accountability (OPPAGA), in cooperation with the participating
77 pilot program districts, the applicable state attorneys' offices
78 and regional workforce boards, the Agency for Workforce
79 Innovation, the Department of Education, and the Department of
80 Juvenile Justice, shall conduct a study annually of the impact

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1 (for drafter's use only)

81 of the pilot program on dropout and graduation rates, on the
82 employability of students, and on juvenile crime, using 2007-
83 2008 data as the baseline for the research. OPPAGA shall develop
84 criteria for collection and reporting of data with input from
85 the cooperating entities. The results of each annual report
86 shall be made available to participating pilot program
87 districts, the applicable state attorneys' offices and regional
88 workforce boards, the Agency for Workforce Education, the
89 Department of Education, the Department of Juvenile Justice, the
90 Governor, the President of the Senate, and the Speaker of the
91 House of Representatives by January 1 following each school
92 year, beginning January 1, 2012.

93 Section 4. Subsections (8) and (13) of section 1003.01,
94 Florida Statutes, are amended to read:

95 1003.01 Definitions.--As used in this chapter, the term:

96 (8) "Habitual truant" means a student who: has 15
97 unexcused absences within 90 calendar days with or without the
98 knowledge or consent of the student's parent; ~~is~~ is subject to
99 compulsory school attendance under s. 1003.21(1) and (2)(a) or
100 is subject to the Student Preparedness Pilot Program under s.
101 1003.215; ~~and is not exempt under s. 1003.21(3), or s. 1003.24,~~
102 ~~or by meeting the criteria for any other exemption specified by~~
103 law or rules of the State Board of Education. Such a student
104 must have been the subject of the activities specified in ss.
105 1003.26 and 1003.27(3), without resultant successful remediation
106 of the truancy problem before being dealt with as a child in
107 need of services according to the provisions of chapter 984.

108 (13)(a) "Regular school attendance" means the actual
109 attendance of a student during the school day as defined by law
110 and rules of the State Board of Education. Regular attendance

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1 (for drafter's use only)

111 within the intent of s. 1003.21 may be achieved by attendance
112 in:

113 ~~1.(a)~~ A public school supported by public funds;

114 ~~2.(b)~~ A parochial, religious, or denominational school;

115 ~~3.(c)~~ A private school supported in whole or in part by
116 tuition charges or by endowments or gifts;

117 ~~4.(d)~~ A home education program that meets the requirements
118 of chapter 1002; or

119 ~~5.(e)~~ A private tutoring program that meets the
120 requirements of chapter 1002.

121 (b) "Regular program attendance" for a student in the
122 Student Preparedness Pilot Program under s. 1003.215 means
123 actual attendance by the student in traditional or
124 nontraditional academic options as defined by law and rules of
125 the State Board of Education. The district school superintendent
126 shall be responsible for enforcing such attendance.

127 Section 5. Paragraph (c) of subsection (1) of section
128 1003.21, Florida Statutes, is amended to read:

129 1003.21 School attendance.--

130 (1)

131 (c) A student who attains the age of 16 years during the
132 school year is not subject to compulsory school attendance
133 beyond the date upon which he or she attains that age if the
134 student files a formal declaration of intent to terminate school
135 enrollment with the district school board. Public school
136 students who have attained the age of 16 years and who have not
137 graduated are subject to compulsory school attendance until the
138 formal declaration of intent is filed with the district school
139 board. The declaration must acknowledge that terminating school
140 enrollment is likely to reduce the student's earning potential

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1 (for drafter's use only)

141 and must be signed by the student and the student's parent. The
142 school district must notify the student's parent of receipt of
143 the student's declaration of intent to terminate school
144 enrollment. The student's guidance counselor or other school
145 personnel must conduct an exit interview with the student to
146 determine the reasons for the student's decision to terminate
147 school enrollment and actions that could be taken to keep the
148 student in school. The student must be informed of opportunities
149 to continue his or her education in a different environment,
150 including, but not limited to, adult education and GED test
151 preparation. Additionally, the student must complete a survey in
152 a format prescribed by the Department of Education to provide
153 data on student reasons for terminating enrollment and actions
154 taken by schools to keep students enrolled. A student enrolled
155 in a Student Preparedness Pilot Program school district must
156 receive information regarding the program's attendance and
157 completion requirements under s. 1003.215.

158 Section 6. Paragraph (f) of subsection (1) of section
159 1003.26, Florida Statutes, is amended to read:

160 1003.26 Enforcement of school attendance.--The Legislature
161 finds that poor academic performance is associated with
162 nonattendance and that school districts must take an active role
163 in promoting and enforcing attendance as a means of improving
164 student performance. It is the policy of the state that each
165 district school superintendent be responsible for enforcing
166 school attendance of all students subject to the compulsory
167 school age in the school district and supporting enforcement of
168 school attendance by local law enforcement agencies. The
169 responsibility includes recommending policies and procedures to
170 the district school board that require public schools to respond

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1 (for drafter's use only)

171 in a timely manner to every unexcused absence, and every absence
172 for which the reason is unknown, of students enrolled in the
173 schools. District school board policies shall require the parent
174 of a student to justify each absence of the student, and that
175 justification will be evaluated based on adopted district school
176 board policies that define excused and unexcused absences. The
177 policies must provide that public schools track excused and
178 unexcused absences and contact the home in the case of an
179 unexcused absence from school, or an absence from school for
180 which the reason is unknown, to prevent the development of
181 patterns of nonattendance. The Legislature finds that early
182 intervention in school attendance is the most effective way of
183 producing good attendance habits that will lead to improved
184 student learning and achievement. Each public school shall
185 implement the following steps to promote and enforce regular
186 school attendance:

187 (1) CONTACT, REFER, AND ENFORCE.--

188 (f)1. If the parent of a child who has been identified as
189 exhibiting a pattern of nonattendance enrolls the child in a
190 home education program pursuant to chapter 1002, the district
191 school superintendent shall provide the parent a copy of s.
192 1002.41 and the accountability requirements of this paragraph.
193 The district school superintendent shall also refer the parent
194 to a home education review committee composed of the district
195 contact for home education programs and at least two home
196 educators selected by the parent from a district list of all
197 home educators who have conducted a home education program for
198 at least 3 years and who have indicated a willingness to serve
199 on the committee. The home education review committee shall
200 review the portfolio of the student, as defined by s. 1002.41,

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1 (for drafter's use only)

201 every 30 days during the district's regular school terms until
202 the committee is satisfied that the home education program is in
203 compliance with s. 1002.41(1)(b). The first portfolio review
204 must occur within the first 30 calendar days of the
205 establishment of the program. The provisions of subparagraph 2.
206 do not apply once the committee determines the home education
207 program is in compliance with s. 1002.41(1)(b).

208 2. If the parent fails to provide a portfolio to the
209 committee, the committee shall notify the district school
210 superintendent. The district school superintendent shall then
211 terminate the home education program and require the parent to
212 enroll the child in an attendance option that meets the
213 definition of "regular school attendance" under s.
214 1003.01(13)(a) 1., 2., 3., or 5. ~~(b), (c), or (e)~~, within 3
215 days. Upon termination of a home education program pursuant to
216 this subparagraph, the parent shall not be eligible to reenroll
217 the child in a home education program for 180 calendar days.
218 Failure of a parent to enroll the child in an attendance option
219 as required by this subparagraph after termination of the home
220 education program pursuant to this subparagraph shall constitute
221 noncompliance with the compulsory attendance requirements of s.
222 1003.21 and may result in criminal prosecution under s.
223 1003.27(2). Nothing contained herein shall restrict the ability
224 of the district school superintendent, or the ability of his or
225 her designee, to review the portfolio pursuant to s.
226 1002.41(1)(b).

