

Bill No. CS for CS for SB 2432, 1st Eng.

Amendment No. ____

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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11	Senator Cowin moved the following amendment:		
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13	Senate Amendment (with title amendment)		
14	Delete everything after the enacting clause		
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16	and insert:		
17	Section 1. <u>Short title.--This act shall be known and</u>		
18	<u>may be cited as the "Educators Developing Unequaled Competence</u>		
19	<u>Act: Teaching Excellence 2000" or "EDUCATE 2000."</u>		
20	Section 2. Paragraph (e) of subsection (3) of section		
21	20.15, Florida Statutes, is amended to read:		
22	20.15 Department of Education.--There is created a		
23	Department of Education.		
24	(3) DIVISIONS.--The following divisions of the		
25	Department of Education are established:		
26	(e) Division of <u>Professional Educators</u> Human Resource		
27	Development.		
28	Section 3. Paragraphs (a) and (c) of subsection (5),		
29	subsection (15) and paragraph (c) of subsection (16) of		
30	section 230.23, Florida Statutes, are amended to read:		
31	230.23 Powers and duties of school board.--The school		

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1 board, acting as a board, shall exercise all powers and
2 perform all duties listed below:

3 (5) PERSONNEL.--Designate positions to be filled,
4 prescribe qualifications for those positions, and provide for
5 the appointment, compensation, promotion, suspension, and
6 dismissal of employees as follows, subject to the requirements
7 of chapter 231:

8 (a) Positions, qualifications, and appointments.--Act
9 upon written recommendations submitted by the superintendent
10 of schools for positions to be filled and for minimum
11 qualifications for personnel for the various positions and act
12 upon written nominations of persons to fill such positions.
13 The superintendent of schools' recommendations for filling
14 institutional positions at the school level must consider
15 nominations received from school principals of the respective
16 schools.The district school board may reject for good cause
17 any employee nominated. If the third nomination by the
18 superintendent of schools for any position is rejected for
19 good cause, if the superintendent of schools fails to submit a
20 nomination for initial employment within a reasonable time as
21 prescribed by the district school board, or if the
22 superintendent of schools fails to submit a nomination for
23 reemployment within the time prescribed by law, the district
24 school board may proceed on its own motion to fill such
25 position. The district school board's decision to reject a
26 person's nomination does not give that person a right of
27 action to sue over the rejection and may not be used as a
28 cause of action by the nominated employee.

29 (c) Compensation and salary schedules.--Adopt a salary
30 schedule or salary schedules designed to furnish incentives
31 for improvement in training and for continued efficient

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1 service to be used as a basis for paying all school employees
2 and fix and authorize the compensation of school employees on
3 the basis thereof. A district school board, in determining the
4 salary schedule for instructional personnel, must base a
5 portion of each employee's compensation on performance
6 demonstrated under s. 231.29, ~~and~~ must consider the prior
7 teaching experience of a person who has been designated state
8 teacher of the year by any state in the United States, and
9 must consider prior professional experience in the field of
10 education gained in positions in addition to district level
11 instructional and administrative positions. In developing the
12 salary schedule, the district school board shall seek input
13 from parents, teachers, and representatives of the business
14 community. By June 30, 2002, or beginning with the full
15 implementation of an annual assessment of learning gains,
16 whichever occurs later, ~~the salary schedule adopted by the~~
17 district school board budget must include a reserve to fully
18 fund an additional 5 percent supplement for base at least 5
19 percent of the salary of school administrators and
20 instructional personnel on annual performance measured under
21 ~~s. 231.29~~. The district's performance-pay policy is subject to
22 negotiation as provided in chapter 447; however, the adopted
23 salary schedule must allow school administrators and
24 instructional personnel employees who demonstrate outstanding
25 performance, as measured under s. 231.29, to earn a 5 percent
26 supplement in addition to of their individual, negotiated
27 salary. The supplements will be funded from the reserve funds
28 adopted in the salary schedule. The Commissioner of Education
29 shall determine whether the district school board's adopted
30 salary schedule complies with the requirement for
31 performance-based pay. If the district school board fails to

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1 comply by the required date ~~June 30, 2002~~, the commissioner
2 shall withhold disbursements from the Educational Enhancement
3 Trust Fund to the district until compliance is verified.

4 (15) PUBLIC INFORMATION AND PARENTAL INVOLVEMENT
5 PROGRAM.--

6 (a) Adopt procedures whereby the general public can be
7 adequately informed of the educational programs, needs, and
8 objectives of public education within the district.

9 (b) District school boards shall encourage teachers
10 and administrators to keep parents and guardians informed of
11 student progress, student programs, and availability of
12 resources for academic assistance.

13 (16) IMPLEMENT SCHOOL IMPROVEMENT AND
14 ACCOUNTABILITY.--Maintain a system of school improvement and
15 education accountability as provided by statute and State
16 Board of Education rule. This system of school improvement and
17 education accountability shall be consistent with, and
18 implemented through, the district's continuing system of
19 planning and budgeting required by this section and ss.
20 229.555 and 237.041. This system of school improvement and
21 education accountability shall include, but is not limited to,
22 the following:

23 (c) Assistance and intervention.--

24 1. Develop a 2-year plan of increasing individualized
25 assistance and intervention for each school in danger of not
26 meeting state standards or making adequate progress, as
27 defined pursuant to statute and State Board of Education rule,
28 toward meeting the goals and standards of its approved school
29 improvement plan.

30 2. A school that is identified as being in performance
31 grade category "D" pursuant to s. 229.57 is in danger of

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1 failing and must be provided assistance and intervention.

2 3.a. Each district school board shall develop a plan
3 to encourage teachers with demonstrated mastery in improving
4 student performance to remain at or transfer to a school
5 designated as performance grade category "D" or "F" or to an
6 alternative school that serves disruptive or violent youths.
7 If a classroom teacher, as defined by s. 228.041(9)(a), who
8 meets the definition of teaching mastery developed according
9 to the provisions of this paragraph, requests assignment to a
10 school designated as performance grade category "D" or "F" or
11 to an alternative school that serves disruptive or violent
12 youths, the district school board shall make every practical
13 effort to grant the request.

14 b. For initial implementation in 2000-2001 and until
15 full implementation of an annual assessment of learning gains,
16 a classroom teacher who is selected by the school principal
17 based on his or her performance appraisal and student
18 achievement data to teach at a school designated as
19 performance grade category "D" or "F" or at an alternative
20 that serves disruptive or violent youths shall receive a
21 supplement of at least \$1,000, not to exceed \$3,500, as
22 provided for annually in the General Appropriations Act, each
23 year he or she teaches at a school designated as performance
24 grade category "D" or "F" or at an alternative school that
25 serves disruptive or violent youths.

26 c. Beginning with the full implementation of an annual
27 assessment of learning gains, a classroom teacher whose
28 effectiveness has been proven based upon positive learning
29 gains of his or her students as measured by annual FCAT
30 assessments pursuant to s. 229.57, is eligible for an annual
31 supplement of at least \$1,000, not to exceed \$3,500, as

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1 provided for annually in the General Appropriations Act, each
2 year he or she teaches at a school designated as performance
3 grade category "D" or "F" or at an alternative school that
4 serves disruptive or violent youths.

5 d. In the absence of an FCAT assessment, measurement
6 of learning gains of students shall be as provided in s.
7 229.57(12). The supplement received under this paragraph shall
8 be in addition to any supplement or bonus received as a result
9 of other local or state pay incentives based on performance.

10 e. The Commissioner of Education shall adopt rules to
11 determine the measures that define "teaching mastery" for
12 purposes of this subparagraph.

13 4. District school boards are encouraged to prioritize
14 the expenditures of funds received from the supplemental
15 academic instruction categorical fund under s. 236.08104
16 ~~specific appropriation 110A of the General Appropriations Act~~
17 ~~of fiscal year 1999-2000~~ to improve student performance in
18 schools that receive a performance grade category designation
19 of "D" or "F."

20 Section 4. Subsection (6) of section 230.303, Florida
21 Statutes, is amended to read:

22 230.303 Superintendent of schools.--

23 (6)(a) ~~The Department of Education Florida Council on~~
24 ~~Educational Management~~ shall provide a leadership development
25 and performance compensation program for superintendents of
26 schools, comparable to chief executive officer development
27 programs for corporate executive officers, to include:

28 1. A content-knowledge-and-skills phase consisting of:
29 creative leadership models and theory, demonstration of
30 effective practice, simulation exercises and personal skills
31 practice, and assessment with feedback, taught in a

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1 professional training setting under the direction of
2 experienced, successful trainers.

3 2. A competency-acquisition phase consisting of
4 on-the-job application of knowledge and skills for a period of
5 not less than 6 months following the successful completion of
6 the content-knowledge-and-skills phase. The
7 competency-acquisition phase shall be supported by adequate
8 professional technical assistance provided by experienced
9 trainers approved by the department ~~Florida Council on~~
10 ~~Educational Management~~. Competency acquisition shall be
11 demonstrated through assessment and feedback.

12 (b) Upon the successful completion of both phases and
13 demonstrated successful performance, as determined by the
14 department ~~Florida Council on Educational Management~~, a
15 superintendent of schools shall be issued a Chief Executive
16 Officer Leadership Development Certificate and shall be given
17 an annual performance salary incentive of not less than \$3,000
18 or more than \$7,500 based upon his or her performance
19 evaluation.

20 (c) A superintendent of schools'~~superintendent's~~
21 eligibility to continue receiving the annual performance
22 salary incentive is contingent upon his or her continued
23 performance assessment and followup training prescribed by the
24 department ~~Florida Council on Educational Management~~.

25 Section 5. Section 230.33, Florida Statutes, is
26 amended to read:

27 230.33 Duties and responsibilities of superintendent
28 of schools.--The superintendent of schools shall exercise all
29 powers and perform all duties listed below and elsewhere in
30 the law; provided, that in so doing he or she shall advise and
31 counsel with the district school board. The superintendent of

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1 schools shall perform all tasks necessary to make sound
2 recommendations, nominations, proposals, and reports required
3 by law to be acted upon by the district school board. All
4 such recommendations, nominations, proposals, and reports by
5 the superintendent of schools shall be either recorded in the
6 minutes or shall be made in writing, noted in the minutes, and
7 filed in the public records of the district school board. It
8 shall be presumed that, in the absence of the record required
9 in this paragraph, the recommendations, nominations, and
10 proposals required of the superintendent of schools were not
11 contrary to the action taken by the district school board in
12 such matters.

13 (1) ASSIST IN ORGANIZATION OF DISTRICT SCHOOL
14 BOARD.--Preside at the organization meeting of the district
15 school board and transmit to the Department of Education,
16 within 2 weeks following such meeting, a certified copy of the
17 proceedings of organization, including the schedule of regular
18 meetings, and the names and addresses of district school
19 officials.

20 (2) REGULAR AND SPECIAL MEETINGS OF THE DISTRICT
21 SCHOOL BOARD.--Attend all regular meetings of the district
22 school board, call special meetings when emergencies arise,
23 and advise, but not vote, on questions under consideration.

24 (3) RECORDS FOR THE DISTRICT SCHOOL BOARD.--Keep
25 minutes of all official actions and proceedings of the
26 district school board and keep such other records, including
27 records of property held or disposed of by the district school
28 board, as may be necessary to provide complete information
29 regarding the district school system.

30 (4) SCHOOL PROPERTY.--Act for the district school
31 board as custodian of school property.

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1 (5) SCHOOL PROGRAM; PREPARE PLANS.--Supervise the
2 assembling of data and sponsor studies and surveys essential
3 to the development of a planned school program for the entire
4 district and prepare and recommend such a program to the
5 district school board as the basis for operating the district
6 school system.

7 (6) ESTABLISHMENT, ORGANIZATION, AND OPERATION OF
8 SCHOOLS, CLASSES, AND SERVICES.--Recommend the establishment,
9 organization, and operation of such schools, classes, and
10 services as are needed to provide adequate educational
11 opportunities for all children in the district.

12 (7) PERSONNEL.--Be responsible, as required herein,
13 for directing the work of the personnel, subject to the
14 requirements of chapter 231, and in addition the
15 superintendent of schools shall have the following duties:

16 (a) Positions, qualifications, and
17 nominations.--Recommend to the district school board duties
18 and responsibilities which need to be performed and positions
19 which need to be filled to make possible the development of an
20 adequate school program in the district; recommend minimum
21 qualifications of personnel for these various positions; and
22 nominate in writing persons to fill such positions. The
23 nominations of persons to fill instructional positions at each
24 of the district's schools must consider recommendations
25 received from principals of the respective schools.

26 (b) Compensation and salary schedules.--Prepare and
27 recommend to the district school board for adoption a salary
28 schedule or salary schedules. The superintendent of schools
29 must recommend a salary schedule for instructional personnel
30 which bases a portion of each employee's compensation on
31 performance demonstrated under s. 231.29. In developing the

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1 recommended salary schedule, the superintendent of schools
2 shall include input from parents, teachers, and
3 representatives of the business community.

4 (c) Contracts and terms of service.--Recommend to the
5 district school board terms for contracting with employees and
6 prepare such contracts as are approved.

7 (d) Transfer and promotions.--Recommend employees for
8 transfer and transfer any employee during any emergency and
9 report the transfer to the district school board at its next
10 regular meeting.

11 (e) Suspension and dismissal.--Suspend members of the
12 instructional staff and other school employees during
13 emergencies for a period extending to and including the day of
14 the next regular or special meeting of the district school
15 board and notify the district school board immediately of such
16 suspension. When authorized to do so, serve notice on the
17 suspended member of the instructional staff of charges made
18 against him or her and of the date of hearing. Recommend
19 employees for dismissal under the terms prescribed herein.

20 (f) Direct work of employees and supervise
21 instruction.--Direct or arrange for the proper direction and
22 improvement, under regulations of the district school board,
23 of the work of all members of the instructional staff and
24 other employees of the district school system, and supervise
25 or arrange under rules of the district school board for the
26 supervision of instruction in the district, and take such
27 steps as are necessary to bring about continuous improvement.

28 (8) CHILD WELFARE.--Recommend plans to the district
29 school board for the proper accounting for all children of
30 school age, for the attendance and control of students ~~pupils~~
31 at school, for the proper attention to health, safety, and

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1 other matters which will best promote the welfare of children,
 2 as prescribed in chapter 232. When the superintendent of
 3 schools makes a recommendation for expulsion to the district
 4 school board, he or she shall give written notice to the
 5 student pupil and the student's pupil's parent or guardian of
 6 the recommendation, setting forth the charges against the
 7 student pupil and advising the student pupil and his or her
 8 parent or guardian of the student's pupil's right to due
 9 process as prescribed by ss. 120.569 and 120.57(2). When
 10 district school board action on a recommendation for the
 11 expulsion of a student pupil is pending, the superintendent of
 12 schools may extend the suspension assigned by the principal
 13 beyond 10 school days if such suspension period expires before
 14 the next regular or special meeting of the district school
 15 board.

16 (9) COURSES OF STUDY AND OTHER INSTRUCTIONAL
 17 AIDS.--Recommend such plans for improving, providing,
 18 distributing, accounting for, and caring for textbooks and
 19 other instructional aids as will result in general improvement
 20 of the district school system, as prescribed in chapter 233.

21 (10) TRANSPORTATION OF STUDENTS PUPILS.--Ascertain
 22 which students pupils should be transported to school or to
 23 school activities, determine the most effective arrangement of
 24 transportation routes to accommodate these students pupils;
 25 recommend such routing to the district school board; recommend
 26 plans and procedures for providing facilities for the
 27 economical and safe transportation of students pupils;
 28 recommend such rules and regulations as may be necessary and
 29 see that all rules and regulations relating to the
 30 transportation of students pupils approved by the district
 31 school board, as well as regulations of the state board, are

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1 properly carried into effect, as prescribed in chapter 234.

2 (11) SCHOOL PLANT.--Recommend plans, and execute such
3 plans as are approved, regarding all phases of the school
4 plant program, as prescribed in chapter 235.

5 (12) FINANCE.--Recommend measures to the district
6 school board to assure adequate educational facilities
7 throughout the district, in accordance with the financial
8 procedure authorized in chapters 236 and 237 and as prescribed
9 below:

10 (a) Plan for operating all schools for minimum
11 term.--Determine and recommend district funds necessary in
12 addition to state funds to provide for at least a 180-day
13 school term or the equivalent on an hourly basis as specified
14 by rules which shall be adopted by the State Board of
15 Education and recommend plans for ensuring the operation of
16 all schools for the term authorized by the district school
17 board.

18 (b) Annual budget.--Prepare the annual school budget
19 to be submitted to the district school board for adoption
20 according to law and submit this budget, when adopted by the
21 district school board, to the Department of Education on or
22 before the date required by rules of the state board.

23 (c) Tax levies.--Recommend to the district school
24 board, on the basis of the needs shown by the budget, the
25 amount of district school tax levy necessary to provide the
26 district school funds needed for the maintenance of the public
27 schools; recommend to the district school board the tax levy
28 required on the basis of the needs shown in the budget for the
29 district bond interest and sinking fund of each district; and
30 recommend to the district school board to be included on the
31 ballot at each district millage election the school district

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1 tax levies necessary to carry on the school program.

2 (d) School funds.--Keep an accurate account of all
3 funds which should be transmitted to the district school board
4 for school purposes at various periods during the year and
5 see, insofar as possible, that these funds are transmitted
6 promptly; report promptly to the district school board any
7 delinquencies or delays that occur in making available any
8 funds that should be made available for school purposes.

9 (e) Borrowing money.--Recommend when necessary the
10 borrowing of money as prescribed by law.

11 (f) Financial records and accounting.--Keep or have
12 kept accurate records of all financial transactions.

13 (g) Payrolls and accounts.--Maintain accurate and
14 current statements of accounts due to be paid by the district
15 school board; certify these statements as correct; liquidate
16 board obligations in accordance with the official budget and
17 rules of the district school board; and prepare periodic
18 reports as required by rules of the state board, showing
19 receipts, balances, and disbursements to date, and file copies
20 of such periodic reports with the Department of Education.

21 (h) Bonds for employees.--Recommend the bonds of all
22 school employees who should be bonded in order to provide
23 reasonable safeguards for all school funds or property.

24 (i) Contracts.--After study of the feasibility of
25 contractual services with industry, recommend to the district
26 school board the desirable terms, conditions, and
27 specifications for contracts for supplies, materials, or
28 services to be rendered and see that materials, supplies, or
29 services are provided according to contract.

30 (j) Investment policies.--The superintendent of
31 schools shall, after careful examination, recommend policies

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1 to the district school board which will provide for the
2 investment or deposit of school funds not needed for immediate
3 expenditures which shall earn the maximum possible yield under
4 the circumstances on such investments or deposits. The
5 superintendent of schools shall cause to be invested at all
6 times all school moneys not immediately needed for
7 expenditures pursuant to the policies of the district school
8 board.

9 (k) Protection against loss.--Recommend programs and
10 procedures to the district school board necessary to protect
11 the school system adequately against loss or damage to school
12 property or against loss resulting from any liability for
13 which the district school board or its officers, agents, or
14 employees may be responsible under law.

15 (l) Millage elections.--Recommend plans and procedures
16 for holding and supervising all school district millage
17 elections.

18 (m) Budgets and expenditures.--Prepare, after
19 consulting with the principals of the various schools,
20 tentative annual budgets for the expenditure of district funds
21 for the benefit of public school students ~~pupils~~ of the
22 district.

23 (n) Bonds.--Recommend the amounts of bonds to be
24 issued in the district and assist in the preparation of the
25 necessary papers for an election to determine whether the
26 proposed bond issue will be approved by the electors; if such
27 bond issue be approved by the electors, recommend plans for
28 the sale of bonds and for the proper expenditure of the funds
29 derived therefrom.

30 (13) RECORDS AND REPORTS.--Recommend such records as
31 should be kept in addition to those prescribed by rules of the

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1 state board or by the department; prepare forms for keeping
2 such records as are approved by the district school board; see
3 that such records are properly kept; and make all reports that
4 are needed or required, as follows:

5 (a) Forms, blanks, and reports.--Require that all
6 employees keep accurately all records and make promptly in
7 proper form all reports required by the school code or by
8 rules of the state board; recommend the keeping of such
9 additional records and the making of such additional reports
10 as may be deemed necessary to provide data essential for the
11 operation of the school system; and prepare such forms and
12 blanks as may be required and see that these records and
13 reports are properly prepared.

14 (b) Reports to the department.--Prepare, for the
15 approval of the district school board, all reports that may be
16 required by law or rules of the state board or of the
17 commissioner to be made to the department and transmit
18 promptly all such reports, when approved, to the department,
19 as required by law. If any such reports are not transmitted
20 at the time and in the manner prescribed by law or by state
21 board rules, the salary of the superintendent of schools must
22 be withheld until the report has been properly submitted.
23 Unless otherwise provided by regulations of the state board,
24 the annual report on attendance and personnel is due on or
25 before July 1, and the annual school budget and the report on
26 finance are due on the date prescribed by the commissioner.

27 (c) Failure to make reports; penalty.--Any
28 superintendent of schools who knowingly signs and transmits to
29 any state official a false or incorrect report shall forfeit
30 his or her right to any salary for the period of 1 year from
31 that date.

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1 (14) COOPERATION WITH OTHER AGENCIES.--

2 (a) Cooperation with governmental agencies in
3 enforcement of laws and rules.--Recommend plans for
4 cooperating with, and, on the basis of approved plans,
5 cooperate with federal, state, county, and municipal agencies
6 in the enforcement of laws and rules pertaining to all matters
7 relating to education and child welfare.

8 (b) Cooperation with other local administrators to
9 achieve the first state education goal.--Cooperate with the
10 district administrator of the Department of Children and
11 Family Services and with administrators of other local public
12 and private agencies to achieve the first state education
13 goal, readiness to start school.

14 (c) Identifying and reporting names of migratory
15 children, other information.--Recommend plans for identifying
16 and reporting to the Department of Education the name of each
17 child in the school district who qualifies according to the
18 definition of a migratory child, based on Pub. L. No. 95-561,
19 and for reporting such other information as may be prescribed
20 by the department.

21 (15) ENFORCEMENT OF LAWS AND RULES.--Require that all
22 laws and rules of the state board, as well as supplementary
23 rules of the district school board, are properly observed and
24 report to the district school board any violation that the
25 superintendent of schools does not succeed in having
26 corrected.

27 (16) COOPERATE WITH DISTRICT SCHOOL BOARD.--Cooperate
28 with the district school board in every manner practicable to
29 the end that the district school system may continuously be
30 improved.

31 (17) VISITATION OF SCHOOLS.--Visit the schools;

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1 observe the management and instruction; give suggestions for
2 improvement; and advise with supervisors, principals,
3 teachers, patrons, and other citizens with the view of
4 promoting interest in education and improving the school
5 conditions of the district.

6 (18) CONFERENCES, INSTITUTES, AND STUDY COURSES.--Call
7 and conduct institutes and conferences with employees of the
8 district school board, school patrons, and other interested
9 citizens; organize and direct study and extension courses for
10 employees, advising them as to their professional studies;
11 assist patrons and people generally in acquiring knowledge of
12 the aims, services, and needs of the schools.

13 (19) PROFESSIONAL AND GENERAL IMPROVEMENT.--Attend
14 such conferences for superintendents of schools as may be
15 called or scheduled by the Department of Education and avail
16 himself or herself of means of professional and general
17 improvement so that he or she may function most efficiently.

18 (20) RECOMMEND REVOKING CERTIFICATES.--Recommend in
19 writing to the Department of Education the revoking of any
20 certificate for good cause, including a full statement of the
21 reason for the superintendent of schools'~~superintendents'~~
22 recommendation.

23 (21) MAKE RECORDS AVAILABLE TO SUCCESSOR.--Leave with
24 the district school board and make available to his or her
25 successor upon retiring from office a complete inventory of
26 school equipment and other property, together with all
27 official records and such other records as may be needed in
28 supervising instruction and in administering the district
29 school system.

