

1 A bill to be entitled
2 An act relating to education; stating an intent
3 to increase standards for the preparation,
4 certification, and professional development of
5 educators; directing the Department of
6 Education to review statutes and rules
7 governing certification to increase efficiency,
8 rigor, and alternatives in the certification
9 process; requiring a report; amending s.
10 24.121, F.S.; specifying conditions for
11 withholding allocations from the Educational
12 Enhancement Trust Fund; amending s. 229.592,
13 F.S.; prohibiting the waiver of a required
14 report of out-of-field teachers; amending s.
15 230.23, F.S., relating to district school board
16 powers and duties; requiring certain
17 performance-based pay for school administrators
18 and instructional personnel; amending s.
19 231.02, F.S.; correcting a reference; amending
20 s. 231.0861, F.S.; requiring the State Board of
21 Education to approve criteria for selection of
22 certain administrative personnel; authorizing
23 school districts to contract with private
24 entities for evaluation and training of such
25 personnel; amending s. 231.085, F.S.;
26 specifying principals' responsibilities for
27 assessing performance of school personnel and
28 implementing the Sunshine State Standards;
29 amending s. 231.087, F.S.; requiring the State
30 Board of Education to adopt rules governing the
31 training of school district management

1 personnel; providing for review and repeal of
2 the Management Training Act; requiring
3 recommendations; amending s. 231.09, F.S.;
4 prescribing duties of instructional personnel;
5 amending s. 231.096, F.S.; requiring a school
6 board plan to ensure the competency of teachers
7 with out-of-field teaching assignments;
8 amending s. 231.145, F.S.; revising purpose to
9 reflect increased requirements for
10 certification; amending s. 231.15, F.S.;
11 authorizing certification based on demonstrated
12 competencies; requiring rules of the State
13 Board of Education to specify certain
14 competencies; requiring consultation with
15 postsecondary education boards; amending s.
16 231.17, F.S.; revising prerequisites for
17 certification; requiring demonstration of
18 general knowledge before temporary
19 certification; increasing the requirement that
20 teachers know and use mathematics, technology,
21 and intervention strategies with students;
22 deleting alternative ways to demonstrate
23 general knowledge competency; amending s.
24 231.1725, F.S.; providing legal protections for
25 clinical field experience students; amending s.
26 231.174, F.S., relating to district programs
27 for adding certification coverages; removing
28 limitation to specific certification areas;
29 amending s. 231.29, F.S.; requiring certain
30 personnel-performance assessments to be
31 primarily based on student performance;

1 amending s. 231.36, F.S.; authorizing the State
2 Board of Education to define certain terms by
3 rule; requiring certain review and testing of
4 employees of schools in performance grade
5 categories "D" and "F"; amending s. 231.546,
6 F.S.; specifying duties of the Education
7 Standards Commission; amending s. 231.600,
8 F.S.; prescribing the responsibilities of
9 school district professional-development
10 programs; amending s. 236.08106, F.S.;
11 providing for the distribution of Excellent
12 Teaching Program funds; deleting certain
13 district incentives; amending s. 240.529, F.S.;
14 requiring the commissioner to appoint a Teacher
15 Preparation Program Committee to recommend core
16 curricula for state-approved teacher
17 preparation programs; requiring a report;
18 requiring the State Board of Education to adopt
19 rules establishing uniform core curricula;
20 revising criteria for initial and continuing
21 approval of teacher-preparation programs;
22 increasing the requirements for a student to
23 enroll in and graduate from a teacher-education
24 program; requiring annual reports of program
25 performance; creating s. 231.6135, F.S.;
26 establishing a statewide system for in-service
27 professional development; authorizing
28 professional development academies to meet
29 human resource development and education
30 instruction training needs of educators,
31 school, and school districts; providing for

1 organization and operation by public and
2 private partners; providing for funding;
3 specifying duties of the Commissioner of
4 Education; repealing s. 231.601, F.S., relating
5 to purpose of inservice training for
6 instructional personnel; providing an effective
7 date.

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

10
11 Section 1. The Legislature intends to implement a
12 comprehensive approach to increase students' academic
13 achievement and improve teaching quality. The Legislature
14 recognizes that professional educators shape the future of
15 this state and the nation by developing the knowledge and
16 skills of our future workforce and laying the foundation for
17 good citizenship and full participation in community and civic
18 life. The Legislature also recognizes its critical role in
19 meeting the state's educational goals and preparing all
20 students to achieve at the high levels set by the Sunshine
21 State Standards. The purpose of this act is to raise standards
22 for certifying professional educators; establish Institutes
23 for Excellence in Teaching to respond to professional
24 development needs; increase accountability for postsecondary
25 programs that prepare future educators; increase the ability
26 of professional educators to use technology to enhance student
27 learning; and increase accountability for administrators who
28 evaluate teacher performance. To further this initiative, the
29 Department of Education must review the provisions of chapter
30 231, Florida Statutes, and related administrative rules
31 governing the certification of individuals who must hold state

1 certification as a condition of employment in any district
2 school system. The purpose of the review is to identify ways
3 to make the certification process more efficient and
4 responsive to the needs of district school systems and
5 educators; to maintain rigorous standards for initial and
6 continuing certification; and to provide more alternative
7 certification options for individuals who have specific
8 subject-area expertise but have not completed a standard
9 teacher preparation program. The department must evaluate the
10 rigor of the assessment instruments and passing scores
11 required for certification and should consider components of
12 more rigorous and efficient certification systems in other
13 states, including those states in which educators govern their
14 profession through autonomous or semi-autonomous governing
15 boards. When reviewing the certification assessment
16 instruments, the department must consider alternatives that
17 assess applicants' general knowledge of science in addition to
18 their abilities to read, write, and compute mathematically.
19 The department may request assistance from the Education
20 Standards Commission. By January 1, 2000, the department must
21 submit its findings and recommendations for revision of
22 statutes and administrative rules to the presiding officers of
23 the Senate, the House of Representatives, and the State Board
24 of Education.

25 Section 2. Paragraph (d) of subsection (5) of section
26 24.121, Florida Statutes, 1998 Supplement, is amended to read:
27 24.121 Allocation of revenues and expenditure of funds
28 for public education.--

29 (5)

30 (d) No funds shall be released for any purpose from
31 the Educational Enhancement Trust Fund to any school district

1 in which one or more schools do not have an approved school
2 improvement plan pursuant to s. 230.23(16) or do not comply
3 with school advisory council membership composition
4 requirements pursuant to s. 229.58(1). Effective July 1, 2002,
5 the Commissioner of Education shall withhold disbursements
6 from the trust fund to any school district that fails to adopt
7 the performance-based salary schedule required by s.
8 230.23(5).

9 Section 3. Subsection (6) of section 229.592, Florida
10 Statutes, 1998 Supplement, is amended to read:

11 229.592 Implementation of state system of school
12 improvement and education accountability.--

13 (6) EXCEPTIONS TO LAW.--To facilitate innovative
14 practices and to allow local selection of educational methods,
15 the commissioner may waive, upon the request of a school
16 board, requirements of chapters 230 through 239 of the Florida
17 School Code that relate to instruction and school operations,
18 except those pertaining to civil rights, and student health,
19 safety, and welfare. The Commissioner of Education is not
20 authorized to grant waivers for any provisions of law
21 pertaining to the allocation and appropriation of state and
22 local funds for public education; the election, compensation,
23 and organization of school board members and superintendents;
24 graduation and state accountability standards; financial
25 reporting requirements; report of out-of-field teaching
26 assignments under s. 231.095;public meetings; public records;
27 or due process hearings governed by chapter 120. Prior to
28 approval, the commissioner shall report pending waiver
29 requests to the state board on a monthly basis, and shall,
30 upon request of any state board member, bring a waiver request
31 to the state board for consideration. If, within 2 weeks of

1 receiving the report, no member requests that a waiver be
2 considered by the state board, the commissioner may act on the
3 original waiver request. No later than January 1 of each year,
4 the commissioner shall report to the President and Minority
5 Leader of the Senate and the Speaker and Minority Leader of
6 the House of Representatives all approved waiver requests in
7 the preceding year.