227 Section 7. Paragraph (d) of subsection (3) of section
228 1004.99, Florida Statutes, is amended, subsection (4) is
229 renumbered as subsection (5), and a new subsection (4) is added
230 to that section, to read:

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1 (for drafter's use only)

231 1004.99 Florida Ready to Work Certification Program.--

232 (3) The Florida Ready to Work Certification Program shall
233 be composed of:

234 (d) A Florida Ready to Work Credential ~~certificate~~ and
235 portfolio awarded to students upon successful completion of the
236 instruction. Each portfolio must delineate the skills
237 demonstrated by the student as evidence of the student's
238 preparation for employment.

239 (4) A Florida Ready to Work Credential shall be awarded to
240 a student who successfully passes assessments in Reading for
241 Information, Applied Mathematics, and Locating Information or
242 any other assessments of comparable rigor. Each assessment shall
243 be scored on a scale of 3 to 7. The level of the credential each
244 student receives is based on the following:

245 (a) A bronze-level credential requires a minimum score of
246 3 or above on each of the assessments.

247 (b) A silver-level credential requires a minimum score of
248 4 or above on each of the assessments.

249 (c) A gold-level credential requires a minimum score of 5
250 or above on each of the assessments.

251 Section 8. Paragraph (b) of subsection (2) of section
252 1003.428, Florida Statutes, is amended to read:

253 1003.428 General requirements for high school graduation;
254 revised.--

255 (2) The 24 credits may be earned through applied,
256 integrated, and combined courses approved by the Department of
257 Education and shall be distributed as follows:

258 (b) Eight credits in majors, minors, or electives:

259 1. Four credits in a major area of interest, such as
260 sequential courses in a career and technical program, fine and

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1 (for drafter's use only)

261 performing arts, or academic content area, selected by the
262 student as part of the education plan required by s. 1003.4156.
263 Students may revise major areas of interest each year as part of
264 annual course registration processes and should update their
265 education plan to reflect such revisions. Annually by October 1,
266 the district school board shall approve major areas of interest
267 and submit the list of majors to the Commissioner of Education
268 for approval. Each major area of interest shall be deemed
269 approved unless specifically rejected by the commissioner within
270 60 days. Upon approval, each district's major areas of interest
271 shall be available for use by all school districts and shall be
272 posted on the department's website. Beginning with students
273 entering grade 9 in the 2008-2009 school year, a student must
274 earn a Florida Ready to Work Credential as created under s.
275 1004.99 in order to graduate with a career or technical major
276 area of interest.

277 2. Four credits in elective courses selected by the
278 student as part of the education plan required by s. 1003.4156.
279 These credits may be combined to allow for a second major area
280 of interest pursuant to subparagraph 1., a minor area of
281 interest, elective courses, or intensive reading or mathematics
282 intervention courses as described in this subparagraph.

283 a. Minor areas of interest are composed of three credits
284 selected by the student as part of the education plan required
285 by s. 1003.4156 and approved by the district school board.

286 b. Elective courses are selected by the student in order
287 to pursue a complete education program as described in s.
288 1001.41(3) and to meet eligibility requirements for
289 scholarships.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1 (for drafter's use only)

290 c. For each year in which a student scores at Level 1 on
291 FCAT Reading, the student must be enrolled in and complete an
292 intensive reading course the following year. Placement of Level
293 2 readers in either an intensive reading course or a content
294 area course in which reading strategies are delivered shall be
295 determined by diagnosis of reading needs. The department shall
296 provide guidance on appropriate strategies for diagnosing and
297 meeting the varying instructional needs of students reading
298 below grade level. Reading courses shall be designed and offered
299 pursuant to the comprehensive reading plan required by s.
300 1011.62(8).

301 d. For each year in which a student scores at Level 1 or
302 Level 2 on FCAT Mathematics, the student must receive
303 remediation the following year. These courses may be taught
304 through applied, integrated, or combined courses and are subject
305 to approval by the department for inclusion in the Course Code
306 Directory.

307 Section 9. Subsection (1) of section 1009.536, Florida
308 Statutes, is amended to read:

309 1009.536 Florida Gold Seal Vocational Scholars award.--The
310 Florida Gold Seal Vocational Scholars award is created within
311 the Florida Bright Futures Scholarship Program to recognize and
312 reward academic achievement and career preparation by high
313 school students who wish to continue their education.

314 (1) A student is eligible for a Florida Gold Seal
315 Vocational Scholars award if the student meets the general
316 eligibility requirements for the Florida Bright Futures
317 Scholarship Program and the student:

318 (a) Completes the secondary school portion of a sequential
319 program of studies that requires at least three secondary school

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1 (for drafter's use only)

320 career credits taken over at least 2 academic years, and is
321 continued in a planned, related postsecondary education program.
322 If the student's school does not offer such a two-plus-two or
323 tech-prep program, the student must complete a job-preparatory
324 career education program selected by Workforce Florida, Inc.,
325 for its ability to provide high-wage employment in an occupation
326 with high potential for employment opportunities. On-the-job
327 training may not be substituted for any of the three required
328 career credits.

329 (b) Demonstrates readiness for postsecondary education by
330 earning a passing score on the Florida College Entry Level
331 Placement Test or its equivalent as identified by the Department
332 of Education.

333 (c) Earns a minimum cumulative weighted grade point
334 average of 3.0, as calculated pursuant to s. 1009.531, on all
335 subjects required for a standard high school diploma, excluding
336 elective courses.

337 (d) Earns a minimum unweighted grade point average of 3.5
338 on a 4.0 scale for secondary career courses comprising the
339 career program.

340 (e) Beginning with students entering grade 9 in the 2008-
341 2009 school year, earns a gold-level Florida Ready to Work
342 Credential as created under s. 1004.99.

343 Section 10. Paragraph (j) is added to subsection (5) of
344 section 445.004, Florida Statutes, to read:

345 445.004 Workforce Florida, Inc.; creation; purpose;
346 membership; duties and powers.--

347 (5) Workforce Florida, Inc., shall have all the powers and
348 authority, not explicitly prohibited by statute, necessary or
349 convenient to carry out and effectuate the purposes as

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1 (for drafter's use only)

350 determined by statute, Pub. L. No. 105-220, and the Governor, as
351 well as its functions, duties, and responsibilities, including,
352 but not limited to, the following:

353 (j) In partnership with the Department of Education,
354 ensuring consistent use of the Florida Ready to Work Credential
355 as created under s. 1004.99.

