

1 A bill to be entitled
 2 An act relating to public school instructional
 3 personnel employment contracts; amending ss. 1001.42
 4 and 1012.33, F.S.; conforming provisions to changes
 5 made by the act; amending s. 1012.335, F.S.; revising
 6 definitions; defining the term "retention contract";
 7 revising requirements for the award of an annual
 8 contract to specified employees; providing for the
 9 award of a retention contract; amending s. 1012.57,
 10 F.S.; conforming provisions to changes by the act;
 11 providing an effective date.

12
 13 Be It Enacted by the Legislature of the State of Florida:
 14

15 Section 1. Paragraph (b) of subsection (24) of section
 16 1001.42, Florida Statutes, is amended to read:

17 1001.42 Powers and duties of district school board.—The
 18 district school board, acting as a board, shall exercise all
 19 powers and perform all duties listed below:

20 (24) EMPLOYMENT CONTRACTS.—

21 (b) A district school board may not award a ~~an annual~~
 22 contract on the basis of any contingency or condition not
 23 expressly authorized in law by the Legislature or alter or limit
 24 its authority to award or not award a ~~an annual~~ contract as
 25 provided in s. 1012.335. This paragraph applies only to a

26 collective bargaining agreement entered into or renewed by a
 27 district school board on or after June 15, 2017.

28 Section 2. Subsection (8) of section 1012.33, Florida
 29 Statutes, is amended to read:

30 1012.33 Contracts with instructional staff, supervisors,
 31 and school principals.—

32 (8) Notwithstanding any other provision of law, a retired
 33 member may interrupt retirement and be reemployed in any public
 34 school as instructional personnel under a 1-year probationary
 35 contract as defined in s. 1012.335(1). If the retiree
 36 successfully completes the probationary contract, the district
 37 school board may reemploy the retiree under an annual or
 38 retention contract as defined in s. 1012.335(1). The retiree is
 39 not eligible for a professional service contract.

40 Section 3. Paragraph (a) of subsection (1) and subsections
 41 (2), (3), and (4) of section 1012.335, Florida Statutes, are
 42 amended, and paragraph (d) is added to subsection (1) of that
 43 section, to read:

44 1012.335 Contracts with instructional personnel hired on
 45 or after July 1, 2011.—

46 (1) DEFINITIONS.—As used in this section, the term:

47 (a) "Annual contract" means an employment contract for a
 48 period of no longer than 1 school year which the district school
 49 board shall ~~may choose to award to instructional personnel~~
 50 meeting the criteria specified in this section or not award

51 without cause.

52 (d) "Retention contract" means an employment contract for
53 a period longer than 1 school year which the district school
54 board shall award to instructional personnel meeting the
55 criteria specified in this section or not award if cause exists.

56 (2) EMPLOYMENT.—

57 (a) Beginning July 1, 2020 ~~2011~~, each individual newly
58 hired as instructional personnel by the district school board
59 shall be awarded a probationary contract. Upon successful
60 completion of the probationary contract, the district school
61 board shall ~~may~~ award a ~~an annual~~ contract pursuant to
62 paragraphs (b) and ~~paragraph~~ (c). Instructional personnel
63 awarded an annual contract may have his or her contract not
64 renewed with or without cause.

65 (b) A retention contract may be awarded only if the
66 employee:

67 1. Holds an active professional certificate issued
68 pursuant to s. 1012.56 and rules of the State Board of
69 Education.

70 2. Has been recommended by the district school
71 superintendent for the retention contract based upon the
72 employee's evaluation under s. 1012.34, is rated effective or
73 highly effective under s. 1012.34 for the previous school year,
74 and is approved by the district school board.

75 ~~(b) Beginning July 1, 2011, an annual contract may be~~

76 | ~~awarded pursuant to paragraph (c) for instructional personnel~~
77 | ~~who have successfully completed a probationary contract with the~~
78 | ~~district school board and have received one or more annual~~
79 | ~~contracts from the district school board.~~

80 | (c) An annual contract may be awarded only if the
81 | employee:

82 | 1. Holds an active professional certificate or temporary
83 | certificate issued pursuant to s. 1012.56 and rules of the State
84 | Board of Education.

85 | 2. Has been recommended by the district school
86 | superintendent for the annual contract based upon the
87 | individual's evaluation under s. 1012.34 and approved by the
88 | district school board.

89 | 3. Has not received two consecutive annual performance
90 | evaluation ratings of unsatisfactory, two annual performance
91 | evaluation ratings of unsatisfactory within a 3-year period, or
92 | three consecutive annual performance evaluation ratings of needs
93 | improvement or a combination of needs improvement and
94 | unsatisfactory under s. 1012.34.

95 | (3) VIOLATION OF ~~ANNUAL~~ CONTRACT.—Instructional personnel
96 | who accept a written offer from the district school board and
97 | who leave their positions without prior release from the
98 | district school board are subject to the jurisdiction of the
99 | Education Practices Commission.

100 | (4) SUSPENSION OR DISMISSAL OF INSTRUCTIONAL PERSONNEL ON

101 ~~ANNUAL~~ CONTRACT.—Any instructional personnel with a ~~an annual~~
 102 contract may be suspended or dismissed at any time during the
 103 term of the contract for just cause as provided in subsection
 104 (5). The district school board shall notify the employee in
 105 writing whenever charges are made and may suspend such person
 106 without pay. However, if the charges are not sustained, the
 107 employee shall be immediately reinstated and his or her back pay
 108 shall be paid. If the employee wishes to contest the charges, he
 109 or she must, within 15 days after receipt of the written notice,
 110 submit a written request for a hearing to the district school
 111 board. A direct hearing shall be conducted by the district
 112 school board or a subcommittee thereof within 60 days after
 113 receipt of the written appeal. The hearing shall be conducted in
 114 accordance with ss. 120.569 and 120.57. A majority vote of the
 115 membership of the district school board shall be required to
 116 sustain the district school superintendent's recommendation. The
 117 district school board's determination is final as to the
 118 sufficiency or insufficiency of the grounds for suspension
 119 without pay or dismissal. Any such decision adverse to the
 120 employee may be appealed by the employee pursuant to s. 120.68.

121 Section 4. Subsection (4) of section 1012.57, Florida
 122 Statutes, is amended to read:

123 1012.57 Certification of adjunct educators.—

124 (4) Each adjunct teaching certificate is valid through the
 125 term of the ~~annual~~ contract between the educator and the school

126 | district. An additional annual certification and an additional
127 | ~~annual~~ contract may be awarded by the district at the district's
128 | discretion but only if the applicant is rated effective or
129 | highly effective under s. 1012.34 during each year of teaching
130 | under adjunct teaching certification. A school district may
131 | issue an adjunct teaching certificate for a part-time or full-
132 | time teaching position; however, an adjunct teaching certificate
133 | issued for a full-time teaching position is valid for no more
134 | than 3 years and is nonrenewable.

135 | Section 5. This act shall take effect July 1, 2020.