

**STORAGE NAME:** h3939s1.ed

**DATE:** April 15, 1998

**HOUSE OF REPRESENTATIVES  
AS REVISED BY THE COMMITTEE ON  
EDUCATION APPROPRIATIONS  
BILL RESEARCH & ECONOMIC IMPACT STATEMENT**

**BILL #:** HB 3939

**RELATING TO:** Education

**SPONSOR(S):** Representative Murman

**COMPANION BILL(S):** SB 2258

**ORIGINATING COMMITTEE(S)/COMMITTEE(S) OF REFERENCE:**

- (1) EDUCATION K-12 YEAS 13 NAYS 0
- (2) EDUCATION APPROPRIATIONS YEAS 15 NAYS 1
- (3)
- (4)
- (5)

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**I. SUMMARY:**

The bill requires that a majority of school advisory council members not be employed by the school at which they are serving, rather than not be employed by the school board. In addition, the bill revises the makeup of school advisory councils at vocational-technical and adult education centers, removing the requirement that they include parents as members. The bill amends provisions relating to school improvement plans to require school board approval of school improvement plans by August 15 annually.

The bill amends statutes relating to teacher certification: removing a provision that is currently an option to submitting fingerprints to the FDLE and the FBI; establishing clear authority for the state board to designate certification subject areas and to establish competencies and certification requirements for all school-based personnel; clarifying provisions regarding the accreditation of institutions of higher learning for purposes of proof of receipt of a bachelor's or higher degree; providing the Commissioner of Education the authority to make decisions relative to certification under extenuating circumstances not provided for in statute or rule; and providing for the "banking" of inservice hours or college credits completed to fulfill ESOL training requirements, for application toward the renewal of a professional certificate. In addition, the bill removes the authority of school districts to employ noncertificated teachers in areas determined by the school board to be areas of critical teacher shortage and establishes rights and protection of laws for students performing clinical field experience while in state approved teacher preparation programs.

The bill amends statutes relating to professional development: repealing s. 231.613, F.S., relating to inservice training institutes; amending provisions relating to the School Community Professional Development Act to require the professional development system in each district to provide training activities *and* follow-up support and to require the assessment of the education progress of *all* students; creating s. 231.6002, F.S., which requires school districts to develop professional development plans and provides for teacher stipends and funding.

The bill clarifies that the DOE shall develop and annually distribute the application and selection criteria for the Teacher of the Year program. In addition, the bill creates the Florida Educator Hall of Fame and provides for the design, nominations, recommendations, and selection of members. The commissioner is authorized to request an annual appropriation for the implementation of this section of law.

The bill amends the following sections of law, granting rulemaking authority or more narrowly defining existing rulemaking authority: ss. 231.17, 231.261, 231.29, and 231.6002, F.S. The bill makes technical revisions to the following sections of law: ss. 231.02, 231.096, 231.15, 231.1725, 231.263, 231.47, 231.546, 231.601, 231.625, and 231.6255, F.S.

## II. SUBSTANTIVE RESEARCH:

### A. PRESENT SITUATION:

#### **School Advisory Councils**

School advisory councils (SAC's) are a key component of Florida's school improvement and accountability system. Section 229.58, F.S., requires the school board to establish a SAC for each school in the district, but gives smaller school districts (those with fewer than 10,000 students) the option of establishing a district advisory council. Each SAC assists in preparing and evaluating the school's improvement plan and provides any assistance requested by the principal in preparing the school's annual budget. School improvement plans are locally developed "blueprints" for achieving the state education goals and student performance standards. Section 229.58(2), F.S., specifies that no SAC shall have any of the powers and duties now reserved by law to the school board.

Each SAC must be composed of the school's principal and an appropriately balanced number of teachers, education support employees, students, parents, and other business and community members who are representative of the ethnic, racial, and economic community served by the school. Performance reviews conducted by the Office of the Auditor General in 1993-94 and by the Office of Program Policy Analysis and Governmental Accountability (OPPAGA) in 1995-96 found persistent problems in SAC memberships. The 1995-96 performance review looked at school improvement efforts in 14 school districts. In one-third of the SACs reviewed, 50 percent of the SAC members were new to the councils. Almost half of the SACs reviewed did not include all statutorily required membership groups, such as business/community members and education support employees. About one-third did not reflect the school community's racial and ethnic diversity. Sixty-three percent were dominated by school employees and 78 percent were dominated by school district employees. Legislation passed during the 1997 legislative session required each SAC to draw a majority of its membership from individuals who are not school board employees.