30 (22) RECOMMEND PROCEDURES FOR INFORMING GENERAL
31 PUBLIC.--Recommend to the district school board procedures

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1 whereby the general public can be adequately informed of the
2 educational programs, needs, and objectives of public
3 education within the district.

4 (23) SCHOOL IMPROVEMENT AND ACCOUNTABILITY.--Recommend
5 procedures for implementing and maintaining a system of school
6 improvement and education accountability as provided by
7 statute and State Board of Education rule.

8 (24) OTHER DUTIES AND RESPONSIBILITIES.--Perform such
9 other duties as are assigned to the superintendent of schools
10 by law or by rules of the state board or of the commissioner.

11 Section 6. Section 231.001, Florida Statutes, is
12 amended to read:

13 231.001 School district personnel policies.--Except as
14 otherwise provided by law or the State Constitution, district
15 school boards may ~~are authorized to~~ prescribe rules governing
16 personnel matters, including the assignment of duties and
17 responsibilities for all district employees.

18 Section 7. Section 231.002, Florida Statutes, is
19 amended to read:

20 231.002 Teacher quality; legislative findings ~~and~~
21 ~~purpose~~.--

22 (1) The Legislature intends to implement a
23 comprehensive approach to increase students' academic
24 achievement and improve teaching quality. The Legislature
25 recognizes that professional educators shape the future of
26 this state and the nation by developing the knowledge and
27 skills of our future workforce and laying the foundation for
28 good citizenship and full participation in community and civic
29 life. The Legislature also recognizes its critical role in
30 meeting the state's educational goals and preparing all
31 students to achieve at the high levels set by the Sunshine

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1 State Standards.

2 (2) The Legislature further finds that effective
3 educators are able to do the following:

4 (a) Write and speak in a logical and understandable
5 style, using appropriate grammar and sentence structure, and
6 demonstrate a command of standard English, enunciation,
7 clarity of oral directions, and pace and precision in
8 speaking.

9 (b) Read, comprehend, and interpret professional and
10 other written material.

11 (c) Compute, think logically, and solve problems.

12 (d) Recognize signs of students' difficulty with the
13 reading and computational process and apply appropriate
14 measures to improve students' reading and computational
15 performance.

16 (e) Recognize patterns of physical, social, emotional,
17 and intellectual development in students, including
18 exceptional students in the regular classroom.

19 (f) Recognize and demonstrate awareness of the
20 educational needs of students who have limited proficiency in
21 English and employ appropriate teaching strategies.

22 (g) Use and integrate appropriate technology in
23 teaching and learning processes and in managing, evaluating,
24 and improving instruction.

25 (h) Use assessment and other diagnostic strategies to
26 assist the continuous development and acquisition of knowledge
27 and understanding of the learner.

28 (i) Use teaching and learning strategies that include
29 consideration of each student's learning styles, needs, and
30 background.

31 (j) Demonstrate the ability to maintain a positive,

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1 collaborative relationship with students' families to increase
2 student achievement.

3 (k) Recognize signs of tendency toward violence and
4 severe emotional distress in students and apply techniques of
5 crisis intervention.

6 (l) Recognize signs of alcohol and drug abuse in
7 students and know how to appropriately work with such students
8 and seek assistance designed to prevent future abuse.

9 (m) Recognize the physical and behavioral indicators
10 of child abuse and neglect and know rights and
11 responsibilities regarding reporting.

12 (n) Demonstrate the ability to maintain a positive
13 environment in the classroom while achieving order and
14 discipline.

15 (o) Demonstrate the ability to grade student
16 performance effectively.

17 (p) Demonstrate knowledge and understanding of the
18 value of, and strategies for, promoting parental involvement
19 in education.

20 ~~(2) The purpose of this act is to raise standards for~~
21 ~~certifying professional educators, establish a statewide~~
22 ~~system for inservice professional development, increase~~
23 ~~accountability for postsecondary programs that prepare future~~
24 ~~educators, and increase accountability for administrators who~~
25 ~~evaluate teacher performance. To further this initiative, the~~
26 ~~Department of Education must review the provisions of this~~
27 ~~chapter and related administrative rules governing the~~
28 ~~certification of individuals who must hold state certification~~
29 ~~as a condition of employment in any district school system.~~
30 ~~The purpose of the review is to identify ways to make the~~
31 ~~certification process more efficient and responsive to the~~

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1 ~~needs of district school systems and educators, to maintain~~
2 ~~rigorous standards for initial and continuing certification,~~
3 ~~and to provide more alternative certification options for~~
4 ~~individuals who have specific subject area expertise but have~~
5 ~~not completed a standard teacher preparation program. The~~
6 ~~department must evaluate the rigor of the assessment~~
7 ~~instruments and passing scores required for certification and~~
8 ~~should consider components of more rigorous and efficient~~
9 ~~certification systems in other states. The department may~~
10 ~~request assistance from the Education Standards Commission. By~~
11 ~~January 1, 2000, the department must submit its findings and~~
12 ~~recommendations for revision of statutes and administrative~~
13 ~~rules to the presiding officers of the Senate, the House of~~
14 ~~Representatives, and the State Board of Education.~~

15 Section 8. Paragraph (a) of subsection (2) of section
16 231.02, Florida Statutes, is amended to read:

17 231.02 Qualifications of personnel.--

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

30 (2)(a) Instructional and noninstructional personnel
31 who are hired to fill positions requiring direct contact with

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1 students in any district school system or laboratory school
 2 shall, upon employment, file a complete set of fingerprints
 3 taken by an authorized law enforcement officer or an employee
 4 of the school or district who is trained to take fingerprints.
 5 These fingerprints shall be submitted to the Department of Law
 6 Enforcement for state processing and to the Federal Bureau of
 7 Investigation for federal processing. The ~~Such~~ new employees
 8 shall be on probationary status pending fingerprint processing
 9 and determination of compliance with standards of good moral
 10 character. Employees found through fingerprint processing to
 11 have been convicted of a crime involving moral turpitude shall
 12 not be employed in any position requiring direct contact with
 13 students. Probationary employees terminated because of their
 14 criminal record shall have the right to appeal such decisions.
 15 The cost of the fingerprint processing may be borne by the
 16 district school board or the employee.

17 Section 9. Section 231.045, Florida Statutes, is
 18 amended to read:

19 231.045 Periodic criminal history record checks.--In
 20 cooperation with the Florida Department of Law Enforcement,
 21 the department may ~~shall have the authority to~~ periodically
 22 perform a criminal history record check on individuals who
 23 hold a certificate pursuant to s. 231.17.

24 Section 10. Section 231.085, Florida Statutes, is
 25 amended to read:

26 231.085 Duties of principals.--

27 (1) A district school board shall employ, through
 28 written contract, public school principals who shall supervise
 29 the operation and management of the schools and property as
 30 the district school board determines necessary.

31 (2) The principal is responsible for recommending to

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1 the superintendent of schools the employment of instructional
2 personnel to be assigned to the school to which the principal
3 is assigned.

4 (3) Each principal is responsible for the performance
5 of all personnel employed by the district school board and
6 assigned to the school to which the principal is assigned. The
7 principal shall faithfully and effectively apply the personnel
8 assessment system approved by the district school board
9 pursuant to s. 231.29.

10 (4) Each principal shall assist the teachers within
11 the school to use student assessment data, as measured by
12 student learning gains pursuant to s. 229.57, for
13 self-evaluation.

14 (5) Each principal shall perform such duties as may be
15 assigned by the superintendent of schools, pursuant to the
16 rules of the district school board. Such rules shall include,
17 but are not ~~be~~ limited to, rules relating to administrative
18 responsibility, instructional leadership in implementing the
19 Sunshine State Standards and the overall educational program
20 of the school to which the principal is assigned, submission
21 of personnel recommendations to the superintendent of schools,
22 administrative responsibility for records and reports,
23 administration of corporal punishment, and student suspension.

24 (6) Each principal shall provide leadership in the
25 development or revision and implementation of a school
26 improvement plan, pursuant to s. 230.23(16).

27 (7) Each principal must make the necessary provisions
28 to ensure that all school reports are accurate and timely, and
29 must provide the necessary training opportunities for staff to
30 accurately report attendance, FTE program participation,
31 student performance, teacher appraisal, and school safety and

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1 discipline data.

2 (8) A principal who fails to comply with this section
3 shall be ineligible for any portion of the performance pay
4 policy incentive under s. 230.23(5)(c).

5 Section 11. Section 231.0861, Florida Statutes, is
6 repealed.

7 Section 12. Section 231.087, Florida Statutes, is
8 repealed.

9 Section 13. Section 231.09, Florida Statutes, is
10 amended to read:

11 231.09 Duties of instructional personnel.--

12 (1) The primary duty of instructional personnel is to
13 work diligently and faithfully to help students meet or exceed
14 annual learning goals, to meet state and local achievement
15 requirements, and to master the skills required to graduate
16 from high school prepared for postsecondary education and
17 work. This duty applies to instructional personnel whether
18 they teach or function in a support role.

19 (2) Members of the instructional staff of the public
20 schools shall perform duties prescribed by rules of the
21 district school board. The Such rules shall include, but are
22 not be limited to, rules relating to a teacher's duty to help
23 students master challenging standards and meet all state and
24 local requirements for achievement; teaching efficiently and
25 faithfully, using prescribed materials and methods, including
26 technology-based instruction; recordkeeping; and fulfilling
27 the terms of any contract, unless released from the contract
28 by the district school board.

29 Section 14. Section 231.095, Florida Statutes, is
30 amended to read:

31 231.095 Teachers assigned teaching duties outside

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1 field in which certified.--When a teacher in a district school
2 system is assigned teaching duties in a class dealing with
3 subject matter that is outside the field in which the teacher
4 is certified, outside the field that was the applicant's minor
5 field of study, or outside the field in which the applicant
6 has demonstrated sufficient subject area expertise,the
7 parents or guardians of all students in the class shall be
8 notified in writing of such assignment.

9 Section 15. Section 231.096, Florida Statutes, is
10 amended to read:

11 231.096 Teacher teaching out-of-field;
12 assistance.--Each district school board shall adopt and
13 implement a plan to assist any teacher teaching out-of-field,
14 and priority consideration in professional development
15 activities shall be given to teachers who are teaching
16 out-of-field. The district school board shall require that
17 such teachers participate in a certification or staff
18 development program designed to provide ~~ensure that~~ the
19 teacher with ~~has~~ the competencies required for the assigned
20 duties. The board-approved assistance plan must include duties
21 of administrative personnel and other instructional personnel
22 to provide ~~ensure that~~ students with ~~receive~~ high-quality
23 instructional services.

24 Section 16. Section 231.141, Florida Statutes, is
25 amended to read:

26 231.141 Education paraprofessionals.--A district
27 school board may appoint education paraprofessionals to assist
28 members of the instructional staff in carrying out their
29 duties and responsibilities. An education paraprofessional
30 shall not be required to hold a teaching certificate. An
31 education paraprofessional, while rendering services under the

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1 supervision of a certified ~~certificated~~ teacher, shall be
2 accorded the same protection of laws as that accorded the
3 certified teacher. Paid education paraprofessionals employed
4 by a district school board shall be entitled to the same
5 rights as those accorded noninstructional employees of the
6 district school board.

7 Section 17. Subsection (1) of section 231.143, Florida
8 Statutes, is repealed, subsections (2) through (5) of said
9 section are renumbered as subsections (1) through (4),
10 respectively, and present subsection (3) of said section is
11 amended to read:

12 231.143 Education paraprofessional career
13 development.--

14 (2)~~(3)~~ A district education paraprofessional career
15 development program must include voluntary participation by
16 paraprofessionals in five career development levels. The
17 district school board shall adopt a procedure for verifying
18 the competency levels of all persons who participate in the
19 career development program and a procedure to determine the
20 outcomes and results of the program and impact on student
21 performance.

22 Section 18. Subsection (1) and paragraph (a) of
23 subsection (4) of section 231.15, Florida Statutes, are
24 amended to read:

25 231.15 Positions for which certificates required.--

26 (1) The State Board of Education shall classify school
27 services, designate the certification subject areas, establish
28 competencies, including the use of technology to enhance
29 student learning, and certification requirements for all
30 school-based personnel, and prescribe rules in accordance with
31 which the professional, temporary, and part-time certificates

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

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

13 (4) A commissioned or noncommissioned military officer
14 who is an instructor of junior reserve officer training shall
15 be exempt from requirements for teacher certification, except
16 for the filing of fingerprints pursuant to s. 231.02, if he or
17 she meets the following qualifications:

18 (a) Is retired from active military duty, pursuant to
19 chapter 102 of Title 10, U.S.C with at least 20 years of
20 ~~service and draws retirement pay or is retired, or transferred~~
21 ~~to retired reserve status, with at least 20 years of active~~
22 ~~service and draws retirement pay or retainer pay.~~

23
24 If such instructor is assigned instructional duties other than
25 junior reserve officer training, he or she shall hold the
26 certificate required by law and rules of the state board for
27 the type of service rendered.

28 Section 19. Section 231.17, Florida Statutes, is
29 amended to read:

30 (Substantial rewording of section. See
31 s. 231.17, F.S., for present text.)

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1 231.17 Teacher certification requirements.--
2 (1) APPLICATION.--Each person seeking certification
3 pursuant to this chapter shall submit a completed application
4 containing the applicant's social security number to the
5 Department of Education and remit the fee required pursuant to
6 s. 231.30 and rules of the State Board of Education. Pursuant
7 to the federal Personal Responsibility and Work Opportunity
8 Reconciliation Act of 1996, each party is required to provide
9 his or her social security number in accordance with this
10 section. Disclosure of social security numbers obtained
11 through this requirement shall be limited to the purpose of
12 administration of the Title IV-D program of the Social
13 Security Act for child support enforcement. Pursuant to s.
14 120.60, the department shall issue within 90 calendar days
15 after the stamped receipted date of the completed application:
16 (a) A certificate covering the classification, level,
17 and area for which the applicant is deemed qualified; or
18 (b) An official statement of status of eligibility.
19 The statement of status of eligibility must advise the
20 applicant of any qualifications that must be completed to
21 qualify for certification. Each statement of status of
22 eligibility is valid for 2 years after its date of issuance,
23 except as provided in paragraph (2)(d), and may be reissued
24 for one additional 2-year period if application is made while
25 the initial statement of status of eligibility is valid or
26 within 1 year after the initial statement expires.
27 (2) ELIGIBILITY CRITERIA.--To be eligible to seek
28 certification pursuant to this chapter, a person must:
29 (a) Be at least 18 years of age.
30 (b) File a written statement, under oath, that the
31 applicant subscribes to and will uphold the principles

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1 incorporated in the Constitution of the United States and the
2 Constitution of the State of Florida.

3 (c) Document receipt of a bachelor's or higher degree
4 from an accredited institution of higher learning, or a
5 nonaccredited institution of higher learning that the
6 Department of Education has identified as having a quality
7 program resulting in a bachelor's degree, or higher. Each
8 applicant seeking initial certification must have attained at
9 least a 2.5 overall grade point average on a 4.0 scale in the
10 applicant's major field of study. The applicant may document
11 the required education by submitting official transcripts from
12 institutions of higher education or by authorizing the direct
13 submission of such official transcripts through established
14 electronic network systems. The bachelor's or higher degree
15 may not be required in areas approved in rule by the state
16 board as nondegreed areas.

17 (d) Submit to a fingerprint check from the Department
18 of Law Enforcement and the Federal Bureau of Investigation
19 pursuant to s. 231.02. If the fingerprint reports indicate a
20 criminal history or if the applicant acknowledges a criminal
21 history, the applicant's records shall be referred to the
22 Bureau of Educator Standards for review and determination of
23 eligibility for certification. If the applicant fails to
24 provide the necessary documentation requested by the Bureau of
25 Educator Standards within 90 days after the date of the
26 receipt of the certified mail request, the statement of
27 eligibility and pending application shall become invalid.

28 (e) Be of good moral character.

29 (f) Be competent and capable of performing the duties,
30 functions, and responsibilities of a teacher.

31 (g) Demonstrate mastery of general knowledge, pursuant

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1 to subsection (3).

2 (h) Demonstrate mastery of subject area knowledge,
3 pursuant to subsection (4).

4 (i) Demonstrate mastery of professional preparation
5 and education competence, pursuant to subsection (5).

6 (3) MASTERY OF GENERAL KNOWLEDGE.--

7 (a) Before July 1, 2002, acceptable means of
8 demonstrating mastery of general knowledge are:

9 1. Achievement of passing scores on the College Level
10 Academic Skills Test or other basic skills examinations
11 required by state board rule;

12 2. Achievement of passing scores on another state's
13 general knowledge examinations;

14 3. A valid standard teaching certificate issued by
15 another state that requires an examination of mastery of
16 general knowledge;

17 4. A valid standard teaching certificate issued by
18 another state and valid certificate issued by the National
19 Board for Professional Teaching Standards; or

20 5. A valid standard teaching certificate issued by
21 another state and documentation of 2 years of continuous
22 successful full-time teaching or administrative experience
23 during the 5-year period immediately preceding the date of
24 application for certification.

25 (b) Beginning July 1, 2002, acceptable means of
26 demonstrating mastery of general knowledge are:

27 1. Achievement of passing scores on basic skills
28 examination required by state board rule;

29 2. Achievement of passing scores on the College Level
30 Academic Skills Test earned prior to July 1, 2002;

31 3. A valid standard teaching certificate issued by

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1 another state that requires an examination of mastery of
2 general knowledge;

3 4. A valid standard teaching certificate issued by
4 another state and valid certificate issued by the National
5 Board for Professional Teaching Standards; or

6 5. A valid standard teaching certificate issued by
7 another state and documentation of 2 years of continuous
8 successful full-time teaching or administrative experience
9 during the 5-year period immediately preceding the date of
10 application for certification.

11 (4) MASTERY OF SUBJECT AREA KNOWLEDGE.--

12 (a) Before July 1, 2002, acceptable means of
13 demonstrating mastery of subject area knowledge are:

14 1. Completion of the subject area content requirements
15 specified in state board rule and achievement of passing
16 scores on the National Teachers Examination series, a
17 successor to that series, or other subject area examinations
18 required by state board rule;

19 2. A valid standard teaching certificate issued by
20 another state that requires an examination of mastery of
21 subject area knowledge;

22 3. A valid standard teaching certificate issued by
23 another state and valid certificate issued by the National
24 Board for Professional Teaching Standards; or

25 4. A valid standard teaching certificate issued by
26 another state and documentation of 2 years of continuous
27 successful full-time teaching or administrative experience
28 during the 5-year period immediately preceding the date of
29 application for certification.

30 (b) Beginning July 1, 2002, acceptable means of
31 demonstrating mastery of subject area knowledge are:

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- 1 1. Achievement of passing scores on subject area
2 examinations required by state board rule;
- 3 2. A valid standard teaching certificate issued by
4 another state that requires an examination of mastery of
5 subject area knowledge;
- 6 3. A valid standard teaching certificate issued by
7 another state and valid certificate issued by the National
8 Board for Professional Teaching Standards; or
- 9 4. A valid standard teaching certificate issued by
10 another state and documentation of 2 years of continuous
11 successful full-time teaching or administrative experience
12 during the 5-year period immediately preceding the date of
13 application for certification.
- 14 (5) MASTERY OF PROFESSIONAL PREPARATION AND EDUCATION
15 COMPETENCE.--
- 16 (a) Before July 1, 2002, acceptable means of
17 demonstrating mastery of professional preparation and
18 education competence are:
- 19 1. Achievement of passing scores on the professional
20 education competency examination required by state board rule,
21 and documentation of one of the following:
- 22 a. Completion of an approved teacher preparation
23 program at a postsecondary institution within this state;
- 24 b. Successful completion of an approved alternative
25 preparation program, pursuant to paragraph (7)(b); or
- 26 c. Completion of professional preparation college
27 courses as specified in state board rule and successful
28 completion of a district professional education competence
29 program pursuant to paragraph (7)(c).
- 30 2. A valid standard teaching certificate issued by
31 another state and valid certificate issued by the National

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1 Board for Professional Teaching Standards; or
 2 3. A valid standard teaching certificate issued by
 3 another state and documentation of 2 years of continuous
 4 successful full-time teaching or administrative experience in
 5 another state during the 5-year period immediately preceding
 6 the date of application for certification.

7 (b) Beginning July 1, 2002, acceptable means of
 8 demonstrating mastery of professional preparation and
 9 education competence are:

10 1. Completion of an approved teacher preparation
 11 program at a postsecondary institution within this state;

12 2. Completion of a teacher preparation program at a
 13 postsecondary institution outside Florida and achievement of
 14 passing scores on the professional education competency
 15 examination required by state board rule;

16 3. A valid standard teaching certificate issued by
 17 another state that requires an examination of mastery of
 18 professional education competence;

19 4. A valid standard teaching certificate issued by
 20 another state and valid certificate issued by the National
 21 Board for Professional Teaching Standards;

22 5. A valid standard teaching certificate issued by
 23 another state and documentation of 2 years of continuous
 24 successful full-time teaching or administrative experience
 25 during the 5-year period immediately preceding the date of
 26 application for certification; or

27 6. Successful completion of the Department of
 28 Education's professional preparation and education competency
 29 program, outlined in paragraph (7)(a).

30 (6) TYPES AND TERMS OF CERTIFICATION.--

31 (a) The Department of Education shall issue a

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1 professional certificate for a period not to exceed 5 years to
2 any applicant who meets all the requirements outlined in
3 subsection (2).

4 (b) The department shall issue a temporary certificate
5 to any applicant who completes the requirements outlined in
6 paragraphs (2)(a)-(f) and:

7 1. Until July 1, 2002, completes the subject area
8 content requirements specified in state board rule.

9 2. Beginning July 1, 2002, completes the subject area
10 content requirements specified in state board rule or achieves
11 a passing score on the subject area examinations required by
12 state board rule.

13 (c) The department shall issue one nonrenewable 2-year
14 temporary certificate and one nonrenewable 5-year professional
15 certificate to a qualified applicant who holds a bachelor's
16 degree in the area of speech-language impairment to allow for
17 completion of a master's degree program in speech-language
18 impairment.

19
20 Each temporary certificate is valid for 3 school fiscal years
21 and is nonrenewable. However, the requirement in paragraph
22 (2)(g) must be met within one calendar year of the date of
23 employment under the temporary certificate. A school district
24 shall not employ, or continue the employment of, an individual
25 beyond the one calendar year time period who has not met the
26 requirement of paragraph (2)(g). The State Board of Education
27 shall adopt rules to allow the department to extend the
28 validity period of a temporary certificate for 2 years when
29 the requirements for the professional certificate, not
30 including the requirement in paragraph (2)(g), were not
31 completed due to the serious illness or injury of the

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1 applicant or other extraordinary extenuating circumstances.
2 The department shall reissue the temporary certificate for 2
3 additional years upon approval by the Commissioner of
4 Education. A written request for reissuance of the certificate
5 shall be submitted by the superintendent of schools, the
6 governing authority of a developmental research school, the
7 governing authority of a state-supported school, or the
8 governing authority of a nonpublic school.

9 (7) PROFESSIONAL PREPARATION AND EDUCATION COMPETENCY
10 PROGRAM.--

11 (a) By July 1, 2002, the Department of Education shall
12 develop and each school district must provide a cohesive
13 competency-based preparation program by which members of a
14 school district's instructional staff may satisfy the mastery
15 of professional preparation and education competence
16 requirements specified in rules of the State Board of
17 Education. Participants must hold a state-issued temporary
18 certificate. The program shall include the following
19 components:

20 1. A minimum period of initial preparation prior to
21 assuming duties as the teacher of record.

22 2. An option for collaboration between school
23 districts and other supporting agencies for implementation.

24 3. Experienced peer mentors.

