

CHAPTER 98-281

House Bill No. 4837

An act relating to education; amending s. 231.02, F.S., relating to qualifications of district school system personnel; deleting certain provisions relating to background check; amending s. 231.096, F.S.; revising provisions relating to teaching out-of-field; amending s. 231.15, F.S.; providing State Board of Education duties relating to teacher certification; amending s. 231.17, F.S.; revising provisions relating to qualification for a temporary certificate; amending s. 231.1725, F.S.; deleting provisions relating to employment of non-certificated teachers in critical teacher shortage areas; amending s. 231.261, F.S.; providing rulemaking authority of the Education Practices Commission; amending s. 231.263, F.S.; clarifying provisions relating to the recovery network program for educators; amending s. 231.47, F.S.; conforming a cross-reference; amending s. 231.546, F.S., relating to the Education Standards Commission; deleting duties relating to teacher education centers; amending s. 231.600, F.S.; revising requirements of the school district professional development system; amending s. 231.625, F.S.; deleting provisions relating to a teacher referral and recruitment center; requiring establishment of a teacher recruitment and retention services office; amending s. 231.6255, F.S.; revising provisions relating to the Christa McAuliffe Ambassador for Education Program; creating s. 231.63, F.S.; creating the Florida Educator Hall of Fame; providing for nominations, recommendations, and selection of members; amending s. 20.15, F.S.; creating additional divisions of the Department of Education; amending s. 231.262, F.S.; providing a show-cause process for violations of probation imposed by the Education Practices Commission; amending s. 231.28, F.S.; providing a show-cause process for violation of an order of the Education Practices Commission; providing authority for additional penalties; amending s. 236.081, F.S.; providing for a supplemental capping calculation for those districts whose weighted FTE enrollment is over the weighted FTE ceiling established in the annual appropriations act; providing a procedure for such calculation; repealing s. 236.081(8), F.S., which provides for a caps adjustment supplement for group 2 programs when there are funds remaining in the Florida Education Finance Program appropriation; amending s. 236.25, F.S.; conforming a cross-reference; amending s. 229.57, F.S.; authorizing the Commissioner of Education to establish criteria for exempting a student from taking certain parts of the high school competency test; repealing s. 231.613, F.S., relating to inservice training institutes; amending s. 24.121, F.S.; deleting obsolete provisions; amending s. 229.58, F.S.; revising provisions governing the membership of school advisory councils; amending s. 229.591, F.S.; revising education goals with respect to postsecondary institutions; creating pilot programs for deregulated public schools in a maximum of six counties; providing an effective date.

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

Section 1. Subsection (2) of section 231.02, Florida Statutes, is amended to read:

231.02 Qualifications of personnel.—

(2)(a) Instructional and noninstructional personnel who are hired to fill positions requiring direct contact with students in any district school system or laboratory school shall, upon employment, file a complete set of fingerprints taken by an authorized law enforcement officer or an employee of the school or district who is trained to take fingerprints. These fingerprints shall be submitted to the Department of Law Enforcement for state processing and to the Federal Bureau of Investigation for federal processing. ~~School districts which have authorized terminal access to the Florida Crimes Information Telecommunications Network or the National Crime Information Center may use this equipment for the background check required by this subsection.~~ Such new employees shall be on probationary status pending fingerprint processing and determination of compliance with standards of good moral character. Employees found through fingerprint processing to have been convicted of a crime involving moral turpitude shall not be employed in any position requiring direct contact with students. Probationary employees terminated because of their criminal record shall have the right to appeal such decisions. The cost of the fingerprint processing may be borne by the school board or the employee.

~~(b) Any provision of law notwithstanding, by January 1, 1997, for personnel currently required to be certified under s. 231.17, and January 1, 1998, for all other personnel currently employed by any district school system or any other public school who have not been fingerprinted and screened in the same manner outlined in paragraph (a) shall submit a complete set of fingerprints taken by an authorized law enforcement officer or an employee of the school or district who is trained to take fingerprints. The fingerprints shall be submitted to the Department of Law Enforcement for state processing and the Federal Bureau of Investigation for federal processing. School districts which have authorized terminal access to the Florida Crimes Telecommunications Network or the National Crime Information Center may use that equipment for the background check required by this paragraph. Employees found through fingerprint processing to have been convicted of a crime involving moral turpitude shall not be employed in any position requiring direct contact with students. The cost of the fingerprint processing may be borne by the school district or the individual employee at a cost not to exceed \$24.00. Any additional cost shall be borne by the Department of Education. Each local school board and laboratory school shall develop policies necessary for the implementation of this subsection. The Commissioner of Education shall provide guidelines regarding standards of good moral character for use in the development of these policies. Within these standards, the lack of good moral character shall be defined as having been convicted of a crime involving moral turpitude.~~

~~(b)(c)~~ Personnel who have been fingerprinted or screened pursuant to this subsection and who have not been unemployed for more than 90 days

shall not be required to be refingerprinted or rescreened in order to comply with the requirements of this subsection.

Section 2. Section 231.096, Florida Statutes, is amended to read:

231.096 Teacher teaching out-of-field; assistance.—Each school district shall have a plan to assist any teacher teaching out-of-field, and priority consideration in professional development activities shall be given to teachers who are teaching out-of-field ~~in summer inservice institutes. A district may include in its annual summer inservice institute plan a section that provides for institutes in instructional areas identified as district critical teacher shortage areas and approved by the Department of Education.~~

Section 3. Section 231.15, Florida Statutes, is amended to read:

231.15 Positions for which certificates required.—

(1) The State Board of Education shall have authority to classify school services, designate the certification subject areas, establish competencies and certification requirements for all school-based personnel, and to prescribe rules in accordance with which the professional, temporary, and part-time certificates shall be issued by the Department of Education to applicants ~~school employees~~ who meet the standards prescribed by such rules for their class of service. Each person employed or occupying a position as school supervisor, principal, teacher, library media specialist, school counselor, athletic coach, or other position in which the employee serves in an instructional capacity, in any public school of any district of this state shall hold the certificate required by law and by rules of the state board in fulfilling the requirements of the law for the type of service rendered. However, the state board shall adopt rules authorizing school boards to employ selected noncertificated personnel to provide instructional services in the individuals' fields of specialty or to assist instructional staff members as teacher aides. Each person who is employed and renders service as an athletic coach in any public school in any district of this state shall hold a valid part-time, temporary, or professional certificate. Each person employed as a school nurse shall hold a license to practice nursing in the state, and each person employed as a school physician shall hold a license to practice medicine in the state. The provisions of this subsection shall not apply to any athletic coach who renders service in a voluntary capacity and who is not employed by any public school of any district in this state.

