

By Senator Dyer

14-1315-98

See HB

1                                   A bill to be entitled  
2           An act relating to personnel of the school  
3           system; amending ss. 230.23 and 230.33, F.S.,  
4           relating to powers and duties of district  
5           school boards and school superintendents;  
6           providing that salary schedules may be based  
7           upon certification by the National Board for  
8           Professional Teaching Standards; providing  
9           requirements for counting years of service;  
10          amending s. 231.173, F.S.; providing for  
11          certification and specialization coverage for  
12          out-of-state teachers certified by the National  
13          Board for Professional Teaching Standards;  
14          creating s. 231.176, F.S., relating to National  
15          Board for Professional Teaching Standards  
16          certification; providing for payment of  
17          certification fees and approved leave from  
18          funds appropriated to the Department of  
19          Education; providing eligibility requirements  
20          for receipt of funding; providing school  
21          district requirements; amending s. 231.24,  
22          F.S.; authorizing renewal of certificates  
23          through national certification; creating s.  
24          231.315, F.S.; providing for the establishment  
25          of model peer assistance and review programs;  
26          providing minimum standards; providing for  
27          technical assistance and allocations; amending  
28          s. 231.600, F.S., relating to the School  
29          Community Professional Development Act;  
30          including additional professional development  
31          activities; requiring an assessment of

1 expenditures for professional development;  
2 amending s. 236.0811, F.S.; providing  
3 requirements for educational training for  
4 support staff; providing for additional days of  
5 inservice training; providing an effective  
6 date.

7

8 Be It Enacted by the Legislature of the State of Florida:

9

10 Section 1. Paragraph (c) of subsection (5) of section  
11 230.23, Florida Statutes, is amended to read:

12 230.23 Powers and duties of school board.--The school  
13 board, acting as a board, shall exercise all powers and  
14 perform all duties listed below:

15 (5) PERSONNEL.--Designate positions to be filled,  
16 prescribe qualifications for those positions, and provide for  
17 the appointment, compensation, promotion, suspension, and  
18 dismissal of employees as follows, subject to the requirements  
19 of chapter 231:

20 (c) Compensation and salary schedules.--Adopt a salary  
21 schedule or salary schedules to be used as a basis for paying  
22 all school employees, such schedules to be arranged, insofar  
23 as practicable, so as to furnish incentive for improvement in  
24 training and for continued and efficient service and fix and  
25 authorize the compensation of school employees on the basis of  
26 such schedules. A district school board, in determining the  
27 salary schedule for instructional personnel, must base a  
28 portion of each employee's compensation on performance  
29 demonstrated under s. 231.29 and must consider the prior  
30 teaching experience of a person who has been designated state  
31 teacher of the year by any state in the United States. A

1 district school board, in determining the salary schedules for  
2 instructional personnel and instructional specialists, may  
3 base a portion of an employee's compensation on certification  
4 by the National Board for Professional Teaching Standards and  
5 consider such certification as a demonstration of performance  
6 under s. 231.29. A district school board's salary schedules  
7 for instructional personnel and instructional specialists must  
8 count a year of service in any Florida public school as equal  
9 to a year of service in its school district. A year of service  
10 shall be as defined in s. 228.041(20).In developing the  
11 salary schedule, the school board shall seek input from  
12 parents, teachers, and representatives of the business  
13 community.

14 Section 2. Paragraph (b) of subsection (7) of section  
15 230.33, Florida Statutes, is amended to read:

16 230.33 Duties and responsibilities of  
17 superintendent.--The superintendent shall exercise all powers  
18 and perform all duties listed below and elsewhere in the law;  
19 provided, that in so doing he or she shall advise and counsel  
20 with the school board. The superintendent shall perform all  
21 tasks necessary to make sound recommendations, nominations,  
22 proposals, and reports required by law to be acted upon by the  
23 school board. All such recommendations, nominations,  
24 proposals, and reports by the superintendent shall be either  
25 recorded in the minutes or shall be made in writing, noted in  
26 the minutes, and filed in the public records of the board. It  
27 shall be presumed that, in the absence of the record required  
28 in this paragraph, the recommendations, nominations, and  
29 proposals required of the superintendent were not contrary to  
30 the action taken by the school board in such matters.

