

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: CS/CS/CS/HB 1203 Education

SPONSOR(S): Judiciary Committee, Education & Employment Committee and Early Learning & Elementary Education Subcommittee, Fetterhoff and others

TIED BILLS: **IDEN./SIM. BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Early Learning & Elementary Education Subcommittee	12 Y, 5 N, As CS	Aaronson	Brink
2) Education & Employment Committee	13 Y, 6 N, As CS	Aaronson	Hassell
3) Judiciary Committee	12 Y, 7 N, As CS	Mathews	Kramer

SUMMARY ANALYSIS

To qualify for employment as a school employee in Florida, an individual must meet certain criteria relating to moral fitness, educational credentials, and licensure. Individuals who work with children and other vulnerable persons are required to undergo criminal background screening. The bill amends s. 435.12, F.S., to require school districts, lab schools, and specified education entities to conduct background screenings through the Agency for Health Care Administration Care Provider Background Screening Clearinghouse (Clearinghouse) beginning on January 1, 2023. The bill provides a schedule for rescreening of such individuals as they move into the Clearinghouse.

As part of determining and monitoring employment eligibility, Florida law establishes penalties for individuals who fail to accurately report sexual misconduct with a student. The bill amends s. 800.101, F.S., to improve the safety of Florida's students by establishing a first degree misdemeanor penalty for specified conduct related to failing to report an incident of an authority figure engaging in or soliciting sexual, romantic, or lewd conduct with a student.

The bill revises teacher preparation program approval criteria and requirements for preservice field experiences and authorizes members of the Legislature to visit any public school in the legislative district of the member.

The bill specifies that instructional evaluation procedures are not subject to mandatory collective bargaining. It also requires that any compensation for longevity of service that is awarded to instructional personnel who are not on a performance salary schedule must be included in calculating differentiated salary adjustments as provided in law.

The bill will have a fiscal impact related to additional entities participating in the Clearinghouse. See Fiscal Comments.

Except as otherwise provided, the bill takes effect January 1, 2023.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Background Screenings for School Employees

Present Situation

Employee Background Screenings

Florida provides standard procedures for screening a prospective employee where the Legislature has determined it is necessary to conduct a criminal history background check to protect vulnerable persons.¹

Chapter 435, F.S., establishes standard procedures for criminal history background screening of prospective employees and outlines the screening requirements. There are two levels of background screening: Level 1 and Level 2. Level 1 screening includes, at a minimum, employment history checks and statewide criminal correspondence checks through the Florida Department of Law Enforcement (FDLE) and a check of the Dru Sjodin National Sex Offender Public Website,² and may include criminal records checks through local law enforcement agencies. A Level 1 screening may be paid for and conducted through FDLE's website, which provides immediate results.³ A Level 2 background screening includes, but is not limited to, fingerprinting for statewide criminal history records checks through FDLE and national criminal history checks through the Federal Bureau of Investigation (FBI), and may include local criminal records checks through local law enforcement agencies.⁴

Every person required by law to be screened pursuant to ch. 435, F.S., must submit a complete set of information necessary to conduct a screening to his or her employer.⁵ Such information for a Level 2 screening includes fingerprints, which are taken by a vendor that submits them electronically to FDLE.⁶

For both Level 1 and 2 screenings, the employer must submit the information necessary for screening to FDLE within five working days after receiving it.⁷ Additionally, for both levels of screening, FDLE must perform a criminal history record check of its records.⁸ For a Level 1 screening, this is the only information searched, and once complete, FDLE responds to the employer or agency, who must then inform the employee whether screening has revealed any disqualifying information.⁹ For Level 2 screening, FDLE also requests the FBI to conduct a national criminal history record check of its records for each employee for whom the request is made.¹⁰ As with a Level 1 screening, FDLE responds to the employer or agency, and the employer or agency must inform the employee whether screening has revealed disqualifying information. If the employer or agency finds that an individual has a history containing one of these offenses, it must disqualify that individual from employment.

The person whose background is being checked must supply any missing criminal or other necessary information upon request to the requesting employer or agency within 30 days after receiving the request for the information.¹¹

¹ Chapter 435, F.S.

² The Dru Sjodin National Sex Offender Public Website is a U.S. government website that links public state, territorial, and tribal sex offender registries in one national search site. The website is available at <https://www.nsopw.gov/> (last visited Feb. 28, 2022).

³ Florida Department of Law Enforcement, *State of Florida Criminal History Records Check* <http://www.fdle.state.fl.us/Criminal-History-Records/Florida-Checks.aspx> (last visited Feb. 28, 2022).

⁴ Section 435.04, F.S.

⁵ Section 435.05(1)(a), F.S.

⁶ Section 435.03(1) and 435.04(1)(a), F.S.

⁷ Section 435.05(1)(b)-(c), F.S.

⁸ Id.

⁹ Section 435.05(1)(b), F.S.

¹⁰ Section 435.05(1)(c), F.S.

¹¹ Section 435.05(1)(d), F.S.

Disqualifying Offenses

Regardless of whether the screening is Level 1 or Level 2, the screening employer or agency must make sure that the applicant has good moral character by ensuring that the employee has not been arrested for and is awaiting final disposition of, been found guilty of, regardless of adjudication, or entered a plea of nolo contendere or guilty to, or been adjudicated delinquent and the record has not been sealed or expunged for, any of the 51 specified offenses prohibited under Florida law, or similar law of another jurisdiction.¹²

Exemption from Disqualification

If an individual is disqualified due to a pending arrest, conviction, plea of nolo contendere, or adjudication of delinquency for one or more of the disqualifying offenses, s. 435.07, F.S., allows the secretary of the appropriate agency to exempt applicants from that disqualification under certain circumstances, including when:¹³

- Three years have elapsed since the individual has completed or been lawfully released from confinement, supervision, or a nonmonetary condition imposed by a court for a disqualifying felony; or
- The applicant has completed or been lawfully released from confinement, supervision, or a nonmonetary condition imposed by a court for a misdemeanor or an offense that was a felony at the time of commission but is now a misdemeanor.

Receiving an exemption allows that individual to work despite the disqualifying crime in that person's past. However, an individual who is considered a sexual predator,¹⁴ career offender,¹⁵ or sexual offender (unless not required to register)¹⁶ cannot ever be exempted from disqualification.¹⁷

Current law does not prohibit a person from becoming certified as a teacher if he or she is ineligible for an exemption from a disqualifying offense under s. 435.07, F.S.