(2) A commissioned or noncommissioned military officer who is an instructor of junior reserve officer training shall be exempt from requirements for teacher certification, except for the filing of fingerprints pursuant to s. ~~231.02~~ 231.1712, if he or she meets the following qualifications:

(a) Is retired from active military duty with at least 20 years of service and draws retirement pay or is retired, or transferred to retired reserve status, with at least 20 years of active service and draws retirement pay or retainer pay.

(b) Satisfies criteria established by the appropriate military service for certification by the service as a junior reserve officer training instructor.

- (c) Has an exemplary military record.

If such instructor is assigned instructional duties other than junior reserve officer training, he or she shall hold the certificate required by law and rules of the state board for the type of service rendered.

Section 4. Paragraph (c) of subsection (3) of section 231.17, Florida Statutes, is amended to read:

231.17 Official statements of eligibility and certificates granted on application to those meeting prescribed requirements.—

- (3) TEMPORARY CERTIFICATE.—

- (c) To qualify for a temporary certificate, the applicant must:

1. File a written statement under oath that the applicant subscribes to and will uphold the principles incorporated in the Constitutions of the United States and of the State of Florida.

2. Be at least 18 years of age.

3. Document receipt of a bachelor's or higher degree from an accredited institution of higher learning, as defined by state board rule. Credits and degrees awarded by a newly created Florida state institution that is part of the State University System shall be considered as granted by an accredited institution of higher learning during the first 2 years of course offerings while accreditation is gained. Degrees from foreign institutions, or degrees from other institutions of higher learning that are in the accreditation process, may be validated by a process established in state board rule. Once accreditation is gained, the institution shall be considered as accredited beginning with the 2-year period prior to the date of accreditation. The bachelor's or higher degree may not be required in areas approved in rule by the State Board of Education as nondegreed areas. Each applicant seeking initial certification must have attained at least a 2.5 overall grade point average on a 4.0 scale in the applicant's major field of study. The applicant may document the required education by submitting official transcripts from institutions of higher education or by authorizing the direct submission of such official transcripts through established electronic network systems.

~~4. Meet such academic and professional requirements based on credentials certified by standard institutions of higher learning, including any institutions of higher learning in this state accredited by an accrediting association that is a member of the Commission on Recognition of Postsecondary Accreditation, as prescribed by the state board.~~

~~4.5.~~ Be competent and capable of performing the duties, functions, and responsibilities of a teacher.

- ~~5.6.~~ Be of good moral character.

Rules adopted pursuant to this section shall provide for the review and acceptance of credentials from foreign institutions of higher learning.

Section 5. Section 231.1725, Florida Statutes, is amended to read:

231.1725 Employment of substitute teachers, teachers of adult education, and nondegreeed teachers of career education; students performing clinical field experience, and noncertificated teachers in critical teacher shortage areas.—

(1) Notwithstanding the provisions of ss. 231.02, 231.15, and 231.17, and 231.172 or any other provision of law or rule to the contrary, each school board shall establish the minimal qualifications for:

(a) Substitute teachers to be employed pursuant to s. 231.47. The qualifications shall require the filing of a complete set of fingerprints in the same manner as required by s. 231.02.

(b) Part-time and full-time teachers in adult education programs. The qualifications shall require the filing of a complete set of fingerprints in the same manner as required by s. 231.02. Faculty employed solely to conduct postsecondary instruction may be exempted from this requirement.

(c) Part-time and full-time nondegreeed teachers of vocational programs. Qualifications shall be established for agriculture, business, health occupations, family and consumer sciences, industrial, marketing, and public service education teachers, based primarily on successful occupational experience rather than academic training. The qualifications for such teachers shall require:

1. The filing of a complete set of fingerprints in the same manner as required by s. 231.02. Faculty employed solely to conduct postsecondary instruction may be exempted from this requirement.

2. Documentation of education and successful occupational experience including documentation of:

a. A high school diploma or the equivalent.

b. Completion of 6 years of full-time successful occupational experience or the equivalent of part-time experience in the teaching specialization area. Alternate means of determining successful occupational experience may be established by the school board.

c. Completion of career education training conducted through the local school district inservice master plan.

d. For full-time teachers, completion of professional education training in teaching methods, course construction, lesson planning and evaluation, and teaching special needs students. This training may be completed through coursework from a standard institution or an approved district teacher education program.

e. Demonstration of successful teaching performance.

~~(d) Part-time and full-time noncertificated teachers in critical teacher shortage areas. The qualifications shall require the filing of fingerprints in~~

~~the same manner as required by s. 231.02 and shall be based on academic training in the essential generic and specialization competencies of the instructional assignment. The school board shall be responsible for determining critical teacher shortage areas within the school district. Each school board shall annually report the number, qualifications, and areas of assignment of all noncertificated teachers employed pursuant to this paragraph during each school year.~~

(2) ~~Substitute, adult education, and nondegreed career education teachers and noncertificated teachers in critical teacher shortage areas who are employed pursuant to this section shall have the same rights and protection of laws as certified teachers.~~

Section 6. Paragraph (d) of subsection (7) of section 231.261, Florida Statutes, is amended to read:

231.261 Education Practices Commission; organization.—

(7) The duties and responsibilities of the commission are to:

(d) Have rulemaking authority pursuant to chapter 120 to establish procedures for operations and administration, disciplinary proceedings, indexing, implementation of orders, and retention of records, and to establish disciplinary guidelines.