#### **School Improvement Plans**

Section 230.23(16), F.S., requires district school boards to annually approve and require implementation of a school improvement plan for each school in the district. Section 24.121, F.S., prohibits the release of funds from the Educational Enhancement Trust Fund to any school district in which one or more schools do not have an approved school improvement plan pursuant to s. 230.23(16), F.S. This provision took effect July 1, 1993, and in conjunction with the requirement of s. 230.23(16), F.S., for the annual approval of school improvement plans, has been interpreted by districts and the Department of Education (DOE) to mean that school improvement plans must annually be approved by July 1.

#### **Educator Certification**

Chapter 231, F.S., governs matters regarding personnel of the system, including educator certification and sets basic prerequisites for issuance of temporary and professional certificates. To be employed in an instructional or non-instructional capacity, a person is required by s. 231.02, F.S., to be of good moral character, and if serving in a position requiring direct contact with students, to file a complete set of fingerprints for processing by the Florida Department of Law Enforcement (FDLE) and the Federal Bureau of Investigation (FBI). Legislation passed during the 1996 session (Ch. 96-369, LOF) required all certified public school employees having direct student contact who had not been fingerprinted, to submit a complete set of fingerprints for the purpose of employment screening and checking criminal records with the FDLE and FBI by January 1, 1997. By January 1998, all other school personnel employed by a public school were required to comply with the fingerprinting requirement.

The State Board of Education is authorized by s. 231.15, F.S., to prescribe classes of service, and to prescribe rules in accordance with which the professional, temporary, and part-time certificates

are to be issued for each class of service. Each person employed as a school supervisor, principal, teacher, library media specialist, school counselor, athletic coach, or other instructional position in a public school must hold a certificate or license issued by DOE under rules of the state board; however, the chapter and related rules also allow school districts to employ certain locally qualified and non-certified instructional personnel.

Section 231.17, F.S., establishes a three step certification process:

1. A **statement of eligibility** is issued to advise the applicant, and potential employers, which prerequisites have been satisfied and which must be completed to qualify for the temporary or professional certificate sought.
2. The **temporary certificate** allows applicants to teach while completing requirements for the professional certificate. The temporary certificate is a non-renewable 2-year certificate, but may be re-issued under certain circumstances. To qualify for a temporary certificate, the applicant must have a valid statement of eligibility and:
  - have submitted a completed FDLE and FBI fingerprint check to DOE;
  - file a written statement under oath to subscribe to and uphold the principles of the Constitutions of the United States and the State of Florida;
  - be at least 18 years of age;
  - document the receipt of a bachelor's degree or higher degree from an accredited college or a degree program validated according to state board rules and have a 2.5 grade point average on a 4 point scale in the major field of study;
  - meet academic and professional requirements based on credentials certified by standard institutions of higher learning;
  - be competent and capable of performing the duties, functions, and responsibilities of a teacher; and
  - be of good moral character.

Current law does not clearly establish specific authority for rules pertaining to acceptance of degrees from state institutions in Florida during the two years in which the institution pursues accreditation, nor does it provide authority for validation of degrees from foreign institutions or other institutions seeking accreditation.

3. To obtain a **professional certificate**, the applicant must meet requirements for a temporary certificate and master minimum competencies in the following areas:
  - general knowledge, including the ability to read, write, and compute (demonstrated by passing the College Level Academic Skills Test (CLAST) or an alternative test approved by the state board);
  - professional skills and knowledge of the standards of professional practice; and
  - the subject matter in each area for which certification is sought (demonstrated by passing subject area examinations for each area of specialization determined by the state board).

Legislation passed during the 1997 legislative session (Ch. 97-4, LOF) established two district-level methods of documenting the professional education competencies required for receipt of a professional certificate. Both must be approved by DOE since they are directly related to state certification. The first method is optional, the second is mandatory:

- Each school district *may* develop and maintain an alternative certification program for the district's instructional employees. State board program standards and guidelines ensure the comparability of these programs. An applicant may participate in the program if he or she has expertise in a subject and meets the certification requirements for specialization in a subject area. The district must assess each participant's entry-level teaching competencies. Participants must complete training only in competency areas in which they are deficient and must demonstrate mastery of professional education competencies within 2 years of initial employment.

