

By Senator Detert

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1 A bill to be entitled
2 An act relating to education personnel; amending s.
3 39.202, F.S.; authorizing certain employees or agents
4 of the Department of Education to have access to
5 certain reports and records; amending s. 215.22, F.S.;
6 providing that certain provisions do not apply to the
7 Educational Certification and Service Trust Fund;
8 amending s. 1012.05, F.S.; authorizing rather than
9 requiring the Department of Education to sponsor a job
10 fair meeting certain criteria; requiring the
11 department to coordinate a best practice community;
12 amending s. 1012.39, F.S.; providing requirements
13 regarding liability insurance for students performing
14 clinical field experience; creating s. 1012.562, F.S.;
15 requiring the department to approve school leader
16 preparation programs; providing for approval;
17 providing program requirements; providing for
18 rulemaking; amending s. 1012.75, F.S.; deleting the
19 minimum required amount of liability coverage for
20 specified personnel; requiring annual notification of
21 liability insurance to specified personnel; abrogating
22 the scheduled expiration of the educator liability
23 insurance program; amending s. 1012.79, F.S.; revising
24 membership of the Education Practices Commission;
25 authorizing the Commissioner of Education to appoint
26 emeritus members to the commission; amending s.
27 1012.796, F.S.; authorizing the commissioner to issue
28 a letter of guidance in response to a complaint
29 against a certified teacher or administrator;

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30 providing an effective date.

31
32 Be It Enacted by the Legislature of the State of Florida:

33
34 Section 1. Paragraphs (q), (r), and (s) of subsection (2)
35 of section 39.202, Florida Statutes, are redesignated as
36 paragraphs (r), (s), and (t), respectively, and a new paragraph
37 (q) is added to that subsection, to read:

38 39.202 Confidentiality of reports and records in cases of
39 child abuse or neglect.—

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

44 (q) An employee or agent of the Department of Education who
45 is responsible for the investigation or prosecution of
46 misconduct by a certified educator.

47 Section 2. Subsection (4) of section 215.22, Florida
48 Statutes, is amended to read:

49 215.22 Certain income and certain trust funds exempt.—

50 (4) Notwithstanding the exemptions granted in subsections
51 (1), (2), and (3), this section shall not exempt income of a
52 revenue nature or any trust fund which was subject to the
53 service charge pursuant to s. 215.20 on January 1, 1990. This
54 subsection does not apply to the Educational Certification and
55 Service Trust Fund.

56 Section 3. Subsection (4) of section 1012.05, Florida
57 Statutes, is amended to read:

58 1012.05 Teacher recruitment and retention.—

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59 (4) The Department of Education, in cooperation with
60 district personnel offices, may ~~shall~~ sponsor a job fair in a
61 central part of the state to match in-state educators and
62 potential educators and out-of-state educators and potential
63 educators with teaching opportunities in this state. The
64 Department of Education is authorized to collect a job fair
65 registration fee not to exceed \$20 per person and a booth fee
66 not to exceed \$250 per school district or other interested
67 participating organization. The revenue from the fees shall be
68 used to promote and operate the job fair. Funds may be used to
69 purchase promotional items such as mementos, awards, and
70 plaques. The Department of Education shall also coordinate a
71 best practice community to ensure that school district personnel
72 responsible for teacher recruitment and other human resources
73 functions are operating with the most up-to-date knowledge.

74 Section 4. Subsection (3) of section 1012.39, Florida
75 Statutes, is amended to read:

76 1012.39 Employment of substitute teachers, teachers of
77 adult education, nondegreed teachers of career education, and
78 career specialists; students performing clinical field
79 experience.-

80 (3) A student who is enrolled in a state-approved teacher
81 preparation program in a postsecondary educational institution
82 that is approved by rules of the State Board of Education and
83 who is jointly assigned by the postsecondary educational
84 institution and a district school board to perform a clinical
85 field experience under the direction of a regularly employed and
86 certified educator shall, while serving such supervised clinical
87 field experience, be accorded the same protection of law as that

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88 accorded to the certified educator except for the right to
89 bargain collectively as an employee of the district school
90 board. The district school board providing the clinical field
91 experience shall notify the student electronically or in writing
92 of the availability of educator liability insurance under s.
93 1012.75. A postsecondary educational institution or district
94 school board may not require a student enrolled in a state-
95 approved teacher preparation program to purchase liability
96 insurance as a condition of participation in any clinical field
97 experience or related activity on the premises of an elementary
98 or secondary school.