Care Provider Background Screening Clearinghouse

Many different agencies, programs, employers, and professionals serve vulnerable populations in Florida. Personnel working with those entities who serve vulnerable persons are subject to background screening. However, due to restrictions placed on the sharing of criminal history information, persons who work for more than one agency or employer, who change jobs, or who wish to volunteer for such an entity, often must undergo a new and duplicative background screening and fingerprinting.

Policies imposed by the FBI prevent the sharing of criminal history information except within a given "program." Since each regulatory area is covered by a different controlling statute and screenings are done for separate purposes, the screenings have been viewed as separate "program" areas and sharing of results has not been allowed.¹⁸ In addition, screenings are only accurate as of the date they are run. Arrests or convictions occurring after the screening are not known until the person is rescreened or self-reports.

In 2012, the Legislature created the Care Provider Background Screening Clearinghouse (Clearinghouse) to create a single "program" of screening individuals and allow for the results of criminal history checks of persons acting as covered care providers to be shared among the specified agencies.¹⁹ Designated agencies include the Agency for Health Care Administration (AHCA), the

¹² Section 435.04(2), F.S.

¹³ Section 435.07(1), F.S.

¹⁴ Section 775.261, F.S.

¹⁵ Section 775.261, F.S.

¹⁶ Section 943.0435, F.S.

¹⁷ Section 435.07(4)(b), F.S.

¹⁸ See Pub. L. No. 92-544 (Oct. 25, 1972); 28 C.F.R. Part 20; 28 C.F.R. s. 50.12.

¹⁹ Chapter 2012-73, L.O.F.

Department of Health, the Department of Children and Families, the Department of Elder Affairs, the Agency for Persons with Disabilities, and Vocational Rehabilitation within the DOE.²⁰ Once a person's screening record is in the Clearinghouse, that person will avoid the need for any future state screens and related fees.²¹ Final implementation of the Clearinghouse by the designated state agencies was required by October 1, 2013. The Clearinghouse was initially implemented by AHCA on January 1, 2013.

Qualified entities and educational entities are not currently required to conduct background screenings through the Clearinghouse.

Background Screening of Individuals at Schools

To be eligible to work in a district school system, a person must meet the following basic specification requirements:

- Be of good moral character;
- Be at least 18 years of age;
- Be employed in an instructional capacity;
- Be eligible for employment in a school district;²² and
- When required by law, hold a certificate or license issued under rules of the State Board of Education (SBE) or Department of Children and Families (DCF).²³

Instructional and noninstructional personnel who are hired or contracted to fill positions that require direct contact with students must also undergo background screening as specified in law.²⁴

Individuals who work in or provide services to school districts, charter schools, alternative schools, and private schools participating in state school choice scholarship programs²⁵ must undergo a fingerprint-based background screening before being permitted access to school grounds.²⁶ The individuals who must undergo background screening fall under three personnel classifications: instructional and noninstructional personnel;²⁷ noninstructional school district employees and contracted personnel;²⁸ and noninstructional contractors.²⁹ Candidates for educator certification must also undergo background screening.³⁰

The background screening requirements for each personnel classification vary depending upon the individual's duties, whether or not the individual is a school district employee, and the degree of contact the individual has with students.³¹ Because they are more likely to have direct contact with students, candidates for educator certification, instructional and noninstructional personnel, and noninstructional school district employees and contracted personnel must be screened against a distinct list of 51 disqualifying offenses applicable to employment with public schools and school districts.³² Athletic coaches employed by public schools must be certified by the DOE and are subject to the same

²⁰ Section 435.02(5), F.S. (defines "Specified agency").

²¹ Agency for Health Care Administration, *Clearinghouse Renewals*,

https://ahca.myflorida.com/MCHO/Central_Services/Background_Screening/Renewals.shtml (last visited Feb. 28, 2022).

²² See Section 1012.315, F.S. Eligibility requirements prohibit registered sex offenders or persons that have been convicted or found guilty of a crime.

²³ Section 1012.32, F.S.

²⁴ See ss. 1012.465 and 1012.56, F.S.

²⁵ The background screenings conducted by such private schools are conducted through the VECHS.

²⁶ Sections 1002.421, 1012.32(2), 1012.465(2), and 1012.467(2)(a), F.S.

²⁷ Instructional and noninstructional personnel are individuals who are hired or contracted to fill positions that require direct contact with students in any public school. Section 1012.32(2), F.S.

²⁸ Noninstructional school district employees and contracted personnel are individuals who are permitted access to school grounds when students are present; who have direct contact with students; or who have access to, or control of, school funds. Section 1012.465(1), F.S.

²⁹ Noninstructional contractors are vendors or contractors who are not school district employees, are permitted access to school grounds when students are present, and have little or no direct contact with students. Section 1012.467(1)(a), F.S.

³⁰ Sections 1012.315, 1012.32(2)(a), and 1012.56(10)(a), F.S.

³¹ See ss. 1012.32(2), 1012.465(2), and 1012.467(2)(a), F.S.

³² Sections 1012.315, 1012.32, and 1012.465, F.S.

background screening standards as other individuals seeking certification.³³ In contrast, noninstructional contractors, individuals who are not school district employees and have no direct contact with students, are screened against a statutory list of 12 disqualifying offenses.³⁴

Fingerprints taken for a background screening are submitted to the FDLE for statewide criminal and juvenile records checks and to the FBI for national criminal records checks. The cost of the background screening may be borne by the district school board, the charter school, or the individual who is subject to the screening requirements.³⁵

FDLE enters and retains the fingerprints in the Automated Fingerprint Identification System (AFIS), and retains them in the Applicant Fingerprint Retention and Notification Program (AFRNP) database.³⁶ Any arrest fingerprints FDLE receives through the Criminal Justice Information Program³⁷ must then be searched against the fingerprints retained in the AFRNP. Any arrest record that is identified with the retained fingerprints of a person subject to the background screening must be reported to the employing or contracting school district.³⁸

Screening results for contractors, both those who have direct contact with students and those who simply have access to school property when students are present, are entered into the Florida Shared School Results (FSSR) system,³⁹ which allows the results to be shared with other school districts through a secure internet website or other secure electronic means. However, the screening results for instructional personnel hired or contracted by an approved virtual instruction provider are not included in FSSR. As a result, these individuals must often undergo background screening by multiple school districts using the provider's services.⁴⁰

In addition to fingerprint-based background screening, before employing instructional personnel or school administrators in any position that requires direct contact with students, school districts, charter schools, and private schools participating in a state school choice scholarship program must:⁴¹

- Conduct an employment history check of the individual's previous employer. If unable to contact a previous employer, efforts to contact the employer must be documented;
- Screen the individual through use of the Department of Education (DOE) Professional Practices' Database of Disciplinary Actions Against Educators, Teacher Certification Database, and the disqualification list;⁴² and
- Document the findings.