Section 7. Subsections (9) and (12) of section 231.263, Florida Statutes, are amended to read:

231.263 Recovery network program for educators.—

(9) An approved treatment provider must disclose to the recovery network program all information in its possession which relates to a person's impairment and participation in the treatment program. Information obtained under this subsection is confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. This exemption is necessary to promote the rehabilitation of impaired ~~educators~~ teachers and to protect the privacy of treatment program participants. The failure to provide such information to the program is grounds for withdrawal of approval of a treatment provider. Medical records provided to the program may not be disclosed to any other person, except as authorized by law.

(12) The State Board of Education shall include in the fees established pursuant to ~~s. 231.30~~ ~~s. 231.15~~(3) an amount sufficient to implement the provisions of this section. The state board shall by rule establish procedures and additional standards for:

(a) Approving treatment providers, including appropriate qualifications and experience, amount of reasonable fees and charges, and quality and effectiveness of treatment programs provided.

(b) Admitting eligible persons to the program.

(c) Evaluating impaired persons by the recovery network program.

Section 8. Section 231.47, Florida Statutes, is amended to read:

231.47 Substitute teachers.—Each school board shall adopt rules prescribing the compensation of, and the procedure for employment of, substitute teachers. Such procedure for employment shall include, but not be limited to, the filing of a complete set of fingerprints as required in s. 231.02 231.1712.

Section 9. Subsection (1) of section 231.546, Florida Statutes, is amended to read:

231.546 Education Standards Commission; powers and duties.—

(1) The Education Standards Commission shall have the duty to:

(a) Recommend to the state board desirable standards relating to programs and policies for the development, certification and certification extension, improvement, and maintenance of competencies of educational personnel, including teacher interns.

(b) Recommend to the state board standards for approval of preservice teacher education programs.

(c) Plan and conduct an annual review of human resources studies regarding teaching personnel and report the findings to the state board.

(d) Recommend to the state board objective, independently verifiable standards of measurement and evaluation of teaching competence.

(e) Recommend to the state board alternative ways to demonstrate qualifications for certification which assure fairness and flexibility while protecting against incompetence.

~~(f) Recommend to the state board the most feasible locations for teacher education centers from proposals submitted by school districts and universities.~~

~~(g) Recommend to the state board guidelines for the expenditure of funds for teacher education centers and approval of teacher education center programs.~~

(f)(h) Recommend critical state priorities for preservice and inservice teacher training such as understanding diverse student populations, working in a changing workplace, and understanding subject matter and instruction. The commission shall recommend standards for measuring evidence of training in these priorities for continuing program approval for preservice teacher education, initial teacher certification and certificate renewal, and staff development activities.

(g)(i) Evaluate the progress of school community professional development systems as provided in s. 231.600.

(h)(j) Perform such other duties as may be required to achieve the purposes of this section and s. 231.545.

Section 10. Paragraph (b) of subsection (4) and subsection (6) of section 231.600, Florida Statutes, are amended to read:

231.600 School Community Professional Development Act.—

(4) The Department of Education, school districts, schools, and public colleges and universities share the responsibilities described in this section. These responsibilities include the following:

(b) Each district school board shall consult with teachers and representatives of college and university faculty, community agencies, and other interested citizen groups to establish policy and procedures to guide the operation of the district professional development program. The professional development system must:

1. Require that schools identify student needs that can be met by improved professional performance, and assist schools in making these identifications;

2. Provide training activities coupled with followup support that is and other professional development appropriate to accomplish district-level and school-level improvement goals and standards; and

3. Provide for systematic consultation with regional and state personnel designated to provide technical assistance and evaluation of local professional development programs.

(6) The Department of Education shall design methods by which the state and district school boards may evaluate and improve the professional development system. The evaluation must include an annual assessment of data that indicate progress or lack of progress of all students whose needs were identified as most critical to improved professional development, including needs of students with disabilities, students having limited proficiency in English, and low-achieving student populations. If the review of data indicates an achievement level that is unusual, the department may investigate the causes of the success or lack of success, may provide technical assistance, and may require the school district to employ a different approach to professional development. The department shall report annually to the State Board of Education and the Legislature any school district that, in the determination of the department, has failed to provide an adequate professional development system. This report must include the results of the department's investigation and of any intervention provided.

Section 11. Section 231.625, Florida Statutes, is amended to read:

231.625 Teacher ~~shortage~~ recruitment and retention referral.—

(1) The Department of Education, ~~through the Center for Career Development Services,~~ in cooperation with teacher organizations, ~~and district personnel offices, and colleges of education directors,~~ shall expand its career information system to concentrate on the recruitment of qualified teachers ~~in teacher shortage areas.~~

(2) The Department of Education, ~~through the Center for Career Development Services,~~ shall establish a teacher referral and recruitment and retention services office center which shall:

(a) ~~Advertise teacher positions in targeted states with declining student enrollments.~~

(b) Advertise in major newspapers, national professional publications, and other professional publications and in graduate schools of education.

(c) Utilize state and a nationwide toll-free numbers number and a central post office box.

(d) Develop standardized resumes for teacher applicant data.

(e) Conduct periodic communications with district ~~superintendents and~~ personnel directors regarding ~~new~~ applicants.

(f) Provide district access to the applicant database by computer or telephone.

(g) Develop and distribute promotional materials related to teaching as a career.

(h) Publish and distribute information pertaining to employment opportunities, application procedures, teacher certification, and teacher salaries ~~and benefits for beginning and continuing teachers.~~

(i) Provide Publish information related to alternative certification procedures.

(j) Develop and sponsor the Florida Future Educator of America Program ~~clubs~~ throughout the state.

(k) Review and recommend to the Legislature and school districts incentives for attracting teachers to this state.