- Each district *must* develop and maintain a system for the district's instructional staff to document mastery of professional education competencies based on classroom application and instructional performance. All district instructional staff hired on or after July 1, 1997, must demonstrate mastery within the first year of employment, unless they have: completed an approved teacher education program in this state; completed a teacher education program and at least 2-years of successful full-time teaching experience in another state; or are participating in the district's alternative certification program.

### **Non-certified Teachers**

Each school board is required by s. 231.1725, F.S., to establish minimum qualifications for substitute teachers, teachers of adult education, nondegreed teachers of career education, and noncertificated teachers in critical teacher shortage areas. Under current statute, districts are responsible for determining critical teacher shortage areas within the school district. The district must annually report the number, qualifications, and areas of assignment of all noncertificated teachers employed pursuant to this section of law during each school year.

### **Teacher Liability**

Except in the case of excessive force or cruel and unusual punishment, a teacher or other member of the instructional staff, a principal or the principal's designated representative, or a bus driver shall not be held civilly or criminally liable for any action carried out in conformity with the state board and district school board rules regarding the control, discipline, suspension, and expulsion of students. (s. 232.275, F.S.) Teacher aides are not required to hold a teaching certificate and, while rendering services under the supervision of a certificated teacher, are granted the same protection of laws as that accorded the certified teacher. (s. 231.141, F.S.) Current statute does not grant that same protection of law to students who are enrolled in teacher preparation programs and are performing clinical field experience under the direction of a certified teacher.

### **Summer Inservice Institutes**

Summer inservice training institutes were established by s. 231.613, F.S., for the purpose of providing rigorous, intensive inservice training for the state's public school instructional personnel. The Legislature is required by the section to annually determine the subject area or areas for the institutes and the grade levels and specialties of participating instructional personnel in the General Appropriations Act. Each school district is required to establish an inservice training institute that meets the requirements of the section. References to summer inservice institutes are included in s. 231.096, F.S., which requires school districts to have a plan to assist any teacher teaching out-of-field, and to give such teachers priority consideration in summer inservice institutes.

### **Certificate Renewal**

According to s. 231.17, F.S., DOE may issue a professional certificate for a period not to exceed 5 years to any applicant who meets the requirements of the section. For the renewal of a professional certificate, the following requirements must be met:

- the applicant must earn a minimum of 6 college credits or 120 inservice points or a combination thereof.
- in lieu of college course credit or inservice points, the applicant may renew a specialization area by passage of a state board approved subject area test or by completion of a department approved summer work program.
- if an applicant wishes to retain more than two specialization areas on the certificate, the applicant shall be permitted two successive validity periods for renewal of all specialization areas. (s. 231.24, F.S.)

A teacher who is required to complete training in teaching students with limited English proficiency must complete 15 semester hours or 300 inservice hours of ESOL training. Until 1995, state

board rule allowed the application of training completed to fulfill the ESOL requirement toward the renewal of a professional certificate. This rule sunsetted in 1995, and without specific authority in statute for such a rule, the Department was unable to reenact this "banking" provision.

### **Education Practices Commission**

The Florida Education Practices Commission (EPC) is an appointed body of 15 members and is the final agency to hear certificate disciplinary cases and render decisions regarding penalty. Pursuant to s. 231.261, F.S., the duties and responsibilities of the EPC are to:

- interpret and apply the standards of professional practice established by the State Board of Education;
- revoke or suspend a certificate or take other appropriate action as provided in ss. 231.17 and 231.262, F.S.;
- report to and meet with the Education Standards Commission at least once each year; and
- have rulemaking authority pursuant to chapter 120.

### **Educator Evaluation**

For the purpose of improving the quality of instructional, administrative, and supervisory services in the public schools of the state, the superintendent of each district is required by s. 231.29, F.S., to establish procedures for assessing the performance of duties and responsibilities of all instructional, administrative, and supervisory personnel employed by the school district. Each district's instructional personnel assessment system must be approved by the DOE.

### **Professional Development**

Section 231.601, F.S., assigns the responsibility for operating programs for preservice and inservice teacher education jointly to the colleges and universities, to the district school boards, and to practicing educators and establishes "teacher education centers". The Education Standards Commission (ESC) is required by s. 231.546, F.S., to recommend to the state board the most feasible locations for teacher education centers from proposals submitted by school districts and universities and to recommend guidelines for the expenditure of funds for teacher education centers and approval of teacher education center programs. School districts were no longer required to operate teacher education centers effective July 1, 1995, upon the sunseting of s. 231.601, F.S., according to s. 21, ch. 85-238.

