

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

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1 A bill to be entitled
2 An act relating to education personnel; amending s.
3 39.201, F.S.; authorizing certain information to be
4 used for educator certification discipline and review;
5 amending s. 39.202, F.S.; authorizing certain
6 employees or agents of the Department of Education to
7 have access to certain reports and records; amending
8 s. 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 certain State Board of Education rulemaking authority
16 related to teacher assignment; 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 1012.79, F.S.; revising membership of the Education
24 Practices Commission; authorizing the Commissioner of
25 Education to appoint emeritus members to the
26 commission; amending s. 1012.796, F.S.; authorizing
27 the commissioner to issue a letter of guidance in
28 response to a complaint against a certified teacher or
29 administrator; providing an effective date.

30
31 Be It Enacted by the Legislature of the State of Florida:
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33 Section 1. Subsection (6) of section 39.201, Florida
34 Statutes, is amended to read:

35 39.201 Mandatory reports of child abuse, abandonment, or
36 neglect; mandatory reports of death; central abuse hotline.—

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

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

52 39.202 Confidentiality of reports and records in cases of
53 child abuse or neglect.—

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

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

61 Section 3. Subsection (4) of section 215.22, Florida

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62 Statutes, is amended to read:

63 215.22 Certain income and certain trust funds exempt.-

64 (4) Notwithstanding the exemptions granted in subsections
65 (1), (2), and (3), this section shall not exempt income of a
66 revenue nature or any trust fund which was subject to the
67 service charge pursuant to s. 215.20 on January 1, 1990. This
68 subsection does not apply to the Educational Certification and
69 Service Trust Fund.

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

72 1012.05 Teacher recruitment and retention.-

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

88 Section 5. Paragraph (b) of subsection (2) of section
89 1012.2315, Florida Statutes, is amended to read:

90 1012.2315 Assignment of teachers.-

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

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

97 a. Has received an effective rating or highly effective
98 rating in the immediate prior year's performance evaluation
99 pursuant s. 1012.34;

100 b. Has successfully completed or is enrolled in a teacher
101 preparation program pursuant to s. 1004.04, s. 1004.85, or s.
102 1012.56, or a teacher preparation program specified in State
103 Board of Education rule, is provided with high quality mentoring
104 during the first 2 years of employment, holds a certificate
105 issued pursuant to s. 1012.56, and holds a probationary contract
106 pursuant to s. 1012.335(2)(a); or

107 c. Holds a probationary contract pursuant to s.
108 1012.335(2)(a), holds a certificate issued pursuant to s.
109 1012.56, and has successful teaching experience, and if, in the
110 judgment of the school principal, students would benefit from
111 the placement of that individual.

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

119 ~~3. The State Board of Education shall adopt rules under ss.~~

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120 ~~120.536(1) and 120.54 to implement this paragraph.~~

121

122 Each school district shall annually certify to the Commissioner
123 of Education that the requirements in this subsection have been
124 met. If the commissioner determines that a school district is
125 not in compliance with this subsection, the State Board of
126 Education shall be notified and shall take action pursuant to s.
127 1008.32 in the next regularly scheduled meeting to require
128 compliance.

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

131 1012.39 Employment of substitute teachers, teachers of
132 adult education, nondegreed teachers of career education, and
133 career specialists; students performing clinical field
134 experience.-

135 (3) A student who is enrolled in a state-approved teacher
136 preparation program in a postsecondary educational institution
137 that is approved by rules of the State Board of Education and
138 who is jointly assigned by the postsecondary educational
139 institution and a district school board to perform a clinical
140 field experience under the direction of a regularly employed and
141 certified educator shall, while serving such supervised clinical
142 field experience, be accorded the same protection of law as that
143 accorded to the certified educator except for the right to
144 bargain collectively as an employee of the district school
145 board. The district school board providing the clinical field
146 experience shall notify the student electronically or in writing
147 of the availability of educator liability insurance under s.
148 1012.75. A postsecondary educational institution or district

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149 school board may not require a student enrolled in a state-
150 approved teacher preparation program to purchase liability
151 insurance as a condition of participation in any clinical field
152 experience or related activity on the premises of an elementary
153 or secondary school.

154 Section 7. Section 1012.562, Florida Statutes, is created
155 to read:

156 1012.562 Public accountability and state approval of school
157 leader preparation programs.—The Department of Education shall
158 establish a process for the approval of Level I and Level II
159 school leader preparation programs that will enable aspiring
160 school leaders to obtain their certificate in educational
161 leadership under s. 1012.56. School leader preparation programs
162 must be competency-based, aligned to the principal leadership
163 standards adopted by the state board, and open to individuals
164 employed by public schools, including charter schools and
165 virtual schools. Level I programs may be offered by school
166 districts or postsecondary institutions and lead to initial
167 certification in educational leadership for the purpose of
168 preparing individuals to serve as school administrators. Level
169 II programs may be offered by school districts, build upon Level
170 I training, and lead to renewal certification as a school
171 principal.