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1           (7) PERSONNEL.--Be responsible, as required herein,  
2 for directing the work of the personnel, subject to the  
3 requirements of chapter 231, and in addition the  
4 superintendent shall have the following duties:

5           (b) Compensation and salary schedules.--Prepare and  
6 recommend to the school board for adoption a salary schedule  
7 or salary schedules. The superintendent must recommend a  
8 salary schedule for instructional personnel which bases a  
9 portion of each employee's compensation on performance  
10 demonstrated under s. 231.29. In developing the recommended  
11 salary schedules for instructional personnel and instructional  
12 specialists, the superintendent may base a portion of an  
13 employee's compensation on certification by the National Board  
14 for Professional Teaching Standards and consider such  
15 certification as a demonstration of performance under s.  
16 231.29. The recommended salary schedules for instructional  
17 personnel and instructional specialists must count a year of  
18 service in any Florida public school as equal to a year of  
19 service in that school district. A year of service shall be as  
20 defined in s. 228.041(20).In developing the recommended  
21 salary schedule, the superintendent shall include input from  
22 parents, teachers, and representatives of the business  
23 community.

24           Section 3. Section 231.173, Florida Statutes, is  
25 amended to read:

26           231.173 Successful experienced out-of-state teachers  
27 and administrators.--

28           (1) Notwithstanding the provisions of ss. 231.02,  
29 231.15, and 231.17, ~~and 231.172~~ or any other provision of law  
30 or rule to the contrary, a successful, experienced, and  
31 certified out-of-state teacher or administrator employed in a

1 public school or nonpublic school in this state may qualify  
2 for a professional certificate if the applicant:

3 (a)~~(1)~~ Completes the application process, including  
4 the filing of a complete set of fingerprints as required by s.  
5 231.02.

6 (b)~~(2)~~ Holds a valid standard certificate issued by  
7 the state where the applicant most recently taught, which  
8 standard certificate is equivalent to the professional  
9 certificate issued by this state and for which specialization  
10 coverage is based on a level of training comparable to that  
11 required in this state for the applicant's area of assignment.

12 (c)~~(3)~~ Documents 5 years of appropriate successful  
13 full-time teaching or administrative experience, including 2  
14 continuous years during the 5-year period immediately  
15 preceding the date of application for certification.

16 (d)~~(4)~~ Submits a request for issuance of the  
17 professional certificate from the superintendent of the  
18 employing school district or governing authority of the  
19 employing developmental research school, state-supported  
20 school, or nonpublic school within the first 120 days of  
21 assignment with validation of awareness of the standards of  
22 professional practice.

23 (2) Notwithstanding the provisions of s. 231.15 or s.  
24 231.17 or any other provision of law or rule to the contrary,  
25 an out-of-state teacher shall qualify for a professional  
26 certificate if the teacher meets the requirements of paragraph  
27 (1)(a) and is certified by the National Board for Professional  
28 Teaching Standards.

29 (3)~~(5)~~ The certificate issued in accordance with these  
30 provisions shall reflect specialization coverages as follows:  
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1 (a) Teachers.--A teacher appointed to an academic  
2 assignment shall be eligible for the academic coverage in an  
3 area in which the teacher is assigned or in the area of the  
4 teacher's certification by the National Board for Professional  
5 Teaching Standards.

6 (b) Principals.--An individual appointed as an intern  
7 or interim principal of a K-12 school shall be eligible for  
8 the educational leadership coverage.

9 (c) Administrators of adult education.--An individual  
10 appointed as an administrator of an adult education program  
11 shall be eligible for the administration of adult education  
12 coverage.

13 (d) Directors of career education.--An individual  
14 appointed as a director of career education shall be eligible  
15 for the director of career education coverage.

16 Section 4. Section 231.176, Florida Statutes, is  
17 created to read:

18 231.176 National Board for Professional Teaching  
19 Standards certification.--

20 (1) Of the funds appropriated by the Legislature to  
21 the Department of Education for fiscal year 1998-1999,  
22 \$2,500,000 may be used during fiscal year 1998-1999 to pay the  
23 certification fee for up to 1,000 full-time teachers employed  
24 by district school boards or public schools within this state  
25 to participate in the National Board for Professional Teaching  
26 Standards (NBPTS) certification program and to pay for up to 3  
27 days of approved leave for each selected participant in the  
28 NBPTS certification program during the 1998-1999 school year.  
29 Each school district shall receive a pro rata share of the  
30 available funds based on its pro rata share of the state's  
31 unweighted FTE. This program shall continue each year at the

1 level funded by the Legislature in that year's General  
2 Appropriations Act.