25 4. An assessment that provides for:

26 a. An initial evaluation of each educator's
27 competencies to determine an appropriate individualized
28 professional development plan.

29 b. A postevaluation to assure successful completion of
30 the program.

31 5. Content knowledge that includes, but is not limited

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1 to, the following:

2 a. Requirements specified in state board rule for
3 professional preparation.

4 b. The educator accomplished practices approved by the
5 state board.

6 c. A variety of data indicators for student progress.

7 d. Methodologies, including technology-based
8 methodologies, for teaching subject content that supports the
9 Sunshine State Standards for students.

10 e. Techniques for effective classroom management.

11 f. Techniques and strategies for operationalizing the
12 role of the teacher in assuring a safe learning environment
13 for students.

14 g. Methodologies for assuring the ability of all
15 students to read, write, and compute.

16 6. Required achievement of passing scores on the
17 professional education competency examination required by
18 state board rule.

19 (b) Until July 1, 2002, each school district may
20 develop and maintain an alternative certification program by
21 which members of the district's instructional staff may
22 satisfy the professional education course requirements
23 specified in rules of the state board for issuance of a
24 professional certificate. The state board must adopt, by rule,
25 standards and guidelines for the approval of alternative
26 certification programs. Each approved program must include
27 methods for identifying each applicant's entry-level teaching
28 competencies and must require each applicant to:

29 1. Have expertise in the subject and meet requirements
30 for specialization in a subject area for which a professional
31 certificate may be issued under this chapter and rules of the

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1 state board.

2 2. Complete training in only those competency areas in
3 which deficiencies are identified.

4 3. Complete the program within 2 years after initial
5 employment as a member of the district's instructional staff.

6 4. Achieve passing scores on the professional
7 education competency examination required by state board rule.

8
9 Each district school board may expend educational training
10 funds provided under ss. 236.081 and 231.600 to implement the
11 provisions of this paragraph. The department must approve
12 programs and systems developed to demonstrate professional
13 preparation and education competence authorized by this
14 paragraph.

15 (c) Until July 1, 2002, each school district must
16 develop and maintain a system by which members of the
17 district's instructional staff may demonstrate mastery of
18 professional education competence as required by law. Each
19 district's program must be based on classroom application and
20 instructional performance and must include a performance
21 evaluation plan for documenting the demonstration of required
22 professional education competence. Each individual employed as
23 a member of the district's instructional staff must
24 demonstrate such mastery within the first year after
25 employment, unless the individual:

26 1. Has completed an approved teacher preparation
27 program at a postsecondary institution within this state;

28 2. Has a valid teaching certificate issued by another
29 state and demonstrated at least 2 years of successful
30 full-time teaching experience in another state; or

31 3. Is participating in the district's alternate

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1 certification program outlined in paragraph (b).

2

3 Each district school board may expend educational training
4 funds provided under ss. 236.081 and 231.600 to implement the
5 provisions of this paragraph. The department must approve
6 programs and systems developed to demonstrate professional
7 education competence authorized by this paragraph.

8 (8) EXAMINATIONS.--

9 (a) The Commissioner of Education, with the approval
10 of the State Board of Education, may contract for developing,
11 printing, administering, scoring, and appropriate analysis of
12 the written examinations required.

13 (b) The state board shall, by rule, specify the
14 examination scores that are required for the issuance of a
15 professional certificate and temporary certificate. Such rules
16 must define generic subject area competencies and must
17 establish uniform evaluation guidelines. Individuals who apply
18 for their professional certificate before July 1, 2000, may
19 demonstrate mastery of general knowledge pursuant to the
20 alternative method specified by state board rule which must:

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

27 2. Require notification from the superintendent of
28 schools of the employing school district, the governing
29 authority of the employing developmental research school, or
30 the governing authority of the employing state-supported
31 school or nonpublic school that the applicant has

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

11 (c) The state board shall designate the certification
 12 areas for subject area examinations. However, until July 1,
 13 2002, an applicant may satisfy the subject area and
 14 professional education competence testing requirements by
 15 attaining scores on corresponding examinations from the
 16 National Teachers Examination series, or a successor to that
 17 series, that meet standards established by the state board.
 18 Until July 1, 2002, the College Level Academic Skills Test, a
 19 similar examination approved by the state board, corresponding
 20 examinations from the National Teachers Examination series, or
 21 other acceptable means pursuant to subsection (3) must be used
 22 to demonstrate mastery of general knowledge as required in
 23 subsection (2). All required examinations may be taken prior
 24 to graduation. An applicant who has passed the reading,
 25 writing, and mathematics subtest of the former Florida Teacher
 26 Certification Examination or has previously passed the College
 27 Level Academic Skills Test is not required to take the College
 28 Level Academic Skills Test.

29 (d) If an applicant takes an examination developed by
 30 this state and does not achieve the score necessary for
 31 certification, the applicant may review his or her completed

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1 examination and bring to the attention of the department any
2 errors that would result in a passing score.

3 (e) For any examination developed by this state, the
4 department and the state board shall maintain confidentiality
5 of the examination, developmental materials, and workpapers,
6 which are exempt from s. 119.07(1).

7 (f) By July 1, 2002, the examinations used for
8 demonstration of mastery of general knowledge, professional
9 education competence, and subject area knowledge shall be
10 aligned with student standards approved by the state board.
11 The delivery system for these examinations shall provide for
12 overall efficiency, user-friendly application, reasonable
13 accessibility to prospective teachers, and prompt attainment
14 of examination results. The examination of competency for
15 demonstration of subject area knowledge shall be sufficiently
16 comprehensive to assess subject matter expertise for
17 individuals who have acquired subject knowledge either through
18 college credit or by other means.

19 (9) NONCITIZENS.--

20 (a) The State Board of Education may adopt rules for
21 issuing certificates to noncitizens who are needed to teach
22 and who are legally admitted to the United States through the
23 United States Immigration and Naturalization Service. The
24 filing of a written oath to uphold the principles of the
25 Constitution of the United States and the Constitution of the
26 State of Florida, required under paragraph (2)(b), does not
27 apply to individuals assigned to teach on an exchange basis.

28 (b) A certificate may not be issued to a citizen of a
29 nation controlled by forces that are antagonistic to
30 democratic forms of government, except to an individual who
31 has been legally admitted to the United States through the

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1 United States Immigration and Naturalization Service.

2 (10) DENIAL OF CERTIFICATE.--

3 (a) The Department of Education may deny an applicant
4 a certificate if the department possesses evidence
5 satisfactory to it that the applicant has committed an act or
6 acts, or that a situation exists, for which the Education
7 Practices Commission would be authorized to revoke a teaching
8 certificate.

9 (b) The decision of the department is subject to
10 review by the Education Practices Commission upon the filing
11 of a written request from the applicant within 20 days after
12 receipt of the notice of denial.

13 (11) STATE BOARD RULES.--The State Board of Education
14 shall adopt rules as necessary to implement this section.

15 (12) PRIOR APPLICATION.--Persons who apply for
16 certification are governed by the law and rules in effect at
17 the time of application for issuance of the initial
18 certificate, provided that continuity of certificates is
19 maintained.

20 (13) PERSONNEL RECORDS.--The Department of Education
21 shall maintain a complete statement of the academic
22 preparation, professional training, and teaching experience of
23 each person to whom a certificate is issued. The applicant or
24 the superintendent of schools shall furnish the information
25 using a format or forms provided by the department.

26 (14) AUTHORITY OF COMMISSIONER.--The Commissioner of
27 Education may make decisions regarding an applicant's
28 certification under extenuating circumstances not otherwise
29 provided for in statute or by rule. However, an applicant for
30 certification approved by the commissioner must possess the
31 credentials, knowledge, and skills necessary to provide

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1 quality education in the public schools.

2 (15) COMPARISON OF ROUTES TO A PROFESSIONAL
3 CERTIFICATE.--Beginning with the 2003-2004 school year, the
4 Department of Education shall conduct a longitudinal study to
5 compare performance of certificateholders who are employed in
6 Florida school districts. The study shall compare a sampling
7 of educators who have qualified for a professional certificate
8 since July 1, 2002, based on the following:

9 (a) Graduation from a state-approved teacher
10 preparation program.

11 (b) Completion of a state-approved professional
12 preparation and education competency program.

13 (c) A valid standard teaching certificate issued by a
14 state other than Florida.

15
16 The department comparisons shall be made to determine if there
17 is any significant difference in the performance of these
18 groups of teachers, as measured by their students' achievement
19 levels and learning gains as measured by s. 229.57.

20 Section 20. Section 231.1715, Florida Statutes, is
21 amended to read:

22 231.1715 Confidentiality of examinations.--All
23 examination instruments, including developmental materials and
24 workpapers directly related thereto, which are prepared,
25 prescribed, or administered pursuant to ~~s. ss. 231.087~~ and
26 231.17 shall be confidential and exempt from the provisions of
27 s. 119.07(1) and from ss. 229.781 and 230.331. Provisions
28 governing access to, maintenance of, and destruction of such
29 instruments and related materials shall be prescribed by rules
30 of the State Board of Education.

31 Section 21. Section 231.1725, Florida Statutes, is

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1 amended to read:

2 231.1725 Employment of substitute teachers, teachers
3 of adult education, ~~and~~ nondegreed teachers of career
4 education, and career specialists; students performing
5 clinical field experience.--

6 (1) Notwithstanding ~~the provisions of~~ ss. 231.02,
7 231.15, and 231.17, or any other provision of law or rule to
8 the contrary, each district school board shall establish the
9 minimal qualifications for:

10 (a) Substitute teachers to be employed pursuant to s.
11 231.47. The qualifications shall require the filing of a
12 complete set of fingerprints in the same manner as required by
13 s. 231.02.

14 (b) Part-time and full-time teachers in adult
15 education programs. The qualifications shall require the
16 filing of a complete set of fingerprints in the same manner as
17 required by s. 231.02. Faculty employed solely to conduct
18 postsecondary instruction may be exempted from this
19 requirement.

20 (c) Part-time and full-time nondegreed teachers of
21 vocational programs. Qualifications shall be established for
22 agriculture, business, health occupations, family and consumer
23 sciences, industrial, marketing, career specialist, and public
24 service education teachers, based primarily on successful
25 occupational experience rather than academic training. The
26 qualifications for such teachers shall require:

27 1. The filing of a complete set of fingerprints in the
28 same manner as required by s. 231.02. Faculty employed solely
29 to conduct postsecondary instruction may be exempted from this
30 requirement.

31 2. Documentation of education and successful

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- 1 occupational experience including documentation of:
- 2 a. A high school diploma or the equivalent.
- 3 b. Completion of 6 years of full-time successful
- 4 occupational experience or the equivalent of part-time
- 5 experience in the teaching specialization area. Alternate
- 6 means of determining successful occupational experience may be
- 7 established by the district school board.
- 8 c. Completion of career education training conducted
- 9 through the local school district inservice master plan.
- 10 d. For full-time teachers, completion of professional
- 11 education training in teaching methods, course construction,
- 12 lesson planning and evaluation, and teaching special needs
- 13 students. This training may be completed through coursework
- 14 from a standard institution or an approved district teacher
- 15 education program.
- 16 e. Demonstration of successful teaching performance.
- 17 (2) Substitute, adult education, and nondegreed career
- 18 education teachers who are employed pursuant to this section
- 19 shall have the same rights and protection of laws as certified
- 20 teachers.
- 21 (3) A student who is enrolled in a state-approved
- 22 teacher preparation program in an institution of higher
- 23 education which is approved by rules of the State Board of
- 24 Education and who is jointly assigned by the institution of
- 25 higher education and a district school board to perform a
- 26 clinical field experience under the direction of a regularly
- 27 employed and certified educator shall, while serving such
- 28 supervised clinical field experience, be accorded the same
- 29 protection of law as that accorded to the certified educator
- 30 except for the right to bargain collectively as an employee of
- 31 the district school board.

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1 Section 22. Section 231.173, Florida Statutes, is
2 repealed.

3 Section 23. Subsections (1) and (2), paragraphs (a)
4 and (b) of subsection (3), and subsection (5) of section
5 231.24, Florida Statutes, are amended to read:

6 231.24 Process for renewal of professional
7 certificates.--

8 (1)(a) School districts in this state shall renew
9 state-issued professional certificates as follows:

10 1. Each school district shall renew state-issued
11 professional certificates for individuals who hold a
12 professional certificate by this state and are employed by
13 that district pursuant to criteria established in subsections
14 (2), (3), and (4) and requirements specified in rules of the
15 State Board of Education.

16 2. The employing school district may charge the
17 individual an application fee not to exceed the amount charged
18 by the Department of Education for such services, including
19 associated late renewal fees. Each district school board
20 shall transmit monthly to the department a fee in an amount
21 established by the state board \$20 for each renewed
22 certificate. The fee shall not exceed the actual cost to cover
23 the costs for maintenance and operation of the statewide
24 certification database and for the actual costs incurred in
25 printing and mailing such renewed certificates. As defined in
26 current rules of the state board of Education, the department
27 shall contribute a portion of such fee for purposes of funding
28 the Educator Recovery Network established in s. 231.263. The
29 department shall deposit all funds into the Educational
30 Certification Trust Fund for use as specified in s. 231.30.

31 (b) The department shall renew state-issued

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1 professional certificates for individuals who are not employed
2 by a district school board of this state pursuant to criteria
3 established in subsections (2), (3), and (4) and requirements
4 specified in rules of the state board ~~of Education~~.

5 (2)(a) All professional certificates, except a
6 nonrenewable professional certificate, shall be renewable for
7 successive periods not to exceed 5 years after the date of
8 submission of documentation of completion of the requirements
9 for renewal provided in subsection (3). Only one renewal may
10 be granted during each 5-year validity period of a
11 professional certificate., ~~except that~~

12 (b) A teacher with national certification from the
13 National Board for Professional Teaching Standards is deemed
14 to meet state renewal requirements for the life of the
15 teacher's national certificate in the subject shown on the
16 national certificate.

17 (c) ~~However,~~ If the renewal application form is not
18 received by the department or by the employing school district
19 before the expiration of the professional certificate, the
20 application form, application fee, and a late fee must be
21 submitted before July 1 of the year following expiration of
22 the certificate in order to renew the professional
23 certificate.

24 (d) The state board shall adopt rules to allow a
25 1-year extension of the validity period of a professional
26 certificate in the event of serious illness, injury, or other
27 extraordinary extenuating circumstances of the applicant. The
28 department shall grant such 1-year extension upon written
29 request by the applicant or by the superintendent of schools
30 of the local school district or the governing authority of a
31 developmental research school, state-supported school, or

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1 nonpublic school that employs the applicant.

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

4 (a) The applicant must earn a minimum of 6 college
5 credits or 120 inservice points or a combination thereof. For
6 each area of specialization to be retained on a certificate,
7 the applicant must earn at least 3 of the required credit
8 hours or equivalent inservice points in the specialization
9 area. Education in "clinical educator" training pursuant to s.
10 240.529(5)(b) and credits or points that provide training in
11 the area of exceptional student education, normal child
12 development, and the disorders of development may be applied
13 toward any specialization area. Credits or points that provide
14 training in the areas of drug abuse, child abuse and neglect,
15 strategies in teaching students having limited proficiency in
16 English, or dropout prevention, or training in areas
17 identified in the educational goals and performance standards
18 adopted pursuant to ss. 229.591(3) and 229.592 may be applied
19 toward any specialization area. Credits or points earned
20 through approved summer institutes may be applied toward the
21 fulfillment of these requirements. Inservice points may also
22 be earned by participation in professional growth components
23 approved by the State Board of Education and specified
24 pursuant to s. 231.600 ~~236.0811~~ in the district's approved
25 master plan for inservice educational training, including, but
26 not limited to, serving as a trainer in an approved teacher
27 training activity, serving on an instructional materials
28 committee or a state board or commission that deals with
29 educational issues, or serving on an advisory council created
30 pursuant to s. 229.58.

31 (b) In lieu of college course credit or inservice

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1 points, the applicant may renew a specialization area by
2 passage of a state board approved subject area test, by
3 ~~completion of the national certification from the National~~
4 ~~Board for Professional Teaching Standards in that~~
5 ~~specialization area, or by completion of a department approved~~
6 ~~summer work program in a business or industry directly related~~
7 ~~to an area of specialization listed on the certificate. The~~
8 ~~state board shall adopt rules providing for the approval~~
9 ~~procedure.~~

10 (5) The State Board of Education shall adopt rules to
11 allow the reinstatement of expired professional certificates.
12 The department may reinstate an expired professional
13 certificate within 5 ~~3~~ years after the date of expiration if
14 the certificateholder:

15 (a) Submits an application for reinstatement of the
16 expired certificate.

17 (b) Documents completion of 6 college credits during
18 the 5 years immediately preceding reinstatement of the expired
19 certificate, completion of 120 inservice points, or a
20 combination thereof, in an area specified in paragraph (3)(a).

21 (c) During the 5 years immediately preceding
22 reinstatement of the certificate, achieves a passing score on
23 the subject area test for each subject to be shown on the
24 reinstated certificate.

25

26 The requirements of this subsection may not be satisfied by
27 subject area tests or college credits completed for issuance
28 of the certificate that has expired.

29 Section 24. Subsections (1) and (4), paragraph (d) of
30 subsection (7), and subsection (8) of section 231.261, Florida
31 Statutes, are amended to read:

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1 231.261 Education Practices Commission;
2 organization.--

3 (1) ~~There is created~~ The Education Practices
4 Commission ~~consists, to consist~~ of 17 ~~15~~ members, including 7
5 teachers, 5 administrators, and 5 ~~3~~ lay citizens (of whom 2
6 shall be former district school board members), appointed by
7 the State Board of Education from nominations by the
8 Commissioner of Education and subject to Senate confirmation.
9 Prior to making nominations, the commissioner shall consult
10 with the teaching and other involved associations in the
11 state. In making nominations, the commissioner shall attempt
12 to achieve equal geographical representation, as closely as
13 possible.

14 (a) A teacher member, in order to be qualified for
15 appointment:

- 16 1. Must be certified to teach in the state.
- 17 2. Must be a resident of the state.
- 18 3. Must have practiced the profession in this state
- 19 for at least 5 years immediately preceding the appointment.

20 (b) A school administrator member, in order to be
21 qualified for appointment:

- 22 1. Must have an endorsement on the teaching
- 23 certificate in the area of school administration or
- 24 supervision.
- 25 2. Must be a resident of the state.
- 26 3. Must have practiced the profession as an
- 27 administrator for at least 5 years immediately preceding the
- 28 appointment.

29 (c) The lay members must be residents of the state.

30 (4) From among its members, the commission shall elect
31 a chair who shall preside over meetings of the commission and

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1 perform other duties directed by the commission or required by
2 its duly adopted rules or operating procedures. School
3 districts shall be reimbursed for substitute teachers required
4 to replace commission members, when they are carrying out
5 their official duties, at a rate established by the school
6 district for substitute teachers. The department may is
7 ~~authorized to~~ reimburse local school districts for
8 substitutes.

9 (7) The duties and responsibilities of the commission
10 are to:

11 (d) Adopt rules pursuant to ss. 120.536(1) and 120.54
12 to implement provisions of law conferring duties upon it.

13 (8)(a) The commission shall, from time to time,
14 designate members of the commission to serve on ~~be divided~~
15 ~~into two~~ panels for the purpose of reviewing and issuing final
16 orders upon cases presented to the commission it. A case
17 ~~recommended order~~ concerning a complaint against a teacher
18 shall be reviewed and a final order thereon shall be entered
19 ~~acted upon~~ by a panel composed of seven commission members,
20 four of whom shall be teachers, two lay citizens, and one
21 ~~administrator from the commission~~. A case recommended order
22 concerning a complaint against an administrator shall be
23 reviewed and a final order thereon shall be entered ~~acted upon~~
24 by a panel composed of seven commission members, four of whom
25 shall be administrators, two lay citizens, and one teacher
26 ~~from the commission~~.

27 (b) A majority of quorum of a panel ~~The panels~~ of the
28 commission shall have final agency authority in all cases
29 involving the revocation, ~~and~~ suspension, or other
30 disciplining of certificates of teachers and school
31 administrators. A majority of the membership of the panel

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1 shall constitute a quorum.The district local school board
2 shall retain the authority to discipline teachers and
3 administrators pursuant to law.

4 Section 25. Paragraphs (a) and (b) of subsection (1)
5 and subsections (2), (4), and (7) of section 231.262, Florida
6 Statutes, are amended to read:

7 231.262 Complaints against teachers and
8 administrators; procedure; penalties.--

9 (1)(a) The Department of Education shall cause to be
10 investigated expeditiously any complaint ~~which is~~ filed before
11 it or ~~which is~~ otherwise called to its attention which, if
12 legally sufficient, contains grounds for the revocation or
13 suspension of a certificate or any other appropriate penalty
14 as set forth in subsection (6). The complaint is legally
15 sufficient if it contains the ultimate facts which show a
16 violation has occurred as provided in s. 231.2615 ~~231-28~~. The
17 department may investigate or continue to investigate and take
18 appropriate action in a complaint even though the original
19 complainant withdraws the complaint or otherwise indicates a
20 desire not to cause it to be investigated or prosecuted to
21 completion. The department may investigate or continue to
22 investigate and take action on a complaint filed against a
23 person whose teaching certificate has expired if the act or
24 acts which are the basis for the complaint were allegedly
25 committed while that person possessed a teaching certificate.

26 (b) When an investigation is undertaken, the
27 department shall notify the certificateholder and the
28 superintendent of schools in the district in which the
29 certificateholder is employed and shall inform the
30 certificateholder of the substance of any complaint which has
31 been filed against that certificateholder, unless. ~~However,~~

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1 if the department determines that such notification would be
2 detrimental to the investigation, in which case the department
3 may withhold notification.

4 (2) The Commissioner of Education shall develop job
5 specifications for investigative personnel employed by the
6 department ~~of Education~~. Such specifications shall be
7 substantially equivalent to or greater than those job
8 specifications of investigative personnel employed by the
9 Department of Business and Professional Regulation. The
10 department may contract with the Department of Business and
11 Professional Regulation for investigations. No person who is
12 responsible for conducting an investigation of a teacher or
13 administrator may prosecute the same case. The department
14 general counsel or members of that staff may conduct
15 prosecutions under this section.

16 (4) The complaint and all information obtained
17 pursuant to the investigation by the department shall be
18 confidential and exempt from the provisions of s. 119.07(1)
19 until the conclusion of the preliminary investigation of the
20 complaint, ~~or~~ until such time as the preliminary investigation
21 ceases to be active, or until such time as otherwise provided
22 by s. 231.263(6). However, the complaint and all material
23 assembled during the investigation may be inspected and copied
24 by the certificateholder under investigation, or the
25 certificateholder's designee, after the investigation is
26 concluded, but prior to the determination of probable cause by
27 the commissioner. If the preliminary investigation, is
28 concluded with the finding that there is no probable cause to
29 proceed, the complaint and information shall be open
30 thereafter to inspection pursuant to s. 119.07(1). If the
31 preliminary investigation is concluded with the finding that

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1 there is probable cause to proceed and a complaint is filed
2 pursuant to subsection (5), the complaint and information
3 shall be open thereafter to inspection pursuant to s.
4 119.97(1). If the preliminary investigation ceases to be
5 active, the complaint and all such material shall be open
6 thereafter to inspection pursuant to s. 119.07(1), except as
7 otherwise provided pursuant to s. 231.263(6)(d). For the
8 purpose of this subsection, a preliminary investigation shall
9 be considered active as long as it is continuing with a
10 reasonable, good faith anticipation that an administrative
11 finding will be made in the foreseeable future.

12 (7) Violations of the provisions of probation shall
13 result in an order to show cause issued by the clerk of the
14 Education Practices Commission. Upon failure of the
15 probationer, at the time and place stated in the order, to
16 show cause satisfactorily to the Education Practices
17 Commission why a penalty for violating probation should not be
18 imposed, the Education Practices Commission shall impose
19 whatever penalty is appropriate as established in s. 231.2615
20 ~~231.28~~(6). Any probation period will be tolled when an order
21 to show cause has been issued until the issue is resolved by
22 the Education Practices Commission.

