

Bill No. CS for SB 1646

Amendment No. ____

Senate

CHAMBER ACTION

House

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11 Senator Horne moved the following amendment:

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Senate Amendment

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14 On page 27, line 21, through page 29, line 16, delete
15 those lines

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17 and insert:

18 (d) If an employee is not performing his or her duties
19 in a satisfactory manner, the evaluator shall notify the
20 employee in writing of such determination. The notice must
21 describe such unsatisfactory performance and include notice of
22 the following procedural requirements:

23 1. Upon delivery of a notice of unsatisfactory
24 performance, the evaluator must confer with the employee, make
25 recommendations with respect to specific areas of
26 unsatisfactory performance, and provide assistance in helping
27 to correct deficiencies within a prescribed period of time.

28 2.a. If the employee holds a professional service
29 contract as provided in s. 231.36,the employee shall be
30 placed on performance probation and governed by the provisions
31 of this section for 90 calendar days following ~~from~~ the

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1 receipt of the notice of unsatisfactory performance to
 2 demonstrate corrective action. School holidays and school
 3 vacation periods are not counted when calculating the
 4 90-calendar-day period. During the 90 calendar days, the
 5 employee who holds a professional service contract must be
 6 evaluated periodically and apprised of progress achieved and
 7 must be provided assistance and inservice training
 8 opportunities to help correct the noted performance
 9 deficiencies. At any time during the 90 calendar days, the
 10 employee who holds a professional service contract may request
 11 a transfer to another appropriate position with a different
 12 supervising administrator; however, a transfer does not extend
 13 the period for correcting performance deficiencies.

14 ~~b.3.~~ Within 14 days after the close of the 90 calendar
 15 days, the evaluator must assess whether the performance
 16 deficiencies have been corrected and forward a recommendation
 17 to the superintendent. Within 14 days after receiving the
 18 evaluator's recommendation, the superintendent must notify the
 19 employee who holds a professional service contract in writing
 20 whether the performance deficiencies have been satisfactorily
 21 corrected and whether the superintendent will recommend that
 22 the school board continue or terminate his or her employment
 23 contract. If the employee wishes to contest the
 24 superintendent's recommendation, the employee must, within 15
 25 days after receipt of the superintendent's recommendation,
 26 submit a written request for a hearing. Such hearing shall be
 27 conducted at the school board's election in accordance with
 28 one of the following procedures:

29 ~~(I)a.~~ A direct hearing conducted by the school board
 30 within 60 days after receipt of the written appeal. The
 31 hearing shall be conducted in accordance with the provisions

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1 of ss. 120.569 and 120.57. A majority vote of the membership
2 of the school board shall be required to sustain the
3 superintendent's recommendation. The determination of the
4 school board shall be final as to the sufficiency or
5 insufficiency of the grounds for termination of employment; or
6 (II)~~b~~. A hearing conducted by an administrative law
7 judge assigned by the Division of Administrative Hearings of
8 the Department of Management Services. The hearing shall be
9 conducted within 60 days after receipt of the written appeal
10 in accordance with chapter 120. The recommendation of the
11 administrative law judge shall be made to the school board. A
12 majority vote of the membership of the school board shall be
13 required to sustain or change the administrative law judge's
14 recommendation. The determination of the school board shall be
15 final as to the sufficiency or insufficiency of the grounds
16 for termination of employment.

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