

FLORIDA DEPARTMENT OF EDUCATION



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Commissioner of Education

Technical Assistance Paper



Senate Bill 1712

Summary: The 2008 Florida Legislature passed, and Governor Crist signed, Senate Bill 1712, the Ethics in Education Act. This legislation became effective July 1, 2008, and amends multiple sections of the Florida Statutes and creates new statutory sections. These changes will have a significant impact upon the Florida public school districts, charter schools, the Florida School for the Deaf and the Blind and private schools that accept scholarship students.

Primarily, this legislation establishes a set of requirements for employment and certification of educators, disciplinary actions and reporting of educator misconduct. The implementation of this Act will require districts and schools to review multiple procedures in the employment process and establish policies and procedures for compliance.

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- New Technical Assistance Paper
- Revises and replaces existing Technical Assistance:

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Division of Public Schools
<http://www.fldoe.org/schools/>

TECHNICAL ASSISTANCE PAPER

Technical Assistance Paper Related to the Ethics in Education Act of the 2008 Florida Legislative Session

Background

The 2008 Florida Legislature passed, and Governor Crist signed, Senate Bill 1712, the Ethics in Education Act. This legislation became effective July 1, 2008, and amends multiple sections of the Florida Statutes and creates new statutory sections. These changes will have a significant impact upon the Florida public school districts, charter schools, the Florida School for the Deaf and the Blind, and private schools that accept scholarship students.

Primarily, this legislation establishes a set of requirements for employment and certification of educators, disciplinary actions, and reporting of educator misconduct. The implementation of this Act will require districts and schools to review multiple procedures in the employment process and establish policies and procedures for compliance.

Implementation

Each public school district, university lab school, charter school, private school that accepts McKay or Corporate Tax scholarship students and the Florida School for the Deaf and the Blind are required to implement the provisions of this Act.

This document will outline the changes in the law.

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Unless stated otherwise, the section headings of this paper correlate to the sections of Senate Bill 1712, as related to ethical standards of conduct and obligations of educators, and the obligations of the Department of Education (DOE), the public school districts, charter schools, laboratory schools, the Florida School for the Deaf and the Blind, and private schools that accept students under § 220.187, Florida Statutes, and § 1002.39, F.S.

Section 1

Section 1 of Senate Bill 1712 provides the title of “Ethics in Education Act”

Section 2

Section 2 of Senate Bill 1712 is related to the allocation of revenues and expenditure of funds for public education and implements technical changes to § 24.121, F.S. Please refer to the Bill language for more information.

Sections 3, 4, 5 and 6

Sections 3–6 of Senate Bill 1712 amends sections 112.3173, 121.091, 794.09, and 800.05, F.S., relating to publicly funded retirement benefits.

§ 112.3173, F.S.; Felonies involving breach of public trust and other specified offenses by public offices and employers; forfeiture of retirement benefits

The following provision applies to all publicly-funded retirement benefits in Florida. Section 112.3173, F.S., is amended to allow the forfeiture of retirement benefits for the conviction of a felony as defined in § 800.04, F.S. (lewd and lascivious offenses committed upon or in the presence of persons under 16), or Chapter 794, F.S. (unlawful sexual activity with certain minors), when committed on or after October 1, 2008. For the forfeiture of benefits related to the offenses in § 800.04 or Chapter 794:

- the person must be a public officer or employee when the offense occurred;
- the person must have committed the offense through the use or attempted use of power, rights, privileges, duties or position of the person’s public office or employment position; and
- the victim was younger than 18 years of age when the offense occurred.

Similar changes were created in § 121.091(5)(i), F.S., to specifically include forfeiture of Florida Retirement Systems (FRS) benefits if the FRS member is convicted of one of the felonies under the specific circumstances noted above.

Sections 794.09 and 800.04, F.S. are amended to reference the forfeiture of retirement benefits of a person convicted of a felony under those sections if the offense is committed on or after October 1, 2008.

Section 7

Section 7 of Senate Bill 1712 amends § 1001.10, F.S., relating to the duties of the Commissioner of Education.

§ 1001.10, F.S.; Commissioner of Education; general powers and duties

Section 1001.10, F.S., as amended, requires technical assistance be provided to the local school districts, charter schools, the Florida School for the Deaf and the Blind, and private schools that accept scholarship students under § 220.187 and § 1002.39, F.S., in the development of policies, procedures, and training related to employment practices and ethical conduct for instructional personnel and school administrators. This mandated technical assistance will be pertinent to the requirements of the district school boards, charter schools and private schools that accept scholarship students to adopt and communicate policies and procedures related to the establishment of ethical standards and training on the established ethical standards, the duty of instructional personnel and school administrators to report alleged misconduct, and an example procedure for reporting misconduct internally and to the Department. The amended language also requires the Department of Education to provide limited access to information from certain databases to the same entities so they may perform employment history checks via two electronic screening tools, the *Professional Practices Database of Disciplinary Actions* and the *Department of Education's Teacher Certification Database*.

The Office of Professional Practices Services (PPS) provides some of the resources required under this legislation via its current Web page on the Florida Department of Education's Web site, www.myfloridateacher.com. This site provides ready access to the Code of Ethics and Principles of Professional Conduct for the Education Profession in Florida and hot links to the pertinent sections of the Florida Statutes. This site also provides access to the Database of Disciplinary Actions, under the link "[Search Disciplinary Actions Against Educator Licenses.](#)" This link provides access to Final Orders issued by the Education Practices Commission (EPC). Final Orders issued since January 2006 are currently posted on the site. The Office of Professional Practices Services will continue to post orders as they are issued by the Education Practices Commission and add orders issued prior to January 2006. For additional information regarding Final Orders issued against a Florida certified educator, schools or districts may contact the Education Practices Commission or the Office of Professional Practices Services.

The www.myfloridateacher.com site has other resources under the link titled, "Ethics in Education Resources." This link provides resources related to the requirements of this Act, including pertinent forms and suggestions on investigative techniques. The Department will work toward creating more training materials and will provide on-site training as available and as requested.

The Department of Education's Teacher Certification Database [also known as the Bureau of Educator Certification Partnership Access and Services System (BEC-PASS)] is the system to which each public school district's certification and human resource liaison currently has authorized access. This system has information related to an

educator's current certification status as well as historical data that will help schools and districts make informed employment decisions.

Authorized BEC-PASS users should access the information directly from this system for employment history checks for public school personnel and employees of charter schools pursuant to § 1012.27(6) and § 1002.33(12)(g)4, F.S. These authorized users should conduct a thorough review of the system to ensure adequate screening for each prospective instructional personnel and school administrator candidate. Their review should focus on the *Current Holds* indicator flags with associated notifications as well as any PPS/EPC documentation listed under the *Incoming/Outgoing Correspondence Browse* within the educator's certification file. Other information pertinent to employment history screening may also be accessed via the BEC-PASS.

