

## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** HB 35 School Personnel  
**SPONSOR(S):** Representative Brutus  
**TIED BILLS:** **IDEN./SIM. BILLS:** CS/SB 1854

---

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) Education Innovation (Sub)	5 Y, 0 N	Rogers	Bohannon
2) Education K-20			
3) Education Appropriations (Sub)			
4) Appropriations			
5)			

---

### SUMMARY ANALYSIS

HB 35 requires charter school personnel to be subject to the same state and federal rules and regulations that govern public school personnel. In addition, the bill requires all instructional and noninstructional personnel who are hired for positions that require direct contact with students in alternative schools to file a set of fingerprints.

Upon employment, current law requires instructional and noninstructional personnel who are hired to fill positions that require direct contact with students in the district school system or in a university lab school to provide a complete set of fingerprints.

This bill clarifies that all instructional and noninstructional personnel, including those in any alternate school setting, who are hired for positions that require direct contact with students in alternative schools to file a set of fingerprints.

This bill does not appear to have a fiscal impact because all instructional and noninstructional personnel are currently required to file fingerprints.

This document does not reflect the intent or official position of the bill sponsor or House of Representatives.

**STORAGE NAME:** h0035.edk.doc  
**DATE:** March 28, 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"/> |

#### B. EFFECT OF PROPOSED CHANGES:

HB 35 provides that charter school personnel must be subject to the same state and federal rules and regulations that govern public school personnel. In addition, the bill requires all instructional and noninstructional personnel employed in alternative schools to file a set of fingerprints.

Current law, s. 1012.32(2)(a), F.S., requires instructional and noninstructional personnel who are hired to fill positions that require direct contact with students in the district school system or university lab school to file, upon employment, a complete set of fingerprints. The new employees must remain on probationary status while the fingerprint information is processed for purposes of determining whether the employee's fingerprint information reveals compliance with standards of good moral character.

Pursuant to ss. 1003.52, F.S., and 1003.53, F.S., alternative schools, commonly known as "second chance schools," may be public schools under the district school board. Alternative schools may also be partnerships between district school boards and public and private entities. Pursuant to s. 1012.32, F.S., the Department of Education (DOE) requires all personnel having direct contact with a student in a district school system to be fingerprinted. The fingerprinting requirement applies to all alternative school personnel including an alternative school that is under contract with the district school board. Thus, personnel at an alternative school that is part of the district school system are subject to state rules and federal regulations governing public school personnel because they are public school personnel.

However, alternative schools may also be Department of Juvenile Justice-operated facilities designated by the district school board. The public school personnel fingerprinting requirements pertaining to school employees in a Department of Juvenile Justice facility are somewhat ambiguous because s. 1003.52(10), F.S., specifying qualifications for teachers in Department of Juvenile Justice facilities, does not cross reference s. 1012.32(2)(a), F.S., that requires the filing of a complete set of fingerprints.

Rule 6A-605281, F.A.C., provides that a school district must ensure that only qualified instructional staff members are employed to provide instruction to students in Department of Juvenile Justice programs, but the fingerprinting requirement is not mentioned in the rule. Any use of non-certified instructional staff requires approval by the district school board. The district school board selects instructional staff in consultation with the director of the Department of Juvenile Justice facility.

This bill clarifies that all instructional and noninstructional personnel, including those in any alternate school setting, who are hired for positions that require direct contact with students in alternative schools to file a set of fingerprints.

#### C. SECTION DIRECTORY:

Section 1: Amends s. 1002.33, F.S., requiring charter school personnel to be subject to state and federal rules and regulations that govern public school personnel.

Section 2: Creates s. 1012.47, F.S., requiring certain personnel in an alternative school operating under a contract with a public school district to file a set of fingerprints; and requiring personnel to be subject to state and federal rules and regulations.

Section 3: Provides an effective date of July 1, 2003.

## II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

### A. FISCAL IMPACT ON STATE GOVERNMENT:

#### 1. Revenues:

This bill does not appear to have a fiscal impact on state revenues.

#### 2. Expenditures:

This bill does not appear to have a fiscal impact on state expenditures.

### B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

#### 1. Revenues:

This bill does not appear to have a fiscal impact on local government revenues.

#### 2. Expenditures:

This bill does not appear to have a fiscal impact on local government expenditures.

### C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

This bill does not appear to have a direct economic impact on the private sector.

### D. FISCAL COMMENTS:

This bill does not appear to have a fiscal impact because all instructional and noninstructional personnel are currently required to file fingerprints.

## 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:

None.

### B. RULE-MAKING AUTHORITY:

This bill does not grant additional rulemaking authority.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

**IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES**

The Subcommittee on Education Innovation recommends an amendment to remove section one of the bill. The amendment restores current s.1002.33, F.S., relating to charter schools.