

1 A bill to be entitled
2 An act relating to teacher quality; providing a
3 short title; amending s. 20.15, F.S.; renaming
4 the Division of Human Resource Development
5 within the Department of Education as the
6 Division of Professional Educators; amending s.
7 230.23, F.S., relating to powers and duties of
8 the school board; clarifying procedures for
9 filling positions within the district;
10 requiring a district school board to consider
11 certain prior professional experience when
12 determining the salaries of instructional
13 personnel; revising the date by which the
14 salary schedule adopted by the district school
15 board must include performance-based pay;
16 clarifying requirements for performance-based
17 pay policies; providing requirements relating
18 to parental involvement; requiring each school
19 district with a school designated as
20 performance grade category "F" to permit
21 transfer of teachers with certain
22 qualifications and providing supplements for
23 those teachers; requiring the Commissioner of
24 Education to adopt rules to define "teaching
25 mastery"; correcting an obsolete cross
26 reference; conforming terminology; amending s.
27 230.303, F.S.; replacing references to the
28 Florida Council on Educational Management with
29 the Department of Education; amending s.
30 230.33, F.S., relating to duties and
31 responsibilities of superintendents of schools;

1 requiring that nominations of persons to fill
2 instructional positions within the district
3 consider recommendations received from
4 principals of the respective schools;
5 conforming terminology; amending s. 231.001,
6 F.S., relating to school district personnel
7 policies; revising language; amending s.
8 231.002, F.S.; revising legislative findings
9 regarding the qualities of effective educators;
10 amending s. 231.02, F.S.; revising language;
11 conforming terminology; amending s. 231.045,
12 F.S., relating to periodic criminal history
13 record checks; revising language; amending s.
14 231.085, F.S., relating to duties of
15 principals; assigning responsibility for making
16 recommendations to the superintendent of
17 schools regarding the employment of
18 instructional personnel; requiring principals
19 to assist teachers with the diagnostic use of
20 certain student assessment data; conforming
21 terminology; repealing s. 231.0861, F.S.,
22 relating to the selection of principals and
23 assistant principals; repealing s. 231.087,
24 F.S., relating to the Management Training Act,
25 the Florida Council on Educational Management,
26 the Florida Academy for School Leaders, and the
27 Center for Interdisciplinary Advanced Graduate
28 Study; amending s. 231.09, F.S., relating to
29 duties of instructional personnel; conforming
30 terminology; revising language; amending s.
31 231.095, F.S.; clarifying provisions relating

1 to assignment of teachers out-of-field;
2 providing alternative means for an assignment
3 to be considered in-field; amending s. 231.096,
4 F.S., relating to teachers teaching
5 out-of-field; conforming terminology; revising
6 language; amending s. 231.141, F.S., relating
7 to education paraprofessionals; conforming
8 terminology; revising language; amending s.
9 231.143, F.S., relating to education
10 paraprofessional career development; deleting
11 legislative findings and intent; conforming
12 terminology; amending s. 231.15, F.S., relating
13 to positions for which certificates are
14 required; deleting requirements for rules
15 adopted by the State Board of Education
16 relating to teacher certification; conforming
17 terminology; revising requirements for
18 exemption of retired military from certain
19 requirements for teacher certification;
20 amending s. 231.17, F.S., relating to teacher
21 certification requirements; providing for
22 application; establishing eligibility criteria;
23 providing requirements for mastery of general
24 knowledge; providing requirements for mastery
25 of subject area knowledge; providing
26 requirements for mastery of professional
27 preparation and education competence; providing
28 types and terms of certification; establishing
29 a professional preparation and education
30 competency program; providing requirements for
31 examinations; providing requirements for the

1 certification of noncitizens; providing for the
2 denial of a certificate; authorizing the
3 adoption of rules; specifying that persons who
4 apply for certification are to be governed by
5 the law and rules in effect at the time of
6 application; requiring the department to keep
7 certain records for persons to whom a
8 certificate is issued; specifying the authority
9 of the commissioner to make certain decisions
10 relating to certification; requiring the
11 department to conduct a study; amending s.
12 231.1715, F.S., relating to confidentiality of
13 examinations; deleting an obsolete cross
14 reference; amending s. 231.1725, F.S.;
15 including career specialists in provisions
16 relating to the employment of substitute
17 teachers, teachers of adult education,
18 nondegreed teachers of career education, and
19 students performing clinical field experience;
20 conforming terminology; repealing s. 231.173,
21 F.S., relating to successful experienced
22 out-of-state teachers and administrators;
23 amending s. 231.24, F.S., relating to the
24 process for the renewal of professional
25 certificates; authorizing the State Board of
26 Education to establish the amount of the fee
27 for renewal of a certificate; clarifying
28 provisions relating to extending the validity
29 period of a professional certificate based on
30 national certification; conforming terminology;
31 revising a cross reference; deleting provisions

1 relating to renewal of a specialization area
2 based on completion of a department-approved
3 summer work program; amending s. 231.261, F.S.,
4 relating to the Education Practices Commission;
5 revising language; revising the membership of
6 the commission; revising the composition of
7 panels appointed to review and issue final
8 orders on cases before the commission; deleting
9 a limitation on the number of such panels;
10 specifying that a majority of a quorum of a
11 panel has final authority in certain cases;
12 conforming terminology; amending s. 231.262,
13 F.S., relating to complaints against teachers;
14 revising language; correcting a cross
15 reference; amending s. 231.263, F.S., relating
16 to the recovery network program for educators;
17 revising language; providing requirements for
18 the participation of certain persons;
19 renumbering and amending s. 231.28, F.S.,
20 relating to the Education Practices Commission;
21 revising language; conforming terminology;
22 requiring the revocation of an individual's
23 certificate for a minimum of 1 year under
24 certain circumstances; amending s. 231.29,
25 F.S., relating to instructional personnel
26 assessment procedures; conforming terminology;
27 correcting a cross reference; amending s.
28 231.2905, F.S., relating to the Florida School
29 Recognition Program; clarifying provisions
30 relating to financial awards; amending s.
31 231.30, F.S., relating to certification fees;

1 revising a fee limitation; requiring each
2 examination fee to sufficiently cover the
3 actual cost of developing and administering the
4 examination; amending s. 231.3505, F.S.,
5 relating to the employment of directors of
6 career education; conforming terminology;
7 revising language; amending s. 231.36, F.S.,
8 relating to contracts with instructional staff,
9 supervisors, and principals; conforming
10 terminology; amending s. 231.3605, F.S.,
11 relating to educational support employees;
12 conforming terminology; reenacting s. 231.361,
13 F.S., relating to the status of vocational
14 teachers; amending s. 231.39, F.S., relating to
15 provisions for leaves of absence; conforming
16 terminology; revising language; amending s.
17 231.40, F.S., relating to sick leave;
18 conforming terminology; revising language;
19 amending s. 231.41, F.S., relating to leave for
20 illness-in-line-of-duty; conforming
21 terminology; revising language; amending s.
22 231.424, F.S., relating to sabbatical leave;
23 conforming terminology; amending s. 231.434,
24 F.S., relating to annual leave; revising
25 language; amending s. 231.44, F.S., relating to
26 absence without leave; conforming terminology;
27 amending s. 231.45, F.S., relating to records
28 of absences; conforming terminology; amending
29 s. 231.47, F.S., relating to substitute
30 teachers; conforming terminology; amending s.
31 231.471, F.S., relating to part-time teachers;

1 revising language; conforming terminology;
2 amending s. 231.481, F.S., relating to terminal
3 pay for accrued vacation leave; conforming
4 terminology; amending s. 231.495, F.S.,
5 relating to retirement annuities; revising
6 language; amending s. 231.545, F.S., relating
7 to the Education Standards Commission; revising
8 language; conforming terminology; amending s.
9 231.546, F.S., relating to the Education
10 Standards Commission; revising language;
11 amending s. 231.600, F.S., relating to the
12 School Community Professional Development Act;
13 revising who is included in a school community
14 for purposes of the act; expanding activities
15 to include continuous support for all education
16 professionals; clarifying responsibilities of
17 the Department of Education, school districts,
18 schools, and public colleges and universities;
19 requiring revisions to district professional
20 development systems to be approved by the
21 department; providing additional performance
22 indicators for identification of school and
23 student needs; providing requirements for
24 inservice activities for instructional
25 personnel; requiring district professional
26 development systems to include a master plan
27 for inservice activities which must be updated
28 and submitted to the commissioner annually;
29 requiring each school's principal to establish
30 and maintain an individual professional
31 development plan for each instructional

1 employee; providing requirements for individual
2 professional development plans; requiring the
3 Department of Education to provide a system for
4 the recruitment, preparation, and professional
5 development of school administrative personnel;
6 providing requirements for the system;
7 requiring the Commissioner of Education to
8 appoint a task force to provide certain
9 recommendations; providing for membership of
10 the task force; clarifying funding
11 requirements; authorizing the provision of
12 inservice activities to certain instructional
13 personnel on a fee basis; authorizing the
14 development of professional development systems
15 by certain organizations of nonpublic schools;
16 providing for determination of best practices;
17 clarifying provisions relating to required
18 changes in profession development based on lack
19 of student progress; providing a cross
20 reference; revising language; conforming
21 terminology; amending s. 231.6135, F.S.,
22 relating to the statewide system of inservice
23 professional development; clarifying who will
24 be provided inservice training; conforming
25 terminology; providing gender neutral
26 terminology; repealing s. 231.614, F.S.,
27 relating to an inservice master plan for
28 vocational educators and a task force; amending
29 s. 231.62, F.S., relating to identification of
30 critical teacher shortage areas; providing a
31 cross reference; conforming terminology;

1 amending s. 231.621, F.S., relating to the
2 Critical Teacher Shortage Student Loan
3 Forgiveness Program; revising language;
4 providing a cross reference; creating s.
5 231.6215, F.S.; establishing a student
6 fellowship program; providing standards and
7 conditions for receipt and forgiveness of a
8 loan; providing conditions for repayment of
9 loans not eligible for loan forgiveness;
10 authorizing conditions for deferment of
11 repayment; providing for a revolving fund;
12 limiting implementation to the amount
13 specifically funded in the General
14 Appropriations Act; amending s. 231.625, F.S.,
15 relating to teacher recruitment and retention;
16 revising language; requiring the department to
17 provide information relating to certification
18 procedures; revising a reference to the Office
19 of Teacher Recruitment and Retention Services;
20 amending s. 231.6255, F.S., relating to the
21 Christa McAuliffe Ambassador for Education
22 Program; revising language; revising references
23 to the Office of Teacher Recruitment and
24 Retention Services; amending s. 231.63, F.S.,
25 relating to the Florida Educator Hall of Fame;
26 revising language; deleting obsolete language;
27 repealing s. 231.65, F.S., relating to the
28 Institute for Instructional Research and
29 Practice and Student Educational Evaluation and
30 Performance; amending s. 231.67, F.S., relating
31 to the Florida Teachers Lead Program Stipend;

1 providing for funding of the program;
2 specifying authorized uses of the funds;
3 establishing procedures for determining the
4 amount of each stipend; exempting purchases
5 made with stipend funds from state or local
6 competitive bidding requirements; requiring
7 funds to be disbursed directly to each teacher;
8 requiring each teacher to sign a statement
9 agreeing to certain terms; providing
10 requirements for unused funds; defining
11 "classroom teacher" for purposes of the
12 program; creating s. 231.700, F.S.; creating
13 the Florida Mentor Teacher School Pilot
14 Program; providing legislative findings and
15 intent; providing goals of the program;
16 establishing five teacher career development
17 positions and minimum requirements; authorizing
18 the adoption of rules; limiting implementation
19 to the extent funded by the General
20 Appropriations Act; amending s. 236.081, F.S.,
21 relating to funds for the operation of schools;
22 providing bonuses for teachers who provide
23 advanced placement instruction; correcting a
24 cross reference; amending s. 236.08106, F.S.,
25 relating to the Excellent Teaching Program;
26 providing that the Florida School for the Deaf
27 and the Blind shall be considered a school
28 district for the purposes of said section;
29 deleting a limitation on the amount of a fee
30 subsidy; requiring certain participants to
31 provide mentoring and related services to

1 teachers throughout the state; repealing s.
2 236.0811, F.S., relating to educational
3 training; amending s. 240.529, F.S., relating
4 to public accountability and state approval for
5 teacher preparation programs; deleting
6 provisions relating to a teacher preparation
7 program committee and a report; requiring
8 education accountability concepts and standards
9 emphasized by the departments and colleges of
10 education to include the Sunshine State
11 Standards; deleting an alternative to
12 department approval of a teacher preparation
13 program and deleting definitions, to conform;
14 providing requirements for continued program
15 approval based on measurements of employer
16 satisfaction; revising language; specifying
17 information to be provided to the state and the
18 general public regarding teacher preparation
19 programs; providing cross references; providing
20 an effective date.

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

Section 1. Short title.--This act shall be known and
may be cited as the "Educators Developing Unequaled Competence
Act: Teaching Excellence 2000" or "EDUCATE 2000."

Section 2. Paragraph (e) of subsection (3) of section
20.15, Florida Statutes, is amended to read:

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

1 (3) DIVISIONS.--The following divisions of the
2 Department of Education are established:

3 (e) Division of Professional Educators ~~Human Resource~~
4 ~~Development~~.

5 Section 3. Paragraphs (a) and (c) of subsection (5),
6 subsection (15) and paragraph (c) of subsection (16) of
7 section 230.23, Florida Statutes, are amended to read:

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

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

16 (a) Positions, qualifications, and appointments.--Act
17 upon written recommendations submitted by the superintendent
18 of schools for positions to be filled and for minimum
19 qualifications for personnel for the various positions and act
20 upon written nominations of persons to fill such positions.
21 The superintendent of schools' recommendations for filling
22 institutional positions at the school level must consider
23 nominations received from school principals of the respective
24 schools.The district school board may reject for good cause
25 any employee nominated. If the third nomination by the
26 superintendent of schools for any position is rejected for
27 good cause, if the superintendent of schools fails to submit a
28 nomination for initial employment within a reasonable time as
29 prescribed by the district school board, or if the
30 superintendent of schools fails to submit a nomination for
31 reemployment within the time prescribed by law, the district

1 school board may proceed on its own motion to fill such
2 position. The district school board's decision to reject a
3 person's nomination does not give that person a right of
4 action to sue over the rejection and may not be used as a
5 cause of action by the nominated employee.

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

1 instructional personnel ~~employees~~ who demonstrate outstanding
2 performance, as measured under s. 231.29, to earn a 5 percent
3 supplement in addition to ~~of~~ their individual, negotiated
4 salary. The supplements will be funded from the reserve funds
5 adopted in the salary schedule. The Commissioner of Education
6 shall determine whether the district school board's adopted
7 salary schedule complies with the requirement for
8 performance-based pay. If the district school board fails to
9 comply by the required date ~~June 30, 2002~~, the commissioner
10 shall withhold disbursements from the Educational Enhancement
11 Trust Fund to the district until compliance is verified.

12 (15) PUBLIC INFORMATION AND PARENTAL INVOLVEMENT
13 PROGRAM.--

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

17 (b) District school boards shall encourage teachers
18 and administators to keep parents and guardians informed of
19 student progress, student programs, and availability of
20 resources for academic assistance.

21 (16) IMPLEMENT SCHOOL IMPROVEMENT AND
22 ACCOUNTABILITY.--Maintain a system of school improvement and
23 education accountability as provided by statute and State
24 Board of Education rule. This system of school improvement and
25 education accountability shall be consistent with, and
26 implemented through, the district's continuing system of
27 planning and budgeting required by this section and ss.
28 229.555 and 237.041. This system of school improvement and
29 education accountability shall include, but is not limited to,
30 the following:

31 (c) Assistance and intervention.--

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

7 2. A school that is identified as being in performance
8 grade category "D" pursuant to s. 229.57 is in danger of
9 failing and must be provided assistance and intervention.

