

SB 856 – Disability History and Awareness

By Senate Children, Families, and Elder Affairs Committee; Senator Fasano

Effective Date: July 1, 2008

Approved by Governor:

The bill requires each district school board to designate the first two weeks in October as “Disability History and Awareness Weeks.” The bill authorizes, but does not mandate, the provision of disability history and awareness instruction in all K-12 public schools. The bill provides guidelines and goals of instruction in disability history and awareness.

HB 601 – Department of Business and Professional Regulation

By House Policy & Budget Council; House Jobs & Entrepreneurship Council; Rep. Hudson;

Effective Date: July 1, 2008 except as otherwise provided

Approved by Governor:

The bill is comprehensive legislation relating to the Department of Business and Professional Regulation. However, one section is important to those districts offering education and or licensure of cosmetologists. An application for the licensure examination for any license may be submitted for examination approval in the last 100 hours of training by a pregraduate of a licensed cosmetology school or a program within the public school system, which school or program is certified by the Department of Education. The bill provides for scheduling the examination and time limitations.

If an applicant passes all parts of the licensure examination, he or she may practice in the time between passing the examination and receiving a physical copy of the license if he or she practices under the supervision of a licensed cosmetologist in a licensed salon.

Educator Ethics

SB 1712 – Ethics

By Senate Education Pre-K - 12 Appropriations Committee; Senate Governmental Operations Committee; Education Pre-K – 12 Committee; Senator Carlton

Effective Date: July 1, 2008

Approved by Governor:

General Summary

The bill establishes comprehensive changes at the state and local level regarding the screening, hiring, and termination policies for educators and the reporting procedures related to allegations of educator misconduct.

Employment Disqualification

A list of crimes is established that would serve as an absolute bar against any individual, if convicted, from obtaining or retaining a teaching certificate or instructional

employment involving direct contact with students; and requires each school district, charter school, and private schools that accepts certain scholarship students to adhere to the disqualifying offenses when employing instructional personnel.

Educator Employment and Screening Policies

School districts would be required to adopt stringent and effective policies for screening potential instructional employees and terminating these employees for misconduct. The school superintendent would be held responsible for communicating to the employees the expected ethical standards of the teaching profession and the procedures for reporting allegations of teacher misconduct.

The department provides electronic verification of employee information to screen prospective employees to school districts, charter schools, the Florida School for the Deaf and the Blind, and private schools that accept certain scholarship students.

School districts are prohibited from entering into any form of confidentiality agreement when terminating an employee. Each school district must contact the previous employer of every candidate for employment and verify employee information provided in a secure manner from the DOE certification website to determine if a teaching candidate's certificate has been sanctioned or is under investigation. There are significant financial penalties and certification sanctions for non-compliance.

Schools of Choice

Private schools that accept students under certain educational scholarships programs, the Florida School for the Deaf and Blind, and charter schools would be held to the same standards as those required of local school districts. Private schools that fail to comply would be prohibited from accepting funds under these programs for the period of one state fiscal year and until they comply. Charter schools that fail to comply would have their charter terminated by the charter sponsor.

Education Practices Commission

The membership of the Education Practices Commission is revised to include sworn law enforcement officers, parents of public school students, and an administrator of a private school. The authority of the commission is also expanded to allow for the discipline of an educator who knowingly fails to report suspected or actual child abuse or misconduct by an educator that affects the health, safety, or welfare of a student.

Retirement Benefits

Finally, any public officer or employee convicted of certain crimes involving minors would forfeit his or her right to any state retirement benefits, except for an individual's accumulated contributions up to the time of the conviction.

Detailed Summary

The act may be cited as the "Ethics in Education Act."

The bill amends s. 112.3173, F.S., and includes as a felony involving breach of public trust for which retirement benefits may be forfeited the committing on or after October 1, 2008, of any felony defined in s. 800.04 (lewd or lascivious offenses committed upon person less than 16 years of age) against a victim younger than 16 years of age, or any felony defined in chapter 794 (sexual battery) against a victim younger than 18 years of age, by a public officer or employee through the use or attempted use of power, rights, privileges, duties, or position of his or her public office or employment position.

The bill amends s. 121.091, F.S., and provides that the Division of Retirement may not pay benefits to any member convicted of a felony listed above. Section 794.09, F.S., (sexual battery) is created to establish that retirement benefits of a person convicted of a felony under this chapter are subject to forfeiture when the victim is younger than 18 years of age. Section 800.05, F.S., (lewd or lascivious offenses committed upon person less than 16 years of age) is created to establish that retirement benefits of a person convicted of a felony under this chapter are subject to forfeiture when the victim is under 16 years of age.

The bill amends s. 1001.10, F.S., relating to the powers of the Commissioner of Education. The department shall provide technical assistance to school districts, charter schools, the Florida School for the Deaf and the Blind, and private schools that accept certain scholarships in the development of policies and training related to employment practices and standards of ethical conduct for instructional personnel and school administrators. The department must provide authorized staff of school districts with access to electronic verification of information from the Professional Practices' Database of Disciplinary Actions Against Educators; and the DOE's Teacher Certification Database. Access is not unlimited, but must be sufficient to perform employment history checks.

