

By the Committees on Ways and Means; Education; and Senator  
Cowin

301-2240-98

1                                   A bill to be entitled  
2           An act relating to education; amending s.  
3           231.02, F.S., relating to qualifications of  
4           district school system personnel; deleting  
5           certain provisions relating to background  
6           check; amending s. 231.096, F.S.; revising  
7           provisions relating to teaching out-of-field;  
8           amending s. 231.15, F.S.; providing State Board  
9           of Education duties relating to teacher  
10          certification; amending s. 231.17, F.S.;  
11          revising provisions relating to qualification  
12          for a temporary certificate; amending s.  
13          231.1725, F.S.; deleting provisions relating to  
14          employment of noncertificated teachers in  
15          critical teacher shortage areas; amending s.  
16          231.261, F.S.; providing rulemaking authority  
17          of the Education Practices Commission; amending  
18          s. 231.263, F.S.; clarifying provisions  
19          relating to the recovery network program for  
20          educators; amending s. 231.47, F.S.; conforming  
21          a cross-reference; amending s. 231.546, F.S.,  
22          relating to the Education Standards Commission;  
23          deleting duties relating to teacher education  
24          centers; amending s. 231.600, F.S.; revising  
25          requirements of the school district  
26          professional development system; creating s.  
27          231.6002, F.S.; requiring school districts to  
28          develop professional development plans;  
29          providing for stipends and funding; providing  
30          for rules; amending s. 231.601, F.S.; deleting  
31          provisions relating to teacher education center

1 purposes; amending s. 231.625, F.S.; deleting  
2 provisions relating to a teacher referral and  
3 recruitment center; requiring establishment of  
4 a teacher recruitment and retention services  
5 office; amending s. 231.6255, F.S.; revising  
6 provisions relating to the Christa McAuliffe  
7 Ambassador for Education Program; creating s.  
8 231.63, F.S.; creating the Florida Educator  
9 Hall of Fame; providing for nominations,  
10 recommendations, and selection of members;  
11 amending s. 20.15, F.S.; creating additional  
12 divisions of the Department of Education;  
13 amending s. 231.262, F.S.; providing a  
14 show-cause process for violations of probation  
15 imposed by the Education Practices Commission;  
16 amending s. 231.28, F.S.; providing a  
17 show-cause process for violation of an order of  
18 the Education Practices Commission; providing  
19 authority for additional penalties; amending s.  
20 236.081, F.S.; providing for a supplemental  
21 capping calculation for those districts whose  
22 weighted FTE enrollment is over the weighted  
23 FTE ceiling established in the annual  
24 appropriations act; providing a procedure for  
25 such calculation; repealing s. 236.081(8),  
26 F.S., which provides for a caps adjustment  
27 supplement for group 2 programs when there are  
28 funds remaining in the Florida Education  
29 Finance Program appropriation; amending s.  
30 236.25, F.S.; conforming a cross-reference;  
31 amending s. 229.57, F.S.; authorizing the

1 Commissioner of Education to establish criteria  
2 for exempting a student from taking certain  
3 parts of the high school competency test;  
4 repealing s. 231.613, F.S., relating to  
5 inservice training institutes; providing an  
6 effective date.

7  
8 Be It Enacted by the Legislature of the State of Florida:

9  
10 Section 1. Subsection (2) of section 231.02, Florida  
11 Statutes, is amended to read:

12 231.02 Qualifications of personnel.--

13 (2)~~(a)~~ Instructional and noninstructional personnel  
14 who are hired to fill positions requiring direct contact with  
15 students in any district school system or laboratory school  
16 shall, upon employment, file a complete set of fingerprints  
17 taken by an authorized law enforcement officer or an employee  
18 of the school or district who is trained to take fingerprints.  
19 These fingerprints shall be submitted to the Department of Law  
20 Enforcement for state processing and to the Federal Bureau of  
21 Investigation for federal processing. ~~School districts which~~  
22 ~~have authorized terminal access to the Florida Crimes~~  
23 ~~Information Telecommunications Network or the National Crime~~  
24 ~~Information Center may use this equipment for the background~~  
25 ~~check required by this subsection.~~ Such new employees shall be  
26 on probationary status pending fingerprint processing and  
27 determination of compliance with standards of good moral  
28 character. Employees found through fingerprint processing to  
29 have been convicted of a crime involving moral turpitude shall  
30 not be employed in any position requiring direct contact with  
31 students. Probationary employees terminated because of their

1 criminal record shall have the right to appeal such decisions.  
2 The cost of the fingerprint processing may be borne by the  
3 school board or the employee.

4 ~~(b) Any provision of law notwithstanding, by January~~  
5 ~~1, 1997, for personnel currently required to be certified~~  
6 ~~under s. 231.17, and January 1, 1998, for all other personnel~~  
7 ~~currently employed by any district school system or any other~~  
8 ~~public school who have not been fingerprinted and screened in~~  
9 ~~the same manner outlined in paragraph (a) shall submit a~~  
10 ~~complete set of fingerprints taken by an authorized law~~  
11 ~~enforcement officer or an employee of the school or district~~  
12 ~~who is trained to take fingerprints. The fingerprints shall~~  
13 ~~be submitted to the Department of Law Enforcement for state~~  
14 ~~processing and the Federal Bureau of Investigation for federal~~  
15 ~~processing. School districts which have authorized terminal~~  
16 ~~access to the Florida Crimes Telecommunications Network or the~~  
17 ~~National Crime Information Center may use that equipment for~~  
18 ~~the background check required by this paragraph. Employees~~  
19 ~~found through fingerprint processing to have been convicted of~~  
20 ~~a crime involving moral turpitude shall not be employed in any~~  
21 ~~position requiring direct contact with students. The cost of~~  
22 ~~the fingerprint processing may be borne by the school district~~  
23 ~~or the individual employee at a cost not to exceed \$24.00.~~  
24 ~~Any additional cost shall be borne by the Department of~~  
25 ~~Education. Each local school board and laboratory school shall~~  
26 ~~develop policies necessary for the implementation of this~~  
27 ~~subsection. The Commissioner of Education shall provide~~  
28 ~~guidelines regarding standards of good moral character for use~~  
29 ~~in the development of these policies. Within these standards,~~  
30 ~~the lack of good moral character shall be defined as having~~  
31 ~~been convicted of a crime involving moral turpitude.~~

1           **(b)**~~(c)~~ Personnel who have been fingerprinted or  
2 screened pursuant to this subsection and who have not been  
3 unemployed for more than 90 days shall not be required to be  
4 refingerprinted or rescreened in order to comply with the  
5 requirements of this subsection.