Over the next few months the Department will develop a limited access Employment Screening Tool that will provide the necessary employment history information to groups without current authorized access to the BEC-PASS system.

Private schools that accept scholarship students under § 220.187 or § 1002.39, F.S., are required by the amended language to screen instructional personnel or school administrators before hiring. Until such time as the limited access tool is established, these schools will be provided access to the necessary employment history information via completion and submission of a secure Web form. This Web form is being developed so that it is accessible from within the Secured Login portals already established for private schools via the School Choice Web site (www.floridaschoolchoice.org/default.asp). The Web form will require pertinent identifying information for the candidate, as well as identification and contact information for the requestor. Upon receipt of the Web form, Department staff will review the systems for the available employment history information and respond with their findings via secure e-mail to the requestor.

For inquiries related to the Teacher Certification System, contact Department staff via e-mail at EmploymentScreening@fldoe.org or via telephone or facsimile at (850) 245-5025. For efficient service, it is important that this number be used only for inquiries related to employment screenings by private schools.

Each school or district that has secured access to the certification database should use the information in the Bureau of Educator Certification system to make employment decisions. Once the limited access tool is created it will allow those users without secured access to the BEC-PASS system to view the same pertinent information required for the employment screening.

The screens below are examples of the pertinent employment history screening information that may be accessed through the BEC-PASS. This same information, as applicable, will be provided via response to an Employment Screening request from those users without authorized access to the BEC-PASS.

Educator Information

DOE Number
This is the public identification number assigned by the Florida Department of Education to each individual applicant for certification, whether or not a Florida certificate is ever issued. This is sometimes referred to as the Florida Educator's Certificate Number.
ID #
This is the applicant's Social Security Number that each applicant for Florida certification is required to provide pursuant to federal and state law. The Florida DOE number is sometimes used as a temporary substitute for this number when the Social Security Number is not available at the time of application.

Certificate Information

Certificate Types		
Professional	PRO	Florida's highest certificate is renewable and is valid for five school years.
Nonrenewable Temporary	NTEMP	Non-renewable certificate is valid for three school years to provide time to complete all requirements for a Professional Certificate while teaching full-time.
Athletic Coaching	PT	Certificate issued to individuals who do not hold a valid Florida certificate, but who are paid to coach in the public schools. A five-year, renewable certificate is issued to an individual who satisfies specialization requirements for the Athletic Coaching Endorsement. Otherwise, a one-time, three-year, non-renewable certificate may be issued.
Nonrenewable Professional	NPRO	A five-year non-renewable certificate covering only Speech-Language Impaired.
Temporary	TEMP	One-year certificate issued under laws effective prior to July 1, 1988. These certificates may be reissued each year as long as continuity is maintained.

Certificate Information

Certificate Status		
Issued	IS	Certificate is issued and is valid or has expired for less than one year.
To be Issued	TI	Certificate has been processed for this individual, but not yet printed.
Expired	EX	Certificate has expired.
Cancelled	CA	Certificate has been voided because it was issued in error or has been revoked .
Subjects or Endorsements		
Please refer to the following Web site for information on currently available Florida certification subjects and endorsements: http://www.fldoe.org/edcert/subjlist.asp		
Validity Dates		
The validity dates represent the period during which the certificate subject area or endorsement is valid. All Florida certificates are issued to begin July 1 of the year in which the applicant initially qualifies for the particular certificate type.		

Historical records and notations in the Correspondence Screen (CorrBrowse)

CODE	DEFINITION
DISP	Disposition Hold indicates there is correspondence from Professional Practices Services or the Education Practices Commission regarding the determination of probable cause to discipline a certificate, deny an application, or other determinations that may not necessarily have conclusion.
INVLET	Invalidation Letter indicates the applicant failed to provide the required information to Professional Practices within the statutory ¹ timeframe (90 days from date of notification from PPS). The action invalidates the application and corresponding statement of eligibility.
CLEAR	Clearance letter indicates a determination of no probable cause to deny an application or sanction a certificate.
EPCFINAL	EPC Final Order provides the conclusion or final action issued by the Education Practices Commission following a determination of probable cause or initial denial.

¹ § 1012.56(2)(d), F.S.

Current Holds on the application or certificate

CODE	DEFINITION
FP	Fingerprint Hold indicates that the FDLE and FBI reports have not been received.
CRIM	Criminal History Hold indicates that the applicant either responded yes to the question regarding a criminal history on the initial or renewal application or that the criminal history report indicated some type of record.
ADMIN	Administrative Hold indicates that the applicant responded yes to the question regarding a sealed or expunged criminal history on the initial or renewal application, that the criminal history reports have indicated a sealed or expunged record, or that there are other issues not indicated by other holds that need review or prohibit the issuance of a certificate. For example, an affirmative response to the professional sanction section of an application.
REVK	Revocation of the certificate indicates the certificate has been revoked. Revocation may last for various lengths of time, up to 10 years or may be permanent. When a revocation is less than permanent, the applicant is eligible to apply for a new certificate once the period of revocation has ended; however, the hold will remain until such time as a new application is received.
SUSP	Suspension of the certificate indicates the certificate has been suspended. Suspensions may last for various lengths, up to 5 years. (Educators may renew a professional certificate during the time of suspension.)
DEN	Denial indicates both the denial of an application and issuance of the certificate. Denials may last for various time periods, up to permanent.
PPS	Indicates the applicant or educator is being investigated by Professional Practices Services. (This information is exempt from public record and should not be shared with the public.)
FEE	Fee indicates that the applicant's check has been returned to the Bureau of Educator Certification due to insufficient funds.
PROB	Probation - the certificate is valid, but the applicant must comply with certain conditions to keep certificate/employment status.
NASD	NASDTEC ² Hold indicates that the applicant has held an educator certificate which has been revoked or suspended by another state as reported through the NASDTEC Clearinghouse.

While the limited access tool is being created, schools or districts may use the Office of Professional Practices Services Web page at www.myfloridateacher.com. This page has a link titled "Employment Screening Tools." This link will provide access to the Bureau of Educator Certification secured log-on system, the Private and Charter School's secured log-on and the Disciplinary Action Database.

The model policies and procedures related to employment practices are items that the Office of Professional Practices will be required to generate. The goal is to create these documents with the input and contribution of information from the public school districts and other stake-holders in the interest of creating a comprehensive and effective tool that may be used as a model policy and, if desired, adopted by each school or district.