8 (a) Graduation requirements in s. 232.246 must be met
9 by demonstrating performance of intended outcomes for any
10 course in the Course Code Directory unless a waiver is
11 approved by the commissioner. In developing procedures for
12 awarding credits based on performance outcomes, districts may
13 request waivers from State Board of Education rules relating
14 to curriculum frameworks and credits for courses and programs
15 in the Course Code Directory. Credit awarded for a course or
16 program beyond that allowed by the Course Code Directory
17 counts as credit for electives. Upon request by any school
18 district, the commissioner shall evaluate and establish
19 procedures for variations in academic credits awarded toward
20 graduation by a high school offering six periods per day
21 compared to those awarded by high schools operating on other
22 schedules.

23 1. A school board may originate a request for waiver
24 and submit the request to the commissioner if such a waiver is
25 required to implement districtwide improvements.

26 2. A school board may submit a request to the
27 commissioner for a waiver if such request is presented to the
28 school board by a school advisory council established pursuant
29 to s. 229.58 and if such a waiver is required to implement a
30 school improvement plan required by s. 230.23(16). The school
31 board shall report annually to the Florida Commission on

1 Education Reform and Accountability, in conjunction with the
2 feedback report required pursuant to subsection (3), the
3 number of waivers requested by school advisory councils, the
4 number of such waiver requests approved and submitted to the
5 commissioner, and the number of such waiver requests not
6 approved and not submitted to the commissioner. For each
7 waiver request not approved, the school board shall report the
8 statute or rule for which the waiver was requested, the
9 rationale for the school advisory council request, and the
10 reason the request was not approved.

11 3. When approved by the commissioner, a waiver
12 requested under this paragraph is effective for a 5-year
13 period.

14 (b) Notwithstanding the provisions of chapter 120 and
15 for the purpose of implementing this subsection, the
16 commissioner may waive State Board of Education rules if the
17 school board has submitted a written request to the
18 commissioner for approval pursuant to this subsection.

19 (c) The written request for waiver of statute or rule
20 must indicate at least how the general statutory purpose will
21 be met, how granting the waiver will assist schools in
22 improving student outcomes related to the student performance
23 standards adopted pursuant to subsection (5), and how student
24 improvement will be evaluated and reported. In considering any
25 waiver, the commissioner shall ensure protection of the
26 health, safety, welfare, and civil rights of the students and
27 protection of the public interest.

28 (d) Upon denying a request for a waiver, the
29 commissioner must state with particularity the grounds or
30 basis for the denial. The commissioner shall report the
31 specific statutes and rules for which waivers are requested

1 and the number and disposition of such requests to the Florida
2 Commission on Education Reform and Accountability for use in
3 determining which statutes and rules stand in the way of
4 school improvement.

5 Section 4. Paragraph (c) of subsection (5) of section
6 230.23, Florida Statutes, 1998 Supplement, is amended to read:

7 230.23 Powers and duties of school board.--The school
8 board, acting as a board, shall exercise all powers and
9 perform all duties listed below:

10 (5) PERSONNEL.--Designate positions to be filled,
11 prescribe qualifications for those positions, and provide for
12 the appointment, compensation, promotion, suspension, and
13 dismissal of employees as follows, subject to the requirements
14 of chapter 231:

15 (c) Compensation and salary schedules.--Adopt a salary
16 schedule or salary schedules to be used as a basis for paying
17 all school employees, such schedules to be arranged, insofar
18 as practicable, so as to furnish incentive for improvement in
19 training and for continued and efficient service and fix and
20 authorize the compensation of school employees on the basis of
21 such schedules. A district school board, in determining the
22 salary schedule for instructional personnel, must base a
23 portion of each employee's compensation on performance
24 demonstrated under s. 231.29 and must consider the prior
25 teaching experience of a person who has been designated state
26 teacher of the year by any state in the United States. In
27 developing the salary schedule, the school board shall seek
28 input from parents, teachers, and representatives of the
29 business community. By June 30, 2002, the salary schedule
30 adopted by the school board must base at least 5 percent of
31 the salary of school administrators and instructional

1 personnel on annual performance measured under s. 231.29. The
2 district's performance-pay policy is subject to negotiation as
3 provided in chapter 447; however, the adopted salary schedule
4 must allow employees who demonstrate outstanding performance
5 to earn 5 percent of their individual salary. The Commissioner
6 of Education shall determine whether the board's adopted
7 salary schedule complies with the requirement for
8 performance-based pay. If the board fails to comply by June
9 30, 2002, the commissioner shall withhold disbursements from
10 the Education Enhancement Trust Fund to the district until
11 compliance is verified.

12 Section 5. Subsection (1) of section 231.02, Florida
13 Statutes, 1998 Supplement, is amended to read:

14 231.02 Qualifications of personnel.--

15 (1) To be eligible for appointment in any position in
16 any district school system, a person shall be of good moral
17 character; shall have attained the age of 18 years, if he or
18 she is to be employed in an instructional capacity; and shall,
19 when required by law, hold a certificate or license issued
20 under rules of the State Board of Education or the Department
21 of Health ~~and Rehabilitative Services~~, except when employed
22 pursuant to s. 231.15 or under the emergency provisions of s.
23 236.0711. Previous residence in this state shall not be
24 required in any school of the state as a prerequisite for any
25 person holding a valid Florida certificate or license to serve
26 in an instructional capacity.

27 Section 6. Subsection (2) of section 231.0861, Florida
28 Statutes, is amended to read:

29 231.0861 Principals and assistant principals;
30 selection.--

31

1 (2) ~~By July 1, 1986,~~ Each district school board shall
2 adopt and implement an objective-based process for the
3 screening, selection, and appointment of assistant principals
4 and principals in the public schools of this state which meets
5 the criteria approved by the State Board of Education Florida
6 ~~Council on Educational Management~~. Each school district may
7 contract with other local school districts, agencies,
8 associations, private entities, or universities to conduct the
9 assessments, evaluations, and training programs required under
10 this section.

11 Section 7. Section 231.085, Florida Statutes, is
12 amended to read:

13 231.085 Duties of principals.--A district school board
14 shall employ, through written contract, public school
15 principals who shall supervise the operation and management of
16 the schools and property as the board determines necessary.
17 Each principal is responsible for the performance of all
18 personnel employed by the school board and assigned to the
19 school to which the principal is assigned. The principal shall
20 faithfully and effectively apply the personnel-assessment
21 system approved by the school board pursuant to s. 231.29.
22 Each principal shall perform such duties as may be assigned by
23 the superintendent pursuant to the rules of the school board.
24 Such rules shall include, but not be limited to, rules
25 relating to administrative responsibility, instructional
26 leadership in implementing the Sunshine State Standards and of
27 the overall educational program of the school to which the
28 principal is assigned, submission of personnel recommendations
29 to the superintendent, administrative responsibility for
30 records and reports, administration of corporal punishment,
31 and student suspension. Each principal shall provide

1 leadership in the development or revision and implementation
2 of a school improvement plan pursuant to s. 230.23(16).

3 Section 8. Paragraph (a) of subsection (5) of section
4 231.087, Florida Statutes, is amended, and subsection (7) is
5 added to that section, to read:

6 231.087 Management Training Act; Florida Council on
7 Educational Management; Florida Academy for School Leaders;
8 Center for Interdisciplinary Advanced Graduate Study.--

9 (5) DISTRICT MANAGEMENT TRAINING PROGRAMS.--

10 (a) Pursuant to rules guidelines to be adopted by the
11 State Board of Education ~~Florida Council on Educational~~
12 ~~Management~~, each school board may submit to the commissioner a
13 proposed program designed to train district administrators and
14 school-based managers, including principals, assistant
15 principals, school site administrators, and persons who are
16 potential candidates for employment in such administrative
17 positions, in the competencies which have been identified by
18 the Florida Council on Educational Management ~~council~~ as being
19 necessary for effective school management. The proposed
20 program shall include a statement of the number of individuals
21 to be included in the program and an itemized statement of the
22 estimated total cost of the program, which shall be paid in
23 part by the district and in part by the department.

24 (7) REPEAL AND REVIEW OF MANAGEMENT ACT.--The Office
25 of Program Policy Analysis and Governmental Accountability, in
26 consultation with the Department of Education, shall conduct a
27 comprehensive review of the Management Training Act to
28 determine its effectiveness and by January 1, 2000, shall make
29 recommendations to the presiding officers of the Legislature
30 for the repeal, revision, or reauthorization of the act. This
31 section is repealed effective June 30, 2000.