6           Section 2. Section 231.096, Florida Statutes, is  
7 amended to read:

8           231.096 Teacher teaching out-of-field;  
9 assistance.--Each school district shall have a plan to assist  
10 any teacher teaching out-of-field, and priority consideration  
11 in professional development activities shall be given to  
12 teachers who are teaching out-of-field ~~in summer inservice~~  
13 ~~institutes. A district may include in its annual summer~~  
14 ~~inservice institute plan a section that provides for~~  
15 ~~institutes in instructional areas identified as district~~  
16 ~~critical teacher shortage areas and approved by the Department~~  
17 ~~of Education.~~

18           Section 3. Section 231.15, Florida Statutes, is  
19 amended to read:

20           231.15 Positions for which certificates required.--

21           (1) The State Board of Education shall have authority  
22 to classify school services, designate the certification  
23 subject areas, establish competencies and certification  
24 requirements for all school-based personnel, and ~~to~~ prescribe  
25 rules in accordance with which the professional, temporary,  
26 and part-time certificates shall be issued by the Department  
27 of Education to applicants ~~school employees~~ who meet the  
28 standards prescribed by such rules for their class of service.  
29 Each person employed or occupying a position as school  
30 supervisor, principal, teacher, library media specialist,  
31 school counselor, athletic coach, or other position in which

1 the employee serves in an instructional capacity, in any  
2 public school of any district of this state shall hold the  
3 certificate required by law and by rules of the state board in  
4 fulfilling the requirements of the law for the type of service  
5 rendered. However, the state board shall adopt rules  
6 authorizing school boards to employ selected noncertificated  
7 personnel to provide instructional services in the  
8 individuals' fields of specialty or to assist instructional  
9 staff members as teacher aides. Each person who is employed  
10 and renders service as an athletic coach in any public school  
11 in any district of this state shall hold a valid part-time,  
12 temporary, or professional certificate. Each person employed  
13 as a school nurse shall hold a license to practice nursing in  
14 the state, and each person employed as a school physician  
15 shall hold a license to practice medicine in the state. The  
16 provisions of this subsection shall not apply to any athletic  
17 coach who renders service in a voluntary capacity and who is  
18 not employed by any public school of any district in this  
19 state.

20 (2) A commissioned or noncommissioned military officer  
21 who is an instructor of junior reserve officer training shall  
22 be exempt from requirements for teacher certification, except  
23 for the filing of fingerprints pursuant to s. 231.02 ~~231.1712~~,  
24 if he or she meets the following qualifications:

25 (a) Is retired from active military duty with at least  
26 20 years of service and draws retirement pay or is retired, or  
27 transferred to retired reserve status, with at least 20 years  
28 of active service and draws retirement pay or retainer pay.

29 (b) Satisfies criteria established by the appropriate  
30 military service for certification by the service as a junior  
31 reserve officer training instructor.

1 (c) Has an exemplary military record.

2

3 If such instructor is assigned instructional duties other than  
4 junior reserve officer training, he or she shall hold the  
5 certificate required by law and rules of the state board for  
6 the type of service rendered.

7 Section 4. Paragraph (c) of subsection (3) of section  
8 231.17, Florida Statutes, is amended to read:

9 231.17 Official statements of eligibility and  
10 certificates granted on application to those meeting  
11 prescribed requirements.--

12 (3) TEMPORARY CERTIFICATE.--

13 (c) To qualify for a temporary certificate, the  
14 applicant must:

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

19 2. Be at least 18 years of age.

20 3. Document receipt of a bachelor's or higher degree  
21 from an accredited institution of higher learning, as defined  
22 by state board rule. Credits and degrees awarded by a newly  
23 created Florida state institution that is part of the State  
24 University System shall be considered as granted by an  
25 accredited institution of higher learning during the first 2  
26 years of course offerings while accreditation is gained.  
27 Degrees from foreign institutions, or degrees from other  
28 institutions of higher learning that are in the accreditation  
29 process, may be validated by a process established in state  
30 board rule. Once accreditation is gained, the institution  
31 shall be considered as accredited beginning with the 2-year

1 period prior to the date of accreditation.The bachelor's or  
2 higher degree may not be required in areas approved in rule by  
3 the State Board of Education as nondegreed areas. Each  
4 applicant seeking initial certification must have attained at  
5 least a 2.5 overall grade point average on a 4.0 scale in the  
6 applicant's major field of study. The applicant may document  
7 the required education by submitting official transcripts from  
8 institutions of higher education or by authorizing the direct  
9 submission of such official transcripts through established  
10 electronic network systems.

11 ~~4. Meet such academic and professional requirements~~  
12 ~~based on credentials certified by standard institutions of~~  
13 ~~higher learning, including any institutions of higher learning~~  
14 ~~in this state accredited by an accrediting association that is~~  
15 ~~a member of the Commission on Recognition of Postsecondary~~  
16 ~~Accreditation, as prescribed by the state board.~~

17 ~~4.5.~~ Be competent and capable of performing the  
18 duties, functions, and responsibilities of a teacher.

19 ~~5.6.~~ Be of good moral character.

20  
21 Rules adopted pursuant to this section shall provide for the  
22 review and acceptance of credentials from foreign institutions  
23 of higher learning.

24 Section 5. Section 231.1725, Florida Statutes, is  
25 amended to read:

26 231.1725 Employment of substitute teachers, teachers  
27 of adult education, and nondegreed teachers of career  
28 education; students performing clinical field experience, ~~and~~  
29 ~~noncertificated teachers in critical teacher shortage areas.--~~

30 (1) Notwithstanding the provisions of ss. 231.02,  
31 231.15, and 231.17, ~~and 231.172~~ or any other provision of law



1 or rule to the contrary, each school board shall establish the  
2 minimal qualifications for:

3 (a) Substitute teachers to be employed pursuant to s.  
4 231.47. The qualifications shall require the filing of a  
5 complete set of fingerprints in the same manner as required by  
6 s. 231.02.

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

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

20 1. The filing of a complete set of fingerprints in the  
21 same manner as required by s. 231.02. Faculty employed solely  
22 to conduct postsecondary instruction may be exempted from this  
23 requirement.

24 2. Documentation of education and successful  
25 occupational experience including documentation of:

26 a. A high school diploma or the equivalent.

27 b. Completion of 6 years of full-time successful  
28 occupational experience or the equivalent of part-time  
29 experience in the teaching specialization area. Alternate  
30 means of determining successful occupational experience may be  
31 established by the school board.

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

3           d. For full-time teachers, completion of professional  
4 education training in teaching methods, course construction,  
5 lesson planning and evaluation, and teaching special needs  
6 students. This training may be completed through coursework  
7 from a standard institution or an approved district teacher  
8 education program.

