

**STORAGE NAME:** h0753.tfs

**DATE:** February 18, 1999

**HOUSE OF REPRESENTATIVES  
SELECT COMMITTEE ON  
TRANSFORMING FLORIDA SCHOOLS  
ANALYSIS**

**BILL #:** HB 753

**RELATING TO:** Preparation, certification, and professional development of educators

**SPONSOR(S):** Representative Lynn

**COMPANION BILL(S):** HB 755 (C)

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

- (1) SELECT COMMITTEE ON TRANSFORMING FLORIDA SCHOOLS
  - (2)
  - (3)
  - (4)
  - (5)
- 

**I. SUMMARY:**

HB 753 increases standards for preparation, certification, professional development, and evaluation of educators. To further this initiative, the Department of Education will review the provisions of Chapter 231, F.S. and related rules. Other major provisions in the bill include:

- Performance Pay --requirements and penalties
- Principals and Assistant Principals -- responsibilities for performance and instructional leadership
- Instructional Personnel -- increased certification requirements
- Temporary Certificate -- increased minimum competencies, mastery of general knowledge and satisfactory performance evaluations
- Professional Certificate -- expanded minimum competencies
- Alternative Preparation Programs -- expansion
- Assessment Procedures -- annually, based primarily on student performance
- Education Standards Commission -- to recommend to the state board "high" standards
- School Community Professional Development Act -- system to require use of student achievement and school discipline data, surveys, and assessments of parental satisfaction
- Teacher Preparation Programs -- upgraded so 90 percent of students must meet prerequisites, pass written examination
- Institutes for Excellence in Teaching -- created in at least three pilot sites to provide focused staff development
- Professional Development Academies -- established for development of professional educators

The Governor's 1999-2000 Legislative Budget Request provides for \$1 million for professional development activities to implement the Governor's "A plus" Plan for Education.

II. SUBSTANTIVE ANALYSIS:

A. PRESENT SITUATION:

**Educational Enhancement Trust Fund**

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 in the district do not have a school board approved school improvement plan, which is required in s. 230.23(16)(a), F.S.
- One or more schools in the district do not comply with school advisory council (SAC) membership composition requirements, pursuant to s. 229.58(1), F.S.

**State System of School Improvement and Education Accountability**

Pursuant to s. 229.592, F.S., the Commissioner of Education may grant waivers for the requirements of chapters 230 through 239 of the Florida School Code that relate to instruction and school operations, with the exception of the provisions in law pertaining to:

- Civil rights, and student health, safety, and welfare
- Allocation and appropriation of state and local funds for public education
- Election, compensation, and organization of school board members and superintendents
- Graduation and state accountability standards
- Financial reporting requirements
- Public meetings
- Public records
- Due process hearings governed by Ch. 120, F.S.

**Compensation and Salary Schedules**

One of the duties of the district school board specified in s. 230.23, F.S., is to provide for the compensation of employees and adopt a salary schedule as a basis for paying all school employees. The school board seeks input from parents, teachers, and representatives of the business community. To the extent possible, the schedule is to furnish incentives for improvement in training. For instructional personnel, the schedule is to:

- Base a portion of each employee's compensation on performance demonstrated under the procedures and criteria for assessing performance, pursuant to s. 231.29, F.S.
- Consider the prior teaching experience of a person who has been teacher of the year in any state in the United States.

### **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.

### **Management Training Act**

The foundation of the criteria, training programs, and requirements for becoming eligible to be a principal or manager in Florida public schools is the Management Training Act of 1981, in s. 231.087, F.S. This Act creates the Florida Council on Educational Management, the Florida Academy for School Leaders, and the Center for Interdisciplinary Advanced Graduate Study. Additionally, ss. 231.085 and 231.0861 outline the duties and selection process of principals.

Section 231.0861, F.S., provides criteria for the selection of principals and assistant principals. Candidates are evaluated and certified based on competencies which were identified by the Florida Council on Educational Management (Council) as necessary for the position of principal and assistant principal. The certified candidates who have met the criteria approved by the Council are then placed on a list maintained by the Department of Education for district use. Although the Council has not met for 3 years, the rules they established are still in effect and the 19 competencies identified for principal certification are still used.