(3) The Office of Teacher Recruitment and Retention Services ~~teacher referral and recruitment center,~~ in cooperation with ~~teacher organizations and district personnel offices directors,~~ shall sponsor a an annual job fair in a central part of the state to match in-state educators and out-of-state educators with teaching opportunities in this state.

Section 12. Section 231.6255, Florida Statutes, is amended to read:

231.6255 Christa McAuliffe Ambassador for Education Program.—

(1) The Legislature recognizes that Florida continues to face teacher shortages ~~faces a severe shortage of teachers~~ and that fewer young people consider teaching as a career. It is the intent of the Legislature to promote the positive and rewarding aspects of being a teacher, to encourage more individuals to become teachers, and to provide annual sabbatical support for outstanding Florida teachers to serve as goodwill ambassadors for education. The Legislature further wishes to honor the memory of Christa

McAuliffe, who epitomized the challenge and inspiration that teaching can be.

(2) There is established the Christa McAuliffe Ambassador for Education Program to provide salary, travel, and other related expenses annually for an outstanding Florida teacher to promote the positive aspects of teaching as a career. The goals of the program are to:

- (a) Enhance the stature of teachers and the teaching profession.
- (b) Promote the importance of quality education and teaching for our future.
- (c) Inspire and attract talented young people to become teachers.
- (d) Provide information regarding Florida's scholarship and loan programs related to teaching.
- (e) Promote the teaching profession within community and business groups.
- (f) Provide information regarding Florida's alternative certification program to retired military personnel and other individuals who might consider teaching as a second career.
- (g) Work with and represent the Office of Teacher Recruitment and Retention Services ~~teacher referral and recruitment center~~, as needed.
- (h) Work with and encourage the efforts of school and district teachers of the year.
- (i) Support the activities of the Florida Future Educator Teacher of America Program ~~clubs~~.
- (j) Represent Florida teachers at business, trade, education, and other conferences and meetings.
- (k) Promote the teaching profession in other ways related to the teaching responsibilities, background experiences, and aspirations of the Ambassador for Education.

(3) The Teacher of the Year shall serve as the Ambassador for Education, ~~except that for the first 2 years, Florida's NASA Teachers in Space shall also serve as Ambassadors for Education.~~ If the Teacher of the Year is unable to serve as the Ambassador for Education, the first runner-up shall serve in his or her place. The Department of Education ~~Each district school board~~ shall establish application and selection procedures for determining an annual teacher of the year. Applications and selection criteria shall be developed and distributed annually by the Department of Education to all school districts. The Commissioner of Education shall establish a selection committee which assures representation from teacher organizations, administrators, and parents to select the Teacher of the Year and Ambassador for Education from among the district teachers of the year. ~~Selection criteria shall be developed and distributed annually to all school districts.~~

(4)(a) ~~The Department of Education and the Office of Teacher Recruitment and Retention Services, through the Center for Career Development Services and in conjunction with the teacher referral and recruitment center, shall administer the program.~~

(b) The Commissioner of Education shall pay an annual salary, fringe benefits, travel costs, and other costs associated with administering the program.

(c) The Ambassador for Education shall serve for 1 year, from July 1 to June 30, and shall be assured of returning to his or her teaching position upon completion of the program. The ambassador will not have a break in creditable or continuous service or employment for the period of time in which he or she participates in the program.

Section 13. Section 231.63, Florida Statutes, is created to read:

231.63 Florida Educator Hall of Fame.—

(1) It is the intent of the Legislature to recognize and honor those persons, living or dead, who have made significant contributions to education in this state.

(2)(a) There is hereby established the Florida Educator Hall of Fame. The Florida Educator Hall of Fame shall be located in an area on the Plaza Level of the Capitol Building.

(b) The Florida Education Foundation shall make a recommendation for the design and theme for the Florida Educator Hall of Fame. The Commissioner of Education, in consultation with the Secretary of Management Services, shall approve the foundation's recommendation.

(c) Each person who is selected as a member shall have a plaque placed in the Florida Educator Hall of Fame. The plaque shall designate the member's particular discipline or contribution and shall set forth vital information relating to the member. Each member shall also receive a standardized memento of the member's selection.

(3) The Florida Education Foundation shall accept nominations annually for persons to be recommended as members of the Florida Educator Hall of Fame. Floridians who have made a significant contribution to education in this state, as determined and documented by the Florida Education Foundation, shall be eligible for membership. The foundation shall recommend to the Commissioner of Education persons to be named as members of the Florida Educator Hall of Fame.

(4) In the first year, the Commissioner of Education shall name no more than 10 members to the Florida Educator Hall of Fame. Thereafter, the commissioner shall name no more than four members to the Florida Educator Hall of Fame in any 1 year.

(5) The Commissioner of Education and the Florida Education Foundation shall develop and adopt written policies to carry out the purposes of this

section, including procedures to accept nominations, make recommendations for selection of members, provide recipient's travel expenses, and provide funding for the Florida Educator Hall of Fame.

(6) The Commissioner of Education may annually request an appropriation from the Legislature sufficient to carry out the purposes of this section. The Florida Education Foundation may also provide funds to cover any or all expenses related to the Florida Educator Hall of Fame.

Section 14. Subsection (3) of section 20.15, Florida Statutes, is amended to read:

20.15 Department of Education.—There is created a Department of Education.

(3) DIVISIONS.—

~~(a)~~ The following divisions of the Department of Education are established:

~~(a)1.~~ Division of Community Colleges.

~~(b)2.~~ Division of Public Schools and Community Education.

~~(c)3.~~ Division of Universities.

~~(d)4.~~ Division of Workforce Development.

~~(e)5.~~ Division of Human Resource Development.

(f) Division of Administration.

(g) Division of Financial Services.

(h) Division of Support Services.