The bill amends s. 1001.42, F.S., relating to the powers and duties of district school boards. School boards must adopt policies establishing standards of ethical conduct for instructional personnel and school administrators. The policies must require all such personnel to complete training on the standards; and establish the duty to report and procedures for reporting alleged misconduct which affects the health, safety, or welfare of a student. The training must include an explanation of the liability protections.

A school board, or any of its employees, is prohibited from entering into a confidentiality agreement regarding terminated or dismissed instructional personnel or school administrators, or personnel or administrators who resign in lieu of termination, based in whole or in part on misconduct that affects the health, safety, or welfare of a student, and may not provide personnel with employment references or discuss the performance with prospective employers in another educational setting, without disclosing the misconduct.

Any part of an agreement or contract that has the purpose or effect of concealing misconduct is void and may not be enforced.

School boards must disqualify instructional personnel and school administrators from employment in any position that requires direct contact with students if such persons are ineligible for employment under s. 1012.315, F.S., (disqualification from employment). An elected or appointed school board official forfeits his or her salary for one year if:

- The official knowingly signs and transmits to any state official a report of alleged misconduct by instructional personnel or school administrator which affects the health, safety, or welfare of a student and the school board official knows the report to be false or incorrect; or
- The official knowingly fails to adopt policies that require instructional personnel and school administrators to report alleged misconduct by other instructional personnel and school administrators, or that require the investigation of all reports of alleged misconduct by such personnel and administrators, if the misconduct affects the health, safety, or welfare of a student.

The bill amends s. 1001.51, F.S., relating to the duties and responsibilities of the district school superintendent. A school superintendent who knowingly signs and transmit to any state official a report that the superintendent knows to be false or incorrect; who knowingly fails to investigate any allegation of misconduct by instructional personnel or school administrators which affects the health, safety, or welfare of a student; or who knowingly fails to report the alleged misconduct to DOE as required by s. 1012.796, F.S., forfeits his or her salary for one year following the date of such act or failure to act.

Section 1002.33, F.S., relating to charter schools is amended to require similar provisions relating to disqualification of instructional personnel and school administrators. The governing board of the charter school must adopt policies that establish standards of ethical conduct, require training, reporting, and prohibit confidentiality agreements.

Before employing instructional personnel or school administrators in any position that requires direct contact with students, a charter school must conduct employment history checks of each personnel's or administrator's previous employer, screen the individual through use of the educator screening tools, and document the findings. If unable to contact a previous employer, the charter school must document efforts to contact the employers. The sponsor of a charter school that knowingly fails to comply with these provisions shall terminate the charter.

The bill amends s. 1001.36, F.S., relating to the Florida School for the Deaf and the Blind and requires compliance with applicable personnel screening requirements.

Section 1001.421, F.S., relating to accountability of private schools participating in state school choice scholarships programs, is amended to require the disqualification of instructional personnel and school administrators from employment in a position that requires direct contact with students if such individuals are ineligible for employment

under s. 1012.315, F.S. (disqualification from employment). The private school must adopt similar policies establishing ethical conduct to those required for public and charter schools. Similar employment checks must also be conducted. The department shall suspend scholarship payments to a private school that knowingly fails to comply with the screening and employment prohibition provisions, and prohibit the school from enrolling new scholarship students, for one fiscal year and until the school complies.

The bill amends s. 1006.061, F.S., relating to child abuse, abandonment, and neglect policies. The section is expanded to include charter schools and private schools that accept scholarship student, in addition to school boards. Each entity must post in a prominent place at each school site and on each school's Internet website the policies and procedures for reporting alleged misconduct by instructional personnel or school administrators which affects the health, safety, or welfare of a student; the contact person; and penalties imposed on such personnel who fail to report suspected or actual child abuse or alleged misconduct by other instructional personnel or school administrators. The department must develop and publish on its Internet website sample notices suitable for posting.

The bill amends s. 1012.27, F.S., relating to public school personnel powers and duties of the district school superintendent and requires employment history checks before the employment of instructional personnel and school administrators in any position that requires direct contact with students. This includes conducting checks of each of the personnel's or administrator's previous employer, screening the individual through use of the educator screening tools, and documenting the findings. If unable to contact the previous employer, the school superintendent shall document efforts to contact the employer.

Section 1012.315, F.S., is created and relates to disqualification from employment. A person is ineligible for educator certification, and instructional personnel and school administrators are ineligible for employment in any position that requires direct contact with students in a district school system, charter school, or private school that accepts scholarship students, if the person has been convicted of the following:

Any felony offense prohibited under any of the following Florida statutes:

- (a) Section 393.135, relating to sexual misconduct with certain developmentally disabled clients and reporting of such sexual misconduct.
- (b) Section 394.4593, relating to sexual misconduct with certain mental health patients and reporting of such sexual misconduct.
- (c) Section 415.111, relating to adult abuse, neglect, or exploitation of aged persons or disabled adults.
- (d) Section 782.04, relating to murder.
- (e) Section 782.07, relating to manslaughter, aggravated manslaughter of an elderly person or disabled adult, aggravated manslaughter of a child, or aggravated manslaughter of an officer, a firefighter, an emergency medical technician, or a paramedic.
- (f) Section 784.021, relating to aggravated assault.

