

1                   A bill to be entitled  
2           An act relating to education personnel; amending s.  
3           39.201, F.S.; authorizing certain information to be  
4           used for educator certification discipline and review;  
5           amending s. 39.202, F.S.; authorizing certain  
6           employees or agents of the Department of Education to  
7           have access to certain reports and records; amending  
8           s. 215.22, F.S.; providing that certain provisions do  
9           not apply to the Educational Certification and Service  
10          Trust Fund; amending s. 1012.05, F.S.; authorizing  
11          rather than requiring the Department of Education to  
12          sponsor a job fair meeting certain criteria; requiring  
13          the department to coordinate a best practice  
14          community; amending s. 1012.2315, F.S.; eliminating  
15          State Board of Education rulemaking authority for  
16          certain teacher assignments; amending s. 1012.39,  
17          F.S.; providing requirements regarding liability  
18          insurance for students performing clinical field  
19          experience; creating s. 1012.562, F.S.; requiring the  
20          department to approve school leader preparation  
21          programs; providing for approval; providing program  
22          requirements; providing for rulemaking; amending s.  
23          1012.75, F.S.; deleting the minimum required amount of  
24          liability coverage for specified personnel; requiring  
25          annual notification of liability insurance to  
26          specified personnel; abrogating the scheduled

27 | expiration of the educator liability insurance  
 28 | program; amending s. 1012.79, F.S.; revising  
 29 | membership of the Education Practices Commission;  
 30 | authorizing the Commissioner of Education to appoint  
 31 | emeritus members to the commission; amending s.  
 32 | 1012.796, F.S.; authorizing the commissioner to issue  
 33 | a letter of guidance in response to a complaint  
 34 | against a certified teacher or administrator;  
 35 | providing an effective date.

36 |  
 37 | Be It Enacted by the Legislature of the State of Florida:  
 38 |

39 | Section 1. Subsection (6) of section 39.201, Florida  
 40 | Statutes, is amended to read:

41 | 39.201 Mandatory reports of child abuse, abandonment, or  
 42 | neglect; mandatory reports of death; central abuse hotline.—

43 | (6) Information in the central abuse hotline may not be  
 44 | used for employment screening, except as provided in s.  
 45 | 39.202(2)(a) and (h). Information in the central abuse hotline  
 46 | and the department's automated abuse information system may be  
 47 | used by the department, its authorized agents or contract  
 48 | providers, the Department of Health, or county agencies as part  
 49 | of the licensure or registration process pursuant to ss.  
 50 | 402.301-402.319 and ss. 409.175-409.176. Pursuant to s.  
 51 | 39.202(2)(q), the information in the central abuse hotline may  
 52 | also be used by the Department of Education for purposes of

53 educator certification discipline and review.

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

58 39.202 Confidentiality of reports and records in cases of  
59 child abuse or neglect.—

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

64 (q) An employee or agent of the Department of Education  
65 who is responsible for the investigation or prosecution of  
66 misconduct by a certified educator.

67 Section 3. Subsection (4) of section 215.22, Florida  
68 Statutes, is amended to read:

69 215.22 Certain income and certain trust funds exempt.—

70 (4) Notwithstanding the exemptions granted in subsections  
71 (1), (2), and (3), this section shall not exempt income of a  
72 revenue nature or any trust fund which was subject to the  
73 service charge pursuant to s. 215.20 on January 1, 1990. This  
74 subsection does not apply to the Educational Certification and  
75 Service Trust Fund.

76 Section 4. Subsection (4) of section 1012.05, Florida  
77 Statutes, is amended to read:

78 1012.05 Teacher recruitment and retention.—

79 (4) The Department of Education, in cooperation with  
80 district personnel offices, may ~~shall~~ sponsor a job fair in a  
81 central part of the state to match in-state educators and  
82 potential educators and out-of-state educators and potential  
83 educators with teaching opportunities in this state. The  
84 Department of Education is authorized to collect a job fair  
85 registration fee not to exceed \$20 per person and a booth fee  
86 not to exceed \$250 per school district or other interested  
87 participating organization. The revenue from the fees shall be  
88 used to promote and operate the job fair. Funds may be used to  
89 purchase promotional items such as mementos, awards, and  
90 plaques. The Department of Education shall also coordinate a  
91 best practice community to ensure that school district personnel  
92 responsible for teacher recruitment and other human resources  
93 functions are operating with the most up-to-date knowledge.