10 3.a. Each school district in which there is a school
11 designated as performance grade category "F" shall develop a
12 plan to encourage teachers with demonstrated mastery in
13 improving student performance to remain at or transfer to that
14 school. If a classroom teacher, as defined by s.
15 228.041(9)(a), who meets the definition of teaching mastery
16 developed according to the provisions of this paragraph,
17 requests assignment to a school designated as performance
18 grade category "F," the district school board and the
19 principal shall make every practical effort to grant the
20 request.

21 b. For initial implementation in 2000-2001 and until
22 full implementation of an annual assessment of learning gains,
23 a principal assigned to a school designated performance grade
24 category "F" may select any teacher based on the teacher's
25 performance appraisal and student achievement data/and the
26 teacher shall receive a supplement of at least \$1,000, not to
27 exceed \$3,500, as provided for annually in the General
28 Appropriations Act, each year he or she teaches at a school
29 designated as performance grade category "F."

30 c. Beginning with the full implementation of an annual
31 assessment of learning gains, a classroom teacher whose

1 effectiveness has been proven based upon positive learning
2 gains of his or her students as measured by annual FCAT
3 assessments pursuant to s. 229.57, is eligible for an annual
4 supplement of at least \$1,000, not to exceed \$3,500, as
5 provided for annually in the General Appropriations Act, each
6 year he or she teaches at a school designated as performance
7 grade category "F."

8 d. In the absence of an FCAT assessment, measurement
9 of learning gains of students shall be as provided in s.
10 229.57(12). The supplement received under this paragraph shall
11 be in addition to any supplement or bonus received as a result
12 of other local or state pay incentives based on performance.

13 e. The Commissioner of Education shall adopt rules to
14 determine the measures that define "teaching mastery" for
15 purposes of this subparagraph.

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

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

25 230.303 Superintendent of schools.--

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

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1 1. A content-knowledge-and-skills phase consisting of:
2 creative leadership models and theory, demonstration of
3 effective practice, simulation exercises and personal skills
4 practice, and assessment with feedback, taught in a
5 professional training setting under the direction of
6 experienced, successful trainers.

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

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

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

29 Section 5. Section 230.33, Florida Statutes, is
30 amended to read:

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1 230.33 Duties and responsibilities of superintendent
2 of schools.--The superintendent of schools shall exercise all
3 powers and perform all duties listed below and elsewhere in
4 the law; provided, that in so doing he or she shall advise and
5 counsel with the district school board. The superintendent of
6 schools shall perform all tasks necessary to make sound
7 recommendations, nominations, proposals, and reports required
8 by law to be acted upon by the district school board. All
9 such recommendations, nominations, proposals, and reports by
10 the superintendent of schools shall be either recorded in the
11 minutes or shall be made in writing, noted in the minutes, and
12 filed in the public records of the district school board. It
13 shall be presumed that, in the absence of the record required
14 in this paragraph, the recommendations, nominations, and
15 proposals required of the superintendent of schools were not
16 contrary to the action taken by the district school board in
17 such matters.

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

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

29 (3) RECORDS FOR THE DISTRICT SCHOOL BOARD.--Keep
30 minutes of all official actions and proceedings of the
31 district school board and keep such other records, including

1 records of property held or disposed of by the district school
2 board, as may be necessary to provide complete information
3 regarding the district school system.

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

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

12 (6) ESTABLISHMENT, ORGANIZATION, AND OPERATION OF
13 SCHOOLS, CLASSES, AND SERVICES.--Recommend the establishment,
14 organization, and operation of such schools, classes, and
15 services as are needed to provide adequate educational
16 opportunities for all children in the district.

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

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

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1 (b) Compensation and salary schedules.--Prepare and
2 recommend to the district school board for adoption a salary
3 schedule or salary schedules. The superintendent of schools
4 must recommend a salary schedule for instructional personnel
5 which bases a portion of each employee's compensation on
6 performance demonstrated under s. 231.29. In developing the
7 recommended salary schedule, the superintendent of schools
8 shall include input from parents, teachers, and
9 representatives of the business community.

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

13 (d) Transfer and promotions.--Recommend employees for
14 transfer and transfer any employee during any emergency and
15 report the transfer to the district school board at its next
16 regular meeting.

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

26 (f) Direct work of employees and supervise
27 instruction.--Direct or arrange for the proper direction and
28 improvement, under regulations of the district school board,
29 of the work of all members of the instructional staff and
30 other employees of the district school system, ~~and~~ supervise
31 or arrange under rules of the district school board for the

1 supervision of instruction in the district, and take such
2 steps as are necessary to bring about continuous improvement.

3 (8) CHILD WELFARE.--Recommend plans to the district
4 school board for the proper accounting for all children of
5 school age, for the attendance and control of students ~~pupils~~
6 at school, for the proper attention to health, safety, and
7 other matters which will best promote the welfare of children,
8 as prescribed in chapter 232. When the superintendent of
9 schools makes a recommendation for expulsion to the district
10 school board, he or she shall give written notice to the
11 student ~~pupil~~ and the student's ~~pupil's~~ parent or guardian of
12 the recommendation, setting forth the charges against the
13 student ~~pupil~~ and advising the student ~~pupil~~ and his or her
14 parent or guardian of the student's ~~pupil's~~ right to due
15 process as prescribed by ss. 120.569 and 120.57(2). When
16 district school board action on a recommendation for the
17 expulsion of a student ~~pupil~~ is pending, the superintendent of of
18 schools may extend the suspension assigned by the principal
19 beyond 10 school days if such suspension period expires before
20 the next regular or special meeting of the district school
21 board.

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

27 (10) TRANSPORTATION OF STUDENTS ~~PUPILS~~.--Ascertain
28 which students ~~pupils~~ should be transported to school or to
29 school activities, determine the most effective arrangement of
30 transportation routes to accommodate these students ~~pupils~~;
31 recommend such routing to the district school board; recommend

1 plans and procedures for providing facilities for the
2 economical and safe transportation of students ~~pupils~~;
3 recommend such rules and regulations as may be necessary and
4 see that all rules and regulations relating to the
5 transportation of students ~~pupils~~ approved by the district
6 school board, as well as regulations of the state board, are
7 properly carried into effect, as prescribed in chapter 234.

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

11 (12) FINANCE.--Recommend measures to the district
12 school board to assure adequate educational facilities
13 throughout the district, in accordance with the financial
14 procedure authorized in chapters 236 and 237 and as prescribed
15 below:

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

24 (b) Annual budget.--Prepare the annual school budget
25 to be submitted to the district school board for adoption
26 according to law and submit this budget, when adopted by the
27 district school board, to the Department of Education on or
28 before the date required by rules of the state board.

29 (c) Tax levies.--Recommend to the district school
30 board, on the basis of the needs shown by the budget, the
31 amount of district school tax levy necessary to provide the

1 district school funds needed for the maintenance of the public
2 schools; recommend to the district school board the tax levy
3 required on the basis of the needs shown in the budget for the
4 district bond interest and sinking fund of each district; and
5 recommend to the district school board to be included on the
6 ballot at each district millage election the school district
7 tax levies necessary to carry on the school program.

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

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

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

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

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

30 (i) Contracts.--After study of the feasibility of
31 contractual services with industry, recommend to the district

1 school board the desirable terms, conditions, and
2 specifications for contracts for supplies, materials, or
3 services to be rendered and see that materials, supplies, or
4 services are provided according to contract.

5 (j) Investment policies.--The superintendent of
6 schools shall, after careful examination, recommend policies
7 to the district school board which will provide for the
8 investment or deposit of school funds not needed for immediate
9 expenditures which shall earn the maximum possible yield under
10 the circumstances on such investments or deposits. The
11 superintendent of schools shall cause to be invested at all
12 times all school moneys not immediately needed for
13 expenditures pursuant to the policies of the district school
14 board.

15 (k) Protection against loss.--Recommend programs and
16 procedures to the district school board necessary to protect
17 the school system adequately against loss or damage to school
18 property or against loss resulting from any liability for
19 which the district school board or its officers, agents, or
20 employees may be responsible under law.

21 (l) Millage elections.--Recommend plans and procedures
22 for holding and supervising all school district millage
23 elections.

24 (m) Budgets and expenditures.--Prepare, after
25 consulting with the principals of the various schools,
26 tentative annual budgets for the expenditure of district funds
27 for the benefit of public school students ~~pupils~~ of the
28 district.

29 (n) Bonds.--Recommend the amounts of bonds to be
30 issued in the district and assist in the preparation of the
31 necessary papers for an election to determine whether the

1 proposed bond issue will be approved by the electors; if such
2 bond issue be approved by the electors, recommend plans for
3 the sale of bonds and for the proper expenditure of the funds
4 derived therefrom.

5 (13) RECORDS AND REPORTS.--Recommend such records as
6 should be kept in addition to those prescribed by rules of the
7 state board or by the department; prepare forms for keeping
8 such records as are approved by the district school board; see
9 that such records are properly kept; and make all reports that
10 are needed or required, as follows:

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

20 (b) Reports to the department.--Prepare, for the
21 approval of the district school board, all reports that may be
22 required by law or rules of the state board or of the
23 commissioner to be made to the department and transmit
24 promptly all such reports, when approved, to the department,
25 as required by law. If any such reports are not transmitted
26 at the time and in the manner prescribed by law or by state
27 board rules, the salary of the superintendent of schools must
28 be withheld until the report has been properly submitted.

29 Unless otherwise provided by regulations of the state board,
30 the annual report on attendance and personnel is due on or
31

1 before July 1, and the annual school budget and the report on
2 finance are due on the date prescribed by the commissioner.

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

8 (14) COOPERATION WITH OTHER AGENCIES.--

9 (a) Cooperation with governmental agencies in
10 enforcement of laws and rules.--Recommend plans for
11 cooperating with, and, on the basis of approved plans,
12 cooperate with federal, state, county, and municipal agencies
13 in the enforcement of laws and rules pertaining to all matters
14 relating to education and child welfare.

15 (b) Cooperation with other local administrators to
16 achieve the first state education goal.--Cooperate with the
17 district administrator of the Department of Children and
18 Family Services and with administrators of other local public
19 and private agencies to achieve the first state education
20 goal, readiness to start school.

21 (c) Identifying and reporting names of migratory
22 children, other information.--Recommend plans for identifying
23 and reporting to the Department of Education the name of each
24 child in the school district who qualifies according to the
25 definition of a migratory child, based on Pub. L. No. 95-561,
26 and for reporting such other information as may be prescribed
27 by the department.

28 (15) ENFORCEMENT OF LAWS AND RULES.--Require that all
29 laws and rules of the state board, as well as supplementary
30 rules of the district school board, are properly observed and
31 report to the district school board any violation that the

1 superintendent of schools does not succeed in having
2 corrected.

3 (16) COOPERATE WITH DISTRICT SCHOOL BOARD.--Cooperate
4 with the district school board in every manner practicable to
5 the end that the district school system may continuously be
6 improved.

7 (17) VISITATION OF SCHOOLS.--Visit the schools;
8 observe the management and instruction; give suggestions for
9 improvement; and advise with supervisors, principals,
10 teachers, patrons, and other citizens with the view of
11 promoting interest in education and improving the school
12 conditions of the district.

13 (18) CONFERENCES, INSTITUTES, AND STUDY COURSES.--Call
14 and conduct institutes and conferences with employees of the
15 district school board, school patrons, and other interested
16 citizens; organize and direct study and extension courses for
17 employees, advising them as to their professional studies;
18 assist patrons and people generally in acquiring knowledge of
19 the aims, services, and needs of the schools.

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

25 (20) RECOMMEND REVOKING CERTIFICATES.--Recommend in
26 writing to the Department of Education the revoking of any
27 certificate for good cause, including a full statement of the
28 reason for the superintendent of schools'~~superintendents'~~
29 recommendation.

30 (21) MAKE RECORDS AVAILABLE TO SUCCESSOR.--Leave with
31 the district school board and make available to his or her

1 successor upon retiring from office a complete inventory of
2 school equipment and other property, together with all
3 official records and such other records as may be needed in
4 supervising instruction and in administering the district
5 school system.

6 (22) RECOMMEND PROCEDURES FOR INFORMING GENERAL
7 PUBLIC.--Recommend to the district school board procedures
8 whereby the general public can be adequately informed of the
9 educational programs, needs, and objectives of public
10 education within the district.

11 (23) SCHOOL IMPROVEMENT AND ACCOUNTABILITY.--Recommend
12 procedures for implementing and maintaining a system of school
13 improvement and education accountability as provided by
14 statute and State Board of Education rule.

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

18 Section 6. Section 231.001, Florida Statutes, is
19 amended to read:

20 231.001 School district personnel policies.--Except as
21 otherwise provided by law or the State Constitution, district
22 school boards may ~~are authorized to~~ prescribe rules governing
23 personnel matters, including the assignment of duties and
24 responsibilities for all district employees.

25 Section 7. Section 231.002, Florida Statutes, is
26 amended to read:

27 231.002 Teacher quality; legislative findings ~~and~~
28 ~~purpose~~.--

29 (1) The Legislature intends to implement a
30 comprehensive approach to increase students' academic
31 achievement and improve teaching quality. The Legislature

1 recognizes that professional educators shape the future of
2 this state and the nation by developing the knowledge and
3 skills of our future workforce and laying the foundation for
4 good citizenship and full participation in community and civic
5 life. The Legislature also recognizes its critical role in
6 meeting the state's educational goals and preparing all
7 students to achieve at the high levels set by the Sunshine
8 State Standards.

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

11 (a) Write and speak in a logical and understandable
12 style, using appropriate grammar and sentence structure, and
13 demonstrate a command of standard English, enunciation,
14 clarity of oral directions, and pace and precision in
15 speaking.

16 (b) Read, comprehend, and interpret professional and
17 other written material.

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

19 (d) Recognize signs of students' difficulty with the
20 reading and computational process and apply appropriate
21 measures to improve students' reading and computational
22 performance.

23 (e) Recognize patterns of physical, social, emotional,
24 and intellectual development in students, including
25 exceptional students in the regular classroom.

26 (f) Recognize and demonstrate awareness of the
27 educational needs of students who have limited proficiency in
28 English and employ appropriate teaching strategies.

29 (g) Use and integrate appropriate technology in
30 teaching and learning processes and in managing, evaluating,
31 and improving instruction.

1 (h) Use assessment and other diagnostic strategies to
2 assist the continuous development and acquisition of knowledge
3 and understanding of the learner.

4 (i) Use teaching and learning strategies that include
5 consideration of each student's learning styles, needs, and
6 background.

7 (j) Demonstrate the ability to maintain a positive,
8 collaborative relationship with students' families to increase
9 student achievement.

10 (k) Recognize signs of tendency toward violence and
11 severe emotional distress in students and apply techniques of
12 crisis intervention.

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

16 (m) Recognize the physical and behavioral indicators
17 of child abuse and neglect and know rights and
18 responsibilities regarding reporting.

19 (n) Demonstrate the ability to maintain a positive
20 environment in the classroom while achieving order and
21 discipline.

22 (o) Demonstrate the ability to grade student
23 performance effectively.

24 (p) Demonstrate knowledge and understanding of the
25 value of, and strategies for, promoting parental involvement
26 in education.