3 (2) A teacher is eligible to participate who:

4 (a) Has completed 3 years of teaching in the public  
5 schools of this state before applying for NBPTS certification.

6 (b) Has not previously received state funds for  
7 participating in any certification area in the NBPTS  
8 certification program.

9 (c) Has been selected to participate by the school or  
10 the school district and has the approval of his or her  
11 supervisors before taking paid leave to participate in the  
12 NBPTS certification program.

13 (d) Agrees to teach in a public school of this state  
14 for at least 1 year after completing the certification  
15 program.

16 (3) A teacher for whom the state pays the  
17 certification fee and who does not complete the certification  
18 program or does not teach in a public school of this state for  
19 a least 1 year after completing the certification program must  
20 repay the amount of the certification fee to the state.

21 However, a teacher who completes the certification program but  
22 fails to be awarded NBPTS certification is not required to  
23 repay the amount of the certification fee if the teacher meets  
24 the 1-year teaching requirement. Repayment is not required of  
25 a teacher who does not complete the certification program or  
26 fails to fulfill the teaching requirement because of the  
27 teacher's death or disability or because of other extenuating  
28 circumstances as determined by the State Board of Education.

29 (4) A school district that applies for funding under  
30 subsection (1) must provide staff development activities,  
31 including reflective writing, collaborative teaching, and

1 video production, and must provide 3 days of school release  
2 time to a teacher for the portfolio development application  
3 process for the NBPTS certification program. Two or more  
4 school districts may combine their resources to provide staff  
5 development activities.

6 (5) School districts are encouraged to award salary  
7 stipends for participants who achieve certification from the  
8 NBPTS and to include opportunities for enhanced professional  
9 roles for nationally certified teachers, including, but not  
10 limited to, staff development trainers and peer mentors in a  
11 peer assistance and review program.

12 Section 5. Subsection (2) and paragraph (b) of  
13 subsection (3) of section 231.24, Florida Statutes, are  
14 amended to read:

15 231.24 Process for renewal of professional  
16 certificates.--

17 (2) All professional certificates, except a  
18 nonrenewable professional certificate, shall be renewable for  
19 successive periods not to exceed 5 years after the date of  
20 submission of documentation of completion of the requirements  
21 for renewal provided in subsection (3). Only one renewal may  
22 be granted during each 5-year validity period of a  
23 professional certificate, except that a teacher with national  
24 certification from the National Board for Professional  
25 Teaching Standards is deemed to meet state renewal  
26 requirements for the life of the teacher's national  
27 certificate. However, if the renewal application form is not  
28 received by the department or by the employing school district  
29 before the expiration of the professional certificate, the  
30 application form, application fee, and a late fee must be  
31 submitted before July 1 of the year following expiration of



1 the certificate in order to renew the professional  
2 certificate. The state board shall adopt rules to allow a  
3 1-year extension of the validity period of a professional  
4 certificate in the event of serious illness, injury, or other  
5 extraordinary extenuating circumstances of the applicant. The  
6 department shall grant such 1-year extension upon written  
7 request by the applicant or by the superintendent of the local  
8 school district or the governing authority of a developmental  
9 research school, state-supported school, or nonpublic school  
10 that employs the applicant.

11 (3) For the renewal of a professional certificate, the  
12 following requirements must be met:

13 (b) In lieu of college course credit or inservice  
14 points, the applicant may renew a specialization area by  
15 passage of a state board approved subject area test, by  
16 completion of the national certification from the National  
17 Board for Professional Teaching Standards in that  
18 specialization area, or by completion of a department approved  
19 summer work program in a business or industry directly related  
20 to an area of specialization listed on the certificate. The  
21 state board shall adopt rules providing for the approval  
22 procedure.

23 Section 6. Section 231.315, Florida Statutes, is  
24 created to read:

25 231.315 Peer assistance and review.--

26 (1) The Legislature, the education community, and the  
27 public expect high standards of professional practice from  
28 school district and school administrators and instructional  
29 staff. To promote high professional standards, school  
30 districts, administrators, and teachers must develop a system  
31 of shared accountability. Peer assistance and review is a

1 process in which highly skilled teachers serve in a consulting  
2 role with their peers to improve the quality of classroom  
3 instruction. Peer assistance and review allows administrators  
4 and teachers to share the responsibility of mentoring,  
5 training, assisting, and reviewing the professional standards  
6 and practices of teachers.