- (g) Section 784.045, relating to aggravated battery.
- (h) Section 784.075, relating to battery on a detention or commitment facility staff member or a juvenile probation officer.
- (i) Section 787.01, relating to kidnapping.
- (j) Section 787.02, relating to false imprisonment.
- (k) Section 787.025, relating to luring or enticing a child.
- (l) Section 787.04(2), relating to leading, taking, enticing, or removing a minor beyond the state limits, or concealing the location of a minor, with criminal intent pending custody proceedings.
- (m) Section 787.04(3), relating to leading, taking, enticing, or removing a minor beyond the state limits, or concealing the location of a minor, with criminal intent pending dependency proceedings or proceedings concerning alleged abuse or neglect of a minor.
- (n) Section 790.115(1), relating to exhibiting firearms or weapons at a school-sponsored event, on school property, or within 1,000 feet of a school.
- (o) Section 790.115(2)(b), relating to possessing an electric weapon or device, destructive device, or other weapon at a school-sponsored event or on school property.
- (p) Section 794.011, relating to sexual battery.
- (q) Former s. 794.041, relating to sexual activity with or solicitation of a child by a person in familial or custodial authority.
- (r) Section 794.05, relating to unlawful sexual activity with certain minors.
- (s) Section 794.08, relating to female genital mutilation.
- (t) Chapter 796, relating to prostitution.
- (u) Chapter 800, relating to lewdness and indecent exposure.
- (v) Section 806.01, relating to arson.
- (w) Section 810.14, relating to voyeurism.
- (x) Section 810.145, relating to video voyeurism.
- (y) Section 812.014(6), relating to coordinating the commission of theft in excess of \$3,000.
- (z) Section 812.0145, relating to theft from persons 65 years of age or older.
- (aa) Section 812.019, relating to dealing in stolen property.
- (bb) Section 812.13, relating to robbery.
- (cc) Section 812.131, relating to robbery by sudden snatching.
- (dd) Section 812.133, relating to carjacking.
- (ee) Section 812.135, relating to home-invasion robbery.
- (ff) Section 817.563, relating to fraudulent sale of controlled substances.
- (gg) Section 825.102, relating to abuse, aggravated abuse, or neglect of an elderly person or disabled adult.
- (hh) Section 825.103, relating to exploitation of an elderly person or disabled adult.
- (ii) Section 825.1025, relating to lewd or lascivious offenses committed upon or in the presence of an elderly person or disabled person.
- (jj) Section 826.04, relating to incest.
- (kk) Section 827.03, relating to child abuse, aggravated child abuse, or neglect of a child.
- (ll) Section 827.04, relating to contributing to the delinquency or dependency of a child.
- (mm) Section 827.071, relating to sexual performance by a child.
- (nn) Section 843.01, relating to resisting arrest with violence.
- (oo) Chapter 847, relating to obscenity.

(pp) Section 874.05, relating to causing, encouraging, soliciting, or recruiting another to join a criminal street gang.

(qq) Chapter 893, relating to drug abuse prevention and control, if the offense was a felony of the second degree or greater severity.

(rr) Section 916.1075, relating to sexual misconduct with certain forensic clients and reporting of such sexual misconduct.

(ss) Section 944.47, relating to introduction, removal, or possession of contraband at a correctional facility.

(tt) Section 985.701, relating to sexual misconduct in juvenile justice programs.

(uu) Section 985.711, relating to introduction, removal, or possession of contraband at a juvenile detention facility or commitment program.

Any misdemeanor offense prohibited under any of the following statutes:

(a) Section 784.03, relating to battery, if the victim of the offense was a minor.

(b) Section 787.025, relating to luring or enticing a child.

Any criminal act committed in another state or under federal law which, if committed in this state, constitutes an offense prohibited under any statute listed above.

Any delinquent act committed in this state or any delinquent or criminal act committed in another state or under federal law which, if committed in this state, qualifies an individual for inclusion on the Registered Juvenile Sex Offender List under s. 943.0435(1)(a)1.d., Florida Statutes.

The bill amends s. 1012.31, F.S., relating to qualification of personnel. To be eligible for employment, a person must not be ineligible for employment under s. 1012.315, F.S., (disqualification from employment). Fingerprints must be submitted to the Department of Law Enforcement for statewide criminal and juvenile records checks and to the FBI for federal criminal records checks. A person who is found ineligible for employment under s. 1012.315, F.S., or otherwise found through background screening to have been convicted of any crime involving moral turpitude as defined by rule of the State Board of Education; shall not be employed in any position that requires direct contact with students.

Section 1012.33, F.S., relating to contracts is amended and “just cause” for dismissal is expanded to include “immorality” and “or being convicted or found guilty of, or entering a plea of guilty to, regardless of adjudication of guilt any” crime involving moral turpitude. In addition, dismissal of any member under a continuing contract or contract includes “being convicted or found guilty of, or entering a plea of guilty to, regardless of adjudication of guilt, any” crime involving moral turpitude.

Section 1012.56, F.S., is amended to require that each person who seeks certification must be fingerprinted and screened and must not be ineligible for certification under s. 1012.315 (disqualification from employment). A person who has been screened by a school board or DOE within 12 months before the date the person initially obtains

certification, the results of which are submitted to the school board or to DOE is not required to repeal the screening.