27 ~~(2) The purpose of this act is to raise standards for~~
28 ~~certifying professional educators, establish a statewide~~
29 ~~system for inservice professional development, increase~~
30 ~~accountability for postsecondary programs that prepare future~~
31 ~~educators, and increase accountability for administrators who~~

1 ~~evaluate teacher performance. To further this initiative, the~~
2 ~~Department of Education must review the provisions of this~~
3 ~~chapter and related administrative rules governing the~~
4 ~~certification of individuals who must hold state certification~~
5 ~~as a condition of employment in any district school system.~~
6 ~~The purpose of the review is to identify ways to make the~~
7 ~~certification process more efficient and responsive to the~~
8 ~~needs of district school systems and educators, to maintain~~
9 ~~rigorous standards for initial and continuing certification,~~
10 ~~and to provide more alternative certification options for~~
11 ~~individuals who have specific subject area expertise but have~~
12 ~~not completed a standard teacher preparation program. The~~
13 ~~department must evaluate the rigor of the assessment~~
14 ~~instruments and passing scores required for certification and~~
15 ~~should consider components of more rigorous and efficient~~
16 ~~certification systems in other states. The department may~~
17 ~~request assistance from the Education Standards Commission. By~~
18 ~~January 1, 2000, the department must submit its findings and~~
19 ~~recommendations for revision of statutes and administrative~~
20 ~~rules to the presiding officers of the Senate, the House of~~
21 ~~Representatives, and the State Board of Education.~~

22 Section 8. Paragraph (a) of subsection (2) of section
23 231.02, Florida Statutes, is amended to read:

24 231.02 Qualifications of personnel.--

25 (1) To be eligible for appointment in any position in
26 any district school system, a person shall be of good moral
27 character; shall have attained the age of 18 years, if he or
28 she is to be employed in an instructional capacity; and shall,
29 when required by law, hold a certificate or license issued
30 under rules of the State Board of Education or the Department
31 of Children and Family Services, except when employed pursuant

1 to s. 231.15 or under the emergency provisions of s. 236.0711.
2 Previous residence in this state shall not be required in any
3 school of the state as a prerequisite for any person holding a
4 valid Florida certificate or license to serve in an
5 instructional capacity.

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

24 Section 9. Section 231.045, Florida Statutes, is
25 amended to read:

26 231.045 Periodic criminal history record checks.--In
27 cooperation with the Florida Department of Law Enforcement,
28 the department may ~~shall have the authority to~~ periodically
29 perform a criminal history record check on individuals who
30 hold a certificate pursuant to s. 231.17.

31

1 Section 10. Section 231.085, Florida Statutes, is
2 amended to read:

3 231.085 Duties of principals.--

4 (1) A district school board shall employ, through
5 written contract, public school principals who shall supervise
6 the operation and management of the schools and property as
7 the district school board determines necessary.

8 (2) The principal is responsible for recommending to
9 the superintendent of schools the employment of instructional
10 personnel to be assigned to the school to which the principal
11 is assigned.

12 (3) Each principal is responsible for the performance
13 of all personnel employed by the district school board and
14 assigned to the school to which the principal is assigned. The
15 principal shall faithfully and effectively apply the personnel
16 assessment system approved by the district school board
17 pursuant to s. 231.29.

18 (4) Each principal shall assist the teachers within
19 the school to use student assessment data, as measured by
20 student learning gains pursuant to s. 229.57, for
21 self-evaluation.

22 (5) Each principal shall perform such duties as may be
23 assigned by the superintendent of schools, pursuant to the
24 rules of the district school board. Such rules shall include,
25 but are not ~~be~~ limited to, rules relating to administrative
26 responsibility, instructional leadership in implementing the
27 Sunshine State Standards and the overall educational program
28 of the school to which the principal is assigned, submission
29 of personnel recommendations to the superintendent of schools,
30 administrative responsibility for records and reports,
31 administration of corporal punishment, and student suspension.

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

4 (7) Each principal must make the necessary provisions
5 to ensure that all school reports are accurate and timely, and
6 must provide the necessary training opportunities for staff to
7 accurately report attendance, FTE program participation,
8 student performance, teacher appraisal, and school safety and
9 discipline data.

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

13 Section 11. Section 231.0861, Florida Statutes, is
14 repealed.

15 Section 12. Section 231.087, Florida Statutes, is
16 repealed.

17 Section 13. Section 231.09, Florida Statutes, is
18 amended to read:

19 231.09 Duties of instructional personnel.--

20 (1) The primary duty of instructional personnel is to
21 work diligently and faithfully to help students meet or exceed
22 annual learning goals, to meet state and local achievement
23 requirements, and to master the skills required to graduate
24 from high school prepared for postsecondary education and
25 work. This duty applies to instructional personnel whether
26 they teach or function in a support role.

27 (2) Members of the instructional staff of the public
28 schools shall perform duties prescribed by rules of the
29 district school board. The ~~Such~~ rules shall include, but are
30 not ~~be~~ limited to, rules relating to a teacher's duty to help
31 students master challenging standards and meet all state and

1 local requirements for achievement; teaching efficiently and
2 faithfully, using prescribed materials and methods, including
3 technology-based instruction; recordkeeping; and fulfilling
4 the terms of any contract, unless released from the contract
5 by the district school board.

6 Section 14. Section 231.095, Florida Statutes, is
7 amended to read:

8 231.095 Teachers assigned teaching duties outside
9 field in which certified.--When a teacher in a district school
10 system is assigned teaching duties in a class dealing with
11 subject matter that is outside the field in which the teacher
12 is certified, outside the field that was the applicant's minor
13 field of study, or outside the field in which the applicant
14 has demonstrated sufficient subject area expertise,the
15 parents or guardians of all students in the class shall be
16 notified in writing of such assignment.

17 Section 15. Section 231.096, Florida Statutes, is
18 amended to read:

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

1 Section 16. Section 231.141, Florida Statutes, is
2 amended to read:

3 231.141 Education paraprofessionals.--A district
4 school board may appoint education paraprofessionals to assist
5 members of the instructional staff in carrying out their
6 duties and responsibilities. An education paraprofessional
7 shall not be required to hold a teaching certificate. An
8 education paraprofessional, while rendering services under the
9 supervision of a certified ~~certificated~~ teacher, shall be
10 accorded the same protection of laws as that accorded the
11 certified teacher. Paid education paraprofessionals employed
12 by a district school board shall be entitled to the same
13 rights as those accorded noninstructional employees of the
14 district school board.

15 Section 17. Subsection (1) of section 231.143, Florida
16 Statutes, is repealed, subsections (2) through (5) of said
17 section are renumbered as subsections (1) through (4),
18 respectively, and present subsection (3) of said section is
19 amended to read:

20 231.143 Education paraprofessional career
21 development.--

22 ~~(2)(3)~~ A district education paraprofessional career
23 development program must include voluntary participation by
24 paraprofessionals in five career development levels. The
25 district school board shall adopt a procedure for verifying
26 the competency levels of all persons who participate in the
27 career development program and a procedure to determine the
28 outcomes and results of the program and impact on student
29 performance.

30
31

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

4 231.15 Positions for which certificates required.--

5 (1) The State Board of Education shall classify school
6 services, designate the certification subject areas, establish
7 competencies, including the use of technology to enhance
8 student learning, and certification requirements for all
9 school-based personnel, and prescribe rules in accordance with
10 which the professional, temporary, and part-time certificates
11 shall be issued by the Department of Education to applicants
12 who meet the standards prescribed by such rules for their
13 class of service. ~~The rules must allow the holder of a valid
14 professional certificate to add an area of certification
15 without completing the associated course requirements if the
16 certificateholder attains a passing score on an examination of
17 competency in the subject area to be added, and provides
18 evidence of at least 2 years of satisfactory performance
19 evaluations that considered the performance of students taught
20 by the certificateholder. The rules must allow individuals who
21 have specific subject area expertise, but who have not
22 completed a standard teacher preparation program, to
23 participate in a state-approved alternative certification
24 program for a professional certificate. As appropriate, this
25 program must provide for demonstration competencies in lieu of
26 completion of a specific number of college course credit hours
27 in the areas of assessment, communication, critical thinking,
28 human development and learning, classroom management,
29 planning, technology, diversity, teacher responsibility, code
30 of ethics, and continuous professional improvement. The State
31 Board of Education shall consult with the State Board of~~

1 ~~Independent Colleges and Universities, the State Board of~~
2 ~~Nonpublic Career Education, the Board of Regents, and the~~
3 ~~State Board of Community Colleges before adopting any changes~~
4 ~~to training requirements relating to entry into the~~
5 ~~profession. This consultation must allow the educational board~~
6 ~~to provide advice regarding the impact of the proposed changes~~
7 ~~in terms of the length of time necessary to complete the~~
8 ~~training program and the fiscal impact of the changes. The~~
9 ~~educational board must be consulted only when an institution~~
10 ~~offering the training program falls under its jurisdiction.~~
11 Each person employed or occupying a position as school
12 supervisor, principal, teacher, library media specialist,
13 school counselor, athletic coach, or other position in which
14 the employee serves in an instructional capacity, in any
15 public school of any district of this state shall hold the
16 certificate required by law and by rules of the state board in
17 fulfilling the requirements of the law for the type of service
18 rendered. However, the state board shall adopt rules
19 authorizing district school boards to employ selected
20 noncertificated personnel to provide instructional services in
21 the individuals' fields of specialty or to assist
22 instructional staff members as education paraprofessionals.

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

28 (a) Is retired from active military duty, pursuant to
29 chapter 102 of Title 10, U.S.C ~~with at least 20 years of~~
30 ~~service and draws retirement pay or is retired, or transferred~~
31

1 ~~to retired reserve status, with at least 20 years of active~~
2 ~~service and draws retirement pay or retainer pay.~~

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

8 Section 19. Section 231.17, Florida Statutes, is
9 amended to read:

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

12 231.17 Teacher certification requirements.--

13 (1) APPLICATION.--Each person seeking certification
14 pursuant to this chapter shall submit a completed application
15 containing the applicant's social security number to the
16 Department of Education and remit the fee required pursuant to
17 s. 231.30 and rules of the State Board of Education. Pursuant
18 to the federal Personal Responsibility and Work Opportunity
19 Reconciliation Act of 1996, each party is required to provide
20 his or her social security number in accordance with this
21 section. Disclosure of social security numbers obtained
22 through this requirement shall be limited to the purpose of
23 administration of the Title IV-D program of the Social
24 Security Act for child support enforcement. Pursuant to s.
25 120.60, the department shall issue within 90 calendar days
26 after the stamped receipted date of the completed application:

27 (a) A certificate covering the classification, level,
28 and area for which the applicant is deemed qualified; or

29 (b) An official statement of status of eligibility.

30 The statement of status of eligibility must advise the
31 applicant of any qualifications that must be completed to

1 qualify for certification. Each statement of status of
2 eligibility is valid for 2 years after its date of issuance,
3 except as provided in paragraph (2)(d), and may be reissued
4 for one additional 2-year period if application is made while
5 the initial statement of status of eligibility is valid or
6 within 1 year after the initial statement expires.

7 (2) ELIGIBILITY CRITERIA.--To be eligible to seek
8 certification pursuant to this chapter, a person must:

9 (a) Be at least 18 years of age.

10 (b) File a written statement, under oath, that the
11 applicant subscribes to and will uphold the principles
12 incorporated in the Constitution of the United States and the
13 Constitution of the State of Florida.

14 (c) Document receipt of a bachelor's or higher degree
15 from an accredited institution of higher learning, or a
16 nonaccredited institution of higher learning that the
17 Department of Education has identified as having a quality
18 program resulting in a bachelor's degree, or higher. Each
19 applicant seeking initial certification must have attained at
20 least a 2.5 overall grade point average on a 4.0 scale in the
21 applicant's major field of study. The applicant may document
22 the required education by submitting official transcripts from
23 institutions of higher education or by authorizing the direct
24 submission of such official transcripts through established
25 electronic network systems. The bachelor's or higher degree
26 may not be required in areas approved in rule by the state
27 board as nondegreed areas.

28 (d) Submit to a fingerprint check from the Department
29 of Law Enforcement and the Federal Bureau of Investigation
30 pursuant to s. 231.02. If the fingerprint reports indicate a
31 criminal history or if the applicant acknowledges a criminal

1 history, the applicant's records shall be referred to the
2 Bureau of Educator Standards for review and determination of
3 eligibility for certification. If the applicant fails to
4 provide the necessary documentation requested by the Bureau of
5 Educator Standards within 90 days after the date of the
6 receipt of the certified mail request, the statement of
7 eligibility and pending application shall become invalid.

8 (e) Be of good moral character.

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

11 (g) Demonstrate mastery of general knowledge, pursuant
12 to subsection (3).

13 (h) Demonstrate mastery of subject area knowledge,
14 pursuant to subsection (4).

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

17 (3) MASTERY OF GENERAL KNOWLEDGE.--

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

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

23 2. Achievement of passing scores on another state's
24 general knowledge examinations;

25 3. A valid standard teaching certificate issued by
26 another state that requires an examination of mastery of
27 general knowledge;

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

31

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

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

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

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

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

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

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

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

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

26 1. Completion of the subject area content requirements
27 specified in state board rule and achievement of passing
28 scores on the National Teachers Examination series, a
29 successor to that series, or other subject area examinations
30 required by state board rule;

31

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

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

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

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

14 1. Achievement of passing scores on subject area
15 examinations required by state board rule;

16 2. A valid standard teaching certificate issued by
17 another state that requires an examination of mastery of
18 subject area knowledge;

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

22 4. 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.

27 (5) MASTERY OF PROFESSIONAL PREPARATION AND EDUCATION
28 COMPETENCE.--

29 (a) Before July 1, 2002, acceptable means of
30 demonstrating mastery of professional preparation and
31 education competence are:

1 1. Achievement of passing scores on the professional
2 education competency examination required by state board rule,
3 and documentation of one of the following:

4 a. Completion of an approved teacher preparation
5 program at a postsecondary institution within this state;

6 b. Successful completion of an approved alternative
7 preparation program, pursuant to paragraph (7)(b); or

8 c. Completion of professional preparation college
9 courses as specified in state board rule and successful
10 completion of a district professional education competence
11 program pursuant to paragraph (7)(c).

12 2. A valid standard teaching certificate issued by
13 another state and valid certificate issued by the National
14 Board for Professional Teaching Standards; or

15 3. A valid standard teaching certificate issued by
16 another state and documentation of 2 years of continuous
17 successful full-time teaching or administrative experience in
18 another state during the 5-year period immediately preceding
19 the date of application for certification.

20 (b) Beginning July 1, 2002, acceptable means of
21 demonstrating mastery of professional preparation and
22 education competence are:

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

25 2. Completion of a teacher preparation program at a
26 postsecondary institution outside Florida and achievement of
27 passing scores on the professional education competency
28 examination required by state board rule;

29 3. A valid standard teaching certificate issued by
30 another state that requires an examination of mastery of
31 professional education competence;

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

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

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

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

13 (a) The Department of Education shall issue a
14 professional certificate for a period not to exceed 5 years to
15 any applicant who meets all the requirements outlined in
16 subsection (2).

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

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

22 2. Beginning July 1, 2002, completes the subject area
23 content requirements specified in state board rule or achieves
24 a passing score on the subject area examinations required by
25 state board rule.

26 (c) The department shall issue one nonrenewable 2-year
27 temporary certificate and one nonrenewable 5-year professional
28 certificate to a qualified applicant who holds a bachelor's
29 degree in the area of speech-language impairment to allow for
30 completion of a master's degree program in speech-language
31 impairment.