9           e. Demonstration of successful teaching performance.

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

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

26           Section 6. Paragraph (d) of subsection (7) of section  
27 231.261, Florida Statutes, is amended to read:

28           231.261 Education Practices Commission;  
29 organization.--

30           (7) The duties and responsibilities of the commission  
31 are to:

1           (d) Have rulemaking authority pursuant to chapter 120  
2 to establish procedures for operations and administration,  
3 disciplinary proceedings, indexing, implementation of orders,  
4 and retention of records, and to establish disciplinary  
5 guidelines.

6           Section 7. Subsections (9) and (12) of section  
7 231.263, Florida Statutes, are amended to read:

8           231.263 Recovery network program for educators.--

9           (9) An approved treatment provider must disclose to  
10 the recovery network program all information in its possession  
11 which relates to a person's impairment and participation in  
12 the treatment program. Information obtained under this  
13 subsection is confidential and exempt from s. 119.07(1) and s.  
14 24(a), Art. I of the State Constitution. This exemption is  
15 necessary to promote the rehabilitation of impaired educators  
16 ~~teachers~~ and to protect the privacy of treatment program  
17 participants. The failure to provide such information to the  
18 program is grounds for withdrawal of approval of a treatment  
19 provider. Medical records provided to the program may not be  
20 disclosed to any other person, except as authorized by law.

21           (12) The State Board of Education shall include in the  
22 fees established pursuant to s. 231.30 ~~s. 231.15(3)~~ an amount  
23 sufficient to implement the provisions of this section. The  
24 state board shall by rule establish procedures and additional  
25 standards for:

26           (a) Approving treatment providers, including  
27 appropriate qualifications and experience, amount of  
28 reasonable fees and charges, and quality and effectiveness of  
29 treatment programs provided.

30           (b) Admitting eligible persons to the program.

31

1 (c) Evaluating impaired persons by the recovery  
2 network program.

3 Section 8. Section 231.47, Florida Statutes, is  
4 amended to read:

5 231.47 Substitute teachers.--Each school board shall  
6 adopt rules prescribing the compensation of, and the procedure  
7 for employment of, substitute teachers. Such procedure for  
8 employment shall include, but not be limited to, the filing of  
9 a complete set of fingerprints as required in s. 231.02  
10 ~~231.1712~~.

11 Section 9. Subsection (1) of section 231.546, Florida  
12 Statutes, is amended to read:

13 231.546 Education Standards Commission; powers and  
14 duties.--

15 (1) The Education Standards Commission shall have the  
16 duty to:

17 (a) Recommend to the state board desirable standards  
18 relating to programs and policies for the development,  
19 certification and certification extension, improvement, and  
20 maintenance of competencies of educational personnel,  
21 including teacher interns.

22 (b) Recommend to the state board standards for  
23 approval of preservice teacher education programs.

24 (c) Plan and conduct an annual review of human  
25 resources studies regarding teaching personnel and report the  
26 findings to the state board.

27 (d) Recommend to the state board objective,  
28 independently verifiable standards of measurement and  
29 evaluation of teaching competence.

30 (e) Recommend to the state board alternative ways to  
31 demonstrate qualifications for certification which assure

1 fairness and flexibility while protecting against  
2 incompetence.

3 ~~(f) Recommend to the state board the most feasible~~  
4 ~~locations for teacher education centers from proposals~~  
5 ~~submitted by school districts and universities.~~

6 ~~(g) Recommend to the state board guidelines for the~~  
7 ~~expenditure of funds for teacher education centers and~~  
8 ~~approval of teacher education center programs.~~

9 (f)~~(h)~~ Recommend critical state priorities for  
10 preservice and inservice teacher training such as  
11 understanding diverse student populations, working in a  
12 changing workplace, and understanding subject matter and  
13 instruction. The commission shall recommend standards for  
14 measuring evidence of training in these priorities for  
15 continuing program approval for preservice teacher education,  
16 initial teacher certification and certificate renewal, and  
17 staff development activities.

18 (g)~~(i)~~ Evaluate the progress of school community  
19 professional development systems as provided in s. 231.600.

20 (h)~~(j)~~ Perform such other duties as may be required to  
21 achieve the purposes of this section and s. 231.545.

22 Section 10. Paragraph (b) of subsection (4) and  
23 subsection (6) of section 231.600, Florida Statutes, are  
24 amended to read:

25 231.600 School Community Professional Development  
26 Act.--

27 (4) The Department of Education, school districts,  
28 schools, and public colleges and universities share the  
29 responsibilities described in this section. These  
30 responsibilities include the following:

31

1 (b) Each district school board shall consult with  
2 teachers and representatives of college and university  
3 faculty, community agencies, and other interested citizen  
4 groups to establish policy and procedures to guide the  
5 operation of the district professional development program.

6 The professional development system must:

7 1. Require that schools identify student needs that  
8 can be met by improved professional performance, and assist  
9 schools in making these identifications;

10 2. Provide training activities coupled with followup  
11 support that is ~~and other professional development~~ appropriate  
12 to accomplish district-level and school-level improvement  
13 goals and standards; and

14 3. Provide for systematic consultation with regional  
15 and state personnel designated to provide technical assistance  
16 and evaluation of local professional development programs.

17 (6) The Department of Education shall design methods  
18 by which the state and district school boards may evaluate and  
19 improve the professional development system. The evaluation  
20 must include an annual assessment of data that indicate  
21 progress or lack of progress of all students ~~whose needs were~~  
22 ~~identified as most critical to improved professional~~  
23 ~~development, including needs of students with disabilities,~~  
24 ~~students having limited proficiency in English, and~~  
25 ~~low-achieving student populations.~~ If the review of data  
26 indicates an achievement level that is unusual, the department  
27 may investigate the causes of the success or lack of success,  
28 may provide technical assistance, and may require the school  
29 district to employ a different approach to professional  
30 development. The department shall report annually to the  
31 State Board of Education and the Legislature any school

1 district that, in the determination of the department, has  
2 failed to provide an adequate professional development system.  
3 This report must include the results of the department's  
4 investigation and of any intervention provided.

5 Section 11. Section 231.6002, Florida Statutes, is  
6 created to read:

7 231.6002 Teacher professional development; plans;  
8 stipends.--

9 (1) The Legislature finds that there is a need for  
10 more time for teachers in the public schools in this state to  
11 support continuing professional growth that is directly  
12 connected to student learning. School improvement that is  
13 dedicated to growth in student achievement requires ongoing  
14 training with essential followup support for teachers. It is  
15 the intent of the Legislature to establish regularly scheduled  
16 professional development for teachers outside of the  
17 instructional day that is focused on the improvement of  
18 student learning, and to provide funds for stipends for  
19 teachers who participate in these extended professional  
20 development offerings.