Section 1012.79, F.S., relating to the Education Practices Commission is amended. Membership is expanded from 17 to 25 members including 8 teachers; 5 administrators, at least one of whom shall represent a private school; 7 lay citizens, 5 of whom shall be parents of public school students and who are unrelated to public school employees and 2 of whom shall be former district school board members; and 5 sworn law enforcement officials. A panel reviewing and issuing final orders upon cases against teacher must be composed of five members, at least one of whom must be a parent or a sworn law enforcement officer and at least three of whom must be teachers. The composition for panels reviewing cases against administrators is similar, except administrators serve in lieu of teachers.

Section 1012.795, F.S., expands the authority of the Education Practices Commission to discipline an individual if he or she knowingly failed to report actual or suspected child abuse or report alleged misconduct by instructional personnel or school administrators which affects the health, safety, or welfare of a student; has been guilty of gross immorality or an act involving moral turpitude as defined by rule of the State Board of Education; has been convicted or found guilty of, or entered a plea of guilty to, regardless of adjudication of guilt, a misdemeanor, felony, or any other criminal charge, other than a minor traffic violation; or has been disqualified from educator certification under s. 1012.315, Florida Statutes.

Section 1012.796, F.S., is amended to clarify that a complaint against a teacher or administrator is legally sufficient if it contains the ultimate facts that show a violation has occurred as defined by State Board rule. The department is required to investigate a complaint even if it is withdrawn. The department must immediately investigate any legally sufficient complaint that involves misconduct by any certificated personnel which affects the health, safety, or welfare of a student, giving the complaint priority over other pending complaints. The department must also investigate a complaint and take action even if the certificate has expired.

Each school board must develop and adopt policies and procedures that include standards for screening, hiring, and terminating instructional personnel and school administrators; standards of ethical conduct; duties for upholding standards; detailed procedures for reporting alleged misconduct; requirements for reassignment of individuals pending the outcome of a misconduct investigation; and penalties for failing to comply with s. 1001.51, F.S., (duties and responsibilities of school superintendent) or s. 1012.795, F.S., (Education Practices Commission).

The school superintendent is charged with the knowledge of these policies and procedures and is accountable for the training of all instructional personnel and school administrators on the standards of ethical conduct, policies, and procedures. A school superintendent is subject to penalties if he or she has knowledge of a legally sufficient complaint and does not report the complaint or failed to enforce the policies and

procedures of the school board. If a superintendent determines that misconduct by instructional personnel or school administrators affects the health, safety, or welfare of a student and the misconduct warrants termination, such individual may resign or be terminated and the superintendent must report the misconduct to DOE in the format prescribed by the department. The department shall maintain each report of misconduct as a public record in the individual's certification files.

If allegations arise against a certified employee, the school (including public, charter, or private school accepting scholarship students) shall file in writing with DOE a legally sufficient complaint within 30 days after the date on which the subject matter came to the attention of the school. This does not limit or restrict the power of DOE to investigate complaints, regardless of the school's untimely filing of complaints, or failure to file.

When an allegation of misconduct is received, if the alleged misconduct affects the health, safety, or welfare of a student, the school superintendent in consultation with the principal, or upon the request of the Commissioner, must immediately suspend the individual's regularly assigned duties, with pay, and reassign the suspended individual to positions that do not require direct contact with students.

The sum of \$153,872 is appropriated to DOE for the 2008-2009 fiscal year, and two additional positions to implement this act.

The bill amends several sections for conforming purposes including ss. 24.121, 1001.32, 1001.452, 1001.54, 1002.32, 1003.413, 1004.92, 1008.33, 1008.345, 1010.215, 1011.18, 1012.34, 1012.98, 1013.03, Florida Statutes.

**SM 1742 – Memorial to the United States Congress
By Senator Carlton**

The Senate Memorial urges Congress to support the passage of laws that would establish ethical standards for professional educators and support a national clearinghouse to provide for the reporting of data concerning educator misconduct.

Health and Safety

HB 669 – School Safety

By Reps. N. Thompson; Bogdanoff; and Aubuchon

Effective Date: Upon become a law

Approved by Governor:

House Bill 669 creates the "Jeffrey Johnston Stand Up for All Students Act." The bill prohibits the bullying or harassment of any public K-12 student or employee during a public K-12 education program or activity; during a school-related or school-sponsored program or activity; on a public K-12 school bus; or through a public K-12 computer, computer system, or computer network.

SB 1712 EDUCATOR ETHICS IN EDUCATION ACT

The bill establishes comprehensive changes at the state and local level regarding the screening, hiring, and termination policies for instructional personnel and school administrators under s. 1012.01 and the reporting procedures related to allegations of educator misconduct.

The bill also amends s. 112.3173, Breach of Public Trust, which applies to public officers and employees. The amendment defines as a felony the use of power, rights, privileges, duties, or position of public office to commit certain acts against persons under the age of 18.

Employment Disqualification

In s. 1012.315, the bill identifies crimes that would serve as an absolute bar against any individual, if convicted, from obtaining or retaining a teaching certificate or obtaining instructional or school administrative employment involving direct contact with students, and requires each school district, charter school, and private school that accepts scholarship students to adhere to the disqualifying offenses when employing instructional or school administrative personnel. See also s. 1012.32 and s.1012.56.

Educator Employment and Screening Policies

The bill requires school districts to adopt stringent and effective policies for screening potential instructional and school administrative employees and terminating these employees for misconduct affecting the health, safety, or welfare of students. The superintendent will be held responsible for communicating to the employees expected ethical standards and procedures for reporting allegations of instructional or school administrative personnel misconduct affecting the health, safety, or welfare of students.