The disqualification list is maintained by the DOE and includes:⁴³

- The identity of any person who has been permanently denied an educator certificate or whose certificate was permanently revoked and has been placed on the list as directed by the EPC.⁴⁴
- The identity of any person who has been permanently disqualified by the Commissioner as an owner or operator of a private school participating in a state scholarship program.
- The identity of any person who has been terminated, or has resigned in lieu of termination, from employment as a result of sexual misconduct with a student.

³³ Section 1012.55(2), F.S. *See also* 1012.56, F.S.; Rule 6A-4.004(4), F.S.

³⁴ *See* s. 1012.467(2)(g), F.S. The law references eight specific offenses plus crimes involving lewd and lascivious behavior in ch. 800, F.S., which include four such offenses. *Id.*

³⁵ Section 1012.32(2), F.S. (flush-left provision at end of subsection).

³⁶ Section 1012.32(3)(a), F.S.; s. 943.05(2), F.S.; rule 11C-6.010(1), F.A.C.

³⁷ Section 943.051, F.S.

³⁸ Section 1012.32(3)(b), F.S.

³⁹ Florida Department of Law Enforcement, *Jessica Lunsford Act Information*, <http://www.fdle.state.fl.us/JLA/Jessica-Lunsford-Act-Information.aspx> (last visited Feb. 28, 2022).

⁴⁰ Section 1012.467(7)(a), F.S.

⁴¹ Sections 1002.33(12)(g)4. (charter schools), 1002.421(4)(c) (private schools), and 1012.27(6), F.S. (school districts).

⁴² *See* s. 1001.10(4)(b), F.S.; *see also* Florida Department of Education, *Employment Screening Tools*, <https://www.fldoe.org/teaching/professional-practices/employment-screening-tools.html> (last visited Feb. 28, 2022) (includes links to the Professional Practices' Database of Disciplinary Actions Against Educators and the Teacher Certification Database).

⁴³ Section 1001.10(4)(b), F.S.

⁴⁴ 1012.795, F.S.

- The identity of any person who is ineligible for educator certification or employment under s. 1012.315, F.S.

An individual on the disqualification list is prohibited from serving or applying to serve as an employee or contracted personnel at any public school, charter school, or private school participating in a state scholarship program. Any individual who knowingly violates this prohibition commits a third degree felony.⁴⁵

The DOE may remove a person included on the disqualification list if the person demonstrates the following:

- A completed law enforcement investigation resulted in an exoneration or no finding of guilt; and a completed investigation and proceeding by the responsible education agency resulting in a finding that the person did not commit the disqualifying conduct;
- The person was included on the DQ list in error; or
- The employer that submitted the person for inclusion revokes his or her request.⁴⁶

Additionally, the DOE is required to investigate complaints or allegations made against certified educators and initiate proceedings to suspend or revoke the educator's certificate if grounds exist to do so. The law specifically references certified educators employed by traditional public schools, charter schools, and private schools participating in a state school choice scholarship programs, while omitting approved virtual instruction providers.⁴⁷

The law also requires law enforcement agencies to notify the appropriate district school superintendent, charter school governing board, private school owner or administrator, president of the Florida School for the Deaf and the Blind, or university lab schools director or principal, as applicable, within 48 hours if an employee is arrested for a felony or a misdemeanor involving the abuse of children or sale or possession of controlled substances.⁴⁸

Upon notification by law enforcement, the principal must, within 24 hours, notify parents of enrolled students who had direct contact with the employee and include, at a minimum, the employee's name and the specific charges against him or her.⁴⁹

The FDLE charges an annual fee to each school district for performing services and establishing procedures for the retention and results of personnel fingerprinting.⁵⁰

Effect of Proposed Changes

The bill amends s. 435.02, F.S., to require school districts, lab schools, the Florida School for the Deaf and the Blind, the Florida Virtual School, virtual instruction providers, charter schools, hope operators, and private schools participating in an educational scholarship program to conduct background screenings using the Clearinghouse beginning January 1, 2023. These entities must be fully implemented into the Clearinghouse by January 1, 2024, or by a date determined by AHCA. The bill amends ss. 943.0585 and 943.059, F.S., to prohibit individuals seeking employment at any of these entities from denying or failing to acknowledge arrests covered by a sealed or expunged record.

The bill requires AHCA to follow a staggered schedule when conducting rescreening for education entities entering the Clearinghouse:

- Employees last screened on or before June 30, 2019, must be rescreened by June 30, 2024;

⁴⁵ Sections 775.082 and 775.083, F.S.

⁴⁶ Section 1001.10(4)(c), F.S.

⁴⁷ Section 1012.796(1), F.S.

⁴⁸ Section 1012.797, F.S.

⁴⁹ *Id.*

⁵⁰ Section 1012.32(3)(b), F.S.

- Employees last screened between July 1, 2019, and June 30, 2021, must be rescreened by June 30, 2025; and
- Employees last screened between July 1, 2021, through December 31, 2021, must be rescreened by June 30, 2026.

Because charter schools will conduct background screenings using the Clearinghouse, the bill repeals the requirement that a district school board reimburse a charter school for the cost of background screening if the district school board fails to notify the charter school of eligible personnel or board members within a specified number of days.

Reporting Sexual Misconduct in Florida Public Schools

Present Situation

Sexual Misconduct in Florida Public Schools

Florida law prohibits the employment of specific individuals in district public schools,⁵¹ charter schools,⁵² and private schools.⁵³ A person may be ineligible for employment due to registration as a sexual offender or having been terminated or resigned in lieu of termination for sexual misconduct with a student.⁵⁴ Additionally, a person is ineligible for employment in any position that requires direct contact with students if he or she has been convicted or found guilty of, has had adjudication withheld for, or has pled guilty or nolo contendere to specified offenses.⁵⁵

Section 1006.061, F.S., requires public notices to be posted in all district school boards, charter schools, and private schools that accept scholarship students, notifying students, visitors, and employees.⁵⁶

- That all employees and agents of the school have an affirmative duty to report all actual or suspected cases of child abuse, abandonment, or neglect, have immunity from liability if they report cases in good faith, and have a duty to comply with all provisions of law relating to child abuse, abandonment, and neglect;⁵⁷
- Of policies and procedures for reporting alleged misconduct by school district employees which affects the health, safety, or welfare of a student; the contact person for the report; and penalties for employees;⁵⁸ and
- Of the statewide phone number of the central abuse hotline, instructions on how to call 911 for emergencies, directions for accessing the DCF website and the DOE website.⁵⁹

In 2021, the Legislature passed House Bill 131, which requires school districts and the DOE to fully investigate allegations of sexual misconduct with students.⁶⁰ In addition, district school boards must adopt policies establishing standards of ethical conduct for employees including educational support personnel, instructional personnel, administrative personnel, and school officers. School district employees must complete training on ethical conduct standards, including the duty to report misconduct that involves a violation of s. 800.101, F.S., for engaging in or soliciting sexual, romantic, or lewd conduct with a student, including a report to law enforcement.⁶¹

Effect of Proposed Changes

⁵¹ Section 1012.796(1), F.S.