99 Section 5. Section 1012.562, Florida Statutes, is created
100 to read:

101 1012.562 Public accountability and state approval of school
102 leader preparation programs.—The Department of Education shall
103 establish a process for the approval of Level I and Level II
104 school leader preparation programs that will enable aspiring
105 school leaders to obtain their certificate in educational
106 leadership under s. 1012.56. School leader preparation programs
107 must be competency-based, aligned to the principal leadership
108 standards adopted by the state board, and open to individuals
109 employed by public schools, including charter schools and
110 virtual schools. Level I programs may be offered by school
111 districts or postsecondary institutions and lead to initial
112 certification in educational leadership for the purpose of
113 preparing individuals to serve as school administrators. Level
114 II programs may be offered by school districts, build upon Level
115 I training, and lead to renewal certification as a school
116 principal.

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

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

121 (b) Produce school leaders who are prepared to lead the
122 state's diverse student population in meeting high standards for
123 academic achievement.

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

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

128 (e) Sustain the state system of school improvement and
129 education accountability.

130 (2) LEVEL I PROGRAMS.—

131 (a) Initial approval of a Level I program shall be for a
132 period of 5 years. A postsecondary institution or school
133 district may submit to the department in a format prescribed by
134 the department an application to establish a Level I school
135 leader preparation program. To be approved, a Level I program
136 must:

137 1. Provide competency-based training aligned to the
138 principal leadership standards adopted by the State Board of
139 Education.

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

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

145 4. Describe how the training provided through the program

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146 will be aligned to the personnel evaluation criteria under s.
147 1012.34.

148 (b) Renewal of a Level I program's approval shall be for a
149 period of 5 years and shall be based upon evidence of the
150 program's continued ability to meet the requirements of
151 paragraph (a). A postsecondary institution or school district
152 must submit an institutional program evaluation plan in a format
153 prescribed by the department for a Level I program to be
154 considered for renewal. The plan must include:

155 1. The percentage of personnel who complete the program and
156 are placed in school leadership positions in public schools
157 within the state.

158 2. Results from the personnel evaluations required under s.
159 1012.34 for personnel who complete the program.

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

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

165 5. Strategies for continuous improvement of the program.

166 6. Strategies for involving personnel who complete the
167 program, other school personnel, community agencies, business
168 representatives, and other stakeholders in the program
169 evaluation process.

170 7. Additional data included at the discretion of the
171 postsecondary institution or school district.

172 (c) A Level I program must guarantee the high quality of
173 personnel who complete the program for the first 2 years after
174 program completion or the person's initial certification as a

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175 school leader, whichever occurs first. If a person who completed
176 the program is evaluated at less than highly effective or
177 effective under s. 1012.34 and the person's employer requests
178 additional training, the Level I program must provide additional
179 training at no cost to the person or his or her employer. The
180 training must include the creation of an individualized plan
181 agreed to by the employer that includes specific learning
182 outcomes. The Level I program is not responsible for the
183 person's employment contract with his or her employer.

184 (3) LEVEL II PROGRAMS.—Initial approval and subsequent
185 renewal of a Level II program shall be for a period of 5 years.
186 A school district may submit to the department in a format
187 prescribed by the department an application to establish a Level
188 II school leader preparation program or for program renewal. To
189 be approved or renewed, a Level II program must:

190 (a) Demonstrate that personnel accepted into the Level II
191 program have:

192 1. Obtained their certificate in educational leadership
193 under s. 1012.56.

194 2. Earned a highly effective or effective designation under
195 s. 1012.34.

196 3. Satisfactorily performed instructional leadership
197 responsibilities as measured by the evaluation system in s.
198 1012.34.

199 (b) Demonstrate that the Level II program:

200 1. Provides competency-based training aligned to the
201 principal leadership standards adopted by the State Board of
202 Education.

203 2. Provides training aligned to the personnel evaluation

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204 criteria under s. 1012.34 and professional development program
205 in s. 1012.986.

206 3. Provides individualized instruction using a customized
207 learning plan for each person enrolled in the program that is
208 based on data from self-assessment, selection, and appraisal
209 instruments.

210 4. Conducts program evaluations and implements program
211 improvements using input from personnel who completed the
212 program and employers and data gathered pursuant to paragraph
213 (2) (b).

214 (c) Gather and monitor the data specified in paragraph
215 (2) (b).

