

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 1777 (formerly PCB EDK 03-04) Educator Certification and Discipline
SPONSOR(S): Committee on Education K-20
TIED BILLS: **IDEN./SIM. BILLS:** SB 2006

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) General Education (Sub)	6 Y, 0 N	Britton	Bohannon
2)			
3)			
4)			
5)			

SUMMARY ANALYSIS

The Education Practices Commission investigates complaints against educators and applicants for certification. The Commission also determines if their findings warrant disciplinary action against an educator's or applicant's certification status. The bill strives to make the operations of the Education Practices Commission (EPC) more cost efficient and to strengthen the disciplinary actions of the commission.

The bill has a positive fiscal impact on state revenues. A \$30,000 annual savings results from the use of regular mail in place of certified mail, and a \$7,000 average annual savings results from reduced travel expenses related to disciplinary hearings.

The bill shall take effect upon becoming law.

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STORAGE NAME: h1777.edk.doc
DATE: March 27, 2003

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. DOES THE BILL:

- | | | | |
|--------------------------------------|------------------------------|-----------------------------|---|
| 1. Reduce government? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 2. Lower taxes? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 3. Expand individual freedom? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 4. Increase personal responsibility? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 5. Empower families? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |

For any principle that received a "no" above, please explain:

B. EFFECT OF PROPOSED CHANGES:

The Education Practices Commission investigates complaints against educators and applicants for certification. The Commission also determines if their findings warrant disciplinary action against an educator's or applicant's certification status. Each year the Department of Education, through the Education Practices Commission, investigates over 2,500 complaints against certified teachers and applicants for certification. In 2002, there were over 500 cases that resulted in prosecution or denial of certification.

HB 1777 strives to strengthen the disciplinary actions of the Education Practices Commission as well as make the operations of the commission more cost efficient. Provisions include:

- Requiring all certified educators and applicants for certification to have a current mailing address on file with the Bureau of Educator Certification, and to notify the Bureau of any change of address within 30 days.
- Permitting the Department of Education to send all official communications from the Department of Education, the Education Practices Commission, or the Recovery Network Program by regular mail in place of its current certified mail system.
- Reducing the number of members of the Education Practices Commission required to serve on a disciplinary panel (teacher or administrator) from 7 to 5 members.
- Increasing the maximum period an Educator's Certificate may be suspended from 3 to 5 years.
- Restricting an educator whose certificate is suspended, from being employed in a public school in any capacity requiring direct contact with students.
- Revising circumstances under which the Educational Practices Commission may sanction an educator's certificate.
- Revising circumstances under which alleged criminal conduct are grounds for discipline by the Education Practices Commission.
- Expanding the use of an order to show cause to include any violation of a final order of the Education Practices Commission, rather than just the violation of the terms of a settlement agreement.
- Clarifying the three strikes rule, which requires a minimum revocation of one year, if an individual's certificate has been the subject of Education Practices Commission sanctions on two previous occasions.
- Requiring other agencies, including law enforcement, school boards, and the Division of Administrative Hearings, to provide unredacted documents upon request to further investigations and prosecutions concerning educators.
- Providing minimum requirements for Education Practices Commission probation.
- Providing that the Education Practices Commission has the option to refer an educator to the Recovery Network Program.

- Permitting applicants for certification to access the Recovery Network Program.
- Allowing educators to voluntarily enroll in the Recovery Network Program.
- Modifying the process of declaring an educator ineligible for the Recovery Network Program.
- Permitting the violation of an Education Practices Commission final order requiring participation in the program to be addressed by the commission through the show cause process.
- Permitting university laboratory schools, charter schools, and any private or parochial schools to have access to sealed and expunged criminal history records for employment purposes.

C. SECTION DIRECTORY:

Section 1: Amends s. 1012.56, F.S., to require an affidavit for educator certification.

Section 2: Creates s. 1012.561, F.S., to require each certified educator and applicant for certification as an educator to notify the Bureau of Educator Certification in writing of his or her current mailing address; to provide a penalty for noncompliance; to authorize service by regular mail for certain purposes.

Section 3: Amends s. 1012.79, F.S., relating to the number of members required for certain panels of the Education Practices Commission.

Section 4: Amends s. 1012.795, F.S., relating to the Education Practices Commission's authority to discipline; revising grounds for discipline; providing penalties.

Section 5: Amends s. 1012.796, F.S., to require certain agencies to provide unredacted documents to the Department of Education for purposes of investigating and prosecuting certified educators and applicants for certification; to provide minimum standards that a probationer must meet; to revise penalties that the Education Practices Commission may impose; to revise criteria for the use of an order to show cause.

Section 6: Amends s. 1012.798, F.S., to revise provisions relating to the recovery network program for educators.

Section 7: Amends s. 943.0585, F.S., to allow certain employers of educators to have access to expunged records.

Section 8: Amends s. 943.059, F.S., to allow certain employers of educators to have access to sealed records.

Section 9: Provides an effective date.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

Cost savings will be realized from several measures in the bill, including a \$30,000 savings annually by the use of regular mail in place of certified mail. In addition, by reducing the required membership for a disciplinary panel from 7 to 5, travel expenses for Education Practices Commission members will be reduced by an average of \$7,000 annually.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

The cost of a criminal record history check from the Florida Department of Law Enforcement is \$15 per name. The Department of Education requires a complete report (one containing sealed and expunged arrests) in order to issue an educator's certificate. Some schools are not currently entitled to receive this information and therefore, two reports must be run on the same person: one with the sealed and expunged information, and one without. By allowing schools that do not currently have access to a criminal history record containing sealed or expunged arrests, only one report will need to be run. This will result in a cost saving of \$15 per name. This fee is paid for by the applicant or the school.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

This bill does not require counties or municipalities to spend or take action requiring the expenditure of funds.

2. Other:

This bill does not appear to have any constitutional issues.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES

On March 24, 2003, the Subcommittee on General Education adopted one amendment. The amendment requires that an employee's or applicant's notification of change of address is made *"in writing"*. The bill, as amended, was reported favorably out of subcommittee by a vote of 6 Yeas and 0 Nays.