1 Section 9. Section 231.09, Florida Statutes, is
2 amended to read:

3 231.09 Duties of instructional personnel.--The primary
4 duty of instructional personnel is to work diligently and
5 faithfully to help students meet or exceed annual learning
6 goals, to meet state and local achievement requirements, and
7 to master the skills required to graduate from high school
8 prepared for postsecondary education and work. This duty
9 applies to instructional personnel whether they teach or
10 function in a support role.Members of the instructional staff
11 of the public schools shall perform duties prescribed by rules
12 of the school board. Such rules shall include, but not be
13 limited to, rules relating to a teacher's duty to help
14 students master challenging standards and meet all state and
15 local requirements for achievement;teaching efficiently and
16 faithfully, using prescribed materials and methods, including
17 technology-based instruction; recordkeeping; and fulfilling
18 the terms of any contract, unless released from the contract
19 by the school board.

20 Section 10. Section 231.096, Florida Statutes, 1998
21 Supplement, is amended to read:

22 231.096 Teacher teaching out-of-field;
23 assistance.--Each ~~school~~ district school board shall adopt and
24 implement ~~have~~ a plan to assist any teacher teaching
25 out-of-field, and priority consideration in professional
26 development activities shall be given to teachers who are
27 teaching out-of-field. The school board shall require that
28 such teachers participate in a certification or
29 staff-development program designed to ensure that the teacher
30 has the competencies required for the assigned duties. The
31 board-approved assistance plan must include duties of

1 administrative personnel and other instructional personnel to
2 ensure that students receive high-quality instructional
3 services.

4 Section 11. Section 231.145, Florida Statutes, is
5 amended to read:

6 231.145 Purpose of instructional personnel
7 certification.--It is the intent of the Legislature that
8 school personnel certified in this state possess the
9 credentials, knowledge, and skills necessary to provide a
10 high-quality ~~quality~~ education in the public schools. The
11 purpose of school personnel certification is to protect the
12 educational interests of students, parents, and the public at
13 large by assuring that teachers in this state are
14 professionally qualified. In fulfillment of its duty to the
15 citizens of this state, the Legislature has established
16 certification requirements to assure that educational
17 personnel in public schools possess appropriate skills in
18 reading, writing, and mathematics, and adequate pedagogical
19 knowledge, including the use of technology to enhance student
20 learning,and relevant subject matter competence so as to ~~and~~
21 ~~can~~ demonstrate an acceptable level of professional
22 performance. Further, the Legislature has established a
23 certificate renewal process which promotes the continuing
24 professional improvement of school personnel, thereby
25 enhancing public education in all areas of the state.

26 Section 12. Section 231.15, Florida Statutes, 1998
27 Supplement, is amended to read:

28 231.15 Positions for which certificates required.--

29 (1) The State Board of Education shall classify school
30 services, designate the certification subject areas, establish
31 competencies, including the use of technology to enhance

1 student learning, and certification requirements for all
2 school-based personnel, and prescribe rules in accordance with
3 which the professional, temporary, and part-time certificates
4 shall be issued by the Department of Education to applicants
5 who meet the standards prescribed by such rules for their
6 class of service. The rules must allow the holder of a valid
7 professional certificate to add an area of certification
8 without completing the associated course requirements if the
9 certificateholder attains a passing score on an examination of
10 competency in the subject area to be added and provides
11 evidence of at least 2 years of satisfactory performance
12 evaluations that considered the performance of students taught
13 by the certificateholder. The rules must allow individuals who
14 have specific subject area expertise but who have not
15 completed a standard teacher preparation program to
16 participate in a state-approved alternative certification
17 program for a professional certificate. As appropriate, this
18 program must provide for demonstration competencies in lieu of
19 completion of a specific number of college course credit hours
20 in the areas of assessment; communication; critical thinking;
21 human development and learning; classroom management;
22 planning; technology; diversity; teacher responsibility; code
23 of ethics; and continuous professional improvement. The State
24 Board of Education shall consult with the State Board of
25 Independent Colleges and Universities, the State Board of
26 Nonpublic Career Education, the Board of Regents, and the
27 State Board of Community Colleges before adopting any changes
28 to training requirements relating to entry into the
29 profession. This consultation must allow the educational board
30 to provide advice regarding the impact of the proposed changes
31 in terms of the length of time necessary to complete the

1 training program and the fiscal impact of the changes. The
2 educational board must be consulted only when an institution
3 offering the training program falls under its jurisdiction.

4 Each person employed or occupying a position as school
5 supervisor, principal, teacher, library media specialist,
6 school counselor, athletic coach, or other position in which
7 the employee serves in an instructional capacity, in any
8 public school of any district of this state shall hold the
9 certificate required by law and by rules of the state board in
10 fulfilling the requirements of the law for the type of service
11 rendered. However, the state board shall adopt rules
12 authorizing school boards to employ selected noncertificated
13 personnel to provide instructional services in the
14 individuals' fields of specialty or to assist instructional
15 staff members as education paraprofessionals.

16 (2) Each person who is employed and renders service as
17 an athletic coach in any public school in any district of this
18 state shall hold a valid part-time, temporary, or professional
19 certificate. The provisions of this subsection do not apply to
20 any athletic coach who voluntarily renders service and who is
21 not employed by any public school district of this state.

22 (3) Each person employed as a school nurse shall hold
23 a license to practice nursing in the state, and each person
24 employed as a school physician shall hold a license to
25 practice medicine in the state. ~~The provisions of this~~
26 ~~subsection shall not apply to any athletic coach who renders~~
27 ~~service in a voluntary capacity and who is not employed by any~~
28 ~~public school of any district in this state.~~

29 (4)~~(2)~~ A commissioned or noncommissioned military
30 officer who is an instructor of junior reserve officer
31 training shall be exempt from requirements for teacher

1 certification, except for the filing of fingerprints pursuant
2 to s. 231.02, if he or she meets the following qualifications:

3 (a) Is retired from active military duty with at least
4 20 years of service and draws retirement pay or is retired, or
5 transferred to retired reserve status, with at least 20 years
6 of active service and draws retirement pay or retainer pay.

7 (b) Satisfies criteria established by the appropriate
8 military service for certification by the service as a junior
9 reserve officer training instructor.

10 (c) Has an exemplary military record.

11
12 If such instructor is assigned instructional duties other than
13 junior reserve officer training, he or she shall hold the
14 certificate required by law and rules of the state board for
15 the type of service rendered.

16 Section 13. Paragraph (c) of subsection (3) and
17 subsections (4), (5), and (8) of section 231.17, Florida
18 Statutes, 1998 Supplement, are amended to read:

19 231.17 Official statements of eligibility and
20 certificates granted on application to those meeting
21 prescribed requirements.--

22 (3) TEMPORARY CERTIFICATE.--

23 (c) To qualify for a temporary certificate, the
24 applicant must:

25 1. File a written statement under oath that the
26 applicant subscribes to and will uphold the principles
27 incorporated in the Constitutions of the United States and of
28 the State of Florida.

29 2. Be at least 18 years of age.

30 3. Document receipt of a bachelor's or higher degree
31 from an accredited institution of higher learning, as defined

1 by state board rule. Credits and degrees awarded by a newly
2 created Florida state institution that is part of the State
3 University System shall be considered as granted by an
4 accredited institution of higher learning during the first 2
5 years of course offerings while accreditation is gained.
6 Degrees from foreign institutions, or degrees from other
7 institutions of higher learning that are in the accreditation
8 process, may be validated by a process established in state
9 board rule. Once accreditation is gained, the institution
10 shall be considered as accredited beginning with the 2-year
11 period prior to the date of accreditation. The bachelor's or
12 higher degree may not be required in areas approved in rule by
13 the State Board of Education as nondegreed areas. Each
14 applicant seeking initial certification must have attained at
15 least a 2.5 overall grade point average on a 4.0 scale in the
16 applicant's major field of study. The applicant may document
17 the required education by submitting official transcripts from
18 institutions of higher education or by authorizing the direct
19 submission of such official transcripts through established
20 electronic network systems.

21 4. Be competent and capable of performing the duties,
22 functions, and responsibilities of a teacher.

23 5. Be of good moral character.

24 6. Demonstrate mastery of general knowledge, including
25 the ability to read, write, compute, and use technology for
26 classroom instruction. Individuals who apply for certification
27 on or after July 1, 2000, must demonstrate these minimum
28 competencies in order to receive a temporary certificate.
29 Acceptable means of demonstrating such mastery is an
30 individual's achievement of passing scores on other states'
31 general knowledge examinations or a valid standard teaching

1 certificate issued by another state that requires mastery of
2 general knowledge.