² NASDTEC: National Association of State Directors of Teacher Education and Certification

Section 8

Section 8 of Senate Bill 1712 amends § 1001.32, F.S., with a technical change to the responsibility of the school principal or head of school. Please refer to the bill language for more information.

Section 9

Section 9 of Senate Bill 1712 inserts a technical amendment to § 1001.42, F.S., relating to the powers and duties of district school boards.

§ 1001.42, F.S.; Powers and duties of district school board

As amended, the language in § 1001.42, F.S., requires the district school boards to adopt and communicate policies and procedures setting forth ethical standards for instructional personnel and school administrators. District policies must, at a minimum:

- establish ethical standards;
- require instructional or administrative staff to complete training on the standards;
- establish the duty of instructional personnel and school administrators to report alleged misconduct of instructional personnel or school administrators;
- establish the procedures for reporting;
- include an explanation of the liability protections pursuant to § 39.203, F.S., or § 768.095 F.S.; and
- prohibit confidentiality agreements regarding instructional personnel or school administrators who are terminated, dismissed, or resign in lieu of termination.

Many public school districts have existing policies on the standards of ethical conduct expected of their instructional and/or administrative employees. As districts revisit existing policy and adopt policies that address the new requirements, any policies adopted by a district should be consistent with State Board Rules 6B-1.001 and 6B-1.006, Florida Administrative Code (FAC.), the Code of Ethics and Principles of Professional Conduct.

This section of the bill also expressly prohibits a district school board and any of its employees from entering into a confidentiality agreement regarding instructional personnel or school administrators who are dismissed or who resign in lieu of termination, based in whole or in part on unethical conduct that affects the health, safety, or welfare of a student. The language further prohibits the recommendation of the individual to another educational setting without disclosing the misconduct. Any part of an agreement or contract that has the purpose or effect of concealing misconduct is deemed contrary to public policy and cannot be fulfilled.

Also created is a subsection which disqualifies instructional personnel and school administrators who have been convicted of a disqualifying offense, as described in the created § 1012.315, F.S., from employment in a position which has direct contact with students.

Statutory language previously provided for the loss of one year's salary for a superintendent who knowingly signed or submitted a false or incorrect report. As amended, this language now establishes that any elected or appointed school board official forfeits his or her salary for one year, if he or she knowingly:

- fails to adopt policies that require the reporting of misconduct and the investigation of misconduct by instructional personnel and school administrators; or
- transmits a false or incorrect report of alleged misconduct by instructional personnel or school administrators.

Section 10

Section 10 of Senate Bill 1712 makes technical changes to § 1001.452, F.S., related to district and school advisory councils. Please refer to the bill language for more information.

Section 11

Section 11 of Senate Bill 1712 amends § 1001.51, F.S., relating to the duties and responsibilities of district school superintendents.

§ 1001.51, F.S.; Duties and responsibilities of district school superintendent

Section 1001.51, F.S., previously provided that any superintendent who knowingly signed or transmitted to any state official a false or incorrect report would forfeit his or her right to salary for one year. As amended, each superintendent has an affirmative duty to:

- investigate alleged misconduct by instructional personnel or school administrators;
- report legally sufficient allegations of misconduct by certified educators to the Office of Professional Practices Services; and
- submit true and accurate reports.

If a superintendent knowingly fails in this duty he or she forfeits his or salary for one year.

Section 12

Section 12 of Senate Bill 1712 makes technical changes to § 1001.54, F.S., related to the duties of school principals. Please refer to the bill language for more information.

Section 13

Section 13 of Senate Bill 1712 makes technical changes to § 1001.54, F.S., related to Developmental Research (laboratory) Schools. Please refer to the bill language for more information.

Section 14

Section 14 of Senate Bill 1712 amends § 1002.33, F.S., relating to charter schools.

§ 1002.33, F.S.; related to Charter Schools

This section sets forth that a charter school shall disqualify from employment instructional personnel and school administrators in any position that requires direct student conduct if the instructional personnel or school administrator is ineligible for employment under § 1012.315, F.S. This section is further amended to require that the governing board of a charter school shall adopt policies that:

- establish standards of ethical conduct for instructional personnel and school administrators;
- require each instructional or administrative staff to complete training on the standards;
- establish the duty for each instructional personnel or school administrator to report alleged misconduct by instructional or administrative personnel which affects the health, safety or welfare of a student;
- develop procedures for reporting misconduct by instructional personnel and school administrators; and
- provide information on liability protections provided pursuant to § 39.202, F.S., or § 768.095, F.S.

As public schools, charter schools may have existing policies on the standards of ethical conduct expected of their instructional or administrative employees and may have agreements with the charter sponsor on how to report allegations of misconduct. Existing policies should be reviewed to ensure compliance with this Act. Any charter school policies on ethical standards for educators should be consistent with State Board Rules 6B-1.001 and 6B-1.006, FAC., the Code of Ethics and Principles of Professional Conduct.

This section expressly prohibits a charter school or any of its employees from entering into a confidentiality agreement regarding terminated or dismissed instructional personnel or school administrators (including those who resign in lieu of termination), based in whole or in part on misconduct that affects the health, safety, or welfare of a student. The language further prohibits the recommendation of the terminated individual to another educational setting without disclosing the misconduct. Any part of an agreement or contract that has the purpose or effect of concealing misconduct is deemed contrary to public policy and cannot be enforced.

This section also requires that prior to employment, the charter school screen each candidate for an instructional or school administrator position by using the Department of Education's electronic screening tools, as created and described in § 1001.10, F.S., and check each candidate's previous employer, and document the findings. (See § 1001.10, F.S., above for information on the screening tools.)

If the charter school knowingly fails to comply with the requirements, the language as amended provides for the charter school's sponsor to terminate the charter.

Section 15

Section 15 of Senate Bill 1712 amends § 1002.36, F.S., relating to the Florida School for the Deaf and the Blind.

§ 1002.36, F.S.; Florida School for the Deaf and the Blind (FSDB)

Section 1002.36 is amended to add a subsection related to the purpose of protecting the health, safety, and welfare of students and the ethical standards of educators, the Florida School for the Deaf and the Blind shall be considered a school district, and shall meet the provisions of sections 1001.03, 1001.42, 1001.51, 1006.061, 1012.27, 1012.315, 1012.32, 1012.36, 1012.56, 1012.795, and 1012.796, F.S.

The Florida School for the Deaf and the Blind has prescriptive language in statute regarding the qualification and review of its employees that is separate from that of the other public school districts. This insertion into the statutory language requires that prior to appointment in an instructional or school administrator position that involves direct student contact, the FSDB shall:

- contact each candidate's previous employer;
- screen the personnel or administrator through the educator screening tools provided for in § 1001.10, F.S.; and
- document the findings.