Section 231.600, F.S.--the School Community Professional Development Act--requires the DOE, public community colleges and universities, school districts, and public schools to collaborate to establish a coordinated system of professional development for educators. Each district school board is required to consult with teachers and representatives of college and university faculty, community agencies, and other interested citizen groups to establish policy and procedures to guide the operation of the district's professional development program. Each professional development system must:

- require schools to identify student needs that can be met by improved professional performance, and assist schools in making these identifications;
- provide training and other professional development appropriate to accomplish district-level and school-level improvement goals and standards; and
- provide for systematic consultation with regional and state personnel designated to provide technical assistance and evaluation of local professional development programs.

The DOE is required to design methods by which the state and district school boards may evaluate and improve the professional development system, which must include an annual assessment of data that indicate progress or lack of progress of students whose needs were identified as most critical to improved professional development, including needs of students with disabilities, students having limited proficiency in English, and low achieving student populations.

**B. EFFECT OF PROPOSED CHANGES:**

**School Advisory Councils**

The bill amends s. 229.58, F.S., relating to the membership of school advisory councils to require that a majority of members not be employed by the school at which they are serving, rather than not be employed by the school board. In addition, the bill revises the makeup of school advisory councils at vocational-technical and adult education centers, removing the requirement that they include parents as members.

**School Improvement Plans**

The bill amends s. 24.121, F.S., relating to the allocation of revenues and expenditures of funds for public education, deleting an obsolete date. The provision of law initially took effect July 1, 1993, and in conjunction with the requirement of s. 230.23(16), F.S., for the annual approval of school improvement plans, has been interpreted by districts and the DOE to mean that school improvement plans must annually be approved by July 1. The bill amends s. 230.23, F.S., relating to powers and duties of school boards regarding school improvement and accountability, requiring school board approval of school improvement plans by August 15 annually.

**Educator Certification**

Current law permits school districts which have access to the Florida Crimes Telecommunications Network and the National Crime Information Center to use that equipment for the criminal history background check in lieu of submitting fingerprints to the FDLE and the FBI. According to the DOE, this method of background check does not provide complete information. The bill amends s. 231.02, F.S., removing this method as an option.

The bill amends s. 231.15, F.S., relating to positions for which a certificate is required, establishing clear authority for the state board to designate certification subject areas and to establish competencies and certification requirements for all school-based personnel.

The bill removes the requirement that applicants for a temporary certificate meet certain academic and professional requirements based on credentials certified by standard institutions of higher learning. In lieu of this requirement, the bill amends provisions relating to eligibility for certification, clarifying provisions regarding the accreditation of institutions of higher learning for purposes of proof of receipt of a bachelor's or higher degree to qualify for a temporary certificate. (s. 231.17, F.S.) Credits and degrees from a newly created state institution that is part of the State University System during the first two years while accreditation is gained, degrees from foreign institutions, or degrees from other institutions of higher learning that are in the accreditation process, will be accepted for certification purposes. In addition, the bill provides the Commissioner of Education the authority to make decisions relative to certification under extenuating circumstances not provided for in statute or rule.

**Non-certified Teachers**

The bill revises s. 231.1725, F.S., removing the authority of school districts to employ noncertificated teachers in areas determined by the school board to be areas of critical teacher shortage.

**Teacher Liability**

The bill establishes that students in state approved teacher preparation programs shall be accorded the same rights and protection of laws as those accorded a certified educator, except the right to bargain collectively, while performing clinical field experience under the direction of a regularly employed and certified educator.

### **Summer Inservice Institutes**

Section 231.613, F.S., relating to inservice training institutes is repealed by the bill. According to the DOE, this section of law has not been funded since 1994 and is therefore obsolete. Statutory authority and guidelines for inservice training activities is included in s. 231.600, F.S.--the School Community Professional Development Act.

### **Certificate Renewal**

The bill provides for the "banking" of inservice hours or college credits completed to fulfill ESOL training requirements, as was previously authorized by state board rule. A teacher who holds a professional certificate may apply college credits or inservice points completed in ESOL training in excess of 6 semester hours during one certificate validity period toward renewal of the professional certificate during the next validity period. A teacher who holds a temporary certificate may apply college credits or inservice points completed in ESOL training toward the renewal of the first professional certificate, provided that such training was not included in the degree program. (s. 231.24, F.S.)