3
4 Rules adopted pursuant to this section shall provide for the
5 review and acceptance of credentials from foreign institutions
6 of higher learning.

7 (4) PROFESSIONAL CERTIFICATE.--The department shall
8 issue a professional certificate for a period not to exceed 5
9 years to any applicant who meets the requirements for a
10 temporary certificate and documents mastery of the minimum
11 competencies required by subsection (5). Mastery of the
12 minimum competencies must be documented on a comprehensive
13 written examination or through other criteria as specified by
14 rules of the state board. Mastery of minimum competencies
15 required under subsection (5) must be demonstrated in the
16 following areas:

17 (a) General knowledge, including the ability to read,
18 write, and compute, and use technology for classroom
19 instruction. However, individuals who apply for certification
20 on or after July 1, 2000, must demonstrate these minimum
21 competencies in order to receive a temporary certificate.
22 Acceptable means of demonstrating such mastery is an
23 individual's achievement of passing scores on other states'
24 general knowledge examinations or a valid standard teaching
25 certificate issued by another state that requires mastery of
26 general knowledge.

27 (b) Professional skills and knowledge of the standards
28 of professional practice.

29 (c) The subject matter in each area for which
30 certification is sought.

31

1 (5) MINIMUM COMPETENCIES FOR PROFESSIONAL
2 CERTIFICATE.--

3 (a) The state board must specify, by rule, the minimum
4 essential competencies that educators must possess and
5 demonstrate in order to qualify to teach students the
6 standards of student performance adopted by the state board.
7 The minimum competencies must include but are not limited to
8 the ability to:

9 1. Write in a logical and understandable style with
10 appropriate grammar and sentence structure.

11 2. Read, comprehend, and interpret professional and
12 other written material.

13 3. Comprehend and work with ~~fundamental~~ mathematical
14 concepts, including algebra.

15 4. Recognize signs of students' difficulty with the
16 reading process and apply appropriate measures to improve
17 students' reading performance.

18 ~~5.4.~~ Recognize signs of severe emotional distress in
19 students and apply techniques of crisis intervention with an
20 emphasis on suicide prevention and positive emotional
21 development.

22 ~~6.5.~~ Recognize signs of alcohol and drug abuse in
23 students and know how to appropriately work with such students
24 and seek assistance designed to prevent ~~apply counseling~~
25 ~~techniques with emphasis on intervention and prevention of~~
26 future abuse.

27 ~~7.6.~~ Recognize the physical and behavioral indicators
28 of child abuse and neglect, know rights and responsibilities
29 regarding reporting, know how to care for a child's needs
30 after a report is made, and know recognition, intervention,
31 and prevention strategies pertaining to child abuse and

1 neglect which can be related to children in a classroom
2 setting in a nonthreatening, positive manner.

3 ~~8.7.~~ Comprehend patterns of physical, social, and
4 academic development in students, including exceptional
5 students in the regular classroom, and counsel these students
6 concerning their needs in these areas.

7 ~~9.8.~~ Recognize and be aware of the instructional needs
8 of exceptional students.

9 ~~10.9.~~ Comprehend patterns of normal development in
10 students and employ appropriate intervention strategies for
11 disorders of development.

12 ~~11.10.~~ Identify and comprehend the codes and standards
13 of professional ethics, performance, and practices adopted
14 pursuant to s. 231.546(2)(b), the grounds for disciplinary
15 action provided by s. 231.28, and the procedures for resolving
16 complaints filed pursuant to this chapter, including appeal
17 processes.

18 ~~12.11.~~ Recognize and demonstrate awareness of the
19 educational needs of students who have limited proficiency in
20 English and employ appropriate teaching strategies.

21 ~~13.12.~~ Use and integrate appropriate technology in
22 teaching and learning processes and in managing, evaluating,
23 and improving instruction.

24 ~~14.13.~~ Use assessment and other diagnostic strategies
25 to assist the continuous development of the learner.

26 ~~15.14.~~ Use teaching and learning strategies that
27 include considering each student's culture, learning styles,
28 special needs, and socioeconomic background.

29 ~~16.15.~~ Demonstrate knowledge and understanding of the
30 subject matter that is aligned with the subject knowledge and
31

1 skills specified in the Sunshine State Standards and student
2 performance standards approved by the state board.

3 17. Demonstrate knowledge and skill in managing
4 student behavior inside and outside the classroom. Such
5 knowledge and skill must include techniques for preventing and
6 effectively responding to incidents of disruptive or violent
7 behavior.

8 18. Demonstrate knowledge of and skill in developing
9 and administering appropriate classroom assessment instruments
10 designed to measure student learning gains.

11 19. Demonstrate the ability to maintain a positive
12 collaborative relationship with students' families to increase
13 student achievement.

14 (b) The state board shall designate the certification
15 areas for subject area tests. However, an applicant may
16 satisfy the subject area and professional knowledge testing
17 requirements by attaining scores on corresponding tests from
18 the National Teachers Examination series, and successors to
19 that series, that meet standards established by the state
20 board. The College Level Academic Skills Test, a similar test
21 approved by the state board, or corresponding tests from
22 ~~beginning January 1, 1996,~~the National Teachers Examination
23 series must be used by ~~degreed personnel~~ to demonstrate
24 mastery of general knowledge as required in paragraphs (3)(c)
25 and paragraph (4)(a). All required tests may be taken prior to
26 graduation.The College Level Academic Skills Test shall be
27 waived for any applicant who passed the reading, writing, and
28 mathematics subtest of the former Florida Teacher
29 Certification Examination or the College Level Academic Skills
30 Test and subsequently obtained a certificate pursuant to this
31 chapter.

1 (8) EXAMINATIONS.--

2 (a) The commissioner, with the approval of the state
3 board, may contract for developing, printing, administering,
4 scoring, and appropriate analysis of the written tests
5 required.

6 (b) The state board shall, by rule, specify the
7 examination scores that are required for the issuance of a
8 professional certificate and ~~certain~~ temporary certificate
9 ~~certificates. When the College Level Academic Skills Test is~~
10 ~~used to demonstrate general knowledge, Such rules must provide~~
11 ~~an alternative method by which an applicant may demonstrate~~
12 ~~mastery of general knowledge, including the ability to read,~~
13 ~~write, or compute, must define generic subject area~~
14 ~~competencies and must establish uniform evaluation~~
15 ~~guidelines. Individuals who apply for their professional~~
16 ~~certificate before July 1, 2000, may demonstrate mastery of~~
17 ~~general knowledge pursuant to the alternative method specified~~
18 ~~by state board rule which The alternative method must:~~

19 1. Apply only to an applicant who has successfully
20 completed all prerequisites for issuance of the professional
21 certificate, except passing one specific subtest of the
22 College Level Academic Skills Test, and who has taken and
23 failed to achieve a passing score on that subtest at least
24 four times.

25 2. Require notification from the superintendent of the
26 employing school district, the governing authority of the
27 employing developmental research school, or the governing
28 authority of the employing state-supported school or nonpublic
29 school that the applicant has satisfactorily demonstrated
30 mastery of the subject area covered by that specific subtest
31 through successful experience in the professional application

1 of generic subject area competencies and proficient academic
2 performance in that subject area. The decision of the
3 superintendent or governing authority shall be based on a
4 review of the applicant's official academic transcript and
5 notification from the applicant's principal, a peer teacher,
6 and a district-level supervisor that the applicant has
7 demonstrated successful professional experience in that
8 subject area.

9 (c) If an applicant takes an examination developed by
10 this state and does not achieve the score necessary for
11 certification, the applicant may review his or her completed
12 examination and bring to the attention of the department any
13 errors that would result in a passing score.

14 (d) The department and the board shall maintain
15 confidentiality of the examination, developmental materials,
16 and workpapers, and the examination, developmental materials,
17 and workpapers are exempt from s. 119.07(1).

18 Section 14. Subsection (3) is added to section
19 231.1725, Florida Statutes, 1998 Supplement, to read:

20 231.1725 Employment of substitute teachers, teachers
21 of adult education, and nondegreed teachers of career
22 education; students performing clinical field experience.--

23 (3) A student who is enrolled in a state-approved
24 teacher preparation program in an institution of higher
25 education which is approved by rules of the State Board of
26 Education and who is jointly assigned by the institution of
27 higher education and a school board to perform a clinical
28 field experience under the direction of a regularly employed
29 and certified educator shall, while serving such supervised
30 clinical field experience, be accorded the same protection of
31 law as that accorded to the certified educator except for the

1 right to bargain collectively as employees of the school
2 board.