The FSDB is also required to:

- disqualify from employment any instructional personnel or school administrator convicted of a disqualifying offense as defined in § 1012.315, F.S.; and
- report allegations of misconduct by certified educators to the Office of Professional Practices Services.

Section 16

Section 16 of Senate Bill 1712 amends § 1002.421, F.S., relating to private schools.

§ 1002.421, Accountability of private schools participating in state school choice scholarship programs

Section 1002.421, F.S., is amended to require that any private school that participates in the McKay or Corporate Tax Scholarship programs follow much the same provisions of the Act applicable to public school districts, including that the participating private school:

- disqualifies from employment any instructional personnel or school administrator with direct student contact if convicted of a disqualifying offense defined in § 1012.315, F.S.;
- adopts and communicates policies and procedures setting forth standards of ethical conduct for instructional personnel and school administrators;
- requires each instructional or administrative staff to complete training on the standards and establishes the duty to report alleged misconduct by other instructional or administrative personnel which affects the health, safety or welfare of a student and the procedures to do so and requires information on liability protections be provided pursuant to § 39.202 F.S., or § 768.095, F.S.; and
- prohibits the school or any of its employees from entering into a confidentiality agreement regarding terminated or dismissed instructional personnel or school administrators (including those who resign in lieu of termination), based in whole or in part on unethical conduct that affects the health, safety, or welfare of a student.

The language further prohibits the recommendation of the terminated individual to another educational setting without disclosing the misconduct and provides that any part of an agreement or contract that has the purpose or effect of concealing misconduct is deemed contrary to public policy and cannot be fulfilled.

As amended, the language requires that prior to employment, the private school screen each candidate for an instructional or school administrator position by using the Department of Education's electronic screening tools, as created and described in § 1001.10, F.S., check each candidate's previous employer, and document the findings. (See § 1001.10, F.S., above.)

Most private schools do not have access to the Bureau of Educator Certification secured log-on database. Presently, private schools may access the necessary employment history information by completion and submission of a secure Web form to EmploymentScreening@fldoe.org or via telephone or facsimile at (850) 245-5025. During the next year, the Bureau of Educator Certification will create a limited access tool that will provide authorized access to new users.

While the limited access tool is being created, schools or districts may use the Office of Professional Practices Services Web page at www.myfloridateacher.com as a point of entry. This page has a link titled "Employment Screening Tools." This link will provide access to the Bureau of Educator Certification secured log-on system, the Private and Charter School's secured log-on and the Professional Practices Disciplinary Action Database.

As amended, this section provides for the Department of Education to suspend the payment of funds under § 220.187, F.S., and § 1002.39, F.S., to a private school that knowingly fails to comply with the requirements.

Section 17

Section 17 of Senate Bill 1712 provides technical amendments to § 1003.413, F.S., relating to the Florida Secondary School Redesign Act. Please refer to the bill language for more information.

Section 18

Section 18 of Senate Bill 1712 provides technical amendments to § 1003.53, F.S., relating to dropout prevention and academic intervention. Please refer to the bill language for more information.

Section 19

Section 19 of Senate Bill 1712 provides technical amendments to § 1004.92, F.S., relating to the purpose and responsibility for career education. Please refer to the bill language for more information.

Section 20

Section 20 of Senate Bill 1712 amends § 1006.061, F.S., relating to child abuse.

§ 1006.061 F.S.; Child abuse, abandonment, and neglect policy

Section 1006.061, F.S., requires district school boards to post in a prominent place a notice that all employees and agents of the district school board have a duty to report all actual or suspected cases of child abuse, abandonment, or neglect to the Department of Children and Families (DCF). The notice is to include the statewide toll-free telephone number of the central abuse hotline. The language of this section is amended to require charter schools and private schools that accept scholarship students to post the requirements to report abuse to DCF and the toll-free telephone number of the central abuse hotline.

As amended, the language adds the requirement that each school site post on its Web site the policies and procedures for reporting suspected or actual misconduct by instructional personnel or school administrator that affects the health, safety, or welfare of a student, the contact person to whom a report should be made, and the penalties for failure to report misconduct or abuse.

The Department of Education is required to develop and publish sample notices on the Department's Web site. Sample notices are posted at www.myfloridateacher.com under the link titled, "Ethics in Education Resources." These notices are provided as samples and may be modified or altered as desired by a school or district; or a school or district may elect to create its own notice to fulfill its needs, ensuring the notice includes all the required information.

The district school superintendent or the superintendent's designee is required, when requested, to act as a liaison to DCF and the Child Protective Team when a case of child abuse, neglect, abandonment, or an unlawful sexual offense involving a child is referred to the team. As amended, each principal of a charter school or private school is required to act as a liaison. Administrators and designees should cooperate with DCF or the Child Protection Team and follow the guidelines provided during the review.

Section 21

Section 21 of Senate Bill 1712 makes technical amendments to § 1008.33, F.S., relating to the authority to enforce public school improvement. Please refer to the bill language for more information.

Section 22

Section 22 of Senate Bill 1712 makes technical amendments to § 1008.345, F.S., relating to the implementation of state system of school improvement and education accountability. Please refer to the bill language for more information.

Section 23

Section 23 of Senate Bill 1712 makes technical amendments to § 1010.215, F.S., relating to educational funding accountability. Please refer to the bill language for more information.

Section 24

Section 24 of Senate Bill 1712 makes technical amendments to § 1011.18, F.S., relating to the exemption for self-insurance programs and third-party administered employees' fringe benefit programs. Please refer to the bill language for more information.

Section 25

Section 25 of Senate Bill 1712 amends § 1012.27, F.S., relating to public school personnel and the powers and duties of the district school superintendent.

§ 1012.27, F.S.; Public school personnel; powers and duties of district school superintendent

Section 1012.27, F.S., is amended with the creation of a new subsection which requires that prior to appointment in an instructional or school administrator position that involves direct student contact, a district must contact each candidate's previous employer and screen the candidate through the educator screening tools provided for in § 1001.10, F.S. The district must document the results from:

- Professional Practices Database of Disciplinary Actions
- Teacher Certification Database
- Candidate's previous employer

If unable to contact the candidate's previous employer, the district must document the efforts to contact the employer.

The screening tools are described in the section of this document titled, § 1001.10, F.S.; Commissioner of Education; general powers and duties, and may be accessed through the link posted at www.myfloridateacher.com under the “Employment Screening Tools” or may be accessed individually through the district’s secured log-on to the BEC-PASS and “search disciplinary actions against educator’s licenses” link at www.myfloridateacher.com.

Section 26

Section 26 of Senate Bill 1712 creates § 1012.315, F.S., and establishes disqualifying offenses.