⁵² Section 1002.33(12)(g), F.S.

⁵³ Section 1002.421(1)(r), F.S.

⁵⁴ Section 1001.42(7), F.S.

⁵⁵ S. 1012.315, F.S.

⁵⁶ Section 1006.061, F.S.

⁵⁷ Section 1006.061(1), F.S.

⁵⁸ Section 1006.061(2), F.S.

⁵⁹ Section 1006.061(4), F.S.

⁶⁰ Section 1, ch. 2021-138, L.O.F.

⁶¹ Section 1001.42(6), F.S.

Under the bill, a person commits a first degree misdemeanor if he or she knowingly or willingly:

- Fails to make a report regarding an incident of an authority figure engaging in or soliciting sexual, romantic, or lewd conduct with a student;
- Submits false, inaccurate, or incomplete information while reporting an authority figure engaging in or soliciting sexual, romantic, or lewd conduct with a student; or
- Coerces or threatens another person with the intent to alter his or her testimony or written report regarding an incident of an authority figure engaging in or soliciting sexual, romantic, or lewd conduct with a student.

A first degree misdemeanor is punishable by up to one year in county jail and a fine of \$1,000. ⁶²

Visitation at Schools

Present Situation

Section 1001.42(27), F.S., specifies the power and duties of the district school board which includes, but is not limited to, visiting schools, observing, management and instruction, giving suggestions for improvement, and advising citizens with the view of promoting interest in education and improving the schools.⁶³ Additionally, an individual member of a district school board may, on any day and at any time at his or her pleasure, visit any district school in his or her respective school district.⁶⁴ Similarly, an individual charter school governing board member may, on any day and at any time at his or her pleasure, visit any charter school governed by the charter school's governing board.⁶⁵

The following conditions apply regarding the visitation of schools by an individual school board member or a charter school governing board member:

- The board member must sign in and sign out at the school's main office.
- The board member must wear his or her board identification badge at all times while present on school premises.
- The board, the school, or any other person or entity, including, but not limited to, the principal of the school, the school superintendent, or any other board member, may not require the visiting board member to provide notice before visiting the school.
- The school may offer, but may not require, an escort to accompany a visiting board member during the visit.
- Another board member or a district employee, including, but not limited to, the superintendent, the school principal, or his or her designee, may not limit the duration or scope of the visit or direct a visiting board member to leave the premises.
- A board, district, or school administrative policy or practice may not prohibit or limit the authority granted to a board member.⁶⁶

Effect of Proposed Changes

The bill authorizes members of the Legislature to visit any public school in the legislative district which the member represents, subject to the same requirements for school visitation established for district school board members and members of a charter school governing board.

Instructional Personnel in Florida District Schools

Present Situation

⁶² Ss. 775.082 and 775.083, F.S.

⁶³ Section 1001.42(27), F.S.

⁶⁴ Section 1001.4205, F.S.

⁶⁵ *Id.*

⁶⁶ *Id.*

Section 1012.01(2), F.S., defines “instructional personnel” as any K-12 staff member who provides direct instructional services or direct instructional support to students in kindergarten through grade 12.⁶⁷ Instructional personnel include:

- Classroom teachers;
- Staff who provide student personnel services, e.g., certified school counselors, social workers, career specialists, and school psychologists;
- Librarians and media specialists; and
- Other instructional staff, e.g., learning resource specialists; and education paraprofessionals under the direct supervision of instructional personnel.⁶⁸

“School administrators” include school principals, assistant principals, school directors, and career center directors.⁶⁹

Each district school superintendent must establish procedures for evaluating the job performance of all district instructional, administrative, and supervisory personnel.⁷⁰ Instructional personnel and school administrators must be evaluated annually, except that newly hired classroom teachers must be evaluated at least twice in their first year of teaching in the school district.⁷¹

Each evaluation of instructional personnel must be performed by the employee’s supervisor, who may consider input from other trained personnel.⁷² School districts must provide training to evaluators on the proper use of the evaluation criteria and procedures and must include processes for monitoring evaluator reliability and system effectiveness.⁷³ Instructional personnel and school administrators are evaluated using the following criteria:

- Student performance;
- Instructional practice (for instructional personnel);
- Instructional leadership (for school administrators); and
- Other indicators of performance identified by the district school board, such as peer reviews.⁷⁴

At least one-third of an instructional personnel or school administrator evaluation must be based upon student performance and at least another one third based on instructional practice or instructional leadership.⁷⁵

Instructional practice criteria for classroom teachers are based upon the Florida Educator Accomplished Practices (FEAPs). For non-classroom instructional personnel who are not classroom teachers, instructional practice criteria must be based upon the FEAPs and may include specific job expectations related to student support.⁷⁶

Instructional practice indicators are aligned to the FEAPs adopted in state board rule.⁷⁷ The FEAPs provide the essential competencies and skills for effective teaching and form the foundation for teacher preparation programs, certification requirements, and performance evaluation systems.⁷⁸ In district evaluation systems, instructional practice indicators measure the FEAPs regarding:

⁶⁷ Section 1012.01(2), F.S.

⁶⁸ *Id.*

⁶⁹ *See s. 1012.01(3), F.S.* School administrators are a subset of K-12 administrative personnel who perform management activities such as developing and executing broad policies for the school district. Administrative personnel include district-based instructional and non-instructional administrators, as well as school administrators who perform administrative duties at the school-level. *Id.*

⁷⁰ Section 1012.34(1)(a), F.S.

⁷¹ Section 1012.34(3)(a), F.S. “Newly hired classroom teachers” include first-time teachers new to the profession as well as veteran teachers new to the school district.