### **Professional Development**

The bill amends s. 231.600, F.S., relating to the School Community Professional Development Act; requiring the professional development system in each district to provide training activities *and* follow-up support; and requiring the assessment of the education progress of *all* students. Previously, the evaluation only included specific groups of students.

The bill creates s. 231.6002, F.S., relating to teacher professional development, with the intent of "establishing regularly scheduled professional development for teachers outside of the instructional day that is focused on the improvement of student learning, and to provide funds for stipends for teachers who participate in these extended professional development offerings." This newly created section of law requires the DOE to create a program to distribute funds for teacher stipends to school districts that, at a minimum, meet the following requirements:

- submit a professional development plan to the DOE that meets guidelines established by statute and by DOE;
- pay a stipend of up to \$50 for each day, or an equivalent amount of time spent in professional development, per teacher, not to exceed the equivalent of two stipend days annually;
- establish matching professional development time equal to the designated paid professional development time that is outside the required 180 student instructional days and that is focused on instructional practices and increased student learning; and
- require each teacher who is paid a stipend to have fully participated in the designated professional development activities.

In order to qualify for the teacher stipend money, school districts will have to evaluate the effectiveness of the professional development activities on increased student learning. The bill requires funding for the professional development stipends to provided annually in the General Appropriations Act. This section of law will only be required to be implemented to the extent specifically funded and authorized by law.

### **Teacher of the Year Program**

The bill amends s. 231.6255, F.S., clarifying that the DOE shall develop and annually distribute the application and selection criteria for the Teacher of the Year program.

### **Florida Educator Hall of Fame**

The bill creates the Florida Educator Hall of Fame, to be located on the Plaza Level of the Capitol Building, to recognize and honor those persons, living or dead, who have made significant contributions to education in this state. (s. 231.63, F.S.) The bill provides for the design, nominations, recommendations, and selection of members. The Florida Education Foundation --

a direct-support organization for the DOE, under the Office of the Commissioner -- will accept nominations and recommend to the Commissioner persons to be named as members annually. In the first year, the Commissioner may name no more than 10 members, and may name no more than 4 members annually thereafter. This section of the bill authorizes the Commissioner to request an annual appropriation for recipient's travel expenses and for other costs associated with the design and implementation of the Florida Educator Hall of Fame.

### **Rulemaking Authority**

The bill amends the following sections of law, granting rulemaking authority or more narrowly defining existing rulemaking authority:

- s. 231.17, F.S. -- establishing state board authority to define, by rule, accredited institutions for purposes of certification and to establish rules regarding the validation of degrees from foreign institutions or other institutions of higher learning.
- s. 231.261, F.S. -- relating to the Education Practices Commission; more narrowly defining existing rulemaking authority to specify that the commission has the authority "to establish procedures for operations and administration, disciplinary proceedings, indexing, implementation of orders, and retention of records, and to establish disciplinary guidelines."
- s. 231.29, F.S. -- relating to district instructional personnel assessment systems; granting the state board the authority to adopt rules regarding the review and approval of district instructional personnel assessment systems.
- s. 231.6002, F.S. -- relating to teacher professional development; authorizing the state board to adopt rules to review and approve teacher professional development programs.

### **Technical Revisions**

The bill makes technical revisions to the following sections of law:

- Amends s. 231.02, F.S., relating to qualifications of district school system personnel; removing provisions relating to criminal background checks which have been implemented and are therefore obsolete.
- Amends s. 231.096, F.S., relating to teachers teaching out-of-field; removing references to summer in-service institutes to conform with provision of the bill which repeals substantive section of law.
- Amends s. 231.15, F.S., relating to positions for which a certificate is required; replacing the term "school employees" with "applicants"; and correcting a cross-reference.
- Amends s. 231.1725, F.S., relating to the employment of certain nondegreed teachers; removing an obsolete statutory reference.
- Amends s. 231.263, F.S., relating to the recovery network program for educators; replacing the term "teachers" with "educators"; correcting a cross-reference.
- Amends s. 231.47, F.S., relating to substitute teachers; correcting a cross-reference.
- Amends s. 231.546, F.S., relating to the Education Standards Commission; removing obsolete language regarding teacher education centers.
- Amends s. 231.601, F.S., relating to the inservice training of instructional personnel; removing obsolete language regarding teacher education centers.
- Amends ss. 231.625 and 231.6255, F.S., relating to teacher shortage recruitment and referral and the Christa McAuliffe Ambassador for Education Program; revising references within

these statutes to activities of the obsolete Teacher Recruitment and Referral Center to reflect the activities of the Office of Teacher Recruitment and Retention Services.

