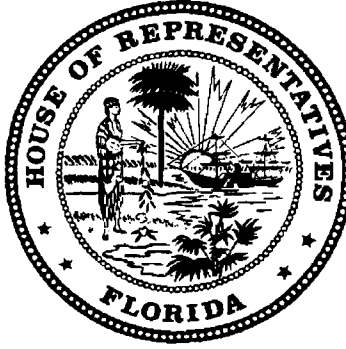


K - 12
Subcommittee
Wednesday, January 13, 2016
10:00 A.M. – 12:00 P.M.
Morris Hall (17 HOB)

Meeting Packet

Steve Crisafulli
Speaker

Janet Adkins
Chair



AGENDA



K-12 Subcommittee
Wednesday, January 13, 2016
10:00 A.M. – 12:00 P.M.
Morris Hall (17 HOB)

- I. Call to Order/Roll Call
- II. Welcome/Opening Remarks
- III. Consideration of the following bill(s):
 - HB 719 Education Personnel by Spano
- IV. Panel discussion on School Safety
 - Linda Champion, Deputy Commissioner, Finance and Operations- Florida Department of Education
 - Paul Abbatinozzi, Director for School Services- St. John's Public Schools
 - John (David) Crawford, Director for Auxiliary Services and School Safety- Baker County Public Schools
 - Chief John Hunkiar, Department of Safety, Security & Emergency Management- Leon County Public Schools
 - Chief Lawrence J. Leon, Palm Beach County School District Police Department- Palm Beach county Public Schools
- V. Closing Remarks and Adjournment

HB 719
Education Personnel

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 719 Education Personnel
SPONSOR(S): Spano and others
TIED BILLS: IDEN./SIM. **BILLS:** SB 894

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) K-12 Subcommittee		Brink 	Fudge 
2) Education Appropriations Subcommittee			
3) Education Committee			

SUMMARY ANALYSIS

The bill revises several provisions related to education personnel. With respect to educator discipline, the bill:

- Revises the membership of the Education Practices Commission to include membership opportunities for school administrators employed by virtual schools; former charter school governing board members; and former district school superintendents, assistant superintendents, or deputy superintendents.
- Requires all commission members to be Florida residents and authorizes the appointment of emeritus members.
- Authorizes the Commissioner of Education to issue a letter of guidance to a certified educator upon finding that probable cause to prosecute a complaint does not exist.
- Authorizes the Department of Children and Families to disclose child abandonment, abuse, or neglect records to Department of Education (DOE) employees who investigate or prosecute misconduct by certified educators.

In addition, the bill eliminates the July 1, 2016, expiration date for the educator liability insurance program, which provides liability coverage for all full-time public school instructional personnel. The bill also prohibits postsecondary educational institutions and school districts from requiring a student participating in a clinical field experience to purchase liability insurance as a condition of participation.

To provide additional support for activities related to educator certification, including education practices and professional practices, the bill exempts the Educator Certification and Service Trust Fund from the 8 percent General Revenue service charge.

With respect to teacher recruitment, the bill authorizes, rather than requires, DOE to sponsor a centrally located job fair to help match educators with teaching opportunities in the state. The bill also requires DOE to coordinate a best practice community to help school districts recruit and perform other human resources functions with up-to-date knowledge.

The bill also promotes effective school leadership by providing standards for approval of school leader preparation programs.

For an analysis of the bill's fiscal impact, please see FISCAL IMPACT ON STATE GOVERNMENT, *infra*.

The bill takes effect on July 1, 2016.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Education Practices Commission

Present Situation

The Education Practices Commission (EPC) is a panel that is responsible for adjudicating complaints of misconduct committed by certified educators. The EPC is authorized to suspend or revoke an educator's certificate and may impose other sanctions.¹ The EPC consists of 25 members, including:

- Eight teachers;
- Five administrators, at least one of whom must represent a private school;
- Seven lay citizens, five of whom must be parents of public school students with no family relation to a public school employee and two of whom must be former district school board members; and
- Five sworn law enforcement officials.

EPC members are appointed by the State Board of Education based upon nominations by the Commissioner of Education and subject to Senate confirmation. Teacher, school administrator, and lay members of the EPC must be Florida residents. Residency is not required of law enforcement members.²

The Department of Education (DOE) is required to investigate complaints of misconduct committed by certified educators to determine if probable cause exists to refer the matter for prosecution by the EPC.³ DOE investigative staff must advise the Commissioner of Education regarding the findings of the investigation. DOE's legal department must review the investigation and advise the commissioner as to whether probable cause exists to prosecute the complaint. Unless the complaint involves a felony or crime of moral turpitude, the commissioner may enter into a deferred prosecution agreement with the certified educator in lieu of finding probable cause. The commissioner must dismiss a complaint if probable cause does not exist to commence prosecution.⁴

Florida law provides that records held by the Department of Children and Families (DCF) regarding reports of child abandonment, abuse, or neglect are confidential and exempt from public records disclosure requirements. The law authorizes disclosure of these records to a limited list of individuals, e.g., state or local government, law enforcement, or court officials who investigate or adjudicate alleged child abuse or provide supportive services to child abuse victims.⁵ The law does not authorize disclosure of child abuse records to DOE employees who are responsible for investigating or prosecuting misconduct by certified educators.