A district may currently contract with other local school districts, agencies, associations, or universities to assess, evaluate, and train candidates selected from the DOE maintained list. The Council also established criteria for the screening, selection, and appointment process used by the district school boards. Pursuant to the guidelines adopted by the Council, school boards may submit to the commissioner proposed programs for training administrators and school-based managers, including principals, assistant principals, school site administrators, and potential candidates for employment in these administrative positions, in the competencies identified by the Council. The cost of the training programs is paid partially by the district and partially by DOE.

Section 231.085, F.S., outlines the following duties for a public school principal:

- Supervise operation and management of schools and property
- Perform duties pursuant to rules of school board related to:
  - administrative responsibility
  - instructional leadership of the educational program
  - submission of personnel recommendations to the superintendent
  - administrative responsibility for records and reports
  - administration of corporal punishment
  - student suspension
- Provide leadership in the development or revision and implementation of a school improvement plan

### **Duties of Instructional Personnel**

Instructional staff of public schools perform duties which are in local school board rule and relate to:

- teaching efficiently and faithfully
- using prescribed materials and methods
- recordkeeping
- fulfilling the contractual terms, unless released from the contract by the board

### **Teacher Teaching Out-of-Field**

Section 231.096, F.S., provides that each school district have a plan to assist teachers teaching out-of-field and to give such teachers priority consideration in professional development activities.

### **Purpose of Instructional Personnel Certification**

Section 231.145, F.S., establishes legislative intent that Florida certified school personnel possess the credentials, knowledge, and skills necessary to provide quality public school education. Certification requirements assure that educational personnel in public schools:

- possess adequate pedagogical knowledge
- possess relevant subject matter competence
- demonstrate an acceptable level of professional performance.

### **Positions Requiring Certificates**

The State Board of Education is authorized by s. 231.15, F.S., to prescribe classes of service and 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 to provide instructional services in the individuals' fields of specialty or to assist instructional staff members as education paraprofessionals.

Unless they are volunteers, athletic coaches in public schools are required to have a part-time, temporary, or professional valid certificate. School nurses are required to have a nursing license and school physicians are required to hold a state medical license.

### **Eligibility and Certificates Granted**

Section 231.17, F.S., establishes a certification process. 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.

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 and moral character.

To obtain a **professional certificate**, the applicant must meet requirements for a temporary certificate and demonstrate mastery of 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).

The **minimum competencies** must include but are not limited to the ability to

- Write in a logical and understandable style with appropriate grammar and sentence structure and read, comprehend, and interpret professional and other written material.
- Comprehend and work with fundamental mathematical concepts.
- Recognize signs of severe emotional distress in students and apply techniques of crisis intervention with an emphasis on suicide prevention and positive emotional development.
- Recognize signs of alcohol and drug abuse in students and apply counseling techniques with emphasis on intervention and prevention of future abuse.
- Recognize indicators of child abuse and neglect; know reporting responsibilities, how to care for a child, and strategies for classroom intervention and prevention; comprehend development in students; recognize and be aware of instructional needs of exceptional students; comprehend professional ethics; recognize,

demonstrate awareness of, and employ appropriate strategies for students who have limited proficiency in English

- Use appropriate technology in teaching and learning processes.
- Use assessment strategies to assist the continuous development of the learner and teaching and learning strategies that include considering each student's styles, needs, and background
- Demonstrate knowledge and understanding of the subject matter that is aligned with the subject knowledge and skills in state board student performance standards

The state board has authority to specify, by rule, the examination scores that are required to issue a professional certificate and certain temporary certificates. When the CLAST is used to demonstrate general knowledge, the rules:

- Must provide an alternative method for an applicant to demonstrate mastery of general knowledge, including the ability to read, write, or compute,
- Must define general subject area competencies, and
- Must establish uniform evaluation guidelines.