3 Section 15. Section 231.174, Florida Statutes, is
4 amended to read:

5 231.174 Alternative preparation programs for certified
6 teachers to add additional coverage.--A district school board
7 may design alternative teacher preparation programs to enable
8 persons already certificated to add an additional coverage to
9 their certificates ~~to teach exceptional education classes or~~
10 ~~in other areas of critical shortage.~~ Each alternative teacher
11 preparation program shall be reviewed and approved by the
12 Department of Education to assure that persons who complete
13 the program are competent in the necessary areas of subject
14 matter specialization. Two or more school districts may
15 jointly participate in an alternative preparation program for
16 teachers.

17 Section 16. Subsection (3) of section 231.29, Florida
18 Statutes, 1998 Supplement, is amended to read:

19 231.29 Assessment procedures and criteria.--

20 (3) The assessment procedure for instructional
21 personnel and school administrators must be primarily based on
22 the performance of students assigned to their classrooms or
23 schools, as appropriate. The procedures must ~~shall~~ comply
24 with, but need ~~shall~~ not be limited to, the following
25 requirements:

26 (a) An assessment must ~~shall~~ be conducted for each
27 employee at least once a year. The assessment must ~~shall~~ be
28 based upon sound educational principles and contemporary
29 research in effective educational practices. The assessment
30 must use data and indicators of improvement in student
31 performance and may consider results of peer reviews in

1 evaluating the employee's performance. Student performance
2 must be measured by state assessments required under s. 229.57
3 and by local assessments for subjects and grade levels not
4 measured by the state assessment program.The assessment
5 criteria must include, but are not limited to, indicators that
6 relate to the following:

7 1. Performance of students.

8 2.1. Ability to maintain appropriate discipline.

9 3.2. Knowledge of subject matter. The district school
10 board shall make special provisions for evaluating teachers
11 who are assigned to teach out-of-field.

12 4.3. Ability to plan and deliver instruction,
13 including the use of technology in the classroom.

14 5.4. Ability to evaluate instructional needs.

15 6.5. Ability to establish and maintain a positive
16 collaborative relationship with students' families to increase
17 student achievement ~~communicate with parents.~~

18 7.6. Other professional competencies,
19 responsibilities, and requirements as established by rules of
20 the State Board of Education and policies of the district
21 school board.

22 (b) All personnel must ~~shall~~ be fully informed of the
23 criteria and procedures associated with the assessment process
24 before the assessment takes place.

25 (c) The individual responsible for supervising the
26 employee must assess the employee's performance. The evaluator
27 must submit a written report of the assessment to the
28 superintendent for the purpose of reviewing the employee's
29 contract. If the employee is assigned to a school designated
30 in performance grade categories "D" or "F" and was rated
31 unsatisfactory on any function related to the employee's

1 instructional or administrative duties, the superintendent, in
2 consultation with the employee's evaluator, shall review the
3 employee's performance assessment. If the superintendent
4 determines that the lack of general knowledge, subject area
5 expertise, or other professional competencies contributed to
6 the employee's unsatisfactory performance, the superintendent
7 shall notify the district school board of that determination.
8 The district school board shall require those employees, as
9 part of their performance probation, to take and receive a
10 passing score on a test of general knowledge, subject area
11 expertise, or professional competencies, whichever is
12 appropriate. The tests required by this paragraph shall be
13 those required for certification under chapter 231 and rules
14 of the State Board of Education. The evaluator must submit
15 the written report to the employee no later than 10 days after
16 the assessment takes place. The evaluator must discuss the
17 written report of assessment with the employee. The employee
18 shall have the right to initiate a written response to the
19 assessment, and the response shall become a permanent
20 attachment to his or her personnel file.

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

26 1. Upon delivery of a notice of unsatisfactory
27 performance, the evaluator must confer with the employee, make
28 recommendations with respect to specific areas of
29 unsatisfactory performance, and provide assistance in helping
30 to correct deficiencies within a prescribed period of time.

31

1 2.a. If the employee holds a professional service
2 contract as provided in s. 231.36,the employee shall be
3 placed on performance probation and governed by the provisions
4 of this section for 90 calendar days following ~~from~~ the
5 receipt of the notice of unsatisfactory performance to
6 demonstrate corrective action. School holidays and school
7 vacation periods are not counted when calculating the
8 90-calendar-day period. During the 90 calendar days, the
9 employee who holds a professional service contract must be
10 evaluated periodically and apprised of progress achieved and
11 must be provided assistance and inservice training
12 opportunities to help correct the noted performance
13 deficiencies. At any time during the 90 calendar days, the
14 employee who holds a professional service contract may request
15 a transfer to another appropriate position with a different
16 supervising administrator; however, a transfer does not extend
17 the period for correcting performance deficiencies.

18 ~~b.3.~~ Within 14 days after the close of the 90 calendar
19 days, the evaluator must assess whether the performance
20 deficiencies have been corrected and forward a recommendation
21 to the superintendent. Within 14 days after receiving the
22 evaluator's recommendation, the superintendent must notify the
23 employee who holds a professional service contract in writing
24 whether the performance deficiencies have been satisfactorily
25 corrected and whether the superintendent will recommend that
26 the school board continue or terminate his or her employment
27 contract. If the employee wishes to contest the
28 superintendent's recommendation, the employee must, within 15
29 days after receipt of the superintendent's recommendation,
30 submit a written request for a hearing. Such hearing shall be
31

1 conducted at the school board's election in accordance with
2 one of the following procedures:

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

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

22 Section 17. Subsections (1), (4), and (6) of section
23 231.36, Florida Statutes, are amended to read:

24 231.36 Contracts with instructional staff,
25 supervisors, and principals.--

26 (1)(a) Each person employed as a member of the
27 instructional staff in any district school system shall be
28 properly certificated pursuant to s. 231.17 or employed
29 pursuant to s. 231.1725 and shall be entitled to and shall
30 receive a written contract as specified in chapter 230. All
31 such contracts, except continuing contracts as specified in

1 subsection (4), shall contain provisions for dismissal during
2 the term of the contract only for just cause. Just cause
3 includes, but is not limited to, the following instances as
4 defined by rule of the State Board of Education: misconduct in
5 office, incompetency, gross insubordination, willful neglect
6 of duty, or conviction of a crime involving moral turpitude.

7 (b) A supervisor or principal shall be properly
8 certified and shall receive a written contract as specified in
9 chapter 230. Such contract may be for an initial period not to
10 exceed 3 years, subject to annual review and renewal. The
11 first 97 days of an initial contract is a probationary period.
12 During the probationary period, the employee may be dismissed
13 without cause or may resign from the contractual position
14 without breach of contract. After the first 3 years, the
15 contract may be renewed for a period not to exceed 3 years and
16 shall contain provisions for dismissal during the term of the
17 contract only for just cause, in addition to such other
18 provisions as are prescribed by the school board.

19 (4)(a) An employee who has continuing contract status
20 prior to July 1, 1984, shall be entitled to retain such
21 contract and all rights arising therefrom in accordance with
22 existing laws, rules of the State Board of Education, or any
23 laws repealed by this act, unless the employee voluntarily
24 relinquishes his or her continuing contract.

25 (b) Any member of the district administrative or
26 supervisory staff and any member of the instructional staff,
27 including any principal, who is under continuing contract may
28 be dismissed or may be returned to annual contract status for
29 another 3 years in the discretion of the school board, at the
30 end of the school year, when a recommendation to that effect
31 is submitted in writing to the school board on or before April

1 1 of any school year, giving good and sufficient reasons
2 therefor, by the superintendent, by the principal if his or
3 her contract is not under consideration, or by a majority of
4 the school board. The employee whose contract is under
5 consideration shall be duly notified in writing by the party
6 or parties preferring the charges at least 5 days prior to the
7 filing of the written recommendation with the school board,
8 and such notice shall include a copy of the charges and the
9 recommendation to the school board. The school board shall
10 proceed to take appropriate action. Any decision adverse to
11 the employee shall be made by a majority vote of the full
12 membership of the school board. Any such decision adverse to
13 the employee may be appealed by the employee pursuant to s.
14 120.68.