~~(b) The Commissioner of Education is authorized to establish within the Department of Education a Division of Administration.~~

Section 15. Present subsection (7) of section 231.262, Florida Statutes, is redesignated as subsection (8) and a new subsection (7) is added to that section to read:

231.262 Complaints against teachers and administrators; procedure; penalties.—

(7) Violations of the provisions of probation shall result in an order to show cause issued by the Clerk of the Education Practices Commission. Upon failure of the probationer, at the time and place stated in the order, to show cause satisfactorily to the Education Practices Commission why a penalty for violating probation should not be imposed, the Education Practices Commission shall impose whatever penalty is appropriate as established in s. 231.28(6). Any probation period will be tolled when an order to show cause has been issued until the issue is resolved by the Education Practices Commission.

Section 16. Subsection (1) of section 231.28, Florida Statutes, is amended and subsection (6) is added to that section to read:

231.28 Education Practices Commission; authority to discipline.—

(1) The Education Practices Commission shall have authority to suspend the teaching certificate of any person as defined in s. 228.041(9) or (10) for a period of time not to exceed 3 years, thereby denying that person the right to teach for that period of time, after which the holder may return to teaching as provided in subsection (4); to revoke the teaching certificate of any person, thereby denying that person the right to teach for a period of time not to exceed 10 years, with reinstatement subject to the provisions of subsection (4); to revoke permanently the teaching certificate of any person; to suspend the teaching certificate, upon order of the court, of any person found to have a delinquent child support obligation; or to impose any other penalty provided by law, provided it can be shown that such person:

- (a) Obtained the teaching certificate by fraudulent means;
- (b) Has proved to be incompetent to teach or to perform duties as an employee of the public school system or to teach in or to operate a private school;
- (c) Has been guilty of gross immorality or an act involving moral turpitude;
- (d) Has had a teaching certificate revoked in another state;
- (e) Has been convicted of a misdemeanor, felony, or any other criminal charge, other than a minor traffic violation;
- (f) Upon investigation, has been found guilty of personal conduct which seriously reduces that person's effectiveness as an employee of the school board;
- (g) Has breached a contract, as provided in s. 231.36(2);
- (h) Has been the subject of a court order directing the Education Practices Commission to suspend the certificate as a result of a delinquent child support obligation;
- (i) Has violated the Principles of Professional Conduct for the Education Profession prescribed by State Board of Education rules; ~~or~~
- (j) Has otherwise violated the provisions of law, the penalty for which is the revocation of the teaching certificate; or;
- (k) Has violated any order of the Education Practices Commission.

(6) When an individual violates the provisions of a settlement agreement enforced by a final order of the Education Practices Commission an order to show cause may be issued by the Clerk of the Commission. The order shall require the individual to appear before the commission to show cause why further penalties should not be levied against the individual's certificate

pursuant to the authority provided to the Education Practices Commission in subsection (1). The Education Practices Commission shall have the authority to fashion further penalties under the authority of subsection (1) as deemed appropriate when the show cause order is responded to by the individual.

Section 17. Subsection (8) of section 236.081, Florida Statutes, is repealed, and paragraph (d) of subsection (1), paragraphs (a) and (b) of subsection (4), subsection (9), and paragraph (a) of subsection (10) of that section, as amended by chapter 97-380, Laws of Florida, are amended to read:

236.081 Funds for operation of schools.—If the annual allocation from the Florida Education Finance Program to each district for operation of schools is not determined in the annual appropriations act or the substantive bill implementing the annual appropriations act, it shall be determined as follows:

(1) COMPUTATION OF THE BASIC AMOUNT TO BE INCLUDED FOR OPERATION.—The following procedure shall be followed in determining the annual allocation to each district for operation:

(d) Annual allocation calculation.—

1. The Department of Education is authorized and directed to review all district programs and enrollment projections and calculate a maximum total weighted full-time equivalent student enrollment for each district for the K-12 FEFP.

2. Maximum enrollments calculated by the department shall be derived from enrollment estimates used by the Legislature to calculate the FEFP. If two or more districts enter into an agreement under the provisions of s. 230.23(4)(d), after the final enrollment estimate is agreed upon, the amount of FTE specified in the agreement, not to exceed the estimate for the specific program as identified in paragraph (c), may be transferred from the participating districts to the district providing the program.

3. As part of its calculation of each district's maximum total weighted full-time equivalent student enrollment, the department shall establish separate enrollment ceilings for each of two program groups. Group 1 shall be composed of grades K-3, grades 4-8, and grades 9-12. Group 2 shall be composed of students in exceptional student education programs, students-at-risk programs, all basic programs other than the programs in group 1, and all vocational programs in grades 7-12.

a. The weighted enrollment ceiling for group 2 programs shall be calculated by multiplying the final enrollment conference estimate for each program by the appropriate program weight. The weighted enrollment ceiling for program group 2 shall be the sum of the weighted enrollment ceilings for each program in the program group, plus the increase in weighted full-time equivalent student membership from the prior year for clients of the Department of Children and Family Services and the Department of Juvenile Justice.

ward the cost of the Florida Education Finance Program for kindergarten through grade 12 programs shall be calculated as follows:

(a) Estimated taxable value calculations.—

1.a. Not later than 2 working days prior to July 19, the Department of Revenue shall certify to the Commissioner of Education its most recent estimate of the taxable value for school purposes in each school district and the total for all school districts in the state for the current calendar year based on the latest available data obtained from the local property appraisers. Not later than July 19, the commissioner shall compute a millage rate, rounded to the next highest one one-thousandth of a mill, which, when applied to 95 percent of the estimated state total taxable value for school purposes, would generate the prescribed aggregate required local effort for that year for all districts. The commissioner shall certify to each district school board the millage rate, computed as prescribed in this subparagraph, as the minimum millage rate necessary to provide the district required local effort for that year.

b. For the 1997-1998 fiscal year only, the General Appropriations Act may direct the computation of the statewide adjusted aggregate amount for required local effort for all school districts collectively from ad valorem taxes to ensure that no school district's revenue from required local effort millage will produce more than 90 percent of the district's total Florida Education Finance Program calculation, and the adjustment of the required local effort millage rate of each district that produces more than 90 percent of its total Florida Education Finance Program entitlement to a level that will produce only 90 percent of its total Florida Education Finance Program entitlement. This sub-subparagraph is repealed on July 1, 1998, unless enacted in other legislation.