Effect of Proposed Changes

The bill revises the membership of the EPC as follows:

- The number of teacher members is increased from eight to 10.
- The one school administrator slot currently reserved for a private school administrator may also be filled by a virtual school administrator.

¹ Section 1012.795(1), F.S.

² Section 1012.79(1), F.S.

³ Section 1012.796(1), F.S.

⁴ Section 1012.796(3), F.S.

⁵ Section 39.202(1)-(2), F.S.

- The number of parent members is reduced from five to four.
- The two membership slots currently reserved for former district school board members remain, but are no longer classified as “lay citizen” slots and may also be filled by a former charter school governing board member or former district school superintendent, assistant superintendent, or deputy superintendent.
- The number of sworn law enforcement officials is reduced from five to four.
- The Commissioner of Education, upon request or recommendation from the EPC, is authorized to appoint up to five emeritus members to serve one-year terms. Emeritus members may serve up to five one-year terms, are voting members for discipline hearings, and are nonvoting members for other matters. Such members are not subject to Senate confirmation.
- All members of the EPC must be Florida residents.

Additionally, the bill authorizes DCF to disclose child abandonment, abuse, or neglect records to DOE employees who investigate or prosecute misconduct by certified educators.

Currently, the commissioner must dismiss a complaint if probable cause does not exist to commence prosecution. The bill also authorizes the commissioner to issue a letter of guidance to a certified educator if the complaint is dismissed because no probable cause is found.

Educator Liability Insurance Program

Present Situation

Legislation passed in 2015 requires DOE to administer a liability insurance program to protect public school educators from liability for claims arising from incidents occurring while performing job responsibilities.⁶ The program must provide coverage amounting to \$2 million to all full-time instructional personnel.⁷ Part-time instructional personnel, administrative personnel, and student teachers participating in clinical field experience through a state-approved teacher preparation program may opt to receive liability coverage, at cost.⁸

The law required DOE, by August 1, 2015, to notify eligible personnel of the pending procurement for liability coverage. In addition, the law required each school district, by September 1, 2015, to notify eligible personnel of the liability coverage using a postcard which included:

- The amount of the coverage;
- A general description of the nature of the coverage; and
- The contact information for coverage and claims questions.⁹

The law required each district school board to certify to DOE by September 15, 2015, that the district had provided the notification to the eligible personnel.¹⁰

DOE must consult with the Department of Financial Services to select the “most economically prudent and cost-effective means of implementing the program through self-insurance, a risk management program, or competitive procurement.”¹¹

The law establishing the educator liability insurance program will expire on July 1, 2016.¹²

⁶ See s. 1012.75(3), F.S., as amended by s. 10, ch. 2015-222, L.O.F.

⁷ Section 1012.75(3)(a), F.S.

⁸ *Id.*

⁹ Section 1012.75(3)(b), F.S.

¹⁰ *Id.*

¹¹ Section 1012.75(3)(c), F.S.

¹² Section 1012.75(3)(d), F.S.

Effect of Proposed Changes

The bill saves the educator liability insurance program from repeal by eliminating the July 1, 2016, statutory expiration date. The bill requires DOE and each school district to provide annual notification of the insurance coverage to eligible personnel. District school boards must annually certify to DOE that the notification has been provided.

In addition, the bill requires a district school board providing clinical field experience to students in teacher preparation programs to notify the student electronically or in writing of the availability of educator liability insurance. Postsecondary educational institutions and district school boards are prohibited from requiring a student in a teacher preparation program to purchase liability insurance as a condition of participation in any clinical field experience or related activity on the premises of an elementary or secondary school.

School Leader Preparation Programs

Present Situation

School leaders include school administrators, school principals, school directors, career center directors, and assistant principals. School principals or school directors serve as the administrative head of a school and are responsible for coordinating and administering the instructional and noninstructional activities of the school. Assistant principals are staff members who assist the administrative head of the school regarding curricular and administrative matters.¹³

Florida Principal Leadership Standards

The Florida Principal Leadership Standards (FPLS) are Florida's core expectations for effective school administrators. The FPLS are research-based; represent necessary knowledge, skills, and abilities for effective school leadership; and are the basis for school administrator preparation programs, certification competencies, certification examinations, performance evaluations, and professional development systems. The FPLS emphasize ability to improve student learning results; development and retention of quality classroom teachers; and school management practices.¹⁴