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

218 Section 6. Subsection (3) of section 1012.75, Florida
219 Statutes, is amended to read:

220 1012.75 Liability of teacher or principal; excessive
221 force.—

222 (3) The Department of Education shall administer an
223 educator liability insurance program, as provided in the General
224 Appropriations Act, to protect full-time instructional personnel
225 from liability for monetary damages and the costs of defending
226 actions resulting from claims made against the instructional
227 personnel arising out of occurrences in the course of activities
228 within the instructional personnel's professional capacity. For
229 purposes of this subsection, the terms "full-time," "part-time,"
230 and "administrative personnel" shall be defined by the
231 individual district school board. For purposes of this
232 subsection, the term "instructional personnel" has the same

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233 meaning as provided in s. 1012.01(2).

234 (a) Liability coverage ~~of at least \$2 million~~ shall be
235 provided to all full-time instructional personnel. Liability
236 coverage may be provided to the following individuals who choose
237 to participate in the program, at cost: part-time instructional
238 personnel, administrative personnel, and students enrolled in a
239 state-approved teacher preparation program pursuant to s.
240 1012.39(3).

241 (b) By August 1 of each year, the department shall notify
242 the personnel specified in paragraph (a) of the pending
243 procurement for liability coverage. By September 1 of each year,
244 each district school board shall notify the personnel specified
245 in paragraph (a) of the liability coverage provided pursuant to
246 this subsection. The department shall develop the form of the
247 notice which shall be used by each district school board. The
248 notice must be on an 8 1/2-inch by 5 1/2-inch postcard and
249 include the amount of coverage, a general description of the
250 nature of the coverage, and the contact information for coverage
251 and claims questions. The notification shall be provided
252 separately from any other correspondence. Each district school
253 board shall certify to the department, by September 15 of each
254 year, that the notification required by this paragraph has been
255 provided.

256 (c) The department shall consult with the Department of
257 Financial Services to select the most economically prudent and
258 cost-effective means of implementing the program through self-
259 insurance, a risk management program, or competitive
260 procurement.

261 ~~(d) This subsection expires July 1, 2016.~~

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262 Section 7. Subsection (1) of section 1012.79, Florida
263 Statutes, is amended to read:

264 1012.79 Education Practices Commission; organization.—

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

282 (a) A teacher member, in order to be qualified for
283 appointment:

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

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

286 ~~2.3.~~ Must have practiced the profession in this state for
287 at least 5 years immediately preceding the appointment.

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

290 1. Must have an endorsement on the educator certificate in

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291 the area of school administration or supervision.

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

293 2.3. Must have practiced the profession as an administrator
294 for at least 5 years immediately preceding the appointment.

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

296 (c) ~~(d)~~ The law enforcement official members must have
297 served in the profession for at least 5 years immediately
298 preceding appointment and have background expertise in child
299 safety.

300 (d) The Commissioner of Education, upon request or
301 recommendation from the commission, may also appoint up to five
302 emeritus members from the commission's prior membership to serve
303 1-year terms. Notwithstanding any prior service on the
304 commission, an emeritus member may serve up to five 1-year
305 terms. An emeritus member serves as a voting member at a
306 discipline hearing and as a consulting but nonvoting member
307 during a business meeting.

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

309 Section 8. Subsection (3) of section 1012.796, Florida
310 Statutes, is amended to read:

311 1012.796 Complaints against teachers and administrators;
312 procedure; penalties.-

313 (3) The department staff shall advise the commissioner
314 concerning the findings of the investigation. The department
315 general counsel or members of that staff shall review the
316 investigation and advise the commissioner concerning probable
317 cause or lack thereof. The determination of probable cause shall
318 be made by the commissioner. The commissioner shall provide an
319 opportunity for a conference, if requested, prior to determining

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320 probable cause. The commissioner may enter into deferred
321 prosecution agreements in lieu of finding probable cause if, in
322 his or her judgment, such agreements are in the best interests
323 of the department, the certificateholder, and the public. Such
324 deferred prosecution agreements shall become effective when
325 filed with the clerk of the Education Practices Commission.
326 However, a deferred prosecution agreement may ~~shall~~ not be
327 entered into if there is probable cause to believe that a felony
328 or an act of moral turpitude, as defined by rule of the State
329 Board of Education, has occurred. Upon finding no probable
330 cause, the commissioner shall dismiss the complaint and may
331 issue a letter of guidance to the certificateholder.

332 Section 9. This act shall take effect July 1, 2016.