21 (2) The Department of Education shall create a program  
22 to distribute funds for teacher stipend dollars to school  
23 districts that provide matching professional growth time and  
24 that, at a minimum, meet the following criteria:

25 (a) Submit a professional development plan to the  
26 Department of Education that meets the guidelines to be  
27 established by the department, including, but not limited to:

28 1. A description of the specific activities that will  
29 be provided during regularly scheduled stipended and matching  
30 professional development time.

31

1           2. A demonstrated focus on instruction and improved  
2 student learning for each professional development activity  
3 delivered during stipended and matching professional  
4 development time.

5           3. Procedures to evaluate the effectiveness of the  
6 professional development activities on increased student  
7 achievement.

8           4. Plans for providing on-site followup support to the  
9 professional development activities.

10           (b) Pay a stipend for each day, or for designated  
11 professional development time in increments equivalent to a  
12 day, per teacher, not to exceed the equivalent of two stipend  
13 days annually.

14           (c) Establish matching professional development time  
15 equal to the designated paid professional development time  
16 that is outside the required 180 student instructional days  
17 and that is focused on instructional practices and increased  
18 student learning.

19           (d) Require each teacher who is paid a stipend to have  
20 fully participated in the designated professional development  
21 activities.

22           (3) Funding for the professional development stipend  
23 dollars pursuant to this section shall be provided annually in  
24 the General Appropriations Act.

25           (4) This section shall be implemented only to the  
26 extent specifically funded and authorized by law.

27           (5) The State Board of Education shall adopt rules  
28 pursuant to chapter 120 to review and approve teacher  
29 professional development programs.

30           Section 12. Subsection (4) of section 231.601, Florida  
31 Statutes, is amended to read:



1           231.601 Purposes, intent.--

2           (4) The responsibility for operating programs for  
3 preservice and inservice teacher education is assigned jointly  
4 to the colleges and universities, to the district school  
5 boards, and to practicing educators. Effective collaboration  
6 among school districts, postsecondary institutions, and  
7 practicing educators is essential to improving teaching in  
8 Florida's ~~elementary and secondary~~ schools. ~~Among the~~  
9 ~~purposes of the teacher education centers shall be:~~

10           ~~(a) To facilitate school district inservice teacher~~  
11 ~~education programs for instructional personnel.~~

12           ~~(b) To respond to state, national, and district policy~~  
13 ~~and program priorities.~~

14           ~~(c) To provide opportunities for district school~~  
15 ~~educators to interact with faculty and staff of the colleges~~  
16 ~~and universities in order to enhance the preservice and~~  
17 ~~continuing education of instructional personnel.~~

18           Section 13. Section 231.625, Florida Statutes, is  
19 amended to read:

20           231.625 Teacher ~~shortage~~ recruitment and retention  
21 referral.--

22           (1) The Department of Education, ~~through the Center~~  
23 ~~for Career Development Services~~, in cooperation with teacher  
24 organizations, and district personnel offices, and colleges of  
25 education directors, shall ~~expand its career information~~  
26 ~~system to~~ concentrate on the recruitment of qualified teachers  
27 ~~in teacher shortage areas.~~

28           (2) The Department of Education, ~~through the Center~~  
29 ~~for Career Development Services~~, shall establish a teacher  
30 ~~referral and recruitment~~ and retention services office center  
31 which shall:

- 1           (a) Advertise teacher positions in targeted states  
2 ~~with declining student enrollments.~~
- 3           (b) Advertise in major newspapers, national  
4 professional publications, and other professional publications  
5 and in ~~graduate~~ schools of education.
- 6           (c) Utilize state and a nationwide toll-free numbers  
7 ~~number and a central post office box.~~
- 8           (d) Develop standardized resumes for teacher applicant  
9 data.
- 10          (e) Conduct periodic communications with district  
11 ~~superintendents and~~ personnel directors regarding ~~new~~  
12 applicants.
- 13          (f) Provide district access to the applicant database  
14 by computer or telephone.
- 15          (g) Develop and distribute promotional materials  
16 related to teaching as a career.
- 17          (h) Publish and distribute information pertaining to  
18 employment opportunities, application procedures, teacher  
19 certification, and teacher salaries ~~and benefits for beginning~~  
20 ~~and continuing teachers.~~
- 21          (i) Provide ~~Publish~~ information related to alternative  
22 certification procedures.
- 23          (j) Develop and sponsor the Florida Future Educator of  
24 America Program ~~clubs~~ throughout the state.
- 25          (k) Review and recommend to the Legislature and school  
26 districts incentives for attracting teachers to this state.
- 27          (3) The Office of Teacher Recruitment and Retention  
28 Services ~~teacher referral and recruitment center~~, in  
29 cooperation with ~~teacher organizations and~~ district personnel  
30 offices ~~directors~~, shall sponsor a ~~an annual~~ job fair in a  
31 central part of the state to match in-state educators and

1 out-of-state educators with teaching opportunities in this  
2 state.

3 Section 14. Section 231.6255, Florida Statutes, is  
4 amended to read:

5 231.6255 Christa McAuliffe Ambassador for Education  
6 Program.--

7 (1) The Legislature recognizes that Florida continues  
8 to face teacher shortages ~~faces a severe shortage of teachers~~  
9 and that fewer young people consider teaching as a career. It  
10 is the intent of the Legislature to promote the positive and  
11 rewarding aspects of being a teacher, to encourage more  
12 individuals to become teachers, and to provide annual  
13 sabbatical support for outstanding Florida teachers to serve  
14 as goodwill ambassadors for education. The Legislature  
15 further wishes to honor the memory of Christa McAuliffe, who  
16 epitomized the challenge and inspiration that teaching can be.

17 (2) There is established the Christa McAuliffe  
18 Ambassador for Education Program to provide salary, travel,  
19 and other related expenses annually for an outstanding Florida  
20 teacher to promote the positive aspects of teaching as a  
21 career. The goals of the program are to:

22 (a) Enhance the stature of teachers and the teaching  
23 profession.

24 (b) Promote the importance of quality education and  
25 teaching for our future.

26 (c) Inspire and attract talented ~~young~~ people to  
27 become teachers.

28 (d) Provide information regarding Florida's  
29 scholarship and loan programs related to teaching.

30 (e) Promote the teaching profession within community  
31 and business groups.

1 (f) Provide information ~~regarding Florida's~~  
2 ~~alternative certification program~~ to retired military  
3 personnel and other individuals who might consider teaching as  
4 a second career.