Performance Evaluation

The job performance of school administrators must be evaluated annually.¹⁵ The criteria used to measure school administrator performance are student performance, instructional leadership, and professional and job responsibilities.¹⁶ At least one-third of a school administrator's evaluation must be based upon student performance.¹⁷ Based upon these criteria, an administrator is assigned a performance rating of highly effective, effective, needs improvement, or unsatisfactory.¹⁸

Professional Development

The William Cecil Golden Professional Development Program for School Leaders is a professional development program for school principals. The program was established in collaboration with state and national professional leadership organizations. It is designed to respond to Florida's needs for quality school leadership and support the efforts of school leaders in improving instruction and student

¹³ See s. 1012.01(3), F.S. Administrative personnel are K-12 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.*

¹⁴ Rule 6A-5.080(1)-(2), F.A.C.

¹⁵ See s. 1012.34(3)(a), F.S.

¹⁶ Section 1012.34(3)(a)1., 3., and 4., F.S.

¹⁷ Section 1012.34(3)(a)1., F.S.

¹⁸ Section 1012.34(2)(e), F.S.

achievement and developing and retaining quality teachers. Professional development provided through the program must be based upon the FPLS and other school leadership standards.¹⁹

Certification

The law requires school leaders to be certified and directs the State Board of Education to classify school services, designate certification subject areas, establish competencies for certification, and certification requirements for all school-based personnel.²⁰ The state board has established two classes of certification for school administrators – educational leadership and school principal. Certification in educational leadership qualifies one for any position falling under the classification “school administrator.”²¹ In order to advance to certification as a school principal, one must first be certified in educational leadership.²²

In Florida, aspiring school administrators must complete a school leader preparation program approved by DOE. State board rule authorizes DOE to approve two types of school leader preparation programs. Level I programs may be offered by school districts and postsecondary institutions and lead to initial certification in educational leadership for the purpose of preparing individuals to serve as school administrators. Level II programs may be offered by school districts, build upon Level I training, and lead to certification as a school principal.²³

State board rule specifies criteria for initial and continued approval of Level I and Level II school leader preparation programs. Among other things, initial approval of Level I programs offered by Florida postsecondary institutions and school districts is based upon evidence that the institution or district:

- Incorporates into the program objectives that are responsive to state and school district needs for school leaders.
- Has established a comprehensive program that:
 - Leads to initial certification in educational leadership.
 - Is aligned with the FPLS and the William Cecil Golden Program for School Leaders.
 - Provides for field experiences in K-12 schools designed in collaboration with Florida public schools or school districts.
 - Endorses as program completers based upon mastery of the FPLS for initial certification and earn passing scores on the Florida Educational Leadership Examination (FELE).
- Employs faculty who are qualified to teach courses required in the program, and who document annual onsite participation or research in K-12 school settings.
- Has a means for collecting performance data on certification candidates and program completers.²⁴

Generally speaking, a Level I program offered by a postsecondary institution leads to a master’s or higher degree in educational leadership and prepares one for certification. Such institutions may offer a modified program for individuals who already hold a master’s or higher degree. School district programs may only serve school district employees who already hold a master’s or higher degree.²⁵

Continued approval of a Level I program is based upon data regarding:

- Candidate admission and enrollment, program completion rates, passage rates on the FELE, and performance during field experiences.

¹⁹ Section 1012.986(1)-(2), F.S.

²⁰ Section 1012.55(1)(a)-(b), F.S.

²¹ Rule 6A-4.0081, F.A.C.

²² Rule 6A-4.0083, F.A.C.

²³

²⁴ Rule 6A-5.081(1)(b)-(c), F.A.C.

²⁵ Rule 6A-5.081(1)(b)1. and 7 and (c)1. and 3.a., F.A.C.

- Program completers' and employers' satisfaction with the completer's preparedness to serve in a school-based leadership position.

Postsecondary institutions and school districts must annually submit to DOE a program evaluation plan containing this data. DOE reviews these plans annually during the approval cycle, which is five years. Under the rule, personnel evaluation results and student learning growth data of program completers are not factors currently considered in determining continued program approval.²⁶

Among other things, initial approval of Level II programs offered by school districts is based upon evidence that the district:

- Admits only candidates who hold certification in educational leadership, are employed in a public school within the district in a leadership position.
- Delivers a competency-based developmental program that:
 - Bases instruction on the individual's needs using a customized learning plan that is derived from data gathered from self-assessment, selection, and appraisal instruments aligned to program competencies.
 - Is aligned to the FPLS and the William Cecil Golden School Professional Development Program for School Leaders.
 - Integrates on-going professional development and the district's personnel evaluation into program experiences.
- Has the means of collecting continued approval data.
- Has an endorsement of program completion by the superintendent for all program participants.²⁷

Continued approval of Level II programs is based upon data regarding:

- Candidate admission and enrollment, inservice hours completed by participants, and program completion rates.
- Program completers' and employers' satisfaction with the completer's preparedness to serve in a school-based leadership position.
- The effectiveness of the professional development provided by program.
- Placement rates, rehire rates, retention rates, and performance of program completers, including student achievement and other indicators of success at their assigned school.