The alternative method is limited to applicants who completed all prerequisites for the professional certificate except that they have failed a specific subtest of the CLAST at least four times. The superintendent of the employing school district reviews the applicant's transcript, notifies the principal, a peer teacher, and a district-level supervisor and notifies the commissioner that the applicant has satisfactorily demonstrated mastery of the subject area covered by that specific subtest through successful experience and proficient academic performance.

### **Alternative Preparation Programs to Add Additional Coverage**

Section 231.174, F.S., authorizes a district to design an alternative teacher preparation program for certified persons to add an additional coverage to their certificates to teach exceptional education classes or in other areas of critical shortage. The programs are reviewed and approved by DOE to assure competency in the subject area.

### **Assessment procedures and criteria**

Section 231.29, F.S., requires each district superintendent to establish procedures for assessing the performance of the district's instructional, administrative, and supervisory personnel. The DOE must approve the district's instructional personnel assessment system. The statute specifies the criteria that must be considered in designing the district's assessment system for instructional personnel. Assessments must be completed by the employee's supervisor and must include criteria based on observable indicators of the ability to maintain appropriate discipline, subject matter knowledge, the ability to plan and deliver instruction, the ability to evaluate instructional needs, the ability to communicate with parents, and any other professional competencies determined by the local school district. The district school board must review and approve any substantial revision of this assessment system.

Section 231.29, F.S., also establishes procedural requirements that benefit the personnel being assessed, as well as, administrators and school boards that must make defensible employment decisions that ultimately affect students. All district instructional personnel must be evaluated by their supervisors at least once a year. Employees must

be fully informed of assessment criteria and procedures prior to the assessment. The employee must be given a written report of the evaluation within 10 days after the assessment. The employee must be notified of the performance deficiencies in writing.

### **Education Standards Commission**

The Education Standards Commission is required by s. 231.546, F.S., to recommend to the state board desirable standards relating to programs and policies for the development, certification and certification extension, improvement, and maintenance of competencies of educational personnel, including teacher interns, pursuant to s. 231.546, F.S.

### **School Community Professional Development Act**

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. The activities designed to implement the Act must:

- Increase the success of educators in guiding student learning and development to implement state and local education initiatives
- Assist the school community in developing in school children the dispositions that will motivate them to be active learners
- Provide continuous support rather than temporary intervention, for improving the performance of teachers and others who assist children in their learning.

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 policies 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
- provide for systematic consultation with regional and state personnel designated to provide technical assistance and evaluation of local professional development programs

### **Public Accountability and State Approval for Teacher Preparation Programs**

Section 240.529, F.S., establishes legislative recognition that skilled teachers make the most important contribution to a quality educational system and that competent teachers are produced by effective and accountable teacher preparation programs. The legislative intent is to establish a system for teacher preparation programs that will free postsecondary teacher preparation institutions to employ varied and innovative teacher preparation techniques while being held accountable for producing teachers with the

competencies and skills for achieving the state education goals and sustaining the state system of school improvement and education accountability.

Each teacher preparation program approved by DOE requires one of the following prerequisites for admission:

1. Student receive a passing score at the 40th percentile or above on a nationally standardized college entrance exam
2. Student have a GPA of 2.5 for the general education component of undergraduate studies
3. Student has completed requirements for baccalaureate degree from an accredited college or university

The state board is granted rule making authority to provide a waiver of these requirements. However, the rule must require that 90 percent of those admitted to each teacher education program meet the requirements.

The Department of Education in collaboration with the Colleges of Education, develop procedures for continued program approval which document continued improvement. Part of the continued improvement criteria requires 80 percent of the graduates of a program to pass specified written examinations for certification, pursuant to s. 231.17, F.S. Additional program criteria for continued approval is developed.

All postsecondary instructors, school district personnel, instructional personnel, and school sites preparing instructional personnel through preservice field experience courses and internships must meet special requirements. All instructors in postsecondary teacher preparation programs who instruct or supervise preservice field experience courses or internships must have either specialized training in clinical supervision, a valid professional teaching certificate, or at least 3 years of successful teaching experience in prekindergarten through grade 12. These instructors may make a commitment to spend periods of time, specified in SBE rules, teaching in public schools in lieu of the requirements.