§ 1012.315 F.S.; Disqualification from employment

Section 1012.315, F.S., is created and establishes that individuals are ineligible for educator certification and instructional personnel and school administrators, as defined in § 1012.01, F.S., are ineligible for employment in any position that requires direct student contact in a district school system, charter school, private school that accepts scholarship students or the Florida School for the Deaf and the Blind, if they have been convicted of: any felony offense prohibited under any of the following statutes:

- Section 393.135, relating to sexual misconduct with certain developmentally disabled clients and reporting of such sexual misconduct
- Section 394.4593, relating to sexual misconduct with certain mental health patients and reporting of such sexual misconduct
- Section 415.111, relating to adult abuse, neglect, or exploitation of aged persons or disabled adults
- Section 782.04, relating to murder
- Section 782.07, relating to manslaughter, aggravated manslaughter of an elderly person or disabled adult, or aggravated manslaughter of a child or aggravated manslaughter of an officer, a firefighter, an emergency medical technician or a paramedic
- Section 784.021, relating to aggravated assault
- Section 784.045, relating to aggravated battery
- Section 784.075, relating to battery on a detention or commitment facility staff member or a juvenile probation officer
- Section 787.01, relating to kidnapping
- Section 787.02, relating to false imprisonment
- Section 787.025, related to luring or enticing a child

- Section 787.04(2), relating to taking, enticing, or removing a child beyond the state limits or concealing the location of a minor with criminal intent pending custody proceedings
- Section 787.04(3), relating to leading, taking, enticing or removing a minor beyond the state limits or concealing the location of a minor with criminal intent pending dependency proceedings or proceedings concerning alleged abuse or neglect of a minor
- Section 790.115(1), relating to exhibiting firearms or weapons at a school sponsored event, on school property or within 1,000 feet of a school
- Section 790.115(2)(b), relating to possessing an electric weapon or device, destructive device, or other weapon at a school sponsored event or on school property
- Section 794.011, relating to sexual battery
- Former Section 794.041, relating to sexual activity with or solicitation of a child by a person in familial or custodial authority
- Section 794.05, relating to unlawful sexual activity with certain minors
- Section 794.08, relating to female genital mutilation
- Chapter 796, relating to prostitution
- Chapter 800, relating to lewdness and indecent exposure
- Section 806.01, relating to arson
- Section 810.14, relating to voyeurism
- Section 810.145, relating to video voyeurism
- Section 812.014(6), relating to coordinating the commission of theft in excess of \$3,000
- Section 812.0145, relating to theft from persons 65 years of age or older
- Section 812.019, relating to dealing in stolen property
- Section 812.13, relating to robbery
- Section 812.131, relating to robbery by sudden snatching
- Section 812.133, relating to carjacking
- Section 812.135, relating to home-invasion robbery

- Section 817.563, relating to fraudulent sale of controlled substances
- Section 825.102, relating to abuse, aggravated abuse, or neglect of an elderly person or disabled adult
- Section 825.103, relating to exploitation of an elderly person or disabled adult
- Section 825.1025, relating to lewd or lascivious offenses committed upon or in the presence of an elderly person or disabled person
- Section 826.04, relating to incest
- Section 827.03, relating to child abuse, aggravated child abuse, or neglect of a child
- Section 827.04, relating to contributing to the delinquency or dependency of a child
- Section 827.071, relating to sexual performance by a child
- Section 843.01, relating to resisting arrest with violence
- Chapter 847, relating to obscenity
- Section 874.05, relating to causing, encouraging, soliciting, or recruiting another to join a criminal street gang
- Chapter 893, relating to drug abuse prevention and control, if the offense was a felony of the second degree or greater severity
- Section 916.1075, relating to sexual misconduct with certain forensic clients and reporting of such sexual misconduct
- Section 944.47, relating to introduction, removal, or possession of contraband at a correctional facility
- Section 985.701, relating to sexual misconduct in juvenile justice programs
- Section 985.711, relating to introduction, removal, or possession of contraband at a juvenile detention facility or commitment program

or any misdemeanor offense prohibited under any of the following statutes:

- Section 784.03, relating to battery, if the victim of the offense was a minor
- Section 787.025, relating to luring or enticing a child

or federal or other state offenses:

- Any criminal act committed in another state or under federal law which, if committed in this state, constitutes an offense prohibited under any statute listed in subsection (1) or subsection (2).

or registered Juvenile Sex Offenders:

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

The Act disqualifies from certification any applicant or educator who *has been* convicted of any of the previously mentioned disqualifying offenses. The Department will deny certification or will seek to revoke certification of any person convicted of a disqualifying offense, regardless of the date of the prior offense or conviction.

Each employer should report any such conviction to the Department.

Section 27

Section 27 of Senate Bill 1712 amends § 1012.32, F.S., relating to the qualifications of personnel.

§ 1012.32, F.S.; Qualifications of personnel

Section 1012.32, F.S., sets forth the eligibility standards for employment with a Florida public school or district. Each employee must be of good moral character and be 18 years of age. Those employed in an instructional capacity must hold a valid certificate or license. As amended, this section adds to the eligibility criteria that a person employed in an instructional capacity must not be disqualified from employment under § 1012.315, F.S., and must not be convicted of a crime of moral turpitude as defined by the State Board of Education.

This section also sets forth the requirement that instructional and non-instructional personnel and student teachers must undergo a state and federal fingerprint based criminal history check.

Section 28

Section 28 of Senate Bill 1712 amends § 1012.33, F.S., relating to contracts with instructional personnel, supervisors, and school principals.

§ 1012.33, F.S.; contracts with instructional staff, supervisors, and school principals,

Section 1012.33, F.S., is amended to add to the list of events that include just cause for termination of instructional staff in a district school board. As amended, just cause may now include “immorality.” The Department notes that while the revised § 1012.33, F.S., creates “immorality” as a ground for termination of employment, § 1012.795, F.S.,

requires a showing of “gross immorality or an act involving moral turpitude” in order to impose discipline against an educator’s certificate. The standard required for termination of an employee is less than that required for disciplinary action against an educator’s certificate.

In addition, where the statute previously indicated that a “conviction of a crime involving moral turpitude” was just cause for termination, that statute is now amended to read, “being convicted or found guilty of, or entering a plea of guilty to, regardless of adjudication of guilt, any crime involving moral turpitude.”

Section 29

Section 29 of Senate Bill 1712 makes technical amendments to § 1012.34, F.S. relating to assessment procedures and criteria. Please refer to the Bill language for more information.

Section 30

Section 30 of Senate Bill 1712 amends § 1012.56, F.S., relating to educator certification requirements.