356
357 -----
358 **T I T L E A M E N D M E N T**

359 Remove lines 2-24 insert:

360 An act relating to alternative high school courses and programs;
361 creating s. 1002.375, F.S.; establishing a pilot project for
362 awarding high school credit to students enrolled in industry
363 certification programs; requiring the Commissioner of Education
364 to establish criteria for program participation; requiring that
365 a school district submit a letter of interest by a specified
366 date in order to participate in the pilot project; requiring
367 that the Commissioner of Education submit a report to the
368 Governor and the Legislature; providing for specified courses to
369 be included as alternative credit courses; exempting alternative
370 credit courses from certain requirements; authorizing the
371 Department of Education to approve certain courses for credit by
372 examination; requiring the Department of Education to adopt
373 passing minimum scores on approved assessments and maintain a
374 course directory; requiring the State Board of Education to
375 adopt rules; amending s. 1011.61, F.S., relating to definitions
376 for the Florida Education Finance Program; providing for an
377 alternate method of reporting full-time equivalent membership
378 for credit earned in alternative high school credit courses for
379 the pilot project created under s. 1002.375, F.S.; creating s.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1 (for drafter's use only)

380 1003.215, F.S.; creating the Student Preparedness Pilot Program;
381 requiring the Duval County School District and each selected
382 school district to review and identify curricula options for
383 certain students; requiring students who attain the age of 16
384 years but have not reached the age of 18 years in pilot program
385 districts who do not regularly attend school to be subject to
386 specific attendance and completion requirements; providing for
387 an application and selection process for school district
388 participation; specifying procedures for termination of school
389 enrollment and requirements for pilot program attendance and
390 completion; specifying that students who select a nontraditional
391 academic option are not eligible students for purposes of school
392 grading; requiring an annual study and reporting by the Office
393 of Program Policy Analysis and Government Accountability;
394 amending s. 1003.01, F.S.; providing that habitual truancy
395 provisions apply to students subject to pilot program
396 requirements; defining regular program attendance in a pilot
397 program school district; amending s. 1003.21, F.S.; requiring a
398 student in a pilot program school district to be informed of
399 attendance and completion requirements; amending s. 1003.26,
400 F.S.; conforming cross-references; amending s. 1004.99, F.S.,
401 relating to the Florida Ready to Work Program; providing
402 requirements for attaining bronze, silver, and gold credential
403 levels; amending s. 1003.428, F.S.; requiring a student to earn
404 the credential for high school graduation with a career or
405 technical major area of interest; amending s. 1009.536, F.S.;
406 requiring a student to earn the credential for receipt of a
407 Florida Gold Seal Vocational Scholars award; amending s.
408 445.004, F.S.; requiring Workforce Florida, Inc., and the

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1 (for drafter's use only)

409 Department of Education to ensure consistent use of the
410 credential;providing an effective date.

411

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Education Pre-K - 12 Appropriations Committee

BILL: CS/SB 1908

INTRODUCER: Education Pre-K - 12 Committee and Senator Gaetz

SUBJECT: High School Grades

DATE: March 13, 2008 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>deMarsh-Mathues</u>	<u>Matthews</u>	<u>ED</u>	<u>Fav/CS</u>
2.	<u>Armstrong</u>	<u>Hamon</u>	<u>EA</u>	<u>Favorable</u>
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

Please see Section VIII. for Additional Information:

- | | | |
|------------------------------|-------------------------------------|---|
| A. COMMITTEE SUBSTITUTE..... | <input checked="" type="checkbox"/> | Statement of Substantial Changes |
| B. AMENDMENTS..... | <input type="checkbox"/> | Technical amendments were recommended |
| | <input type="checkbox"/> | Amendments were recommended |
| | <input type="checkbox"/> | Significant amendments were recommended |

I. Summary:

The bill provides additional criteria and student assessment data for designating school grades, beginning with the 2009-2010 school year for high schools with grades 9, 10, 11, and 12, or grades 10, 11, and 12. Half of a school's grade will be based on the existing FCAT-related factors in s. 1008.34(3)(a), F.S., and the other half will be based on factors that include a school's high school graduation rate, including at-risk students who scored at Level 2 or lower on the 8th grade FCAT in reading and math, the postsecondary readiness of the students, the performance of a school's students on statewide standardized end-of-course assessments approved by the Department of Education, when available, and the annual growth or decline in these components. As valid data becomes available, the criteria will include performance and participation of students in Advanced Placement (AP®) courses; International Baccalaureate (IB) courses; dual enrollment courses; Advanced International Certificate of Education (AICE) courses; and the achievement of industry certification in a career and professional academy.

This bill substantially amends section 1008.34 of the Florida Statutes:

II. Present Situation:

Student achievement data from the Florida Comprehensive Assessment Test (FCAT) in grades 3-10 are used to establish both proficiency levels and annual progress for individual students, schools, districts, and the state.¹ Results are also used as the primary criteria in calculating school performance grades, school rewards and recognition, and performance-based funding.² The results of the statewide assessment program must be annually reported by the Commissioner of Education.

School grades were first issued in 1999 under the A+ Plan for Education with the FCAT being the primary criterion in calculating school grades.³ Since then, school grading evolved to include the FCAT results of students in grades 3-10, student learning gains, and a measure to determine whether the lowest performing students are making improvements in reading, math or writing.⁴ By the 2009-2010 school year, the criteria for school grades will include learning gains for students seeking a special diploma, as measured by an alternate assessment tool.⁵

The following letter grades are used to designate school performance:

- "A," for schools making excellent progress;
- "B," for schools making above average progress;
- "C," for schools making satisfactory progress;
- "D," for schools making less than satisfactory progress; and
- "F," for schools failing to make adequate progress.⁶

The criteria for designating school performance grades are based on a combination of the following:⁷

- Student achievement scores, including achievement scores for students seeking a special diploma;
- Student learning gains as measured by annual FCAT assessments in grades 3 through 10; and
- Improvement of the lowest 25th percentile of students in the school in reading, math, or writing on the FCAT, unless these students are exhibiting satisfactory performance.

Student assessment data used in determining school grades includes:⁸

- Aggregate scores of all eligible students enrolled in the school who have been:

¹ s. 1008.34, F.S.

² Rule 6A-1.09981, F.A.C.

³ ch. 99-398, L.O.F. In school years 1998-1999 and 1999-2000, a school's performance grade was determined by the student achievement levels on the FCAT and on other appropriate performance data, including, but not limited to, attendance, dropout rate, school discipline data, and student readiness for college, in accordance with rules of the State Board of Education. Student assessment data included the median scores of all eligible students enrolled in the school who were assessed on the FCAT and who scored at or in the lowest 25th percentile of the state in the previous school year.

⁴ See ch. 2000-235, L.O.F.; ch. 2001-90, L.O.F.; ch. 2002-387, L.O.F.; and ch. 2006-74, L.O.F.

⁵ ch. 2006-74, L.O.F., which also created s. 1008.341, F.S., permits alternative schools that provide dropout prevention and academic intervention services pursuant to s. 1003.53, F.S., to receive a school improvement rating.

⁶ s. 1008.34, F.S.

⁷ *Id.*

⁸ *Id.*

- Assessed on the FCAT; and
- Assessed on the FCAT, including Florida Writes, with scores at or in the lowest 25th percentile of students in the school in reading, math, or writing, unless these students are exhibiting satisfactory performance; and
- Achievement scores and learning gains of eligible students attending alternative schools that provide dropout prevention and academic intervention services pursuant to s. 1003.53, F.S.

School grades are calculated using a point system. Schools are awarded one point for each percent of students who score at specific levels on the FCAT and make annual learning gains.⁹ Student scores are classified into five achievement levels, with 1 being the lowest and 5 being the highest.¹⁰ Schools earn one point for each percent of students who score in achievement Levels 3, 4, or 5 in reading and one point for each percent of students who score Levels 3, 4, or 5 in math. Schools earn one point for each percent of students scoring 3.5 or above on the writing portion of the FCAT. Points are also awarded for students who make annual learning gains in reading and math and for the learning gains of students scoring in the lowest quartile in reading.¹¹ These points are added together and converted into a school grading scale.