All school district personnel and instructional personnel who supervise or direct teacher preparation students must have evidence of "clinical educator" training. The Education Standards Commission recommends, and the state board approves, training requirements.

### **Inservice Training of Instructional Personnel**

Section 231.601, F.S., specifies state policy for inservice training of instructional personnel. The responsibility for operating programs for preservice and inservice teacher education is assigned jointly to the colleges and universities, to the district school boards, and to practicing educators.

**B. EFFECT OF PROPOSED CHANGES:**

HB 753 establishes legislative intent to implement a comprehensive approach to increase students' academic achievement and improve teaching quality. The bill states that the Legislature recognizes that professional educators shape the future of the state and nation, develop the knowledge and skills for future workforce, and lay the foundation for citizenship and participation in community and civic life. The state has a critical role in meeting state education goals and preparing all students to achieve at high levels set by Sunshine State Standards. The bill establishes the purpose as increasing standards for certifying professional educators, establishes Institutes for Excellence in Teaching to respond to professional development needs, increases accountability for postsecondary programs to prepare future educators, and increases accountability for administrators who evaluate teacher performance.

The bill directs the Department of Education to review statutes and rules governing certification to increase the efficiency and responsiveness to needs of district school systems and educators, to maintain rigorous standards for initial and continuing certification, and to provide alternatives in the certification process. The department is required to evaluate rigor of assessment instruments and passing scores required for certification. DOE is authorized to request assistance from the Education Standards Commission. DOE is required to submit findings and recommendations for revision of statutes and rules to the Legislature and State Board of Education by January 1, 2000.

**Performance Pay**

If a district fails to adopt a performance-based salary schedule, effective July 1, 2002, the district's proportion of the "lottery" dollars from the Educational Enhancement Trust Fund will be withheld. By June 30, 2002, district school boards must have adopted a district performance-pay policy which must base at least 5 percent of the salary of school administrators and instructional personnel on annual performance as measured by assessment procedures and criteria in s. 231.29, F.S. The policy is subject to negotiation as is provided in Ch. 447, F.S. Employees who demonstrate outstanding performance must be allowed to earn the full 5 percent and employees whose performance is unsatisfactory will not be eligible for the performance pay. The commissioner will determine whether the board's adopted salary schedule complies with the requirement for performance-based pay. Failure of a board to comply by June 30, 2002, will result in withholding of disbursements from the Education Enhancement Trust Fund until compliance is verified.

**Principals and Assistant Principals**

The bill provides for the State Board of Education to approve, by rule, the criteria for selection of assistant principals and principals currently set by guidelines established by the Florida Council on Educational Management. School districts are allowed to contract with private entities in addition to other local school districts, agencies, associations, or universities for assessment, evaluation and training of principals and assistant principals.

The bill assigns principals the responsibility for performance of school personnel and requires use of a personnel-assessment system approved by the school board. The

school board must establish rules relating to principal's duties. These will include instructional leadership in implementing the Sunshine State Standards and the overall educational school program.

### **Management Training Act**

The State Board of Education is required to adopt rules regarding the training of school district management personnel. The bill directs the Department of Education and the Office of Program Policy Analysis and Governmental Accountability to conduct a comprehensive review of the Management Training Act to determine its effectiveness and submit recommendations to the Legislature by January 1, 2000. The Management Training Act is repealed effective June 30, 2000.

### **Instructional Personnel**

The bill prescribes the primary duties of instructional personnel to work diligently and faithfully to help students meet or exceed annual learning goals, to meet state and local achievement requirements, to master skills required to graduate from high school, and, upon graduation, be prepared for postsecondary education and work. These duties apply to instructional personnel whether they teach or function in a support role. School board rules specify that a teacher's duty is to help students master challenging standards and meet all state and local achievement requirements.