§ 1012.56, F.S.; Educator certification requirements

Section 1012.56, F.S., is amended to clarify language regarding fingerprinting and screening requirements.

As amended, the references to “Level 2” screening are deleted. For certification and for employment in a Florida public school, an applicant must have a state and federal fingerprint-based criminal history check. As made clear by the removal of reference to “level 2” screening, chapter 435, F.S., does not apply to employment or certification of educators; rather, chapter 1012 controls employment and certification of educators.

If the background screening reveals a disqualifying conviction, the applicant or educator is ineligible for certification. The changes also provide clarification that, if it is found through a disciplinary proceeding in accordance with § 1012.796, F.S., that a person employed in a position requiring certification has not been screened, or is ineligible for certification in accordance with § 1012.315, F.S., that person shall be suspended immediately from any position that requires a certificate, and his or her certificate shall be suspended (in the instance of failure to have been screened) or revoked (in the instance of a disqualifying offense).

Section 31

Section 31 of Senate Bill 1712 amends § 1012.79, F.S., relating to the organization of the Education Practices Commission.

§ 1012.79, F.S.; related to the organization of the Education Practices Commission; organization

The Education Practices Commission (EPC) is an independent commission that considers disputed denials of certification and disciplinary cases against certified

educators. Upon the review of such matters, the EPC issues a final order for agency action. Section 1012.79, F.S., is amended to increase and restructure the membership of the EPC from 17 to 25 members. As amended, the EPC membership shall consist of:

- 8 teachers;
- 5 administrators (one from a private school);
- 7 lay citizens (of which five are parents of public school students);
and
- 5 sworn law enforcement officers.

Section 32

Section 32 of Senate Bill 1712 amends § 1012.795, F.S., relating to the authority of the Education Practices Commission.

§ 1012.795, F.S.; Education Practices Commission; authority to discipline

Section 1012.795, F.S., establishes the authority of the EPC to discipline an educator's certificate and defines the reasons for which a certificate may be disciplined. As amended, the EPC is provided the express authority to impose penalties against certified educators for failure to report suspected or actual child abuse or misconduct by instructional personnel or school administrators which affects the health, safety or welfare of a student. The language also expands the ability of the EPC to impose penalties for criminal offenses when there is an adjudication of guilt, the finding of guilt, or the entry of a plea of guilty, regardless of the adjudication of guilt. Finally, the EPC is provided authority to revoke a certificate when the educator has been disqualified from educator certification by conviction of an offense under § 1012.315, F.S.

Section 33

Section 33 of Senate Bill 1712 amends § 1012.796, F.S., relating to complaints against teachers and administrators.

§ 1012.796, F.S.; Complaints against teachers and administrators; procedure; penalties

Section 1012.796, F.S., is amended to require the Department to investigate immediately each legally sufficient complaint that involves the health, safety, or welfare of a student and, if the act occurred when the educator's certificate was valid, an investigation shall continue even if the educator's certificate has expired. The Department will continue to investigate regardless of the educator's employment status or separation from the district.

This section has required public school districts to report legally sufficient allegations of misconduct for years. It has also required districts to develop policies and procedures to comply with the reporting requirement. As amended, each district is required to adopt policies and procedures for reporting. The board policies and procedures are to include

the standards for screening, hiring, and terminating instructional personnel and school administrators; the standards of ethical conduct for instructional personnel and school administrators; the duties of instructional personnel and school administrators for upholding the standards; detailed procedures for reporting alleged misconduct by instructional personnel and school administrators which affects the health, safety, or welfare of a student; requirements of the reassignment of instructional personnel or school administrators pending the outcome of a misconduct investigation; and the penalties for failure to comply with § 1001.51, F.S., or § 1012.795, F.S.

The district school superintendent is charged with knowledge of the policies and procedures and is accountable for training all instructional personnel and school administrators on the standards of ethical conduct, policies, and procedures.

This section requires that superintendents report to the Department, in a manner described by the Department, certified instructional personnel or school administrators who resign or are terminated as a result of misconduct that affects the health, safety, or welfare of a student. A record of the termination shall be recorded in the instructional personnel or school administrator's certification file. The Office of Professional Practices Services has a reporting form which districts use to file complaints. This form may be used for the purposes of reporting both the misconduct and the termination or resignation. A copy of the resignation or termination document must be included in the materials provided with the referral and the reason for the termination or resignation should be clearly stated on the form. The Office of Professional Practices Services will provide a copy of the termination or resignation to the Bureau of Educator Certification for posting on the educator's certification file. The reporting form is accessible at www.myfloridateacher.com under "Ethics in Education Resources."

Mandated reporters are those entities that are required to report legally sufficient allegations of misconduct by certified educators to the Department. Public school districts have been mandated to report misconduct by certified educators for years. As amended, charter schools or the governing board, or private schools that accept scholarship students under § 220.187 or § 1002.39, F.S., are identified as mandated reporters. The Florida School for the Deaf and the Blind, the Florida Virtual School and the university lab schools are public schools and are also mandated reporters. Each mandated reporter is required to file in writing with the Department any legally sufficient complaint within 30 days of knowledge of the complaint.

Legally sufficient is defined as such when the complaint contains ultimate facts that show a violation occurred as provided in § 1012.795, F.S., (authority of the EPC to discipline) and as defined by the State Board of Education Rules (Code of Ethics and Principles of Professional Conduct). When a legally sufficient complaint has come to the attention of a school or district, it must be reported within 30 days of the day the complaint came to the attention of the mandated reporter. Mandated reporters are required to provide all known information with the filing of a complaint with the Office of Professional Practices Services. Materials that should be submitted include the school or district's investigative file, court documents, victim and witness statements, disciplinary actions, recommended orders, depositions, administrative complaints, agreements, physical evidence such as photographs, letters, emails, papers, and videos, and any other information or document pertinent to the allegation. The Department is provided access to any and all information regarding the allegation. Any materials submitted to the Department must be clean and **non-redacted** copies.

The failure of a mandated reporter to file or timely file a complaint or follow-up information does not inhibit the authority of the Department to investigate. Mandated reporters should be prepared to cooperate with the Department's investigation by providing any requested information, facilitating site visits, and providing updates or changes on the educator's status.

When an allegation of misconduct by instructional personnel or school administrators which affects the health, safety, or welfare of a student occurs, the district school superintendent, in consultation with the principal, or upon the request of the Commissioner of Education, must suspend immediately the educator with pay and reassign the suspended personnel or administrator to a position that does not require direct contact with students. This suspension shall continue until the completion of the proceedings and the determination of sanctions, if any, pursuant to § 1012.795, F.S.

