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MEMORANDUM

TO: District School Superintendents

FROM: David Ashburn

DATE: July 17, 2000

SUBJECT: **2000 Quality Educator Legislation/Recovery Network Program**

Following the last legislative session, EDUCATE 2000 (CS/CS/HB 63) passed and became law effective July 1, 2000. Florida Statute 231.263 governing the Recovery Network Program for Impaired Educators received revision. This program assists educators who are impaired because of alcohol, drug abuse, or a mental condition in obtaining treatment to permit their continued contribution to the education profession. Documents and instructional materials are being prepared for dissemination throughout Florida that define the program and what the changes represent for certified educators and administrators.

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The revision provides educators with substance abuse issues, before multiple arrests occur, to seek for and engage in a treatment and advocacy process that could mitigate or eliminate the disciplinary process as related to the teaching certificate. Also, the Recovery Network Program will contact the personnel officer in each district to schedule a meeting with Lance D. Scalf, Ph.D., to review the current legislative change, provide information on the Recovery Network Program, and to direct attention to issues and problems associated with an impaired educator.

Changes to Florida Statute 231.263 are as follows:

“...6(c) A person who has not previously been under investigation by the department may be enrolled in a treatment program by the recovery network after an investigation has commenced, if the person:

1. Acknowledges his or her impairment.
2. Agrees to an evaluation, as approved by the recovery network.
3. Agrees to enroll in an appropriate treatment program approved by the recovery network.
4. Executes releases for all medical and treatment records regarding his or her impairment and participation in a treatment program to the recovery network, pursuant to 42 U.S.C., s. 290dd-3, and the federal regulations adopted thereunder.
5. Enters into a deferred prosecution agreement with the commissioner, which provides that no prosecution shall be instituted concerning the matters enumerated in the agreement if the person is properly enrolled in the treatment program and successfully completes the program as certified by the recovery network. The commissioner is under no obligation to enter into a deferred prosecution agreement with the educator, but may do so if he or she determines that it is in the best interest of the educational program of the state.
6. Has not previously entered a substance abuse program.
7. Is not being investigated for any action involving commission of a felony or violent act against another person.
8. Has not had multiple arrests for minor drug use, possession, or abuse of alcohol.

Please contact Debra Dove or Lance D. Scalf, Ph.D., for additional information.

DA/dd

cc: Personnel Directors
Certification Directors