15 (c) Any member of the district administrative or
16 supervisory staff and any member of the instructional staff,
17 including any principal, who is under continuing contract may
18 be suspended or dismissed at any time during the school year;
19 however, the charges against him or her must be based on
20 immorality, misconduct in office, incompetency, gross
21 insubordination, willful neglect of duty, drunkenness, or
22 conviction of a crime involving moral turpitude, as these
23 terms are defined by rule of the State Board of Education.
24 Whenever such charges are made against any such employee of
25 the school board, the school board may suspend such person
26 without pay; but, if the charges are not sustained, he or she
27 shall be immediately reinstated, and his or her back salary
28 shall be paid. In cases of suspension by the school board or
29 by the superintendent, the school board shall determine upon
30 the evidence submitted whether the charges have been sustained
31 and, if the charges are sustained, shall determine either to

1 dismiss the employee or fix the terms under which he or she
2 may be reinstated. If such charges are sustained by a
3 majority vote of the full membership of the school board and
4 such employee is discharged, his or her contract of employment
5 shall be thereby canceled. Any such decision adverse to the
6 employee may be appealed by the employee pursuant to s.
7 120.68, provided such appeal is filed within 30 days after the
8 decision of the school board.

9 (6)(a) Any member of the instructional staff,
10 excluding an employee specified in subsection (4), may be
11 suspended or dismissed at any time during the term of the
12 contract for just cause as provided in paragraph (1)(a). The
13 school board must notify the employee in writing whenever
14 charges are made against the employee and may suspend such
15 person without pay; but, if the charges are not sustained, the
16 employee shall be immediately reinstated, and his or her back
17 salary shall be paid. If the employee wishes to contest the
18 charges, the employee must, within 15 days after receipt of
19 the written notice, submit a written request for a hearing.
20 Such hearing shall be conducted at the school board's election
21 in accordance with one of the following procedures:

22 1. A direct hearing conducted by the school board
23 within 60 days after receipt of the written appeal. The
24 hearing shall be conducted in accordance with the provisions
25 of ss. 120.569 and 120.57. A majority vote of the membership
26 of the school board shall be required to sustain the
27 superintendent's recommendation. The determination of the
28 school board shall be final as to the sufficiency or
29 insufficiency of the grounds for termination of employment; or

30 2. A hearing conducted by an administrative law judge
31 assigned by the Division of Administrative Hearings of the

1 Department of Management Services. The hearing shall be
2 conducted within 60 days after receipt of the written appeal
3 in accordance with chapter 120. The recommendation of the
4 administrative law judge shall be made to the school board. A
5 majority vote of the membership of the school board shall be
6 required to sustain or change the administrative law judge's
7 recommendation. The determination of the school board shall be
8 final as to the sufficiency or insufficiency of the grounds
9 for termination of employment.

10

11 Any such decision adverse to the employee may be appealed by
12 the employee pursuant to s. 120.68, provided such appeal is
13 filed within 30 days after the decision of the school board.

14 (b) Any member of the district administrative or
15 supervisory staff, including any principal but excluding an
16 employee specified in subsection (4), may be suspended or
17 dismissed at any time during the term of the contract;
18 however, the charges against him or her must be based on
19 immorality, misconduct in office, incompetency, gross
20 insubordination, willful neglect of duty, drunkenness, or
21 conviction of any crime involving moral turpitude, as these
22 terms are defined by rule of the State Board of Education.

23 Whenever such charges are made against any such employee of
24 the school board, the school board may suspend the employee
25 without pay; but, if the charges are not sustained, he or she
26 shall be immediately reinstated, and his or her back salary
27 shall be paid. In cases of suspension by the school board or
28 by the superintendent, the school board shall determine upon
29 the evidence submitted whether the charges have been sustained
30 and, if the charges are sustained, shall determine either to
31 dismiss the employee or fix the terms under which he or she

1 may be reinstated. If such charges are sustained by a
2 majority vote of the full membership of the school board and
3 such employee is discharged, his or her contract of employment
4 shall be thereby canceled. Any such decision adverse to the
5 employee may be appealed by him or her pursuant to s. 120.68,
6 provided such appeal is filed within 30 days after the
7 decision of the school board.

8 Section 18. Paragraph (a) of subsection (1) of section
9 231.546, Florida Statutes, 1998 Supplement, is amended to
10 read:

11 231.546 Education Standards Commission; powers and
12 duties.--

13 (1) The Education Standards Commission shall have the
14 duty to:

15 (a) Recommend to the state board high desirable
16 standards relating to programs and policies for the
17 development, certification and certification extension,
18 improvement, and maintenance of competencies of educational
19 personnel, including teacher interns. Such standards must be
20 consistent with the state's duty to provide a high-quality
21 system of public education to all students.

22 Section 19. Subsections (1) and (3) and paragraph (b)
23 of subsection (4) of section 231.600, Florida Statutes, 1998
24 Supplement, are amended, and subsections (8) and (9) are added
25 to that section, to read:

26 231.600 School Community Professional Development
27 Act.--

28 (1) The Department of Education, public community
29 colleges and universities, public school districts, and public
30 schools in this state shall collaborate to establish a
31 coordinated system of professional development. The purpose of

1 the professional development system is to enable the school
2 community to meet state and local student achievement
3 standards and the state education goals and to succeed in
4 school improvement as described in s. 229.591.

5 (3) The activities designed to implement this section
6 must:

7 (a) Increase the success of educators in guiding
8 student learning and development so as to implement state and
9 local educational standards, goals, and initiatives;

10 (b) Assist the school community in providing
11 stimulating educational activities that encourage and motivate
12 students to achieve at the highest levels and to become
13 ~~developing in school children the dispositions that will~~
14 ~~motivate them to be~~ active learners; and

15 (c) Provide continuous support as well as, ~~rather than~~
16 temporary intervention for education professionals who need
17 improvement in knowledge, skills, and performance, ~~for~~
18 ~~improving the performance of teachers and others who assist~~
19 ~~children in their learning.~~

20 (4) The Department of Education, school districts,
21 schools, and public colleges and universities share the
22 responsibilities described in this section. These
23 responsibilities include the following:

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

30 1. Require that principals and schools use student
31 achievement data, school discipline data, school environment

1 surveys, assessments of parental satisfaction, and other
2 performance indicators to identify school and student needs
3 that can be met by improved professional performance, and
4 assist principals and schools in making these identifications;

5 2. Provide training activities coupled with followup
6 support that is appropriate to accomplish district-level and
7 school-level improvement goals and standards; ~~and~~

8 3. Provide for systematic consultation with regional
9 and state personnel designated to provide technical assistance
10 and evaluation of local professional development programs;

11 4. Provide for delivery of professional development by
12 distance learning and other technology-based delivery systems
13 to reach more educators at lower costs; and

14 5. Continuously evaluate the quality and effectiveness
15 of professional development programs in order to eliminate
16 ineffective programs and strategies and to expand effective
17 ones. Evaluations must consider the impact of such activities
18 on the performance of participating educators and their
19 students' achievement and behavior.

20 (8) This section does not limit or discourage a
21 district school board from contracting with independent
22 entities for professional-development services and inservice
23 education if the school board believes that, through such a
24 contract, a better product can be acquired or its goals for
25 education improvement can be better met.

26 (9) For teachers and administrators who have been
27 evaluated as less than satisfactory, a school board may
28 require participation in specific professional-development
29 programs as part of the improvement prescription.

30
31

1 Section 20. Subsection (2) of section 236.08106,
2 Florida Statutes, 1998 Supplement, is amended, and subsection
3 (3) is added to that section, to read:

4 236.08106 Excellent Teaching Program.--

5 (2) The Excellent Teaching Program is created to
6 provide categorical funding for monetary incentives and
7 bonuses for teaching excellence. The Department of Education
8 shall ~~allocate and~~ distribute to each school district or to
9 the NBPTS an amount as prescribed annually by the Legislature
10 for the Excellent Teaching Program. Unless otherwise provided
11 in the General Appropriations Act, each distribution ~~school~~
12 ~~district's annual allocation~~ shall be the sum of the amounts
13 earned for the following incentives and bonuses:

14 (a) A fee subsidy to be paid by the Department of
15 Education ~~school district~~ to the NBPTS on behalf of each
16 individual who is an employee of a ~~the~~ district school board
17 or a public school within the ~~that~~ school district, who is
18 certified by the district to have demonstrated satisfactory
19 teaching performance pursuant to s. 231.29 and who satisfies
20 the prerequisites for participating in the NBPTS certification
21 program, and who agrees, in writing, to pay 10 percent of the
22 NBPTS participation fee and to participate in the NBPTS
23 certification program during the school year for which the fee
24 subsidy is provided. The fee subsidy for each eligible
25 participant shall be an amount equal to 90 percent of the fee
26 charged for participating in the NBPTS certification program,
27 but not more than \$1,800 per eligible participant. The fee
28 subsidy is a one-time award and may not be duplicated for any
29 individual.