2. As revised data are received from property appraisers, the Department of Revenue shall amend the certification of the estimate of the taxable value for school purposes. The Commissioner of Education, in administering the provisions of subparagraph ~~(9)~~(10)(a)2., shall use the most recent taxable value for the appropriate year.

(b) Final calculation.—

1. The Department of Revenue shall, upon receipt of the official final assessed value of property from each of the property appraisers, certify to the commissioner the taxable value total for school purposes in each school district, subject to the provisions of paragraph (d). The commissioner shall use the official final taxable value for school purposes for each school district in the final calculation of the annual K-12 Florida Education Finance Program allocations.

2. For the purposes of this paragraph, the official final taxable value for school purposes shall be the taxable value for school purposes on which the tax bills are computed and mailed to the taxpayers, adjusted to reflect final administrative actions of value adjustment boards and judicial decisions pursuant to part I of chapter 194. By September 1 of each year, the Department of Revenue shall certify to the commissioner the official prior year final

taxable value for school purposes. For each county that has not submitted a revised tax roll reflecting final value adjustment board actions and final judicial decisions, the Department of Revenue shall certify the most recent revision of the official taxable value for school purposes. The certified value shall be the final taxable value for school purposes and no further adjustments shall be made, except those made pursuant to subparagraph (9)(10)(a)2.

(8)(9) QUALITY ASSURANCE GUARANTEE.—The Legislature may annually in the General Appropriations Act determine a percentage increase in funds per K-12 weighted FTE as a minimum guarantee to each school district. The guarantee shall be calculated from prior year base funding per weighted FTE student which shall include the adjusted FTE dollars as provided in subsection (9)(10), quality guarantee funds, and actual non-voted discretionary local effort from taxes. From the base funding per weighted FTE, the increase shall be calculated for the current year. The current year funds from which the guarantee shall be determined shall include the adjusted FTE dollars as provided in subsection (9)(10) and potential nonvoted discretionary local effort from taxes. A comparison of current year funds per weighted FTE to prior year funds per weighted FTE shall be computed. For those school districts which have less than the legislatively assigned percentage increase, funds shall be provided to guarantee the assigned percentage increase in funds per weighted FTE student. Should appropriated funds be less than the sum of this calculated amount for all districts, the commissioner shall prorate each district's allocation. This provision shall be implemented to the extent specifically funded.

(9)(10) TOTAL ALLOCATION OF STATE FUNDS TO EACH DISTRICT FOR CURRENT OPERATION.—The total annual state allocation to each district for current operation for the K-12 FEFP shall be distributed periodically in the manner prescribed in the General Appropriations Act.

(a) The basic amount for current operation for the K-12 FEFP as determined in subsection (1), multiplied by the district cost differential factor as determined in subsection (2), plus the amount for the sparsity supplement as determined in subsection (6), the decline in full-time equivalent students as determined in subsection (7), and the quality assurance guarantee as determined in subsection (8)(9), less the required local effort as determined in subsection (4). If the funds appropriated for the purpose of funding the total amount for current operation as provided in this paragraph are not sufficient to pay the state requirement in full, the department shall prorate the available state funds to each district in the following manner:

1. Determine the percentage of proration by dividing the sum of the total amount for current operation, as provided in this paragraph for all districts collectively, and the total district required local effort into the sum of the state funds available for current operation and the total district required local effort.

2. Multiply the percentage so determined by the sum of the total amount for current operation as provided in this paragraph and the required local effort for each individual district.

3. From the product of such multiplication, subtract the required local effort of each district; and the remainder shall be the amount of state funds allocated to the district for current operation.

Section 18. Subsection (1) of section 236.25, Florida Statutes, is amended to read:

236.25 District school tax.—

(1) If the district school tax is not provided in the General Appropriations Act or the substantive bill implementing the General Appropriations Act, each school board desiring to participate in the state allocation of funds for current operation as prescribed by s. 236.081(9)(10) shall levy on the taxable value for school purposes of the district, exclusive of millage voted under the provisions of s. 9(b) or s. 12, Art. VII of the State Constitution, a millage rate not to exceed the amount certified by the commissioner as the minimum millage rate necessary to provide the district required local effort for the current year, pursuant to s. 236.081(4)(a)1. In addition to the required local effort millage levy, each school board may levy a nonvoted current operating discretionary millage. The Legislature shall prescribe annually in the appropriations act the maximum amount of millage a district may levy. The millage rate prescribed shall exceed zero mills but shall not exceed the lesser of 1.6 mills or 25 percent of the millage which is required pursuant to s. 236.081(4), exclusive of millage levied pursuant to subsection (2).

Section 19. Paragraph (c) of subsection (3) of section 229.57, Florida Statutes, is amended to read:

229.57 Student assessment program.—

(3) STATEWIDE ASSESSMENT PROGRAM.—The commissioner is directed to design and implement a statewide program of educational assessment that provides information for the improvement of the operation and management of the public schools. The program must be designed, as far as possible, so as not to conflict with ongoing district assessment programs and so as to use information obtained from district programs. Pursuant to the statewide assessment program, the commissioner shall:

(c) Develop and implement a student achievement testing program as part of the statewide assessment program, to be administered at designated times at the elementary, middle, and high school levels to measure reading, writing, and mathematics. The testing program must be designed so that:

1. The tests measure student skills and competencies adopted by the state board as specified in paragraph (a). The tests must measure and report student proficiency levels in reading, writing, and mathematics. Other content areas may be included as directed by the commissioner. The commissioner shall provide for the tests to be developed or obtained, as appropriate, through contracts and project agreements with private vendors, public vendors, public agencies, postsecondary institutions, or school districts. The commissioner shall obtain input with respect to the design and implementation of the testing program from state educators and the public.

