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MEMORANDUM

TO: District School Superintendents
Personnel Directors
Certification Directors

FROM: David Ashburn

DATE: July 10, 2000

SUBJECT: Certification and Educator Misconduct Issues

This past legislative session, a comprehensive bill, CS/CS/HB 63, was signed into law that amended several statutes that govern the certification process for applicants and alleged educator misconduct. Areas that relate to personnel matters in Sections 231.17 and 231.28, Florida Statutes, are referenced below.

There was substantial rewording of Section 231.17, Florida Statutes.

As of July 1, 2000, s. 231.17, F.S., reads in part as follows:

“...(2) ELIGIBILITY CRITERIA...

(d) Submit to a fingerprint check from the Department of Law Enforcement and the Federal Bureau of Investigation pursuant to s. 231.02. If the fingerprint reports indicate a criminal history or if the applicant acknowledges a criminal history, the applicant's records shall be referred to the Bureau of Educator Standards for review and determination of eligibility for certification. If the applicant fails to

provide the necessary documentation requested by the Bureau of Educator Standards within 90 days after the date of the receipt of the certified mail request, the statement of eligibility and pending application shall become invalid...”

This revision establishes a 90-day time period for applicants who have criminal history records to submit requested documentation to the Bureau of Educator Standards for determination of eligibility for issuance of a certificate. If documents are not submitted within 90 days, the application and eligibility statement become invalid.

Former Section 231.28, Florida Statutes, was renumbered to Section 231.2615, Florida Statutes. This statute relates to the Education Practices Commission and its authority to discipline an individual’s Florida Educator Certificate.

As of July 1, 2000, s. 231.2615, F.S., reads in part as follows:

- “...(6)(b) The Education Practices Commission shall issue a final order revoking an individual’s Florida educator’s certificate for a minimum of 1 year under the following circumstances:
1. If the individual:
 - a. Has been found to have violated the provisions of this section, such that the Education Practices Commission has the authority to discipline the individual’s Florida educator’s certificate on two separate occasions;
 - b. Has twice entered into a settlement agreement enforced by a final order of the Education Practices Commission; or
 - c. Has been found to have violated the provisions of this section, such that the Education Practices Commission has the authority to discipline the individual’s Florida educator’s certificate on one occasion and entered into a settlement enforced by a final order of the Education Practices Commission on one occasion; and
 2. A third finding of probable cause and a finding that the allegations are proven or admitted to is subsequently found by the Commissioner of Education.

If, in the third instance, the individual enters into a settlement agreement with the Department of Education, that agreement shall also include a penalty revoking that individual’s Florida educator’s certificate for a minimum of 1 year.”

This revision requires the Education Practices Commission (EPC) to revoke an individual’s certificate for repeated offenses. If action has been taken on two separate occasions or if a settlement agreement has been entered into for a second time,

Memorandum
July 10, 2000
Page Three

or any combination of these conditions in the third instance under conditions specified in this section, the certificate shall be revoked for a minimum of one year.

Special Notice of Rule Amendment to Rule 6A-10.060, FAC., The Excellent Teaching Program.

On April 25, 2000, the State Board of Education approved an amendment to the Excellent Teaching Program (ETP) that specifies the circumstances by which a National Board certified Florida teacher shall lose eligibility for receipt of salary and mentoring bonuses. The conditions are:

Upon conclusion of an investigation by the Department of Education, a finding of probable cause to take disciplinary action against the educator's certificate is found; and if,

The allegations are proven or admitted to and result in a penalty, or if the educator enters into a settlement agreement with the Department of Education that results in a penalty.

From the date the above conditions are established, the Department of Education shall no longer pay the National Board teacher a salary bonus or mentoring bonus.

If we can be of any further assistance or provide additional information regarding this matter, please contact Jerry Whitmore or me.

DA/bg