94 Section 5. Paragraph (b) of subsection (2) of section  
95 1012.2315, Florida Statutes, is amended to read:

96 1012.2315 Assignment of teachers.—

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

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

103 a. Has received an effective rating or highly effective  
104 rating in the immediate prior year's performance evaluation

105 pursuant s. 1012.34;

106 b. Has successfully completed or is enrolled in a teacher  
107 preparation program pursuant to s. 1004.04, s. 1004.85, or s.  
108 1012.56, or a teacher preparation program specified in State  
109 Board of Education rule, is provided with high quality mentoring  
110 during the first 2 years of employment, holds a certificate  
111 issued pursuant to s. 1012.56, and holds a probationary contract  
112 pursuant to s. 1012.335(2) (a); or

113 c. Holds a probationary contract pursuant to s.  
114 1012.335(2) (a), holds a certificate issued pursuant to s.  
115 1012.56, and has successful teaching experience, and if, in the  
116 judgment of the school principal, students would benefit from  
117 the placement of that individual.

118 2. As used in this paragraph, the term "mentoring"  
119 includes the use of student achievement data combined with at  
120 least monthly observations to improve the educator's  
121 effectiveness in improving student outcomes. Mentoring may be  
122 provided by a school district, a teacher preparation program  
123 approved pursuant to s. 1004.04, s. 1004.85, or s. 1012.56, or a  
124 teacher preparation program specified in State Board of  
125 Education rule.

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

128

129 Each school district shall annually certify to the Commissioner  
130 of Education that the requirements in this subsection have been

131 met. If the commissioner determines that a school district is  
132 not in compliance with this subsection, the State Board of  
133 Education shall be notified and shall take action pursuant to s.  
134 1008.32 in the next regularly scheduled meeting to require  
135 compliance.

136 Section 6. Subsection (3) of section 1012.39, Florida  
137 Statutes, is amended to read:

138 1012.39 Employment of substitute teachers, teachers of  
139 adult education, nondegreed teachers of career education, and  
140 career specialists; students performing clinical field  
141 experience.—

142 (3) A student who is enrolled in a state-approved teacher  
143 preparation program in a postsecondary educational institution  
144 that is approved by rules of the State Board of Education and  
145 who is jointly assigned by the postsecondary educational  
146 institution and a district school board to perform a clinical  
147 field experience under the direction of a regularly employed and  
148 certified educator shall, while serving such supervised clinical  
149 field experience, be accorded the same protection of law as that  
150 accorded to the certified educator except for the right to  
151 bargain collectively as an employee of the district school  
152 board. The district school board providing the clinical field  
153 experience shall notify the student electronically or in writing  
154 of the availability of educator liability insurance under s.  
155 1012.75. A postsecondary educational institution or district  
156 school board may not require a student enrolled in a state-

157 approved teacher preparation program to purchase liability  
158 insurance as a condition of participation in any clinical field  
159 experience or related activity on the premises of an elementary  
160 or secondary school.

161 Section 7. Section 1012.562, Florida Statutes, is created  
162 to read:

163 1012.562 Public accountability and state approval of school  
164 leader preparation programs.—The Department of Education shall  
165 establish a process for the approval of Level I and Level II  
166 school leader preparation programs that will enable aspiring  
167 school leaders to obtain their certificate in educational  
168 leadership under s. 1012.56. School leader preparation programs  
169 must be competency-based, aligned to the principal leadership  
170 standards adopted by the state board, and open to individuals  
171 employed by public schools, including charter schools and virtual  
172 schools. Level I programs may be offered by school districts or  
173 postsecondary institutions and lead to initial certification in  
174 educational leadership for the purpose of preparing individuals  
175 to serve as school administrators. Level II programs may be  
176 offered by school districts, build upon Level I training, and  
177 lead to renewal certification as a school principal.

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

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

182 (b) Produce school leaders who are prepared to lead the

183 state's diverse student population in meeting high standards for  
184 academic achievement.

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

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

189 (e) Sustain the state system of school improvement and  
190 education accountability.

191 (2) LEVEL I PROGRAMS.—

192 (a) Initial approval of a Level I program shall be for a  
193 period of 5 years. A postsecondary institution or school  
194 district may submit to the department in a format prescribed by  
195 the department an application to establish a Level I school  
196 leader preparation program. To be approved, a Level I program  
197 must:

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

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

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

206 4. Describe how the training provided through the program  
207 will be aligned to the personnel evaluation criteria under s.  
208 1012.34.