1
2 Each temporary certificate is valid for 3 school fiscal years
3 and is nonrenewable. However, the requirement in paragraph
4 (2)(g) must be met within one calendar year of the date of
5 employment under the temporary certificate. A school district
6 shall not employ, or continue the employment of, an individual
7 beyond the one calendar year time period who has not met the
8 requirement of paragraph (2)(g). The State Board of Education
9 shall adopt rules to allow the department to extend the
10 validity period of a temporary certificate for 2 years when
11 the requirements for the professional certificate, not
12 including the requirement in paragraph (2)(g), were not
13 completed due to the serious illness or injury of the
14 applicant or other extraordinary extenuating circumstances.
15 The department shall reissue the temporary certificate for 2
16 additional years upon approval by the Commissioner of
17 Education. A written request for reissuance of the certificate
18 shall be submitted by the superintendent of schools, the
19 governing authority of a developmental research school, the
20 governing authority of a state-supported school, or the
21 governing authority of a nonpublic school.

22 (7) PROFESSIONAL PREPARATION AND EDUCATION COMPETENCY
23 PROGRAM.--

24 (a) By July 1, 2002, the Department of Education shall
25 develop and each school district must provide a cohesive
26 competency-based preparation program by which members of a
27 school district's instructional staff may satisfy the mastery
28 of professional preparation and education competence
29 requirements specified in rules of the State Board of
30 Education. Participants must hold a state-issued temporary
31

- 1 certificate. The program shall include the following
2 components:
- 3 1. A minimum period of initial preparation prior to
4 assuming duties as the teacher of record.
 - 5 2. An option for collaboration between school
6 districts and other supporting agencies for implementation.
 - 7 3. Experienced peer mentors.
 - 8 4. An assessment that provides for:
 - 9 a. An initial evaluation of each educator's
10 competencies to determine an appropriate individualized
11 professional development plan.
 - 12 b. A postevaluation to assure successful completion of
13 the program.
 - 14 5. Content knowledge that includes, but is not limited
15 to, the following:
 - 16 a. Requirements specified in state board rule for
17 professional preparation.
 - 18 b. The educator accomplished practices approved by the
19 state board.
 - 20 c. A variety of data indicators for student progress.
 - 21 d. Methodologies, including technology-based
22 methodologies, for teaching subject content that supports the
23 Sunshine State Standards for students.
 - 24 e. Techniques for effective classroom management.
 - 25 f. Techniques and strategies for operationalizing the
26 role of the teacher in assuring a safe learning environment
27 for students.
 - 28 g. Methodologies for assuring the ability of all
29 students to read, write, and compute.

1 6. Required achievement of passing scores on the
2 professional education competency examination required by
3 state board rule.

4 (b) Until July 1, 2002, each school district may
5 develop and maintain an alternative certification program by
6 which members of the district's instructional staff may
7 satisfy the professional education course requirements
8 specified in rules of the state board for issuance of a
9 professional certificate. The state board must adopt, by rule,
10 standards and guidelines for the approval of alternative
11 certification programs. Each approved program must include
12 methods for identifying each applicant's entry-level teaching
13 competencies and must require each applicant to:

14 1. Have expertise in the subject and meet requirements
15 for specialization in a subject area for which a professional
16 certificate may be issued under this chapter and rules of the
17 state board.

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

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

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

24
25 Each district school board may expend educational training
26 funds provided under ss. 236.081 and 231.600 to implement the
27 provisions of this paragraph. The department must approve
28 programs and systems developed to demonstrate professional
29 preparation and education competence authorized by this
30 paragraph.

31

1 (c) Until July 1, 2002, each school district must
2 develop and maintain a system by which members of the
3 district's instructional staff may demonstrate mastery of
4 professional education competence as required by law. Each
5 district's program must be based on classroom application and
6 instructional performance and must include a performance
7 evaluation plan for documenting the demonstration of required
8 professional education competence. Each individual employed as
9 a member of the district's instructional staff must
10 demonstrate such mastery within the first year after
11 employment, unless the individual:

- 12 1. Has completed an approved teacher preparation
13 program at a postsecondary institution within this state;
14 2. Has a valid teaching certificate issued by another
15 state and demonstrated at least 2 years of successful
16 full-time teaching experience in another state; or
17 3. Is participating in the district's alternate
18 certification program outlined in paragraph (b).

19
20 Each district school board may expend educational training
21 funds provided under ss. 236.081 and 231.600 to implement the
22 provisions of this paragraph. The department must approve
23 programs and systems developed to demonstrate professional
24 education competence authorized by this paragraph.

25 (8) EXAMINATIONS.--

26 (a) The Commissioner of Education, with the approval
27 of the State Board of Education, may contract for developing,
28 printing, administering, scoring, and appropriate analysis of
29 the written examinations required.

30 (b) The state board shall, by rule, specify the
31 examination scores that are required for the issuance of a

1 professional certificate and temporary certificate. Such rules
2 must define generic subject area competencies and must
3 establish uniform evaluation guidelines. Individuals who apply
4 for their professional certificate before July 1, 2000, may
5 demonstrate mastery of general knowledge pursuant to the
6 alternative method specified by state board rule which must:

7 1. Apply only to an applicant who has successfully
8 completed all prerequisites for issuance of the professional
9 certificate, except passing one specific subtest of the
10 College Level Academic Skills Test, and who has taken and
11 failed to achieve a passing score on that subtest at least
12 four times.

13 2. Require notification from the superintendent of
14 schools of the employing school district, the governing
15 authority of the employing developmental research school, or
16 the governing authority of the employing state-supported
17 school or nonpublic school that the applicant has
18 satisfactorily demonstrated mastery of the subject area
19 covered by that specific subtest through successful experience
20 in the professional application of generic subject area
21 competencies and proficient academic performance in that
22 subject area. The decision of the superintendent of schools or
23 governing authority shall be based on a review of the
24 applicant's official academic transcript and notification from
25 the applicant's principal, a peer teacher, and a
26 district-level supervisor that the applicant has demonstrated
27 successful professional experience in that subject area.

28 (c) The state board shall designate the certification
29 areas for subject area examinations. However, until July 1,
30 2002, an applicant may satisfy the subject area and
31 professional education competence testing requirements by

1 attaining scores on corresponding examinations from the
2 National Teachers Examination series, or a successor to that
3 series, that meet standards established by the state board.
4 Until July 1, 2002, the College Level Academic Skills Test, a
5 similar examination approved by the state board, corresponding
6 examinations from the National Teachers Examination series, or
7 other acceptable means pursuant to subsection (3) must be used
8 to demonstrate mastery of general knowledge as required in
9 subsection (2). All required examinations may be taken prior
10 to graduation. An applicant who has passed the reading,
11 writing, and mathematics subtest of the former Florida Teacher
12 Certification Examination or has previously passed the College
13 Level Academic Skills Test is not required to take the College
14 Level Academic Skills Test.

15 (d) If an applicant takes an examination developed by
16 this state and does not achieve the score necessary for
17 certification, the applicant may review his or her completed
18 examination and bring to the attention of the department any
19 errors that would result in a passing score.

20 (e) For any examination developed by this state, the
21 department and the state board shall maintain confidentiality
22 of the examination, developmental materials, and workpapers,
23 which are exempt from s. 119.07(1).

24 (f) By July 1, 2002, the examinations used for
25 demonstration of mastery of general knowledge, professional
26 education competence, and subject area knowledge shall be
27 aligned with student standards approved by the state board.
28 The delivery system for these examinations shall provide for
29 overall efficiency, user-friendly application, reasonable
30 accessibility to prospective teachers, and prompt attainment
31 of examination results. The examination of competency for

1 demonstration of subject area knowledge shall be sufficiently
2 comprehensive to assess subject matter expertise for
3 individuals who have acquired subject knowledge either through
4 college credit or by other means.

5 (9) NONCITIZENS.--

6 (a) The State Board of Education may adopt rules for
7 issuing certificates to noncitizens who are needed to teach
8 and who are legally admitted to the United States through the
9 United States Immigration and Naturalization Service. The
10 filing of a written oath to uphold the principles of the
11 Constitution of the United States and the Constitution of the
12 State of Florida, required under paragraph (2)(b), does not
13 apply to individuals assigned to teach on an exchange basis.

14 (b) A certificate may not be issued to a citizen of a
15 nation controlled by forces that are antagonistic to
16 democratic forms of government, except to an individual who
17 has been legally admitted to the United States through the
18 United States Immigration and Naturalization Service.

19 (10) DENIAL OF CERTIFICATE.--

20 (a) The Department of Education may deny an applicant
21 a certificate if the department possesses evidence
22 satisfactory to it that the applicant has committed an act or
23 acts, or that a situation exists, for which the Education
24 Practices Commission would be authorized to revoke a teaching
25 certificate.

26 (b) The decision of the department is subject to
27 review by the Education Practices Commission upon the filing
28 of a written request from the applicant within 20 days after
29 receipt of the notice of denial.

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

1 (12) PRIOR APPLICATION.--Persons who apply for
2 certification are governed by the law and rules in effect at
3 the time of application for issuance of the initial
4 certificate, provided that continuity of certificates is
5 maintained.

6 (13) PERSONNEL RECORDS.--The Department of Education
7 shall maintain a complete statement of the academic
8 preparation, professional training, and teaching experience of
9 each person to whom a certificate is issued. The applicant or
10 the superintendent of schools shall furnish the information
11 using a format or forms provided by the department.

12 (14) AUTHORITY OF COMMISSIONER.--The Commissioner of
13 Education may make decisions regarding an applicant's
14 certification under extenuating circumstances not otherwise
15 provided for in statute or by rule. However, an applicant for
16 certification approved by the commissioner must possess the
17 credentials, knowledge, and skills necessary to provide
18 quality education in the public schools.

19 (15) COMPARISON OF ROUTES TO A PROFESSIONAL
20 CERTIFICATE.--Beginning with the 2003-2004 school year, the
21 Department of Education shall conduct a longitudinal study to
22 compare performance of certificateholders who are employed in
23 Florida school districts. The study shall compare a sampling
24 of educators who have qualified for a professional certificate
25 since July 1, 2002, based on the following:

26 (a) Graduation from a state-approved teacher
27 preparation program.

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

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

1
2 The department comparisons shall be made to determine if there
3 is any significant difference in the performance of these
4 groups of teachers, as measured by their students' achievement
5 levels and learning gains as measured by s. 229.57.

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

8 231.1715 Confidentiality of examinations.--All
9 examination instruments, including developmental materials and
10 workpapers directly related thereto, which are prepared,
11 prescribed, or administered pursuant to s. ss. 231.087 and
12 231.17 shall be confidential and exempt from the provisions of
13 s. 119.07(1) and from ss. 229.781 and 230.331. Provisions
14 governing access to, maintenance of, and destruction of such
15 instruments and related materials shall be prescribed by rules
16 of the State Board of Education.

17 Section 21. Section 231.1725, Florida Statutes, is
18 amended to read:

19 231.1725 Employment of substitute teachers, teachers
20 of adult education, ~~and~~ nondegreed teachers of career
21 education, and career specialists; students performing
22 clinical field experience.--

23 (1) Notwithstanding ~~the provisions of~~ ss. 231.02,
24 231.15, and 231.17, or any other provision of law or rule to
25 the contrary, each district school board shall establish the
26 minimal qualifications for:

27 (a) Substitute teachers to be employed pursuant to s.
28 231.47. The qualifications shall require the filing of a
29 complete set of fingerprints in the same manner as required by
30 s. 231.02.

31

1 (b) Part-time and full-time teachers in adult
2 education programs. The qualifications shall require the
3 filing of a complete set of fingerprints in the same manner as
4 required by s. 231.02. Faculty employed solely to conduct
5 postsecondary instruction may be exempted from this
6 requirement.

7 (c) Part-time and full-time nondegreed teachers of
8 vocational programs. Qualifications shall be established for
9 agriculture, business, health occupations, family and consumer
10 sciences, industrial, marketing, career specialist, and public
11 service education teachers, based primarily on successful
12 occupational experience rather than academic training. The
13 qualifications for such teachers shall require:

14 1. The filing of a complete set of fingerprints in the
15 same manner as required by s. 231.02. Faculty employed solely
16 to conduct postsecondary instruction may be exempted from this
17 requirement.

18 2. Documentation of education and successful
19 occupational experience including documentation of:

20 a. A high school diploma or the equivalent.

21 b. Completion of 6 years of full-time successful
22 occupational experience or the equivalent of part-time
23 experience in the teaching specialization area. Alternate
24 means of determining successful occupational experience may be
25 established by the district school board.

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

28 d. For full-time teachers, completion of professional
29 education training in teaching methods, course construction,
30 lesson planning and evaluation, and teaching special needs
31 students. This training may be completed through coursework

1 from a standard institution or an approved district teacher
2 education program.

3 e. Demonstration of successful teaching performance.

4 (2) Substitute, adult education, and nondegreed career
5 education teachers who are employed pursuant to this section
6 shall have the same rights and protection of laws as certified
7 teachers.

8 (3) A student who is enrolled in a state-approved
9 teacher preparation program in an institution of higher
10 education which is approved by rules of the State Board of
11 Education and who is jointly assigned by the institution of
12 higher education and a district school board to perform a
13 clinical field experience under the direction of a regularly
14 employed and certified educator shall, while serving such
15 supervised clinical field experience, be accorded the same
16 protection of law as that accorded to the certified educator
17 except for the right to bargain collectively as an employee of
18 the district school board.

19 Section 22. Section 231.173, Florida Statutes, is
20 repealed.

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

24 231.24 Process for renewal of professional
25 certificates.--

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

28 1. Each school district shall renew state-issued
29 professional certificates for individuals who hold a
30 professional certificate by this state and are employed by
31 that district pursuant to criteria established in subsections

1 (2), (3), and (4) and requirements specified in rules of the
2 State Board of Education.

3 2. The employing school district may charge the
4 individual an application fee not to exceed the amount charged
5 by the Department of Education for such services, including
6 associated late renewal fees. Each district school board
7 shall transmit monthly to the department a fee in an amount
8 established by the state board \$20 for each renewed
9 certificate. The fee shall not exceed the actual cost ~~to cover~~
10 ~~the costs~~ for maintenance and operation of the statewide
11 certification database and for the actual costs incurred in
12 printing and mailing such renewed certificates. As defined in
13 current rules of the state board ~~of Education~~, the department
14 shall contribute a portion of such fee for purposes of funding
15 the Educator Recovery Network established in s. 231.263. The
16 department shall deposit all funds into the Educational
17 Certification Trust Fund for use as specified in s. 231.30.

18 (b) The department shall renew state-issued
19 professional certificates for individuals who are not employed
20 by a district school board of this state pursuant to criteria
21 established in subsections (2), (3), and (4) and requirements
22 specified in rules of the state board ~~of Education~~.

23 (2)(a) All professional certificates, except a
24 nonrenewable professional certificate, shall be renewable for
25 successive periods not to exceed 5 years after the date of
26 submission of documentation of completion of the requirements
27 for renewal provided in subsection (3). Only one renewal may
28 be granted during each 5-year validity period of a
29 professional certificate. ~~, except that~~

30 (b) A teacher with national certification from the
31 National Board for Professional Teaching Standards is deemed

1 to meet state renewal requirements for the life of the
2 teacher's national certificate in the subject shown on the
3 national certificate.

4 (c) ~~However,~~ If the renewal application form is not
5 received by the department or by the employing school district
6 before the expiration of the professional certificate, the
7 application form, application fee, and a late fee must be
8 submitted before July 1 of the year following expiration of
9 the certificate in order to renew the professional
10 certificate.