In addition to the accumulation of percentage points for each of the performance measures, schools are also evaluated on the basis of the percent of students tested and the adequate progress of the lowest quartile of students in reading and math.¹²

- Schools earning enough total points to earn a grade of “A” must also test at least 95 percent of their eligible students. All other letter grade designations are based on testing a minimum of 90 percent of the eligible students;
- Schools with enough points to earn an “A” must show adequate progress of the lowest quartile of students¹³ in both reading and math for the current year; and
- Schools with enough points to earn a “B” or “C” must show adequate progress of the lowest quartile of students in both reading and math for either the current or previous year.¹⁴ The final grade will be reduced one letter grade for schools failing to meet this criterion.

In 2007, school grades include student performance on the science portion of the FCAT and the learning gains of students scoring in the lowest quartile in math.¹⁵ Additionally, high schools were eligible to earn ten bonus points to their total school grade points if at least half of the 11th and 12th grade students in the school who were required to retake the grade 10 FCAT met the

⁹ Rule 6A-1.09981, F.A.C. .

¹⁰ Student performance is considered to be below grade level (Levels 1 and 2), at grade level (Level 3), and above grade level (Levels 4 and 5).

¹¹ Rule 6A-1.09981, F.A.C.

¹² *Id.*

¹³ For purposes of this calculation, these are students scoring in Levels 1-3 of the reading and math portions of the FCAT in each grade. *2007 Guide to Calculating School Grades, 2006-2007 Technical Assistance Paper*, DOE, p. 5.

¹⁴ *Id.* The minimum requirement for adequate progress is met when at least half of the lowest performing students make learning gains.

¹⁵ *Id.* and Rule 6A-1.09422, F.A.C.

FCAT graduation requirement.¹⁶ To receive the bonus, there had to be 10 eligible students. Of the 162 high schools that earned bonus points, 22 schools improved a letter grade due to the bonus points.¹⁷

The following table reflects the high school grades for school years 1999 through 2007.

High School Grades for School Years 1999-2007¹⁸

Grade	2006-2007	2005-2006	2004-2005	2003-2004	2002-2003	2001-2002	2000-2001	1999-2000	1998-1999
A	55	64	59	35	57	53	54	10	8
B	86	95	82	66	79	65	17	9	12
C	119	146	134	159	145	152	252	280	278
D	102	66	95	83	51	40	45	62	56
F	30	10	21	15	12	19	0	0	4

III. Effect of Proposed Changes:

The bill provides additional criteria and student assessment data for designating school grades, beginning with the 2009-2010 school year for high schools with grades 9, 10, 11, and 12, or grades 10, 11, and 12. Half of a school's grade will be based on the existing FCAT-related factors in s. 1008.34(3)(a), F.S., and the other half will be based on the following:

- High school graduation rate of the school;
- As valid data becomes available, the performance and participation of a school's students in Advanced Placement (AP®) courses; International Baccalaureate (IB) courses; dual enrollment courses; Advanced International Certificate of Education (AICE) courses; and achievement of industry certification in a career and professional academy, as described in s. 1003.493, F.S.;¹⁹
- Postsecondary readiness of the school's students, as measured by the SAT, ACT, or the Common Placement Test;²⁰
- High school graduation rate of at-risk students who scored at Level 2 or lower on the 8th grade FCAT in reading and math;
- Performance of a school's students on statewide standardized end-of-course assessments approved by the Department of Education; and
- Growth or decline in the components listed above from year to year.

To the existing student assessment data, the bill adds the following data, as determined to be valid and available by the DOE:

- High school graduation rate of the school, as calculated by the DOE;

¹⁶ Rule 6A-1.09981, F.A.C.

¹⁷ Two schools improved to an "A," 13 schools improved to a "B," and 7 schools improved to a "C." To receive the ten points, at least 50 percent of the 11th and 12th grade students must pass the retake of the reading and math portion of the FCAT. See http://schoolgrades.fl DOE.org/pdf/0607/School_Grades_07_PressPacketComplete.pdf

¹⁸ DOE, February 2008.

¹⁹ AP®, IB, dual enrollment, AICE are acceleration mechanisms under ss. 1007.22 and 1007.27, F.S. National industry certification is determined by the Agency for Workforce Innovation, pursuant to s. 1003.492(2), F.S., based upon the highest available national standards.

²⁰ The Common Placement Test, pursuant to s. 1008.30, F.S., assesses the basic computation and communication skills of students who intend to enter a degree program at any public postsecondary educational institution.

- Participation rate of all eligible students enrolled in the school and enrolled in AP®, IB, dual enrollment, AICE, and eligible industry certification programs;²¹
- Aggregate scores of all eligible students enrolled in the school in AP®, IB, and AICE, courses;
- College credit earned by all eligible students enrolled in the school in dual enrollment programs;²²
- Certificates earned by all eligible students enrolled in the school for an industry certified program, as determined by the AWI, in a career and professional academy;
- Aggregate scores of all eligible students enrolled in the school in reading, math, and other subjects, as measured by the SAT, ACT, and Common Placement Test for postsecondary readiness;
- High school graduation rate of all eligible at-risk students enrolled in the school who scored at Level 2 or lower on the reading and math portions of the 8th grade FCAT;
- Performance of a school's students on statewide standardized end-of-course assessments approved by the Department of Education; and
- Growth or decline in the data components listed above from year to year.

For high schools (grades 9, 10, 11, and 12, or grades 10, 11, and 12), the criteria must give added weight to the graduation rate of all eligible at-risk students.²³ High schools designated with a grade of "A" must demonstrate that at-risk students in the school are making adequate progress.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

²¹ ss. 1003.492 and 1003.493, F.S.

²² s. 1007.271, F.S.

²³ At risk students are students who score at Level 2 or lower on the 8th grade FCAT in reading and math.

C. Government Sector Impact:

Schools that earn a grade of "A" or improve at least one grade level are eligible for school recognition funds pursuant to s. 1008.36, F.S. The fiscal impact on this program cannot be determined because it is not known how the provisions of the bill will be implemented and the school grades earned under the new criteria. If the bill is implemented in a manner that increases the number of eligible schools, funds for the school recognition program would increase. Conversely, if implementation reduces the number of eligible schools, funds for the school recognition program would decrease. However, in either situation, implementation would be accomplished within existing state funds, because funds for the Discretionary Lottery program offset any increases or decreases to the School Recognition program funds.

The State Board of Education will have responsibility to incorporate the additional factors into the criteria for school grades as required by the bill. This effort is expected to have an insignificant fiscal impact.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Additional Information:**A. Committee Substitute – Statement of Substantial Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

On March 12, 2008, the Education Pre-K – 12 Committee adopted a committee substitute that provides additional criteria and student assessment data for designating school grades beginning with the 2009-2010 school year for high schools. Half of a school's grade will be based on the existing FCAT-related factors and the other half will be based on factors that include a school's high school graduation rate, postsecondary readiness of the students, and the performance of a school's students on statewide standardized end-of-course assessments, when available. As valid data becomes available, other criteria will be included.

B. Amendments:

None.