The Department of Education will provide assistance and support to districts, charter schools, and private schools that accept scholarships in developing policies, procedures, and training for ethics and employment practices. The Department of Education will also provide access to Professional Practices and Teacher Certification databases to assist school districts, charter schools, the Florida School for the Deaf and the Blind, and private schools that accept scholarships in screening applicants.

School districts are prohibited from entering into any form of confidentiality agreement regarding a terminated or dismissed instructional or school administrative employee who resigns in lieu of termination based on misconduct that affects the health, safety, or welfare of students. School districts may not provide a reference for any instructional or school administrative personnel without disclosing any misconduct affecting the health, safety, or welfare of a student.

Each school district must contact the previous employers of every candidate for instructional or school administrative positions that involve direct contact with children and verify employee information provided in a secure manner from the DOE certification and Professional Practices termination websites.

The bill also provides requirements on superintendents regarding how to handle allegations of misconduct affecting the health, safety, or welfare of students. The person alleged with such misconduct must be suspended with pay and transferred to a

position requiring no student conduct. Timelines for investigating and reporting allegations to the DOE are included.

Penalties

The bill will place financial penalties on officials for reporting and investigation violations. Any school board official who knowingly signs and transmits a report known to be false or incorrect or fails to adopt policies that ensure investigations of all reports of misconduct by teachers or school administrators which affect the health, safety, or welfare of a student, forfeits his/her salary for one year. Also, any superintendent who knowingly signs and transmits a report known to be false or knowingly fails to investigate all reports of misconduct by teachers or school administrators which affect the health, safety, or welfare of a student, forfeits his/her salary for one year.

In addition, any public officer or employee convicted under a section of law covering Breach of Public Trust that includes certain crimes involving minors will forfeit his or her right to any state retirement benefits, except for an individual's accumulated contributions up to the time of the conviction.

Schools of Choice

Private schools that accept students under certain educational scholarships programs, the Florida School for the Deaf and Blind, and charter schools will be held to the same requirements and standards as those required of local school districts. Private schools that fail to comply will have their funding suspended and will be prohibited from accepting students under these programs for the period of one fiscal year and until they comply. Charter schools that fail to comply will have their charter terminated by the charter sponsors.

Education Practices Commission

The bill revises the membership of the Education Practices Commission, adding 8 members. An additional teacher, 2 additional lay citizens and 5 law enforcement officers are added. In addition, the section specifies that at least one administrator must be a private school administrator, 5 of the 7 lay members must be public school parents unrelated to public school employees and 2 of the lay members must be former school board members. The bill expands the authority of the commission to allow for the discipline of a teacher or school administrator who knowingly fails to report suspected or actual child abuse or misconduct by an educator that affects the health, safety, or welfare of a student.

Dismissal Criteria

Additional criteria are added to the causes under just cause for dismissing instructional personnel or administrative employees under contract pursuant to s. 1012.33.

SB 1906 ALTERNATIVE CREDIT HIGH SCHOOL COURSES

The bill creates a pilot program beginning 2008 – 09 for 3 districts selected by the Commissioner of Education to provide opportunities for high school students enrolled in rigorous career academies to simultaneously earn alternative credit in specific math and science courses. Districts must apply by July 15, 2008 and identify up to five nationally or state-recognized industry certification programs under which the districts would like to award alternative credit. The DOE must submit a report to the Governor, Speaker and Senate President by January 1, 2010.

High school students enrolled in nationally or state-recognized industry certification programs defined by AWI, could potentially earn credit for Algebra 1a and 1b, Algebra 1, Geometry, and Biology, provided the alternative courses are required to earn a nationally or state-recognized industry certification and the standards-based content in the course descriptions is consistent with the alternative credit course description and, provided the alternative courses have been approved by the DOE. The alternative courses do not have to comply with the statutory definition of credit or the net hour requirement for determining FTE under the FEFP. Students would be required to pass the end-of-course exams developed by the Florida Virtual School or as developed by the DOE.

Each successfully completed credit earned under the alternative course requirements shall be calculated as 1/6 credit.

A pilot for Palm Beach County Schools is created to recognize business partners that provide mutual benefits by displaying their names on district property in unincorporated areas, ordinances that are contrary to this provision notwithstanding.

SB 0526 INTERSCHOLASTIC EXTRACURRICULAR SPORTS

The bill creates a 2 year pilot beginning in 2008-09 to include Duval, Nassau, and Bradford Counties and coordinated by FHSAA to permit students enrolled in private schools that do not have intrascholastic or interscholastic sports to participate in interscholastic sports at a public middle or high school in their attendance zones. To participate, the student must meet certain conditions, including requirements for standards of conduct and student academic performance. The districts and FHSAA are to adopt policies and procedures by August 1, 2008.

In addition to the academic and conduct requirements, students must meet the guidelines established by the FHSAA and the school districts, meet a deadline for registering their intent to participate, and meet other standards including eligibility, acceptance, behavior, educational progress, and performance. Parents of students are responsible for transportation.

A report is to be made to the Governor, Speaker and Senate President by January 1, 2010.