23 Section 26. Section 231.263, Florida Statutes, is
24 amended to read:

25 231.263 Recovery network program for educators.--

26 (1) RECOVERY NETWORK ESTABLISHED--There is created
27 within the Department of Education, to begin on July 1, 1994,
28 a recovery network program to assist educators who are
29 impaired as a result of alcohol abuse, drug abuse, or a mental
30 condition in obtaining treatment to permit their continued
31 contribution to the education profession. Any person who

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1 holds certification issued by the department pursuant to s.
2 231.17 is eligible for the assistance.

3 (2) STAFF.--

4 (a) The department shall employ an administrator and
5 staff as are necessary to be assigned exclusively to the
6 recovery network program.

7 (b) The Commissioner of Education shall establish the
8 criteria for and appoint the staff of the program.

9 (c) The department may contract with other
10 professionals to implement this section.

11 (3) PURPOSE.--The recovery network program shall
12 assist educators in obtaining treatment and services from
13 approved treatment providers, but each impaired educator must
14 pay for his or her treatment under terms and conditions agreed
15 upon by the impaired educator and the treatment provider. A
16 person who is admitted to the program must contract with the
17 treatment provider and the program. The treatment contract
18 must prescribe the type of treatment and the responsibilities
19 of the impaired educator and of the provider and must provide
20 that the impaired educator's progress will be monitored by the
21 program.

22 (4) APPROVAL OF TREATMENT PROVIDERS.--The recovery
23 network program shall locate, evaluate, and approve qualified
24 treatment providers.

25 (5) RELATIONSHIP WITH EDUCATION PRACTICES COMMISSION
26 AND DEPARTMENT.--The recovery network program shall operate
27 independently of, but may cooperate with, the Office of
28 Professional Practices Services of the Department of Education
29 and the Education Practices Commission. A person's
30 participation in the program entitles the commissioner to
31 enter into a deferred prosecution agreement pursuant to s.

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1 231.262, or such participation may be considered a factor in
2 mitigation of or a condition of disciplinary action against
3 the person's certificate by the Education Practices Commission
4 pursuant to s. 231.2615 ~~231.28~~.

5 (6) PARTICIPATION.--The recovery network program shall
6 operate independently of employee assistance programs operated
7 by local school districts, and the powers and duties of school
8 districts to make employment decisions, including disciplinary
9 decisions, is not affected except as provided in this section:

10 (a) A person who is not subject to investigation or
11 proceedings under ss. 231.262 and 231.2615 ~~231.28~~ may
12 voluntarily seek assistance through a local school district
13 employee assistance program for which he or she is eligible
14 and through the recovery network, regardless of action taken
15 against him or her by a school district. Voluntarily seeking
16 assistance alone does not subject a person to proceedings
17 under ss. 231.262 and 231.2615 ~~231.28~~.

18 (b) A person who is subject to investigation or
19 proceedings under ss. 231.262 and 231.2615 ~~231.28~~ may be
20 required to participate in the program. The program may
21 approve a local employee assistance program as a treatment
22 provider or as a means of securing a treatment provider. The
23 program and the local school district shall cooperate so that
24 the person may obtain treatment without limiting the school
25 district's statutory powers and duties as an employer or the
26 disciplinary procedures under ss. 231.262 and 231.2615 ~~231.28~~.

27 (c) A person who has not previously been under
28 investigation by the department may be enrolled in a treatment
29 program by the recovery network after an investigation has
30 commenced, if the person:

31 1. Acknowledges his or her impairment.

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1 2. Agrees to evaluation, as approved by the recovery
2 network.

3 3. Agrees to enroll in an appropriate treatment
4 program approved by the recovery network.

5 4. Executes releases for all medical and treatment
6 records regarding his or her impairment and participation in a
7 treatment program to the recovery network, pursuant to 42
8 U.S.C., s. 290dd-3, and the federal regulations adopted
9 thereunder.

10 5. Enters into a deferred prosecution agreement with
11 the commissioner, which provides that no prosecution shall be
12 instituted concerning the matters enumerated in the agreement
13 if the person is properly enrolled in the treatment program
14 and successfully completes the program as certified by the
15 recovery network. The commissioner is under no obligation to
16 enter into a deferred prosecution agreement with the educator,
17 but may do so if he or she determines that it is in the best
18 interest of the educational program of the state.

19 6. Has not previously entered a substance abuse
20 program.

21 7. Is not being investigated for any action involving
22 commission of a felony or violent act against another person.

23 8. Has not had multiple arrests for minor drug use,
24 possession, or abuse of alcohol.

25 (7) REFERRAL TO NETWORK WHEN NO PROBABLE CAUSE IS
26 DETERMINED.--If a complaint is made to the department against
27 a teacher or an administrator pursuant to s. 231.262 and a
28 finding of no probable cause indicates that no concern other
29 than impairment exists, the department shall inform the person
30 of the availability of assistance provided by the recovery
31 network program.

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1 (8) ADMISSION.--A person who is referred or who
2 requests admission to the recovery network program shall be
3 temporarily admitted pending a finding that he or she has:

4 (a) Acknowledged his or her impairment problem.

5 (b) Agreed to evaluation as approved by the recovery
6 network program.

7 (c) Voluntarily enrolled in an appropriate treatment
8 program approved by the recovery network program.

9 (d) Voluntarily sought agreement from the school
10 district for temporary leave or limitations on the scope of
11 employment if the temporary leave or limitations are included
12 in the treatment provider's recommendations; or voluntarily
13 agreed to pursue the alternative treatment recommended by the
14 treatment provider if the school district does not approve
15 such temporary leave or limitations on the scope of
16 employment.

17 (e) Executed releases to the recovery network program
18 for all medical and treatment records regarding his or her
19 impairment and participation in a treatment program pursuant
20 to 42 U.S.C. s. 290dd-3 and the federal regulations adopted
21 thereunder.

22 (9) DISCLOSURE OF MEDICAL RECORDS.--An approved
23 treatment provider must disclose to the recovery network
24 program all information in its possession which relates to a
25 person's impairment and participation in the treatment
26 program. Information obtained under this subsection is
27 confidential and exempt from s. 119.07(1) and s. 24(a), Art. I
28 of the State Constitution. This exemption is necessary to
29 promote the rehabilitation of impaired educators and to
30 protect the privacy of treatment program participants. The
31 failure to provide such information to the program is grounds

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1 for withdrawal of approval of a treatment provider. Medical
2 records provided to the program may not be disclosed to any
3 other person, except as authorized by law.

4 (10) DECLARATION OF INELIGIBILITY.--

5 (a) A person may be declared ineligible for further
6 assistance from the recovery network program if he or she does
7 not progress satisfactorily in a treatment program or leaves a
8 prescribed program or course of treatment without the approval
9 of the treatment provider.

10 (b) The determination of ineligibility must be made by
11 the commissioner in cases referred to him or her by the
12 program administrator. Before referring a case to the
13 commissioner, the administrator must discuss the circumstances
14 with the treatment provider. The commissioner may direct the
15 Office of Professional Practices Services to investigate the
16 case and provide a report.

17 (c) If a treatment contract with the program is a
18 condition of a deferred prosecution agreement, and the
19 commissioner determines that the person is ineligible for
20 further assistance, the commissioner may agree to modify the
21 terms and conditions of the deferred prosecution agreement or
22 may issue an administrative complaint, pursuant to s. 231.262,
23 alleging the charges regarding which prosecution was deferred.
24 The person may dispute the determination as an affirmative
25 defense to the administrative complaint by including with his
26 or her request for hearing on the administrative complaint a
27 written statement setting forth the facts and circumstances
28 that show that the determination of ineligibility was
29 erroneous. If administrative proceedings regarding the
30 administrative complaint, pursuant to ss. 120.569 and 120.57,
31 result in a finding that the determination of ineligibility

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1 was erroneous, the person is eligible to participate in the
2 program. If the determination of ineligibility was the only
3 reason for setting aside the deferred prosecution agreement
4 and issuing the administrative complaint and the
5 administrative proceedings result in a finding that the
6 determination was erroneous, the complaint shall be dismissed
7 and the deferred prosecution agreement reinstated without
8 prejudice to the commissioner's right to reissue the
9 administrative complaint for other breaches of the agreement.

10 (d) If a treatment contract with the program is a
11 condition of a final order of the Education Practices
12 Commission, the commissioner's determination of ineligibility
13 constitutes a finding of probable cause that the person failed
14 to comply with the final order. The commissioner shall issue
15 an administrative complaint, and the case shall proceed under
16 ss. 231.262 and 231.2615 ~~231.28~~, in the same manner as cases
17 based on a failure to comply with an order of the Education
18 Practices Commission.

19 (e) If the person voluntarily entered into a treatment
20 contract with the program, the commissioner shall issue a
21 written notice stating the reasons for the determination of
22 ineligibility. Within 20 days after the date of such notice,
23 the person may contest the determination of ineligibility
24 pursuant to ss. 120.569 and 120.57.

25 (11) MEDICAL RECORDS RELEASE.--Medical records
26 released pursuant to paragraph (8)(e) may be disclosed to the
27 commissioner, the Office of Professional Practices Services,
28 and the Education Practices Commission only as required for
29 purposes of this section, or as otherwise authorized by law.
30 Further disclosure or release of the medical records may not
31 be made except as authorized by law and in accordance with 42

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1 U.S.C. s. 290dd-2 and the federal regulations adopted
2 thereunder. The medical records are confidential and exempt
3 from s. 119.07(1) and s. 24(a), Art. I of the State
4 Constitution.

5 (12) FEES.--The State Board of Education shall include
6 in the fees established pursuant to s. 231.30 an amount
7 sufficient to implement the provisions of this section. The
8 state board shall by rule establish procedures and additional
9 standards for:

10 (a) Approving treatment providers, including
11 appropriate qualifications and experience, amount of
12 reasonable fees and charges, and quality and effectiveness of
13 treatment programs provided.

14 (b) Admitting eligible persons to the program.

15 (c) Evaluating impaired persons by the recovery
16 network program.

17 Section 27. Section 231.28, Florida Statutes, is
18 renumbered as section 231.2615, Florida Statutes, and amended
19 to read:

20 231.2615 ~~231.28~~ Education Practices Commission;
21 authority to discipline.--

22 (1) The Education Practices Commission may ~~shall have~~
23 ~~authority to~~ suspend the teaching certificate of any person as
24 defined in s. 228.041(9) or (10) for a period of time not to
25 exceed 3 years, thereby denying that person the right to teach
26 for that period of time, after which the holder may return to
27 teaching as provided in subsection (4); to revoke the teaching
28 certificate of any person, thereby denying that person the
29 right to teach for a period of time not to exceed 10 years,
30 with reinstatement subject to the provisions of subsection
31 (4); to revoke permanently the teaching certificate of any

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1 person; to suspend the teaching certificate, upon order of the
2 court, of any person found to have a delinquent child support
3 obligation; or to impose any other penalty provided by law,
4 provided it can be shown that the ~~such~~ person:

5 (a) Obtained the teaching certificate by fraudulent
6 means.†

7 (b) Has proved to be incompetent to teach or to
8 perform duties as an employee of the public school system or
9 to teach in or to operate a private school.†

10 (c) Has been guilty of gross immorality or an act
11 involving moral turpitude.†

12 (d) Has had a teaching certificate revoked in another
13 state.†

14 (e) Has been convicted of a misdemeanor, felony, or
15 any other criminal charge, other than a minor traffic
16 violation.†

17 (f) Upon investigation, has been found guilty of
18 personal conduct which seriously reduces that person's
19 effectiveness as an employee of the district school board.†

20 (g) Has breached a contract, as provided in s.
21 231.36(2).†

22 (h) Has been the subject of a court order directing
23 the Education Practices Commission to suspend the certificate
24 as a result of a delinquent child support obligation.†

25 (i) Has violated the Principles of Professional
26 Conduct for the Education Profession prescribed by State Board
27 of Education rules.†

28 (j) Has otherwise violated the provisions of law, the
29 penalty for which is the revocation of the teaching
30 certificate.† ~~or~~

31 (k) Has violated any order of the Education Practices

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1 Commission.

2 (2) The plea of guilty in any court, the decision of
3 guilty by any court, the forfeiture by the teaching
4 certificateholder of a bond in any court of law, or the
5 written acknowledgment, duly witnessed, of offenses listed in
6 subsection (1) to the superintendent of schools or a duly
7 appointed representative or to the district school board shall
8 be prima facie proof of grounds for revocation of the
9 certificate as listed in subsection (1) in the absence of
10 proof by the certificateholder that the plea of guilty,
11 forfeiture of bond, or admission of guilt was caused by
12 threats, coercion, or fraudulent means.

13 (3) The revocation by the Education Practices
14 Commission of a teaching certificate of any person
15 automatically revokes any and all Florida teaching
16 certificates held by that person.

17 (4)(a) A teaching certificate which has been suspended
18 under this section is automatically reinstated at the end of
19 the suspension period, provided the ~~such~~ certificate did not
20 expire during the period of suspension. If the certificate
21 expired during the period of suspension, the holder of the
22 former certificate may secure a new certificate by making
23 application therefor and by meeting the certification
24 requirements of the state board current at the time of the
25 application for the new certificate. A teaching certificate
26 suspended pursuant to a court order for a delinquent child
27 support obligation may only be reinstated upon notice from the
28 court that the party has complied with the terms of the court
29 order.

30 (b) A person whose teaching certificate has been
31 revoked under this section may apply for a new certificate at

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1 the expiration of that period of ineligibility fixed by the
2 Education Practices Commission by making application therefor
3 and by meeting the certification requirements of the state
4 board current at the time of the application for the new
5 certificate.

6 (5) Each ~~district~~ superintendent of schools and the
7 governing authority of each developmental research school,
8 state-supported school, or nonpublic school shall report to
9 the department the name of any person certified pursuant to
10 this chapter or employed and qualified pursuant to s.
11 231.1725:

12 (a) Who has been convicted of, or who has pled nolo
13 contendere to, a misdemeanor, felony, or any other criminal
14 charge, other than a minor traffic infraction;

15 (b) Who that official has reason to believe has
16 committed or is found to have committed any act which would be
17 a ground for revocation or suspension under subsection (1); or

18 (c) Who has been dismissed or severed from employment
19 because of conduct involving any immoral, unnatural, or
20 lascivious act.

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

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1 responded to by the individual.

2 (b) The Education Practices Commission shall issue a
3 final order revoking an individual's Florida educator's
4 certificate for a minimum of 1 year under the following
5 circumstances:

6 1. If the individual:

7 a. Has been found to have violated the provisions of
8 this section, such that the Education Practices Commission has
9 the authority to discipline the individual's Florida
10 educator's certificate on two separate occasions;

11 b. Has twice entered into a settlement agreement
12 enforced by a final order of the Education Practices
13 Commission; or

14 c. Has been found to have violated the provisions of
15 this section, such that the Education Practices Commission has
16 the authority to discipline the individual's Florida
17 educator's certificate on one occasion and entered into a
18 settlement agreement enforced by a final order of the
19 Education Practices Commission on one occasion; and

20 2. A third finding of probable cause and a finding
21 that the allegations are proven or admitted to is subsequently
22 found by the Commissioner of Education.

23
24 If, in the third instance, the individual enters into a
25 settlement agreement with the Department of Education, that
26 agreement shall also include a penalty revoking that
27 individual's Florida educator's certificate for a minimum of 1
28 year.

29 Section 28. Section 231.29, Florida Statutes, is
30 amended to read:

31 231.29 Assessment procedures and criteria.--

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1 (1) For the purpose of improving the quality of
2 instructional, administrative, and supervisory services in the
3 public schools of the state, the superintendent of schools
4 shall establish procedures for assessing the performance of
5 duties and responsibilities of all instructional,
6 administrative, and supervisory personnel employed by the
7 school district. The Department of Education must approve each
8 district's instructional personnel assessment system.

9 (2) The following conditions must be considered in the
10 design of the district's instructional personnel assessment
11 system:

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

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

17 (c) The system must include a mechanism to give
18 parents an opportunity to provide input into employee
19 performance assessments when appropriate.

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

23 (e) Each district school board may establish a peer
24 assistance process. The plan may provide a mechanism for
25 assistance of persons who are placed on performance probation
26 as well as offer assistance to other employees who request it.

27 (f) The district school board shall provide training
28 programs that are based upon guidelines provided by the
29 Department of Education to ensure that all individuals with
30 evaluation responsibilities understand the proper use of the
31 assessment criteria and procedures.

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1 (3) The assessment procedure for instructional
2 personnel and school administrators must be primarily based on
3 the performance of students assigned to their classrooms or
4 schools, as appropriate. The procedures must comply with, but
5 are need not be limited to, the following requirements:

6 (a) An assessment must be conducted for each employee
7 at least once a year. The assessment must be based upon sound
8 educational principles and contemporary research in effective
9 educational practices. Beginning with the full implementation
10 of an annual assessment of learning gains, the assessment must
11 primarily use data and indicators of improvement in student
12 performance assessed annually as specified in s. 229.57 and
13 may consider results of peer reviews in evaluating the
14 employee's performance. Student performance must be measured
15 by state assessments required under s. 229.57 and by local
16 assessments for subjects and grade levels not measured by the
17 state assessment program. The assessment criteria must
18 include, but are not limited to, indicators that relate to the
19 following:

- 20 1. Performance of students.
- 21 2. Ability to maintain appropriate discipline.
- 22 3. Knowledge of subject matter. The district school
23 board shall make special provisions for evaluating teachers
24 who are assigned to teach out-of-field.
- 25 4. Ability to plan and deliver instruction, including
26 the use of technology in the classroom.
- 27 5. Ability to evaluate instructional needs.
- 28 6. Ability to establish and maintain a positive
29 collaborative relationship with students' families to increase
30 student achievement.
- 31 7. Other professional competencies, responsibilities,

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1 and requirements as established by rules of the State Board of
2 Education and policies of the district school board.

3 (b) All personnel must be fully informed of the
4 criteria and procedures associated with the assessment process
5 before the assessment takes place.

6 (c) The individual responsible for supervising the
7 employee must assess the employee's performance. The evaluator
8 must submit a written report of the assessment to the
9 superintendent of schools for the purpose of reviewing the
10 employee's contract. If the employee is assigned to a school
11 designated in performance grade category "D" or "F" and was
12 rated unsatisfactory on any function related to the employee's
13 instructional or administrative duties, the superintendent of
14 schools, in consultation with the employee's evaluator, shall
15 review the employee's performance assessment. If the
16 superintendent of schools determines that the lack of general
17 knowledge, subject area expertise, or other professional
18 competencies contributed to the employee's unsatisfactory
19 performance, the superintendent of schools shall notify the
20 district school board of that determination. The district
21 school board shall require those employees, as part of their
22 performance probation, to take and receive a passing score on
23 a test of general knowledge, subject area expertise, or
24 professional competencies, whichever is appropriate. The
25 tests required by this paragraph shall be those required for
26 certification under this chapter and rules of the State Board
27 of Education. The evaluator must submit the written report to
28 the employee no later than 10 days after the assessment takes
29 place. The evaluator must discuss the written report of
30 assessment with the employee. The employee shall have the
31 right to initiate a written response to the assessment, and

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1 the response shall become a permanent attachment to his or her
2 personnel file.

3 (d) If an employee is not performing his or her duties
4 in a satisfactory manner, the evaluator shall notify the
5 employee in writing of such determination. The notice must
6 describe such unsatisfactory performance and include notice of
7 the following procedural requirements:

8 1. Upon delivery of a notice of unsatisfactory
9 performance, the evaluator must confer with the employee, make
10 recommendations with respect to specific areas of
11 unsatisfactory performance, and provide assistance in helping
12 to correct deficiencies within a prescribed period of time.

13 2.a. If the employee holds a professional service
14 contract as provided in s. 231.36, the employee shall be
15 placed on performance probation and governed by the provisions
16 of this section for 90 calendar days following the receipt of
17 the notice of unsatisfactory performance to demonstrate
18 corrective action. School holidays and school vacation periods
19 are not counted when calculating the 90-calendar-day period.
20 During the 90 calendar days, the employee who holds a
21 professional service contract must be evaluated periodically
22 and apprised of progress achieved and must be provided
23 assistance and inservice training opportunities to help
24 correct the noted performance deficiencies. At any time during
25 the 90 calendar days, the employee who holds a professional
26 service contract may request a transfer to another appropriate
27 position with a different supervising administrator; however,
28 a transfer does not extend the period for correcting
29 performance deficiencies.

30 b. Within 14 days after the close of the 90 calendar
31 days, the evaluator must assess whether the performance

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1 deficiencies have been corrected and forward a recommendation
2 to the superintendent of schools. Within 14 days after
3 receiving the evaluator's recommendation, the superintendent
4 of schools must notify the employee who holds a professional
5 service contract in writing whether the performance
6 deficiencies have been satisfactorily corrected and whether
7 the superintendent of schools will recommend that the district
8 school board continue or terminate his or her employment
9 contract. If the employee wishes to contest the superintendent
10 of schools'~~superintendent's~~ recommendation, the employee
11 must, within 15 days after receipt of the superintendent of
12 schools'~~superintendent's~~ recommendation, submit a written
13 request for a hearing. ~~The~~ ~~Such~~ hearing shall be conducted at
14 the district school board's election in accordance with one of
15 the following procedures:

16 (I) A direct hearing conducted by the district school
17 board within 60 days after receipt of the written appeal. The
18 hearing shall be conducted in accordance with the provisions
19 of ss. 120.569 and 120.57. A majority vote of the membership
20 of the district school board shall be required to sustain the
21 superintendent of schools'~~superintendent's~~ recommendation.
22 The determination of the district school board shall be final
23 as to the sufficiency or insufficiency of the grounds for
24 termination of employment; or

25 (II) A hearing conducted by an administrative law
26 judge assigned by the Division of Administrative Hearings of
27 the Department of Management Services. The hearing shall be
28 conducted within 60 days after receipt of the written appeal
29 in accordance with chapter 120. The recommendation of the
30 administrative law judge shall be made to the district school
31 board. A majority vote of the membership of the district

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1 school board shall be required to sustain or change the
2 administrative law judge's recommendation. The determination
3 of the district school board shall be final as to the
4 sufficiency or insufficiency of the grounds for termination of
5 employment.

6 (4) The superintendent of schools shall notify the
7 department of any instructional personnel who receive two
8 consecutive unsatisfactory evaluations and who have been given
9 written notice by the district that their employment is being
10 terminated or is not being renewed or that the school board
11 intends to terminate, or not renew, their employment. The
12 department shall conduct an investigation to determine whether
13 action shall be taken against the certificateholder pursuant
14 to s. 231.2615 ~~231.28~~(1)(b).

15 (5) The superintendent of schools shall develop a
16 mechanism for evaluating the effective use of assessment
17 criteria and evaluation procedures by administrators who are
18 assigned responsibility for evaluating the performance of
19 instructional personnel. The use of the assessment and
20 evaluation procedures shall be considered as part of the
21 annual assessment of the administrator's performance. The
22 system must include a mechanism to give parents and teachers
23 an opportunity to provide input into the administrator's
24 performance assessment, when appropriate.

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

28 (7) The district school board shall establish a
29 procedure annually reviewing instructional personnel
30 assessment systems to determine compliance with this section.
31 All substantial revisions to an approved system must be

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1 reviewed and approved by the district school board before
2 being used to assess instructional personnel. Upon request by
3 a school district, the department shall provide assistance in
4 developing, improving, or reviewing an assessment system.

5 (8) The State Board of Education shall adopt rules
6 pursuant to ss. 120.536(1) and 120.54, that establish uniform
7 guidelines for the submission, review, and approval of
8 district procedures for the annual assessment of instructional
9 personnel and that include criteria for evaluating
10 professional performance.