**C. APPLICATION OF PRINCIPLES:**

1. Less Government:

a. Does the bill create, increase or reduce, either directly or indirectly:

(1) any authority to make rules or adjudicate disputes?

N/A

(2) any new responsibilities, obligations or work for other governmental or private organizations or individuals?

N/A

(3) any entitlement to a government service or benefit?

N/A

b. If an agency or program is eliminated or reduced:

(1) what responsibilities, costs and powers are passed on to another program, agency, level of government, or private entity?

N/A

(2) what is the cost of such responsibility at the new level/agency?

N/A

(3) how is the new agency accountable to the people governed?

N/A

2. Lower Taxes:

a. Does the bill increase anyone's taxes?

N/A

b. Does the bill require or authorize an increase in any fees?

N/A

c. Does the bill reduce total taxes, both rates and revenues?

N/A

d. Does the bill reduce total fees, both rates and revenues?

N/A

e. Does the bill authorize any fee or tax increase by any local government?

N/A

3. Personal Responsibility:

a. Does the bill reduce or eliminate an entitlement to government services or subsidy?

N/A

b. Do the beneficiaries of the legislation directly pay any portion of the cost of implementation and operation?

N/A

4. Individual Freedom:

a. Does the bill increase the allowable options of individuals or private organizations/associations to conduct their own affairs?

*The bill increases opportunities for individuals who are employed by a school district to participate on SAC's by revising the membership of SAC's to require that a majority of members not be employed by the school at which they are serving, rather than not be employed by the school board.*

*The bill requires school districts to develop teacher professional development plans and provides for teacher stipends of \$50 per day, not to exceed the equivalent of 2 stipend days outside regular instructional time. School districts must establish matching professional development time equal to the designated paid professional development time. This would provide teachers with additional flexibility and time for professional development activities.*

- b. Does the bill prohibit, or create new government interference with, any presently lawful activity?

No.

5. Family Empowerment:

- a. If the bill purports to provide services to families or children:

- (1) Who evaluates the family's needs?

N/A

- (2) Who makes the decisions?

N/A

- (3) Are private alternatives permitted?

N/A

- (4) Are families required to participate in a program?

N/A

- (5) Are families penalized for not participating in a program?

N/A

- b. Does the bill directly affect the legal rights and obligations between family members?

N/A

- c. If the bill creates or changes a program providing services to families or children, in which of the following does the bill vest control of the program, either through direct participation or appointment authority:

- (1) parents and guardians?

N/A

(2) service providers?

N/A

(3) government employees/agencies?

N/A

**D. STATUTE(S) AFFECTED:**

The bill amends ss. 24.121, 229.58, 230.23, 231.02, 231.096, 231.15, 231.17, 231.1725, 231.24, 231.261, 231.263, 231.29, 231.47, 231.546, 231.600, 231.601, 231.625, and 231.6255, F.S.; creates ss. 231.6002, and 231.63, F.S.; and repeals s. 231.613, F.S.

**E. SECTION-BY-SECTION RESEARCH:**

- Section 1: Amends s. 24.121, F.S., relating to the allocation of revenues and expenditures of funds for public education; deleting an obsolete date.
- Section 2: Amends s. 229.58, F.S., relating the district and school advisory councils; revising provisions relating to membership of school advisory councils.
- Section 3: Amends s. 230.23, F.S., relating to powers and duties of school boards regarding school improvement and accountability; requiring school board approval of school improvement plans by August 15 annually.
- Section 4: Amends s. 231.02, F.S., relating to qualifications of district school system personnel; removing the option for districts which have access to the Florida Crimes Telecommunications Network and the National Crime Information Center to use such method in lieu of submitting fingerprints to FDLE and FBI; removing obsolete provisions relating to criminal background checks.
- Section 5: Amends s. 231.096, F.S., relating to teachers teaching out-of-field; removing provisions relating to summer in-service institutes; requiring that priority be given to such teachers in professional development activities.
- Section 6: Amends s. 231.15, F.S., relating to positions for which a certificate is required; adding State Board authority to designate the certification subject areas and to establish competencies and certification requirements for all school-based personnel regarding teacher certification; replacing the term "school employees" with "applicants"; and correcting a cross-reference.
- Section 7: Amends s. 231.17, F.S., relating to eligibility for certification; providing state board rulemaking authority, and clarifying provisions regarding the accreditation of institutions of higher learning for purposes of proof of receipt of a bachelor's or higher degree from an accredited institution of higher learning to qualify for a temporary certificate; removing the requirement that applicants for a temporary certificate meet certain academic and professional requirements; providing the Commissioner of Education the authority to make decisions relative to certification under extenuating circumstances not covered by statute or rule.
- Section 8: Amends s. 231.1725, F.S., relating to the employment of certain nondegreed teachers; removing an obsolete statutory reference; deleting provisions allowing for the employment of noncertificated teachers in areas of critical teacher shortage; providing liability coverage for students enrolled in institutions of higher learning while performing clinical field experience.