ETHICAL EMPLOYMENT STANDARDS FOR SCHOOL DISTRICTS
CS/CS/CS/SB 1712, ENROLLED

Miller Consulting Group, Inc.
 2/28/08 rev 3/5/08 rev 3/14/08 rev 3/21/08a rev 5/9/08

STATUTE	SECTION	ISSUE	NOTES
New	1	Name of Act: Ethics in Education Act	
24.121	2	Technical changes	
112.3173	3	Breach of public trust – defines as felony involving breach of public trust any felony committed against person under 16 or 18 per sections listed below. Eff October 1, 2008. These offenses include use of power, rights, privileges, duties, or position of public office to engage in lewd or lascivious activity (against person under 16) [s. 800.04, FS] and unnatural and lascivious activity, expose sexual organs, and commit sexual battery (against a person under 18) [ch. 794, FS]	
121.091	4	May not pay retirement benefits to any member who has committed felonies as per section 3. Contributions made by the member up to the date of the conviction will be returned to the member.	
794.09	5 (New)	Conforms to sections 3 and 4.	
800.05	6 (New)	Conforms to sections 3 and 4.	
1001.10(4) & (5)	7	New (4) - Commissioner of Education shall provide technical assistance and support to local school districts, charter schools, private schools (scholarships), and Florida D & B in development of policy, procedures and training related to educator ethics and employment practices for instructional personnel and school administrators, as defined in s. 1012.01, FS. In new (5), the DOE shall provide districts, charter schools, Florida D & B, and private schools (scholarships) access to electronic databases to assist in screening applicants. (Professional Practices: Disciplinary Actions; DOE: Teacher Certification)	
1001.32	8	Technical	

STATUTE	SECTION	ISSUE	NOTES
1001.42	9	<p>Powers and Duties of School Boards:</p> <p>NEW (6) STANDARDS OF ETHICAL CONDUCT FOR INSTRUCTIONAL PERSONNEL AND SCHOOL ADMINISTRATORS.--Adopt policies establishing standards of ethical conduct for instructional personnel and school administrators.</p> <ul style="list-style-type: none"> • The policies must <ul style="list-style-type: none"> ○ require all instructional personnel and school administrators, as defined in s. 1012.01, to complete training on the standards; ○ establish the duty of instructional personnel and school administrators to report, and procedures for reporting, alleged misconduct by other instructional personnel and school administrators which affects the health, safety, or welfare of a student; and ○ include an explanation of the liability protections provided under ss. 39.203 and 768.095 [<i>child abuse reporting and immunity for reporting of other employees</i>]. • A district school board, or any of its employees, <ul style="list-style-type: none"> ✓ may not enter into a confidentiality agreement regarding terminated or dismissed instructional personnel or school administrators, or personnel or administrators who resign in lieu of termination, based in whole or in part on misconduct that affects the health, safety, or welfare of a student, and ✓ may not provide instructional personnel or school administrators with employment references or discuss the personnel's or administrators' performance with prospective employers in another educational setting, without disclosing the personnel's or administrators' misconduct. • Any part of an agreement or contract that has the purpose or effect of concealing misconduct by instructional personnel or school administrators which affects the health, safety, or welfare of a student is void, is contrary to public policy, and may not be enforced. <p>NEW (7) DISQUALIFICATION FROM EMPLOYMENT. —</p> <ul style="list-style-type: none"> • Disqualify instructional personnel and school administrators, as defined in s. 1012.01, from employment in any position that requires direct contact with students if the personnel or administrators are ineligible for such employment under s. 1012.315 [<i>see section 26</i>]. 	

STATUTE	SECTION	ISSUE	NOTES
1001.452		<ul style="list-style-type: none"> • An elected or appointed school board official forfeits his or her salary for 1 year if: <ul style="list-style-type: none"> ○ (a) The school board official knowingly signs and transmits to any state official a report of alleged misconduct by instructional personnel or school administrators which affects the health, safety, or welfare of a student and the school board official knows the report to be false or incorrect; or ○ (b) The school board official knowingly fails to adopt policies that require instructional personnel and school administrators to report alleged misconduct by other instructional personnel and school administrators, or that require the investigation of all reports of alleged misconduct by instructional personnel and school administrators, if the misconduct affects the health, safety, or welfare of a student. 	
1001.51	10 11	<p>SAC's -- technical changes</p> <p>Duties and Responsibilities of School Superintendent:</p> <p>(12) RECORDS AND REPORTS -</p> <p>-----</p> <p>Any district school superintendent</p> <ul style="list-style-type: none"> • who knowingly signs and transmits to any state official a report that the superintendent knows to be false or incorrect; • who knowingly fails to investigate any allegation of misconduct by instructional personnel or school administrators, as defined in s. 1012.01, which affects the health, safety, or welfare of a student; or • who knowingly fails to report the alleged misconduct to the department as required in s. 1012.796, <p>forfeits his or her salary for 1 year following the date of such act or failure to act.</p>	
1001.54	12	Duties of principals -- technical change	
1002.32	13	Re lab schools -- technical change	
1002.33	14	Charter schools -- places charter schools under the same public school requirements re ethical standards, employment practices and screening, and reporting. Penalty is revocation of charter.	