11 Section 29. Subsection (3) of section 231.2905,
12 Florida Statutes, is amended to read:

13 231.2905 Florida School Recognition Program.--

14 (3) All selected schools shall receive financial
15 awards depending on the availability of funds appropriated and
16 the number and size of schools selected to receive an award.
17 Funds must be distributed to the school's fiscal agent and
18 placed in the school's account and must be used as determined
19 by the school's staff and school advisory council for
20 nonrecurring bonuses to the faculty and staff or for
21 nonrecurring expenditures for educational equipment or
22 materials or temporary personnel for the school to assist in
23 maintaining and improving student performance.

24 Notwithstanding statutory provisions to the contrary,
25 incentive awards are not subject to collective bargaining.

26 Section 30. Subsection (1) of section 231.30, Florida
27 Statutes, is amended to read:

28 231.30 Certification fees.--

29 (1) The State Board of Education, by rule, shall
30 establish separate fees for applications, examinations,
31 certification, certification renewal, late renewal,

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1 recordmaking, and recordkeeping, and may establish procedures
 2 for scheduling and administering an examination upon an
 3 applicant's request. Each fee shall be based on department
 4 estimates of the revenue required to implement the provisions
 5 of law with respect to certification of school personnel ~~and~~
 6 ~~shall not exceed \$60, except as otherwise provided in this~~
 7 ~~section.~~ The application fee shall be nonrefundable. Each
 8 examination fee shall be sufficient to cover the actual cost
 9 of developing and administering the examination, but shall not
 10 exceed \$100 for an examination ~~\$60 for any regularly scheduled~~
 11 ~~examination or \$100 for an examination administered upon an~~
 12 ~~applicant's request.~~

13 Section 31. Section 231.3505, Florida Statutes, is
 14 amended to read:

15 231.3505 Employment of directors of career education
 16 in school districts.--In order to receive state funding, each
 17 district school board that employs at least 15 full-time
 18 equivalent vocational teachers must employ a director of
 19 career education who meets the certification requirements
 20 established by the State Board of Education. ~~The Such~~
 21 directors shall be directly accountable to the superintendent
 22 of schools, or his or her ~~the superintendent's~~ designee, for
 23 the planning and implementation of vocational programs. Two
 24 or more district school boards may employ a single director.

25 Section 32. Paragraph (b) of subsection (1) and
 26 subsections (2), (3), (4), (5), (6), and (7) of section
 27 231.36, Florida Statutes, are amended to read:

28 231.36 Contracts with instructional staff,
 29 supervisors, and principals.--

30 (1)

31 (b) A supervisor or principal shall be properly

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1 certified and shall receive a written contract as specified in
2 chapter 230. Such contract may be for an initial period not to
3 exceed 3 years, subject to annual review and renewal. The
4 first 97 days of an initial contract is a probationary period.
5 During the probationary period, the employee may be dismissed
6 without cause or may resign from the contractual position
7 without breach of contract. After the first 3 years, the
8 contract may be renewed for a period not to exceed 3 years and
9 shall contain provisions for dismissal during the term of the
10 contract only for just cause, in addition to such other
11 provisions as are prescribed by the district school board.

12 (2) Any person so employed on the basis of a written
13 offer of a specific position by a duly authorized agent of the
14 district school board for a stated term of service at a
15 specified salary, and who accepted such offer by telegram or
16 letter or by signing the regular contract form, who violates
17 the terms of such contract or agreement by leaving his or her
18 position without first being released from his or her contract
19 or agreement by the district school board of the district in
20 which the person is employed shall be subject to the
21 jurisdiction of the Education Practices Commission. The
22 district school board shall take official action on such
23 violation and shall furnish a copy of its official minutes to
24 the Commissioner of Education.

25 (3)(a) Each district ~~The school board of each district~~
26 shall provide a professional service contract as prescribed
27 herein. Each member of the instructional staff who completes
28 the following requirements prior to July 1, 1984, shall be
29 entitled to and shall be issued a continuing contract in the
30 form prescribed by rules of the state board pursuant to s.
31 231.36, Florida Statutes 1981. Each member of the

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1 instructional staff who completes the following requirements
2 on or after July 1, 1984, shall be entitled to and shall be
3 issued a professional service contract in the form prescribed
4 by rules of the state board as provided herein:

5 1. The member must hold a professional certificate as
6 prescribed by s. 231.17 and rules of the State Board of
7 Education.

8 2. The member must have completed 3 years of
9 probationary service in the district during a period not in
10 excess of 5 successive years, except for leave duly authorized
11 and granted.

12 3. The member must have been recommended by the
13 superintendent of schools for such contract and reappointed by
14 the district school board based on successful performance of
15 duties and demonstration of professional competence.

16 4. For any person newly employed as a member of the
17 instructional staff after June 30, 1997, the initial annual
18 contract shall include a 97-day probationary period during
19 which time the employee's contract may be terminated without
20 cause or the employee may resign without breach of contract.

21 (b) The professional service contract shall be
22 effective at the beginning of the school fiscal year following
23 the completion of all requirements therefor.

24 (c) The period of service provided herein may be
25 extended to 4 years when prescribed by the district school
26 board and agreed to in writing by the employee at the time of
27 reappointment.

28 (d) A district school board may issue a continuing
29 contract prior to July 1, 1984, and may issue a professional
30 service contract subsequent to July 1, 1984, to any employee
31 who has previously held a professional service contract or

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1 continuing contract in the same or another district within
2 this state. Any employee who holds a continuing contract may,
3 but is not required to, exchange such continuing contract for
4 a professional service contract in the same district.

5 (e) A professional service contract shall be renewed
6 each year unless the superintendent of schools, after
7 receiving the recommendations required by s. 231.29, charges
8 the employee with unsatisfactory performance and notifies the
9 employee of performance deficiencies as required by s. 231.29.
10 An employee who holds a professional service contract on July
11 1, 1997, is subject to the procedures set forth in paragraph
12 (f) during the term of the existing professional service
13 contract. The employee is subject to the procedures set forth
14 in s. 231.29(3)(d) upon the next renewal of the professional
15 service contract; however, if the employee is notified of
16 performance deficiencies before the next contract renewal
17 date, the procedures of s. 231.29(3)(d) do not apply until the
18 procedures set forth in paragraph (f) have been exhausted and
19 the professional service contract is subsequently renewed.

20 (f) The superintendent of schools shall notify an
21 employee who holds a professional service contract on July 1,
22 1997, in writing, no later than 6 weeks prior to the end of
23 the postschool conference period, of performance deficiencies
24 which may result in termination of employment, if not
25 corrected during the subsequent year of employment (which
26 shall be granted for an additional year in accordance with the
27 provisions in subsection (1)). Except as otherwise hereinafter
28 provided, this action shall not be subject to the provisions
29 of chapter 120, but the following procedures shall apply:

30 1. On receiving notice of unsatisfactory performance,
31 the employee, on request, shall be accorded an opportunity to

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1 meet with the superintendent of schools, or his or her ~~the~~
2 ~~superintendent's~~ designee, for an informal review of the
3 determination of unsatisfactory performance.

4 2. An employee notified of unsatisfactory performance
5 may request an opportunity to be considered for a transfer to
6 another appropriate position, with a different supervising
7 administrator, for the subsequent year of employment.

8 3. During the subsequent year, the employee shall be
9 provided assistance and inservice training opportunities to
10 help correct the noted performance deficiencies. The employee
11 shall also be evaluated periodically so that he or she will be
12 kept apprised of progress achieved.

13 4. Not later than 6 weeks prior to the close of the
14 postschool conference period of the subsequent year, the
15 superintendent of schools, after receiving and reviewing the
16 recommendation required by s. 231.29, shall notify the
17 employee, in writing, whether the performance deficiencies
18 have been corrected. If so, a new professional service
19 contract shall be issued to the employee. If the performance
20 deficiencies have not been corrected, the superintendent of
21 schools may notify the district school board and the employee,
22 in writing, that the employee shall not be issued a new
23 professional service contract; however, if the recommendation
24 of the superintendent of schools is not to issue a new
25 professional service contract, and if the employee wishes to
26 contest such recommendation, the employee will have 15 days
27 from receipt of the superintendent of schools'
28 ~~superintendent's~~ recommendation to demand, in writing, a
29 hearing. In such hearing, the employee may raise as an issue,
30 among other things, the sufficiency of the superintendent of
31 schools' ~~superintendent's~~ charges of unsatisfactory

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1 performance. Such hearing shall be conducted at the district
2 school board's election in accordance with one of the
3 following procedures:

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

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

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

31 (b) Any member of the district administrative or

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1 supervisory staff and any member of the instructional staff,
2 including any principal, who is under continuing contract may
3 be dismissed or may be returned to annual contract status for
4 another 3 years in the discretion of the district school
5 board, at the end of the school year, when a recommendation to
6 that effect is submitted in writing to the district school
7 board on or before April 1 of any school year, giving good and
8 sufficient reasons therefor, by the superintendent of schools,
9 by the principal if his or her contract is not under
10 consideration, or by a majority of the district school board.
11 The employee whose contract is under consideration shall be
12 duly notified in writing by the party or parties preferring
13 the charges at least 5 days prior to the filing of the written
14 recommendation with the district school board, and such notice
15 shall include a copy of the charges and the recommendation to
16 the district school board. The district school board shall
17 proceed to take appropriate action. Any decision adverse to
18 the employee shall be made by a majority vote of the full
19 membership of the district school board. Any such decision
20 adverse to the employee may be appealed by the employee
21 pursuant to s. 120.68.

22 (c) Any member of the district administrative or
23 supervisory staff and any member of the instructional staff,
24 including any principal, who is under continuing contract may
25 be suspended or dismissed at any time during the school year;
26 however, the charges against him or her must be based on
27 immorality, misconduct in office, incompetency, gross
28 insubordination, willful neglect of duty, drunkenness, or
29 conviction of a crime involving moral turpitude, as these
30 terms are defined by rule of the State Board of Education.
31 Whenever such charges are made against any such employee of

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1 the district school board, the district school board may
2 suspend such person without pay; but, if the charges are not
3 sustained, he or she shall be immediately reinstated, and his
4 or her back salary shall be paid. In cases of suspension by
5 the district school board or by the superintendent of schools,
6 the district school board shall determine upon the evidence
7 submitted whether the charges have been sustained and, if the
8 charges are sustained, shall determine either to dismiss the
9 employee or fix the terms under which he or she may be
10 reinstated. If such charges are sustained by a majority vote
11 of the full membership of the district school board and such
12 employee is discharged, his or her contract of employment
13 shall be thereby canceled. Any such decision adverse to the
14 employee may be appealed by the employee pursuant to s.
15 120.68, provided such appeal is filed within 30 days after the
16 decision of the district school board.

17 (5) Should a district school board have to choose from
18 among its personnel who are on continuing contracts or
19 professional service contracts as to which should be retained,
20 such decisions shall be made pursuant to the terms of a
21 collectively bargained agreement, when one exists. If no such
22 agreement exists, the district school board shall prescribe
23 rules to handle reductions in workforce.

24 (6)(a) Any member of the instructional staff,
25 excluding an employee specified in subsection (4), may be
26 suspended or dismissed at any time during the term of the
27 contract for just cause as provided in paragraph (1)(a). The
28 district school board must notify the employee in writing
29 whenever charges are made against the employee and may suspend
30 such person without pay; but, if the charges are not
31 sustained, the employee shall be immediately reinstated, and

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1 his or her back salary shall be paid. If the employee wishes
2 to contest the charges, the employee must, within 15 days
3 after receipt of the written notice, submit a written request
4 for a hearing. Such hearing shall be conducted at the district
5 school board's election in accordance with one of the
6 following procedures:

7 1. A direct hearing conducted by the district school
8 board within 60 days after receipt of the written appeal. The
9 hearing shall be conducted in accordance with the provisions
10 of ss. 120.569 and 120.57. A majority vote of the membership
11 of the district school board shall be required to sustain the
12 superintendent of schools'~~superintendent's~~ recommendation.
13 The determination of the district school board shall be final
14 as to the sufficiency or insufficiency of the grounds for
15 termination of employment; or

16 2. A hearing conducted by an administrative law judge
17 assigned by the Division of Administrative Hearings of the
18 Department of Management Services. The hearing shall be
19 conducted within 60 days after receipt of the written appeal
20 in accordance with chapter 120. The recommendation of the
21 administrative law judge shall be made to the district school
22 board. A majority vote of the membership of the district
23 school board shall be required to sustain or change the
24 administrative law judge's recommendation. The determination
25 of the district school board shall be final as to the
26 sufficiency or insufficiency of the grounds for termination of
27 employment.

28
29 Any such decision adverse to the employee may be appealed by
30 the employee pursuant to s. 120.68, provided such appeal is
31 filed within 30 days after the decision of the district school

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1 board.

2 (b) Any member of the district administrative or
3 supervisory staff, including any principal but excluding an
4 employee specified in subsection (4), may be suspended or
5 dismissed at any time during the term of the contract;
6 however, the charges against him or her must be based on
7 immorality, misconduct in office, incompetency, gross
8 insubordination, willful neglect of duty, drunkenness, or
9 conviction of any crime involving moral turpitude, as these
10 terms are defined by rule of the State Board of Education.
11 Whenever such charges are made against any such employee of
12 the district school board, the district school board may
13 suspend the employee without pay; but, if the charges are not
14 sustained, he or she shall be immediately reinstated, and his
15 or her back salary shall be paid. In cases of suspension by
16 the district school board or by the superintendent of schools,
17 the district school board shall determine upon the evidence
18 submitted whether the charges have been sustained and, if the
19 charges are sustained, shall determine either to dismiss the
20 employee or fix the terms under which he or she may be
21 reinstated. If such charges are sustained by a majority vote
22 of the full membership of the district school board and such
23 employee is discharged, his or her contract of employment
24 shall be thereby canceled. Any such decision adverse to the
25 employee may be appealed by him or her pursuant to s. 120.68,
26 provided such appeal is filed within 30 days after the
27 decision of the district school board.

28 (7) The district school board of any given district
29 shall grant continuing service credit for time spent
30 performing duties as a member of the Legislature to any
31 district employee who possesses a professional service

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1 contract, multiyear contract, or continuing contract.

2 Section 33. Section 231.3605, Florida Statutes, is
3 amended to read:

4 231.3605 Educational support employees.--

5 (1) As used in this section:

6 (a) "Educational support employee" means any person
7 employed by a district school system who is employed as a
8 teacher assistant, an education paraprofessional, a member of
9 the transportation department, a member of the operations
10 department, a member of the maintenance department, a member
11 of food service, a secretary, or a clerical employee, or any
12 other person who by virtue of his or her position of
13 employment is not required to be certified by the Department
14 of Education or district school board pursuant to s. 231.1725.
15 This section does not apply to persons employed in
16 confidential or management positions. This section applies to
17 all employees who are not temporary or casual and whose duties
18 require 20 or more hours in each normal working week.

19 (b) "Employee" means any person employed as an
20 educational support employee.

21 (c) "Superintendent" means the superintendent of
22 schools or his or her designee.

23 (2)(a) Each educational support employee shall be
24 employed on probationary status for a period to be determined
25 through the appropriate collective bargaining agreement or by
26 district school board rule in cases where a collective
27 bargaining agreement does not exist.

28 (b) Upon successful completion of the probationary
29 period by the employee, the employee's status shall continue
30 from year to year unless the superintendent terminates the
31 employee for reasons stated in the collective bargaining

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1 agreement, or in district school board rule in cases where a
2 collective bargaining agreement does not exist, or reduces the
3 number of employees on a districtwide basis for financial
4 reasons.

5 (c) In the event a superintendent seeks termination of
6 an employee, the district school board may suspend the
7 employee with or without pay. The employee shall receive
8 written notice and shall have the opportunity to formally
9 appeal the termination. The appeals process shall be
10 determined by the appropriate collective bargaining process or
11 by district school board rule in the event there is no
12 collective bargaining agreement.

13 Section 34. Subsection (2) of section 231.361, Florida
14 Statutes, is reenacted to read:

15 231.361 Vocational teachers; status.--

16 (2) A holder of a certificate based on nonacademic
17 preparation which entitled him or her to employment to teach
18 classes in career or adult education shall not be assigned to
19 teach in a regular academic field of the kindergarten through
20 grade 12 school program.

21 Section 35. Section 231.39, Florida Statutes, is
22 amended to read:

23 231.39 Provisions for leaves of absence.--All leaves
24 of absence for all district school board employees, except
25 those leaves prescribed by law, shall be granted with or
26 without compensation pursuant to rules adopted by the district
27 school board. Such leaves authorized by the district school
28 board shall include, but are not ~~be~~ limited to, professional
29 leave and extended professional leave, personal leave,
30 military leave granted in compliance with chapter 115, and
31 maternity leave.

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1 Section 36. Subsections (2), (3), and (4) of section
2 231.40, Florida Statutes, are amended to read:

3 231.40 Sick leave.--

4 (2) ELIGIBILITY.--Any member of the instructional
5 staff or any other employee of a district school system
6 employed on a full-time basis in the public schools of the
7 state who is unable to perform his or her duty in the school
8 on account of personal sickness, accident disability, or
9 extended personal illness, or because of illness or death of
10 father, mother, brother, sister, husband, wife, child, other
11 close relative, or member of his or her own household, and
12 consequently has to be absent from his or her work shall be
13 granted leave of absence for sickness by the superintendent of
14 schools or by someone designated in writing by the
15 superintendent of schools to do so.

16 (3) PROVISIONS GOVERNING SICK LEAVE.--The following
17 provisions shall govern sick leave:

18 (a) Extent of leave.--

19 1. Each member of the instructional staff employed on
20 a full-time basis shall be entitled to 4 days of sick leave as
21 of the first day of employment of each contract year and shall
22 thereafter earn 1 day of sick leave for each month of
23 employment, which shall be credited to the member at the end
24 of that month and which shall not be used prior to the time it
25 is earned and credited to the member. Each other employee
26 shall be credited with 4 days of sick leave at the end of the
27 first month of employment of each contract year and shall
28 thereafter be credited for 1 day of sick leave for each month
29 of employment, which shall be credited to the employee at the
30 end of the month and which shall not be used prior to the time
31 it is earned and credited to the employee. However, each

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1 member of the instructional staff and each other employee
 2 shall be entitled to earn no more than 1 day of sick leave
 3 times the number of months of employment during the year of
 4 employment. If the employee terminates his or her employment
 5 and has not accrued the 4 sick days available to him or her,
 6 the district school board may withhold the average daily
 7 amount for the sick days utilized but unearned by the
 8 employee. Such leave shall be taken only when necessary
 9 because of sickness as herein prescribed. The ~~Such~~ sick leave
 10 shall be cumulative from year to year. There shall be no
 11 limit on the number of days of sick leave which a member of
 12 the instructional staff or an educational support employee may
 13 accrue, except that at least one-half of this cumulative leave
 14 must be established within the district granting such leave.

15 2. A district school board may establish policies and
 16 prescribe standards to permit an employee to be absent 6 days
 17 each school year for personal reasons. However, such absences
 18 for personal reasons shall be charged only to accrued sick
 19 leave, and leave for personal reasons shall be noncumulative.

20 3. District school boards may ~~are authorized to~~ adopt
 21 rules permitting the annual payment for accumulated sick leave
 22 that is earned for that year and that is unused at the end of
 23 the school year, based on the daily rate of pay of the
 24 employee multiplied by up to 80 percent. Days for which such
 25 payment is received shall be deducted from the accumulated
 26 leave balance. Such annual payment may apply only to
 27 instructional staff and educational support employees.

28 4. A district school board may establish policies to
 29 provide terminal pay for accumulated sick leave to
 30 instructional staff and educational support employees of the
 31 district school board. If termination of employment is by

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1 death of the employee, any terminal pay to which the employee
2 may have been entitled may be made to his or her beneficiary.
3 However, such terminal pay shall not exceed an amount
4 determined as follows:

5 a. During the first 3 years of service, the daily rate
6 of pay multiplied by 35 percent times the number of days of
7 accumulated sick leave.

8 b. During the next 3 years of service, the daily rate
9 of pay multiplied by 40 percent times the number of days of
10 accumulated sick leave.

11 c. During the next 3 years of service, the daily rate
12 of pay multiplied by 45 percent times the number of days of
13 accumulated sick leave.

14 d. During the next 3 years of service, the daily rate
15 of pay multiplied by 50 percent times the number of days of
16 accumulated sick leave.

17 e. During and after the 13th year of service, the
18 daily rate of pay multiplied by 100 percent times the number
19 of days of accumulated sick leave.

20 5. A district school board may establish policies to
21 provide terminal pay for accumulated sick leave to any
22 full-time employee of the district school board other than
23 instructional staff or educational support employees as
24 defined in this section. If termination of the employee is by
25 death of the employee, any terminal pay to which the employee
26 may have been entitled may be made to the employee's
27 beneficiary. However, for such employees hired on or after
28 July 1, 1995, terminal pay shall not exceed an amount
29 determined as follows:

30 a. One-fourth of all unused sick leave accumulated on
31 or after July 1, 1995; however, terminal pay allowable for

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1 such accumulated sick leave shall not exceed a maximum of 60
2 days of actual payment.

3 b. For unused sick leave accumulated prior to July 1,
4 1995, terminal payment shall be made pursuant to a district
5 school board's policies which are in effect on July 1, 1995.

6 (b) Claim must be filed.--Any district school board
7 employee who finds it necessary to be absent from his or her
8 duties because of illness, as defined in this section, shall
9 notify his or her immediate supervisor, if possible, before
10 the beginning of the workday on which the employee must be
11 absent or during that day, except for emergency reasons
12 recognized by the district school board as valid. Any
13 district school board employee shall, before claiming and
14 receiving compensation for the time absent from his or her
15 duties while absent because of sick leave as prescribed in
16 this section, make and file within 5 working days following
17 his or her return from such absence with the superintendent of
18 schools of the district in which he or she is so employed a
19 written certificate which shall set forth the day or days
20 absent, that such absence was necessary, and that the employee
21 is entitled or not entitled to receive pay for such absence in
22 accordance with the provisions of this section; however, the
23 district school board of any district may prescribe
24 regulations under which the superintendent of schools may
25 require a certificate of illness from a licensed physician or
26 from the county health officer.

27 (c) Compensation.--Any employee having unused sick
28 leave credit shall receive full-time compensation for the time
29 justifiably absent on sick leave, but no compensation may be
30 allowed beyond that which may be provided in subsection (4).

31 (d) Expenditure authorized.--District school boards

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1 ~~may are authorized to~~ expend public funds for payment to
2 employees on account of sickness. The expending and excluding
3 of such funds shall be in compliance with rules promulgated by
4 the Department of Management Services pursuant to chapter 650.

5 (4) SICK LEAVE POOL.--Notwithstanding any other
6 provision of this section, a district school board, based upon
7 the maintenance of reliable and accurate records by the
8 district school system showing the amount of sick leave which
9 has been accumulated and is unused by employees in accordance
10 with this section, may, by rule or collective bargaining
11 agreement, establish one or more plans allowing participating
12 full-time employees of a district school system to pool sick
13 leave accrued and allowing any sick leave thus pooled to be
14 disbursed to any participating employee who is in need of sick
15 leave in excess of that amount he or she has personally
16 accrued. Such rules or agreements shall include, but not be
17 limited to, the following provisions:

18 (a) Participation in any sick leave pool shall at all
19 times be voluntary on the part of employees.

20 (b) Any full-time employee shall be eligible for
21 participation in any sick leave pool after 1 year of
22 employment with the district school system, provided the ~~such~~
23 employee has accrued a minimum amount of unused sick leave,
24 which ~~minimum~~ shall be established by rule and provided
25 further, a sick leave pool is established that allows
26 participation by that particular employee.