⁷² Section 1012.34(3)(c), F.S.

⁷³ Section 1012.34(2)(f), F.S.

⁷⁴ Section 1012.34(3)(a)1., 2., and 4., F.S.

⁷⁵ Section 1012.34(3)(a)1-3., F.S.

⁷⁶ Section 1012.34(3)(a)2., F.S. The Educator Accomplished Practices are adopted in rule and include several competencies and skills that are essential to effective teaching. Rule 6A-5.065, F.A.C.

⁷⁷ Rule 6A-5.065, F.A.C.

⁷⁸ Rule 6A-5.065(1)(a), F.A.C.

- Instructional design and lesson planning;
- The learning environment, including classroom management;
- Instructional delivery and facilitation;
- Assessment of student progress;
- Continuous professional improvement; and
- Professional responsibility and ethical conduct.⁷⁹

Instructional personnel and school administrator evaluations must be based upon the performance of the students assigned to their classrooms or schools.⁸⁰ All personnel being evaluated must be fully informed of the criteria, data sources, methodologies, and procedures before evaluation takes place.⁸¹ If an employee is not performing satisfactory work, the employee must be notified in writing. The notice must contain recommendations with respect to specific areas of unsatisfactory performance, assistance for the employee, and a notice of probation for 90 calendar days.⁸²

The district superintendent must annually report evaluation systems and evaluation results of instructional personnel and administrators to the DOE⁸³ to calculate district and statewide student performance.⁸⁴

The DOE reviews and approves each school district's performance evaluation system annually. District evaluation systems must:

- Be based upon sound educational principles and contemporary research in effective educational practices;
- Be designed to support effective instruction and student learning growth;
- Be used when developing district and school improvement plans as well as identifying professional development;
- Provide appropriate instruments, procedures, timely feedback, and criteria for improving the quality of instruction;
- Examine performance data from multiple sources, including opportunities for parental input;
- Identify teaching fields for which special evaluation criteria are necessary;
- Differentiate among four levels of performance; and
- Provide for training on the use of the evaluation system.⁸⁵

The four levels of performance for school district performance evaluation systems include highly effective; effective; needs improvement, or for instructional personnel in their first 3 years of employment who need improvement, developing; and unsatisfactory.⁸⁶ Upon approval, the DOE posts a list of department-approved evaluation systems and the approval dates.⁸⁷

Implications of School District Personnel Evaluations

As of July 1, 2014, district school boards must have a performance salary schedule, based on performance measurements, and a grandfathered salary schedule, based on seniority and degree level, for instructional personnel and school administrators.⁸⁸ Instructional personnel retain the right to

⁷⁹ Rule 6A-5.065(2), F.A.C.

⁸⁰ Section 1012.34(3), F.S.

⁸¹ Section 1012.34(3)(a)4.b., F.S.

⁸² Section 1012.34(4), F.S.

⁸³ Section 1012.34(1)(a), F.S.

⁸⁴ Section 1012.34(1), F.S. The most recent evaluation results for the 2018-19 school year are available on the DOE website. See Florida Department of Education, Performance Evaluation, *District Evaluation Ratings*, <https://www.fldoe.org/teaching/performance-evaluation/>. (last visited Feb. 28, 2022).

⁸⁵ Section 1012.34(1)(b), (2), and (3)(a), F.S. See rule 6A-5.030, F.A.C. (establishing process for submitting district evaluation system plans to the DOE for approval).

⁸⁶ Section 1012.34(2)(e), F.S.

⁸⁷ Florida Department of Education, *Performance Evaluation*, <https://www.fldoe.org/teaching/performance-evaluation/> (last visited Feb. 28, 2022).

⁸⁸ Section 1012.22(1)(c)4. and 5., F.S.

collectively bargain compensation awarded under both the performance salary schedule and the grandfathered salary schedule; however, the priorities for negotiating compensation under each salary schedule differ.⁸⁹ Compensation for school administrators is determined by the district school board.

Under the performance salary schedule, annual salary adjustments may be given only to employees rated highly effective or effective on annual performance evaluations.⁹⁰ The salary adjustment for highly effective performance must be greater than the highest annual salary adjustment available to an employee of the same classification on any salary schedule adopted by the school district. The salary adjustment for effective performance must be between 50 and 75 percent of the adjustment provided to a highly effective employee.⁹¹ Employees rated below effective are not eligible for a salary adjustment.⁹²

The grandfathered salary schedule is the salary schedule or schedules adopted by a district school board before July 1, 2014, in which compensation is generally based upon seniority and educational degree level.⁹³ An undefined portion of instructional personnel compensation must be based upon performance, as measured by annual performance evaluations. The grandfathered salary schedules for instructional personnel⁹⁴ and school administrators must include differentiated pay based upon district-determined factors, including additional responsibilities, school demographics, critical teacher shortage areas, and level of job performance difficulties.⁹⁵

Although the law requires instructional personnel who are on a performance salary schedule receive higher salary adjustments, based on their performance evaluations, than instructional personnel on any other salary schedule, some school districts have provided additional compensation to make up this difference, including by providing longevity compensation for personnel on the grandfathered salary schedule.⁹⁶

If budget constraints limit a school board's ability to fully fund all adopted salary schedules, the board may not disproportionately reduce the performance salary schedule.⁹⁷ Performance evaluation ratings may also impact school assignment and eligibility for an annual or professional services contract.⁹⁸

Collective Bargaining

Employees of the state, including instructional personnel employed by a school district, have the constitutional right to collective bargaining through representatives of their choosing.⁹⁹ Florida law defines "collective bargaining" as the performance of the mutual obligations of a public employer and the bargaining agent of the employee organization to meet at reasonable times, to negotiate in good faith, and to execute a written contract with respect to agreements reached concerning the terms and conditions of employment. Neither the public employer nor the employee organization may be

⁸⁹ Section 1012.22(1)(c)4. and 5.; s. 447.309(1), F.S.

⁹⁰ Section 1012.22(1)(c)5.b., F.S. Student performance data used in a classroom teacher's evaluation is determined by the school district pursuant to s. 1012.34(3)(a)1. and (7), F.S. It may include student learning growth calculated using a formula adopted by the Commissioner of Education. *See* s. 1012.34(7)(b), F.S.

⁹¹ Section 1012.22(1)(c)5.b., F.S.

⁹² *See* s. 1012.22(1)(c)5.b.III., F.S.

⁹³ Section 1012.22(1)(c)4., F.S.

