

By Senator Lee

23-1527-98

1                                   A bill to be entitled  
2           An act relating to rulemaking authority for  
3           matters pertaining to education (RAB); amending  
4           s. 231.17, F.S.; revising requirements for  
5           qualifying to receive a temporary teaching  
6           certificate; authorizing the State Board of  
7           Education to adopt rules defining the term  
8           "standard institution"; authorizing the  
9           Commissioner of Education to make decisions  
10          about granting certification to an applicant in  
11          extenuating circumstances not otherwise  
12          provided for in statute or by rule; amending s.  
13          231.1725, F.S.; deleting provisions for having  
14          noncertificated teachers in critical teacher  
15          shortage areas; amending s. 231.24, F.S.;  
16          allowing the state board to approve rules for  
17          the expanded use of training in teaching  
18          students having limited proficiency in English  
19          toward renewing a professional certificate;  
20          amending s. 231.29, F.S., relating to  
21          assessment procedures and criteria for  
22          personnel assessment; authorizing the state  
23          board to adopt necessary rules; amending s.  
24          240.116, F.S.; allowing the state board to  
25          adopt rules for certain dual-enrollment  
26          programs; amending s. 240.233, F.S.; allowing  
27          the state board to adopt rules for the  
28          articulation of foreign-language competency and  
29          equivalency between secondary and postsecondary  
30          institutions; providing an effective date.  
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1 Be It Enacted by the Legislature of the State of Florida:

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3 Section 1. Paragraph (c) of subsection (3) of section  
4 231.17, Florida Statutes, is amended, and subsection (14) is  
5 added to that section, to read:

6 231.17 Official statements of eligibility and  
7 certificates granted on application to those meeting  
8 prescribed requirements.--

9 (3) TEMPORARY CERTIFICATE.--

10 (c) To qualify for a temporary certificate, the  
11 applicant must:

12 1. File a written statement under oath that the  
13 applicant subscribes to and will uphold the principles  
14 incorporated in the Constitutions of the United States and of  
15 the State of Florida.

16 2. Be at least 18 years of age.

17 3. Document receipt of a bachelor's or higher degree  
18 from a standard ~~an accredited~~ institution of higher learning,  
19 as defined by state board rule. Any institution of higher  
20 learning in this state which is accredited by an accrediting  
21 association that is a member of the Council for Higher  
22 Education Accreditation must be considered as having met the  
23 criteria established in state board rule for a standard  
24 institution.The bachelor's or higher degree may not be  
25 required in areas approved in rule by the State Board of  
26 Education as nondegreed areas. Each applicant seeking initial  
27 certification must have attained at least a 2.5 overall grade  
28 point average on a 4.0 scale in the applicant's major field of  
29 study. The applicant may document the required education by  
30 submitting official transcripts from institutions of higher  
31 education or by authorizing the direct submission of such

1 official transcripts through established electronic network  
2 systems.

3 ~~4. Meet such academic and professional requirements~~  
4 ~~based on credentials certified by standard institutions of~~  
5 ~~higher learning, including any institutions of higher learning~~  
6 ~~in this state accredited by an accrediting association that is~~  
7 ~~a member of the Commission on Recognition of Postsecondary~~  
8 ~~Accreditation, as prescribed by the state board.~~

9 ~~4.5. Be competent and capable of performing the~~  
10 ~~duties, functions, and responsibilities of a teacher.~~

11 ~~5.6. Be of good moral character.~~

12  
13 Rules adopted pursuant to this section shall provide for the  
14 review and acceptance of credentials from foreign institutions  
15 of higher learning.

16 (14) AUTHORITY OF COMMISSIONER.--The Commissioner of  
17 Education is authorized to make decisions regarding an  
18 applicant's certification under extenuating circumstances not  
19 otherwise provided for in statute or by rule.

20 Section 2. Section 231.1725, Florida Statutes, is  
21 amended to read:

22 231.1725 Employment of substitute teachers, teachers  
23 of adult education, nondegreed teachers of career education,  
24 ~~and noncertificated teachers in critical teacher shortage~~  
25 ~~areas.--~~

26 (1) Notwithstanding the provisions of ss. 231.02,  
27 231.15, and 231.17, ~~and 231.172~~ or any other provision of law  
28 or rule to the contrary, each school board shall establish the  
29 minimal qualifications for:

30 (a) Substitute teachers to be employed pursuant to s.  
31 231.47. The qualifications shall require the filing of a

1 complete set of fingerprints in the same manner as required by  
2 s. 231.02.

3 (b) Part-time and full-time teachers in adult  
4 education programs. The qualifications shall require the  
5 filing of a complete set of fingerprints in the same manner as  
6 required by s. 231.02. Faculty employed solely to conduct  
7 postsecondary instruction may be exempted from this  
8 requirement.