5 (g) Work with and represent the Office of Teacher  
6 Recruitment and Retention Services ~~teacher referral and~~  
7 ~~recruitment center~~, as needed.

8 (h) Work with and encourage the efforts of school and  
9 district teachers of the year.

10 (i) Support the activities of the Florida Future  
11 Educator ~~Teacher~~ of America Program ~~clubs~~.

12 (j) Represent Florida teachers at business, trade,  
13 education, and other conferences and meetings.

14 (k) Promote the teaching profession in other ways  
15 related to the teaching responsibilities, background  
16 experiences, and aspirations of the Ambassador for Education.

17 (3) The Teacher of the Year shall serve as the  
18 Ambassador for Education, ~~except that for the first 2 years,~~  
19 ~~Florida's NASA Teachers in Space shall also serve as~~  
20 ~~Ambassadors for Education.~~ If the Teacher of the Year is  
21 unable to serve as the Ambassador for Education, the first  
22 runner-up shall serve in his or her place. The Department of  
23 Education ~~Each district school board~~ shall establish  
24 application and selection procedures for determining an annual  
25 teacher of the year. Applications and selection criteria shall  
26 be developed and distributed annually by the Department of  
27 Education to all school districts.The Commissioner of  
28 Education shall establish a selection committee which assures  
29 representation from teacher organizations, administrators, and  
30 parents to select the Teacher of the Year and Ambassador for  
31 Education from among the district teachers of the year.

1 ~~Selection criteria shall be developed and distributed annually~~  
2 ~~to all school districts.~~

3 (4)(a) The Department of Education and the Office of  
4 Teacher Recruitment and Retention Services, ~~through the Center~~  
5 ~~for Career Development Services and in conjunction with the~~  
6 ~~teacher referral and recruitment center~~, shall administer the  
7 program.

8 (b) The Commissioner of Education shall pay an annual  
9 salary, fringe benefits, travel costs, and other costs  
10 associated with administering the program.

11 (c) The Ambassador for Education shall serve for 1  
12 year, from July 1 to June 30, and shall be assured of  
13 returning to his or her teaching position upon completion of  
14 the program. The ambassador will not have a break in  
15 creditable or continuous service or employment for the period  
16 of time in which he or she participates in the program.

17 Section 15. Section 231.63, Florida Statutes, is  
18 created to read:

19 231.63 Florida Educator Hall of Fame.--

20 (1) It is the intent of the Legislature to recognize  
21 and honor those persons, living or dead, who have made  
22 significant contributions to education in this state.

23 (2)(a) There is hereby established the Florida  
24 Educator Hall of Fame. The Florida Educator Hall of Fame shall  
25 be located in an area on the Plaza Level of the Capitol  
26 Building.

27 (b) The Florida Education Foundation shall make a  
28 recommendation for the design and theme for the Florida  
29 Educator Hall of Fame. The Commissioner of Education, in  
30 consultation with the Secretary of Management Services, shall  
31 approve the foundation's recommendation.

1           (c) Each person who is selected as a member shall have  
2 a plaque placed in the Florida Educator Hall of Fame. The  
3 plaque shall designate the member's particular discipline or  
4 contribution and shall set forth vital information relating to  
5 the member. Each member shall also receive a standardized  
6 memento of the member's selection.

7           (3) The Florida Education Foundation shall accept  
8 nominations annually for persons to be recommended as members  
9 of the Florida Educator Hall of Fame. Floridians who have made  
10 a significant contribution to education in this state, as  
11 determined and documented by the Florida Education Foundation,  
12 shall be eligible for membership. The foundation shall  
13 recommend to the Commissioner of Education persons to be named  
14 as members of the Florida Educator Hall of Fame.

15           (4) In the first year, the Commissioner of Education  
16 shall name no more than 10 members to the Florida Educator  
17 Hall of Fame. Thereafter, the commissioner shall name no more  
18 than four members to the Florida Educator Hall of Fame in any  
19 1 year.

20           (5) The Commissioner of Education and the Florida  
21 Education Foundation shall develop and adopt written policies  
22 to carry out the purposes of this section, including  
23 procedures to accept nominations, make recommendations for  
24 selection of members, provide recipient's travel expenses, and  
25 provide funding for the Florida Educator Hall of Fame.

26           (6) The Commissioner of Education may annually request  
27 an appropriation from the Legislature sufficient to carry out  
28 the purposes of this section. The Florida Education Foundation  
29 may also provide funds to cover any or all expenses related to  
30 the Florida Educator Hall of Fame.

31

1           Section 16. Subsection (3) of section 20.15, Florida  
2 Statutes, is amended to read:

3           20.15 Department of Education.--There is created a  
4 Department of Education.

5           (3) DIVISIONS.--

6           ~~(a)~~ The following divisions of the Department of  
7 Education are established:

8           (a)1. Division of Community Colleges.

9           (b)2. Division of Public Schools and Community  
10 Education.

11           (c)3. Division of Universities.

12           (d)4. Division of Workforce Development.

13           (e)5. Division of Human Resource Development.

14           (f) Division of Administration.

15           (g) Division of Financial Services.

16           (h) Division of Support Services.

17           ~~(b) The Commissioner of Education is authorized to~~  
18 ~~establish within the Department of Education a Division of~~  
19 ~~Administration.~~

20           Section 17. Present subsection (7) of section 231.262,  
21 Florida Statutes, is redesignated as subsection (8) and a new  
22 subsection (7) is added to that section to read:

23           231.262 Complaints against teachers and  
24 administrators; procedure; penalties.--

25           (7) Violations of the provisions of probation shall  
26 result in an order to show cause issued by the Clerk of the  
27 Education Practices Commission. Upon failure of the  
28 probationer, at the time and place stated in the order, to  
29 show cause satisfactorily to the Education Practices  
30 Commission why a penalty for violating probation should not be  
31 imposed, the Education Practices Commission shall impose

1 whatever penalty is appropriate as established in s.  
2 231.28(6). Any probation period will be tolled when an order  
3 to show cause has been issued until the issue is resolved by  
4 the Education Practices Commission.

