



# Florida School Boards Association

*The voice of education in Florida.*

## Summary of HB 495 – K-12 Public Education

### **HB 495 – K-12 Public Education**

**By Reps. Diaz and Bileca**

**AMENDS:** Sections 121.091, 810.097, 1001.42, 1001.51, 1007.2616, 1008.22, 1012.27, 1012.31, 1012.315, 1012.56, 1012.795, 1012.796, F.S.

**CREATES:** Section 800.101, F.S.

**EFFECTIVE:** July 1, 2018 except as otherwise expressly provided

*This bill has school board policy implications*

The bill addresses several distinct issues including the Deferred Retirement Option Program (DROP), computer science instruction, end of course assessments, misconduct by authority figures, and educator conduct and certification.

#### Deferred Retirement Option Program (DROP)

The bill amends s. 121.091, F. S., relating to the Florida Retirement System, to modify participation in DROP for instructional and administrative personnel as follows:

- Provides that, effective July 1, 2018, instructional personnel who are authorized to extend DROP participation beyond the 60-month period must have a termination date that is the last day of the last month of the school year within the DROP extension granted by the employer.
- Authorizes a member's DROP participation to be extended through the last day of the last calendar month of the school year if, on July 1, 2018, a member's DROP participation has already been extended for the maximum 36 calendar months and the extension period concludes before the end of the school year.
- Provides that administrative personnel in grades K-12, who have a DROP termination date on or after July 1, 2018, may be authorized to extend DROP participation beyond the initial 60 calendar month period if the administrative personnel's termination date is before the end of the school year. Such administrative personnel may have DROP participation extended until the last day of the last month of the school year in which their original DROP termination date.
- Requires the employer to notify the Division of Retirement of the change in termination date and the additional period of DROP participation for the affected instructional and administrative personnel.

#### Computer Science Instruction

The bill amends s. 1007.2616, F.S., relating to computer science instruction, as follows:

- Defines "computer science" to mean the study of computers and algorithmic processes, including their principles, hardware and software designs, applications, and their impact on society, and includes computer coding and computer programming.
- Requires middle schools, high schools, and combination schools to offer computer science courses.
- Requires computer science courses to be identified in the Course Code Directory (CCD) and published on the FDOE website by July 1, 2018. Additional computer science courses may be subsequently identified and posted on the website.
- Requires the Florida Virtual School (FLVS) to offer computer science courses identified in the CCD. If a school district does not offer and identified course, the district must provide students access to such course through the FLVS or through other means.

- Provides that, subject to legislative appropriation, a school district or a consortium of school districts may apply to the FDOE for funding to deliver or facilitate training for classroom teachers to earn an educator certificate in computer science or an industry certification associated with a course identified in the CCD. Such funding shall only be used to provide training for classroom teachers and to pay fees for examinations that lead to a credential.
- Provides, subject to legislative appropriation, the following bonuses to a public school classroom teacher evaluated as effective or highly effective, or is newly hired:
  - \$1,000 after each year teaching a computer science course, for up to three years, if the classroom teacher holds an educator certificate in computer science or has passed the computer science subject area examination and holds an adjunct certificate.
  - \$500 after each year teaching a specified course, for up to three years, if the classroom teacher holds an industry certification associated with a computer science course.
- Requires a school district to report a qualifying classroom teacher to the FDOE. An eligible classroom teacher shall receive his or her bonus upon completion of the school year in which he or she taught the course. A teacher may not receive more than one bonus per year.
- Requires, rather than authorizes, the State Board of Education (SBE) to adopt rules to administer these provisions.

#### Statewide Assessment Program

The bill amends s. 1008.22, F.S., relating to student assessments, to provide that a student enrolled in an Advanced Placement (AP), International Baccalaureate (IB), or Advanced International Certificate of Education (AICE) course who takes the respective AP, IB, or AICE assessments and earns the minimum score necessary to earn college credit does not have to take the required end-of-course assessment for the corresponding course.

#### Offenses Against Students

The bill creates s. 800.101, F.S., relating to offences against students by authority figures, to provide as follows:

- Provides the following definitions:
  - "Authority figure" means a person 18 years of age or older who is employed by, volunteering at, or under contract with a school, including school resource officers.
  - "School" has the same meaning as provided in s. 1003.01, F.S., and includes a private school, a voluntary prekindergarten education program, early learning programs, certain child care centers, the Florida School for the Deaf and the Blind, and the Florida Virtual School.
  - "Student" means a person who is enrolled at a school.
- Provides that an authority figure shall not solicit or engage in sexual conduct, a relationship of a romantic nature, or lewd conduct with a student
- Provides that a person who violates this section commits a felony of the second degree, punishable as provided by law.
- Adds this offense to the list of offenses in s. 1012.315, F.S., that disqualify educators from certification and/or employment.

The bill amends s. 810.097, F.S., relating to trespass on school grounds, by adding school buses to the definition of "school" so that the provisions in law regarding trespass on school grounds or facilities will also apply to buses.

#### Educator Conduct, Certification, and Employment

The bill modifies several sections of law relating to educator certification requirements and misconduct as follows:

- Expands the applicability of certain employment disqualification criteria to include all positions that require direct contact with students.

- Grants the Department of Education (FDOE) and the Education Practices Commission additional authority to enforce the educator certification requirements and impose penalties against persons who do not comply with certification requirements.
- Requires an educator who has been placed on probation to immediately notify the investigative office in the FDOE upon separation from employment in any public or private position requiring a Florida educator's certificate.
- Revises standards of ethical conduct for instructional personnel and school administrators to expand the current training on alleged misconduct by instructional personnel and school administrators to include specified misconduct that would result in disqualification from educator certification or employment.
- Requires a school district to:
  - File in writing with the FDOE any legally sufficient complaint against an employee of the school district within a specified timeframe, regardless of the status of the complaint and regardless of whether the subject of the complaint is still a district employee.
  - Immediately notify the FDOE if the subject of a legally sufficient complaint of misconduct affecting the health, safety, or welfare of a student resigns or is terminated before the conclusion of the district's investigation.
- Requires the FDOE, upon receipt of notification by the school district, to place an alert on a person's certification file indicating that he or she resigned or was terminated before an investigation involving allegations of misconduct affecting the health, safety, or welfare of a student was concluded.
- Requires a district school superintendent to:
  - Report misconduct by instructional personnel or school administrators that would result in a disqualification from educator certification or employment to the law enforcement agencies with jurisdiction over the conduct. The bill provides that a superintendent who knowingly fails to report misconduct to law enforcement agencies must forfeit his or her salary for one year after the date of such failure to act.
  - Notify the parent of a student who was subjected to or affected by specified misconduct within 30 days after the date on which the school district learns of the misconduct, and specifies the information that must be included in such notification.
- Requires the resignation or termination of an employee before the conclusion of an alleged misconduct investigation affecting the health, safety, or welfare of a student to be clearly indicated in the employee's personnel file.