9 (c) Part-time and full-time nondegreed teachers of  
10 vocational programs. Qualifications shall be established for  
11 agriculture, business, health occupations, family and consumer  
12 sciences, industrial, marketing, and public service education  
13 teachers, based primarily on successful occupational  
14 experience rather than academic training. The qualifications  
15 for such teachers shall require:

16 1. The filing of a complete set of fingerprints in the  
17 same manner as required by s. 231.02. Faculty employed solely  
18 to conduct postsecondary instruction may be exempted from this  
19 requirement.

20 2. Documentation of education and successful  
21 occupational experience including documentation of:

22 a. A high school diploma or the equivalent.

23 b. Completion of 6 years of full-time successful  
24 occupational experience or the equivalent of part-time  
25 experience in the teaching specialization area. Alternate  
26 means of determining successful occupational experience may be  
27 established by the school board.

28 c. Completion of career education training conducted  
29 through the local school district inservice master plan.

30 d. For full-time teachers, completion of professional  
31 education training in teaching methods, course construction,

1 lesson planning and evaluation, and teaching special needs  
2 students. This training may be completed through coursework  
3 from a standard institution or an approved district teacher  
4 education program.

5 e. Demonstration of successful teaching performance.

6 ~~(d) Part-time and full-time noncertificated teachers~~  
7 ~~in critical teacher shortage areas. The qualifications shall~~  
8 ~~require the filing of fingerprints in the same manner as~~  
9 ~~required by s. 231.02 and shall be based on academic training~~  
10 ~~in the essential generic and specialization competencies of~~  
11 ~~the instructional assignment. The school board shall be~~  
12 ~~responsible for determining critical teacher shortage areas~~  
13 ~~within the school district. Each school board shall annually~~  
14 ~~report the number, qualifications, and areas of assignment of~~  
15 ~~all noncertificated teachers employed pursuant to this~~  
16 ~~paragraph during each school year.~~

17 (2) Substitute, adult education, and nondegreed, and  
18 career education teachers ~~and noncertificated teachers in~~  
19 ~~critical teacher shortage areas~~ who are employed pursuant to  
20 this section shall have the same rights and protection of laws  
21 as certified teachers.

22 Section 3. Paragraph (d) is added to subsection (3) of  
23 section 231.24, Florida Statutes, to read:

24 231.24 Process for renewal of professional  
25 certificates.--

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

28 (d) When an educator is required to complete training  
29 in teaching students of limited English proficiency, the state  
30 board shall approve rules for the expanded use of such  
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1 training for renewal of the professional certificate as  
2 follows:

3 1. A teacher who holds a professional certificate may  
4 use college credits or inservice points completed in  
5 English-for-Speakers-of-Other-Languages training in excess of  
6 6 semester hours during one certificate-validity period toward  
7 renewal of the professional certificate during the next  
8 validity period.

9 2. A teacher who holds a temporary certificate may use  
10 college credits or inservice points completed in  
11 English-for-Speakers-of-Other-Languages training toward  
12 renewal of the teacher's first professional certificate. Such  
13 training must not have been included within the degree  
14 program, and the teacher's temporary and professional  
15 certificates must be issued for consecutive school years.

16 Section 4. Section 231.29, Florida Statutes, is  
17 amended to read:

18 231.29 Assessment procedures and criteria.--

19 (1) For the purpose of improving the quality of  
20 instructional, administrative, and supervisory services in the  
21 public schools of the state, the superintendent shall  
22 establish procedures for assessing the performance of duties  
23 and responsibilities of all instructional, administrative, and  
24 supervisory personnel employed by the school district. The  
25 Department of Education must approve each district's  
26 instructional personnel assessment system.

27 (2) The following conditions must be considered in the  
28 design of the district's instructional personnel assessment  
29 system:

30 (a) The system must be designed to support district  
31 and school level improvement plans.

1           (b) The system must provide appropriate instruments,  
2 procedures, and criteria for continuous quality improvement of  
3 the professional skills of instructional personnel.

4           (c) The system must include a mechanism to give  
5 parents an opportunity to provide input into employee  
6 performance assessments when appropriate.

7           (d) In addition to addressing generic teaching  
8 competencies, districts must determine those teaching fields  
9 for which special procedures and criteria will be developed.

10          (e) Each school board may establish a peer assistance  
11 process. The plan may provide a mechanism for assistance of  
12 persons who are placed on performance probation as well as  
13 offer assistance to other employees who request it.