11 (d) The state board shall adopt rules to allow a
12 1-year extension of the validity period of a professional
13 certificate in the event of serious illness, injury, or other
14 extraordinary extenuating circumstances of the applicant. The
15 department shall grant such 1-year extension upon written
16 request by the applicant or by the superintendent of schools
17 of the local school district or the governing authority of a
18 developmental research school, state-supported school, or
19 nonpublic school that employs the applicant.

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

22 (a) The applicant must earn a minimum of 6 college
23 credits or 120 inservice points or a combination thereof. For
24 each area of specialization to be retained on a certificate,
25 the applicant must earn at least 3 of the required credit
26 hours or equivalent inservice points in the specialization
27 area. Education in "clinical educator" training pursuant to s.
28 240.529(5)(b) and credits or points that provide training in
29 the area of exceptional student education, normal child
30 development, and the disorders of development may be applied
31 toward any specialization area. Credits or points that provide

1 training in the areas of drug abuse, child abuse and neglect,
2 strategies in teaching students having limited proficiency in
3 English, or dropout prevention, or training in areas
4 identified in the educational goals and performance standards
5 adopted pursuant to ss. 229.591(3) and 229.592 may be applied
6 toward any specialization area. Credits or points earned
7 through approved summer institutes may be applied toward the
8 fulfillment of these requirements. Inservice points may also
9 be earned by participation in professional growth components
10 approved by the State Board of Education and specified
11 pursuant to s. 231.600 ~~236.0811~~ in the district's approved
12 master plan for inservice educational training, including, but
13 not limited to, serving as a trainer in an approved teacher
14 training activity, serving on an instructional materials
15 committee or a state board or commission that deals with
16 educational issues, or serving on an advisory council created
17 pursuant to s. 229.58.

18 (b) In lieu of college course credit or inservice
19 points, the applicant may renew a specialization area by
20 passage of a state board approved subject area test, ~~by~~
21 ~~completion of the national certification from the National~~
22 ~~Board for Professional Teaching Standards in that~~
23 ~~specialization area, or by completion of a department approved~~
24 ~~summer work program in a business or industry directly related~~
25 ~~to an area of specialization listed on the certificate. The~~
26 ~~state board shall adopt rules providing for the approval~~
27 ~~procedure.~~

28 (5) The State Board of Education shall adopt rules to
29 allow the reinstatement of expired professional certificates.
30 The department may reinstate an expired professional
31

1 certificate within 5 ~~3~~ years after the date of expiration if
2 the certificateholder:

3 (a) Submits an application for reinstatement of the
4 expired certificate.

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

9 (c) During the 5 years immediately preceding
10 reinstatement of the certificate, achieves a passing score on
11 the subject area test for each subject to be shown on the
12 reinstated certificate.

13
14 The requirements of this subsection may not be satisfied by
15 subject area tests or college credits completed for issuance
16 of the certificate that has expired.

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

20 231.261 Education Practices Commission;
21 organization.--

22 (1) ~~There is created~~ The Education Practices
23 Commission ~~consists, to consist~~ of 17 ~~15~~ members, including 7
24 teachers, 5 administrators, and 5 ~~3~~ lay citizens (of whom 2
25 shall be former district school board members), appointed by
26 the State Board of Education from nominations by the
27 Commissioner of Education and subject to Senate confirmation.
28 Prior to making nominations, the commissioner shall consult
29 with the teaching and other involved associations in the
30 state. In making nominations, the commissioner shall attempt

31

1 to achieve equal geographical representation, as closely as
2 possible.

3 (a) A teacher member, in order to be qualified for
4 appointment:

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

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

- 11 1. Must have an endorsement on the teaching
12 certificate in the area of school administration or
13 supervision.
- 14 2. Must be a resident of the state.
- 15 3. Must have practiced the profession as an
16 administrator for at least 5 years immediately preceding the
17 appointment.

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

19 (4) From among its members, the commission shall elect
20 a chair who shall preside over meetings of the commission and
21 perform other duties directed by the commission or required by
22 its duly adopted rules or operating procedures. School
23 districts shall be reimbursed for substitute teachers required
24 to replace commission members, when they are carrying out
25 their official duties, at a rate established by the school
26 district for substitute teachers. The department may ~~is~~
27 ~~authorized to~~ reimburse local school districts for
28 substitutes.

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

31

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

3 (8)(a) The commission shall, from time to time,
4 designate members of the commission to serve on ~~be divided~~
5 ~~into two~~ panels for the purpose of reviewing and issuing final
6 orders upon cases presented to the commission ~~it~~. A case
7 ~~recommended order~~ concerning a complaint against a teacher
8 shall be reviewed and a final order thereon shall be entered
9 ~~acted upon~~ by a panel composed of seven commission members,
10 four of whom shall be teachers, ~~two lay citizens, and one~~
11 ~~administrator from the commission~~. A case recommended order
12 concerning a complaint against an administrator shall be
13 reviewed and a final order thereon shall be entered ~~acted upon~~
14 by a panel composed of seven commission members, four of whom
15 shall be administrators, ~~two lay citizens, and one teacher~~
16 ~~from the commission~~.

17 (b) A majority of quorum of a panel ~~The panels~~ of the
18 commission shall have final agency authority in all cases
19 involving the revocation, and suspension, or other
20 disciplining of certificates of teachers and school
21 administrators. A majority of the membership of the panel
22 shall constitute a quorum. ~~The district local~~ school board
23 shall retain the authority to discipline teachers and
24 administrators pursuant to law.

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

28 231.262 Complaints against teachers and
29 administrators; procedure; penalties.--

30 (1)(a) The Department of Education shall cause to be
31 investigated expeditiously any complaint ~~which is~~ filed before

1 it or ~~which is~~ otherwise called to its attention which, if
2 legally sufficient, contains grounds for the revocation or
3 suspension of a certificate or any other appropriate penalty
4 as set forth in subsection (6). The complaint is legally
5 sufficient if it contains the ultimate facts which show a
6 violation has occurred as provided in s. 231.2615 ~~231.28~~. The
7 department may investigate or continue to investigate and take
8 appropriate action in a complaint even though the original
9 complainant withdraws the complaint or otherwise indicates a
10 desire not to cause it to be investigated or prosecuted to
11 completion. The department may investigate or continue to
12 investigate and take action on a complaint filed against a
13 person whose teaching certificate has expired if the act or
14 acts which are the basis for the complaint were allegedly
15 committed while that person possessed a teaching certificate.

16 (b) When an investigation is undertaken, the
17 department shall notify the certificateholder and the
18 superintendent of schools in the district in which the
19 certificateholder is employed and shall inform the
20 certificateholder of the substance of any complaint which has
21 been filed against that certificateholder, unless. ~~However,~~
22 ~~if~~ the department determines that such notification would be
23 detrimental to the investigation, in which case the department
24 may withhold notification.

25 (2) The Commissioner of Education shall develop job
26 specifications for investigative personnel employed by the
27 department ~~of Education~~. Such specifications shall be
28 substantially equivalent to or greater than those job
29 specifications of investigative personnel employed by the
30 Department of Business and Professional Regulation. The
31 department may contract with the Department of Business and

1 Professional Regulation for investigations. No person who is
2 responsible for conducting an investigation of a teacher or
3 administrator may prosecute the same case. The department
4 general counsel or members of that staff may conduct
5 prosecutions under this section.

6 (4) The complaint and all information obtained
7 pursuant to the investigation by the department shall be
8 confidential and exempt from the provisions of s. 119.07(1)
9 until the conclusion of the preliminary investigation of the
10 complaint,~~or~~ until such time as the preliminary investigation
11 ceases to be active, or until such time as otherwise provided
12 by s. 231.263(6). However, the complaint and all material
13 assembled during the investigation may be inspected and copied
14 by the certificateholder under investigation, or the
15 certificateholder's designee, after the investigation is
16 concluded, but prior to the determination of probable cause by
17 the commissioner. If the preliminary investigation, is
18 concluded with the finding that there is no probable cause to
19 proceed, the complaint and information shall be open
20 thereafter to inspection pursuant to s. 119.07(1). If the
21 preliminary investigation is concluded with the finding that
22 there is probable cause to proceed and a complaint is filed
23 pursuant to subsection (5), the complaint and information
24 shall be open thereafter to inspection pursuant to s.
25 119.97(1). If the preliminary investigation ceases to be
26 active, the complaint and all such material shall be open
27 thereafter to inspection pursuant to s. 119.07(1), except as
28 otherwise provided pursuant to s. 231.263(6)(d). For the
29 purpose of this subsection, a preliminary investigation shall
30 be considered active as long as it is continuing with a
31

1 reasonable, good faith anticipation that an administrative
2 finding will be made in the foreseeable future.

3 (7) Violations of the provisions of probation shall
4 result in an order to show cause issued by the clerk of the
5 Education Practices Commission. Upon failure of the
6 probationer, at the time and place stated in the order, to
7 show cause satisfactorily to the Education Practices
8 Commission why a penalty for violating probation should not be
9 imposed, the Education Practices Commission shall impose
10 whatever penalty is appropriate as established in s. 231.2615
11 ~~231.28~~(6). Any probation period will be tolled when an order
12 to show cause has been issued until the issue is resolved by
13 the Education Practices Commission.

14 Section 26. Section 231.263, Florida Statutes, is
15 amended to read:

16 231.263 Recovery network program for educators.--

17 (1) RECOVERY NETWORK ESTABLISHED--There is created
18 within the Department of Education, to begin on July 1, 1994,
19 a recovery network program to assist educators who are
20 impaired as a result of alcohol abuse, drug abuse, or a mental
21 condition in obtaining treatment to permit their continued
22 contribution to the education profession. Any person who
23 holds certification issued by the department pursuant to s.
24 231.17 is eligible for the assistance.

25 (2) STAFF--

26 (a) The department shall employ an administrator and
27 staff as are necessary to be assigned exclusively to the
28 recovery network program.

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

31

1 (c) The department may contract with other
2 professionals to implement this section.

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

14 (4) APPROVAL OF TREATMENT PROVIDERS.--The recovery
15 network program shall locate, evaluate, and approve qualified
16 treatment providers.

17 (5) RELATIONSHIP WITH EDUCATION PRACTICES COMMISSION
18 AND DEPARTMENT.--The recovery network program shall operate
19 independently of, but may cooperate with, the Office of
20 Professional Practices Services of the Department of Education
21 and the Education Practices Commission. A person's
22 participation in the program entitles the commissioner to
23 enter into a deferred prosecution agreement pursuant to s.
24 231.262, or such participation may be considered a factor in
25 mitigation of or a condition of disciplinary action against
26 the person's certificate by the Education Practices Commission
27 pursuant to s. 231.2615 ~~231.28~~.

28 (6) PARTICIPATION.--The recovery network program shall
29 operate independently of employee assistance programs operated
30 by local school districts, and the powers and duties of school
31

1 districts to make employment decisions, including disciplinary
2 decisions, is not affected except as provided in this section:

3 (a) A person who is not subject to investigation or
4 proceedings under ss. 231.262 and 231.2615 ~~231.28~~ may
5 voluntarily seek assistance through a local school district
6 employee assistance program for which he or she is eligible
7 and through the recovery network, regardless of action taken
8 against him or her by a school district. Voluntarily seeking
9 assistance alone does not subject a person to proceedings
10 under ss. 231.262 and 231.2615 ~~231.28~~.

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

20 (c) A person who has not previously been under
21 investigation by the department may be enrolled in a treatment
22 program by the recovery network after an investigation has
23 commenced, if the person:

- 24 1. Acknowledges his or her impairment.
- 25 2. Agrees to evaluation, as approved by the recovery
26 network.
- 27 3. Agrees to enroll in an appropriate treatment
28 program approved by the recovery network.
- 29 4. Executes releases for all medical and treatment
30 records regarding his or her impairment and participation in a
31 treatment program to the recovery network, pursuant to 42

1 U.S.C., s. 290dd-3, and the federal regulations adopted
2 thereunder.

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

12 6. Has not previously entered a substance abuse
13 program.

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

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

18 (7) REFERRAL TO NETWORK WHEN NO PROBABLE CAUSE IS
19 DETERMINED.--If a complaint is made to the department against
20 a teacher or an administrator pursuant to s. 231.262 and a
21 finding of no probable cause indicates that no concern other
22 than impairment exists, the department shall inform the person
23 of the availability of assistance provided by the recovery
24 network program.

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

28 (a) Acknowledged his or her impairment problem.

29 (b) Agreed to evaluation as approved by the recovery
30 network program.

31

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

3 (d) Voluntarily sought agreement from the school
4 district for temporary leave or limitations on the scope of
5 employment if the temporary leave or limitations are included
6 in the treatment provider's recommendations; or voluntarily
7 agreed to pursue the alternative treatment recommended by the
8 treatment provider if the school district does not approve
9 such temporary leave or limitations on the scope of
10 employment.

11 (e) Executed releases to the recovery network program
12 for all medical and treatment records regarding his or her
13 impairment and participation in a treatment program pursuant
14 to 42 U.S.C. s. 290dd-3 and the federal regulations adopted
15 thereunder.

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

29 (10) DECLARATION OF INELIGIBILITY.--

30 (a) A person may be declared ineligible for further
31 assistance from the recovery network program if he or she does

1 not progress satisfactorily in a treatment program or leaves a
2 prescribed program or course of treatment without the approval
3 of the treatment provider.

4 (b) The determination of ineligibility must be made by
5 the commissioner in cases referred to him or her by the
6 program administrator. Before referring a case to the
7 commissioner, the administrator must discuss the circumstances
8 with the treatment provider. The commissioner may direct the
9 Office of Professional Practices Services to investigate the
10 case and provide a report.

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

1 and the deferred prosecution agreement reinstated without
2 prejudice to the commissioner's right to reissue the
3 administrative complaint for other breaches of the agreement.

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

13 (e) If the person voluntarily entered into a treatment
14 contract with the program, the commissioner shall issue a
15 written notice stating the reasons for the determination of
16 ineligibility. Within 20 days after the date of such notice,
17 the person may contest the determination of ineligibility
18 pursuant to ss. 120.569 and 120.57.

19 (11) MEDICAL RECORDS RELEASE.--Medical records
20 released pursuant to paragraph (8)(e) may be disclosed to the
21 commissioner, the Office of Professional Practices Services,
22 and the Education Practices Commission only as required for
23 purposes of this section, or as otherwise authorized by law.
24 Further disclosure or release of the medical records may not
25 be made except as authorized by law and in accordance with 42
26 U.S.C. s. 290dd-2 and the federal regulations adopted
27 thereunder. The medical records are confidential and exempt
28 from s. 119.07(1) and s. 24(a), Art. I of the State
29 Constitution.

30 (12) FEES.--The State Board of Education shall include
31 in the fees established pursuant to s. 231.30 an amount

1 sufficient to implement the provisions of this section. The
2 state board shall by rule establish procedures and additional
3 standards for:

4 (a) Approving treatment providers, including
5 appropriate qualifications and experience, amount of
6 reasonable fees and charges, and quality and effectiveness of
7 treatment programs provided.

8 (b) Admitting eligible persons to the program.

9 (c) Evaluating impaired persons by the recovery
10 network program.

11 Section 27. Section 231.28, Florida Statutes, is
12 renumbered as section 231.2615, Florida Statutes, and amended
13 to read:

14 231.2615 ~~231.28~~ Education Practices Commission;
15 authority to discipline.--

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

30 (a) Obtained the teaching certificate by fraudulent
31 means.†

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

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

6 (d) Has had a teaching certificate revoked in another
7 state.†

8 (e) Has been convicted of a misdemeanor, felony, or
9 any other criminal charge, other than a minor traffic
10 violation.†

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

14 (g) Has breached a contract, as provided in s.
15 231.36(2).†

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

19 (i) Has violated the Principles of Professional
20 Conduct for the Education Profession prescribed by State Board
21 of Education rules.†

22 (j) Has otherwise violated the provisions of law, the
23 penalty for which is the revocation of the teaching
24 certificate.†~~or~~

25 (k) Has violated any order of the Education Practices
26 Commission.