209 (b) Renewal of a Level I program's approval shall be for a  
 210 period of 5 years and shall be based upon evidence of the  
 211 program's continued ability to meet the requirements of  
 212 paragraph (a). A postsecondary institution or school district  
 213 must submit an institutional program evaluation plan in a format  
 214 prescribed by the department for a Level I program to be  
 215 considered for renewal. The plan must include:

216 1. The percentage of personnel who complete the program  
 217 and are placed in school leadership positions in public schools  
 218 within the state.

219 2. Results from the personnel evaluations required under  
 220 s. 1012.34 for personnel who complete the program.

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

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

226 5. Strategies for continuous improvement of the program.

227 6. Strategies for involving personnel who complete the  
 228 program, other school personnel, community agencies, business  
 229 representatives, and other stakeholders in the program  
 230 evaluation process.

231 7. Additional data included at the discretion of the  
 232 postsecondary institution or school district.

233 (c) A Level I program must guarantee the high quality of  
 234 personnel who complete the program for the first 2 years after

235 program completion or the person's initial certification as a  
236 school leader, whichever occurs first. If a person who completed  
237 the program is evaluated at less than highly effective or  
238 effective under s. 1012.34 and the person's employer requests  
239 additional training, the Level I program must provide additional  
240 training at no cost to the person or his or her employer. The  
241 training must include the creation of an individualized plan  
242 agreed to by the employer that includes specific learning  
243 outcomes. The Level I program is not responsible for the  
244 person's employment contract with his or her employer.

245 (3) LEVEL II PROGRAMS.—Initial approval and subsequent  
246 renewal of a Level II program shall be for a period of 5 years.  
247 A school district may submit to the department in a format  
248 prescribed by the department an application to establish a Level  
249 II school leader preparation program or for program renewal. To  
250 be approved or renewed, a Level II program must:

251 (a) Demonstrate that personnel accepted into the Level II  
252 program have:

253 1. Obtained their certificate in educational leadership  
254 under s. 1012.56.

255 2. Earned a highly effective or effective designation under  
256 s. 1012.34.

257 3. Satisfactorily performed instructional leadership  
258 responsibilities as measured by the evaluation system in s.  
259 1012.34.

260 (b) Demonstrate that the Level II program:

261       1. Provides competency-based training aligned to the  
262 principal leadership standards adopted by the State Board of  
263 Education.

264       2. Provides training aligned to the personnel evaluation  
265 criteria under s. 1012.34 and professional development program  
266 in s. 1012.986.

267       3. Provides individualized instruction using a customized  
268 learning plan for each person enrolled in the program that is  
269 based on data from self-assessment, selection, and appraisal  
270 instruments.

271       4. Conducts program evaluations and implements program  
272 improvements using input from personnel who completed the  
273 program and employers and data gathered pursuant to paragraph  
274 (2) (b).

275       (c) Gather and monitor the data specified in paragraph  
276 (2) (b).

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

279       Section 8. Subsection (3) of section 1012.75, Florida  
280 Statutes, is amended to read:

281       1012.75 Liability of teacher or principal; excessive  
282 force.—

283       (3) The Department of Education shall administer an  
284 educator liability insurance program, as provided in the General  
285 Appropriations Act, to protect full-time instructional personnel  
286 from liability for monetary damages and the costs of defending

287 actions resulting from claims made against the instructional  
288 personnel arising out of occurrences in the course of activities  
289 within the instructional personnel's professional capacity. For  
290 purposes of this subsection, the terms "full-time," "part-time,"  
291 and "administrative personnel" shall be defined by the  
292 individual district school board. For purposes of this  
293 subsection, the term "instructional personnel" has the same  
294 meaning as provided in s. 1012.01(2).

295 (a) Liability coverage ~~of at least \$2 million~~ shall be  
296 provided to all full-time instructional personnel. Liability  
297 coverage may be provided to the following individuals who choose  
298 to participate in the program, at cost: part-time instructional  
299 personnel, administrative personnel, and students enrolled in a  
300 state-approved teacher preparation program pursuant to s.  
301 1012.39(3).