14          (f) The school board shall provide training programs  
15 that are based upon guidelines provided by the Department of  
16 Education to ensure that all individuals with evaluation  
17 responsibilities understand the proper use of the assessment  
18 criteria and procedures.

19          (3) The assessment procedure for instructional  
20 personnel shall comply with, but shall not be limited to, the  
21 following requirements:

22           (a) An assessment shall be conducted for each employee  
23 at least once a year. The assessment shall be based upon sound  
24 educational principles and contemporary research in effective  
25 educational practices. The assessment must use data and  
26 indicators of improvement in student performance and may  
27 consider results of peer reviews in evaluating the employee's  
28 performance. The assessment criteria must include, but are not  
29 limited to, indicators that relate to the following:

- 30           1. Ability to maintain appropriate discipline.

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1           2. Knowledge of subject matter. The district school  
2 board shall make special provisions for evaluating teachers  
3 who are assigned to teach out-of-field.

4           3. Ability to plan and deliver instruction.

5           4. Ability to evaluate instructional needs.

6           5. Ability to communicate with parents.

7           6. Other professional competencies, responsibilities,  
8 and requirements as established by rules of the State Board of  
9 Education and policies of the district school board.

10           (b) All personnel shall be fully informed of the  
11 criteria and procedures associated with the assessment process  
12 before the assessment takes place.

13           (c) The individual responsible for supervising the  
14 employee must assess the employee's performance. The evaluator  
15 must submit a written report of the assessment to the  
16 superintendent for the purpose of reviewing the employee's  
17 contract. The evaluator must submit the written report to the  
18 employee no later than 10 days after the assessment takes  
19 place. The evaluator must discuss the written report of  
20 assessment with the employee. The employee shall have the  
21 right to initiate a written response to the assessment, and  
22 the response shall become a permanent attachment to his or her  
23 personnel file.

24           (d) If an employee is not performing his or her duties  
25 in a satisfactory manner, the evaluator shall notify the  
26 employee in writing of such determination. The notice must  
27 describe such unsatisfactory performance and include notice of  
28 the following procedural requirements:

29           1. Upon delivery of a notice of unsatisfactory  
30 performance, the evaluator must confer with the employee, make  
31 recommendations with respect to specific areas of



1 unsatisfactory performance, and provide assistance in helping  
2 to correct deficiencies within a prescribed period of time.

3         2. The employee shall be placed on performance  
4 probation and governed by the provisions of this section for  
5 90 calendar days from the receipt of the notice of  
6 unsatisfactory performance to demonstrate corrective action.  
7 School holidays and school vacation periods are not counted  
8 when calculating the 90-calendar-day period. During the 90  
9 calendar days, the employee must be evaluated periodically and  
10 apprised of progress achieved and must be provided assistance  
11 and inservice training opportunities to help correct the noted  
12 performance deficiencies. At any time during the 90 calendar  
13 days, the employee may request a transfer to another  
14 appropriate position with a different supervising  
15 administrator; however, a transfer does not extend the period  
16 for correcting performance deficiencies.

17         3. Within 14 days after the close of the 90 calendar  
18 days, the evaluator must assess whether the performance  
19 deficiencies have been corrected and forward a recommendation  
20 to the superintendent. Within 14 days after receiving the  
21 evaluator's recommendation, the superintendent must notify the  
22 employee in writing whether the performance deficiencies have  
23 been satisfactorily corrected and whether the superintendent  
24 will recommend that the school board continue or terminate his  
25 or her employment contract. If the employee wishes to contest  
26 the superintendent's recommendation, the employee must, within  
27 15 days after receipt of the superintendent's recommendation,  
28 submit a written request for a hearing. Such hearing shall be  
29 conducted at the school board's election in accordance with  
30 one of the following procedures:

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1           a. A direct hearing conducted by the school board  
2 within 60 days after receipt of the written appeal. The  
3 hearing shall be conducted in accordance with the provisions  
4 of ss. 120.569 and 120.57. A majority vote of the membership  
5 of the school board shall be required to sustain the  
6 superintendent's recommendation. The determination of the  
7 school board shall be final as to the sufficiency or  
8 insufficiency of the grounds for termination of employment; or

9           b. A hearing conducted by an administrative law judge  
10 assigned by the Division of Administrative Hearings of the  
11 Department of Management Services. The hearing shall be  
12 conducted within 60 days after receipt of the written appeal  
13 in accordance with chapter 120. The recommendation of the  
14 administrative law judge shall be made to the school board. A  
15 majority vote of the membership of the school board shall be  
16 required to sustain or change the administrative law judge's  
17 recommendation. The determination of the school board shall be  
18 final as to the sufficiency or insufficiency of the grounds  
19 for termination of employment.