27 (c) Any sick leave pooled pursuant to this section
28 shall be removed from the personally accumulated sick leave
29 balance of the employee donating such leave.

30 (d) Participating employees shall make equal
31 contributions to the sick leave pool. There shall be

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1 established a maximum amount of sick leave which may be
2 contributed by an employee to the pool. After the initial
3 contribution which an employee makes upon electing to
4 participate, no further contributions shall be required except
5 as may be necessary to replenish the pool. Any such further
6 contribution shall be equally required of all employees
7 participating in the pool.

8 (e) Any sick leave time drawn from the pool by a
9 participating employee must be used for said employee's
10 personal illness, accident, or injury.

11 (f) A participating employee ~~is shall not be~~ eligible
12 to use sick leave from the pool until all of his or her sick
13 leave has been depleted, unless otherwise agreed to in a
14 collective bargaining agreement. There shall be established a
15 maximum number of days for which an employee may draw sick
16 leave from the sick leave pool.

17 (g) A participating employee who uses sick leave from
18 the pool ~~is shall not be~~ required to recontribute such sick
19 leave to the pool, except as otherwise provided in this
20 section.

21 (h) A participating employee who chooses to no longer
22 participate in the sick leave pool ~~is shall not be~~ eligible to
23 withdraw any sick leave already contributed to the pool.

24 (i) Alleged abuse of the use of the sick leave pool
25 shall be investigated and, on a finding of wrongdoing, the
26 employee shall repay all of the sick leave credits drawn from
27 the sick leave pool and be subject to such other disciplinary
28 action as determined by the district school board to be
29 appropriate. Rules adopted for the administration of this
30 program shall provide for the investigation of the use of sick
31 leave utilized by the participating employee in the sick leave

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1 pool.

2 Section 37. Section 231.41, Florida Statutes, is
3 amended to read:

4 231.41 Illness-in-line-of-duty leave.--Any district
5 school board employee shall be entitled to
6 illness-in-line-of-duty leave when he or she has to be absent
7 from his or her duties because of a personal injury received
8 in the discharge of duty or because of illness from any
9 contagious or infectious disease contracted in school work.

10 The following requirements shall be observed:

11 (1) DURATION OF LEAVE AND COMPENSATION.--Leave of the
12 district school board employee shall be authorized for a total
13 of not to exceed 10 school days during any school year for
14 illness contracted, or injury incurred, from the causes
15 prescribed above. However, in the case of sickness or injury
16 occurring under such circumstances as in the opinion of the
17 district school board warrant it, additional emergency sick
18 leave may be granted out of local funds for such term and
19 under such conditions as the district school board deems
20 proper. The district school board ~~may is authorized, when it~~
21 ~~deems it desirable to do so, to~~ carry insurance to safeguard
22 the district school board against excessive payments during
23 any year.

24 (2) CLAIMS.--Any district school board employee who
25 has any claim for compensation while absent because of illness
26 contracted or injury incurred as prescribed herein shall file
27 a claim in the manner prescribed in s. 231.40(3)(b) within 5
28 working days following the employee's return from such
29 absence. The school board of the district in which such
30 person is employed shall approve the ~~such~~ claims and authorize
31 the payment thereof if the district school board is satisfied

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1 that the claim correctly states the facts and that the ~~such~~
2 claim is entitled to payment in accordance with the provisions
3 of this section.

4 Section 38. Subsections (1) and (3) of section
5 231.424, Florida Statutes, are amended to read:

6 231.424 Sabbatical leave.--

7 (1) Any member of the instructional staff of any
8 school district may be granted sabbatical leave for a period
9 not to exceed 1 year. A person who receives such leave may be
10 paid one-half of his or her ordinary salary during the period
11 of such leave, or in accordance with negotiated agreement or
12 district school board policy, and shall receive full benefits
13 during such period. A person compensated under this section
14 may not be compensated for other employment during the period
15 of sabbatical leave so that he or she would receive combined
16 compensation in excess of his or her ordinary salary.

17 (3) Each district school board shall adopt rules to
18 implement this section.

19 Section 39. Section 231.434, Florida Statutes, is
20 amended to read:

21 231.434 Annual leave.--District school boards may ~~are~~
22 ~~authorized to~~ adopt rules that provide for the earning of
23 annual leave by employees, including educational support
24 employees, who are employed for 12 calendar months a year.

25 Section 40. Section 231.44, Florida Statutes, is
26 amended to read:

27 231.44 Absence without leave.--Any district school
28 board employee who is willfully absent from duty without leave
29 shall forfeit compensation for the time of such absence, and
30 his or her employment shall be subject to termination by the
31 district school board.

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1 Section 41. Section 231.45, Florida Statutes, is
2 amended to read:

3 231.45 Records of absences.--The administrator of each
4 designated organizational unit shall see that both the days
5 present and the days absent for each employee are reported to
6 the superintendent of schools at least once each month in the
7 manner prescribed for that purpose. This report shall include
8 the exact dates of, and the reasons for, each absence. Each
9 superintendent of schools shall establish procedures to ensure
10 maintenance of the complete records of all such absences.

11 Section 42. Section 231.47, Florida Statutes, is
12 amended to read:

13 231.47 Substitute teachers.--Each district school
14 board shall adopt rules prescribing the compensation of, and
15 the procedure for employment of, substitute teachers. Such
16 procedure for employment shall include, but is not ~~be~~ limited
17 to, the filing of a complete set of fingerprints as required
18 in s. 231.02.

19 Section 43. Section 231.471, Florida Statutes, is
20 amended to read:

21 231.471 Part-time teachers.--

22 (1) District school boards may hire ~~use their~~
23 ~~discretion in hiring~~ certified and qualified personnel as
24 provided in s. 231.1725 to teach a specified number of
25 periods, which may be less than a full school day or less than
26 a full school year.

27 (2) Assigned additional school duties and salaries
28 shall be given in direct ratio to the number of periods
29 taught. Other benefits shall be provided by district school
30 board rule or, if applicable, pursuant to chapter 447.

31 Section 44. Section 231.481, Florida Statutes, is

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1 amended to read:

2 231.481 Terminal pay for accrued vacation leave.--A
3 district school board may establish policies to provide for a
4 lump-sum payment for accrued vacation leave to an employee of
5 the district school board upon termination of employment or
6 upon retirement, or to the employee's beneficiary if service
7 is terminated by death. Effective July 1, 1995, terminal pay
8 for accrued vacation leave may not exceed a maximum of 60 days
9 of actual payment for employees hired on or after that date.

10 Section 45. Section 231.495, Florida Statutes, is
11 amended to read:

12 231.495 Retirement annuities authorized.--

13 (1) District school boards may ~~are authorized to~~
14 purchase annuities for all school personnel with 25 or more
15 years of creditable service who have reached age 50 and have
16 applied for retirement under the Florida Retirement System or
17 who have reached age 55 and have applied for retirement under
18 plan E of the Teachers' Retirement System. No such annuity
19 shall provide for more than the total difference in retirement
20 income between the retirement benefit based on average monthly
21 compensation and creditable service as of the member's early
22 retirement date and the early retirement benefit.

23 (2) District school boards may ~~also~~ purchase annuities
24 for members of the Florida Retirement System who have
25 out-of-state teaching service in another state or country
26 which is documented as valid by the appropriate district
27 school board. Such annuities may be based on no more than 5
28 years of out-of-state teaching service and may equal, but not
29 exceed, the benefits that would be payable under the Florida
30 Retirement System if credit for out-of-state teaching was
31 authorized under that system.

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1 (3) District school boards may ~~are authorized to~~
2 invest funds, purchase annuities, or provide local
3 supplemental retirement programs for purposes of providing
4 annuities for school personnel.

5 (4) All retirement annuities shall comply with s. 14,
6 Art. X of the State Constitution.

7 Section 46. Subsections (1) and (3) of section
8 231.545, Florida Statutes, are amended to read:

9 231.545 Education Standards Commission;
10 organization.--

11 (1) ~~There is created~~ The Education Standards
12 Commission shall, ~~to~~ consist of 24 members appointed by the
13 State Board of Education from nominations by the Commissioner
14 of Education and subject to Senate confirmation. Prior to
15 making nominations, the commissioner shall consult with the
16 teaching and other involved associations in the state. In
17 making nominations, the commissioner shall attempt to achieve
18 equal geographical representation, as closely as possible.
19 The members shall include:

20 (a) Twelve teachers at least one of whom is a teacher
21 in a private institution who is certified by the Department of
22 Education and one of whom is certified as a vocational
23 teacher.

24 (b) One superintendent of schools.

25 (c) One school principal.

26 (d) One school personnel officer, to be appointed on
27 the date of the first expiration of a school principal's term.

28 (e) One teacher education or inservice
29 ~~education/in-service~~ director.

30 (f) Four citizens, two of whom are district school
31 board members.

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1 (g) Three representatives from higher education, two
2 of whom are deans of colleges, schools, or departments of
3 education and one of whom is employed by an independent
4 institution.

5 (h) One administrative representative from a community
6 college.

7 (3) Members shall serve for 3-year staggered terms and
8 shall be entitled to reimbursement for expenses of attending
9 meetings of the commission. Reimbursement for such expenses
10 shall be made by the Treasurer from funds appropriated for the
11 Department of Education, on warrants drawn by the Comptroller
12 upon requisitions approved by the Department of Education.
13 School districts shall be reimbursed for substitute teachers
14 required to replace commission members, when they are carrying
15 out their official duties, at the rate established by the
16 school district for substitute teachers. The department may
17 ~~is authorized to~~ reimburse local school districts for
18 substitutes.

19 Section 47. Subsection (1) and paragraph (b) of
20 subsection (2) of section 231.546, Florida Statutes, are
21 amended to read:

22 231.546 Education Standards Commission; powers and
23 duties.--

24 (1) The Education Standards Commission shall ~~have the~~
25 ~~duty to~~:

26 (a) Recommend to the state board high standards
27 relating to programs and policies for the development,
28 certification and certification extension, improvement, and
29 maintenance of competencies of educational personnel,
30 including teacher interns. The ~~Such~~ standards must be
31 consistent with the state's duty to provide a high-quality

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1 system of public education to all students.

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

4 (c) Plan and conduct an annual review of human
5 resources studies regarding teaching personnel and report the
6 findings to the state board.

7 (d) Recommend to the state board objective,
8 independently verifiable standards of measurement and
9 evaluation of teaching competence.

10 (e) Recommend to the state board alternative ways to
11 demonstrate qualifications for certification which assure
12 fairness and flexibility while protecting against
13 incompetence.

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

22 (g) Evaluate the progress of school community
23 professional development systems as provided in s. 231.600.

24 (h) Perform such other duties as may be required to
25 achieve the purposes of this section and s. 231.545.

26 (2) The commission shall develop, through the teaching
27 profession, standards of professional practice in areas
28 including, but not limited to, ethical and professional
29 performance.

30 (b) The commission may ~~shall have the authority to~~
31 establish procedures for developing codes or standards of

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1 professional ethics, performance, and practices as described
2 herein and to recommend to the state board for adoption such
3 codes, standards, and rules to effectuate the purposes of this
4 section.

5 Section 48. Section 231.600, Florida Statutes, is
6 amended to read:

7 231.600 School Community Professional Development
8 Act.--

9 (1) The Department of Education, public community
10 colleges and universities, public school districts, and public
11 schools in this state shall collaborate to establish a
12 coordinated system of professional development. The purpose of
13 the professional development system is to enable the school
14 community to meet state and local student achievement
15 standards and the state education goals and to succeed in
16 school improvement as described in s. 229.591.

17 (2) The school community includes administrative
18 personnel, managers ~~administrators~~, instructional personnel,
19 support personnel, members of district school boards
20 ~~principals~~, members of school advisory councils, parents,
21 business partners, and personnel that provide health and
22 social services to school children. School districts may
23 identify and include additional members of the school
24 community in the professional development activities required
25 by this section.

26 (3) The activities designed to implement this section
27 must:

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

31 (b) Assist the school community in providing

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1 stimulating educational activities that encourage and motivate
2 students to achieve at the highest levels and to become active
3 learners; and

4 (c) Provide continuous support for all education
5 professionals as well as temporary intervention for education
6 professionals who need improvement in knowledge, skills, and
7 performance.

8 (4) The Department of Education, school districts,
9 schools, and public colleges and universities share the
10 responsibilities described in this section. These
11 responsibilities include the following:

12 (a) The department shall develop and disseminate to
13 the school community model professional development methods
14 and programs that have demonstrated success in meeting
15 identified student needs. The Commissioner of Education shall
16 use data on student achievement to identify student needs. The
17 methods of dissemination must include a statewide performance
18 support system, a database of exemplary professional
19 development activities, a listing of available professional
20 development resources, training programs, and technical
21 assistance.

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

30 1. Be approved by the department. All substantial
31 revisions to the system shall be submitted to the department

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1 for review for continued approval.

2 2.1. Require ~~the~~ that principals and schools use of
3 student achievement data; school discipline data; school
4 environment surveys; assessments of parental satisfaction;
5 performance appraisal data of teachers, managers, and
6 administrative personnel; and other performance indicators to
7 identify school and student needs that can be met by improved
8 professional performance, and assist principals and schools
9 in making these identifications.

10 3.2. Provide inservice training activities coupled
11 with followup support that are is appropriate to accomplish
12 district-level and school-level improvement goals and
13 standards. The inservice activities for instructional
14 personnel shall primarily focus on subject content and
15 teaching methods, including technology, as related to the
16 Sunshine State Standards, assessment and data analysis,
17 classroom management, and school safety.

18 4. Include a master plan for inservice activities,
19 pursuant to rules of the State Board of Education, for all
20 district employees from all fund sources. The master plan
21 shall be updated annually by September 1 using criteria for
22 continued approval as specified by rules of the State Board of
23 Education. Written verification that the inservice plan meets
24 all requirements of this section must be submitted annually to
25 the commissioner by October 1.

26 5. Require each school principal to establish and
27 maintain an individual professional development plan for each
28 instructional employee assigned to the school. The individual
29 professional development plan must:

30 a. Be related to specific performance data for the
31 students to whom the teacher is assigned.

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1 b. Define the inservice objectives and specific
2 measurable improvements expected in student performance as a
3 result of the inservice activity.

4 c. Include an evaluation component that determines the
5 effectiveness of the professional development plan.

6 6. Include inservice activities for school
7 administrative personnel that address updated skills necessary
8 for effective school management and instructional leadership.

9 7.3. Provide for systematic consultation with regional
10 and state personnel designated to provide technical assistance
11 and evaluation of local professional development programs.

12 8.4. Provide for delivery of professional development
13 by distance learning and other technology-based delivery
14 systems to reach more educators at lower costs.

15 9.5. Provide for the continuous evaluation of
16 ~~Continuously evaluate~~ the quality and effectiveness of
17 professional development programs in order to eliminate
18 ineffective programs and strategies and to expand effective
19 ones. Evaluations must consider the impact of such activities
20 on the performance of participating educators and their
21 students' achievement and behavior.

22 (c) Each public community college and university shall
23 assist the department, school districts, and schools in the
24 design, delivery, and evaluation of professional development
25 activities. This assistance must include active participation
26 in state and local activities required by the professional
27 development system.

28 (5)(a) The Department of Education shall provide a
29 system for the recruitment, preparation, and professional
30 development of school administrative personnel. This system
31 shall:

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1 1. Identify the knowledge, competencies, and skills
2 necessary for effective school management and instructional
3 leadership that align with student performance standards and
4 accountability measures.

5 2. Include performance evaluation methods.

6 3. Provide for alternate means for preparation of
7 school administrative personnel which may include programs
8 designed by school districts and institutions of higher
9 education pursuant to guidelines developed by the
10 commissioner. Such preparation programs shall be approved by
11 the Department of Education.

12 4. Provide for the hiring of qualified out-of-state
13 school administrative personnel.

14 5. Provide advanced educational opportunities for
15 school-based instructional leaders.

16 (b) The Commissioner of Education shall appoint a task
17 force that includes a school district superintendent, a
18 district school board member, a principal, an assistant
19 principal, a teacher, a dean of a college of education, and
20 parents. The task force shall convene periodically to provide
21 recommendations to the department in the areas of recruitment,
22 certification, preparation, professional development, and
23 evaluation of school administrators.

24 (6)(5) Each district school board shall provide
25 funding for the professional development system as required by
26 s. 236.081 and the General Appropriations Act, and shall
27 direct expenditures from other funding sources to strengthen
28 the system and make it uniform and coherent. A school
29 district may coordinate its professional development program
30 with that of another district, with an educational consortium,
31 or with a college or university, especially in preparing and

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1 educating personnel. Each district school board shall make
2 available inservice activities to instructional personnel of
3 nonpublic schools in the district and the state certified
4 teachers who are not employed by the district school board on
5 a fee basis not to exceed the cost of the activity per all
6 participants.

7 (7) An organization of nonpublic schools which has no
8 fewer than 10 member schools in this state, which publishes
9 and files with the Department of Education copies of its
10 standards, and the member schools of which comply with the
11 provisions of chapter 232, relating to compulsory school
12 attendance, may also develop a professional development system
13 that includes a master plan for inservice activities. The
14 system and inservice plan must be submitted to the
15 commissioner for approval pursuant to rules of the State Board
16 of Education.

17 (8)(6) The Department of Education shall design
18 methods by which the state and district school boards may
19 evaluate and improve the professional development system. The
20 evaluation must include an annual assessment of data that
21 indicate progress or lack of progress of all students. If the
22 review of the data indicates progress, the department shall
23 identify the best practices that attributed to the progress.
24 If the review of the data indicates a lack of progress, the
25 department shall investigate the causes of the lack of
26 progress, provide technical assistance, and require the school
27 district to employ a different approach to professional
28 development ~~If the review of data indicates an achievement~~
29 ~~level that is unusual, the department may investigate the~~
30 ~~causes of the success or lack of success, may provide~~
31 ~~technical assistance, and may require the school district to~~

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1 ~~employ a different approach to professional development.~~ The
2 department shall report annually to the State Board of
3 Education and the Legislature any school district that, in the
4 determination of the department, has failed to provide an
5 adequate professional development system. This report must
6 include the results of the department's investigation and of
7 any intervention provided.

8 (9)(7) The State Board of Education may adopt rules
9 pursuant to ss. 120.536(1) and 120.54 to administer this
10 section.

11 (10)(8) This section does not limit or discourage a
12 district school board from contracting with independent
13 entities for professional development services and inservice
14 education if the district school board believes that, through
15 such a contract, a better product can be acquired or its goals
16 for education improvement can be better met.

17 (11)(9) For teachers, managers, and administrative
18 personnel ~~administrators~~ who have been evaluated as less than
19 satisfactory, a district school board shall ~~may~~ require
20 participation in specific professional development programs as
21 part of the improvement prescription.

22 Section 49. Section 231.6135, Florida Statutes, is
23 amended to read:

24 231.6135 Statewide system for inservice professional
25 development.--The intent of this section is to establish a
26 statewide system of professional development that provides a
27 wide range of targeted inservice training to teachers,
28 managers, and administrative personnel ~~administrators~~ designed
29 to upgrade skills and knowledge needed to reach world class
30 standards in education. The system shall consist of a network
31 of professional development academies in each region of the

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1 state that are operated in partnership with area business
2 partners to develop and deliver high-quality training programs
3 purchased by school districts. The academies shall be
4 established to meet the human resource development needs of
5 professional educators, schools, and school districts. Funds
6 appropriated for the initiation of professional development
7 academies shall be allocated by the Commissioner of Education,
8 unless otherwise provided in an appropriations act. To be
9 eligible for startup funds, the academy must:

10 (1) Be established by the collaborative efforts of one
11 or more district school boards, members of the business
12 community, and the postsecondary institutions which may award
13 college credits for courses taught at the academy.

14 (2) Demonstrate the capacity to provide effective
15 training to improve teaching skills in the areas of elementary
16 reading and mathematics, the use of instructional technology,
17 high school algebra, and classroom management, and to deliver
18 such training using face-to-face, distance learning, and
19 individualized computer-based delivery systems.

20 (3) Propose a plan for responding in an effective and
21 timely manner to the professional development needs of
22 teachers, managers, administrative personnel ~~administrators~~,
23 schools, and school districts relating to improving student
24 achievement and meeting state and local education goals.

25 (4) Demonstrate the ability to provide high-quality
26 trainers and training, appropriate followup and coaching for
27 all participants, and support school personnel in positively
28 impacting student performance.

29 (5) Be operated under contract with its public
30 partners and governed by an independent board of directors,
31 which should include at least one superintendent of schools

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1 and one district school board chair ~~chairman~~ from the
2 participating school districts, the president of the
3 collective bargaining unit that represents the majority of the
4 region's teachers, and at least three individuals who are not
5 employees or elected or appointed officials of the
6 participating school districts.

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

12 (7) Own or lease a facility that can be used to
13 deliver training onsite and through distance learning and
14 other technology-based delivery systems. The participating
15 district school boards may lease a site or facility to the
16 academy for a nominal fee and may pay all or part of the costs
17 of renovating a facility to accommodate the academy. The
18 academy is responsible for all operational, maintenance, and
19 repair costs.

20 (8) Provide professional development services for the
21 participating school districts as specified in the contract
22 and may provide professional development services to other
23 school districts, private schools, and individuals on a
24 fee-for-services basis.

25 Section 50. Section 231.614, Florida Statutes, is
26 repealed.

27 Section 51. Subsection (1) of section 231.62, Florida
28 Statutes, is amended to read:

29 231.62 Identification of critical teacher shortage
30 areas.--

31 (1) As used in ss. 231.621, 240.4063, and 240.4064,

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1 the term "critical teacher shortage area" applies to
 2 mathematics, science, career education, and high priority
 3 location areas. The State Board of Education may identify
 4 career education programs having critical teacher shortages.
 5 The State Board of Education shall adopt rules pursuant to ss.
 6 120.536(1) and 120.54,necessary to annually identify other
 7 critical teacher shortage areas and high priority location
 8 areas. The state board shall also consider teacher
 9 characteristics such as ethnic background, race, and sex in
 10 determining critical teacher shortage areas. School grade
 11 levels may also be designated critical teacher shortage areas.
 12 Individual district school boards may identify other critical
 13 teacher shortage areas. Such shortages must be certified to
 14 and approved by the State Board of Education. High priority
 15 location areas shall be in high-density, low-economic urban
 16 schools and low-density, low-economic rural schools and shall
 17 include schools which meet criteria which include, but are not
 18 limited to, the percentage of free lunches, the percentage of
 19 students under Chapter I of the Education Consolidation and
 20 Improvement Act of 1981, and the faculty attrition rate.

21 Section 52. Subsections (1), (2), and (4) of section
 22 231.621, Florida Statutes, are amended to read:

23 231.621 Critical Teacher Shortage Student Loan
 24 Forgiveness Program.--

25 (1) The Critical Teacher Shortage Student Loan
 26 Forgiveness Program is established in order to encourage
 27 qualified personnel to seek employment in subject areas in
 28 which critical teacher shortages exist, as identified annually
 29 by the State Board of Education, ~~there is established the~~
 30 ~~Critical Teacher Shortage Student Loan Forgiveness Program.~~
 31 The primary function of the program is to make repayments

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1 towards loans received by students from federal programs or
2 commercial lending institutions for the support of
3 postsecondary education study. Repayments are intended to be
4 made to qualified applicants who begin teaching for the first
5 time in designated subject areas, and who apply during their
6 first year of teaching as certified teachers in these subject
7 areas.

8 (2) From the funds available, the Department of
9 Education ~~may is authorized to~~ make loan principal repayments
10 as follows:

11 (a) Up to \$2,500 a year for up to 4 years on behalf of
12 selected graduates of state-approved undergraduate
13 postsecondary teacher preparation programs, persons certified
14 to teach pursuant to any applicable teacher certification
15 requirements, or selected teacher preparation graduates from
16 any state participating in the Interstate Agreement on the
17 Qualification of Educational Personnel.