⁹⁴ Unlike the definition of "instructional personnel" in s. 1012.01(2), F.S., the definition of "instructional personnel" for salary schedule purposes excludes substitute teachers and education paraprofessionals. *See* s. 1012.22(1)(c)1.c., F.S.

⁹⁵ Section 1012.22(1)(c)4., F.S.

⁹⁶ *See, e.g.,* WEAR-TV, *Escambia County teachers to see increased salaries under new agreement* (Feb. 17, 2022), available at <https://weartv.com/news/local/escambia-county-teachers-to-see-increased-salaries-under-new-agreement>. Escambia County School District is implementing a salary adjustment in the 2021-2022 school year to include a longevity supplement of \$1,000, as compared to a \$600 increase for other employees, so that all personnel on the grandfathered salary schedule that received at least an "effective" rating in the previous school year receive the same salary increase as employees on the performance salary schedule.

⁹⁷ Section 1012.22(1)(c)5., F.S. (flush-left provisions at end of subparagraph).

⁹⁸ *See* ss. 1012.2315(6), 1012.33(2)(a), 1012.335(2)(c)3., F.S., and rule 6A-1.099811(5)(b), F.A.C.

⁹⁹ Art. I, s. 6, FLA. CONST.; s. 447.03, F.S.

compelled to agree to a proposal or required to make a concession unless otherwise provided by law.¹⁰⁰

The law prohibits, as an unfair labor practice, a public employer from refusing to bargain in good faith with the certified bargaining agent on terms and conditions of employment.¹⁰¹ However, a public employer is not *per se* required to bargain matters of managerial right, including the ability to set standards of services offered to the public.¹⁰² In September 2021, the Public Employment Relations Commission ruled that a school district's personnel evaluation procedures, including the criteria that it used to evaluate instructional practice and set performance ratings, were a mandatory subject of bargaining.¹⁰³ In other words, the school district committed an unfair labor practice by unilaterally changing instructional personnel evaluation procedures.¹⁰⁴ Based on this decision, a school district may be required to undergo collective bargaining to revise evaluation requirements, which may result in impasse and relating proceedings.¹⁰⁵

Effect of Proposed Changes

The bill provides that school district evaluation procedures constitute standards of service offered to the public, within the meaning of section 447.209, F.S., and are not subject to mandatory collective bargaining.

The bill also requires that any compensation for longevity of service that is awarded to instructional personnel who are not on a performance salary schedule must be included in calculating differentiated salary adjustments, relative to instructional personnel on the performance salary schedule, as required by law.

Teacher Preparation Programs

Present Situation

State-approved teacher preparation programs are offered by Florida public and private postsecondary institutions, public school districts, and private providers by which candidates for educator certification can, depending on the type of program, demonstrate mastery of general knowledge, professional preparation and education competence, and/or subject area knowledge for purposes of attaining an educator certificate.¹⁰⁶

Initial state program approval is based on standards adopted and established by the DOE. Each program approved must require students, at a minimum to:

- Have a grade point average of 2.5 or higher in the general education component of undergraduate studies or have completed a bachelor's degree from an accredited college or university with a minimum 2.5 GPA;¹⁰⁷ and
- Pass the General Knowledge Test of the Florida Teacher Certification Examination or, for a graduate level program, obtain a baccalaureate degree from an institution that is accredited or approved pursuant to the rules of the state board.¹⁰⁸

¹⁰⁰ Section 447.203(14), F.S.

¹⁰¹ See s. 447.501(1)(c), F.S.

¹⁰² See s. 447.209, F.S.

¹⁰³ *The Orange County Classroom Teachers Association, Inc. v. School District of Orange Cnty.*, No. 21U-285, CA-2018-050 at 38 (Public Employees Relations Commission Sept. 24, 2021). (requiring the School District of Orange County to meet with representatives of the Union for purposes of collective bargaining concerning the teacher evaluation system).

¹⁰⁴ See *id.* at 35.

¹⁰⁵ See s. 447.403, F.S.

¹⁰⁶ See Florida Department of Education, *Professional Development in Florida*, <http://www.fldoe.org/teaching/professional-dev/> (last visited Feb. 28, 2022). See also rule 6A-5.066, F.A.C.; ss. 1004.04(3)(a) and 1004.85(1), F.S.

¹⁰⁷ Section 1004.04(3)(b)1., F.S.

¹⁰⁸ Section 1004.04(3)(b)2., F.S.

There are three types of state-approved teacher preparation programs that individuals may use to receive the training needed to attain teaching credentials.¹⁰⁹

Initial Teacher Preparation Programs

Initial Teacher Preparation programs are “traditional” teacher preparation programs that require candidates to demonstrate mastery of subject area knowledge in one or more specific subject areas(s), mastery of general knowledge, and mastery of professional preparation and education competence. Program completers qualify for a professional educator certificate.¹¹⁰

Educator Preparation Institutes

Educator Preparation Institutes are alternative certification programs offered by postsecondary institutions and qualified private providers for baccalaureate degree holders. These programs provide professional preparation for career-changers and recent college graduates who do not already possess a Professional Educator Certificate and require mastery of general knowledge, mastery of subject area knowledge and mastery of professional preparation and education competence.

District Professional Development Certification and Education Competency Programs

District Professional Development Certification and Education Competency Programs are cohesive competency-based professional preparation certification programs offered by school districts, charter schools, and charter management districts by which the instructional staff can satisfy the mastery of professional preparation and education competence requirements.¹¹¹ In addition to completing the district program, candidates must demonstrate mastery of general knowledge and subject area knowledge.¹¹²

Requirements for Teacher Preparation Programs

The state board is charged with maintaining a system for development and approval of teacher preparation programs.¹¹³ The system allows postsecondary educator preparation institutions to employ varied and innovative educator preparation techniques while being held accountable for producing graduates with the competencies and skills necessary to:

- Achieve the state’s education goals;
- Help the state’s diverse student population meet high standards for academic achievement;
- Maintain safe, secure classroom learning environments; and
- Sustain the state system of school improvement and education accountability.¹¹⁴

The DOE is responsible for approving teacher preparation programs based on evidence of a program’s capacity to meet the requirements for continued program approval established in law and state board rule.¹¹⁵

Each candidate enrolled in a teacher preparation program must receive instruction and be assessed on the uniform core curricula in his or her area of program concentration during course work and field experiences.¹¹⁶

¹⁰⁹ Florida Department of Education, *Educator Preparation*, <http://www.fldoe.org/teaching/preparation> (last visited Feb. 28, 2022). See also rule 6A-5.066, F.A.C.