20           (4) The superintendent shall notify the department of  
21 any instructional personnel who receive two consecutive  
22 unsatisfactory evaluations and who have been given written  
23 notice by the district that their employment is being  
24 terminated or is not being renewed or that the school board  
25 intends to terminate, or not renew, their employment. The  
26 department shall conduct an investigation to determine whether  
27 action shall be taken against the certificateholder pursuant  
28 to s. 231.28(1)(b).

29           (5) The superintendent shall develop a mechanism for  
30 evaluating the effective use of assessment criteria and  
31 evaluation procedures by administrators who are assigned

1 responsibility for evaluating the performance of instructional  
2 personnel. The use of the assessment and evaluation procedures  
3 shall be considered as part of the annual assessment of the  
4 administrator's performance. The system must include a  
5 mechanism to give parents and teachers an opportunity to  
6 provide input into the administrator's performance assessment,  
7 when appropriate.

8 (6) Nothing in this section shall be construed to  
9 grant a probationary employee a right to continued employment  
10 beyond the term of his or her contract.

11 (7) The district school board shall establish a  
12 procedure annually reviewing instructional personnel  
13 assessment systems to determine compliance with this section.  
14 All substantial revisions to an approved system must be  
15 reviewed and approved by the school board before being used to  
16 assess instructional personnel. Upon request by a school  
17 district, the department shall provide assistance in  
18 developing, improving, or reviewing an assessment system.

19 (8) The State Board of Education shall adopt rules as  
20 necessary to administer this section.

21 Section 5. Subsection (1) of section 240.116, Florida  
22 Statutes, is amended to read:

23 240.116 Articulated acceleration.--

24 (1) It is the intent of the Legislature that a variety  
25 of articulated acceleration mechanisms be available for  
26 secondary and postsecondary students attending public  
27 educational institutions. It is intended that articulated  
28 acceleration serve to shorten the time necessary for a student  
29 to complete the requirements associated with the conference of  
30 a degree, broaden the scope of curricular options available to  
31 students, or increase the depth of study available for a

1 particular subject. Articulated acceleration mechanisms shall  
2 include, but not be limited to, dual enrollment, early  
3 admission, advanced placement, credit by examination, and the  
4 International Baccalaureate Program. The State Board of  
5 Education shall adopt rules for any dual-enrollment programs  
6 involving requirements for high school graduation.

7 Section 6. Subsection (1) of section 240.233, Florida  
8 Statutes, is amended to read:

9 240.233 Universities; admissions of students.--Each  
10 university shall govern admissions of students, subject to  
11 this section and rules of the Board of Regents.

12 (1) Minimum academic standards for undergraduate  
13 admission to a university must ~~shall~~ include the requirements  
14 that:

15 (a) Each student have received a high school diploma  
16 pursuant to s. 232.246, or its equivalent, except as provided  
17 in s. 240.116(2) and (3).

18 (b) Each student have earned two credits of sequential  
19 foreign language at the secondary level or the equivalent of  
20 such instruction at the postsecondary level. A student whose  
21 native language is not English is exempt from this admissions  
22 requirement, provided that the student demonstrates  
23 proficiency in the native language. If a standardized test is  
24 not available in the student's native language for the  
25 demonstration of proficiency, the university may provide an  
26 alternative method of assessment. The State Board of  
27 Education shall adopt rules for the articulation of  
28 foreign-language competency and equivalency between secondary  
29 and postsecondary institutions. A student who received an  
30 associate in arts degree prior to September 1, 1989, or who  
31 enrolled in a program of studies leading to an associate

1 degree from a Florida community college prior to August 1,  
2 1989, and maintains continuous enrollment shall be exempt from  
3 this admissions requirement.

4 Section 7. This act shall take effect upon becoming a  
5 law.

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8 SENATE SUMMARY

9 Revises requirements for qualifying to receive a  
10 temporary teaching certificate. Authorizes the State  
11 Board of Education to adopt rules defining a "standard  
12 institution." Authorizes the Commissioner of Education to  
13 make decisions about granting certification to an  
14 applicant in extenuating circumstances not otherwise  
15 provided for in statute or by rule. Deletes provisions  
16 for having noncertificated teachers in critical teacher  
17 shortage areas. Allows the state board to approve rules  
18 for the expanded use of training in teaching students of  
19 limited English proficiency toward renewing a  
20 professional certificate. Authorizes the state board to  
21 adopt rules necessary for the administration of s.  
22 231.29, F.S., relating to personnel assessment. Allows  
23 the state board to adopt rules for certain  
24 dual-enrollment programs. Allows the state board to adopt  
25 rules for the articulation of foreign-language competency  
26 and equivalency between secondary and postsecondary  
27 institutions.  
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