27 (2) The plea of guilty in any court, the decision of
28 guilty by any court, the forfeiture by the teaching
29 certificateholder of a bond in any court of law, or the
30 written acknowledgment, duly witnessed, of offenses listed in
31 subsection (1) to the superintendent of schools or a duly

1 appointed representative or to the district school board shall
2 be prima facie proof of grounds for revocation of the
3 certificate as listed in subsection (1) in the absence of
4 proof by the certificateholder that the plea of guilty,
5 forfeiture of bond, or admission of guilt was caused by
6 threats, coercion, or fraudulent means.

7 (3) The revocation by the Education Practices
8 Commission of a teaching certificate of any person
9 automatically revokes any and all Florida teaching
10 certificates held by that person.

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

24 (b) A person whose teaching certificate has been
25 revoked under this section may apply for a new certificate at
26 the expiration of that period of ineligibility fixed by the
27 Education Practices Commission by making application therefor
28 and by meeting the certification requirements of the state
29 board current at the time of the application for the new
30 certificate.

31

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

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

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

13 (c) Who has been dismissed or severed from employment
14 because of conduct involving any immoral, unnatural, or
15 lascivious act.

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

28 **(b) The Education Practices Commission shall issue a**
29 **final order revoking an individual's Florida educator's**
30 **certificate for a minimum of 1 year under the following**
31 **circumstances:**

- 1 1. If the individual:
2 a. Has been found to have violated the provisions of
3 this section, such that the Education Practices Commission has
4 the authority to discipline the individual's Florida
5 educator's certificate on two separate occasions;
6 b. Has twice entered into a settlement agreement
7 enforced by a final order of the Education Practices
8 Commission; or
9 c. Has been found to have violated the provisions of
10 this section, such that the Education Practices Commission has
11 the authority to discipline the individual's Florida
12 educator's certificate on one occasion and entered into a
13 settlement agreement enforced by a final order of the
14 Education Practices Commission on one occasion; and
15 2. A third finding of probable cause and a finding
16 that the allegations are proven or admitted to is subsequently
17 found by the Commissioner of Education.

18
19 If, in the third instance, the individual enters into a
20 settlement agreement with the Department of Education, that
21 agreement shall also include a penalty revoking that
22 individual's Florida educator's certificate for a minimum of 1
23 year.

24 Section 28. Section 231.29, Florida Statutes, is
25 amended to read:

26 231.29 Assessment procedures and criteria.--

27 (1) For the purpose of improving the quality of
28 instructional, administrative, and supervisory services in the
29 public schools of the state, the superintendent of schools
30 shall establish procedures for assessing the performance of
31 duties and responsibilities of all instructional,

1 administrative, and supervisory personnel employed by the
2 school district. The Department of Education must approve each
3 district's instructional personnel assessment system.

4 (2) The following conditions must be considered in the
5 design of the district's instructional personnel assessment
6 system:

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

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

12 (c) The system must include a mechanism to give
13 parents an opportunity to provide input into employee
14 performance assessments when appropriate.

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

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

22 (f) The district school board shall provide training
23 programs that are based upon guidelines provided by the
24 Department of Education to ensure that all individuals with
25 evaluation responsibilities understand the proper use of the
26 assessment criteria and procedures.

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

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

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

29 (b) All personnel must be fully informed of the
30 criteria and procedures associated with the assessment process
31 before the assessment takes place.

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

29 (d) If an employee is not performing his or her duties
30 in a satisfactory manner, the evaluator shall notify the
31 employee in writing of such determination. The notice must

1 describe such unsatisfactory performance and include notice of
2 the following procedural requirements:

3 1. Upon delivery of a notice of unsatisfactory
4 performance, the evaluator must confer with the employee, make
5 recommendations with respect to specific areas of
6 unsatisfactory performance, and provide assistance in helping
7 to correct deficiencies within a prescribed period of time.

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

25 b. Within 14 days after the close of the 90 calendar
26 days, the evaluator must assess whether the performance
27 deficiencies have been corrected and forward a recommendation
28 to the superintendent of schools. Within 14 days after
29 receiving the evaluator's recommendation, the superintendent
30 of schools must notify the employee who holds a professional
31 service contract in writing whether the performance

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

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

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

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

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

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

23 (7) The district school board shall establish a
24 procedure annually reviewing instructional personnel
25 assessment systems to determine compliance with this section.
26 All substantial revisions to an approved system must be
27 reviewed and approved by the district school board before
28 being used to assess instructional personnel. Upon request by
29 a school district, the department shall provide assistance in
30 developing, improving, or reviewing an assessment system.

31

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

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

9 231.2905 Florida School Recognition Program.--

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

20 Notwithstanding statutory provisions to the contrary,
21 incentive awards are not subject to collective bargaining.

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

24 231.30 Certification fees.--

25 (1) The State Board of Education, by rule, shall
26 establish separate fees for applications, examinations,
27 certification, certification renewal, late renewal,
28 recordmaking, and recordkeeping, and may establish procedures
29 for scheduling and administering an examination upon an
30 applicant's request. Each fee shall be based on department
31 estimates of the revenue required to implement the provisions

1 of law with respect to certification of school personnel ~~and~~
2 ~~shall not exceed \$60, except as otherwise provided in this~~
3 ~~section.~~ The application fee shall be nonrefundable. Each
4 examination fee shall be sufficient to cover the actual cost
5 of developing and administering the examination, but shall not
6 exceed \$100 for an examination ~~\$60 for any regularly scheduled~~
7 ~~examination or \$100 for an examination administered upon an~~
8 ~~applicant's request.~~

9 Section 31. Section 231.3505, Florida Statutes, is
10 amended to read:

11 231.3505 Employment of directors of career education
12 in school districts.--In order to receive state funding, each
13 district school board that employs at least 15 full-time
14 equivalent vocational teachers must employ a director of
15 career education who meets the certification requirements
16 established by the State Board of Education. ~~The~~ Such
17 directors shall be directly accountable to the superintendent
18 of schools, or his or her ~~the superintendent's~~ designee, for
19 the planning and implementation of vocational programs. Two
20 or more district school boards may employ a single director.

21 Section 32. Paragraph (b) of subsection (1) and
22 subsections (2), (3), (4), (5), (6), and (7) of section
23 231.36, Florida Statutes, are amended to read:

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

26 (1)

27 (b) A supervisor or principal shall be properly
28 certified and shall receive a written contract as specified in
29 chapter 230. Such contract may be for an initial period not to
30 exceed 3 years, subject to annual review and renewal. The
31 first 97 days of an initial contract is a probationary period.

1 During the probationary period, the employee may be dismissed
2 without cause or may resign from the contractual position
3 without breach of contract. After the first 3 years, the
4 contract may be renewed for a period not to exceed 3 years and
5 shall contain provisions for dismissal during the term of the
6 contract only for just cause, in addition to such other
7 provisions as are prescribed by the district school board.

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

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

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

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

8 3. The member must have been recommended by the
9 superintendent of schools for such contract and reappointed by
10 the district school board based on successful performance of
11 duties and demonstration of professional competence.

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

17 (b) The professional service contract shall be
18 effective at the beginning of the school fiscal year following
19 the completion of all requirements therefor.

20 (c) The period of service provided herein may be
21 extended to 4 years when prescribed by the district school
22 board and agreed to in writing by the employee at the time of
23 reappointment.

24 (d) A district school board may issue a continuing
25 contract prior to July 1, 1984, and may issue a professional
26 service contract subsequent to July 1, 1984, to any employee
27 who has previously held a professional service contract or
28 continuing contract in the same or another district within
29 this state. Any employee who holds a continuing contract may,
30 but is not required to, exchange such continuing contract for
31 a professional service contract in the same district.

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

16 (f) The superintendent of schools shall notify an
17 employee who holds a professional service contract on July 1,
18 1997, in writing, no later than 6 weeks prior to the end of
19 the postschool conference period, of performance deficiencies
20 which may result in termination of employment, if not
21 corrected during the subsequent year of employment (which
22 shall be granted for an additional year in accordance with the
23 provisions in subsection (1)). Except as otherwise hereinafter
24 provided, this action shall not be subject to the provisions
25 of chapter 120, but the following procedures shall apply:

26 1. On receiving notice of unsatisfactory performance,
27 the employee, on request, shall be accorded an opportunity to
28 meet with the superintendent of schools, or his or her ~~the~~
29 ~~superintendent's~~ designee, for an informal review of the
30 determination of unsatisfactory performance.

31

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

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

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

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

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

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

28 (b) Any member of the district administrative or
29 supervisory staff and any member of the instructional staff,
30 including any principal, who is under continuing contract may
31 be dismissed or may be returned to annual contract status for

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

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

1 or her back salary shall be paid. In cases of suspension by
2 the district school board or by the superintendent of schools,
3 the district school board shall determine upon the evidence
4 submitted whether the charges have been sustained and, if the
5 charges are sustained, shall determine either to dismiss the
6 employee or fix the terms under which he or she may be
7 reinstated. If such charges are sustained by a majority vote
8 of the full membership of the district school board and such
9 employee is discharged, his or her contract of employment
10 shall be thereby canceled. Any such decision adverse to the
11 employee may be appealed by the employee pursuant to s.
12 120.68, provided such appeal is filed within 30 days after the
13 decision of the district school board.

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

21 (6)(a) Any member of the instructional staff,
22 excluding an employee specified in subsection (4), may be
23 suspended or dismissed at any time during the term of the
24 contract for just cause as provided in paragraph (1)(a). The
25 district school board must notify the employee in writing
26 whenever charges are made against the employee and may suspend
27 such person without pay; but, if the charges are not
28 sustained, the employee shall be immediately reinstated, and
29 his or her back salary shall be paid. If the employee wishes
30 to contest the charges, the employee must, within 15 days
31 after receipt of the written notice, submit a written request

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

4 1. A direct hearing conducted by the district school
5 board within 60 days after 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 2. 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 after receipt of the written appeal
17 in 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
26 Any such decision adverse to the employee may be appealed by
27 the employee pursuant to s. 120.68, provided such appeal is
28 filed within 30 days after the decision of the district school
29 board.

30 (b) Any member of the district administrative or
31 supervisory staff, including any principal but excluding an

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

25 (7) The district school board of any given district
26 shall grant continuing service credit for time spent
27 performing duties as a member of the Legislature to any
28 district employee who possesses a professional service
29 contract, multiyear contract, or continuing contract.

30 Section 33. Section 231.3605, Florida Statutes, is
31 amended to read:

1 231.3605 Educational support employees.--

2 (1) As used in this section:

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

16 (b) "Employee" means any person employed as an
17 educational support employee.

18 (c) "Superintendent" means the superintendent of
19 schools or his or her designee.

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

25 (b) Upon successful completion of the probationary
26 period by the employee, the employee's status shall continue
27 from year to year unless the superintendent terminates the
28 employee for reasons stated in the collective bargaining
29 agreement, or in district school board rule in cases where a
30 collective bargaining agreement does not exist, or reduces the

31

1 number of employees on a districtwide basis for financial
2 reasons.

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

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

13 231.361 Vocational teachers; status.--

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

19 Section 35. Section 231.39, Florida Statutes, is
20 amended to read:

21 231.39 Provisions for leaves of absence.--All leaves
22 of absence for all district school board employees, except
23 those leaves prescribed by law, shall be granted with or
24 without compensation pursuant to rules adopted by the district
25 school board. Such leaves authorized by the district school
26 board shall include, but are not ~~be~~ limited to, professional
27 leave and extended professional leave, personal leave,
28 military leave granted in compliance with chapter 115, and
29 maternity leave.

30 Section 36. Subsections (2), (3), and (4) of section
31 231.40, Florida Statutes, are amended to read:

1 231.40 Sick leave.--

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

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

16 (a) Extent of leave.--

17 1. Each member of the instructional staff employed on
18 a full-time basis shall be entitled to 4 days of sick leave as
19 of the first day of employment of each contract year and shall
20 thereafter earn 1 day of sick leave for each month of
21 employment, which shall be credited to the member at the end
22 of that month and which shall not be used prior to the time it
23 is earned and credited to the member. Each other employee
24 shall be credited with 4 days of sick leave at the end of the
25 first month of employment of each contract year and shall
26 thereafter be credited for 1 day of sick leave for each month
27 of employment, which shall be credited to the employee at the
28 end of the month and which shall not be used prior to the time
29 it is earned and credited to the employee. However, each
30 member of the instructional staff and each other employee
31 shall be entitled to earn no more than 1 day of sick leave

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

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

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

26 4. A district school board may establish policies to
27 provide terminal pay for accumulated sick leave to
28 instructional staff and educational support employees of the
29 district school board. If termination of employment is by
30 death of the employee, any terminal pay to which the employee
31 may have been entitled may be made to his or her beneficiary.

1 However, such terminal pay shall not exceed an amount
2 determined as follows:
3 a. During the first 3 years of service, the daily rate
4 of pay multiplied by 35 percent times the number of days of
5 accumulated sick leave.
6 b. During the next 3 years of service, the daily rate
7 of pay multiplied by 40 percent times the number of days of
8 accumulated sick leave.
9 c. During the next 3 years of service, the daily rate
10 of pay multiplied by 45 percent times the number of days of
11 accumulated sick leave.
12 d. During the next 3 years of service, the daily rate
13 of pay multiplied by 50 percent times the number of days of
14 accumulated sick leave.
15 e. During and after the 13th year of service, the
16 daily rate of pay multiplied by 100 percent times the number
17 of days of accumulated sick leave.
18 5. A district school board may establish policies to
19 provide terminal pay for accumulated sick leave to any
20 full-time employee of the district school board other than
21 instructional staff or educational support employees as
22 defined in this section. If termination of the employee is by
23 death of the employee, any terminal pay to which the employee
24 may have been entitled may be made to the employee's
25 beneficiary. However, for such employees hired on or after
26 July 1, 1995, terminal pay shall not exceed an amount
27 determined as follows:
28 a. One-fourth of all unused sick leave accumulated on
29 or after July 1, 1995; however, terminal pay allowable for
30 such accumulated sick leave shall not exceed a maximum of 60
31 days of actual payment.

1 b. For unused sick leave accumulated prior to July 1,
2 1995, terminal payment shall be made pursuant to a district
3 school board's policies which are in effect on July 1, 1995.

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

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

29 (d) Expenditure authorized.--District school boards
30 ~~may are authorized to~~ expend public funds for payment to
31 employees on account of sickness. The expending and excluding

1 of such funds shall be in compliance with rules promulgated by
2 the Department of Management Services pursuant to chapter 650.

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

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

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

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

28 (d) Participating employees shall make equal
29 contributions to the sick leave pool. There shall be
30 established a maximum amount of sick leave which may be
31 contributed by an employee to the pool. After the initial

1 contribution which an employee makes upon electing to
2 participate, no further contributions shall be required except
3 as may be necessary to replenish the pool. Any such further
4 contribution shall be equally required of all employees
5 participating in the pool.

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

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

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

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

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

31

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

3 231.41 Illness-in-line-of-duty leave.--Any district
4 school board employee shall be entitled to
5 illness-in-line-of-duty leave when he or she has to be absent
6 from his or her duties because of a personal injury received
7 in the discharge of duty or because of illness from any
8 contagious or infectious disease contracted in school work.
9 The following requirements shall be observed:

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

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

1 claim is entitled to payment in accordance with the provisions
2 of this section.