In the last year of the approval cycle, the school district must submit a summary of this data to DOE for review. DOE must review the data and provide written verification of continued approval to the school district.²⁸

Effect of Proposed Changes

The bill establishes in law provisions regulating school leader preparation programs. Specifically, the bill requires DOE to establish a process for the approval of school leader preparation programs for purposes specified in the bill. The bill requires the department to establish an initial and continued approval process for Level I and Level II programs through which participants can become certified. Under the bill, Level I programs may be offered by school districts and other postsecondary institutions and Level II programs may be offered by school districts.

The bill provides for five-year initial and continued approval terms for Level I and Level II programs and establishes approval criteria as follows:

²⁶ Rule 6A-5.081(1)(e), F.A.C.

²⁷ Rule 6A-5.081(2)(a), F.A.C.

²⁸ Rule 6A-5.081(2)(d), F.A.C.

Level I Programs

To receive **Initial Approval**, a Level I program must:

- Provide competency-based training aligned to the FPLS.
- If the program is provided by a postsecondary institution, partner with at least one school district.
- Describe the qualifications that will be used to determine program admission standards, including a candidate's instructional expertise and leadership potential.
- Describe how the training provided through the program will be aligned to personnel evaluation criteria.

The Criteria for **Continued Approval** of a Level I program are:

- The percentage of personnel who complete the program and are placed in school leadership positions in public schools within the state.
- Results from the personnel evaluations for personnel who complete the program.
- The passage rate of personnel who complete the program on the FELE.
- The impact personnel who complete the program have on student learning as measured by the formulas developed by the commissioner (i.e., value-added model (VAM) data).
- Strategies for continuous improvement of the program.
- Strategies for involving personnel who complete the program, other school personnel, community agencies, business representatives, and other stakeholders in the program evaluation process.
- Additional data included at the discretion of the program.

The bill requires Level I programs to submit to DOE an institutional program evaluation plan that incorporates the criteria for continued approval.

Level II Programs

To receive **Initial or Continued Approval**, a Level II program must:

- Demonstrate that personnel accepted into the Level II program have:
 - Obtained their certificate in educational leadership.
 - Earned a highly effective or effective rating on their performance evaluation.
 - Satisfactorily performed instructional leadership responsibilities as measured by the school district's evaluation system.
- Demonstrate that the Level II program:
 - Provides competency-based training aligned to the FPLS.
 - Provides training aligned to the personnel evaluation criteria and the William Cecil Golden Professional Development Program for School Leaders.
 - Provides individualized instruction using a customized learning plan for each person enrolled in the program that is based on data from self-assessment, selection, and appraisal instruments.
 - Conducts program evaluations and implements program improvements using input from program completers and employers and using the same data points as is required for the continued approval of Level I programs.
- Gather and monitor the same data as is required for the continued approval of Level I programs.

The bill also requires a Level I program to guarantee the quality of its completers. Completers who earn an evaluation lower than “effective” in the first two years after completing the program or receiving their certificate must be provided additional training by the program and receive an individualized plan that includes specific learning outcomes. The bill provides that Level I programs are not responsible for a completer’s employment contract with his or her employer.

The bill requires the state board to adopt rules for the approval process.

The Educational Certification and Service Trust Fund

Present Situation

With certain exemptions, the law appropriates to the General Revenue Fund an 8 percent service charge from all income of a revenue nature that is deposited into each state department-administered trust fund.²⁹ While many trust funds are expressly exempt from this appropriation, the law notwithstanding the exemption for trust funds that were subject to the service charge pursuant to s. 215.20 on January 1, 1990.³⁰

Although the law generally exempts any trust fund administered by DOE from the service charge, the Educational Certification and Service Trust Fund is subject to the service charge because its exemption is nullified by the notwithstanding provision. The trust fund is the only fund administered by DOE that is subject to the General Revenue service charge.³¹

Effect of Proposed Changes

The bill expressly states that the Education Certification and Service Trust Fund is not subject to the notwithstanding provision, thus exempting the trust fund from the service charge. This makes the trust fund consistent with all other trust funds administered by DOE. As a result, more resources can be used for activities related to educator certification.

Teacher Recruitment and Retention

Present Situation

The law requires DOE to sponsor a job fair each year to match in- and out-of-state educators and potential educators with teaching opportunities in Florida. The job fair must be held in a central part of the state and must be sponsored in cooperation with district personnel offices. DOE may collect a registration fee of no more than \$20 from participants and a booth fee of no more than \$250 per school district or other participating organization.³²

Currently, there is no best practices community coordinated by DOE to help districts recruit educators and perform other human resources functions with updated knowledge.

