

# Florida Department of Education

**Bill Number:** Senate Bill 1712

**Bill Title:** Ethics in Education Act

**Bill Sponsor:** Committee on Education PreK-12, Committee on Education PreK-12 Appropriations,  
Committee on Governmental Operations

**Effective Date:** July 1, 2008

**DOE Contact:** Dr. Frances Haithcock, Chancellor, Division of Public Schools, (850) 245-0509

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## Executive Summary:

Names the bill the "Ethics in Education Act."

Amends s. 112.3173, F.S., Felonies involving breach of public trust and other specified offenses by public officers and employees; forfeiture of retirement benefits; s. 121.091, F.S., Benefits payable under the system; s. 794.09, F.S., Forfeiture of retirement benefits; and s. 800.05, F.S., Forfeiture of retirement benefits for a felony defined in s. 800.04; to:

- Require the forfeiture of state retirement benefits for members convicted of certain crimes of a sexual nature against children committed on or after October 1, 2008.

Amends s. 1001.10, F.S., Commissioner of Education; general powers and duties, to:

- Require DOE to provide technical assistance to districts, charter schools, Florida School for the Deaf and Blind (FSDB), and private schools that accept scholarship students in the development of the policies, procedures, and training related to standards of ethical conduct for instructional personnel and school administrators.
- Require DOE to provide access by authorized staff of above-named parties to electronic information from DOE databases for employment screening purposes.

Amends s. 1001.42, F.S., Powers and duties of district school board; s. 1002.33, F.S., Charter Schools; s. 1002.36, F.S., Florida School for the Deaf and Blind; s. 1002.421, F.S., Accountability of private schools participating in state school choice scholarship programs; s. 1006.061, F.S., Child abuse, abandonment, and neglect policy; s. 1012.27, F.S., Public school personnel; powers and duties of district school superintendent; to:

- Require districts, charter schools, FSDB, and private schools that accept state scholarship students to:
  - Adopt policies establishing standards of ethical conduct for instructional personnel and school administrators, including the requirement of training on the standards, responsibilities and procedures for reporting misconduct affecting the health, safety, and welfare of students by instructional personnel and school administrators, and liability protections.
  - Ban confidentiality agreements with terminated or dismissed instructional personnel and

school administrators (or those that resign in lieu of termination) based on misconduct and require that employment recommendations for future educational settings disclose the misconduct.

- Void the purpose and effect of agreements or contracts that conceal misconduct by instructional personnel or school administrators which affects the health, safety, or welfare of a student.
- Disqualify instructional personnel and school administrators from employment in any position that required direct contact with students if they have been convicted of offenses listed in s. 1012.315, Florida Statutes.
- Conduct employment history checks for instructional personnel and school administrator candidates for positions requiring direct student contact, screen with DOE tools and document findings.
- Post in a prominent place, at the school and online, the policies for reporting abuse and misconduct, contact information, and penalties for failure to report.

Amends s. 1006.061, F.S., Child abuse, abandonment, and neglect policy; to:

- Require DOE to develop and publish sample notices suitable online for the above-named parties to post.

Amends s. 1002.33, Charter schools, to:

- Provide that the sponsor of a charter school that knowingly fails to comply with the requirements for employees of charter schools shall terminate the charter.

Amends s. 1001.42, F.S., Powers and duties of district school board; and s. 1001.51, F.S., Duties and responsibility of district school superintendent; to:

- Provide penalty of 1 year forfeiture of salary for appointed or elected school board official that knowingly submits a report known to be false or knowingly fails to adopt policies for reporting and investigating misconduct. A superintendent who knowingly fails to investigate or report, or knowingly transmits a report known to be false, forfeits his or her salary for 1 year following failure to act.

Amends s. 1002.421, F.S., Accountability of private schools participating in state school choice scholarship programs, to:

- Provide penalty for private schools that knowingly fail to comply by suspending funds and prohibiting new scholarship students for 1 fiscal year.

Creates s. 1012.315, F.S., Disqualification from employment, to:

- Establish a list of offenses for which, if convicted, a person is disqualified from educator certification or employment in an instructional personnel and school administrator position that requires direct student contact in districts, charter schools, FSDB, and private schools that accept scholarship students.

Amends s. 1012.79, F.S., Education Practices Commission; organization, to:

- Increase and alter the membership of the Education Practices Commission to be a total of 25 members, 8 teachers; 5 administrators, at least one of whom shall represent private school; 7 lay citizens, 5 of whom shall be parents of public school students and who are unrelated to public

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school employees and 2 of whom shall be former district school board members; and 5 sworn law enforcement officials. The members are appointed by the State Board of Education.

- Require the commissioner to consult with teaching associations, parent associations, law enforcement agencies and other involved associations in the state before making nominations to the State Board of Education.

Amends s. 1012.795, F.S., Education Practices Commission; authority to discipline, to:

- Expand the authority and responsibility of the Department of Education to investigate allegations of misconduct by certified educators.

Amend s. 1012.796, F.S., Complaints against teachers and administrators; procedures; penalties , to:

- Provide that the DOE shall immediately investigate any legally sufficient complaint that involves misconduct by any certificated personnel which affects the health, safety, or welfare of a student.
- Require district school boards to adopt policies that carry out the provisions of this act.
- Provide criteria for the immediate removal of instructional personnel or school administrators from positions with direct student conduct when there are allegations of misconduct that affect the health, safety or welfare of students.

The bill appropriates \$153,872 to the Department of Education for two full-time equivalent positions to implement this Act.

Makes conforming changes to the following sections of statute to reflect changes made in this act:

- S. .121, F.S., Allocation of revenues and expenditure of funds for public education
- S. 1001.32, F.S., Management, control, operation, administration, and supervision
- S. 1001.452, F.S., District and school advisory councils
- S. 1001.54, F.S., Duties of school principals
- S. 1002.32, F.S., Developmental research (laboratory) schools
- S. 1003.413, F.S., Florida Secondary School Redesign Act
- S. 1003.53, F.S., Dropout prevention and academic intervention
- S. 1004.92, F.S., Purpose and responsibilities for career education
- S. 1008.33, F.S., Authority to enforce public school improvement
- S. 1008.345, F.S., Implementation of state system of school improvement and education accountability
- S. 1010.215, F.S., Educational funding accountability
- S. 1011.18, F.S., School depositories; payments into and withdrawals from depositories
- S. 1012.32, F.S., Qualifications of personnel
- S. 1012.34, F.S., Assessment procedures and criteria
- S. 1012.33, F.S., Contracts with instructional staff, supervisors, and school principals
- S. 1012.56, F.S., Educator certification requirements
- S. 1012.98, F.S., School Community Professional Development Act
- S. 1013.03, F.S., Functions of the department and the Board of Governors

**General Implementation Timeline:**

July 1, 2008    The act will become effective.