2. The tests are criterion-referenced and include, to the extent determined by the commissioner, items that require the student to produce information or perform tasks in such a way that the skills and competencies he or she uses can be measured.

3. Each testing program, whether at the elementary, middle, or high school level, includes a test of writing in which students are required to produce writings which are then scored by appropriate methods.

4. A score is designated for each subject area tested, below which score a student's performance is deemed inadequate. The school districts shall provide appropriate remedial instruction to students who score below these levels.

5. All 11th grade students take a high school competency test developed by the state board to test minimum student performance skills and competencies in reading, writing, and mathematics. The test must be based on the skills and competencies adopted by the state board pursuant to paragraph (a). Upon recommendation of the commissioner, the state board shall designate a passing score for each part of the high school competency test. In establishing passing scores, the state board shall consider any possible negative impact of the test on minority students. The commissioner may establish criteria whereby a student who successfully demonstrates proficiency in either reading or mathematics or both may be exempted from taking the corresponding section of the high school competency test or the college placement test. A student must earn a passing score or have been exempted from ~~on~~ each part of the high school competency test in order ~~to~~ qualify for a regular high school diploma. The school districts shall provide appropriate remedial instruction to students who do not pass part of the competency test.

6. Participation in the testing program is mandatory for all students, except as otherwise prescribed by the commissioner. The commissioner shall recommend rules to the state board for the provision of test adaptations and modifications of procedures as necessary for students in exceptional education programs and for students who have limited English proficiency.

7. A student seeking an adult high school diploma must meet the same testing requirements that a regular high school student must meet.

The commissioner may design and implement student testing programs for any grade level and subject area, based on procedures designated by the commissioner to monitor educational achievement in the state.

Section 20. Paragraph (d) of subsection (5) of section 24.121, Florida Statutes, is amended to read:

24.121 Allocation of revenues and expenditure of funds for public education.—

(5)

(d) ~~Beginning July 1, 1993,~~ No funds shall be released for any purpose from the Educational Enhancement Trust Fund to any school district in

which one or more schools do not have an approved school improvement plan pursuant to s. 230.23(16).

Section 21. Paragraph (a) of subsection (1) of section 229.58, Florida Statutes, is amended to read:

229.58 District and school advisory councils.—

(1) ESTABLISHMENT.—

(a) The school board shall establish an advisory council for each school in the district, and shall develop procedures for the election and appointment of advisory council members. A majority of the members of each school advisory council must be persons who are not employed by the school board. Each advisory council shall be composed of the principal and an appropriately balanced number of teachers, education support employees, students, parents, and other business and community citizens who are representative of the ethnic, racial, and economic community served by the school, ~~provided that~~ Vocational-technical center and high school advisory councils shall include students, and middle and junior high school advisory councils may include students. School advisory councils of vocational-technical and adult education centers are not required to include parents as members. Council members representing teachers, education support employees, students, and parents shall be elected by their respective peer groups at the school in a fair and equitable manner as follows:

1. Teachers shall be elected by teachers.
2. Education support employees shall be elected by education support employees.
3. Students shall be elected by students.
4. Parents shall be elected by parents.

The school board shall establish procedures for use by schools in selecting business and community members. Such procedures shall include means of ensuring wide notice of vacancies and for taking input on possible members from local business, chambers of commerce, community and civic organizations and groups, and the public at large. The school board shall review the membership composition of each advisory council. Should the school board determine that the membership elected by the school is not representative of the ethnic, racial, and economic community served by the school, the board shall appoint additional members to achieve proper representation. Although schools should be strongly encouraged to establish school advisory councils, any school district that has a student population of 10,000 or fewer may establish a district advisory council which shall include at least one duly elected teacher from each school in the district. For the purposes of school advisory councils and district advisory councils, the term “teacher” shall include classroom teachers, certified student services personnel, and media specialists. For purposes of this paragraph, “education support employee” means any person employed by a school who is not defined as in-

structional or administrative personnel pursuant to s. 228.041 and whose duties require 20 or more hours in each normal working week.

Section 22. Paragraph (f) of subsection (3) of section 229.591, Florida Statutes, is amended to read:

229.591 Comprehensive revision of Florida's system of school improvement and education accountability.—

(3) EDUCATION GOALS.—The state as a whole shall work toward the following goals:

(f) Teachers and staff.—The schools, district, all postsecondary institutions, and state ensure professional teachers and staff.

Section 23. Deregulated Public Schools.—

(1) PILOT PROGRAM.—To provide public schools the same flexibility and accountability afforded charter schools, pilot programs for deregulated public schools shall be conducted in two large, two medium-sized, and two small school districts. For the 1998-1999 school year, no more than six schools per district, to include no more than two high schools, two middle schools, and two elementary schools, may participate in the flexibility program. The following districts are authorized to conduct pilot program in 1998-1999: Palm Beach, Pinellas, Seminole, Leon, Walton, and Citrus Counties.

(2) PURPOSE.—The purpose of the pilot program for deregulated public schools shall be to:

(a) Improve student learning.

(b) Increase learning opportunities for all students, with special emphasis on expanded learning experiences for students who are identified as academically low achieving.

(c) Encourage the use of different and innovative learning methods.

(d) Increase choice of learning opportunities for students.

(e) Establish a new form of accountability for schools.

(f) Require the measurement of learning outcomes and create innovative measurement tools.

(g) Make the school the unit for improvement.

(h) Relieve schools of paperwork and procedures that are required by the state and the district for purposes other than health, safety, equal opportunity, fiscal accountability and documentation of student achievement.

(3) PROPOSAL.—

(a) A proposal to be a deregulated school must be developed by the school principal and the school advisory council. A majority of the members of the

school advisory council must approve the proposal, and the principal and the school advisory council chairman must sign the proposal. At least 50 percent of the teachers employed at the school must approve the proposal. The school must conduct a survey to show parental support for the proposal.