5 Section 18. Subsection (1) of section 231.28, Florida  
6 Statutes, is amended and subsection (6) is added to that  
7 section to read:

8 231.28 Education Practices Commission; authority to  
9 discipline.--

10 (1) The Education Practices Commission shall have  
11 authority to suspend the teaching certificate of any person as  
12 defined in s. 228.041(9) or (10) for a period of time not to  
13 exceed 3 years, thereby denying that person the right to teach  
14 for that period of time, after which the holder may return to  
15 teaching as provided in subsection (4); to revoke the teaching  
16 certificate of any person, thereby denying that person the  
17 right to teach for a period of time not to exceed 10 years,  
18 with reinstatement subject to the provisions of subsection  
19 (4); to revoke permanently the teaching certificate of any  
20 person; to suspend the teaching certificate, upon order of the  
21 court, of any person found to have a delinquent child support  
22 obligation; or to impose any other penalty provided by law,  
23 provided it can be shown that such person:

24 (a) Obtained the teaching certificate by fraudulent  
25 means;

26 (b) Has proved to be incompetent to teach or to  
27 perform duties as an employee of the public school system or  
28 to teach in or to operate a private school;

29 (c) Has been guilty of gross immorality or an act  
30 involving moral turpitude;

31



1 (d) Has had a teaching certificate revoked in another  
2 state;

3 (e) Has been convicted of a misdemeanor, felony, or  
4 any other criminal charge, other than a minor traffic  
5 violation;

6 (f) Upon investigation, has been found guilty of  
7 personal conduct which seriously reduces that person's  
8 effectiveness as an employee of the school board;

9 (g) Has breached a contract, as provided in s.  
10 231.36(2);

11 (h) Has been the subject of a court order directing  
12 the Education Practices Commission to suspend the certificate  
13 as a result of a delinquent child support obligation;

14 (i) Has violated the Principles of Professional  
15 Conduct for the Education Profession prescribed by State Board  
16 of Education rules; ~~or~~

17 (j) Has otherwise violated the provisions of law, the  
18 penalty for which is the revocation of the teaching  
19 certificate; or-

20 (k) Has violated any order of the Education Practices  
21 Commission.

22 (6) When an individual violates the provisions of a  
23 settlement agreement enforced by a final order of the  
24 Education Practices Commission an order to show cause may be  
25 issued by the Clerk of the Commission. The order shall require  
26 the individual to appear before the commission to show cause  
27 why further penalties should not be levied against the  
28 individual's certificate pursuant to the authority provided to  
29 the Education Practices Commission in subsection (1). The  
30 Education Practices Commission shall have the authority to  
31 fashion further penalties under the authority of subsection

1 (1) as deemed appropriate when the show cause order is  
2 responded to by the individual.

3           Section 19. Subsection (8) of section 236.081, Florida  
4 Statutes, is repealed, and paragraph (d) of subsection (1),  
5 paragraphs (a) and (b) of subsection (4), subsection (9), and  
6 paragraph (a) of subsection (10) of that section, as amended  
7 by chapter 97-380, Laws of Florida, are amended to read:

8           236.081 Funds for operation of schools.--If the annual  
9 allocation from the Florida Education Finance Program to each  
10 district for operation of schools is not determined in the  
11 annual appropriations act or the substantive bill implementing  
12 the annual appropriations act, it shall be determined as  
13 follows:

14           (1) COMPUTATION OF THE BASIC AMOUNT TO BE INCLUDED FOR  
15 OPERATION.--The following procedure shall be followed in  
16 determining the annual allocation to each district for  
17 operation:

18           (d) Annual allocation calculation.--

19           1. The Department of Education is authorized and  
20 directed to review all district programs and enrollment  
21 projections and calculate a maximum total weighted full-time  
22 equivalent student enrollment for each district for the K-12  
23 FEFP.

24           2. Maximum enrollments calculated by the department  
25 shall be derived from enrollment estimates used by the  
26 Legislature to calculate the FEFP. If two or more districts  
27 enter into an agreement under the provisions of s.  
28 230.23(4)(d), after the final enrollment estimate is agreed  
29 upon, the amount of FTE specified in the agreement, not to  
30 exceed the estimate for the specific program as identified in  
31

1 paragraph (c), may be transferred from the participating  
2 districts to the district providing the program.

3 3. As part of its calculation of each district's  
4 maximum total weighted full-time equivalent student  
5 enrollment, the department shall establish separate enrollment  
6 ceilings for each of two program groups. Group 1 shall be  
7 composed of grades K-3, grades 4-8, and grades 9-12. Group 2  
8 shall be composed of students in exceptional student education  
9 programs, students-at-risk programs, all basic programs other  
10 than the programs in group 1, and all vocational programs in  
11 grades 7-12.

12 a. The weighted enrollment ceiling for group 2  
13 programs shall be calculated by multiplying the final  
14 enrollment conference estimate for each program by the  
15 appropriate program weight. The weighted enrollment ceiling  
16 for program group 2 shall be the sum of the weighted  
17 enrollment ceilings for each program in the program group,  
18 plus the increase in weighted full-time equivalent student  
19 membership from the prior year for clients of the Department  
20 of Children and Family Services and the Department of Juvenile  
21 Justice.

22 b. If, for any calculation of the FEFP, the weighted  
23 enrollment for program group 2, derived by multiplying actual  
24 enrollments by appropriate program weights, exceeds the  
25 enrollment ceiling for that group, the following procedure  
26 shall be followed to reduce the weighted enrollment for that  
27 group to equal the enrollment ceiling:

28 (I) The weighted enrollment ceiling for each program  
29 in the program group shall be subtracted from the weighted  
30 enrollment for that program derived from actual enrollments.

31

1 (II) If the difference calculated under  
2 sub-sub-subparagraph (I) is greater than zero for any program,  
3 a reduction proportion shall be computed for the program by  
4 dividing the absolute value of the difference by the total  
5 amount by which the weighted enrollment for the program group  
6 exceeds the weighted enrollment ceiling for the program group.

7 (III) The reduction proportion calculated under  
8 sub-sub-subparagraph (II) shall be multiplied by the total  
9 amount of the program group's enrollment over the ceiling as  
10 calculated under sub-sub-subparagraph (I).

11 (IV) The prorated reduction amount calculated under  
12 sub-sub-subparagraph (III) shall be subtracted from the  
13 program's weighted enrollment. For any calculation of the  
14 FEFP, the enrollment ceiling for group 1 shall be calculated  
15 by multiplying the actual enrollment for each program in the  
16 program group by its appropriate program weight.

17 c. For program group 2, the weighted enrollment  
18 ceiling shall be a number not less than the sum obtained by:

19 (I) Multiplying the sum of reported FTE for all  
20 programs in the program group that have a cost factor of 1.0  
21 or more by 1.0, and

22 (II) By adding this number to the sum obtained by  
23 multiplying the projected FTE for all programs with a cost  
24 factor less than 1.0 by the actual cost factor.