By the Committee on Education Pre-K - 12; and Senator Gaetz

581-04917A-08

20081908c1

1 A bill to be entitled
2 An act relating to the designation of high school grades;
3 amending s. 1008.34, F.S, relating to the school grading
4 system; providing for a revised high school grading system
5 beginning with the 2009-2010 school year which includes
6 the statewide standardized assessment, graduation rates,
7 performance and participation in certain courses,
8 postsecondary readiness as measured by certain
9 examinations, and the change in these factors from year to
10 year; specifying the data components to be used in
11 determining the revised high school grading system;
12 requiring that the criteria for school grades give added
13 weight to the graduation rate of all eligible at-risk
14 students; providing an effective date.

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

17
18 Section 1. Subsection (3) of section 1008.34, Florida
19 Statutes, is amended to read:

20 1008.34 School grading system; school report cards;
21 district grade.--

22 (3) DESIGNATION OF SCHOOL GRADES.--Each school that has
23 students who are tested and included in the school grading
24 system, except an alternative school that receives a school
25 improvement rating pursuant to s. 1008.341, shall receive a
26 school grade; however, an alternative school may choose to
27 receive a school grade under this section in lieu of a school
28 improvement rating. Additionally, a school that serves any
29 combination of students in kindergarten through grade 3 which

581-04917A-08

20081908c1

30 does not receive a school grade because its students are not
31 tested and included in the school grading system shall receive
32 the school grade designation of a K-3 feeder pattern school
33 identified by the Department of Education and verified by the
34 school district. A school feeder pattern exists if at least 60
35 percent of the students in the school serving a combination of
36 students in kindergarten through grade 3 are scheduled to be
37 assigned to the graded school. School grades itemized in
38 subsection (2) shall be based on the following:

39 (a) ~~1. Criteria.~~ A school's grade shall be based on a
40 combination of:

41 ~~a.1.~~ Student achievement scores, including achievement
42 scores for students seeking a special diploma.

43 ~~b.2.~~ Student learning gains as measured by annual FCAT
44 assessments in grades 3 through 10; learning gains for students
45 seeking a special diploma, as measured by an alternate assessment
46 tool, shall be included not later than the 2009-2010 school year.

47 ~~c.3.~~ Improvement of the lowest 25th percentile of students
48 in the school in reading, math, or writing on the FCAT, unless
49 these students are exhibiting satisfactory performance.

50 2. Beginning with the 2009-2010 school year for schools
51 comprised of high school grades 9, 10, 11, and 12, or grades 10,
52 11, and 12, 50 percent of the school grade shall be based on a
53 combination of the factors listed in sub-subparagraphs 1.a.-c.
54 and the remaining 50 percent on the following factors:

55 a. The high school graduation rate of the school;

56 b. As valid data becomes available, the performance and
57 participation of the school's students in College Board Advanced
58 Placement courses; International Baccalaureate courses; dual

581-04917A-08

20081908c1

59 enrollment courses; Advanced International Certificate of
60 Education courses; and achievement of industry certification, as
61 determined by the Agency for Workforce Innovation under s.
62 1003.492(2) in a career and professional academy, as described in
63 s. 1003.493;

64 c. Postsecondary readiness of the school's students as
65 measured by the SAT, ACT, or the common placement test;

66 d. The high school graduation rate of at-risk students who
67 scored at Level 2 or lower on the 8th grade FCAT Reading and
68 Mathematics examinations;

69 e. As valid data becomes available, the performance of the
70 school's students on statewide standardized end-of-course
71 assessments approved by the Department of Education; and

72 f. The growth or decline in the components listed in sub-
73 subparagraphs a. through e. from year to year.

74 (b) ~~Student assessment data.~~ Student assessment data used
75 in determining school grades shall include:

76 1. The aggregate scores of all eligible students enrolled
77 in the school who have been assessed on the FCAT.

78 2. The aggregate scores of all eligible students enrolled
79 in the school who have been assessed on the FCAT, including
80 Florida Writes, and who have scored at or in the lowest 25th
81 percentile of students in the school in reading, math, or
82 writing, unless these students are exhibiting satisfactory
83 performance.

84 3. Effective with the 2005-2006 school year, the
85 achievement scores and learning gains of eligible students
86 attending alternative schools that provide dropout prevention and
87 academic intervention services pursuant to s. 1003.53. The term

581-04917A-08

20081908c1

88 "eligible students" in this subparagraph does not include
89 students attending an alternative school who are subject to
90 district school board policies for expulsion for repeated or
91 serious offenses, who are in dropout retrieval programs serving
92 students who have officially been designated as dropouts, or who
93 are in programs operated or contracted by the Department of
94 Juvenile Justice. The student performance data for eligible
95 students identified in this subparagraph shall be included in the
96 calculation of the home school's grade. For purposes of this
97 section and s. 1008.341, "home school" means the school the
98 student was attending when assigned to an alternative school. If
99 an alternative school chooses to be graded pursuant to this
100 section, student performance data for eligible students
101 identified in this subparagraph shall not be included in the home
102 school's grade but shall be included only in the calculation of
103 the alternative school's grade. School districts must require
104 collaboration between the home school and the alternative school
105 in order to promote student success.

106 4. Beginning with the 2009-2010 school year for schools
107 comprised of high school grades 9, 10, 11, and 12, or grades 10,
108 11, and 12, the data listed in subparagraphs 1. through 3. and
109 the following data as the Department of Education determines such
110 data are valid and available:

111 a. The high school graduation rate of the school as
112 calculated by the Department of Education;

113 b. The participation rate of all eligible students enrolled
114 in the school and enrolled in College Board Advanced Placement
115 courses; International Baccalaureate courses; dual enrollment
116 courses; Advanced International Certificate of Education courses;

581-04917A-08

20081908c1

117 and courses or sequence of courses leading to industry
118 certification, as determined by the Agency for Workforce
119 Innovation under s. 1003.492(2) in a career and professional
120 academy, as described in s. 1003.493;

121 c. The aggregate scores of all eligible students enrolled
122 in the school in College Board Advanced Placement courses,
123 International Baccalaureate courses, and Advanced International
124 Certificate of Education courses;

125 d. Earning of college credit by all eligible students
126 enrolled in the school in dual enrollment programs under s.
127 1007.271;

128 e. Earning of an industry certification, as determined by
129 the Agency for Workforce Innovation under s. 1003.492(2) in a
130 career and professional academy, as described in s. 1003.493;

131 f. The aggregate scores of all eligible students enrolled
132 in the school in reading, mathematics, and other subjects as
133 measured by the SAT, ACT, and common placement test for
134 postsecondary readiness;

135 g. The high school graduation rate of all eligible at-risk
136 students enrolled in the school who scored at Level 2 or lower on
137 the 8th grade FCAT Reading and Mathematics examinations;

138 h. The performance of the school's students on statewide
139 standardized end-of-course assessments approved by the Department
140 of Education; and

141 i. The growth or decline in the data components listed in
142 sub-subparagraphs a. through h. from year to year.