The bill revises legislative intent for high quality education and increased certification requirements to assure that educational personnel in public schools possess appropriate skills in reading, writing, and mathematics so as to demonstrate an acceptable level of professional performance.

### **Teacher Teaching Out-of-Field**

School boards are required to adopt and implement a plan to ensure the competency of teachers with out-of-field teaching assignments. The school board must require that out-of-field teachers participate in a certification or staff-development program. The board-approved assistance plan is required to include duties of administrative personnel and other instructional personnel to ensure that students receive high-quality instructional services. The commissioner is prohibited from granting waivers for required reports that go to parents regarding out-of-field teachers.

### **Positions for Which Certificates Are Required**

HB 753 authorizes the addition of areas of certification to a professional certificate without completing associated course requirements if the following two conditions are met:

- The certificateholder must attain a passing score on an examination of competency in the subject area to be added; and
- The certificateholder must provide evidence of at least two years of satisfactory performance evaluations that considered performance

The State Board of Education must establish minimum competencies that initial certification applicants must demonstrate if a specific number of clock hours of classroom instruction are required by the board. The bill allows the demonstration of competencies to substitute for specific classroom clock-hour requirements. Demonstration of the established minimum competencies must be certified by the educational institution that provided the instruction. The state board is required to consult with the applicable postsecondary education boards prior to changing training requirements relating to entry into the profession. The boards must be allowed to provide advice regarding the impact of the proposed changes on time necessary to complete the training program and fiscal impact.

An athletic coach does not have to hold a certificate.

### **Temporary and Professional Certificates**

The bill requires applicants for a temporary certificate on or after July 1, 2000, to demonstrate mastery of general knowledge, including the ability to read, write, and compute.

The minimum competencies for professional certificates are expanded to include required abilities in algebra, knowledge of how to work with students who abuse alcohol and drugs, and knowledge of how to seek assistance designed to prevent such abuse, ability to integrate appropriate technology in teaching and learning processes, and a demonstration of knowledge and understanding of Sunshine State Standards. A professional certificate also requires demonstration of knowledge and skill in managing student behavior inside and outside the classroom, including techniques for preventing and effectively responding to incidents of disruptive or violent behavior and knowledge of and skill in developing and administering appropriate classroom assessment instruments designed to measure student learning gains.

Corresponding tests from the National Teachers Examination series may be used to demonstrate mastery of general knowledge. All required tests may be taken prior to graduation. Applicants who apply for their professional certificate before July 1, 2000, may demonstrate mastery of general knowledge pursuant to the alternative method specified by state board rule.

### **Alternative Program for Teachers to Add Coverage**

The bill authorizes districts to design alternative preparation programs for certified teachers to add additional coverage to their certificates beyond the current limitations of teaching exceptional education classes or other areas of critical shortage.

### **Assessment Procedures**

The assessment procedure for instructional personnel and school administrators will be primarily based on the performance of students assigned to their classrooms or schools, as appropriate. The procedures require an assessment to be conducted for each employee at least once per year. Student performance must be measured by state assessments and by local assessments for subjects not measured by the state assessment program.

### **Education Standards Commission**

The bill revises the duty of the Education Standards Commission to recommend to the state board “high standards” rather than desirable standards. The standards must be consistent with the state’s duty to provide a high-quality system of public education to all students.

### **School Community Professional Development Act**

The purpose of the professional development system is expanded to include enabling the school community to meet state and local student achievement standards and the state education goals. The required activities of a professional development system include:

- Assist the school community in providing stimulating educational activities that encourage and motivate students to achieve at the highest levels and to become active learners.
- Provide continuous support and temporary intervention for education professionals who need improvement in knowledge, skills, and performance.

New professional development system requirements are added: principals and schools use student achievement data, school discipline data, school environment surveys, assessments of parental satisfaction, and other performance indicators to identify school needs. The system must assist principals in making identifications of school and student needs and must provide for professional development by distance learning and technology based delivery to reach more educators at lower costs.