18 (b) Up to \$5,000 a year for up to 2 years on behalf of
19 selected graduates of state-approved graduate postsecondary
20 teacher preparation programs, persons with graduate degrees
21 certified to teach pursuant to any applicable teacher
22 certification requirements, or selected teacher preparation
23 graduates from any state participating in the Interstate
24 Agreement on the Qualification of Educational Personnel.

25 (c) All repayments shall be contingent on continued
26 proof of employment in the designated subject areas in this
27 state and shall be made directly to the holder of the loan.
28 The state shall not bear responsibility for the collection of
29 any interest charges or other remaining balance. In the event
30 that designated critical teacher shortage subject areas are
31 changed by the State Board of Education, a teacher shall

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1 continue to be eligible for loan forgiveness as long as he or
2 she continues to teach in the subject area for which the
3 original loan repayment was made and otherwise meets all
4 conditions of eligibility.

5 (4) The State Board of Education may ~~is authorized to~~
6 adopt rules pursuant to ss. 120.536(1) and 120.54, necessary
7 for the administration of this program.

8 Section 53. Section 231.6215, Florida Statutes, is
9 created to read:

10 231.6215 Student Fellowship Program.--

11 (1) The Student Fellowship Program is created to
12 provide 2-year scholarship loans of \$6,500 per year to
13 students who are residents of this state and who are rising
14 juniors at a state community college, state university, or
15 independent postsecondary education institution that is
16 eligible to participate in the Florida Resident Access Grant
17 or to education paraprofessional learning guides, as defined
18 in s. 231.700(3), who are pursuing a bachelor's degree in
19 order to become an associate teacher, as defined in s.
20 231.700(3).

21 (2) The Department of Education shall administer the
22 program in cooperation with participating postsecondary
23 education institutions.

24 (a) A student fellowship recipient shall participate
25 in a 12-month program developed by the participating
26 postsecondary education institution in consultation with the
27 department.

28 (b) The recipient must receive intensive preparation
29 in a content area combined with ongoing experience with school
30 children through internships or working with a master teacher
31 identified as a mentor.

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1 (3) To continue to receive a fellowship, a student
2 fellowship recipient must maintain satisfactory progress
3 toward a baccalaureate degree at a participating postsecondary
4 institution. The department shall set standards for
5 satisfactory progress, which must exceed the standards
6 required of other students majoring in education and which may
7 include extracurricular activities related to the program.

8 (4) A recipient may receive a fellowship loan for 2
9 years. The department shall forgive the fellowship loan if,
10 within 5 years after graduation, the recipient teaches full
11 time for 3 years at a Florida public school or for 2 years at
12 a Florida public school designated as performance grade
13 category "D" or "F," pursuant to s. 229.57. The department
14 shall also forgive a loan if it finds that the recipient
15 cannot teach for the required number of years due to the death
16 or permanent and total disability of the recipient or other
17 extraordinary extenuating circumstances.

18 (5) If a student fellowship recipient does not
19 graduate within 2 years, or if the recipient graduates but,
20 within the first 5 years after graduation, does not fulfill
21 the required employment as a teacher in a public school in
22 this state, the fellowship recipient must repay the total
23 amount awarded, plus annual interest of 8 percent.

24 (a) Interest begins accruing the first day of the 13th
25 month after the fourth anniversary of the month in which the
26 recipient receives a baccalaureate degree, or after the month
27 in which enrollment as a full-time student is terminated.
28 Interest does not accrue during any period of deferment or
29 eligible teaching service.

30 (b) The repayment period begins the first day of the
31 13th month after the month in which the fourth anniversary of

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1 college graduation occurs or after the month in which
2 enrollment as a full-time student is terminated.

3 (c) The terms and conditions of the fellowship
4 repayment must be contained in both a promissory note and a
5 repayment schedule. The loan must be paid within 10 years
6 after the date of graduation or termination of full-time
7 enrollment, including any periods of deferment. A shorter
8 repayment period may be granted. The minimum monthly repayment
9 is \$50 or the unpaid balance, unless otherwise approved,
10 except that the monthly payment may not be less than the
11 accruing interest. The recipient may prepay all or any part of
12 the scholarship without penalty.

13 (d) The holder of the promissory note may grant a
14 deferment of repayment for a recipient who is unable to secure
15 a teaching position that would qualify as repayment, who
16 becomes disabled, or who experiences other hardships. Such a
17 deferment may be granted for a total of 24 months and may not
18 exceed 12 consecutive months.

19 (6) All funds appropriated to or otherwise received by
20 the Student Fellowship Program for scholarships, all funds
21 received as repayment of scholarship loans, and all interest
22 earned on these funds must be placed in a revolving fund
23 within the State Student Financial Assistance Trust Fund.
24 Notwithstanding the provisions of s. 216.301, and pursuant to
25 s. 216.351, any balance in the fund at the end of any fiscal
26 year which has been allocated to the Student Fellowship
27 Program must remain in the fund and will be available for
28 carrying out the purposes of this section. With the prior
29 approval of the Legislature in the General Appropriations Act,
30 the revolving fund may also be used for campus and summer
31 program support and costs relating to disbursement of awards

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1 and the collection of loan repayments.

2 (7) This section shall be implemented to the extent
3 specifically funded in the General Appropriations Act.

4 Section 54. Subsections (2) and (3) of section
5 231.625, Florida Statutes, are amended to read:

6 231.625 Teacher recruitment and retention.--

7 (2) The Department of Education shall ~~establish a~~
8 ~~teacher recruitment and retention services office which shall:~~

9 (a) Advertise teacher positions in targeted states.

10 (b) Advertise in major newspapers, national
11 professional publications, and other professional publications
12 and in schools of education.

13 (c) Utilize state and nationwide toll-free numbers.

14 (d) Develop standardized resumes for teacher applicant
15 data.

16 (e) Conduct periodic communications with district
17 personnel directors regarding applicants.

18 (f) Provide district access to the applicant database
19 by computer or telephone.

20 (g) Develop and distribute promotional materials
21 related to teaching as a career.

22 (h) Publish and distribute information pertaining to
23 employment opportunities, application procedures, teacher
24 certification, and teacher salaries.

25 (i) Provide information related to ~~alternative~~
26 ~~certification procedures.~~

27 (j) Develop and sponsor the Florida Future Educator of
28 America Program throughout the state.

29 (k) Review and recommend to the Legislature and school
30 districts incentives for attracting teachers to this state.

31 (3) The Department of Education ~~Office of Teacher~~

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1 ~~Recruitment and Retention Services~~, in cooperation with
2 district personnel offices, shall sponsor a job fair in a
3 central part of the state to match in-state educators and
4 out-of-state educators with teaching opportunities in this
5 state.

6 Section 55. Subsections (2) and (4) of section
7 231.6255, Florida Statutes, are amended to read:

8 231.6255 Christa McAuliffe Ambassador for Education
9 Program.--

10 (2) ~~There is established~~ The Christa McAuliffe
11 Ambassador for Education Program is established to provide
12 salary, travel, and other related expenses annually for an
13 outstanding Florida teacher to promote the positive aspects of
14 teaching as a career. The goals of the program are to:

15 (a) Enhance the stature of teachers and the teaching
16 profession.

17 (b) Promote the importance of quality education and
18 teaching for our future.

19 (c) Inspire and attract talented people to become
20 teachers.

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

23 (e) Promote the teaching profession within community
24 and business groups.

25 (f) Provide information to retired military personnel
26 and other individuals who might consider teaching as a second
27 career.

28 (g) Work with and represent the Department of
29 Education ~~Office of Teacher Recruitment and Retention~~
30 ~~Services~~, as needed.

31 (h) Work with and encourage the efforts of school and

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1 district teachers of the year.

2 (i) Support the activities of the Florida Future
3 Educator of America Program.

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

6 (k) Promote the teaching profession in other ways
7 related to the teaching responsibilities, background
8 experiences, and aspirations of the Ambassador for Education.

9 ~~(4)(a) The Department of Education and the Office of~~
10 ~~Teacher Recruitment and Retention Services shall administer~~
11 ~~the program.~~

12 (a)~~(b)~~ The Commissioner of Education shall pay an
13 annual salary, fringe benefits, travel costs, and other costs
14 associated with administering the program.

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

21 Section 56. Paragraph (a) of subsection (2) and
22 subsections (1) and (4) of section 231.63, Florida Statutes,
23 are amended to read:

24 231.63 Florida Educator Hall of Fame.--

25 (1) The Florida Educator Hall of Fame is established
26 ~~it is the intent of the Legislature~~ to recognize and honor
27 those persons, living or dead, who have made significant
28 contributions to education in this state.

29 (2)(a) ~~There is hereby established the Florida~~
30 ~~Educator Hall of Fame.~~The Florida Educator Hall of Fame shall
31 be located in an area on the Plaza Level of the Capitol

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1 Building.

2 (4) ~~In the first year, the Commissioner of Education~~
3 ~~shall name no more than 10 members to the Florida Educator~~
4 ~~Hall of Fame. Thereafter, The Commissioner of Education~~ shall
5 name no more than four members to the Florida Educator Hall of
6 Fame in any 1 year.

7 Section 57. Section 231.65, Florida Statutes, is
8 repealed.

9 Section 58. Section 231.67, Florida Statutes, is
10 amended to read:

11 (Substantial rewording of section. See
12 s. 231.67, F.S., for present text.)

13 231.67 The Florida Teachers Lead Program Stipend.--

14 (1) Funding for the Florida Teachers Lead Program
15 Stipend shall be as determined by the Legislature in the
16 General Appropriations Act. Funds appropriated for the Florida
17 Teachers Lead Program Stipend are provided to purchase
18 classroom materials and supplies used in the instruction of
19 students in kindergarten through grade 12 of the public school
20 system. From the funds appropriated, the Commissioner of
21 Education shall calculate an amount for each school district
22 by prorating the total of each school district's share of the
23 total K-12 unweighted FTE student enrollment.

24 (2) From the funds allocated to each district, the
25 district school board shall calculate an identical amount for
26 each classroom teacher which is his or her proportionate share
27 of the amount allocated to the district for the total number
28 of teachers in the district. The district school board shall
29 provide the funds no later than September 30 of each year
30 directly to each teacher as a stipend to purchase, on behalf
31 of the school district, classroom materials and supplies to be

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1 used in the instruction of students assigned to the teacher.
2 Each teacher shall have sole discretion regarding which
3 classroom materials and supplies best meet the needs of the
4 students, when they are needed, and where they are acquired.
5 The funds expended by individual teachers shall not be subject
6 to state or local competitive bidding requirements.
7 Disbursement of Florida Teachers Lead Program Stipend funds
8 directly to each teacher shall complete the school district's
9 expenditure of these funds.
10 (3) Each teacher shall sign a statement acknowledging
11 receipt of the funds, agreeing to keep receipts to show the
12 expenditure of the funds used to purchase classroom materials
13 and supplies for use in the instruction of the students
14 assigned to them, and agreeing to return any unused funds by
15 the end of the regular school year. The statement to be signed
16 and dated by each teacher for receipt of the Florida Teachers
17 Lead Program Stipend shall include the wording: "I, ...(Name
18 of teacher)..., am employed by the County District School
19 Board as a full-time classroom teacher. I acknowledge that
20 Florida Teachers Lead Program Stipend funds are appropriated
21 by the Legislature for the sole purpose of purchasing
22 classroom materials and supplies to be used in the instruction
23 of students assigned to me. In accepting custody of these
24 funds, I agree to keep receipts for all expenditures. I
25 understand that if I do not keep receipts showing these funds
26 were spent to purchase classroom materials and supplies for
27 use with my students, it will be my personal responsibility to
28 pay any federal taxes due on these funds. I also agree to
29 return any unused funds to the district school board at the
30 end of the regular school year for deposit into the School
31 Advisory Council account of the school at which I was employed

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1 at the time of the receipt of the funds."

2 (4) Florida Teachers Lead Program Stipend funds shall
3 be provided to each teacher in addition to any other funds
4 appropriated for public school operations.

5 (5) Any unused funds which are returned to the
6 district school board shall be deposited into the School
7 Advisory Council account of the school at which the teacher
8 returning the funds was employed at the time of the receipt of
9 the funds.

10 (6) For purposes of this section, the term "classroom
11 teacher" includes certified teachers employed on or before
12 September 1 of each year whose full-time job responsibility is
13 the classroom instruction of students in kindergarten through
14 grade 12, and full-time media specialists and guidance
15 counselors who serve students in kindergarten through grade
16 12. Only school district personnel employed in these positions
17 are eligible for the classroom materials and supply stipend
18 from funds appropriated to implement the provisions of this
19 section.

20 Section 59. Section 231.700, Florida Statutes, is
21 created to read:

22 231.700 Florida Mentor Teacher School Pilot Program.--

23 (1) The Legislature recognizes that high-quality
24 teachers are essential to assuring excellence and increasing
25 the achievement levels of all students. The purpose of this
26 section is to provide a model to reform and improve the
27 current structure of the teaching profession. There is created
28 a Florida Mentor Teacher School Pilot Program to attract,
29 retain, and motivate high-quality teachers. The program shall
30 be implemented by the 2001-2002 school year. The pilot schools
31 shall be selected by the Commissioner of Education no later

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1 than July 1, 2001. The commissioner shall select a combination
2 of elementary, middle, and high schools representing small,
3 medium, and large districts. Each approved school shall
4 receive an equivalent grant based upon the number of schools
5 selected by the Commissioner and the amount of the legislative
6 appropriation. Each mentor teacher school program shall be
7 approved based on criteria specified by the commissioner.

8 (2) The goals of the Florida Mentor Teacher School
9 Pilot Program are to:

10 (a) Provide teachers with multiple career paths,
11 beginning as education paraprofessionals and rising to
12 associate teachers, teachers, lead teachers, and mentor
13 teachers. The five levels must have highly differentiated
14 duties. The mentor teacher shall have a reduced teaching
15 schedule that permits weekly instruction to all students under
16 the mentor teacher's supervision while also allowing for
17 demonstration lessons, coaching, facilitating curriculum
18 development, and providing staff development for other
19 teachers at the school.

20 (b) Establish broad salary ranges to provide
21 flexibility and to reward performance and to negotiate
22 salaries to attract teachers to hard-to-staff schools and
23 subjects. Advancement shall be determined by academic
24 achievement, examination, demonstration, and student learning
25 gains data. Each mentor teacher shall be eligible for a total
26 annual salary incentive of up to twice the average district
27 classroom teacher's salary. Fifty percent of the mentor
28 teacher salary incentive shall be based on increased student
29 achievement of students assigned to the supervision of the
30 mentor teacher.

31 (c) Provide ongoing professional development for

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1 teachers to learn and grow professionally that includes a
2 daily block of time for associate teachers, teachers, and lead
3 teachers to reflect and plan and to interact with the mentor
4 teacher.

5 (d) Provide all eligible teachers with the opportunity
6 for national certification.

7 (e) Provide for a specified organizational pattern,
8 such as clusters or teams of teachers for grade levels or
9 subject areas comprised of associate teachers, teachers, and
10 lead teachers who are supported by education paraprofessional
11 learning guides and directed by a mentor teacher.

12 (3) The five teacher career development positions and
13 minimum requirements are:

14 (a) Education paraprofessional learning guide.--An
15 education paraprofessional learning guide must hold an
16 associate degree from an institution of higher learning and
17 must demonstrate appropriate writing, speaking, and
18 computation skills.

19 (b) Associate teacher.--An associate teacher must hold
20 a bachelor's degree from an institution of higher learning and
21 a valid Florida professional teaching certificate as provided
22 by s. 231.17.

23 (c) Teacher.--A teacher must hold a bachelor's degree
24 or higher from an institution of higher learning and a valid
25 Florida professional teaching certificate, have a minimum of 3
26 years' full-time teaching experience, document satisfactory
27 teaching performance, and document evidence of positive
28 student learning gains, when that data becomes available.

29 (d) Lead teacher.--A lead teacher must hold a
30 bachelor's degree or higher from an institution of higher
31 learning and a valid Florida professional teaching

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1 certificate, have a minimum of 3 years' full-time teaching
2 experience, document exemplary teaching performance, and
3 document evidence of significant positive student learning
4 gains, when that data becomes available. A lead teacher shall
5 provide intensive support for associate teachers and teachers.

6 (e) Mentor teacher.--A mentor teacher must hold a
7 bachelor's degree or higher from an institution of higher
8 learning and a valid Florida professional teaching
9 certificate; have a minimum of 5 years' full-time teaching
10 experience; document exemplary teaching performance; document
11 evidence of significant positive student learning gains, when
12 that data becomes available; hold a valid National Board for
13 Professional Teaching Standards certificate; have been
14 selected as a school, district, or state teacher of the year,
15 or hold an equivalent status as determined by the
16 commissioner; and demonstrate expertise as a staff developer.

17 (4) The Commissioner of Education may adopt rules,
18 pursuant to ss. 120.536(1) and 120.54, for the implementation
19 of this section and approval of the mentor teacher school
20 program.

21 (5) This section shall be implemented to the extent
22 specifically funded in the General Appropriations Act.

23 Section 60. Paragraph (m) of subsection (1) and
24 subsection (3) of section 236.081, Florida Statutes, are
25 amended to read:

26 236.081 Funds for operation of schools.--If the annual
27 allocation from the Florida Education Finance Program to each
28 district for operation of schools is not determined in the
29 annual appropriations act or the substantive bill implementing
30 the annual appropriations act, it shall be determined as
31 follows:

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

5 (m) Calculation of additional full-time equivalent
6 membership based on college board advanced placement scores of
7 students.--A value of 0.24 full-time equivalent student
8 membership shall be calculated for each student in each
9 advanced placement course who receives a score of 3 or higher
10 on the College Board Advanced Placement Examination for the
11 prior year and added to the total full-time equivalent student
12 membership in basic programs for grades 9 through 12 in the
13 subsequent fiscal year. Each district must allocate at least
14 80 percent of the funds provided to the district appropriated
15 for advanced placement instruction, in accordance with this
16 paragraph, to the high school that generates the funds. The
17 school district shall distribute to each classroom teacher who
18 provided advanced placement instruction:

19 1. A bonus in the amount of \$50 for each student
20 taught by the Advanced Placement teacher in each advanced
21 placement course who receives a score of 3 or higher on the
22 College Board Advanced Placement Examination.

23 2. An additional bonus of \$500 to each Advanced
24 Placement teacher in a school designated performance grade
25 category "D" or "F" who has at least one student scoring 3 or
26 higher on the College Board Advanced Placement Examination,
27 regardless of the number of classes taught or of the number of
28 students scoring a 3 or higher on the College Board Advanced
29 Placement Examination.

30
31 Bonuses awarded to a teacher according to this paragraph shall

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1 not exceed \$2,000 in any given school year and shall be in
2 addition to any regular wage or other bonus the teacher
3 received or is scheduled to receive.

4 (3) INSERVICE EDUCATIONAL PERSONNEL TRAINING
5 EXPENDITURE.--Of the amount computed in subsections (1) and
6 (2), a percentage of the base student allocation per full-time
7 equivalent student shall be expended for educational training
8 programs as determined by the district school board as
9 provided in s. 231.600 ~~236.0811~~. This percentage shall remain
10 constant and shall be calculated by dividing \$6 by the
11 1990-1991 base student allocation. At least two-thirds of the
12 funds so determined shall be expended as provided in s.
13 231.600, and such funds may be used for implementation of the
14 demonstration of professional education competence program as
15 provided in s. 231.17. Funds as provided herein may be
16 expended only for the direct support of inservice training
17 activities as prescribed below:

- 18 (a) Salaries and benefits of:
19 1. Personnel directly administering the approved
20 inservice training program.
21 2. School board employees while such personnel are
22 conducting an approved inservice training program.
23 3. Substitutes for personnel released to participate
24 in an approved inservice training program or an inservice
25 council activity.

- 26 (b) Other direct operating expenses, excluding capital
27 outlay, required for administering the approved inservice
28 training program, including, but not limited to, the
29 following:
30 1. Inservice training materials for approved inservice
31 training activities.

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1 2. Data processing for approved inservice training
2 activities.

3 3. Telephone for the approved inservice training
4 program.

5 4. Office supplies for the personnel administering the
6 approved inservice training program.

7 5. Duplicating and printing for approved inservice
8 training activities.

9 6. Fees and travel and per diem expenses for
10 consultants used in conducting approved inservice training
11 activities.

12 7. Travel and per diem expenses for school district
13 personnel attending approved inservice conferences, workshops,
14 or visitations to schools.

15 8. Rental of facilities not owned by the school board
16 for use in conducting an approved inservice training program.

17 (c) Compensation may be awarded under this subsection
18 to employees engaged in inservice training activities which
19 are outside of, or in addition to, regular hours of duty
20 assignments or a regular day of a contract period for which
21 regular compensation is provided. No moneys shall be
22 authorized under this subsection for additional salaries and
23 benefits constituting dual compensation to employees
24 participating in inservice activities if such activities are
25 within regular hours of duty assignments or within a regular
26 day of a contract period for which regular compensation is
27 provided.

28 (d) Funds may be expended to pay tuition or
29 registration fees for college courses provided the course is
30 identified in the district's approved master plan and the
31 employee does not receive college credit. However, an employee

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1 may be awarded college credit for successful participation in
2 exempted inservice programs that are identified by the
3 Department of Education in State Board of Education rule and
4 for which the employee shall pay the regular tuition and
5 registration fees assessed by the credit-granting institution.
6 Courses for these exempted programs shall be arranged and
7 conducted in compliance with procedures that are developed
8 cooperatively by the Department of Education and the Board of
9 Regents and are also included in State Board of Education
10 rule. Provision for payment of tuition and registration fees
11 for such credit-earning courses shall be contained in State
12 Board of Education rule.

13 Section 61. Paragraphs (a) and (d) of subsection (2)
14 of section 236.08106, Florida Statutes, are amended to read:

15 236.08106 Excellent Teaching Program.--

16 (2) The Excellent Teaching Program is created to
17 provide categorical funding for monetary incentives and
18 bonuses for teaching excellence. The Department of Education
19 shall distribute to each school district or to the NBPTS an
20 amount as prescribed annually by the Legislature for the
21 Excellent Teaching Program. For purposes of this section, the
22 Florida School for the Deaf and the Blind shall be considered
23 a school district. Unless otherwise provided in the General
24 Appropriations Act, each distribution shall be the sum of the
25 amounts earned for the following incentives and bonuses:

26 (a) A fee subsidy to be paid by the Department of
27 Education to the NBPTS on behalf of each individual who is an
28 employee of a district school board or a public school within
29 the school district, who is certified by the district to have
30 demonstrated satisfactory teaching performance pursuant to s.
31 231.29 and who satisfies the prerequisites for participating

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1 in the NBPTS certification program, and who agrees, in
2 writing, to pay 10 percent of the NBPTS participation fee and
3 to participate in the NBPTS certification program during the
4 school year for which the fee subsidy is provided. The fee
5 subsidy for each eligible participant shall be an amount equal
6 to 90 percent of the fee charged for participating in the
7 NBPTS certification program, ~~but not more than \$1,800 per~~
8 ~~eligible participant~~. The fee subsidy is a one-time award and
9 may not be duplicated for any individual.

10 (d) An annual bonus equal to 10 percent of the prior
11 fiscal year's statewide average salary for classroom teachers
12 to be distributed to the school district to be paid to each
13 individual who meets the requirements of paragraph (c) and
14 agrees, in writing, to provide the equivalent of 12 workdays
15 of mentoring and related services to public school teachers
16 within the state ~~district~~ who do not hold NBPTS certification.
17 The district school board shall distribute the annual bonus in
18 a single payment following the completion of all required
19 mentoring and related services for the year. It is not the
20 intent of the Legislature to remove excellent teachers from
21 their assigned classrooms; therefore, credit may not be
22 granted by a school district or public school for mentoring or
23 related services provided during the regular school day or
24 during the 196 days of required service for the school year.