STATUTE	SECTION	ISSUE	NOTES
1002.36	15	Florida School for the Deaf and Blind – places Florida D & B under public school requirements re ethical standards and employment practices.	
1002.421	16	New section (4): Places private schools that accept students under any state scholarship program under similar requirements as public schools re ethical standards, employment practices and screening, and reporting. Penalty is suspension of funds and the prohibition of receiving students under the program for one year and until the private schools comply.	
1003.413	17	Secondary school design: Technical changes	
1003.53	18	Dropout Prevention: Technical changes	
1004.92	19	Career Ed: Technical changes	
1006.061	20	Child abuse – School boards, charter schools, and private schools accepting scholarships must post their affirmative duty to report abuse, etc. Also, they must post policies and procedures for reporting suspected misconduct involving the health, safety, and welfare of students by instructional personnel and school administrators including the responsible contact and penalties for failing to report. Adds requirement that administration in charge of charter schools and private schools (in addition to superintendent's designee) act as liaison to DCF in case of child abuse complaints.	
1008.33	21	Enforcement of school improvement: Technical changes	
1008.345	22	Implementation of school accountability: Technical changes	
1010.215	23	Ed funding accountability: Technical changes	
1011.18	24	School depositories: Technical changes	
1012.27	25	Personnel – Duties of superintendent: NEW (6) EMPLOYMENT HISTORY CHECKS.--Before employing instructional personnel and school administrators, as defined in s. 1012.01, in any position that requires direct contact with students, <ul style="list-style-type: none"> • conduct employment history checks of each of the personnel's or administrators' previous employer, • screen the personnel or administrators through use of the educator screening tools described in s. 1001.10(5), and • document the findings. If unable to contact a previous employer, the district school superintendent shall document efforts to contact the employer.	

STATUTE	SECTION	ISSUE	NOTES
1012.315	26	<p>(NEW) Disqualification from employment.— A person is ineligible for educator certification, and instructional personnel and school administrators, as defined in s. 1012.01, are ineligible for employment in any position that requires direct contact with students in a district school system, charter school, or private school that accepts scholarship students under s. 220.187 or s. 1002.39, if the person, instructional personnel, or school administrator has been convicted of:</p> <p>(1) <i>Any of the listed 47 felony offenses;</i> (2) Any misdemeanor offense prohibited under any of the following statutes: (a) Section 784.03, relating to battery, if the victim of the offense was a minor. (b) Section 787.025, relating to luring or enticing a child; (3) Any criminal act committed in another state or under federal law which, if committed in this state, constitutes an offense prohibited under any statute listed in subsection (1) or subsection (2); (4) Any delinquent act committed in this state or any delinquent or criminal act committed in another state or under federal law which, if committed in this state, qualifies an individual for inclusion on the Registered Juvenile Sex Offender List under s. 943.0435(1)(a)1.d.</p>	
1012.32	27	<p>(1) and (2) Instructional personnel or school administrators convicted of offenses in s. 1012.315 [section 26 above] may not be employed in positions having direct contact with children. The section also amends fingerprinting and background check requirements to include juvenile records checks and checks pursuant to s. 1012.315 [section 26] and convictions of crimes involving moral turpitude as defined by the State Board of Education.</p>	
1012.33	28	<p>(1)(a) Contracts for instructional personnel [other than CC]: Amends section on just cause for dismissal. It would now include:</p> <ul style="list-style-type: none"> • Rules of SBE • <u>Immorality</u>, • Misconduct in office, • Incompetency, • Gross insubordination, • Willful neglect of duty, • <u>Being convicted or found guilty of, or entering a plea of guilty to, regardless of adjudication of guilt, any crime involving moral turpitude as these terms are defined by rule of the State Board of Education.</u> 	

STATUTE	SECTION	ISSUE	NOTES
		<p>(4)(c) Continuing Contract personnel. Amends section on just cause for dismissal. It would now include:</p> <ul style="list-style-type: none"> • Immorality, • Misconduct in office, • Incompetency, • Gross insubordination, • Willful neglect of duty, • Drunkenness, or • <u>Being convicted or found guilty of, or entering a plea of guilty to, regardless of adjudication of guilt, any crime involving moral turpitude as these terms are defined by rule of the State Board of Education.</u> <p>(6)(b) Admin contracts [except CC]. Amends section on just cause for dismissal. It would now include:</p> <ul style="list-style-type: none"> • Immorality, • Misconduct in office, • Incompetency, • Gross insubordination, • Willful neglect of duty, • Drunkenness, or • <u>Being convicted or found guilty of, or entering a plea of guilty to, regardless of adjudication of guilt, any crime involving moral turpitude, as these terms are defined by rule of the State Board of Education.</u> 	
1012.34	29	Assessment procedures: Technical changes	
1012.56	30	<p>Certification requirements.</p> <p>In (9)(a), for persons seeking initial certification, the bill replaces "meet Level 2 screening requirements" with "screened in accordance with s. 1012.32 and must not be ineligible for such certification under s. 1012.315" and</p> <p>(9)(b), after initial certification, "<u>Level 2</u>" screening requirements for persons seeking certification is replaced with "<u>rescreening under s. 1012.32 and "federal criminal records checks."</u> <i>FBI level 2 screening is replaced with "federal criminal records checks."</i></p> <p>In (9)(c), any person who has not been screened per s. 1012.32 or is determined to be ineligible for employment under s. 1012.315 shall have his/her certificate revoked or suspended and shall be immediately suspended from the position requiring certification.</p>	✓