The system must continuously evaluate quality and effectiveness of professional development programs in order to eliminate ineffective programs and to expand effective ones. Evaluations must consider the impact of such activities on the performance of participating educators and their students’ achievement and behavior.

A district school board may still contract with independent entities for professional-development services and inservice training if the school board believes that a better product can be acquired through such a contact or its goals for education improvement can be better met. School boards may require participation in specific professional-development programs as part of the improvement prescription for teachers evaluated as less than satisfactory.

### **Public Accountability and State Approval for Teacher Preparation Programs**

The bill revises the legislative intent to establish a system that is held accountable for producing graduates with competencies and skills necessary to achieve the state education goals; help students meet high standards for academic achievement; maintain safe, secure classroom learning environments; and sustain school improvement and accountability. Students desiring to be admitted to a teacher preparation program approved by the Department of Education are required to meet the following prerequisites for admission:

- Have a 2.5 GPA for general education component

- Have a baccalaureate with a 2.5 GPA
- Demonstrate mastery of general knowledge by passing CLAST or a similar test.

The State Board of Education is authorized to provide rules for waiver of these requirements. Ninety percent of the students admitted to each teacher education program must meet the prerequisites and the program must implement strategies to ensure that students admitted under waiver receive assistance.

For the program to continue being approved, 90 percent of graduates are required to pass the written examination required by s. 231.17, F.S. Beginning July 1, 2000, continued approval is contingent upon the receipt of at least a satisfactory rating from public schools and nonpublic schools that employ graduates of the program. Beginning 2000-2001 annual reports of program performance are required to be in the institution's student catalogue.

An annual report is required to address the quality of the entering students, their mean GPA and average score on exams of general knowledge required for the issuance of a temporary or professional certificate; graduation rates; time-to-graduation data; ability of graduates to perform at preprofessional and professional levels and demonstrate competencies required for a temporary certificate, professional certificate and certificate of competency in various subject areas; percentage of graduates rehired to teach after the first year of employment in a public or private school; percentage of graduates remaining in teaching for at least four years; and satisfaction of employers.

All instructors who supervise preservice field experience either have specialized training in clinical supervision, a valid professional teaching certificate or at least 3 years of successful teaching experience in prekindergarten through grade 12. A commitment to spend periods of time teaching in the public schools is eliminated as a qualification for preservice instructors in postsecondary teacher preparation programs.

All school district personnel and instructional personnel who supervise or direct teacher preparation students during field experience courses or internships must successfully demonstrate effective classroom management strategies that consistently result in improved student performance.

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

### **Institutes for Excellence in Teaching**

The bill requires that Institutes for Excellence in Teaching be created in at least three pilot sites. The purpose of the institutes is to demonstrate and evaluate a focused staff development program designed to meet higher state standards for student achievement. DOE will seek proposals beginning July 1, 1999, from public or private entities to develop and pilot at least six institutes. Four institutes will be funded for the purpose of providing intensive training and assistance in teaching reading and mathematics with

emphasis on below grade level students. Two institutes will be funded to provide intensive training and assistance in teaching algebra at the secondary level. The department will give priority to applicants that:

- Offer research-supported strategies and delivery systems to improve teaching performance in areas addressed by the institute;
- Deliver services directly and by distance learning and other technology-based delivery mechanisms;
- Demonstrate commitment from surrounding school districts to use the institute's programs for professional development of the district's teachers; and
- Form public-private partnerships that maximize private funding.

The districts are required to give priority to teachers whose students have not performed or are not performing satisfactorily in the subject areas addressed by the institute. Participating school districts may require teachers to participate.

The Department of Education must conduct a 2-year study of the effectiveness of the institutes, basing the evaluation on pre-participation and post-participation measures of the performance of participating teachers and students. The department must report annually to the Legislature on the performances of the institutes.

The law providing for the institutes expires on June 30, 2002.