25
26 A teacher for whom the state pays the certification fee and
27 who does not complete the certification program or does not
28 teach in a public school of this state for a least 1 year
29 after completing the certification program must repay the
30 amount of the certification fee to the state. However, a
31 teacher who completes the certification program but fails to

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1 be awarded NBPTS certification is not required to repay the
2 amount of the certification fee if the teacher meets the
3 1-year teaching requirement. Repayment is not required of a
4 teacher who does not complete the certification program or
5 fails to fulfill the teaching requirement because of the
6 teacher's death or disability or because of other extenuating
7 circumstances as determined by the State Board of Education.

8 Section 62. Section 236.0811, Florida Statutes, is
9 repealed.

10 Section 63. Subsections (1), (2), and (10), paragraph
11 (a) of subsection (3), and paragraphs (b), (e), and (f) of
12 subsection (4) of section 240.529, Florida Statutes, are
13 amended to read:

14 240.529 Public accountability and state approval for
15 teacher preparation programs.--

16 (1) INTENT.--The Legislature recognizes that skilled
17 teachers make an important contribution to a system that
18 allows students to obtain a high-quality education. The intent
19 of the Legislature is to establish a system for development
20 and approval of teacher preparation programs that will free
21 postsecondary teacher preparation institutions to employ
22 varied and innovative teacher preparation techniques while
23 being held accountable for producing graduates with the
24 competencies and skills necessary to achieve the state
25 education goals; help the state's diverse student population,
26 including students with limited English proficiency, ~~students~~
27 meet high standards for academic achievement; maintain safe,
28 secure classroom learning environments; and sustain the state
29 system of school improvement and education accountability
30 established pursuant to ss. 229.591 and 229.592. ~~To further~~
31 ~~this intent, the Commissioner of Education shall appoint a~~

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1 ~~Teacher Preparation Program Committee for the purpose of~~
2 ~~establishing core curricula in each state-approved teacher~~
3 ~~preparation program. The committee shall consist of~~
4 ~~representatives from presidents of public and private colleges~~
5 ~~and universities, deans of colleges of education, presidents~~
6 ~~of community colleges, district school superintendents, and~~
7 ~~high-performing teachers. The curricula shall be focused on~~
8 ~~the knowledge, skills, and abilities essential to instruction~~
9 ~~in the Sunshine State Standards, with a clear emphasis on the~~
10 ~~importance of reading at all grade levels. The committee~~
11 ~~shall report its recommendations to the State Board of~~
12 ~~Education by January 1, 2000, and at that time may be~~
13 ~~dissolved.~~The State Board of Education shall adopt rules
14 pursuant to ss. 120.536(1) and 120.54,that establish uniform
15 core curricula for each state-approved teacher preparation
16 program ~~and shall use this report in the development of such~~
17 ~~rules.~~

18 (2) DEVELOPMENT OF TEACHER PREPARATION PROGRAMS.--A
19 system developed by the Department of Education in
20 collaboration with institutions of higher education shall
21 assist departments and colleges of education in the
22 restructuring of their programs to meet the need for producing
23 quality teachers now and in the future. The system must be
24 designed to assist teacher educators in conceptualizing,
25 developing, implementing, and evaluating programs that meet
26 state-adopted standards. The Education Standards Commission
27 has primary responsibility for recommending these standards to
28 the State Board of Education for adoption. These standards
29 shall emphasize quality indicators drawn from research,
30 professional literature, recognized guidelines, Florida
31 essential teaching competencies and educator-accomplished

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1 practices, effective classroom practices, and the outcomes of
2 the state system of school improvement and education
3 accountability, as well as performance measures. Departments
4 and colleges of education shall emphasize ~~make every attempt~~
5 ~~to secure priority funding for teacher preparation programs~~
6 ~~and courses emphasizing~~ the state system of school improvement
7 and education accountability concepts and standards, including
8 Sunshine State Standards. State-approved teacher preparation
9 programs must incorporate appropriate English for Speakers of
10 Other Languages instruction so that program graduates will
11 have completed the requirements for teaching limited English
12 proficient students in Florida public schools.

13 (3) INITIAL STATE PROGRAM APPROVAL.--

14 (a) A program approval process based on standards
15 adopted pursuant to subsection (2) must be established for
16 postsecondary teacher preparation programs, phased in
17 according to timelines determined by the Department of
18 Education, and fully implemented for all teacher preparation
19 programs in the state. Each program shall be approved ~~choose~~
20 ~~one of the following options:~~

21 1. ~~An approval process that incorporates those~~
22 ~~provisions and requirements necessary for recognition by the~~
23 ~~National Council for the Accreditation of Teacher Education~~
24 ~~and that provides for joint accreditation and program approval~~
25 ~~review by the state and the National Council for the~~
26 ~~Accreditation of Teacher Education for those units seeking~~
27 ~~initial or continuing accreditation. The approval process must~~
28 ~~be consistent with the intent set forth in subsection (1); or~~

29 2. ~~An alternative program approval process developed~~
30 ~~by the department, . This alternative approval process must be~~
31 consistent with the intent set forth in subsection (1) and

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1 based primarily upon significant, objective, and quantifiable
2 graduate performance measures. ~~This approval process may not~~
3 ~~be based on National Council for the Accreditation of Teacher~~
4 ~~Education provisions and requirements.~~

5
6 ~~For purposes of this section, the term "unit" is defined by~~
7 ~~the National Association for the Accreditation of Teacher~~
8 ~~Education and means the college, school, department, or other~~
9 ~~administrative body within the institution that is primarily~~
10 ~~responsible for the preparation of teachers and other~~
11 ~~professional education personnel. The term "program" is~~
12 ~~defined by the State Board of Education and means a set of~~
13 ~~courses, activities, or other experiences designed to help~~
14 ~~individuals develop the competencies required for a specified~~
15 ~~type of certification coverage.~~

16 (4) CONTINUED PROGRAM APPROVAL.--Notwithstanding
17 subsection (3), failure by a public or nonpublic teacher
18 preparation program to meet the criteria for continued program
19 approval shall result in loss of program approval. The
20 Department of Education, in collaboration with the departments
21 and colleges of education, shall develop procedures for
22 continued program approval which document the continuous
23 improvement of program processes and graduates' performance.

24 (b) Additional criteria for continued program approval
25 for public institutions may be developed by the Education
26 Standards Commission and approved by the State Board of
27 Education. Such criteria must emphasize instruction in outcome
28 ~~measures of student performance in the areas of classroom~~
29 ~~management and must provide for the evaluation of the teacher~~
30 ~~candidates' performance in this area. The criteria shall also~~
31 require instruction in working with underachieving students.

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1 ~~improving the performance of students who have traditionally~~
2 ~~failed to meet student achievement goals and have been~~
3 ~~overrepresented in school suspensions and other disciplinary~~
4 ~~actions, and Program evaluation procedures must include, but~~
5 ~~are need not be~~ limited to, program graduates' satisfaction
6 with instruction training and the program's unit's
7 responsiveness to local school districts. Additional criteria
8 for continued program approval for nonpublic institutions
9 shall be developed in the same manner as for public
10 institutions; however, such criteria must be based upon
11 significant, objective, and quantifiable graduate performance
12 measures. Responsibility for collecting data on outcome
13 measures through survey instruments and other appropriate
14 means shall be shared by the institutions of higher education,
15 the Board of Regents, the State Board of Independent Colleges
16 and Universities, and the Department of Education. By January
17 1 of each year, the Department of Education, in cooperation
18 with the Board of Regents and the State Board of Independent
19 Colleges and Universities, shall report this information for
20 each postsecondary institution that has state-approved
21 programs of teacher education to the Governor, the
22 Commissioner of Education, the Chancellor of the State
23 University System, the President of the Senate, the Speaker of
24 the House of Representatives, all Florida postsecondary
25 teacher preparation programs, and interested members of the
26 public. This report must analyze the data and make
27 recommendations for improving teacher preparation programs in
28 the state.

29 (e) Beginning July 1, 2000, continued approval of
30 teacher preparation programs is contingent upon compliance
31 with the student admission requirements of subsection (3) and

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1 upon the receipt of at least a satisfactory rating from public
2 schools and nonpublic schools that employ graduates of the
3 program. Employer satisfaction shall be determined by an
4 annually administered survey instrument approved by the
5 Department of Education that, at a minimum, must include
6 employer satisfaction of the graduates' ability to do the
7 following:

8 1. Write and speak in a logical and understandable
9 style with appropriate grammar.

10 2. Recognize signs of students' difficulty with the
11 reading and computational process and apply appropriate
12 measures to improve students' reading and computational
13 performance.

14 3. Use and integrate appropriate technology in
15 teaching and learning processes.

16 4. Demonstrate knowledge and understanding of Sunshine
17 State Standards.

18 (f)1. Beginning with the 2000-2001 academic year, each
19 Florida public and private institution that offers a
20 state-approved teacher preparation program in this state must
21 annually report information regarding these programs to the
22 state and the general public. This information shall be
23 reported in a uniform and comprehensible manner that conforms
24 with definitions and methods proposed by the Education
25 Standards Commission, that is consistent with definitions and
26 methods approved by the Commissioner of the National Center
27 for Educational Statistics, and that is approved by the State
28 Board of Education. Beginning with the 2001-2002 academic
29 year, this information must include, at a minimum:

30 a. The percent of graduates obtaining full-time
31 teaching employment within the first year of graduation.

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1 b. The average length of stay of graduates in their
2 full-time teaching positions.

3 c. Satisfaction ratings required in paragraph (e).

4 2. Beginning with the 2001-2002 academic year, each
5 public and private institution offering training for school
6 readiness-related professions, including training in the
7 fields of child care and early childhood education, whether
8 offering vocational credit, associate in science degree
9 programs, or associate in arts degree programs, shall annually
10 report information regarding these programs to the state and
11 the general public in a uniform and comprehensible manner that
12 conforms with definitions and methods proposed by the
13 Education Standards Commission. This information must include,
14 at a minimum:

15 a. Average length of stay of graduates in their
16 positions.

17 b. Satisfaction ratings of graduates' employers.

18
19 This information shall be reported through publications,
20 including ~~such as~~ college and university catalogs and
21 promotional materials sent to potential applicants, secondary
22 school guidance counselors, and prospective employers of the
23 institution's program graduates.

24 (10) RULES.--The State Board of Education shall adopt
25 necessary rules pursuant to ss. 120.536(1) and 120.54 to
26 implement this section.

27 Section 64. Based on recommendations of a task force
28 appointed by the Commissioner of Education, the State Board of
29 Education shall adopt rules for speech-language services to
30 school districts that qualify for the sparsity supplement as
31 described in s. 236.081(6), F.S. These services may be

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1 provided by baccalaureate degree level persons for a period of
2 3 years. The rules shall authorize the delivery of
3 speech-language services by baccalaureate degree level persons
4 under the direction of a certified speech-language pathologist
5 with a master's degree or higher. By October 1, 2003, these
6 rules shall be reviewed by the State Board of Education.

7 Section 65. This act shall take effect July 1, 2000.

8
9
10 ===== T I T L E A M E N D M E N T =====

11 And the title is amended as follows:

12 Delete everything before the enacting clause

13
14 and insert:

15 A bill to be entitled

16 An act relating to teacher quality; providing a
17 short title; amending s. 20.15, F.S.; renaming
18 the Division of Human Resource Development
19 within the Department of Education as the
20 Division of Professional Educators; amending s.
21 230.23, F.S., relating to powers and duties of
22 the school board; clarifying procedures for
23 filling positions within the district;
24 requiring a district school board to consider
25 certain prior professional experience when
26 determining the salaries of instructional
27 personnel; revising the date by which the
28 salary schedule adopted by the district school
29 board must include performance-based pay;
30 clarifying requirements for performance-based
31 pay policies; providing requirements relating

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1 to parental involvement; requiring each school
2 district with a school designated as
3 performance grade category "F" to permit
4 transfer of teachers with certain
5 qualifications and providing supplements for
6 those teachers; requiring the Commissioner of
7 Education to adopt rules to define "teaching
8 mastery"; correcting an obsolete cross
9 reference; conforming terminology; amending s.
10 230.303, F.S.; replacing references to the
11 Florida Council on Educational Management with
12 the Department of Education; amending s.
13 230.33, F.S., relating to duties and
14 responsibilities of superintendents of schools;
15 requiring that nominations of persons to fill
16 instructional positions within the district
17 consider recommendations received from
18 principals of the respective schools;
19 conforming terminology; amending s. 231.001,
20 F.S., relating to school district personnel
21 policies; revising language; amending s.
22 231.002, F.S.; revising legislative findings
23 regarding the qualities of effective educators;
24 amending s. 231.02, F.S.; revising language;
25 conforming terminology; amending s. 231.045,
26 F.S., relating to periodic criminal history
27 record checks; revising language; amending s.
28 231.085, F.S., relating to duties of
29 principals; assigning responsibility for making
30 recommendations to the superintendent of
31 schools regarding the employment of

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1 instructional personnel; requiring principals
2 to assist teachers with the diagnostic use of
3 certain student assessment data; conforming
4 terminology; repealing s. 231.0861, F.S.,
5 relating to the selection of principals and
6 assistant principals; repealing s. 231.087,
7 F.S., relating to the Management Training Act,
8 the Florida Council on Educational Management,
9 the Florida Academy for School Leaders, and the
10 Center for Interdisciplinary Advanced Graduate
11 Study; amending s. 231.09, F.S., relating to
12 duties of instructional personnel; conforming
13 terminology; revising language; amending s.
14 231.095, F.S.; clarifying provisions relating
15 to assignment of teachers out-of-field;
16 providing alternative means for an assignment
17 to be considered in-field; amending s. 231.096,
18 F.S., relating to teachers teaching
19 out-of-field; conforming terminology; revising
20 language; amending s. 231.141, F.S., relating
21 to education paraprofessionals; conforming
22 terminology; revising language; amending s.
23 231.143, F.S., relating to education
24 paraprofessional career development; deleting
25 legislative findings and intent; conforming
26 terminology; amending s. 231.15, F.S., relating
27 to positions for which certificates are
28 required; deleting requirements for rules
29 adopted by the State Board of Education
30 relating to teacher certification; conforming
31 terminology; revising requirements for

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1 exemption of retired military from certain
2 requirements for teacher certification;
3 amending s. 231.17, F.S., relating to teacher
4 certification requirements; providing for
5 application; establishing eligibility criteria;
6 providing requirements for mastery of general
7 knowledge; providing requirements for mastery
8 of subject area knowledge; providing
9 requirements for mastery of professional
10 preparation and education competence; providing
11 types and terms of certification; establishing
12 a professional preparation and education
13 competency program; providing requirements for
14 examinations; providing requirements for the
15 certification of noncitizens; providing for the
16 denial of a certificate; authorizing the
17 adoption of rules; specifying that persons who
18 apply for certification are to be governed by
19 the law and rules in effect at the time of
20 application; requiring the department to keep
21 certain records for persons to whom a
22 certificate is issued; specifying the authority
23 of the commissioner to make certain decisions
24 relating to certification; requiring the
25 department to conduct a study; amending s.
26 231.1715, F.S., relating to confidentiality of
27 examinations; deleting an obsolete cross
28 reference; amending s. 231.1725, F.S.;
29 including career specialists in provisions
30 relating to the employment of substitute
31 teachers, teachers of adult education,

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1 nondegreed teachers of career education, and
2 students performing clinical field experience;
3 conforming terminology; repealing s. 231.173,
4 F.S., relating to successful experienced
5 out-of-state teachers and administrators;
6 amending s. 231.24, F.S., relating to the
7 process for the renewal of professional
8 certificates; authorizing the State Board of
9 Education to establish the amount of the fee
10 for renewal of a certificate; clarifying
11 provisions relating to extending the validity
12 period of a professional certificate based on
13 national certification; conforming terminology;
14 revising a cross reference; deleting provisions
15 relating to renewal of a specialization area
16 based on completion of a department-approved
17 summer work program; amending s. 231.261, F.S.,
18 relating to the Education Practices Commission;
19 revising language; revising the membership of
20 the commission; revising the composition of
21 panels appointed to review and issue final
22 orders on cases before the commission; deleting
23 a limitation on the number of such panels;
24 specifying that a majority of a quorum of a
25 panel has final authority in certain cases;
26 conforming terminology; amending s. 231.262,
27 F.S., relating to complaints against teachers;
28 revising language; correcting a cross
29 reference; amending s. 231.263, F.S., relating
30 to the recovery network program for educators;
31 revising language; providing requirements for

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1 the participation of certain persons;
2 renumbering and amending s. 231.28, F.S.,
3 relating to the Education Practices Commission;
4 revising language; conforming terminology;
5 requiring the revocation of an individual's
6 certificate for a minimum of 1 year under
7 certain circumstances; amending s. 231.29,
8 F.S., relating to instructional personnel
9 assessment procedures; conforming terminology;
10 correcting a cross reference; amending s.
11 231.2905, F.S., relating to the Florida School
12 Recognition Program; clarifying provisions
13 relating to financial awards; amending s.
14 231.30, F.S., relating to certification fees;
15 revising a fee limitation; requiring each
16 examination fee to sufficiently cover the
17 actual cost of developing and administering the
18 examination; amending s. 231.3505, F.S.,
19 relating to the employment of directors of
20 career education; conforming terminology;
21 revising language; amending s. 231.36, F.S.,
22 relating to contracts with instructional staff,
23 supervisors, and principals; conforming
24 terminology; amending s. 231.3605, F.S.,
25 relating to educational support employees;
26 conforming terminology; reenacting s. 231.361,
27 F.S., relating to the status of vocational
28 teachers; amending s. 231.39, F.S., relating to
29 provisions for leaves of absence; conforming
30 terminology; revising language; amending s.
31 231.40, F.S., relating to sick leave;

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1 conforming terminology; revising language;
2 amending s. 231.41, F.S., relating to leave for
3 illness-in-line-of-duty; conforming
4 terminology; revising language; amending s.
5 231.424, F.S., relating to sabbatical leave;
6 conforming terminology; amending s. 231.434,
7 F.S., relating to annual leave; revising
8 language; amending s. 231.44, F.S., relating to
9 absence without leave; conforming terminology;
10 amending s. 231.45, F.S., relating to records
11 of absences; conforming terminology; amending
12 s. 231.47, F.S., relating to substitute
13 teachers; conforming terminology; amending s.
14 231.471, F.S., relating to part-time teachers;
15 revising language; conforming terminology;
16 amending s. 231.481, F.S., relating to terminal
17 pay for accrued vacation leave; conforming
18 terminology; amending s. 231.495, F.S.,
19 relating to retirement annuities; revising
20 language; amending s. 231.545, F.S., relating
21 to the Education Standards Commission; revising
22 language; conforming terminology; amending s.
23 231.546, F.S., relating to the Education
24 Standards Commission; revising language;
25 amending s. 231.600, F.S., relating to the
26 School Community Professional Development Act;
27 revising who is included in a school community
28 for purposes of the act; expanding activities
29 to include continuous support for all education
30 professionals; clarifying responsibilities of
31 the Department of Education, school districts,

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1 schools, and public colleges and universities;
2 requiring revisions to district professional
3 development systems to be approved by the
4 department; providing additional performance
5 indicators for identification of school and
6 student needs; providing requirements for
7 inservice activities for instructional
8 personnel; requiring district professional
9 development systems to include a master plan
10 for inservice activities which must be updated
11 and submitted to the commissioner annually;
12 requiring each school's principal to establish
13 and maintain an individual professional
14 development plan for each instructional
15 employee; providing requirements for individual
16 professional development plans; requiring the
17 Department of Education to provide a system for
18 the recruitment, preparation, and professional
19 development of school administrative personnel;
20 providing requirements for the system;
21 requiring the Commissioner of Education to
22 appoint a task force to provide certain
23 recommendations; providing for membership of
24 the task force; clarifying funding
25 requirements; authorizing the provision of
26 inservice activities to certain instructional
27 personnel on a fee basis; authorizing the
28 development of professional development systems
29 by certain organizations of nonpublic schools;
30 providing for determination of best practices;
31 clarifying provisions relating to required

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1 changes in profession development based on lack
2 of student progress; providing a cross
3 reference; revising language; conforming
4 terminology; amending s. 231.6135, F.S.,
5 relating to the statewide system of inservice
6 professional development; clarifying who will
7 be provided inservice training; conforming
8 terminology; providing gender neutral
9 terminology; repealing s. 231.614, F.S.,
10 relating to an inservice master plan for
11 vocational educators and a task force; amending
12 s. 231.62, F.S., relating to identification of
13 critical teacher shortage areas; providing a
14 cross reference; conforming terminology;
15 amending s. 231.621, F.S., relating to the
16 Critical Teacher Shortage Student Loan
17 Forgiveness Program; revising language;
18 providing a cross reference; creating s.
19 231.6215, F.S.; establishing a student
20 fellowship program; providing standards and
21 conditions for receipt and forgiveness of a
22 loan; providing conditions for repayment of
23 loans not eligible for loan forgiveness;
24 authorizing conditions for deferment of
25 repayment; providing for a revolving fund;
26 limiting implementation to the amount
27 specifically funded in the General
28 Appropriations Act; amending s. 231.625, F.S.,
29 relating to teacher recruitment and retention;
30 revising language; requiring the department to
31 provide information relating to certification

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1 procedures; revising a reference to the Office
2 of Teacher Recruitment and Retention Services;
3 amending s. 231.6255, F.S., relating to the
4 Christa McAuliffe Ambassador for Education
5 Program; revising language; revising references
6 to the Office of Teacher Recruitment and
7 Retention Services; amending s. 231.63, F.S.,
8 relating to the Florida Educator Hall of Fame;
9 revising language; deleting obsolete language;
10 repealing s. 231.65, F.S., relating to the
11 Institute for Instructional Research and
12 Practice and Student Educational Evaluation and
13 Performance; amending s. 231.67, F.S., relating
14 to the Florida Teachers Lead Program Stipend;
15 providing for funding of the program;
16 specifying authorized uses of the funds;
17 establishing procedures for determining the
18 amount of each stipend; exempting purchases
19 made with stipend funds from state or local
20 competitive bidding requirements; requiring
21 funds to be disbursed directly to each teacher;
22 requiring each teacher to sign a statement
23 agreeing to certain terms; providing
24 requirements for unused funds; defining
25 "classroom teacher" for purposes of the
26 program; creating s. 231.700, F.S.; creating
27 the Florida Mentor Teacher School Pilot
28 Program; providing legislative findings and
29 intent; providing goals of the program;
30 establishing five teacher career development
31 positions and minimum requirements; authorizing

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1 the adoption of rules; limiting implementation
2 to the extent funded by the General
3 Appropriations Act; amending s. 236.081, F.S.,
4 relating to funds for the operation of schools;
5 providing bonuses for teachers who provide
6 advanced placement instruction; correcting a
7 cross reference; amending s. 236.08106, F.S.,
8 relating to the Excellent Teaching Program;
9 providing that the Florida School for the Deaf
10 and the Blind shall be considered a school
11 district for the purposes of said section;
12 deleting a limitation on the amount of a fee
13 subsidy; requiring certain participants to
14 provide mentoring and related services to
15 teachers throughout the state; repealing s.
16 236.0811, F.S., relating to educational
17 training; amending s. 240.529, F.S., relating
18 to public accountability and state approval for
19 teacher preparation programs; deleting
20 provisions relating to a teacher preparation
21 program committee and a report; requiring
22 education accountability concepts and standards
23 emphasized by the departments and colleges of
24 education to include the Sunshine State
25 Standards; deleting an alternative to
26 department approval of a teacher preparation
27 program and deleting definitions, to conform;
28 providing requirements for continued program
29 approval based on measurements of employer
30 satisfaction; revising language; specifying
31 information to be provided to the state and the

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general public regarding teacher preparation
programs; providing cross references; directing
the State Board of Education to adopt certain
rules; providing an effective date.