STATUTE	SECTION	ISSUE	NOTES																		
1012.79	31	<p>(14) amended to permit DOE to maintain a broader data base on certification than academic prep, training, and experience.</p> <p>EPC. Expands EPC membership to 25 (now 17).</p> <p>Total membership would change as follows:</p> <table border="1" data-bbox="399 516 808 1045"> <thead> <tr> <th>Category</th> <th>Current Membership</th> <th>New Membership</th> </tr> </thead> <tbody> <tr> <td>Total:</td> <td>17</td> <td>25</td> </tr> <tr> <td>Teachers</td> <td>7</td> <td>8</td> </tr> <tr> <td>Admin</td> <td>5</td> <td>5 (At least 1 private school)</td> </tr> <tr> <td>Lay Citizens</td> <td>5</td> <td>7 (5 public school parents, unrelated to employees and 2 former school board members)</td> </tr> <tr> <td>Law Enforcement</td> <td>0</td> <td>5</td> </tr> </tbody> </table> <p>The law enforcement officers must have served 5 years immediately preceding appointment and have background in child safety.</p> <p>The Commissioner is required to consult with teaching associations, parent organizations, and law enforcement agencies in making recommendations for membership.</p> <p>The section also amends composition of 5 member panel that reviews teacher cases – the panel now must include at least 1 parent or 1 law enforcement officer and at least 3 teachers – currently, the panel must have 3 teachers and the other two are unspecified.</p> <p>The panel for admin cases is similarly redefined – at least 1 must be parent or law enforcement and at least 3 admin. Currently 3 must be admin and the remaining two unspecified.</p>	Category	Current Membership	New Membership	Total:	17	25	Teachers	7	8	Admin	5	5 (At least 1 private school)	Lay Citizens	5	7 (5 public school parents, unrelated to employees and 2 former school board members)	Law Enforcement	0	5	
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1012.795	32	<p>EPC – authority to discipline. Adds to or amends list of reasons EPC may suspend or revoke certificate, or take other action:</p> <p>(b) <u>Knowingly failed to report actual or suspected child abuse as required in s. 1006.061 or report alleged misconduct by instructional personnel or school administrators which affects the health, safety, or welfare of a student as required in s. 1012.796.</u></p> <p>(d) <u>Has been guilty of gross immorality or an act involving moral turpitude as defined by</u></p>	<p>✓</p> <p>✓</p>																		

STATUTE	SECTION	ISSUE	NOTES
		<p>rule of the State Board of Education.</p> <p>(f) Has been convicted or found guilty of, or entered a plea of guilty to, regardless of adjudication of guilt, a misdemeanor, felony, or any other criminal charge, other than a minor traffic violation</p> <p>(n) Has been disqualified from educator certification under s. 1012.315.</p> <p>10 other causes remain.</p>	<p>✓</p> <p>✓</p>
1012.796	33	<p>Procedures for handling complaints by DOE and school district. The term "legally sufficient" is defined. Also</p> <p>(1)(a) Section amended to require DOE (was "may") to investigate filed legally sufficient complaints even if complainant withdraws complaint or otherwise indicates a desire not to investigate.</p> <p>NEW (b)</p> <ul style="list-style-type: none"> The department shall immediately investigate any legally sufficient complaint that involves misconduct by any certificated personnel which affects the health, safety, or welfare of a student, giving the complaint priority over other pending complaints. The department must investigate or continue to investigate and take action on such a complaint filed against a person whose educator certificate has expired if the act or acts that are the basis for the complaint were allegedly committed while that person possessed an educator certificate. <p>Amendments to (1)(d):</p> <ul style="list-style-type: none"> School district must file all legally sufficient complaints – statute clarified with regard to "legally sufficient." School district must adopt policies and procedures for screening, hiring, and terminating instructional personnel and school administrators and ethical standards for and the duty to uphold all ethical standards of all instructional and school administrative employees. Policies and procedures must also include steps to follow regarding reporting suspected misconduct that involve the health, safety, and welfare of students that include reassignment pending outcome of investigation and penalties for failure to comply with s. 1001.51 or 1012.795. 	<p>✓</p> <p>✓</p>

STATUTE	SECTION	ISSUE	NOTES
		<ul style="list-style-type: none"> Superintendent is accountable for training all instructional and school administrative personnel regarding ethical standards, policies and procedures. If the superintendent determines that misconduct by instructional personnel or school administrators who hold an educator certificate affects the health, safety, or welfare of a student and the misconduct warrants termination, the instructional personnel or school administrators may resign or be terminated and the superintendent must report the misconduct to the department in the format prescribed by the department. The department shall maintain each report of misconduct as a public record in the instructional personnel's or school administrators' certification files. 	
		<p>NEW (1)(e)</p> <ul style="list-style-type: none"> If allegations are made against any person in a certificated position, the governing board of the charter school or of the private school receiving scholarships or the school board must file a legally sufficient complaint within 30 days of the matter coming to their attention. The language defines "legally sufficient." 	
		<p>Amendments to (5):</p> <ul style="list-style-type: none"> Upon allegation of misconduct involving the health, safety, or welfare of a student by instructional or school administrative personnel, the superintendent must immediately suspend the person from regular duties with pay and reassign the person to a position not requiring contact with students. 	
1012.98	-34	Professional development act: Technical changes	
1013.03	35	Technical changes	
~	36	An appropriation to DOE is provided for Professional Practices investigators.	
Eff Date	37 +	July 1, 2008	

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