7 (2) Peer assistance and review programs must meet the  
8 following minimum standards:

9 (a) Program provisions must be developed through the  
10 collective bargaining agreement between the teachers'  
11 association and the school district.

12 (b) A joint teacher and school district governing body  
13 must be created with responsibility to review recommendations  
14 of the consulting peer teachers.

15 (c) Consulting peer teachers must be recognized by  
16 their peers as highly skilled practitioners and must be  
17 selected by their peers.

18 (d) Consulting peer teachers must be properly  
19 compensated and trained.

20 (e) Consulting peer teachers must provide assistance  
21 and review for teachers with the same area of expertise as the  
22 consulting peer teacher.

23 (f) Consulting peer teachers must not be considered  
24 administrative personnel and must retain status within the  
25 employees' collective bargaining unit.

26 (3) For fiscal years 1998-1999 and 1999-2000, up to  
27 six school districts may be selected to establish model peer  
28 assistance and review programs. At least one district selected  
29 must have less than 6,000 students and at least one district  
30 selected must have more than 100,000 students. Districts that  
31 wish to apply for selection must submit an application to the

1 Department of Education by September 1, 1998, which includes  
2 the agreement between the teachers' association and the school  
3 district. By October 1, 1998, the department shall select the  
4 participating districts based on the quality of their  
5 applications.

6 (4) The department shall provide technical assistance  
7 to selected school districts to establish model peer  
8 assistance and review programs.

9 (5) The school districts selected to establish model  
10 peer assistance and review programs shall receive an  
11 allocation from the department as established in the General  
12 Appropriations Act.

13 (6) During the 1999-2000 fiscal year, the department  
14 shall assess the results of the selected model peer assistance  
15 and review programs and shall submit a report to the Governor,  
16 the President of the Senate, and the Speaker of the House of  
17 Representatives by March 1, 2000. The report must include the  
18 department's recommendation as to the continuation or  
19 expansion of peer assistance and review programs.

20 Section 7. Subsections (3) and (5) and paragraph (b)  
21 of subsection (4) of section 231.600, Florida Statutes, are  
22 amended to read:

23 231.600 School Community Professional Development  
24 Act.--

25 (3) The activities designed to implement this section  
26 must:

27 (a) Identify and meet state standards for student  
28 learning and increase the success of educators in guiding  
29 student learning and development so as to implement state and  
30 local educational initiatives.†

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1 (b) Assist the school community in developing in  
2 school children the dispositions that will motivate them to be  
3 active learners, ~~and~~

4 (c) Provide continuous support, rather than temporary  
5 intervention, for improving the performance of teachers and  
6 others who assist children in their learning.

7 (d) Convey to the school community the adopted best  
8 practices for effective teaching.

9 (e) Examine elements of successful schools and the  
10 roles of teachers, administrators, parents, and other school  
11 community members in those schools.

12 (f) Encourage teachers to design personal professional  
13 development plans to improve professional practice and  
14 increase student performance.

15 (4) The Department of Education, school districts,  
16 schools, and public colleges and universities share the  
17 responsibilities described in this section. These  
18 responsibilities include the following:

19 (b) Each district school board shall consult with  
20 teachers and representatives of college and university  
21 faculty, community agencies, and other interested citizen  
22 groups to establish policy and procedures to guide the  
23 operation of the district professional development program.  
24 The professional development system must:

25 1. Require that schools identify student needs that  
26 can be met by improved professional performance, and assist  
27 schools in making these identifications, ~~and~~

28 2. Provide training and other professional development  
29 appropriate to accomplish district-level ~~and school-level~~  
30 improvement goals and standards, ~~and~~

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1           3. Provide training and other professional development  
2 at the school level appropriate to the needs of the students  
3 of the school and consistent with the school improvement plan.

4           ~~4.3.~~ Provide for systematic consultation with regional  
5 and state personnel designated to provide technical assistance  
6 and evaluation of local professional development programs.