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

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

176 (b) Produce school leaders who are prepared to lead the
177 state's diverse student population in meeting high standards for

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178 academic achievement.

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

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

183 (e) Sustain the state system of school improvement and
184 education accountability.

185 (2) LEVEL I PROGRAMS.—

186 (a) Initial approval of a Level I program shall be for a
187 period of 5 years. A postsecondary institution or school
188 district may submit to the department in a format prescribed by
189 the department an application to establish a Level I school
190 leader preparation program. To be approved, a Level I program
191 must:

192 1. Provide competency-based training aligned to the
193 principal leadership standards adopted by the State Board of
194 Education.

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

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

200 4. Describe how the training provided through the program
201 will be aligned to the personnel evaluation criteria under s.
202 1012.34.

203 (b) Renewal of a Level I program's approval shall be for a
204 period of 5 years and shall be based upon evidence of the
205 program's continued ability to meet the requirements of
206 paragraph (a). A postsecondary institution or school district

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207 must submit an institutional program evaluation plan in a format
208 prescribed by the department for a Level I program to be
209 considered for renewal. The plan must include:

210 1. The percentage of personnel who complete the program and
211 are placed in school leadership positions in public schools
212 within the state.

213 2. Results from the personnel evaluations required under s.
214 1012.34 for personnel who complete the program.

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

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

220 5. Strategies for continuous improvement of the program.

221 6. Strategies for involving personnel who complete the
222 program, other school personnel, community agencies, business
223 representatives, and other stakeholders in the program
224 evaluation process.

225 7. Additional data included at the discretion of the
226 postsecondary institution or school district.

227 (c) A Level I program must guarantee the high quality of
228 personnel who complete the program for the first 2 years after
229 program completion or the person's initial certification as a
230 school leader, whichever occurs first. If a person who completed
231 the program is evaluated at less than highly effective or
232 effective under s. 1012.34 and the person's employer requests
233 additional training, the Level I program must provide additional
234 training at no cost to the person or his or her employer. The
235 training must include the creation of an individualized plan

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236 agreed to by the employer that includes specific learning
237 outcomes. The Level I program is not responsible for the
238 person's employment contract with his or her employer.

239 (3) LEVEL II PROGRAMS.—Initial approval and subsequent
240 renewal of a Level II program shall be for a period of 5 years.
241 A school district may submit to the department in a format
242 prescribed by the department an application to establish a Level
243 II school leader preparation program or for program renewal. To
244 be approved or renewed, a Level II program must:

245 (a) Demonstrate that personnel accepted into the Level II
246 program have:

247 1. Obtained their certificate in educational leadership
248 under s. 1012.56.

249 2. Earned a highly effective or effective designation under
250 s. 1012.34.

251 3. Satisfactorily performed instructional leadership
252 responsibilities as measured by the evaluation system in s.
253 1012.34.

254 (b) Demonstrate that the Level II program:

255 1. Provides competency-based training aligned to the
256 principal leadership standards adopted by the State Board of
257 Education.

258 2. Provides training aligned to the personnel evaluation
259 criteria under s. 1012.34 and professional development program
260 in s. 1012.986.

261 3. Provides individualized instruction using a customized
262 learning plan for each person enrolled in the program that is
263 based on data from self-assessment, selection, and appraisal
264 instruments.

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265 4. Conducts program evaluations and implements program
266 improvements using input from personnel who completed the
267 program and employers and data gathered pursuant to paragraph
268 (2) (b) .

269 (c) Gather and monitor the data specified in paragraph
270 (2) (b) .

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

273 Section 8. Subsection (1) of section 1012.79, Florida
274 Statutes, is amended to read:

275 1012.79 Education Practices Commission; organization.—

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

293 (a) A teacher member, in order to be qualified for

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294 appointment:

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

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

297 ~~2.3.~~ Must have practiced the profession in this state for
298 at least 5 years immediately preceding the appointment.

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

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

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

304 ~~2.3.~~ Must have practiced the profession as an administrator
305 for at least 5 years immediately preceding the appointment.

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

307 ~~(c)~~~~(d)~~ The law enforcement official members must have
308 served in the profession for at least 5 years immediately
309 preceding appointment and have background expertise in child
310 safety.

311 (d) The Commissioner of Education, upon request or
312 recommendation from the commission, may also appoint up to five
313 emeritus members from the commission's prior membership to serve
314 1-year terms. Notwithstanding any prior service on the
315 commission, an emeritus member may serve up to five 1-year
316 terms. An emeritus member serves as a voting member at a
317 discipline hearing and as a consulting but nonvoting member
318 during a business meeting.

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

320 Section 9. Subsection (3) of section 1012.796, Florida
321 Statutes, is amended to read:

322 1012.796 Complaints against teachers and administrators;

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323 procedure; penalties.-

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

343 Section 10. This act shall take effect July 1, 2016.