30 (b) A portfolio-preparation incentive of \$150 paid by
31 the Department of Education to ~~for~~ each teacher employed by a

1 ~~the~~ district school board or a public school within a school
2 ~~the~~ district who is participating in the NBPTS certification
3 program. The portfolio-preparation incentive is a one-time
4 award paid during the school year for which the NBPTS fee
5 subsidy is provided.

6 (c) An annual bonus equal to 10 percent of the prior
7 fiscal year's statewide average salary for classroom teachers
8 to be distributed to the school district to be paid to each
9 individual who holds NBPTS certification and is employed by
10 the district school board or by a public school within the
11 ~~that~~ school district. The district school board shall
12 distribute the annual bonus to each individual who meets the
13 requirements of this paragraph and who is certified annually
14 by the district to have demonstrated satisfactory teaching
15 performance pursuant to s. 231.29. The annual bonus may be
16 paid as a single payment or divided into not more than three
17 payments.

18 (d) An annual bonus equal to 10 percent of the prior
19 fiscal year's statewide average salary for classroom teachers
20 to be distributed to the school district to be paid to each
21 individual who meets the requirements of paragraph (c) and
22 agrees, in writing, to provide the equivalent of 12 workdays
23 of mentoring and related services to public school teachers
24 within the district who do not hold NBPTS certification. The
25 district school board shall distribute the annual bonus in a
26 single payment following the completion of all required
27 mentoring and related services for the year. It is not the
28 intent of the Legislature to remove excellent teachers from
29 their assigned classrooms; therefore, credit may not be
30 granted by a school district or public school for mentoring or
31

1 related services provided during the regular school day or
2 during the 196 days of required service for the school year.

3 ~~(e) The district shall receive an amount equal to 50~~
4 ~~percent of the teacher bonuses provided under paragraphs (c)~~
5 ~~and (d), which shall be used by the district for professional~~
6 ~~development of teachers. The district must give priority to~~
7 ~~using all funds received pursuant to this paragraph for~~
8 ~~professional development of teachers employed at schools~~
9 ~~identified as performing at critically low levels.~~

10
11 A teacher for whom the state pays the certification fee and
12 who does not complete the certification program or does not
13 teach in a public school of this state for a least 1 year
14 after completing the certification program must repay the
15 amount of the certification fee to the state. However, a
16 teacher who completes the certification program but fails to
17 be awarded NBPTS certification is not required to repay the
18 amount of the certification fee if the teacher meets the
19 1-year teaching requirement. Repayment is not required of a
20 teacher who does not complete the certification program or
21 fails to fulfill the teaching requirement because of the
22 teacher's death or disability or because of other extenuating
23 circumstances as determined by the State Board of Education.

24 (3)(a) In addition to any other remedy available under
25 the law, any person who is a recipient of a certification fee
26 subsidy paid to the NBPTS and who is an employee of the state
27 or any of its political subdivisions is considered to have
28 consented, as a condition of employment, to the voluntary or
29 involuntary withholding of wages to repay to the state the
30 amount of such a certification fee subsidy awarded under this
31 section. Any such employee who defaults on the repayment of

1 such a certification fee subsidy must, within 60 days after
2 service of a notice of default by the Department of Education
3 to the employee, establish a repayment schedule, which must be
4 agreed to by the department and the employee, for repaying the
5 defaulted sum through payroll deductions. The department may
6 not require the employee to pay more than 10 percent of the
7 employee's pay per pay period under such a repayment schedule
8 or plan. If the employee fails to establish a repayment
9 schedule within the specified period of time or fails to meet
10 the terms and conditions of the agreed-upon or approved
11 repayment schedule as authorized by this subsection, the
12 employee has breached an essential condition of employment and
13 is considered to have consented to the involuntary withholding
14 of wages or salary for the repayment of the certification fee
15 subsidy.

16 (b) A person who is employed by the state or any of
17 its political subdivisions may not be dismissed for having
18 defaulted on the repayment of the certification fee subsidy to
19 the state.

20 (4) The State Board of Education may adopt rules as
21 necessary to implement the provisions for payment of the fee
22 subsidies, incentives, and bonuses and for the repayment of
23 defaulted certification fee subsidies under this section.

24 Section 21. Subsection (1), paragraph (b) of
25 subsection (3), and subsections (4) and (5) of section
26 240.529, Florida Statutes, are amended to read:

27 240.529 Public accountability and state approval for
28 teacher preparation programs.--

29 (1) INTENT.--The Legislature recognizes that skilled
30 teachers make an ~~the most~~ important contribution to a ~~quality~~
31 ~~educational~~ system that allows students to obtain a

1 high-quality education ~~and that competent teachers are~~
2 ~~produced by effective and accountable teacher preparation~~
3 ~~programs~~. The intent of the Legislature is to establish a
4 system for development and approval of teacher preparation
5 programs that will free postsecondary teacher preparation
6 institutions to employ varied and innovative teacher
7 preparation techniques while being held accountable for
8 producing graduates ~~teachers~~ with the competencies and skills
9 necessary to achieve ~~for achieving~~ the state education goals;
10 help students meet high standards for academic achievement;
11 maintain safe, secure classroom learning environments;and
12 sustain ~~sustaining~~ the state system of school improvement and
13 education accountability established pursuant to ss. 229.591,
14 229.592, and 229.593. To further this intent, the Commissioner
15 of Education shall appoint a Teacher Preparation Program
16 Committee for the purpose of establishing core curricula in
17 each state-approved teacher preparation program. The
18 committee shall consist of representatives from presidents of
19 public and private colleges and universities, deans of
20 colleges of education, presidents of community colleges,
21 district school superintendents, and high-performing teachers.
22 The curricula shall be focused on the knowledge, skills, and
23 abilities essential to instruction in the Sunshine State
24 Standards, with a clear emphasis on the importance of reading
25 at all grade levels. The committee shall report its
26 recommendations to the State Board of Education by January 1,
27 2000, and at that time may be dissolved. The State Board of
28 Education shall adopt rules that establish uniform core
29 curricula for each state-approved teacher preparation program
30 and shall use this report in the development of such rules.

31 (3) INITIAL STATE PROGRAM APPROVAL.--

1 (b) Each teacher preparation program approved by the
2 Department of Education, as provided for by this section,
3 shall require students to meet one of the following as
4 prerequisites ~~a prerequisite~~ for admission into the program:

5 1. ~~That a student receive a passing score at the 40th~~
6 ~~percentile or above, as established by state board rule, on a~~
7 ~~nationally standardized college entrance examination;~~

8 1.2. ~~That a student~~ Have a grade point average of at
9 least 2.5 on a 4.0 scale for the general education component
10 of undergraduate studies; or

11 3. ~~That a student~~ have completed the requirements for
12 a baccalaureate degree with a minimum grade point average of
13 2.5 on a 4.0 scale from any college or university accredited
14 by a regional accrediting association as defined by state
15 board rule; ~~and;~~

16 2. Beginning with the 2000-2001 academic year,
17 demonstrate mastery of general knowledge, including the
18 ability to read, write, and compute by passing the College
19 Level Academic Skills Test, a corresponding component of the
20 National Teachers Examination series, or a similar test
21 pursuant to rules of the State Board of Education.

22
23 The State Board of Education may ~~shall~~ provide by rule for a
24 waiver of these requirements. The rule shall require that 90
25 percent of those admitted to each teacher education program
26 meet the requirements of this paragraph and that the program
27 implement strategies to ensure that students admitted under a
28 waiver receive assistance to demonstrate competencies to
29 successfully meet requirements for certification.

30 (4) CONTINUED PROGRAM APPROVAL.--Notwithstanding
31 subsection (3), failure by a public or nonpublic teacher

1 preparation program to meet the criteria for continued program
2 approval shall result in loss of program approval. The
3 Department of Education, in collaboration with the departments
4 and colleges of education, shall develop procedures for
5 continued program approval which document the continuous
6 improvement of program processes and graduates' performance.