143

144 The State Board of Education shall adopt appropriate criteria for
145 each school grade. The criteria must also give added weight to

581-04917A-08

20081908c1

146 student achievement in reading. Schools designated with a grade
147 of "C," making satisfactory progress, shall be required to
148 demonstrate that adequate progress has been made by students in
149 the school who are in the lowest 25th percentile in reading,
150 math, or writing on the FCAT, including Florida Writes, unless
151 these students are exhibiting satisfactory performance. Beginning
152 with the 2009-2010 school year for schools comprised of high
153 school grades 9, 10, 11, and 12, or grades 10, 11, and 12, the
154 criteria for school grades must also give added weight to the
155 graduation rate of all eligible at-risk students, as defined in
156 this paragraph. Beginning in the 2009-2010 school year, in order
157 for a high school to be designated as having a grade of "A,"
158 making excellent progress, the school must demonstrate that at-
159 risk students, as defined in this paragraph, in the school are
160 making adequate progress.

161 Section 2. This act shall take effect July 1, 2008.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 01 (for drafter's use only)

Bill No. CS/SB 1908

COUNCIL/COMMITTEE ACTION

ADOPTED	___	(Y/N)
ADOPTED AS AMENDED	___	(Y/N)
ADOPTED W/O OBJECTION	___	(Y/N)
FAILED TO ADOPT	___	(Y/N)
WITHDRAWN	___	(Y/N)
OTHER	_____	

1 Council/Committee hearing bill: Schools & Learning

2 Representative(s) Pickens offered the following:

3
4 **Amendment**

5 Remove line(s) 55-63 and insert:

6

7 b. As valid data becomes available, the performance and
8 participation of the school's students in College Board Advanced
9 Placement courses, International Baccalaureate courses, dual
10 enrollment courses, and Advanced International Certificate of
11 Education courses; the students' achievement of industry
12 certification, as determined by the Agency for Workforce
13 Innovation under s. 1003.492(2) in a career and professional
14 academy, as described in s. 1003.493; and the students'
15 achievement of the Florida Ready to Work Credential;

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 02 (for drafter's use only)

Bill No. **CS/SB 1908**

COUNCIL/COMMITTEE ACTION

ADOPTED _____ (Y/N)
ADOPTED AS AMENDED _____ (Y/N)
ADOPTED W/O OBJECTION _____ (Y/N)
FAILED TO ADOPT _____ (Y/N)
WITHDRAWN _____ (Y/N)
OTHER _____

1 Council/Committee hearing bill: Schools & Learning

2 Representative(s) Pickens offered the following:

3
4 **Amendment**

5 Remove line(s) 131-142 and insert:

6
7 f. Earning of the Florida Ready to Work Credential under
8 s. 1004.99;

9 g. The aggregate scores of all eligible students enrolled
10 in the school in reading, mathematics, and other subjects as
11 measured by the SAT, ACT, and common placement test for
12 postsecondary readiness;

13 h. The high school graduation rate of all eligible at-risk
14 students enrolled in the school who scored at Level 2 or lower
15 the 8th grade FCAT Reading and Mathematics examinations;

16 i. The performance of the school's students on statewide
17 standardized end-of-course assessments approved by the
18 Department of Education; and

19 j. The growth or decline in the data components listed in
20 sub-subparagraphs a. through i. from year to year.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 03(for drafter's use only)

Bill No. **CS/SB 1908**

COUNCIL/COMMITTEE ACTION

ADOPTED ___ (Y/N)
ADOPTED AS AMENDED ___ (Y/N)
ADOPTED W/O OBJECTION ___ (Y/N)
FAILED TO ADOPT ___ (Y/N)
WITHDRAWN ___ (Y/N)
OTHER _____

1 Council/Committee hearing bill: Schools & Learning Council
2 Representative(s) Coley offered the following:

3
4 **Amendment (with title amendments)**

5 Between line(s) 160-161 insert:

6 Section 2. Paragraph (i) of subsection (3) of section
7 1003.413, Florida Statutes, is amended to read:

8 1003.413 Florida Secondary School Redesign Act.--

9 (3) Based on these guiding principles, district school
10 boards shall establish policies to implement the requirements of
11 ss. 1003.4156, 1003.428, and 1003.493. The policies must
12 address:

13 (i) An annual review of each high school student's
14 electronic personal education plan created pursuant to s.
15 1003.4156 and procedures for high school students who have not
16 prepared an electronic personal education plan pursuant to s.
17 1003.4156 to prepare such plan.

18 Section 3. Section 1003.4285, Florida Statutes, is created
19 to read:

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 03 (for drafter's use only)

20 1003.4285 Standard high school diploma designations.--By
21 the 2008-2009 school year, each standard high school diploma
22 shall include, as applicable:

23 (1) A designation of the student's major area of interest
24 pursuant to the student's completion of credits as provided in
25 s. 1003.428.

26 (2) A designation reflecting completion of four or more
27 accelerated college credit courses if the student is eligible
28 for college credit pursuant to s. 1007.27 or s. 1007.271 in
29 Advanced Placement, International Baccalaureate, Advanced
30 International Certificate of Education, or dual enrollment
31 courses. The Commissioner of Education shall establish
32 guidelines for successful passage of examinations or coursework
33 in each of the accelerated college credit options for purposes
34 of this subsection.

35 (3) A designation reflecting career education
36 certification in accordance with s. 1003.431.

37 (4) A designation reflecting a Florida Ready to Work
38 Credential in accordance with s. 1004.99.

39 Section 4. Section 1003.4287, Florida Statutes, is created
40 to read:

41 1003.4287 Postsecondary education credit courses;
42 comprehensive plan.--

43 (1) The purpose of this section is to provide each public
44 high school student with access to a substantive and rigorous
45 curriculum that is designed to challenge the student's mind,
46 enhance the student's knowledge and skills, and prepare the
47 student for success in college and work.

48 (2) For purposes of this section, the term "postsecondary
49 education credit course" means a course through which a high

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 03(for drafter's use only)

50 school student may earn postsecondary credit and includes
51 Advanced Placement courses, International Baccalaureate courses,
52 Advanced International Certificate of Education courses, and
53 dual enrollment courses.

54 (3) By the 2009-2010 school year, each public high school
55 in the state must provide students access to at least four
56 Advanced Placement, International Baccalaureate, Advanced
57 International Certificate of Education, or dual enrollment
58 courses, one each in English, mathematics, science, and social
59 studies, and at least four courses in career and technical dual
60 enrollment. To fulfill this requirement, schools may utilize
61 course offerings provided by the Florida Virtual School, a
62 career center, a charter technical career center, a community
63 college, a state university, or an independent college or
64 university eligible for inclusion in the dual enrollment program
65 pursuant to s. 1011.62.

66 (4) To assist with implementation of this section, the
67 State Board of Education shall develop and adopt a comprehensive
68 plan that:

69 (a) Provides all students with access to a substantive and
70 rigorous curriculum that is designed to challenge their minds
71 and enhance their knowledge and skills and with opportunities to
72 acquire postsecondary education credits while in high school.

73 (b) Supports school administrators and guidance counselors
74 in the receipt of professional development that enables them to
75 create strong and effective postsecondary opportunities for
76 their students.

77 (c) Establishes guidelines and timelines for teachers and
78 school leaders in middle schools and high schools to receive
79 training in content knowledge and instructional skills to

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 03 (for drafter's use only)

80 prepare students for success in a rigorous curriculum that leads
81 to postsecondary education credit.

82 (d) Creates long-term and annual statewide goals for
83 increasing:

84 1. The number and percentage of students enrolling in and
85 completing postsecondary education credit courses.

86 2. The number and percentage of students receiving
87 postsecondary education credits in such courses.