Effect of Proposed Changes

The bill allows, rather than requires, DOE to sponsor the centrally located job fair. In addition, the bill requires DOE to coordinate a best practice community to help school district personnel responsible for teacher recruitment and other human resources functions operate with the most up-to-date knowledge in these areas.

²⁹ See s. 215.20, F.S.

³⁰ Section 215.22(4), F.S.

³¹ Staff of the Florida Department of Education, *2016 Agency Legislative Bill Analysis for HB 719* at 4 (2016). See s. 215.22(1)(j), F.S. (generally exempting trust funds administered by DOE from the service charge).

³² Section 1012.05(4), F.S. Fee revenue must be used to promote and operate the fair and may be used to purchase promotional items such as mementos, awards, and plaques.

B. SECTION DIRECTORY:

Section 1. Amends s. 39.202, F.S.; authorizing certain employees or agents of the Department of Education to have access to certain reports and records.

Section 2. Amends s. 215.22, F.S.; providing that certain provisions do not apply to the Educational Certification and Service Trust Fund.

Section 3. Amends s. 1012.05, F.S.; authorizing rather than requiring the Department of Education to sponsor a job fair meeting certain criteria; requiring the department to coordinate a best practice community.

Section 4. Amends s. 1012.39, F.S.; providing requirements regarding liability insurance for students performing clinical field experience.

Section 5. Creates s. 1012.562, F.S.; requiring the department to approve school leader preparation programs; providing for approval; providing program requirements; providing for rulemaking.

Section 6. Amends s. 1012.75, F.S.; deleting the minimum required amount of liability coverage for specified personnel; requiring annual notification of liability insurance to specified personnel; abrogating the scheduled expiration of the educator liability insurance program.

Section 7. Amends s. 1012.79, F.S.; revising membership of the Education Practices Commission; authorizing the Commissioner of Education to appoint emeritus members to the commission.

Section 8. Amends s. 1012.796, F.S.; authorizing the commissioner to issue a letter of guidance in response to a complaint against a certified teacher or administrator

Section 9. Provides an effective date of July 1, 2016.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

The bill eliminates the General Revenue service charge on the fees that support the Education Certification and Service Trust Fund, increasing the amount of revenues by approximately \$600,000.

2. Expenditures:

Funds may be saved if DOE elects not to hold the job fair in favor of other, more efficient recruitment activities.

Funding for the educator liability insurance program is subject to appropriation in the General Appropriations Act (GAA). For 2015-16, \$1.2 million was included in the GAA to fund the educator professional liability insurance program.

DOE estimates \$4,750 in annual travel expenses for emeritus members appointed to the EPC.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

See FISCAL IMPACT ON STATE GOVERNMENT, *supra*.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

None.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

The bill requires the State Board of Education to adopt rules relating to school leader preparation programs.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

Not applicable.

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

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27 1012.796, F.S.; authorizing the commissioner to issue
 28 a letter of guidance in response to a complaint
 29 against a certified teacher or administrator;
 30 providing an effective date.

31

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

33

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

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

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

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

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

49 215.22 Certain income and certain trust funds exempt.—

50 (4) Notwithstanding the exemptions granted in subsections
 51 (1), (2), and (3), this section shall not exempt income of a
 52 revenue nature or any trust fund which was subject to the

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53 service charge pursuant to s. 215.20 on January 1, 1990. This
54 subsection does not apply to the Educational Certification and
55 Service Trust Fund.

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

58 1012.05 Teacher recruitment and retention.—

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

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

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

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79 | experience.-

80 | (3) A student who is enrolled in a state-approved teacher
81 | preparation program in a postsecondary educational institution
82 | that is approved by rules of the State Board of Education and
83 | who is jointly assigned by the postsecondary educational
84 | institution and a district school board to perform a clinical
85 | field experience under the direction of a regularly employed and
86 | certified educator shall, while serving such supervised clinical
87 | field experience, be accorded the same protection of law as that
88 | accorded to the certified educator except for the right to
89 | bargain collectively as an employee of the district school
90 | board. The district school board providing the clinical field
91 | experience shall notify the student electronically or in writing
92 | of the availability of educator liability insurance under s.
93 | 1012.75. A postsecondary educational institution or district
94 | school board may not require a student enrolled in a state-
95 | approved teacher preparation program to purchase liability
96 | insurance as a condition of participation in any clinical field
97 | experience or related activity on the premises of an elementary
98 | or secondary school.