(b) A district school board shall receive and review all proposals for a deregulated public school during July and August. A district school board must by a majority vote approve or deny a proposal no later than 30 days after the proposal is received. If a proposal is denied, the district school board must, within 10 calendar days, articulate in writing the specific reasons based upon good cause supporting its denial of the proposal.

(c) The Department of Education may provide technical assistance to an applicant upon written request.

(d) The terms and conditions for the operation of a deregulated public school shall be set forth in the proposal. The school district shall not impose unreasonable rules or regulations that violate the intent of giving schools greater flexibility to meet educational goals.

(4) ELIGIBLE STUDENTS.—

(a) A deregulated school shall be open to all students residing in the school's attendance boundaries as determined by the school district.

(b) The deregulated public school shall have maximum flexibility to enroll students under the school district open enrolled plan.

(5) REQUIREMENTS.—Like other public schools, a deregulated public school shall:

(a) Be nonsectarian in its programs, admission policies, employment practices, and operations.

(b) Not charge tuition or fees, except those fees normally charged by other public schools.

(c) Meet all applicable state and local health, safety, and civil rights requirements.

(d) Not violate the antidiscrimination provisions of s. 228.2001.

(e) Be subject to an annual financial audit in a manner similar to that of other public schools in the district.

(6) ELEMENTS OF THE PROPOSAL.—The major issues involving the operation of a deregulated public school shall be considered in advance and written into the proposal.

(a) The proposal shall address, and criteria for approval of the proposal shall be based, on:

1. The school's mission and the students to be served.

2. The focus of the curriculum, the instructional methods to be used, and any distinctive instructional techniques to be employed.

3. The current baseline standard of achievement and the outcomes to be achieved and the method of measurement that will be used.

4. The methods used to identify the educational strengths and needs of students and how well educational goals and performance standards are met by students attending the school. Students in deregulated and flexible public schools shall, at a minimum, participate in the statewide assessment program.

5. In secondary schools, a method for determining that a student has satisfied the requirements for graduation in s. 232.246.

6. A method for resolving conflicts between the school and the district.

7. The admissions procedures and dismissal procedures, including the school's code of student conduct.

8. The ways by which the school's racial/ethnic balance reflects the community it serves or reflects the racial/ethnic range of other public schools in the same school district.

9. The financial and administrative management of the school including a statement of the areas in which the school will have administrative and fiscal autonomy and the areas in which the school will follow school district fiscal and administrative policies.

10. The manner in which the school will be insured, including whether or not the school will be required to have liability insurance, and, if so, the terms and conditions thereof and the amounts of coverage.

11. The qualifications to be required of the teachers.

(b) The school shall make annual progress reports to the district, which upon verification shall be forwarded to the Commissioner of Education at the same time as other annual school accountability reports. The report shall contain at least the following information:

1. The school's progress towards achieving the goals outlined in its proposal.

2. The information required in the annual school report pursuant to section 229.592, Florida Statutes.

3. Financial records of the school, including revenues and expenditures.

4. Salary and benefit levels of school employees.

(c) A school district shall ensure that the proposal is innovative and consistent with the state education goals established by section 229.591, Florida Statutes.

(d) Upon receipt of the annual report required by paragraph (b), the Department of Education shall provide to the State Board of Education, the Commissioner of Education, the President of the Senate, and the Speaker of the House of Representatives with a copy of each report and an analysis and comparison of the overall performance of students, to include all students in deregulated public schools whose scores are counted as part of the norm-referenced assessment tests, versus comparable public school students in the district as determined by norm-referenced assessment tests currently administered in the school district, and, as appropriate, the Florida Writes Assessment Test, the High School Competency Test, and other assessments administered pursuant to section 229.57(3), Florida Statutes.

(7) EXEMPTION FROM STATUTES.—

(a) A deregulated public school shall operate in accordance with its proposal and shall be exempt from all statutes of the Florida School Code, except those pertaining to civil rights and student health, safety, and welfare, or as otherwise required by this section. A deregulated public school shall not be exempt from the following statutes: chapter 119, relating to public records, and section 286.011, Florida Statutes, relating to public meetings and records, public inspection, and penalties. The school district, upon request of a deregulated public school, may apply to the Commissioner of Education for a waiver of provisions of chapters 230 through 239 which are applicable to deregulated public schools under this section, except that the provisions of chapters 236 or 237 shall not be eligible for waiver if the waiver would affect funding allocations or create inequity in public school funding. The commissioner may grant the waiver if necessary to implement the school program.

(b) Teachers employed by or under contract to a deregulated public school shall be certified as required by chapter 231. A deregulated public school may employ or contract with skilled selected noncertified personnel to provide instructional services or to assist instructional staff members as teacher aides in the same manner as defined in chapter 231. A deregulated public school may not employ an individual to provide instructional services or to serve as a teacher aide if the individual's certification or licensure as an educator is suspended or revoked by this or any other state. The qualifications of teachers shall be disclosed to parents.

(c) A deregulated public school shall employ or contract with employees who have been fingerprinted as provided in section 231.02, Florida Statutes.

(8) REVENUE.—Students enrolled in a deregulated public school, shall be funded in a basic program or a special program, in the same manner as students enrolled in other public schools in the school district.

(9) LENGTH OF SCHOOL YEAR.—A deregulated public school shall provide instruction for at least the number of days required by law for other public schools, and may provide instruction for additional days.

(10) FACILITIES.—A deregulated public school shall utilize facilities which comply with the State Uniform Building Code for Public Educational

Facilities Construction adopted pursuant to section 235.26, Florida Statutes, or with applicable state minimum building codes pursuant to chapter 553 and state minimum fire protection codes pursuant to section 633.025, Florida Statutes, as adopted by the authority in whose jurisdiction the facility is located.

Section 24. Section 231.613, Florida Statutes, is repealed.

Section 25. This act shall take effect upon becoming a law.

Became a law without the Governor's approval May 28, 1998.

Filed in Office Secretary of State May 27, 1998.