88 3. The number and percentage of low-income and
89 underrepresented students enrolling in and completing
90 postsecondary education credit courses.

91 4. The number and percentage of low-income and
92 underrepresented students receiving postsecondary education
93 credit in such courses.

94 (e) Leverages federal and private funding available for
95 incentives and training.

96 (f) Focuses state and federal funding to carry out
97 activities that target school districts serving high
98 concentrations of low-income and underrepresented students.

99 (g) Provides a plan of communication that emphasizes the
100 importance of postsecondary education credit courses to a
101 student's ability to gain access to and succeed in postsecondary
102 education. The plan for such communication should include
103 information to students, teachers, counselors, administrators,
104 school districts, community colleges, and state universities.

105 (h) Requires annual evaluations of the impact of the
106 implementation of this section on the rates of student
107 enrollment and success in postsecondary education credit
108 courses, on high school graduation rates, and on college
109 enrollment rates. The evaluation must include a review of the

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 03(for drafter's use only)

110 progress toward meeting goals established pursuant to paragraph
111 (d).

112 Section 5. Subsection (3) of section 1004.91, Florida
113 Statutes, is amended to read:

114 1004.91 Career-preparatory instruction.--

115 (3) An adult student with a disability may be exempted
116 from the provisions of this section. A student who possesses a
117 college degree at the associate in applied science level or
118 higher is exempt from this section. A student who has completed
119 or who is exempt from the college-level communication and
120 computation skills examination pursuant to s. 1008.29, or who is
121 exempt from the college entry-level examination pursuant to s.
122 1008.29, is exempt from the provisions of this section. Students
123 who have passed a state, national, or industry licensure exam
124 are exempt from this section. An adult student who is enrolled
125 in an apprenticeship program that is registered with the
126 Department of Education in accordance with the provisions of
127 chapter 446 is exempt from the provisions of this section.

128 Section 6. Paragraph (c) of subsection (2) of section
129 1007.21, Florida Statutes, is amended to read:

130 1007.21 Readiness for postsecondary education and the
131 workplace.--

132 (2)

133 (c) The common placement test authorized in ss.
134 1001.03(10) and 1008.30 or a similar test may be administered to
135 ~~all high school students second semester sophomores~~ who have
136 chosen one of the four destinations. The results of the
137 placement test shall be used to target additional instructional
138 needs in reading, writing, and mathematics prior to graduation.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 03 (for drafter's use only)

139 Section 7. Section 1007.212, Florida Statutes, is created
140 to read:

141 1007.212 Remediation Reform Pilot Project.--

142 (1) The Legislature finds that the cost to the state and
143 to students for remedial education has exceeded \$100 million in
144 recent years. The Legislature further finds that it is in the
145 public's best interest to identify policies and best practices
146 that reduce the need for and the cost of remediation for recent
147 high school graduates who enter postsecondary education.

148 (2) Beginning with the 2008-2009 school year, there is
149 created the Remediation Reform Pilot Project with the goal of
150 reducing the need for and the cost of remediation for recent
151 high school graduates who enter postsecondary education.

152 (3) The Department of Education shall develop by August 1,
153 2008, an application process for community colleges and school
154 districts to participate in the pilot project. Each application
155 must represent a collaborative effort between one or more
156 community colleges and one or more school districts in each
157 community college's service area.

158 (4) Each application shall:

159 (a) Identify the specific area or areas of remediation to
160 be addressed as part of the pilot project.

161 (b) Provide the most recent data available from the
162 postsecondary feedback reports produced pursuant to s. 1008.37
163 for each community college and school district that will
164 participate in the pilot project for the area or areas of
165 remediation that will be addressed during the course of the
166 project.

167 (c) Describe the strategies currently used by the
168 participating institutions to address remediation needs,

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 03 (for drafter's use only)

169 including mechanisms used to identify students who need
170 remediation, corrective actions employed to address identified
171 needs, and methods used to evaluate the effectiveness of these
172 strategies.

173 (d) Describe any proposed changes to current strategies
174 that have been designed to reduce the need for postsecondary
175 remediation, including, but not limited to:

176 1. Specific intervention efforts that will be employed to
177 address identified deficiencies.

178 2. The process the community college and the school
179 district will use to determine the effectiveness of the changes.

180 3. A projected timeline for implementation of the changes.

181 (e) Describe specific professional development activities
182 that will be provided for secondary education faculty.

183 (f) Provide itemized estimates of the costs to each
184 participating community college and school district of
185 implementing the proposal.

186 (g) Identify any local, federal, or private funding that
187 may be available to support the project.

188 (h) Project any reductions in the need for and the cost of
189 remediation that are anticipated following implementation and
190 describe the method used to develop the projections.

191 (5) By October 1, 2008, the Commissioner of Education
192 shall evaluate the applications and recommend no more than four
193 proposals to the President of the Senate and the Speaker of the
194 House of Representatives for consideration and final approval.
195 To the extent possible, the proposals recommended by the
196 commissioner shall be representative of the geographic regions
197 of the state and representative of large, medium, and small
198 school districts.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 03 (for drafter's use only)

199 (6) Each community college and school district
200 participating in the pilot project shall submit an annual status
201 report, including a description of the strategies implemented,
202 any costs incurred, and the effectiveness of the strategies used
203 in reducing the need for and the cost of postsecondary
204 remediation to students and the state. This report shall be
205 submitted to the Executive Office of the Governor, the President
206 of the Senate, the Speaker of the House of Representatives, the
207 Commissioner of Education, and the Office of Program Policy
208 Analysis and Government Accountability by September 1. The
209 Office of Program Policy Analysis and Government Accountability
210 shall analyze the reports submitted pursuant to this subsection
211 to identify the policies and practices that are most effective
212 in reducing the need for and the cost of remediation, including
213 any cost savings realized as a result of implementation.

214 (7) The pilot project shall be funded as provided in the
215 General Appropriations Act. The Department of Education, school
216 districts, and community colleges may redirect existing
217 resources for purposes of the pilot project and are encouraged
218 to seek and accept grants from additional public and private
219 sources to implement the pilot project.

220 Section 8. Paragraph (b) of subsection (2) of section
221 1007.235, Florida Statutes, is amended to read:

222 1007.235 District interinstitutional articulation
223 agreements.--

224 (2) The district interinstitutional articulation agreement
225 for each school year must be completed before high school
226 registration for the fall term of the following school year. The
227 agreement must include, but is not limited to, the following
228 components:

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 03 (for drafter's use only)

229 (b)1. A delineation of courses and programs available to
230 students eligible to participate in dual enrollment. This
231 delineation must include a plan for the community college to
232 provide guidance services to participating students on the
233 selection of courses in the dual enrollment program. The process
234 of community college guidance should make maximum use of the
235 automated advisement system for community colleges. The plan
236 must assure that each dual enrollment student is encouraged to
237 identify a postsecondary education objective with which to guide
238 the course selection. At a minimum, each student's plan should
239 include a list of courses that will result in an Applied
240 Technology Diploma, an Associate in Science degree, or an
241 Associate in Arts degree. If the student identifies a
242 baccalaureate degree as the objective, the plan must include
243 courses that will meet the general education requirements and
244 any prerequisite requirements for entrance into a selected
245 baccalaureate degree program.

246 2. A delineation of the process by which students and
247 their parents are informed about opportunities to participate in
248 articulated acceleration programs.