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

101 | 1012.562 Public accountability and state approval of school
102 | leader preparation programs.-The Department of Education shall
103 | establish a process for the approval of Level I and Level II
104 | school leader preparation programs that will enable aspiring

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105 school leaders to obtain their certificate in educational
 106 leadership under s. 1012.56. School leader preparation programs
 107 must be competency-based, aligned to the principal leadership
 108 standards adopted by the state board, and open to individuals
 109 employed by public schools, including charter schools and virtual
 110 schools. Level I programs may be offered by school districts or
 111 postsecondary institutions and lead to initial certification in
 112 educational leadership for the purpose of preparing individuals
 113 to serve as school administrators. Level II programs may be
 114 offered by school districts, build upon Level I training, and
 115 lead to renewal certification as a school principal.

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

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

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

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

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

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

129 (2) LEVEL I PROGRAMS.—

130 (a) Initial approval of a Level I program shall be for a

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

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

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

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

144 | 4. Describe how the training provided through the program
 145 | will be aligned to the personnel evaluation criteria under s.
 146 | 1012.34.

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

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

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

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

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

164 | 5. Strategies for continuous improvement of the program.

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

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

171 | (c) A Level I program must guarantee the high quality of
172 | personnel who complete the program for the first 2 years after
173 | program completion or the person's initial certification as a
174 | school leader, whichever occurs first. If a person who completed
175 | the program is evaluated at less than highly effective or
176 | effective under s. 1012.34 and the person's employer requests
177 | additional training, the Level I program must provide additional
178 | training at no cost to the person or his or her employer. The
179 | training must include the creation of an individualized plan
180 | agreed to by the employer that includes specific learning
181 | outcomes. The Level I program is not responsible for the
182 | person's employment contract with his or her employer.

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

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

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

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

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

198 (b) Demonstrate that the Level II program:

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

202 2. Provides training aligned to the personnel evaluation
 203 criteria under s. 1012.34 and professional development program
 204 in s. 1012.986.

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

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

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

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

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

219 1012.75 Liability of teacher or principal; excessive
 220 force.—

221 (3) The Department of Education shall administer an
 222 educator liability insurance program, as provided in the General
 223 Appropriations Act, to protect full-time instructional personnel
 224 from liability for monetary damages and the costs of defending
 225 actions resulting from claims made against the instructional
 226 personnel arising out of occurrences in the course of activities
 227 within the instructional personnel's professional capacity. For
 228 purposes of this subsection, the terms "full-time," "part-time,"
 229 and "administrative personnel" shall be defined by the
 230 individual district school board. For purposes of this
 231 subsection, the term "instructional personnel" has the same
 232 meaning as provided in s. 1012.01(2).

233 (a) Liability coverage ~~of at least \$2 million~~ shall be
 234 provided to all full-time instructional personnel. Liability

235 coverage may be provided to the following individuals who choose
 236 to participate in the program, at cost: part-time instructional
 237 personnel, administrative personnel, and students enrolled in a
 238 state-approved teacher preparation program pursuant to s.
 239 1012.39(3).

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

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

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

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

263 1012.79 Education Practices Commission; organization.—

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

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

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

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

285 2.3. Must have practiced the profession in this state for
 286 at least 5 years immediately preceding the appointment.

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

289 1. Must have an endorsement on the educator certificate in
 290 the area of school administration or supervision.

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

292 2.3. Must have practiced the profession as an
 293 administrator for at least 5 years immediately preceding the
 294 appointment.

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

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

300 (d) The Commissioner of Education, upon request or
 301 recommendation from the commission, may also appoint up to 5
 302 emeritus members from the commission's prior membership to serve
 303 1-year terms. Notwithstanding any prior service on the
 304 commission, an emeritus member may serve up to five 1-year
 305 terms. An emeritus member serves as a voting member at a
 306 discipline hearing and as a consulting but nonvoting member
 307 during a business meeting.