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

5 231.424 Sabbatical leave.--

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

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

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

20 231.434 Annual leave.--District school boards may ~~are~~
21 ~~authorized to~~ adopt rules that provide for the earning of
22 annual leave by employees, including educational support
23 employees, who are employed for 12 calendar months a year.

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

26 231.44 Absence without leave.--Any district school
27 board employee who is willfully absent from duty without leave
28 shall forfeit compensation for the time of such absence, and
29 his or her employment shall be subject to termination by the
30 district school board.

31

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

1 Section 44. Section 231.481, Florida Statutes, is
2 amended to read:

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

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

13 231.495 Retirement annuities authorized.--

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

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

1 Retirement System if credit for out-of-state teaching was
2 authorized under that system.

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

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

9 Section 46. Subsections (1) and (3) of section
10 231.545, Florida Statutes, are amended to read:

11 231.545 Education Standards Commission;
12 organization.--

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

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

26 (b) One superintendent of schools.

27 (c) One school principal.

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

30 (e) One teacher education or inservice
31 ~~education/in-service~~ director.

1 (f) Four citizens, two of whom are district school
2 board members.

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

7 (h) One administrative representative from a community
8 college.

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

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

24 231.546 Education Standards Commission; powers and
25 duties.--

26 (1) The Education Standards Commission shall ~~have the~~
27 ~~duty to~~:

28 (a) Recommend to the state board high standards
29 relating to programs and policies for the development,
30 certification and certification extension, improvement, and
31 maintenance of competencies of educational personnel,

1 including teacher interns. The ~~Such~~ standards must be
2 consistent with the state's duty to provide a high-quality
3 system of public education to all students.

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

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

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

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

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

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

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

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

1 (b) The commission may ~~shall have the authority to~~
2 establish procedures for developing codes or standards of
3 professional ethics, performance, and practices as described
4 herein and to recommend to the state board for adoption such
5 codes, standards, and rules to effectuate the purposes of this
6 section.

7 Section 48. Section 231.600, Florida Statutes, is
8 amended to read:

9 231.600 School Community Professional Development
10 Act.--

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

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

28 (3) The activities designed to implement this section
29 must:

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

4 (b) Assist the school community in providing
5 stimulating educational activities that encourage and motivate
6 students to achieve at the highest levels and to become active
7 learners; and

8 (c) Provide continuous support for all education
9 professionals as well as temporary intervention for education
10 professionals who need improvement in knowledge, skills, and
11 performance.

12 (4) The Department of Education, school districts,
13 schools, and public colleges and universities share the
14 responsibilities described in this section. These
15 responsibilities include the following:

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

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

1 district professional development program. The professional
2 development system must:

3 1. Be approved by the department. All substantial
4 revisions to the system shall be submitted to the department
5 for review for continued approval.

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

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

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

30 5. Require each school principal to establish and
31 maintain an individual professional development plan for each

1 instructional employee assigned to the school. The individual
2 professional development plan must:
3 a. Be related to specific performance data for the
4 students to whom the teacher is assigned.
5 b. Define the inservice objectives and specific
6 measurable improvements expected in student performance as a
7 result of the inservice activity.
8 c. Include an evaluation component that determines the
9 effectiveness of the professional development plan.
10 6. Include inservice activities for school
11 administrative personnel that address updated skills necessary
12 for effective school management and instructional leadership.
13 ~~7.3.~~ Provide for systematic consultation with regional
14 and state personnel designated to provide technical assistance
15 and evaluation of local professional development programs.~~†~~
16 ~~8.4.~~ Provide for delivery of professional development
17 by distance learning and other technology-based delivery
18 systems to reach more educators at lower costs.~~†~~ ~~and~~
19 ~~9.5.~~ Provide for the continuous evaluation of
20 ~~Continuously evaluate~~ the quality and effectiveness of
21 professional development programs in order to eliminate
22 ineffective programs and strategies and to expand effective
23 ones. Evaluations must consider the impact of such activities
24 on the performance of participating educators and their
25 students' achievement and behavior.
26 (c) Each public community college and university shall
27 assist the department, school districts, and schools in the
28 design, delivery, and evaluation of professional development
29 activities. This assistance must include active participation
30 in state and local activities required by the professional
31 development system.

1 (5)(a) The Department of Education shall provide a
2 system for the recruitment, preparation, and professional
3 development of school administrative personnel. This system
4 shall:

5 1. Identify the knowledge, competencies, and skills
6 necessary for effective school management and instructional
7 leadership that align with student performance standards and
8 accountability measures.

9 2. Include performance evaluation methods.

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

16 4. Provide for the hiring of qualified out-of-state
17 school administrative personnel.

18 5. Provide advanced educational opportunities for
19 school-based instructional leaders.

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

28 ~~(6)(5)~~ Each district school board shall provide
29 funding for the professional development system as required by
30 s. 236.081 and the General Appropriations Act, and shall
31 direct expenditures from other funding sources to strengthen

1 the system and make it uniform and coherent. A school
2 district may coordinate its professional development program
3 with that of another district, with an educational consortium,
4 or with a college or university, especially in preparing and
5 educating personnel. Each district school board shall make
6 available inservice activities to instructional personnel of
7 nonpublic schools in the district and the state certified
8 teachers who are not employed by the district school board on
9 a fee basis not to exceed the cost of the activity per all
10 participants.

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

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

1 ~~development if the review of data indicates an achievement~~
2 ~~level that is unusual, the department may investigate the~~
3 ~~causes of the success or lack of success, may provide~~
4 ~~technical assistance, and may require the school district to~~
5 ~~employ a different approach to professional development.~~ The
6 department shall report annually to the State Board of
7 Education and the Legislature any school district that, in the
8 determination of the department, has failed to provide an
9 adequate professional development system. This report must
10 include the results of the department's investigation and of
11 any intervention provided.

12 ~~(9)(7)~~ The State Board of Education may adopt rules
13 pursuant to ss. 120.536(1) and 120.54 to administer this
14 section.

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

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

26 Section 49. Section 231.6135, Florida Statutes, is
27 amended to read:

28 231.6135 Statewide system for inservice professional
29 development.--The intent of this section is to establish a
30 statewide system of professional development that provides a
31 wide range of targeted inservice training to teachers,

1 managers, and administrative personnel ~~administrators~~ designed
2 to upgrade skills and knowledge needed to reach world class
3 standards in education. The system shall consist of a network
4 of professional development academies in each region of the
5 state that are operated in partnership with area business
6 partners to develop and deliver high-quality training programs
7 purchased by school districts. The academies shall be
8 established to meet the human resource development needs of
9 professional educators, schools, and school districts. Funds
10 appropriated for the initiation of professional development
11 academies shall be allocated by the Commissioner of Education,
12 unless otherwise provided in an appropriations act. To be
13 eligible for startup funds, the academy must:

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

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

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

29 (4) Demonstrate the ability to provide high-quality
30 trainers and training, appropriate followup and coaching for
31

1 all participants, and support school personnel in positively
2 impacting student performance.

3 (5) Be operated under contract with its public
4 partners and governed by an independent board of directors,
5 which should include at least one superintendent of schools
6 and one district school board chair ~~chairman~~ from the
7 participating school districts, the president of the
8 collective bargaining unit that represents the majority of the
9 region's teachers, and at least three individuals who are not
10 employees or elected or appointed officials of the
11 participating school districts.

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

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

25 (8) Provide professional development services for the
26 participating school districts as specified in the contract
27 and may provide professional development services to other
28 school districts, private schools, and individuals on a
29 fee-for-services basis.

30 Section 50. Section 231.614, Florida Statutes, is
31 repealed.

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

3 231.62 Identification of critical teacher shortage
4 areas.--

5 (1) As used in ss. 231.621, 240.4063, and 240.4064,
6 the term "critical teacher shortage area" applies to
7 mathematics, science, career education, and high priority
8 location areas. The State Board of Education may identify
9 career education programs having critical teacher shortages.
10 The State Board of Education shall adopt rules pursuant to ss.
11 120.536(1) and 120.54,necessary to annually identify other
12 critical teacher shortage areas and high priority location
13 areas. The state board shall also consider teacher
14 characteristics such as ethnic background, race, and sex in
15 determining critical teacher shortage areas. School grade
16 levels may also be designated critical teacher shortage areas.
17 Individual district school boards may identify other critical
18 teacher shortage areas. Such shortages must be certified to
19 and approved by the State Board of Education. High priority
20 location areas shall be in high-density, low-economic urban
21 schools and low-density, low-economic rural schools and shall
22 include schools which meet criteria which include, but are not
23 limited to, the percentage of free lunches, the percentage of
24 students under Chapter I of the Education Consolidation and
25 Improvement Act of 1981, and the faculty attrition rate.

26 Section 52. Subsections (1), (2), and (4) of section
27 231.621, Florida Statutes, are amended to read:

28 231.621 Critical Teacher Shortage Student Loan
29 Forgiveness Program.--

30 (1) The Critical Teacher Shortage Student Loan
31 Forgiveness Program is established ~~In order~~ to encourage

1 qualified personnel to seek employment in subject areas in
2 which critical teacher shortages exist, as identified annually
3 by the State Board of Education, ~~there is established the~~
4 ~~Critical Teacher Shortage Student Loan Forgiveness Program.~~
5 The primary function of the program is to make repayments
6 towards loans received by students from federal programs or
7 commercial lending institutions for the support of
8 postsecondary education study. Repayments are intended to be
9 made to qualified applicants who begin teaching for the first
10 time in designated subject areas, and who apply during their
11 first year of teaching as certified teachers in these subject
12 areas.

13 (2) From the funds available, the Department of
14 Education may ~~is authorized to~~ make loan principal repayments
15 as follows:

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

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

30 (c) All repayments shall be contingent on continued
31 proof of employment in the designated subject areas in this

1 state and shall be made directly to the holder of the loan.
2 The state shall not bear responsibility for the collection of
3 any interest charges or other remaining balance. In the event
4 that designated critical teacher shortage subject areas are
5 changed by the State Board of Education, a teacher shall
6 continue to be eligible for loan forgiveness as long as he or
7 she continues to teach in the subject area for which the
8 original loan repayment was made and otherwise meets all
9 conditions of eligibility.

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

13 Section 53. Section 231.6215, Florida Statutes, is
14 created to read:

15 231.6215 Student Fellowship Program.--

16 (1) The Student Fellowship Program is created to
17 provide 2-year scholarship loans of \$6,500 per year to
18 students who are residents of this state and who are rising
19 juniors at a state community college, state university, or
20 independent postsecondary education institution that is
21 eligible to participate in the Florida Resident Access Grant
22 or to education paraprofessional learning guides, as defined
23 in s. 231.700(3), who are pursuing a bachelor's degree in
24 order to become an associate teacher, as defined in s.
25 231.700(3).

26 (2) The Department of Education shall administer the
27 program in cooperation with participating postsecondary
28 education institutions.

29 (a) A student fellowship recipient shall participate
30 in a 12-month program developed by the participating
31

1 postsecondary education institution in consultation with the
2 department.

3 (b) The recipient must receive intensive preparation
4 in a content area combined with ongoing experience with school
5 children through internships or working with a master teacher
6 identified as a mentor.

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

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

24 (5) If a student fellowship recipient does not
25 graduate within 2 years, or if the recipient graduates but,
26 within the first 5 years after graduation, does not fulfill
27 the required employment as a teacher in a public school in
28 this state, the fellowship recipient must repay the total
29 amount awarded, plus annual interest of 8 percent.

30 (a) Interest begins accruing the first day of the 13th
31 month after the fourth anniversary of the month in which the

1 recipient receives a baccalaureate degree, or after the month
2 in which enrollment as a full-time student is terminated.
3 Interest does not accrue during any period of deferment or
4 eligible teaching service.

5 (b) The repayment period begins the first day of the
6 13th month after the month in which the fourth anniversary of
7 college graduation occurs or after the month in which
8 enrollment as a full-time student is terminated.

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

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

25 (6) All funds appropriated to or otherwise received by
26 the Student Fellowship Program for scholarships, all funds
27 received as repayment of scholarship loans, and all interest
28 earned on these funds must be placed in a revolving fund
29 within the State Student Financial Assistance Trust Fund.
30 Notwithstanding the provisions of s. 216.301, and pursuant to
31 s. 216.351, any balance in the fund at the end of any fiscal

1 year which has been allocated to the Student Fellowship
2 Program must remain in the fund and will be available for
3 carrying out the purposes of this section. With the prior
4 approval of the Legislature in the General Appropriations Act,
5 the revolving fund may also be used for campus and summer
6 program support and costs relating to disbursement of awards
7 and the collection of loan repayments.

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

10 Section 54. Subsections (2) and (3) of section
11 231.625, Florida Statutes, are amended to read:

12 231.625 Teacher recruitment and retention.--

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

15 (a) Advertise teacher positions in targeted states.

16 (b) Advertise in major newspapers, national
17 professional publications, and other professional publications
18 and in schools of education.

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

20 (d) Develop standardized resumes for teacher applicant
21 data.

22 (e) Conduct periodic communications with district
23 personnel directors regarding applicants.

24 (f) Provide district access to the applicant database
25 by computer or telephone.

26 (g) Develop and distribute promotional materials
27 related to teaching as a career.

28 (h) Publish and distribute information pertaining to
29 employment opportunities, application procedures, teacher
30 certification, and teacher salaries.

31

1 (i) Provide information related to ~~alternative~~
2 certification procedures.

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

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

7 (3) The Department of Education ~~Office of Teacher~~
8 ~~Recruitment and Retention Services~~, in cooperation with
9 district personnel offices, shall sponsor a job fair in a
10 central part of the state to match in-state educators and
11 out-of-state educators with teaching opportunities in this
12 state.

13 Section 55. Subsections (2) and (4) of section
14 231.6255, Florida Statutes, are amended to read:

15 231.6255 Christa McAuliffe Ambassador for Education
16 Program.--

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

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

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

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

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

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

1 (f) Provide information to retired military personnel
2 and other individuals who might consider teaching as a second
3 career.

4 (g) Work with and represent the Department of
5 Education ~~Office of Teacher Recruitment and Retention~~
6 ~~Services~~, as needed.

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

9 (i) Support the activities of the Florida Future
10 Educator of America Program.

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

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

16 ~~(4)(a) The Department of Education and the Office of~~
17 ~~Teacher Recruitment and Retention Services shall administer~~
18 ~~the program.~~

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

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

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

31 231.63 Florida Educator Hall of Fame.--

1 (1) The Florida Educator Hall of Fame is established
2 ~~It is the intent of the Legislature~~ to recognize and honor
3 those persons, living or dead, who have made significant
4 contributions to education in this state.

5 (2)(a) ~~There is hereby established the Florida~~
6 ~~Educator Hall of Fame.~~The Florida Educator Hall of Fame shall
7 be located in an area on the Plaza Level of the Capitol
8 Building.

9 (4) ~~In the first year, the Commissioner of Education~~
10 ~~shall name no more than 10 members to the Florida Educator~~
11 ~~Hall of Fame. Thereafter,~~The Commissioner of Education shall
12 name no more than four members to the Florida Educator Hall of
13 Fame in any 1 year.