249 3. A delineation of the process by which students and
250 their parents exercise their option to participate in an
251 articulated acceleration program.

252 4. A delineation of high school credits earned for
253 completion of each dual enrollment course.

254 5. Provision for postsecondary courses that meet the
255 criteria for inclusion in a district articulated acceleration
256 program to be counted toward meeting the graduation requirements
257 of s. 1003.43.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 03 (for drafter's use only)

258 6. An identification of eligibility criteria for student
259 participation in dual enrollment courses and programs.

260 7. A delineation of institutional responsibilities
261 regarding student screening prior to enrollment and monitoring
262 student performance subsequent to enrollment in dual enrollment
263 courses and programs.

264 8. An identification of the criteria by which the quality
265 of dual enrollment courses and programs are to be judged and a
266 delineation of institutional responsibilities for the
267 maintenance of instructional quality.

268 9. A delineation of institutional responsibilities for
269 assuming the cost of dual enrollment courses and programs that
270 includes such responsibilities for student instructional
271 materials.

272 10. An identification of responsibility for providing
273 student transportation if the dual enrollment instruction is
274 conducted at a facility other than the high school campus.

275 11. A delineation of the process for converting college
276 credit hours earned through dual enrollment and early admission
277 programs to high school credit based on mastery of course
278 outcomes as determined by the Department of Education in
279 accordance with s. 1007.271(6).

280 12. An identification of the responsibility of the
281 postsecondary educational institution for assigning letter
282 grades for dual enrollment courses and the responsibility of
283 school districts for posting dual enrollment course grades to
284 the high school transcript as assigned by the postsecondary
285 institution awarding the credit.

286 Section 9. Subsection (16) of section 1007.271, Florida
287 Statutes, are amended to read:

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 03 (for drafter's use only)

288 1007.271 Dual enrollment programs.--

289 (16) Beginning with students entering grade 9 in the 2006-
290 2007 school year, school districts and community colleges must
291 weigh dual enrollment courses the same as advanced placement,
292 International Baccalaureate, and Advanced International
293 Certificate of Education courses when grade point averages are
294 calculated. Alternative grade calculation or weighting systems
295 that discriminate against dual enrollment courses are
296 prohibited. Beginning with students applying for admission to a
297 state university for the 2009-2010 academic year, state
298 universities must weigh dual enrollment courses the same as
299 comparable Advanced Placement, International Baccalaureate, and
300 Advanced International Certificate of Education courses when
301 calculating grade point averages for purposes of making
302 admissions decisions.

303 Section 10. Subsections (1), (2), and (3) of section
304 1008.30, Florida Statutes, are amended to read:

305 1008.30 Common placement testing for public postsecondary
306 education.--

307 (1) The State Board of Education, in conjunction with the
308 Board of Governors, shall develop and implement a common
309 placement test for the purpose of assessing the basic
310 computation and communication skills students need to continue
311 their education at the postsecondary level or enter the
312 workforce of students who intend to enter a degree program at
313 any public postsecondary educational institution. Public
314 postsecondary educational institutions shall provide appropriate
315 modifications of the test instruments or test procedures for
316 students with disabilities.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 03 (for drafter's use only)

317 (2) The common placement testing program shall include at
318 a minimum the following: the capacity to diagnose basic
319 competencies in the areas of English, reading, and mathematics
320 which are essential to perform at the postsecondary level or
321 enter the workforce ~~college-level work~~; prerequisite skills that
322 relate to progressively advanced instruction in mathematics,
323 such as algebra and geometry; prerequisite skills that relate to
324 progressively advanced instruction in language arts, such as
325 English composition and literature; prerequisite skills which
326 relate to the College Level Academic Skills Test (CLAST); and
327 provision of test information to students on the specific
328 deficiencies.

329 (3) The State Board of Education shall adopt rules that
330 ~~would~~ require high schools to evaluate prior to the beginning of
331 the 12th grade the college or career readiness of each student
332 scoring at level 2 or 3 on the reading portion of the grade 10
333 FCAT or level 2, 3, or 4 on the mathematics portion of the grade
334 10 FCAT. High schools shall perform this evaluation using
335 results from ~~give~~ the corresponding component of the common
336 placement test prescribed in this section, or an equivalent test
337 identified by the State Board of Education. The State Board of
338 Education shall establish in rule the minimum test scores a
339 student must achieve to demonstrate readiness. Students who
340 demonstrate readiness by achieving the minimum test scores
341 established by the State Board of Education shall not be
342 required to enroll in remediation courses as a condition of
343 acceptance to any community college. The high school shall use
344 the results of the test to advise the students of any identified
345 deficiencies and provide students any necessary remedial
346 instruction prior to, or the summer immediately following, high

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 03(for drafter's use only)

347 school graduation. The remedial instruction provided pursuant to
348 this subsection shall be developed as a collaborative effort
349 between secondary and postsecondary educational institutions.
350 Contingent upon appropriation of funds in the General
351 Appropriations Act, the Florida Virtual School shall partner
352 with one or more community colleges to develop remedial content
353 that may be offered online, at the beginning of the tenth grade
354 year before enrollment in the eleventh grade year in public high
355 school for the purpose of obtaining remedial instruction prior
356 to entering public postsecondary education.

358
359 **T I T L E A M E N D M E N T**

360 Remove line(s) 2-14 and insert:

361 An act relating to education; amending s. 1008.34, F.S.,
362 relating to the school grading system; providing for a
363 revised high school grading system beginning with the
364 2009-2010 school year which includes the statewide
365 standardized assessment, graduation rates, performance and
366 participation in certain courses, postsecondary readiness
367 as measured by certain examinations, and the change in
368 these factors from year to year; specifying the data
369 components to be used in determining the revised high
370 school grading system; requiring that the criteria for
371 school grades give added weight to the graduation rate of
372 all eligible at-risk students; amending s. 1003.413, F.S.;
373 providing for an annual review of a high school student's
374 electronic personal education plan; creating s. 1003.4285,
375 F.S.; providing for designations on standard high school
376 diplomas; creating s. 1003.4287, F.S.; providing for

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 03(for drafter's use only)

377 access to postsecondary education credit courses in public
378 high schools; specifying courses that may be accessed;
379 requiring the State Board of Education to develop a
380 comprehensive plan; amending s. 1004.91, F.S.; providing
381 an exemption relating to career-preparatory instruction;
382 amending s. 1007.21, F.S.; conforming provisions relating
383 to administration of the common placement test; creating
384 s. 1007.212, F.S.; creating the Remediation Reform Pilot
385 Project with participation by community colleges and
386 school districts; requiring the Department of Education to
387 develop an application process; specifying contents of the
388 application; requiring the Commissioner of Education to
389 evaluate applications and recommend proposals to the
390 Legislature for final approval; requiring annual status
391 reports by participants and analysis by the Office of
392 Program Policy Analysis and Government Accountability;
393 providing for funding; amending s. 1007.235, F.S.;
394 requiring district interinstitutional articulation
395 agreements to include responsibility for assignment of
396 grades for dual enrollment courses; amending s. 1007.271,
397 F.S.; providing requirements for state universities to
398 weigh dual enrollment courses; amending s. 1008.30, F.S.;
399 revising provisions relating to administration and use of
400 the results of the common placement test; providing for
401 development of remedial content to be offered online;
402 providing an effective date.

403

404