7 (a) Continued approval of specific teacher preparation
8 programs at each public and nonpublic institution of higher
9 education within the state is contingent upon the passing of
10 the written examination required by s. 231.17 by at least 90
11 ~~80~~ percent of the graduates of the program who take the
12 examination. On request of an institution, the Department of
13 Education shall provide an analysis of the performance of the
14 graduates of such institution with respect to the competencies
15 assessed by the examination required by s. 231.17.

16 (b) Additional criteria for continued program approval
17 for public institutions may be developed by the Education
18 Standards Commission and approved by the State Board of
19 Education. Such criteria must emphasize outcome measures and
20 must ~~may~~ include, but need not be limited to, program
21 graduates' satisfaction with training and the unit's
22 responsiveness to local school districts. Additional criteria
23 for continued program approval for nonpublic institutions
24 shall be developed in the same manner as for public
25 institutions; however, such criteria must be based upon
26 significant, objective, and quantifiable graduate performance
27 measures. Responsibility for collecting data on outcome
28 measures through survey instruments and other appropriate
29 means shall be shared by the institutions of higher education,
30 the Board of Regents, the State Board of Independent Colleges
31 and Universities, and the Department of Education. By January

1 1 of each year, the Department of Education, in cooperation
2 with the Board of Regents and the State Board of Independent
3 Colleges and Universities, shall report this information for
4 each postsecondary institution that has state-approved
5 programs of teacher education to the Governor, the
6 Commissioner of Education, the Chancellor of the State
7 University System, the President of the Senate, the Speaker of
8 the House of Representatives, all Florida postsecondary
9 teacher preparation programs, and interested members of the
10 public. This report must analyze the data and make
11 recommendations for improving teacher preparation programs in
12 the state.

13 (c) ~~Beginning July 1, 1997,~~Continued approval for a
14 teacher preparation program is contingent upon the results of
15 annual reviews of the program conducted by the institution of
16 higher education, using procedures and criteria outlined in an
17 institutional program evaluation plan approved by the
18 Department of Education. This plan must incorporate the
19 criteria established in paragraphs (a) and (b) and include
20 provisions for involving primary stakeholders, such as program
21 graduates, district school personnel, classroom teachers,
22 principals, community agencies, and business representatives
23 in the evaluation process. Upon request by an institution, the
24 department shall provide assistance in developing, enhancing,
25 or reviewing the institutional program evaluation plan and
26 training evaluation team members.

27 (d) ~~Beginning July 1, 1997,~~Continued approval for a
28 teacher preparation program is contingent upon standards being
29 in place that are designed to adequately prepare elementary,
30 middle, and high school teachers to instruct their students in
31

1 higher-level mathematics concepts and in the use of technology
2 at the appropriate grade level.

3 (e) Beginning July 1, 2000, continued approval of
4 teacher preparation programs is contingent upon compliance
5 with the student admission requirements of subsection (3) and
6 upon the receipt of at least a satisfactory rating from public
7 schools and nonpublic schools that employ graduates of the
8 program. Employer satisfaction shall be determined by an
9 annually administered survey instrument approved by the
10 Department of Education.

11 (f) Beginning with the 2000-2001 academic year, each
12 public and private institution that offers a teacher
13 preparation program in this state must annually report
14 information regarding these programs to the state and the
15 general public. This information shall be reported in a
16 uniform and comprehensible manner that conforms with
17 definitions and methods proposed by the Education Standards
18 Commission, that are consistent with definitions and methods
19 approved by the Commissioner of the National Center for
20 Educational Statistics, and that are approved by the State
21 Board of Education. This information shall be reported through
22 publications such as college and university catalogs and
23 promotional materials sent to potential applicants, secondary
24 school guidance counselors, and prospective employers of the
25 institution's program graduates.

26 (5) PRESERVICE FIELD EXPERIENCE.--All postsecondary
27 instructors, school district personnel and instructional
28 personnel, and school sites preparing instructional personnel
29 through preservice field experience courses and internships
30 shall meet special requirements.

31

1 (a) All instructors in postsecondary teacher
2 preparation programs who instruct or supervise preservice
3 field experience courses or internships shall have at least
4 one of the following: specialized training in clinical
5 supervision; a valid professional teaching certificate
6 pursuant to ss. 231.17 and 231.24; or at least 3 years of
7 successful teaching experience in prekindergarten through
8 grade 12; ~~or a commitment to spend periods of time specified~~
9 ~~by State Board of Education rule teaching in the public~~
10 ~~schools.~~

11 (b) All school district personnel and instructional
12 personnel who supervise or direct teacher preparation students
13 during field experience courses or internships must have
14 evidence of "clinical educator" training and must successfully
15 demonstrate effective classroom management strategies that
16 consistently result in improved student performance. The
17 Education Standards Commission shall recommend, and the state
18 board shall approve, the training requirements.

19 (c) Preservice field experience programs must provide
20 specific guidance and demonstration of effective classroom
21 management strategies, strategies for incorporating technology
22 into classroom instruction, and ways to link instructional
23 plans to the Sunshine State Standards, as appropriate. The
24 length of structured field experiences may be extended to
25 ensure that candidates achieve the competencies needed to meet
26 certification requirements.

27 ~~(d)(c)~~ Postsecondary teacher preparation programs in
28 cooperation with district school boards and approved nonpublic
29 school associations shall select the school sites for
30 preservice field experience activities. These sites must
31 represent the full spectrum of school communities, including,

1 but not limited to, schools located in urban settings. In
2 order to be selected, school sites must demonstrate commitment
3 to the education of public school students and to the
4 preparation of future teachers. A nonpublic school
5 association, in order to be approved, must have a
6 state-approved master inservice program plan in accordance
7 with s. 236.0811.

8 Section 22. Section 231.6135, Florida Statutes, is
9 created to read:

10 231.6135 Statewide system for in-service professional
11 development.--The intent of this section is to establish a
12 statewide system of professional development that provides a
13 wide range of targeted in-service training to teachers and
14 administrators designed to upgrade skills and knowledge needed
15 to reach world class standards in education. The system shall
16 consist of a network of professional development academies in
17 each region of the state that are operated in partnership with
18 area business partners to develop and deliver high-quality
19 training programs purchased by school districts. The
20 academies shall be established to meet the human resource
21 development needs of professional educators, schools, and
22 school districts. Funds appropriated for the initiation of
23 professional development academies shall be allocated by the
24 Commissioner of Education, unless otherwise provided in an
25 appropriations act. To be eligible for startup funds, the
26 academy must:

27 (1) Be established by the collaborative efforts of one
28 or more district school boards, members of the business
29 community, and the postsecondary institutions which may award
30 college credits for courses taught at the academy.
31

1 (2) Demonstrate the capacity to provide effective
2 training to improve teaching skills in the areas of elementary
3 reading and mathematics, the use of instructional technology,
4 high school algebra, and classroom management, and to deliver
5 such training using face-to-face, distance-learning, and
6 individualized computer-based delivery systems.

7 (3) Propose a plan for responding in an effective and
8 timely manner to the professional development needs of
9 teachers, administrators, schools, and school districts
10 relating to improving student achievement and meeting state
11 and local education goals.

12 (4) Demonstrate the ability to provide high-quality
13 trainers and training, appropriate followup and coaching for
14 all participants, and support school personnel in positively
15 impacting student performance.

16 (5) Be operated under contract with its public
17 partners and governed by an independent board of directors,
18 which should include at least one superintendent and one
19 school board chairman from the participating school districts,
20 the president of the collective bargaining unit that
21 represents the majority of the region's teachers, and at least
22 three individuals who are not employees or elected or
23 appointed officials of the participating school districts.

24 (6) Be financed during the first year of operation by
25 an equal or greater match from private funding sources and
26 demonstrate the ability to be self-supporting within 1 year
27 after opening through fees for services, grants, or private
28 contributions.

29 (7) Own or lease a facility that can be used to
30 deliver training on-site and through distance learning and
31 other technology-based delivery systems. The participating

1 district school boards may lease a site or facility to the
2 academy for a nominal fee and may pay all or part of the costs
3 of renovating a facility to accommodate the academy. The
4 academy is responsible for all operational, maintenance, and
5 repair costs.

6 (8) Provide professional development services for the
7 participating school districts as specified in the contract
8 and may provide professional development services to other
9 school districts, private schools, and individuals on a
10 fee-for-services basis.

11 Section 23. Section 231.601, Florida Statutes, is
12 repealed.

13 Section 24. This act shall take effect July 1, 1999.
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