¹¹⁰ Rule 6A-5.066(1)(o), F.A.C.

¹¹¹ Section 1012.56(8)(a), F.S.

¹¹² See s. 1012.56(2)(g) and (h), F.S.

¹¹³ Section 1004.04(1), F.S.

¹¹⁴ *Id.* See Florida Department of Education, *Professional Development in Florida*, <http://www.fldoe.org/teaching/professional-dev/> (last visited Feb. 28, 2022).

¹¹⁵ See s. 1004.04(4), F.S.; rule 6A-5.066(2) and (5), F.A.C.

¹¹⁶ Section 1004.04(2)(c), F.S.

Educator preparation institutes may offer competency-based certification programs specifically designed for noneducation major baccalaureate degree holders.¹¹⁷ The state board must establish, in rule, uniform core curricula for each state-approved teacher preparation program including, but not limited to:¹¹⁸

- Candidate instruction and assessment in the Florida Educator Accomplished Practices across content areas;
- The use of state-adopted content standards to guide curricula and instruction;¹¹⁹
- Scientifically researched and evidence-based reading instructional strategies that improve reading performance for all students, including explicit, systematic, and sequential approaches to teaching phonemic awareness, phonics, vocabulary, fluency, and text comprehension and multisensory intervention strategies;¹²⁰
- Content literacy and mathematical practices;
- Strategies appropriate for instruction of English language learners;
- Strategies appropriate for instruction of students with disabilities;
- Strategies to differentiate instruction based on student needs;
- The use of character-based classroom management;
- Strategies appropriate for the early identification of a student in crisis or experiencing a mental health challenge and the referral of such student to a mental health professional for support; and
- Strategies to support the use of technology in education and distance learning.¹²¹

In addition, before program completion, each candidate must demonstrate his or her ability to positively impact student learning growth in the candidate's area(s) of program concentration during a prekindergarten through grade 12 field experience and must pass each portion of the Florida Teacher Certification Examination (FTCE) required for a professional certificate in the area(s) of program concentration.¹²²

Continued approval of educator preparation institutes is determined by the Commissioner of Education based on a periodic review of these areas:¹²³

- Documentation from the program that each program completer has met the requirements established in law;
- Evidence of performance in each of the following:
 - Placement rate of program completers into instructional positions in Florida public schools and private schools, if available;
 - Rate of retention for employed program completers in instructional positions in Florida public schools;
 - Performance of students in prekindergarten through grade 12 who are assigned to in-field program completers on statewide assessments using the results of the student learning growth formula adopted by the DOE pursuant to law;
 - Performance of students in prekindergarten through grade 12 who are assigned to in-field program completers aggregated by student subgroup, as defined in the ESEA¹²⁴ as a measure of how well the program prepares teachers to work with a diverse population of students in a variety of settings in Florida public schools;
 - Results of program completers' annual evaluations under the teacher evaluation systems; and

¹¹⁷ Section 1004.85(3), F.S.

¹¹⁸ Section 1004.04(2)(b)1.-8., F.S.

¹¹⁹ The State Board of Education has adopted the Next Generation Sunshine State Standards, which establish the core content of the curricula taught in the state and specify the core content knowledge and skills that K-12 public school students are expected to acquire. Rule 6A-1.09401(1), F.A.C.; s. 1003.41(1), F.S.

¹²⁰ The Just Read, Florida! Office must assist teacher preparation programs and educator preparation institutes with this requirement. Section 1001.215(11), F.S.

¹²¹ Section 1004.85(3)(a)1., F.S.

¹²² Section 1004.04(2)(d), F.S.

¹²³ Section 1004.85(4)(a)-(b), F.S.

¹²⁴ 20 U.S.C. s. 6311(b)(2)(C)(v)(II).

- Production of program completers in statewide critical teacher shortage areas as identified in law.

Each approved educator preparation institute pursuant to this must submit to DOE annual performance evaluations that measure the effectiveness of the programs, including the pass rates of participants on all examinations required for teacher certification, employment rates, longitudinal retention rates, and satisfaction surveys of employers and candidates.¹²⁵

Preservice Field Experiences

All postsecondary instructors, school district personnel, and school sites preparing instructional personnel through preservice field experience courses and internships must meet specified requirements,¹²⁶ including a minimum number of at least three years teaching,¹²⁷ evidence of clinical educator training, and proof of successful past experience in employment.¹²⁸ Preservice field experience must fully prepare a future educator to manage a classroom, exposing the candidate to the area of concentration with a diverse population of students in a variety of challenging environments.¹²⁹

Teacher Preparation Approval System and Scoring

A January 2022 report based on an audit of Florida's teacher preparation program accountability system makes recommendations to update and improve program-approval criteria.¹³⁰ The audit notes that due to overly specific and restrictive measures, only 82 of 318 programs have enough performance data to receive a rating.¹³¹ In addition, the use of summative ratings, rather than weighted criteria, affects the accuracy of program quality ratings.¹³²

Some of the audit report's recommendations include: limiting consideration of teacher placements to those in Florida; eliminating teacher retention, as studies have shown little correlation between retention and program quality; eliminating subgroup performance on state assessments due to limited data; and including candidate readiness based on passage rates on the FTCE.¹³³ According to the report, fair evaluation of very small preparation programs can be facilitated by providing the DOE flexibility in determining the number of completers necessary for an evaluation.¹³⁴ The report also noted that the DOE could allow completion of national accreditation to satisfy state approval requirements.¹³⁵

In addition to approval criteria, the report recommends that preservice teacher candidates receive additional field experience before participating in a "culminating" field experience, *i.e.*, internship or, for an educator preparation institute, becoming the teacher of record.¹³⁶ Citing a Florida Council of 100 report detailing the disparity between student grades and statewide, standardized assessments, the report also recommends including strategies for research-based standards-aligned assessment and grading practices in the uniform core curricula.¹³⁷

Effect of Proposed Changes

¹²⁵ Section 1004.85(5), F.S.

¹²⁶ Section 1004.04(5), F.S.

¹²⁷ Section 1004.04(5)(a), F.S.

¹²⁸ Section 1004.04(5)(b), F.S.

¹²⁹ Section 1004.04(5)(c), F.S.

¹³⁰ UPD Consulting, *Florida Department of Education Teacher Preparation Approval System and Scoring Audit Report* (Jan. 2022), on file with staff of the House Education and Employment Committee.

¹³¹ *See id.* at 3.

¹³² *Id.*

¹³³ *See id.* at 8-12.

¹³⁴ *See id.* at 16.

