

Committee on Education

CS/HB 495 — K-12 Public Education

by Education Committee; Reps. Diaz, M. and Bileca (CS/CS/SB 1056 by Appropriations Committee; Education Committee; and Senator Passidomo)

The bill revises time limits for certain public employees who qualify to participate in the Deferred Retirement Option Program (DROP); modifies educator certification requirements and district school board duties relating to school safety, and prohibits misconduct by authority figures against students; promotes opportunities for public middle and high school students to learn computer science taught by qualified teachers; and modifies end-of-course statewide assessment requirements for certain students.

Deferred Retirement Option Program (DROP)

The bill extends participation in the Deferred Retirement Option Program (DROP) for instructional and administrative personnel, and requires employers to notify the Division of Retirement, Department of Management Services, of the change in termination date and additional DROP period participation for the affected personnel. Specifically, the bill:

- Requires, beginning July 1, 2018, instructional personnel who are authorized to extend DROP participation beyond the 60-month period to have a termination date that is the last day of the last calendar month of the school year within the DROP extension granted by the employer.
- o Authorizes a member's DROP participation to be extended through the last day of the last calendar month of the school year if, on July 1, 2018, a member's DROP participation has already been extended for the maximum 36 calendar months and the extension period concludes before the end of the school year.
- Authorizes administrative personnel in grades K-12, who have a DROP termination date on or after July 1, 2018 to extend DROP participation beyond the initial 60 calendar month period if the administrative personnel's termination date is before the end of the school year.
- o Provides for the extension of DROP participation until the last day of the last calendar month of the school year in which the original DROP termination date occurred if a date other than the last day of the last calendar month of the school year is designated.
- Provides a legislative finding that a proper and legitimate state purpose is served when employees and retirees of the state and its political subdivisions, and the dependents, survivors, and beneficiaries of such employees and retirees, are extended the basic protections afforded by governmental retirement systems.

Educator Certification and Student Safety

The bill modifies Florida law regarding educator certification requirements and district school board duties relating to school safety, and prohibits misconduct by authority figures against students. Specifically, the bill:

- Expands the applicability of certain employment disqualification criteria to include all positions that require direct contact with students.
- Grants the Department of Education (DOE) and the Education Practices Commission additional authority to enforce the educator certification requirements and impose penalties against persons who do not comply with certification requirements.
- Requires an educator who has been placed on probation to immediately notify the investigative office in the DOE upon separation from employment in any public or private position requiring a Florida educator's certificate.
- Prohibits an authority figure from soliciting or engaging in sexual conduct, a relationship of a romantic nature, or lewd conduct with a student and deems such offenses against students by authority figures as a second-degree felony.
- Adds a school bus to the definition of "school," to apply to the provisions in law regarding trespass on school grounds or facilities.
- Revises standards of ethical conduct for instructional personnel and school administrators to require the training on alleged misconduct by instructional personnel and school administrators which affects student safety to include specified misconduct that would result in disqualification from educator certification or employment.
- Requires a school district to:
 - o File in writing with the DOE any legally sufficient complaint against an employee of the school district within a specified timeframe, regardless of the status of the complaint and regardless of whether the subject of the complaint is still a district employee.
 - o Immediately notify the DOE if the subject of a legally sufficient complaint of misconduct affecting the health, safety, or welfare of a student resigns or is terminated before the conclusion of the district's investigation.
- Requires the DOE, upon receipt of notification by the school district, to place an alert on a person's certification file indicating that he or she resigned or was terminated before an investigation involving allegations of misconduct affecting the health, safety, or welfare of a student was concluded.
- Requires a district school superintendent to:
 - o Report misconduct by instructional personnel or school administrators that would result in a disqualification from educator certification or employment to the law enforcement agencies with jurisdiction over the conduct. The bill provides that a superintendent who knowingly fails to report misconduct to law enforcement agencies must forfeit his or her salary for one year after the date of such failure to act.
 - o Notify the parent of a student who was subjected to or affected by specified misconduct within 30 days after the date on which the school district learns of the misconduct, and specifies the information that must be included in such notification.
- Requires the resignation or termination of an employee before the conclusion of an alleged misconduct investigation affecting the health, safety, or welfare of a student to be clearly indicated in the employee's personnel file.

Computer Science Instruction

The bill promotes opportunities for public middle and high school students to learn computer science taught by qualified teachers. Specifically, the bill:

- Defines “computer science” and expands access to computer science courses:
 - o Requires middle schools, high schools, and combination schools to offer computer science courses.
 - o Requires computer science courses to be identified in the Course Code Directory (CCD) and published on the DOE’s website by July 1, 2018. Additional computer science courses may be subsequently identified and posted on the DOE’s website.
 - o Requires the Florida Virtual School (FLVS) to offer computer science courses identified in the CCD. The bill requires a school district that does not offer a computer science course to provide students access to such course through the FLVS or through other means.
- Creates opportunities for teachers to be certified and trained to teach computer science courses, and requires the DOE to award funding, subject to legislative appropriation, to a school district or a consortium of school districts to deliver or facilitate training for classroom teachers to:
 - o Earn an educator certificate in computer science or an industry certification associated with a computer science course.
 - o Pay fees for examinations that lead to a credential.
- Provides, subject to legislative appropriation, the following bonuses to a public school classroom teacher evaluated as effective or highly effective, or is newly hired:
 - o \$1,000 after each year teaching a computer science course, for up to three years, if the classroom teacher holds an educator certificate in computer science or has passed the computer science subject area examination and holds an adjunct certificate.
 - o \$500 after each year teaching a specified course, for up to three years, if the classroom teacher holds an industry certification associated with a computer science course.

Statewide Assessments

The bill specifies that a student enrolled in an Advanced Placement (AP), International Baccalaureate (IB), or Advanced International Certificate of Education (AICE) course who takes the respective AP, IB, or AICE assessments and earns the minimum score necessary to earn college credit does not have to take the required end-of-course assessment for the corresponding course.

If approved by the Governor, the provisions in the bill related to computer science instruction take effect upon becoming law; the provisions related to offenses against students by an authority figure and trespass on school grounds or facilities take effect October 1, 2018; and the remaining provisions take effect July 1, 2018.

Vote: Senate 36-0; House 107-1