

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Education Pre-K - 12 Committee

BILL: SM 1742

INTRODUCER: Senator Carlton

SUBJECT: Educator Ethics

DATE: March 1, 2008

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Carrouth</u>	<u>Matthews</u>	<u>ED</u>	<u>Favorable</u>
2.	_____	_____	_____	_____
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

I. Summary:

The Senate Memorial urges the Congress of the United States to support the passage of laws that would establish ethical standards for professional educators and develop a national clearinghouse to strengthen state efforts in the reporting, screening, and sharing of critical information relative to educator misconduct.

II. Present Situation:

Current Federal Law

Currently, federal law does not provide a mechanism for systematically reporting and sharing of data relating to educator misconduct. Florida recruits and employs a large percentage of its teachers from other states¹ and its ability to effectively screen out-of-state applicants depends largely on the disclosure of information provided by other states and entities.

Current Practice

The Florida Department of Education (DOE) is an active member of the National Association of State Directors of Teacher Education and Certification (NASDTEC).² This professional organization administers the NASDTEC clearinghouse, a searchable database restricted to registered users and administered by the education departments of NASDTEC members. Although a valuable screening tool for state-level administrators, the clearinghouse is only as effective as the educator ethics laws enacted in other states and the accuracy of the reporting of

¹ According to the DOE, approximately 29 percent of new teaching certificates are issued to teachers from other states.

² See <http://www.nasdtec.org/>

educator misconduct. Its value is also diminished when Florida school districts fail to avail themselves of the information provided through the DOE.

Proposed Federal Legislation

The Student Protection Act - 2007 House Resolution 1829, has been introduced in Congress to develop a national system of oversight of States for sexual misconduct in the elementary and secondary school system.³ Under the resolution, the Secretary of Education would be required to maintain a national database of incidents in which an educator has committed an act of sexual misconduct against a student. This federal legislation has been filed by Florida Representative Adam Putnam and now has fifteen co-sponsors representing nine states.

The resolution also requires that for fiscal year 2010 and each fiscal year thereafter, each state must have in effect laws and policies that ensure efficient reporting policies and procedures, investigative training protocols, and financial penalties for non-compliance.

III. Effect of Proposed Changes:

Fifteen states are currently considering legislation to strengthen laws related to screening for and reporting of misconduct by educators, primarily as it relates to unethical conduct with students.⁴ These efforts by individual states are commendable; however, without adopting systematic policies and procedures at the national level, all states will remain vulnerable when hiring educators from states with substandard educator ethics laws and reporting procedures.

Florida has been cited in recent news reports as having the most comprehensive and far reaching legislation currently proposed.⁵ By urging Congress to pass federal legislation and to support the development and implementation of a national clearinghouse to reflect and support the stringent requirements outlined in Florida legislation, Florida would be poised to provide a leadership role at the national level, and unfit educators would be much less likely to have access to students.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

³ 2007 H.R. 1829, 110th Congress

⁴ California, Colorado, Florida, Indiana, Kentucky, Maine, Massachusetts, Minnesota, Missouri, New York, South Carolina, Virginia, Washington, and West Virginia – See <http://www.cnn.com/2008/US/01/27/teacher.sex.abuse.ap/>

⁵ <http://www.heraldtribune.com/article/20080207/NEWS/802070468>

V. Fiscal Impact Statement:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Additional Information:**A. Committee Substitute – Statement of Substantial Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.