25 4. Following completion of the weighted enrollment  
26 ceiling calculation as provided in subparagraph 3., a  
27 supplemental capping calculation shall be employed for those  
28 districts that are over their weighted enrollment ceiling. For  
29 each such district, the total reported unweighted FTE  
30 enrollment for group 2 programs shall be compared with the  
31 total appropriated unweighted FTE enrollment for group 2

1 programs. If the total reported unweighted FTE for group 2 is  
2 greater than the appropriated unweighted FTE, then the excess  
3 unweighted FTE up to the unweighted FTE transferred from group  
4 2 to group 1 for each district by the Public School FTE  
5 Estimating Conference shall be funded at a weight of 1.0 and  
6 added to the funded weighted FTE computed in subparagraph 3.  
7 This adjustment shall be calculated beginning with the third  
8 calculation of the 1998-1999 FEFP.

9 (4) COMPUTATION OF DISTRICT REQUIRED LOCAL  
10 EFFORT.--The Legislature shall prescribe the aggregate  
11 required local effort for all school districts collectively as  
12 an item in the General Appropriations Act for each fiscal  
13 year. The amount that each district shall provide annually  
14 toward the cost of the Florida Education Finance Program for  
15 kindergarten through grade 12 programs shall be calculated as  
16 follows:

17 (a) Estimated taxable value calculations.--  
18 1.a. Not later than 2 working days prior to July 19,  
19 the Department of Revenue shall certify to the Commissioner of  
20 Education its most recent estimate of the taxable value for  
21 school purposes in each school district and the total for all  
22 school districts in the state for the current calendar year  
23 based on the latest available data obtained from the local  
24 property appraisers. Not later than July 19, the commissioner  
25 shall compute a millage rate, rounded to the next highest one  
26 one-thousandth of a mill, which, when applied to 95 percent of  
27 the estimated state total taxable value for school purposes,  
28 would generate the prescribed aggregate required local effort  
29 for that year for all districts. The commissioner shall  
30 certify to each district school board the millage rate,  
31 computed as prescribed in this subparagraph, as the minimum

1 millage rate necessary to provide the district required local  
2 effort for that year.

3           b. For the 1997-1998 fiscal year only, the General  
4 Appropriations Act may direct the computation of the statewide  
5 adjusted aggregate amount for required local effort for all  
6 school districts collectively from ad valorem taxes to ensure  
7 that no school district's revenue from required local effort  
8 millage will produce more than 90 percent of the district's  
9 total Florida Education Finance Program calculation, and the  
10 adjustment of the required local effort millage rate of each  
11 district that produces more than 90 percent of its total  
12 Florida Education Finance Program entitlement to a level that  
13 will produce only 90 percent of its total Florida Education  
14 Finance Program entitlement. This sub-subparagraph is  
15 repealed on July 1, 1998, unless enacted in other legislation.

16           2. As revised data are received from property  
17 appraisers, the Department of Revenue shall amend the  
18 certification of the estimate of the taxable value for school  
19 purposes. The Commissioner of Education, in administering the  
20 provisions of subparagraph~~(9)~~(10)(a)2., shall use the most  
21 recent taxable value for the appropriate year.

22           (b) Final calculation.--

23           1. The Department of Revenue shall, upon receipt of  
24 the official final assessed value of property from each of the  
25 property appraisers, certify to the commissioner the taxable  
26 value total for school purposes in each school district,  
27 subject to the provisions of paragraph (d). The commissioner  
28 shall use the official final taxable value for school purposes  
29 for each school district in the final calculation of the  
30 annual K-12 Florida Education Finance Program allocations.

31

1           2. For the purposes of this paragraph, the official  
2 final taxable value for school purposes shall be the taxable  
3 value for school purposes on which the tax bills are computed  
4 and mailed to the taxpayers, adjusted to reflect final  
5 administrative actions of value adjustment boards and judicial  
6 decisions pursuant to part I of chapter 194. By September 1 of  
7 each year, the Department of Revenue shall certify to the  
8 commissioner the official prior year final taxable value for  
9 school purposes. For each county that has not submitted a  
10 revised tax roll reflecting final value adjustment board  
11 actions and final judicial decisions, the Department of  
12 Revenue shall certify the most recent revision of the official  
13 taxable value for school purposes. The certified value shall  
14 be the final taxable value for school purposes and no further  
15 adjustments shall be made, except those made pursuant to  
16 subparagraph (9)~~(10)~~(a)2.

17           (8)~~(9)~~ QUALITY ASSURANCE GUARANTEE.--The Legislature  
18 may annually in the General Appropriations Act determine a  
19 percentage increase in funds per K-12 weighted FTE as a  
20 minimum guarantee to each school district. The guarantee shall  
21 be calculated from prior year base funding per weighted FTE  
22 student which shall include the adjusted FTE dollars as  
23 provided in subsection (9)~~(10)~~, quality guarantee funds, and  
24 actual nonvoted discretionary local effort from taxes. From  
25 the base funding per weighted FTE, the increase shall be  
26 calculated for the current year. The current year funds from  
27 which the guarantee shall be determined shall include the  
28 adjusted FTE dollars as provided in subsection (9)~~(10)~~ and  
29 potential nonvoted discretionary local effort from taxes. A  
30 comparison of current year funds per weighted FTE to prior  
31 year funds per weighted FTE shall be computed. For those

1 school districts which have less than the legislatively  
2 assigned percentage increase, funds shall be provided to  
3 guarantee the assigned percentage increase in funds per  
4 weighted FTE student. Should appropriated funds be less than  
5 the sum of this calculated amount for all districts, the  
6 commissioner shall prorate each district's allocation. This  
7 provision shall be implemented to the extent specifically  
8 funded.

9 (9)~~(10)~~ TOTAL ALLOCATION OF STATE FUNDS TO EACH  
10 DISTRICT FOR CURRENT OPERATION.--The total annual state  
11 allocation to each district for current operation for the K-12  
12 FEFP shall be distributed periodically in the manner  
13 prescribed in the General Appropriations Act.

14 (a) The basic amount for current operation for the  
15 K-12 FEFP as determined in subsection (1), multiplied by the  
16 district cost differential factor as determined in subsection  
17 (2), plus the amount for the sparsity supplement as determined  
18 in subsection (6), the decline in full-time equivalent  
19 students as determined in subsection (7), and the quality  
20 assurance guarantee as determined in subsection(8)~~(9)~~, less  
21 the required local effort as determined in subsection (4). If  
22 the funds appropriated for the purpose of funding the total  
23 amount for current operation as provided in this paragraph are  
24 not sufficient to pay the state requirement in full, the  
25 department shall prorate the available state funds to each  
26 district in the following manner:

27 1. Determine the percentage of proration by dividing  
28 the sum of the total amount for current operation, as provided  
29 in this paragraph for all districts collectively, and the  
30 total district required local effort into the sum of the state  
31



1 funds available for current operation and the total district  
2 required local effort.