The completion of the proceedings pursuant to § 1012.795, F.S., means that the Department has closed the case without a finding of Probable Cause or that a Final Order has been issued by the EPC in response to the determination of Probable Cause to discipline a certificate.

Questions and Answers

1. If a district has a current employee who has committed one of the listed crimes in § 1012.315, F.S., does a district or school immediately report to PPS and suspend the teacher?

It is important to differentiate between being arrested, charged, and/or convicted. Only a *conviction* of an offense in § 1012.315, F.S., disqualifies the instructional personnel or school administrator from employment in a position that requires direct student contact or from receiving or retaining a Florida Educator Certificate.

While the *commission* of one of the listed crimes may not disqualify an employee, such information should be reviewed by each employer to determine appropriate employment actions and should be reported promptly to the Office of Professional Practices Services (PPS). Information such as an arrest for a criminal offense should be reported to PPS within 30 days of knowledge of the arrest. Schools and districts should not wait for the disposition of the court to report an arrest to PPS.

If it is alleged that an educator has committed a disqualifying offense, in addition to reporting the allegation to the Department, the district should review the allegation to determine whether immediate suspension and reassignment to a position not requiring direct contact with students is necessary as provided under § 1012.796(5), F.S.

2. Are instructional aides included “instructional personnel”?

Section 1002.01, F.S., defines instructional personnel as classroom teachers, student personnel services, librarians/media specialists, education paraprofessionals, and other instructional staff such as learning resource specialists, instructional trainers, and adjunct educators.

3. What should a district or school do if an employee has a conviction that under the new law would disqualify him or her from employment?

Section 1012.315, F.S., establishes that an employee who is convicted of a listed charge is not eligible for employment in a position which requires direct student contact in a Florida public school, charter school, or private school that accepts certain scholarship students. Each school or district must establish policies and procedures for the review and reporting of misconduct by instructional personnel or school administrators.

When a charge is thought to be a disqualifying offense, there should be due diligence on the part of the employer to research the charge and determine if it matches any of the statutory citations provided, and if so, to confirm it is a felony or misdemeanor as defined in the law, or a similar offense from a different jurisdiction, and that the person was convicted of the offense.

For example, if John Doe has a record that indicates he was charged with contributing to the delinquency of a child, the employer should begin research to determine if the offense is a positive match to the disqualifying offense as listed in § 1012.315, F.S. The positive match would be a *conviction* of a *felony* offense under § 827.04, F.S.

The language of § 827.04, F.S., is as follows:

827.04 Contributing to the delinquency or dependency of a child; penalty.--

(1) Any person who:

(a) Commits any act which causes, tends to cause, encourages, or contributes to a child becoming a delinquent or dependent child or a child in need of services; or

(b) Induces or endeavors to induce, by act, threat, command, or persuasion, a child to commit or perform any act, follow any course of conduct, or live in a manner that causes or tends to cause such child to become or to remain a dependent or delinquent child or a child in need of services,

commits a misdemeanor of the first degree, punishable as provided in § [775.082](#) or § [775.083](#), F.S.

(2) It is not necessary for any court exercising juvenile jurisdiction to make an adjudication that any child is delinquent or dependent or a child in need of services in order to prosecute a violation of this section. An adjudication that a child is delinquent or dependent or a child in need of services shall not preclude a subsequent prosecution of a violation of this section.

(3) A person 21 years of age or older who impregnates a child under 16 years of age commits an act of child abuse which constitutes a felony of the third degree, punishable as provided in sections [775.082](#), [775.083](#), or [775.084](#), F.S. A person who impregnates a child in violation of this subsection commits an offense under this subsection regardless of whether the person is found to have committed, or has been charged with or prosecuted for, any other offense committed during the course of the same criminal transaction or episode, including, but not limited to, an offense proscribed under § [800.04](#), F.S., relating to lewd, lascivious, or indecent assault or act upon any person under 16 years of age. Neither the victim's lack of chastity nor the victim's consent is a defense to the crime proscribed under this subsection.

If the records indicate that John Doe was convicted of a *felony* offense under § 827.04, F.S., he **does** meet the requirements for disqualification under § 1012.315, F.S.

If the records indicate that John Doe was convicted of a *misdemeanor* offense under § 827.04, F.S., he **does not** meet the requirements for disqualification under § 1012.315, F.S.

If the records indicate that John Doe pled nolo contendere and adjudication was withheld for a felony offense under § 827.04, F.S., he **does not** meet the requirements for disqualification under § 1012.315, F.S., because there was no *conviction*.

If the records indicate that John Doe was *arrested* for a felony offense under § 827.04, F.S., he **does not** meet the requirements for disqualification under § 1012.315, F.S., unless and until he is *convicted*.

Please note that *any* criminal conviction, plea of guilty, or finding of guilt, regardless of adjudication, is a potential disciplinary offense under § 1012.795(1)(f), F.S., and should

be reported to the Department even if it does not meet the standard of being a disqualifying offense.

4. Are there any exceptions to the disqualifying offenses based on the passage of time or mitigating circumstances?

The offenses listed in § 1012.315, F.S., automatically disqualify a person from employment or certification. There is no time frame or qualification on when an offense was committed or disposed, nor may mitigating circumstances be considered.

5. Where is the rule that defines moral turpitude?

Moral turpitude is currently defined in the criteria for suspension and dismissal of instructional personnel in State Board of Education Rule 6B-4.009(6), FAC., as:

“...a crime that is evidenced by an act of baseness, vileness or depravity in the private and social duties, which, according to the accepted standards of the time a man owes to his or her fellow man or to society in general, and the doing of the act itself and not its prohibition by statute fixes the moral turpitude.”

Further rulemaking may be necessary to define “crimes of moral turpitude” and “grossly immoral or acts of moral turpitude” under the provisions of this Act.

6. When should a school or district report information to the Department of Education’s Office of Professional Practices Services?

A school or district must report legally sufficient allegations of misconduct and or information related to disqualifying offenses within 30 days of knowledge of the incident. A district is required to provide all known information with the report, which should include any evidence or statements regarding the allegation. For example, Jane Doe is reported by a co-teacher as being suspected of being under the influence of drugs or alcohol while on duty. The district follows procedure for reasonable suspicion and Jane Doe submits to a random drug screening and tests positive for marijuana. The school or district should report with specificity to PPS the nature of the allegations and provide the name and contact information of pertinent witnesses (co-teacher, other witnesses, person who took Jane Doe to the testing site, administrator, etc.) and a copy of the results of the random screening. If disciplinary action has been administered, a copy of that action should be included. All documents should be submitted to PPS within 30 days of the date the incident came to the attention of the school or district. A reporting form may be accessed under the “Ethics in Education Resources” link at www.myfloridateacher.com.