7           (5) Each district school board shall provide funding  
8 for the system as required by s. 236.081, and shall direct  
9 expenditures from other funding sources to strengthen the  
10 system and make it uniform and coherent. A school district  
11 may coordinate its professional development program with that  
12 of another district, with an educational consortium, or with a  
13 college or university, especially in preparing and educating  
14 personnel. School districts, in coordination with school  
15 personnel and the school community, shall develop an ongoing  
16 assessment of the effectiveness of current expenditures for  
17 professional development with an emphasis on increasing  
18 student performance and improving professional performance.

19           Section 8. Paragraph (a) of subsection (2) of section  
20 236.0811, Florida Statutes, is amended, and subsection (3) is  
21 added to said section, to read:

22           236.0811 Educational training.--

23           (2)(a)1. Pursuant to rules of the Commissioner of  
24 Education, each school board shall develop and annually  
25 approve a master plan for inservice educational training. The  
26 plan shall include all inservice programs for all district  
27 employees from all fund sources and shall be updated annually  
28 by September 1 using criteria and procedures for continued  
29 approval as specified by rule of the commissioner.  
30 Verification that the plan meets all requirements of this  
31 section and s. 231.600, where applicable, must be submitted

1 annually to the commissioner by October 1. The plan must be  
2 based on an assessment of the inservice educational training  
3 needs of the district conducted by a committee that includes  
4 parents, classroom teachers, and other educational personnel.  
5 This assessment must identify districtwide inservice needs and  
6 the inservice training needs of local schools. The plan must  
7 include, at a minimum, the inservice activities that are  
8 necessary for implementation of the schools' improvement plans  
9 during the current fiscal year. The plan must include, but is  
10 not limited to, components addressing: competencies in the  
11 identification, assessment, and prescription of instruction  
12 for exceptional students; competencies in the identification,  
13 assessment, and prescription of instruction for child abuse  
14 and neglect prevention and for substance and alcohol abuse  
15 prevention; and competencies in instruction for multicultural  
16 sensitivity in the classroom. In addition, the plan must  
17 include a component to provide regular training to classroom  
18 teachers on advances in the field of normal child development  
19 and the disorders of development. The plan must also include  
20 components that may be used to satisfy the certification  
21 requirements applicable to teachers of students with limited  
22 proficiency in English and components that may be used for the  
23 renewal of a certificate in each of the following areas: a  
24 study of the middle grades, understanding the student in the  
25 middle grades, organizing interdisciplinary instruction in the  
26 middle grades, developing critical thinking and creative  
27 thinking in students in the middle grades, counseling  
28 functions of the teacher in the middle grades, developing  
29 creative learning materials for the middle grades, and  
30 planning and evaluating programs in the middle grades. The  
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1 plan must include inservice activities for all district  
2 employees from all fund sources.

3           2. Classroom teachers and guidance counselors shall be  
4 required to participate in the inservice training for child  
5 abuse and neglect prevention, for alcohol and substance abuse  
6 prevention education, and for multicultural sensitivity  
7 education, which may include negotiation and conflict  
8 resolution training.

9           3. Training for support staff shall emphasize the  
10 working partnership of support staff with instructional staff  
11 and methods for increasing effectiveness in the instructional  
12 process.

13           (3) In addition to the 196 days of service for  
14 10-month personnel, 2 additional days of inservice training  
15 shall be provided to all instructional personnel and  
16 instructional specialists. These 2 days of training should  
17 emphasize professional development at the school level that is  
18 appropriate to the needs of the students of the school and  
19 consistent with the school improvement plan. Compensation for  
20 these days shall be based on the employee's daily rate of pay  
21 and shall be contingent upon funding included in the annual  
22 General Appropriations Act.

23           Section 9. This act shall take effect July 1 of the  
24 year in which enacted.

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HOUSE SUMMARY

Provides that district school board salary schedules for instructional personnel and instructional specialists may be based upon certification by the National Board for Professional Teaching Standards (NBPTS). Provides requirements for counting years of service. Provides for certification and specialization coverage for out-of-state teachers certified by the NBPTS. Provides for payment of NBPTS certification fees and approved leave from funds appropriated to the Department of Education if certain eligibility requirements are met. Authorizes renewal of professional certificates through national certification. Provides for the establishment of school district model peer assistance and review programs. Provides additional school district professional development activities and requires an assessment of certain expenditures. Provides requirements for educational training for support staff. Provides for additional days of inservice training for certain school personnel.