302 (b) By August 1 of each year, the department shall notify  
303 the personnel specified in paragraph (a) of the pending  
304 procurement for liability coverage. By September 1 of each year,  
305 each district school board shall notify the personnel specified  
306 in paragraph (a) of the liability coverage provided pursuant to  
307 this subsection. The department shall develop the form of the  
308 notice which shall be used by each district school board. The  
309 notice must be on an 8 1/2-inch by 5 1/2-inch postcard and  
310 include the amount of coverage, a general description of the  
311 nature of the coverage, and the contact information for coverage  
312 and claims questions. The notification shall be provided

313 separately from any other correspondence. Each district school  
314 board shall certify to the department, by September 15 of each  
315 year, that the notification required by this paragraph has been  
316 provided.

317 (c) The department shall consult with the Department of  
318 Financial Services to select the most economically prudent and  
319 cost-effective means of implementing the program through self-  
320 insurance, a risk management program, or competitive  
321 procurement.

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

323 Section 9. Subsection (1) of section 1012.79, Florida  
324 Statutes, is amended to read:

325 1012.79 Education Practices Commission; organization.—

326 (1) The Education Practices Commission is composed  
327 ~~consists of the following~~ 25 members: 10, ~~including 8~~ teachers;  
328 5 administrators, at least one of whom represents ~~shall~~  
329 ~~represent~~ a private or virtual school; 4 ~~7~~ lay citizens who are,  
330 ~~5 of whom shall be~~ parents of public school students and who are  
331 unrelated to public school employees; and 2 of whom shall be  
332 former charter school governing board or district school board  
333 members or former superintendents, assistant superintendents, or  
334 deputy superintendents; and 4 ~~5~~ sworn law enforcement officials,  
335 appointed by the State Board of Education from nominations by  
336 the Commissioner of Education and subject to Senate  
337 confirmation. Before ~~Prior to~~ making nominations, the  
338 commissioner shall consult with teaching associations, parent

339 organizations, law enforcement agencies, and other involved  
 340 associations in the state. In making nominations, the  
 341 commissioner shall attempt to achieve equal geographical  
 342 representation, as closely as possible.

343 (a) A teacher member, in order to be qualified for  
 344 appointment:

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

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

347 ~~2.3.~~ Must have practiced the profession in this state for  
 348 at least 5 years immediately preceding the appointment.

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

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

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

354 ~~2.3.~~ Must have practiced the profession as an  
 355 administrator for at least 5 years immediately preceding the  
 356 appointment.

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

358 ~~(c)-(d)~~ (c) The law enforcement official members must have  
 359 served in the profession for at least 5 years immediately  
 360 preceding appointment and have background expertise in child  
 361 safety.

362 (d) The Commissioner of Education, upon request or  
 363 recommendation from the commission, may also appoint up to 5  
 364 emeritus members from the commission's prior membership to serve

365 1-year terms. Notwithstanding any prior service on the  
366 commission, an emeritus member may serve up to five 1-year  
367 terms. An emeritus member serves as a voting member at a  
368 discipline hearing and as a consulting but nonvoting member  
369 during a business meeting.

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

371 Section 10. Subsection (3) of section 1012.796, Florida  
372 Statutes, is amended to read:

373 1012.796 Complaints against teachers and administrators;  
374 procedure; penalties.—

375 (3) The department staff shall advise the commissioner  
376 concerning the findings of the investigation. The department  
377 general counsel or members of that staff shall review the  
378 investigation and advise the commissioner concerning probable  
379 cause or lack thereof. The determination of probable cause shall  
380 be made by the commissioner. The commissioner shall provide an  
381 opportunity for a conference, if requested, prior to determining  
382 probable cause. The commissioner may enter into deferred  
383 prosecution agreements in lieu of finding probable cause if, in  
384 his or her judgment, such agreements are in the best interests  
385 of the department, the certificateholder, and the public. Such  
386 deferred prosecution agreements shall become effective when  
387 filed with the clerk of the Education Practices Commission.  
388 However, a deferred prosecution agreement may ~~shall~~ not be  
389 entered into if there is probable cause to believe that a felony  
390 or an act of moral turpitude, as defined by rule of the State

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391 Board of Education, has occurred. Upon finding no probable  
392 cause, the commissioner shall dismiss the complaint and may  
393 issue a letter of guidance to the certificateholder.

394 Section 11. This act shall take effect July 1, 2016.