- Section 9: Amends s. 231.24, F.S., relating to the renewal of professional certificates; allowing for the application of ESOL training toward the renewal of a professional certificate.
- Section 10: Amends s. 231.261, F.S., relating to the Education Practices Commission; granting certain rulemaking authority.
- Section 11: Amends s. 231.263, F.S., relating to the recovery network program for educators; replacing the term "teachers" with "educators"; correcting a cross-reference.
- Section 12: Amends s. 231.29, F.S., relating to district instructional personnel assessment systems; granting the state board rulemaking authority regarding the review and approval of district instructional personnel assessment systems.
- Section 13: Amends s. 231.47, F.S., relating to substitute teachers; correcting a cross-reference.
- Section 14: Amends s. 231.546, F.S., relating to the Education Standards Commission; removing language regarding teacher education centers.
- Section 15: Amends s. 231.600, F.S., relating to the School Community Professional Development Act; requiring the professional development system in each district to provide training activities *and* follow-up support; and requiring the assessment of the education progress of all students.
- Section 16: Creates s. 231.6002, F.S., relating to teacher professional development; requiring school districts to develop professional development plans; providing for stipends and funding.
- Section 17: Amends s. 231.601, F.S., relating to the inservice training of instructional personnel; removing language regarding teacher education centers.
- Section 18: Amends s. 231.625, F.S., relating to teacher shortage recruitment and referral; making technical changes; removing obsolete language.
- Section 19: Amends s. 231.6255, F.S., relating to the Christa McAuliffe Ambassador for Education Program; making technical changes; removing obsolete language; and clarifying that the DOE shall develop and annually distribute the application and selection criteria for the Teacher of the Year program.
- Section 20: Creates s. 231.63, F.S., relating to the Florida Educator Hall of Fame; providing for the design, nominations, recommendations, and selection of members; authorizing the commissioner to request an annual appropriation.
- Section 21: Repeals s. 231.613, F.S., relating to inservice training institutes.
- Section 22: Provides an effective date of "upon becoming a law".

### III. FISCAL RESEARCH & ECONOMIC IMPACT STATEMENT:

#### A. FISCAL IMPACT ON STATE AGENCIES/STATE FUNDS:

##### 1. Non-recurring Effects:

See Fiscal Comments.

2. Recurring Effects:

See Fiscal Comments.

3. Long Run Effects Other Than Normal Growth:

See Fiscal Comments.

4. Total Revenues and Expenditures:

See Fiscal Comments.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS AS A WHOLE:

1. Non-recurring Effects:

N/A

2. Recurring Effects:

N/A

3. Long Run Effects Other Than Normal Growth:

N/A

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

1. Direct Private Sector Costs:

N/A

2. Direct Private Sector Benefits:

N/A

3. Effects on Competition, Private Enterprise and Employment Markets:

N/A

D. FISCAL COMMENTS:

Should all instructional personnel receive \$50 per day for two days of professional development, the fiscal impact of the teacher stipend provision of the bill would be \$14.4 million. (\$50 per teacher times 144,000 teachers in Florida equals \$7.2 million; times two professional days equals \$14,400,000.) Currently, teachers are provided by contract 16 days outside of 180 instructional days which may be used for teacher professional development. The House proposed budget for FY 98/99 includes a \$7,057,100 appropriation from general revenue funds to pay in-service professional development stipends of \$50 per day for two days for one-half of the teachers and other instructional personnel in each district outside of the required 180 student instructional days. The Senate proposed budget for FY 98/99 earmarks approximately \$32.6 million in the FEFP for

professional development days at the daily rate of pay for all teachers and other instructional personnel: one day outside the 196-day contract and one day matched by the district outside the required 180-days for student attendance. Funding for this program is contingent upon an appropriation, and shall be implemented only to the extent specifically funded and authorized by law.

