

STATE BOARD OF EDUCATION
Consent Item
March 22, 2017

SUBJECT: Approval of Repeal of Rule 6A-4.037, Revocation or Suspension of Certificates

PROPOSED BOARD ACTION

For Approval

AUTHORITY FOR STATE BOARD ACTION

Section 1001.02, F.S.

EXECUTIVE SUMMARY

This rule is proposed for repeal as it lacks rulemaking authority and the rule language is unnecessary. The process is clearly outlined in statute and current practice follows statute.

Supporting Documentation Included: Proposed Rule 6A-4.037, F.A.C.

Facilitator: Brian Dassler, Deputy Chancellor for Educator Quality

6A-4.037 Revocation or Suspension of Certificates.

Rulemaking Authority 1012.796 FS. Law Implemented 120.60(6), 120.62(2), 1012.796(1), (3), (5), (6) FS. History—New 4-10-64, Amended 7-24-67, 4-11-70, 6-16-72, 12-19-74, 5-24-77, 8-20-81, Formerly 6A-4.37, Repealed

6A-4.037 Revocation or Suspension of Certificates.

(1) When a superintendent, school board member or principal has cause to believe that a holder of a Florida teacher's certificate is guilty of any offense for which the penalty is revocation or suspension of a teacher's certificate, it shall be the duty of said superintendent, school board member or principal to file a complaint. Any individual may file a complaint. The complaint shall include the name of the educator charged and the alleged acts being reported. Complaints shall be filed with the Professional Practices Services Section, Department of Education, The Florida Education Center, Tallahassee, Florida 32399. Filed complaints will be processed in accordance with Section 1012.796, F.S.

(2) Before an administrative complaint is filed with the Education Practices Commission the certificate holder will be advised in general terms of the nature of the offense being investigated, and warned that any statement made may be used as evidence in the investigation. The individual will be given an opportunity to make a statement personally or by counsel or qualified representative.

(a) The notice and opportunity provided by this subsection shall be in accordance with the requirements of Section 120.60(6), F.S., and the prehearing conference provisions of Section 1012.796(3), F.S.

(b) Inability to deliver notice or the failure of the certificate holder to make a statement after notice will not preclude a finding of probable cause.

(3) The Commissioner is hereby delegated the authority to act in behalf of the Department when the Department is a party pursuant to Section 1012.796(5), F.S., to remand complaints pursuant to Section 1012.796(1), F.S., and to act upon complaints remanded pursuant to Section 1012.796(6), F.S.

(4) Section 1012.796(4), F.S., allows the public to have access, within ten (10) days after probable cause has been established, to a complaint and all appropriate information obtained pursuant to the investigation. "Appropriate information" is the package of materials upon which the Commissioner relied in finding probable cause.

Rulemaking Authority 1012.796 FS. Law Implemented 120.60(6), 120.62(2), 1012.796(1), (3), (5), (6) FS. History—New 4-10-64, Amended 7-24-67, 4-11-70, 6-16-72, 12-19-74, 5-24-77, 8-20-81, Formerly 6A-4.37.