### **Professional Development Academies**

The bill provides for the establishment of professional development academies to meet the human resource development needs of professional educators, schools, and school districts. Funds for the academies will be allocated by the Commissioner of Education. To be eligible for startup funds, an academy must:

- Be established by one or more district school boards, members of the business community, and the postsecondary institutions that will award college credits for courses taught at the academy.
- Demonstrate the ability to provide high-quality trainers and training, appropriate followup and coaching for all participants, and support school personnel in positively impacting student performance.
- Be operated under contract with public partners, governed by an independent board of directors including as members: at least one superintendent and one school board chairman, the president of the collective bargaining unit representing the majority of the region's teachers, and three other individuals who are not employees or elected or appointed officials of the district.
- Be financed during first year by an equal or greater match from private funding sources and demonstrate the ability to be self-supporting within one year after opening.

- Own or lease a facility that can be used to deliver training on-site and through distance learning and other technology-based delivery systems.
- Provide professional development services for participating school districts pursuant to the contract and may provide professional development services to other school districts, private schools, and individuals on a fee-for-services basis.

### **Inservice Training**

Section 231.601, F.S., which provides legislative purpose and intent regarding inservice training of instructional personnel is repealed.

#### **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?

Rule granting authority is given in several sections of the bill. In some instances the rule granting authority was in current law, but due to the new provisions in the bill, the rules will need to be revised.

##### Rules to be Revised

- The district school boards are granted authority to make rules regarding the duties of the instructional staff to help students meet achievement standards in section 9 of the bill.
- State Board of Education is given rulemaking authority to allow a certificateholder to add an area of certification in section 12 of the bill.
- State Board of Education has rulemaking authority for using alternative method and demonstrating mastery of general knowledge.
- State Board of Education has rulemaking authority for minimum competencies for positions for which certificates are required.

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

DOE is required to review the provisions of chapter 231, F.S., and related administrative rules governing the certification of individuals who must hold state certification as a condition of employment in any district school system.

School boards must adopt and implement a performance-pay policy.

DOE and OPPAGA are directed to conduct a comprehensive review of the Management Training Act.

Education Standards Commission has the duty to recommend high standards to the state board.

DOE must seek proposals for Institutes for Excellence in Teaching.

DOE will conduct a 2 year study of the effectiveness of the institutes.

(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?

N/A

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

N/A

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:**

Amending ss. 24.121; 229.592; 230.23; 231.02; 231.0861; 231.085; 231.087; 231.09; 231.096; 231.145; 231.15; 231.17; 231.174; 231.29; 231.546; 231.600; 240.529, F.S.  
Repealing 231.601, F.S.

**E. SECTION-BY-SECTION ANALYSIS:**

**Section 1** Establishes legislative intent to implement a comprehensive approach to increase students' academic achievement and improve teaching quality, as described above.

**Section 2** Amends s. 24.121, F.S., specifying that effective July 1, 2002, that failure of district to adopt performance-based salary schedule will result in withholding allocation from the Educational Enhancement Trust Fund.

**Section 3** Amends s. 229.592, F.S., prohibiting commissioner from granting waiver of a required report of out-of-field teachers.