Example 2: John Doe is arrested in a neighboring county for Driving Under the Influence and is reported to the district via the Florida Department of Law Enforcement due to the retained fingerprint record. The district should report the arrest to the Department upon knowledge of the incident and provide all information available at the time; i.e., the arrest or incident report, any disciplinary actions, or self-report notifications. The Department will monitor the progress through the criminal court system for the purposes of determining any action against the educator’s certificate or will proceed with an investigation as appropriate.

7. How long does it take for the Office of Professional Practices Services to conclude an investigation related to a criminal charge?

When an educator is arrested and goes through criminal proceedings of the court, the Department of Education monitors the progress of the case, but frequently withholds determination until the conclusion of the criminal proceedings.

8. What if the educator is acquitted of charges or a nolle prosequi is issued by the court?

If the educator is acquitted by a jury or a nolle prosequi is issued by the court, the Office of Professional Practices Services may pursue an independent investigation to review administrative violations of the Code of Ethics and Principles of Professional Conduct.

9. If an educator is convicted of an offense in § 1012.315, F.S., does he or she automatically lose retirement benefits?

The offenses that may result in the termination of retirement benefits are separate from the offenses that disqualify one from employment or certification. Not all the disqualifying offenses in § 1012.315, F.S., are offenses that can result in the termination of retirement benefits. While an offense that disqualifies one from employment may also result in the termination of retirement benefits, it is not the fact that it is a disqualifying offense that is the impetus for termination of retirement benefits. The termination of retirement benefits is related to the commission of an act with the use or attempted use of power, rights, privileges or duties of one's position. The Division of Retirement will conduct a review of the charges to determine if an offense should result in the termination of benefits

10. What is the difference between Professional Practices Services and the Education Practices Commission?

Professional Practices Services (PPS) is the office within the Florida Department of Education which is responsible for the investigation of misconduct by certified educators, the review of the criminal history and background of applicants for a Florida Educator Certificate, the monitoring of compliance to disciplinary orders, and the housing of the Recovery Network Program for educators.

The Education Practices Commission is a statutorily created independent commission, comprised of volunteer educators, lay citizens, and law enforcement officers who review cases upon which the Commissioner of Education has determined there is reason (Probable Cause) to discipline an educator's certificate. Upon review of the matter, a panel of the Commission determines whether discipline is appropriate and what sanctions should be issued. The EPC then enters a Final Order outlining the outcome of the case.

11. Is there readily accessible information related to disciplinary action against an educator's certificate?

The Office of Professional Practices Services has established a link at www.myfloridateacher.com under "Search Disciplinary Actions" which posts disciplinary actions issued by the Education Practices Commission. This site not only provides basic data on the educator but also posts actual Final Order documents.

12. What is NASDTEC?

NASDTEC is the National Association of State Directors of Teacher Education and Certification. NASDTEC is a national organization dedicated to preparation, licensure, and discipline of educational personnel. NASDTEC sponsors a clearinghouse to which each member state submits notification of the surrender, revocation, suspension or denial of an educator's certificate. Florida is a member of NASDTEC and the staff of the Education Practices Commission submits information to the NASDTEC clearinghouse related to Florida certified educators.

13. Can schools or districts join NASDTEC?

Yes. Schools or districts may join NASDTEC as an associate member; however, access to the clearinghouse is only given to the state licensing agency (Department).

14. What should a school or district do if there is a NASDTEC notification on the certification record?

The school or district may contact the Bureau of Educator Certification or the Office of Professional Practices Services to determine which member state submitted the record. Information about the disciplinary action must be obtained from the state that submitted the notification to NASDTEC. NASDTEC does not retain information about specific actions, only the notification that a state took disciplinary action against an educator's certificate. For example, if the NASDTEC notification indicates the State of Wyoming submitted the record, the school or district would be required to contact the Wyoming Department of Education for information related to the disciplinary action. If the Office of Professional Practices Services has information from another education agency, the Office can typically share that information with the school or district.

15. Can a person whose certificate is suspended or revoked still be employed?

If an educator has had his or her Florida Educator Certificate suspended or revoked, he or she is not eligible for employment in *any* position with direct student contact with a district school board or public school, during the time the certificate is suspended or revoked. For example, if John Doe had his certificate revoked from January 1, 2008 – December 31, 2009, John Doe is not eligible for employment in *any* position with direct student contact with a district school board or public school during the time from January 1, 2008 – December 31, 2009.

16. Where can a school or district find the sample notices for the reporting of misconduct by instructional personnel or school administrators?

Sample notices are posted under the "Ethics in Education Act Resources" link at www.myfloridateacher.com.

17. How do charter schools access employment screening information?

Charter schools are public schools of choice and are primarily authorized by either public school boards or state university lab schools. Since both of these are recognized as public school districts, they are authorized access to the BEC-PASS. Therefore, charter

school employers should coordinate the certification component of the employment screening through their affiliated school district or lab school. Additional options for employment screenings by charter schools may also be developed in the future. The disciplinary actions component of the employment screenings is currently accessible at www.myfloridateacher.com.

18. What employment screening tools will be accessible for private schools?

Private schools that accept scholarship students under § 220.187 or § 1002.39, F.S., will be provided a secure Web form to complete and submit to the Department. They will be able to access the Web form via their familiar School Choice Private School log-in page. Upon receipt, Department staff will review the BEC-PASS system and provide an e-mail response with their findings. The Department will also be working to develop a limited access Employment Screening tool for private schools to conduct their own electronic verification. The disciplinary actions component of the employment screenings is accessible at www.myfloridateacher.com.

19. What if there is a PPS notification on the Bureau of Educator Certification system? What can PPS share with a potential employer?

Under § 1012.796(4), F.S., a complaint filed with PPS and all information pursuant to an investigation is confidential and exempt from section 119.07(1), F.S., while the investigation is pending. PPS will refer the inquiring individual to the school or district that reported the allegations to the Department. A PPS notification will remain on the BEC system until the Department has closed its case or issuance of a Final Order. If a finding of Probable Cause has been issued, but a Final Order has yet to be issued, the information is public record and may be shared with the inquiring school or district.

20. What should a school or district do if an employee of the school or district engages in legally sufficient misconduct, and he or she holds a valid Florida Educator Certificate, but he or she is not in a position defined as instructional personnel or school administrator?

Mandated reporters must report legally sufficient allegations of misconduct by certified educators even if they are not in positions as instructional personnel or school administrators. If there is the determination that the individual holds a valid Florida Educator Certificate or application for a Florida Educator Certificate and the allegation is determined to be legally sufficient in that it violates Florida Statutes or State Board of Education Rules, it should be reported to PPS regardless of the educator's position.

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