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

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

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

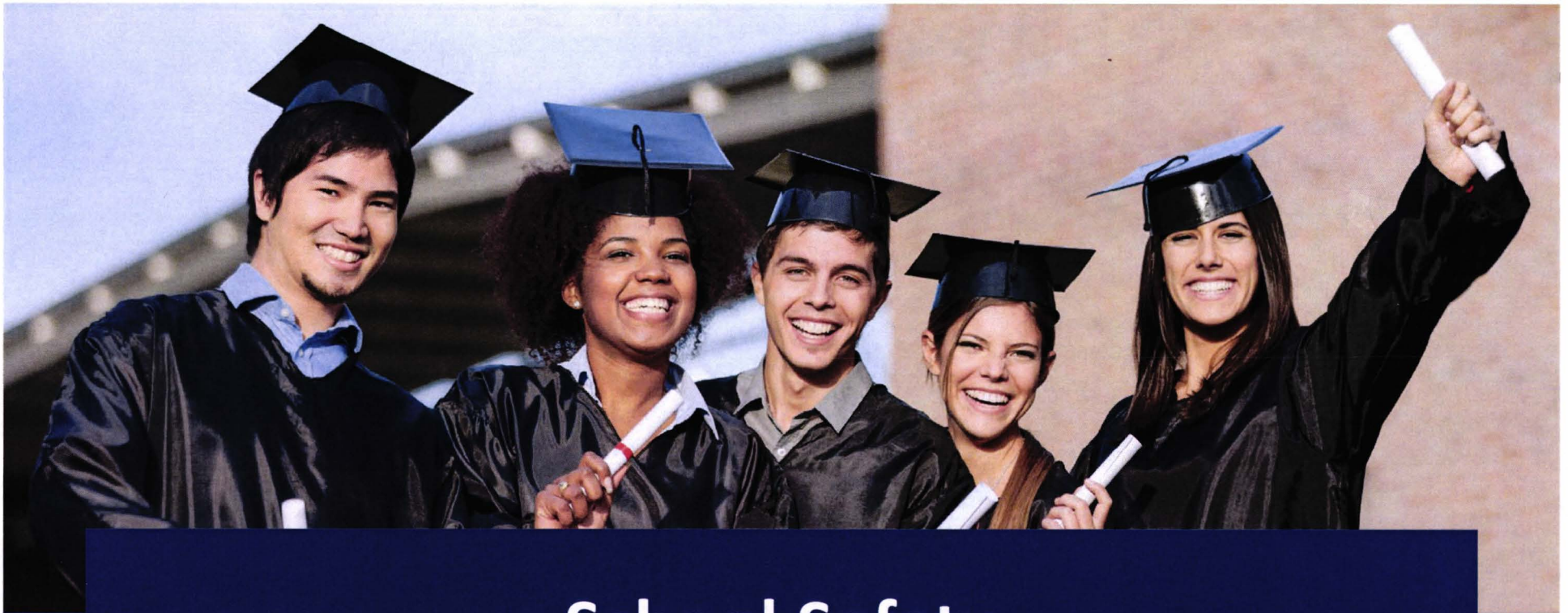
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313 (3) The department staff shall advise the commissioner
314 concerning the findings of the investigation. The department
315 general counsel or members of that staff shall review the
316 investigation and advise the commissioner concerning probable
317 cause or lack thereof. The determination of probable cause shall
318 be made by the commissioner. The commissioner shall provide an
319 opportunity for a conference, if requested, prior to determining
320 probable cause. The commissioner may enter into deferred
321 prosecution agreements in lieu of finding probable cause if, in
322 his or her judgment, such agreements are in the best interests
323 of the department, the certificateholder, and the public. Such
324 deferred prosecution agreements shall become effective when
325 filed with the clerk of the Education Practices Commission.
326 However, a deferred prosecution agreement may ~~shall~~ not be
327 entered into if there is probable cause to believe that a felony
328 or an act of moral turpitude, as defined by rule of the State
329 Board of Education, has occurred. Upon finding no probable
330 cause, the commissioner shall dismiss the complaint and may
331 issue a letter of guidance to the certificateholder.

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

Panel discussion on School Safety



School Safety

**Florida House of Representatives
K-12 Subcommittee
January 13, 2016**



FLORIDA DEPARTMENT OF
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School Safety

- Safety and Security Best Practices Report
- Emergency Drills and Procedures
- Resources
- State Homeland Security Grant Program

Safety and Security Best Practices Report

- Required per s. 1006.07(6), F.S.
 - Annually, each school district must conduct a self-assessment of its current safety and security practices
 - The superintendent shall recommend to the district school board strategies and activities to improve school safety and security
 - Self-assessment results must be received at a publicly noticed board meeting
 - The superintendent must report the self-assessment results and school board action to the Commissioner within 30 days of the meeting

Safety and Security Best Practices Report

- The School Safety and Security Best Practices Reports are being completed utilizing the Florida Safe School Assessment Tool (FSSAT)
 - Funded with an initial appropriation of \$1 million in the 2013 General Appropriations Act
 - Proviso directed the department to contract for the development of a tool to be used in conducting security assessments by school officials at each public school site

Emergency Drills and Procedures

- Section 1006.07(4), F.S., requires school districts to
 - Create policies and procedures for emergency drills, including:
 - Fires, natural disasters, and bomb threats
 - Establish procedures for life-threatening emergencies:
 - Weapon-use and hostage situations
 - Hazardous materials or toxic chemical spills
 - Weather emergencies, including hurricanes, tornadoes, and severe storms
 - Exposure as a result of a manmade emergency

Resources

- DOE's Office of Emergency Management shares information and provides technical assistance to district safety and security contacts
- U.S. Department of Education, Office of Safe and Healthy Students provides Readiness and Emergency Management for Schools (REMS) Technical Assistance Center to support emergency operations plan development through
 - ✓ Training
 - ✓ Technical Assistance
 - ✓ Planning Tools

State Homeland Security Grant Program

- FY12/FY13/FY14: Total awards of \$3,607,132
 - Mass Notification/Communication Systems: \$1,604,289
 - Target Hardening/Access Control: \$2,002,843



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K - 12

Subcommittee

Wednesday, January 13, 2016

10:00 a.m. – 12:00 p.m.