- Section 4** Amends s. 230.23, F.S., requiring school board to adopt salary schedule with at least 5 percent salary based on annual performance.
- Section 5** Amends s. 231.02, F.S., correcting a reference to Department of Health.
- Section 6** Amends s. 231.0861, F.S., requiring the State Board of Education to approve criteria for selection of assistant principals and principals; authorizing school districts to contract with private entities for assessment, evaluation and training of such personnel.
- Section 7** Amends s. 231.085, F.S., specifies principals are responsible for performance of school personnel; requires principals to apply personnel-assessment system approved by school board; requires rules relating to principal's duties include instructional leadership in implementing the Sunshine State Standards and the overall educational school program.
- Section 8** Amends s. 231.087, F.S.; requiring the State Board of Education to adopt rules regarding the training of school district management personnel; requires a review of the Management Training Act; provides for future repeal of the Management Training Act.
- Section 9** Amends s. 231.09, F.S.; prescribing duties of instructional personnel as primarily to work to help students meet learning goals, state and local requirements, and to master skills to graduate from high school; specifies that school board rules must relate to teacher's duty to help students master challenging standards and meet all state and local achievement requirements.
- Section 10** Amends s. 231.096, F.S., requiring a school board to adopt and implement a plan to ensure the competency of teachers with out-of-field teaching assignments; stipulates that school board require out-of-field teachers to participate in a certification or staff-development program; requires board-approved assistance plan include duties of administrative personnel and other instructional personnel to ensure that students receive high-quality instructional services.
- Section 11** Amends s. 231.145, F.S.; revising legislative intent so that certified school personnel possess credentials, knowledge, and skills necessary to provide a high-quality education; revising purpose to reflect increased requirements for certification in appropriate skills in reading, writing, and mathematics so as to demonstrate an acceptable level of professional performance.
- Section 12** Amends s. 231.15, F.S., authorizing holder of a valid professional certificate to add an area of certification without completing associated course requirements if an examination of competency in the subject area is passed and 2 years evidence of satisfactory performance evaluations that considered student performance are considered; requiring State Board of Education to establish minimum competencies, as described above.
- Section 13** Amends s. 231.17, F.S., requiring that temporary certificate applicants demonstrate mastery of general knowledge, including the ability to read,

write, and compute. Increases required abilities which comprise minimum competencies for professional certificate to include algebra and other competencies, as described above.

Allows corresponding tests from National Teachers Examination series to be used to demonstrate mastery of general knowledge; allows all required tests to be taken prior to graduation. Deletes alternative ways to demonstrate general knowledge; allows individuals who apply for professional certificate before July 1, 2000, to demonstrate mastery of general knowledge pursuant to the alternative method specified by state board rule.

- Section 14** Amends s. 231.174, F.S.; removes restriction so that a certificated person may add coverage to certificate beyond ESE and critical shortage areas.
- Section 15** Amends s. 231.29, F.S., adds school administrators to personnel subject to the assessment procedure which requires personnel-performance assessments to be primarily based on student performance. Requires student performance be measured by state and local assessments.
- Section 16** Amends s. 231.546, F.S., requiring Education Standards Commission to recommend to the state high (rather than “desirable”) standards; requires standards to be consistent with the state’s duty to provide a high-quality system of public education to all students.
- Section 17** Amends s. 231.600, F.S., Revises and expands the purpose of the professional development system, as described above.
- Section 18** Amends s. 240.529, F.S.; revises intent for teacher preparation programs to establish a system that is held accountable for producing graduates with competencies and skills necessary to achieve the state education goals, help students meet high standards for academic achievement, maintain safe, secure classroom learning environments, and sustain school improvement and accountability. Revises provisions relating to initial and continued program approval, as described above. Requires annual reports of program performance in institution’s student catalogue.
- Section 19** Creates a new section to establish Institutes for Excellence in Teaching in at least three pilot sites, as described above.
- Section 20** Establishes professional development academies to meet human resource development needs of professional educators, schools, and school districts, as described above, and provides for funding.
- Section 21** Repeals s. 231.601, F.S.
- Section 22** Provides for an effective date of July 1, 1999.

III. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE AGENCIES/STATE FUNDS:

1. Non-recurring Effects:

N/A

2. Recurring Effects:

The Governor's 1999-2000 Legislative Budget Request provides for \$1 million for professional development activities to implement the Governor's "A plus" Plan for Education.

3. Long Run Effects Other Than Normal Growth:

N/A

4. Total Revenues and Expenditures:

See above.

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:

N/A

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.

B. REDUCTION OF REVENUE RAISING AUTHORITY:

This bill does not reduce the authority of counties or municipalities to raise revenue

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

This bill does not reduce the percentage of state tax shared with counties and municipalities.

V. COMMENTS:

N/A

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

N/A

VII. SIGNATURES:

SELECT COMMITTEE ON TRANSFORMING FLORIDA SCHOOLS:

Prepared by:

Staff Director:

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Ouida J. Ashworth

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Robert L. Ward