3 2. Multiply the percentage so determined by the sum of  
4 the total amount for current operation as provided in this  
5 paragraph and the required local effort for each individual  
6 district.

7 3. From the product of such multiplication, subtract  
8 the required local effort of each district; and the remainder  
9 shall be the amount of state funds allocated to the district  
10 for current operation.

11 Section 20. Subsection (1) of section 236.25, Florida  
12 Statutes, is amended to read:

13 236.25 District school tax.--

14 (1) If the district school tax is not provided in the  
15 General Appropriations Act or the substantive bill  
16 implementing the General Appropriations Act, each school board  
17 desiring to participate in the state allocation of funds for  
18 current operation as prescribed by s. 236.081(9)~~(10)~~shall  
19 levy on the taxable value for school purposes of the district,  
20 exclusive of millage voted under the provisions of s. 9(b) or  
21 s. 12, Art. VII of the State Constitution, a millage rate not  
22 to exceed the amount certified by the commissioner as the  
23 minimum millage rate necessary to provide the district  
24 required local effort for the current year, pursuant to s.  
25 236.081(4)(a)1. In addition to the required local effort  
26 millage levy, each school board may levy a nonvoted current  
27 operating discretionary millage. The Legislature shall  
28 prescribe annually in the appropriations act the maximum  
29 amount of millage a district may levy. The millage rate  
30 prescribed shall exceed zero mills but shall not exceed the  
31 lesser of 1.6 mills or 25 percent of the millage which is

1 required pursuant to s. 236.081(4), exclusive of millage  
2 levied pursuant to subsection (2).

3 Section 21. Paragraph (c) of subsection (3) of section  
4 229.57, Florida Statutes, is amended to read:

5 229.57 Student assessment program.--

6 (3) STATEWIDE ASSESSMENT PROGRAM.--The commissioner is  
7 directed to design and implement a statewide program of  
8 educational assessment that provides information for the  
9 improvement of the operation and management of the public  
10 schools. The program must be designed, as far as possible, so  
11 as not to conflict with ongoing district assessment programs  
12 and so as to use information obtained from district programs.  
13 Pursuant to the statewide assessment program, the commissioner  
14 shall:

15 (c) Develop and implement a student achievement  
16 testing program as part of the statewide assessment program,  
17 to be administered at designated times at the elementary,  
18 middle, and high school levels to measure reading, writing,  
19 and mathematics. The testing program must be designed so  
20 that:

21 1. The tests measure student skills and competencies  
22 adopted by the state board as specified in paragraph (a). The  
23 tests must measure and report student proficiency levels in  
24 reading, writing, and mathematics. Other content areas may be  
25 included as directed by the commissioner. The commissioner  
26 shall provide for the tests to be developed or obtained, as  
27 appropriate, through contracts and project agreements with  
28 private vendors, public vendors, public agencies,  
29 postsecondary institutions, or school districts. The  
30 commissioner shall obtain input with respect to the design and  
31

1 implementation of the testing program from state educators and  
2 the public.

3         2. The tests are criterion-referenced and include, to  
4 the extent determined by the commissioner, items that require  
5 the student to produce information or perform tasks in such a  
6 way that the skills and competencies he or she uses can be  
7 measured.

8         3. Each testing program, whether at the elementary,  
9 middle, or high school level, includes a test of writing in  
10 which students are required to produce writings which are then  
11 scored by appropriate methods.

12         4. A score is designated for each subject area tested,  
13 below which score a student's performance is deemed  
14 inadequate. The school districts shall provide appropriate  
15 remedial instruction to students who score below these levels.

16         5. All 11th grade students take a high school  
17 competency test developed by the state board to test minimum  
18 student performance skills and competencies in reading,  
19 writing, and mathematics. The test must be based on the skills  
20 and competencies adopted by the state board pursuant to  
21 paragraph (a). Upon recommendation of the commissioner, the  
22 state board shall designate a passing score for each part of  
23 the high school competency test. In establishing passing  
24 scores, the state board shall consider any possible negative  
25 impact of the test on minority students. The commissioner may  
26 establish criteria whereby a student who successfully  
27 demonstrates proficiency in either reading or mathematics or  
28 both may be exempted from taking the corresponding section of  
29 the high school competency test or the college placement test.  
30 A student must earn a passing score or have been exempted from  
31 on each part of the high school competency test in order taken

1 to qualify for a regular high school diploma. The school  
2 districts shall provide appropriate remedial instruction to  
3 students who do not pass part of the competency test.

4           6. Participation in the testing program is mandatory  
5 for all students, except as otherwise prescribed by the  
6 commissioner. The commissioner shall recommend rules to the  
7 state board for the provision of test adaptations and  
8 modifications of procedures as necessary for students in  
9 exceptional education programs and for students who have  
10 limited English proficiency.

11           7. A student seeking an adult high school diploma must  
12 meet the same testing requirements that a regular high school  
13 student must meet.

14  
15 The commissioner may design and implement student testing  
16 programs for any grade level and subject area, based on  
17 procedures designated by the commissioner to monitor  
18 educational achievement in the state.

19           Section 22. Section 231.613, Florida Statutes, is  
20 repealed.

21           Section 23. This act shall take effect upon becoming a  
22 law.

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STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN  
COMMITTEE SUBSTITUTE FOR  
CS/SB 2258

Proposed statutory changes would repeal subsection (8) of section 236.081, which is the caps adjustment supplement of the Florida Education Finance Program (FEFP) and would amend s. 236.081(1)(d) of the Florida Statutes, which defines the calculation of maximum student enrollments for the FEFP, by adding a supplemental calculation for those districts that are over their weighted enrollment ceiling. If the total unweighted enrollment for all Group 2 programs that a district reports for funding is greater than the district's projected Group 2 enrollment used to calculate that district's enrollment ceiling, the amount of the reported enrollment above the enrollment ceiling would be funded at a weight of 1.0. The maximum full-time-equivalent (FTE) student enrollment funded at the weight of 1.0 would be limited to the number of FTE students moved from Group 2 to Group 1 by the membership of the Enrollment Estimating Conference to implement a policy limiting districts' Group 2 enrollment requests for 1998-99 to a level that would maintain the ratio of weighted to unweighted students for which the district was funded in 1997-98.

The Commissioner of Education would be authorized to establish criteria that would allow students who had successfully demonstrated proficiency in reading and mathematics on the Florida Comprehensive Assessment Test (FCAT), or by some other measure, to be exempted from taking the corresponding section of the high school competency test of the college placement test when it is administered to high school students.