¹³⁵ *See id.* at 15.

¹³⁶ *Id.* at 18.

¹³⁷ *Id.* at 17.

The bill incorporates multiple recommendations from the audit report by:

- Revising the uniform core curricula for teacher preparation programs to include strategies that support evidence-based, standards-aligned content and grading practices;
- Revising program evaluation criteria to:
 - Remove subgroup performance on statewide, standardized assessments and teacher retention; and
 - Add candidate readiness based on FTCE passage rates and additional weight for placement in teacher shortage areas;
- Authorizing the SBE to weight certain evaluation criteria and approve programs based on national accreditation;
- Requiring the SBE to adopt criteria for streamlining evaluations for small programs, including criteria for determining whether a review is necessary, whether remote review procedures may be used, and whether program data may be aggregated at the program or institution level; and
- Beginning with candidates entering a program in the 2023-2024 school year, requiring that:
 - Candidates in a traditional preparation program complete 60 hours of field experience before participating in a culminating field experience; and
 - Candidates in an educator preparation institute complete a period of field experience as determined in state board rule before becoming the teacher of record.

B. SECTION DIRECTORY:

Section 1: Amends s. 435.02, F.S.; revising the definition of the term "specified agency".

Section 2: Amends s. 435.12, F.S.; requiring certain employees to submit to rescreening on a specified schedule.

Section 3: Amends 800.101, F.S.; providing criminal penalties for certain actions related to specified reports.

Section 4: Amends s. 943.0585, F.S.; prohibiting certain persons from denying criminal history records that have been expunged or sealed.

Section 5: Amends s. 943.059, F.S.; prohibiting certain persons from denying criminal history records that have been expunged or sealed.

Section 6: Amends s. 1001.4205, F.S.; authorizing members of the Legislature to visit any public school in the legislative district of the member; providing requirements for such visits.

Section 7: Amends s. 1002.421, F.S.; revising background screening requirements for certain private schools.

Section 8: Amends s. 1004.04, F.S.; revising teacher preparation program core curricula requirements; revising criteria for continued program approval; authorizing the State Board of Education to adopt rules that include certain criteria and authorize continued program approval; requiring the State Board of Education to adopt rules that establish certain continued program approval criteria; revising specified requirements relating to field experiences.

Section 9: Amends s. 1004.85, F.S.; revising teacher preparation program core curricula requirements; requiring certain program candidates to complete a minimum period of field experience, as determined by the State Board of Education; revising criteria for continued program approval; authorizing the State Board of Education to adopt rules that include certain criteria and authorize continued program approval; requiring the State Board of Education to adopt rules that establish certain continued program approval criteria.

- Section 10:** Amends s. 1012.22, F.S.; requiring certain compensation to be included in calculating certain salary adjustments.
- Section 11:** Amends s. 1012.315; revising screening requirements for specified individuals.
- Section 12:** Provides applicability.
- Section 13:** Amends s. 1012.32, F.S.; revising the procedure for background screenings; deleting the right to appeal certain terminations; revising provisions specifying financial responsibility and reimbursement for background screenings.
- Section 14:** Amends s. 1012.34, F.S.; providing that certain procedures relating to a school district's instructional, administrative, and supervisory personnel set the standards of service to be offered to the public and are not subject to collective bargaining.
- Section 15:** Amends s. 1012.465, F.S.; conforming provisions to changes made by the act.
- Section 16:** Amends s. 1012.467, F.S.; providing that certain noninstructional personnel complete specified background screening.
- Section 17:** Amends 1012.56, F.S.; prohibiting certain persons from having specified responsibilities before the results of a background screening are available.
- Section 18:** Requires certain provisions of the act be implemented by a certain date; provides an exception.
- Section 19:** Provides an effective date of January 1, 2023, except as otherwise provided in the bill.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:
None.
2. Expenditures:
See Fiscal Comments.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:
None.
2. Expenditures:
See Fiscal Comments.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

See Fiscal Comments.

D. FISCAL COMMENTS:

The bill requires school districts, lab schools, The Florida School for the Deaf and the Blind, the Florida Virtual School, virtual instruction providers, charter schools, hope operators, and certain private schools

to participate in the Clearinghouse; therefore, beginning with Fiscal Year 2023-2024, these entities would be included in the AHCA's cost allocation methodology. Based on the current \$1 million annual maintenance allocated among current Clearinghouse entities, AHCA estimates cost allocation based on 100,000 annual screenings for education entities will result in approximately \$80,000 for the entities added by the bill.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

None.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES

On February 1, 2022, the Education & Employment Committee adopted a proposed committee substitute and reported the bill favorably as a committee substitute. The proposed committee substitute differs from the bill as originally filed by:

- Establishing a criminal penalty of a first-degree misdemeanor for individuals who knowingly fail to report sexual misconduct that could impact an educator's inclusion on the school employment disqualification list;
- Providing that an "employing entity," defined as a district school board, charter school, alternative school, or any other entity that requires employees to complete a background screening, is responsible for filing fingerprints to the FDLE, determining employment eligibility, and paying annual fees for background screenings;
- Providing that an individual who participates in a preservice field experience is not subject to rescreening by a subsequent employing entity if the individual has fingerprints retained by the FDLE, is rescreened every 5 years, and meets screening standards;
- Requiring teacher preparation programs to teach strategies supporting evidence-based grading practices;
- Streamlining criteria for continued approval of teacher preparation programs to be measured by performance on educator certification examinations, and evidence of performance of program completers;
- Authorizing the state board to weight program approval criteria;
- Requiring the state board to adopt rules to aggregate multiple programs at an institution, allow for remote reviews, and identify programs too small to receive a review; and
- Requiring preservice candidates at traditional teacher preparation programs to complete 60 hours of preservice field experience before starting the required internship.

On February 28, 2022, the Judiciary Committee adopted a proposed committee substitute and passed the bill favorably as a committee substitute. The proposed committee substitute differs from the underlying bill by:

- Requiring specified educational entities to conduct background screenings through the Agency for Health Care Administration Provider Background Screening Clearinghouse and providing a timeline for transitioning to Clearinghouse;
- Aligning disqualifying offenses of education personnel with requirements of other individuals who have access to children or other vulnerable populations;
- Authorizing members of the Legislature to visit any public school in the legislative district of the member;
- Requiring that school districts include compensation for longevity of service in calculating salary adjustments for employees on the grandfathered salary schedule; and
- Revising effective dates.

The analysis is drafted to the committee substitute as passed by the Judiciary Committee.