The Commissioner may request an annual appropriation for costs associated with the design and implementation of the Florida Educator Hall of Fame. Fiscal impact of this provision is subject to future appropriations at the discretion of the Legislature. No funds are provided in either the House or Senate FY 98/99 budget for this purpose.

**IV. CONSEQUENCES OF ARTICLE VII, SECTION 18 OF THE FLORIDA CONSTITUTION:**

**A. APPLICABILITY OF THE MANDATES PROVISION:**

*This bill does not require counties or municipalities to expend funds or to take an action requiring the expenditure of funds.*

**B. REDUCTION OF REVENUE RAISING AUTHORITY:**

*This bill does not reduce the authority that municipalities or counties have to raise revenues in the aggregate.*

**C. REDUCTION OF STATE TAX SHARED WITH COUNTIES AND MUNICIPALITIES:**

*This bill does not reduce the percentage of a state tax shared with counties or municipalities.*

**V. COMMENTS:**

**VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:**

On March 19, 1998, HB 3939 passed unanimously out of the House Education K-12 Committee with the following amendments:

page 20, line 23 through page 21, line 10

by Representative Murman:

Technical amendment that removes section 17 of the bill which amended a section of law that was repealed effective July 1, 1995, according to s. 21, ch. 85-238. (with title amendment)

page 5, between lines 2 and 3

by Representative Boyd:

Inserts new section of the bill which amends s. 229.591, F.S., regarding school improvement and education accountability. Requires *all postsecondary institutions* to ensure professional teachers and staff. (with title amendment)

page 5, lines 3-23

by Representative Boyd:

Removes section 3 of the bill which required school boards to annually approve and require the implementation of school improvement plans by August 15. By not amending this section of law,

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school districts will locally determine the date by which school improvement plans must annually be approved. (with title amendment)

page 14, lines 5 and 6

by Representative Stabins:

Inserts language that will allow the application of ESOL training toward the renewal of a professional certificate during *subsequent validity periods*, rather than *the next validity period*.

page 19, line 11 through page 20, line 6

by Representative Stabins:

Removes language relating to the \$50 per day stipend for professional development and inserts language that will require a stipend at the participant's daily rate of pay for each day of extended professional development time.

page 7, lines 1-14

by Representative Culp:

Strikes existing language regarding criminal background checks for current employees, a provision of law which has been completed by the Department and is therefore obsolete.

page 26, line 12

by Representative Culp:

Restricts the number of members named to the Florida Educator Hall of Fame during the first year to 6, rather than 10.

page 26, line 14

by Representative Culp:

Restricts the number of members named to the Florida Educator Hall of Fame during any 1 year to two, rather than four.

On April 14, 1998, HB 3939 was voted favorably out of the House Education Appropriations Committee as a Committee Substitute with the following amendments:

page 1 line 14, through page 2 line 13 to Amendment 554333

by Representative Murman:

Removes amendment traveling with the bill which replaced \$50 per day stipend for teachers participating in professional development activities with teachers's daily rate of pay for each day of professional development activities.

page 18 line 30, through page 20 line 22; with title amendment

by Representative Sublette:

Removes Section 16 of the bill requiring school districts to develop professional development plans providing stipends to teachers.

page 15, between lines 26 and 27

by Representative Lynn:

Inserts language allowing an employee in a sick leave pool to donate all of their sick leave, over the maximum amount allowed to be contributed, in cases where an employee is suffering a medical hardship (as defined by rule).

page 1, lines 14017 to Amendment 365195

by Representative Culp:

Removes amendment traveling with bill reducing the number of members nominated to the Florida Educators Hall of Fame in the first year.

page 1, lines 14-17 to Amendment 192351

by Representative Culp:

Removes amendment traveling with bill reducing the number of members nominated to the Florida Educators Hall of Fame in any subsequent year.

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VII. SIGNATURES:

COMMITTEE ON EDUCATION K-12:

Prepared by:

Legislative Research Director:

Molly A. Jones

M. Elizabeth Atkins

AS REVISED BY THE COMMITTEE ON EDUCATION APPROPRIATIONS:

Prepared by:

Legislative Research Director:

Susan Mosychuk

John Newman