17 HOB

AMENDMENT PACKET

Steve Crisafulli
Speaker

Janet Adkins
Chair

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 719 (2016)

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	___	(Y/N)
ADOPTED AS AMENDED	___	(Y/N)
ADOPTED W/O OBJECTION	___	(Y/N)
FAILED TO ADOPT	___	(Y/N)
WITHDRAWN	___	(Y/N)
OTHER	_____	

1 Committee/Subcommittee hearing bill: K-12 Subcommittee
2 Representative Spano offered the following:

3
4 **Amendment (with title amendment)**

5 Between lines 33 and 34, insert:

6 Section 1. Subsection (6) of section 39.201, Florida
7 Statutes, is amended to read:

8 39.201 Mandatory reports of child abuse, abandonment, or
9 neglect; mandatory reports of death; central abuse hotline.—

10 (6) Information in the central abuse hotline may not be
11 used for employment screening, except as provided in s.
12 39.202(2)(a) and (h). Information in the central abuse hotline
13 and the department's automated abuse information system may be
14 used by the department, its authorized agents or contract
15 providers, the Department of Health, or county agencies as part
16 of the licensure or registration process pursuant to ss.
17 402.301-402.319 and ss. 409.175-409.176. Pursuant to

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Amendment No. 1

18 39.202(2)(g), the information in the central abuse hotline may
19 also be used by the Department of Education for purposes of
20 educator certification discipline and review.
21
22

23 -----

24 **T I T L E A M E N D M E N T**

25 Between lines 2 and 3, insert:

26 39.201, F.S.; authorizing certain information to be used for
27 educator certification discipline and review; amending s.

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 719 (2016)

Amendment No. 2

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	___	(Y/N)
ADOPTED AS AMENDED	___	(Y/N)
ADOPTED W/O OBJECTION	___	(Y/N)
FAILED TO ADOPT	___	(Y/N)
WITHDRAWN	___	(Y/N)
OTHER	_____	

1 Committee/Subcommittee hearing bill: K-12 Subcommittee
2 Representative Spano offered the following:

3
4 **Amendment (with title amendment)**

5 Between lines 73 and 74, insert:

6 Section 1. Paragraph (b) of subsection (2) of section
7 1012.2315, Florida Statutes, is amended to read:

8 1012.2315 Assignment of teachers.-

9 (2) ASSIGNMENT TO SCHOOLS GRADED "D" or "F".-

10 (b)1. Beginning July 1, 2014, a school district may assign
11 an individual newly hired as instructional personnel to a school
12 that has earned a grade of "F" in the previous year or any
13 combination of three consecutive grades of "D" or "F" in the
14 previous 3 years pursuant to s. 1008.34 if the individual:

15 a. Has received an effective rating or highly effective
16 rating in the immediate prior year's performance evaluation
17 pursuant s. 1012.34;

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Amendment No. 2

18 b. Has successfully completed or is enrolled in a teacher
19 preparation program pursuant to s. 1004.04, s. 1004.85, or s.
20 1012.56, or a teacher preparation program specified in State
21 Board of Education rule, is provided with high quality mentoring
22 during the first 2 years of employment, holds a certificate
23 issued pursuant to s. 1012.56, and holds a probationary contract
24 pursuant to s. 1012.335(2)(a); or

25 c. Holds a probationary contract pursuant to s.
26 1012.335(2)(a), holds a certificate issued pursuant to s.
27 1012.56, and has successful teaching experience, and if, in the
28 judgment of the school principal, students would benefit from
29 the placement of that individual.

30 2. As used in this paragraph, the term "mentoring"
31 includes the use of student achievement data combined with at
32 least monthly observations to improve the educator's
33 effectiveness in improving student outcomes. Mentoring may be
34 provided by a school district, a teacher preparation program
35 approved pursuant to s. 1004.04, s. 1004.85, or s. 1012.56, or a
36 teacher preparation program specified in State Board of
37 Education rule.

38 ~~3. The State Board of Education shall adopt rules under~~
39 ~~ss. 120.536(1) and 120.54 to implement this paragraph.~~

40
41 Each school district shall annually certify to the Commissioner
42 of Education that the requirements in this subsection have been
43 met. If the commissioner determines that a school district is

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 719 (2016)

Amendment No. 2

44 not in compliance with this subsection, the State Board of
45 Education shall be notified and shall take action pursuant to s.
46 1008.32 in the next regularly scheduled meeting to require
47 compliance.

48

49

50

51

T I T L E A M E N D M E N T

52

Between lines 11 and 12, insert:

53

amending s. 1012.2315, F.S.; eliminating certain State Board of

54

Education rulemaking authority related to teacher assignment;