14 Section 57. Section 231.65, Florida Statutes, is
15 repealed.

16 Section 58. Section 231.67, Florida Statutes, is
17 amended to read:

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

20 231.67 The Florida Teachers Lead Program Stipend.--

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

31

1 (2) From the funds allocated to each district, the
2 district school board shall calculate an identical amount for
3 each classroom teacher which is his or her proportionate share
4 of the amount allocated to the district for the total number
5 of teachers in the district. The district school board shall
6 provide the funds no later than September 30 of each year
7 directly to each teacher as a stipend to purchase, on behalf
8 of the school district, classroom materials and supplies to be
9 used in the instruction of students assigned to the teacher.
10 Each teacher shall have sole discretion regarding which
11 classroom materials and supplies best meet the needs of the
12 students, when they are needed, and where they are acquired.
13 The funds expended by individual teachers shall not be subject
14 to state or local competitive bidding requirements.
15 Disbursement of Florida Teachers Lead Program Stipend funds
16 directly to each teacher shall complete the school district's
17 expenditure of these funds.

18 (3) Each teacher shall sign a statement acknowledging
19 receipt of the funds, agreeing to keep receipts to show the
20 expenditure of the funds used to purchase classroom materials
21 and supplies for use in the instruction of the students
22 assigned to them, and agreeing to return any unused funds by
23 the end of the regular school year. The statement to be signed
24 and dated by each teacher for receipt of the Florida Teachers
25 Lead Program Stipend shall include the wording: "I, ...(Name
26 of teacher)..., am employed by the County District School
27 Board as a full-time classroom teacher. I acknowledge that
28 Florida Teachers Lead Program Stipend funds are appropriated
29 by the Legislature for the sole purpose of purchasing
30 classroom materials and supplies to be used in the instruction
31 of students assigned to me. In accepting custody of these

1 funds, I agree to keep receipts for all expenditures. I
2 understand that if I do not keep receipts showing these funds
3 were spent to purchase classroom materials and supplies for
4 use with my students, it will be my personal responsibility to
5 pay any federal taxes due on these funds. I also agree to
6 return any unused funds to the district school board at the
7 end of the regular school year for deposit into the School
8 Advisory Council account of the school at which I was employed
9 at the time of the receipt of the funds."

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

13 (5) Any unused funds which are returned to the
14 district school board shall be deposited into the School
15 Advisory Council account of the school at which the teacher
16 returning the funds was employed at the time of the receipt of
17 the funds.

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

28 Section 59. Section 231.700, Florida Statutes, is
29 created to read:

30 231.700 Florida Mentor Teacher School Pilot Program.--
31

1 (1) The Legislature recognizes that high-quality
2 teachers are essential to assuring excellence and increasing
3 the achievement levels of all students. The purpose of this
4 section is to provide a model to reform and improve the
5 current structure of the teaching profession. There is created
6 a Florida Mentor Teacher School Pilot Program to attract,
7 retain, and motivate high-quality teachers. The program shall
8 be implemented by the 2001-2002 school year. The pilot schools
9 shall be selected by the Commissioner of Education no later
10 than July 1, 2001. The commissioner shall select a combination
11 of elementary, middle, and high schools representing small,
12 medium, and large districts. Each approved school shall
13 receive an equivalent grant based upon the number of schools
14 selected by the Commissioner and the amount of the legislative
15 appropriation. Each mentor teacher school program shall be
16 approved based on criteria specified by the commissioner.

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

19 (a) Provide teachers with multiple career paths,
20 beginning as education paraprofessionals and rising to
21 associate teachers, teachers, lead teachers, and mentor
22 teachers. The five levels must have highly differentiated
23 duties. The mentor teacher shall have a reduced teaching
24 schedule that permits weekly instruction to all students under
25 the mentor teacher's supervision while also allowing for
26 demonstration lessons, coaching, facilitating curriculum
27 development, and providing staff development for other
28 teachers at the school.

29 (b) Establish broad salary ranges to provide
30 flexibility and to reward performance and to negotiate
31 salaries to attract teachers to hard-to-staff schools and

1 subjects. Advancement shall be determined by academic
2 achievement, examination, demonstration, and student learning
3 gains data. Each mentor teacher shall be eligible for a total
4 annual salary incentive of up to twice the average district
5 classroom teacher's salary. Fifty percent of the mentor
6 teacher salary incentive shall be based on increased student
7 achievement of students assigned to the supervision of the
8 mentor teacher.

9 (c) Provide ongoing professional development for
10 teachers to learn and grow professionally that includes a
11 daily block of time for associate teachers, teachers, and lead
12 teachers to reflect and plan and to interact with the mentor
13 teacher.

14 (d) Provide all eligible teachers with the opportunity
15 for national certification.

16 (e) Provide for a specified organizational pattern,
17 such as clusters or teams of teachers for grade levels or
18 subject areas comprised of associate teachers, teachers, and
19 lead teachers who are supported by education paraprofessional
20 learning guides and directed by a mentor teacher.

21 (3) The five teacher career development positions and
22 minimum requirements are:

23 (a) Education paraprofessional learning guide.--An
24 education paraprofessional learning guide must hold an
25 associate degree from an institution of higher learning and
26 must demonstrate appropriate writing, speaking, and
27 computation skills.

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

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

7 (d) Lead teacher.--A lead teacher must hold a
8 bachelor's degree or higher from an institution of higher
9 learning and a valid Florida professional teaching
10 certificate, have a minimum of 3 years' full-time teaching
11 experience, document exemplary teaching performance, and
12 document evidence of significant positive student learning
13 gains, when that data becomes available. A lead teacher shall
14 provide intensive support for associate teachers and teachers.

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

26 (4) The Commissioner of Education may adopt rules,
27 pursuant to ss. 120.536(1) and 120.54, for the implementation
28 of this section and approval of the mentor teacher school
29 program.

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

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

4 236.081 Funds for operation of schools.--If the annual
5 allocation from the Florida Education Finance Program to each
6 district for operation of schools is not determined in the
7 annual appropriations act or the substantive bill implementing
8 the annual appropriations act, it shall be determined as
9 follows:

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

14 (m) Calculation of additional full-time equivalent
15 membership based on college board advanced placement scores of
16 students.--A value of 0.24 full-time equivalent student
17 membership shall be calculated for each student in each
18 advanced placement course who receives a score of 3 or higher
19 on the College Board Advanced Placement Examination for the
20 prior year and added to the total full-time equivalent student
21 membership in basic programs for grades 9 through 12 in the
22 subsequent fiscal year. Each district must allocate at least
23 80 percent of the funds provided to the district ~~appropriated~~
24 for advanced placement instruction, in accordance with this
25 paragraph, to the high school that generates the funds. The
26 school district shall distribute to each classroom teacher who
27 provided advanced placement instruction:

28 1. A bonus in an amount equal to 20 percent of the
29 funds generated by his or her students according to this
30 paragraph, for those teachers who provided advanced placement
31 instruction in a school that was designated as school

1 performance grade category "A," "B," or "C" during the
2 previous school year, pursuant to s. 229.57.

3 2. A bonus in an amount equal to 30 percent of the
4 funds generated by his or her students according to this
5 paragraph, for those teachers who provided advanced placement
6 instruction in a school that was designated as school
7 performance category grade "D" or "F" during the previous
8 school year, pursuant to s. 229.57.

9
10 A bonus awarded to a teacher according to this paragraph shall
11 be in addition to any regular wage or other bonus the teacher
12 has received or is scheduled to receive.

13 (3) INSERVICE EDUCATIONAL PERSONNEL TRAINING
14 EXPENDITURE.--Of the amount computed in subsections (1) and
15 (2), a percentage of the base student allocation per full-time
16 equivalent student shall be expended for educational training
17 programs as determined by the district school board as
18 provided in s. 231.600 ~~236.0811~~. This percentage shall remain
19 constant and shall be calculated by dividing \$6 by the
20 1990-1991 base student allocation. At least two-thirds of the
21 funds so determined shall be expended as provided in s.
22 231.600, and such funds may be used for implementation of the
23 demonstration of professional education competence program as
24 provided in s. 231.17. Funds as provided herein may be
25 expended only for the direct support of inservice training
26 activities as prescribed below:

27 (a) Salaries and benefits of:

28 1. Personnel directly administering the approved
29 inservice training program.

30 2. School board employees while such personnel are
31 conducting an approved inservice training program.

1 3. Substitutes for personnel released to participate
2 in an approved inservice training program or an inservice
3 council activity.

4 (b) Other direct operating expenses, excluding capital
5 outlay, required for administering the approved inservice
6 training program, including, but not limited to, the
7 following:

8 1. Inservice training materials for approved inservice
9 training activities.

10 2. Data processing for approved inservice training
11 activities.

12 3. Telephone for the approved inservice training
13 program.

14 4. Office supplies for the personnel administering the
15 approved inservice training program.

16 5. Duplicating and printing for approved inservice
17 training activities.

18 6. Fees and travel and per diem expenses for
19 consultants used in conducting approved inservice training
20 activities.

21 7. Travel and per diem expenses for school district
22 personnel attending approved inservice conferences, workshops,
23 or visitations to schools.

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

26 (c) Compensation may be awarded under this subsection
27 to employees engaged in inservice training activities which
28 are outside of, or in addition to, regular hours of duty
29 assignments or a regular day of a contract period for which
30 regular compensation is provided. No moneys shall be
31 authorized under this subsection for additional salaries and

1 benefits constituting dual compensation to employees
2 participating in inservice activities if such activities are
3 within regular hours of duty assignments or within a regular
4 day of a contract period for which regular compensation is
5 provided.

6 (d) Funds may be expended to pay tuition or
7 registration fees for college courses provided the course is
8 identified in the district's approved master plan and the
9 employee does not receive college credit. However, an employee
10 may be awarded college credit for successful participation in
11 exempted inservice programs that are identified by the
12 Department of Education in State Board of Education rule and
13 for which the employee shall pay the regular tuition and
14 registration fees assessed by the credit-granting institution.
15 Courses for these exempted programs shall be arranged and
16 conducted in compliance with procedures that are developed
17 cooperatively by the Department of Education and the Board of
18 Regents and are also included in State Board of Education
19 rule. Provision for payment of tuition and registration fees
20 for such credit-earning courses shall be contained in State
21 Board of Education rule.

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

24 236.08106 Excellent Teaching Program.--

25 (2) The Excellent Teaching Program is created to
26 provide categorical funding for monetary incentives and
27 bonuses for teaching excellence. The Department of Education
28 shall distribute to each school district or to the NBPTS an
29 amount as prescribed annually by the Legislature for the
30 Excellent Teaching Program. For purposes of this section, the
31 Florida School for the Deaf and the Blind shall be considered

1 a school district.Unless otherwise provided in the General
2 Appropriations Act, each distribution shall be the sum of the
3 amounts earned for the following incentives and bonuses:
4 (a) A fee subsidy to be paid by the Department of
5 Education to the NBPTS on behalf of each individual who is an
6 employee of a district school board or a public school within
7 the school district, who is certified by the district to have
8 demonstrated satisfactory teaching performance pursuant to s.
9 231.29 and who satisfies the prerequisites for participating
10 in the NBPTS certification program, and who agrees, in
11 writing, to pay 10 percent of the NBPTS participation fee and
12 to participate in the NBPTS certification program during the
13 school year for which the fee subsidy is provided. The fee
14 subsidy for each eligible participant shall be an amount equal
15 to 90 percent of the fee charged for participating in the
16 NBPTS certification program, ~~but not more than \$1,800 per~~
17 ~~eligible participant.~~ The fee subsidy is a one-time award and
18 may not be duplicated for any individual.
19 (d) An annual bonus equal to 10 percent of the prior
20 fiscal year's statewide average salary for classroom teachers
21 to be distributed to the school district to be paid to each
22 individual who meets the requirements of paragraph (c) and
23 agrees, in writing, to provide the equivalent of 12 workdays
24 of mentoring and related services to public school teachers
25 within the state district who do not hold NBPTS certification.
26 The district school board shall distribute the annual bonus in
27 a single payment following the completion of all required
28 mentoring and related services for the year. It is not the
29 intent of the Legislature to remove excellent teachers from
30 their assigned classrooms; therefore, credit may not be
31 granted by a school district or public school for mentoring or

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

3
4 A teacher for whom the state pays the certification fee and
5 who does not complete the certification program or does not
6 teach in a public school of this state for a least 1 year
7 after completing the certification program must repay the
8 amount of the certification fee to the state. However, a
9 teacher who completes the certification program but fails to
10 be awarded NBPTS certification is not required to repay the
11 amount of the certification fee if the teacher meets the
12 1-year teaching requirement. Repayment is not required of a
13 teacher who does not complete the certification program or
14 fails to fulfill the teaching requirement because of the
15 teacher's death or disability or because of other extenuating
16 circumstances as determined by the State Board of Education.

17 Section 62. Section 236.0811, Florida Statutes, is
18 repealed.

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

23 240.529 Public accountability and state approval for
24 teacher preparation programs.--

25 (1) INTENT.--The Legislature recognizes that skilled
26 teachers make an important contribution to a system that
27 allows students to obtain a high-quality education. The intent
28 of the Legislature is to establish a system for development
29 and approval of teacher preparation programs that will free
30 postsecondary teacher preparation institutions to employ
31 varied and innovative teacher preparation techniques while

1 being held accountable for producing graduates with the
2 competencies and skills necessary to achieve the state
3 education goals; help the state's diverse student population,
4 including students with limited English proficiency, ~~students~~
5 meet high standards for academic achievement; maintain safe,
6 secure classroom learning environments; and sustain the state
7 system of school improvement and education accountability
8 established pursuant to ss. 229.591 and 229.592. ~~To further~~
9 ~~this intent, the Commissioner of Education shall appoint a~~
10 ~~Teacher Preparation Program Committee for the purpose of~~
11 ~~establishing core curricula in each state-approved teacher~~
12 ~~preparation program. The committee shall consist of~~
13 ~~representatives from presidents of public and private colleges~~
14 ~~and universities, deans of colleges of education, presidents~~
15 ~~of community colleges, district school superintendents, and~~
16 ~~high-performing teachers. The curricula shall be focused on~~
17 ~~the knowledge, skills, and abilities essential to instruction~~
18 ~~in the Sunshine State Standards, with a clear emphasis on the~~
19 ~~importance of reading at all grade levels. The committee~~
20 ~~shall report its recommendations to the State Board of~~
21 ~~Education by January 1, 2000, and at that time may be~~
22 ~~dissolved.~~ The State Board of Education shall adopt rules
23 pursuant to ss. 120.536(1) and 120.54, that establish uniform
24 core curricula for each state-approved teacher preparation
25 program ~~and shall use this report in the development of such~~
26 ~~rules.~~

27 (2) DEVELOPMENT OF TEACHER PREPARATION PROGRAMS.--A
28 system developed by the Department of Education in
29 collaboration with institutions of higher education shall
30 assist departments and colleges of education in the
31 restructuring of their programs to meet the need for producing

1 quality teachers now and in the future. The system must be
2 designed to assist teacher educators in conceptualizing,
3 developing, implementing, and evaluating programs that meet
4 state-adopted standards. The Education Standards Commission
5 has primary responsibility for recommending these standards to
6 the State Board of Education for adoption. These standards
7 shall emphasize quality indicators drawn from research,
8 professional literature, recognized guidelines, Florida
9 essential teaching competencies and educator-accomplished
10 practices, effective classroom practices, and the outcomes of
11 the state system of school improvement and education
12 accountability, as well as performance measures. Departments
13 and colleges of education shall emphasize ~~make every attempt~~
14 ~~to secure priority funding for teacher preparation programs~~
15 ~~and courses emphasizing~~ the state system of school improvement
16 and education accountability concepts and standards, including
17 Sunshine State Standards. State-approved teacher preparation
18 programs must incorporate appropriate English for Speakers of
19 Other Languages instruction so that program graduates will
20 have completed the requirements for teaching limited English
21 proficient students in Florida public schools.

22 (3) INITIAL STATE PROGRAM APPROVAL.--

23 (a) A program approval process based on standards
24 adopted pursuant to subsection (2) must be established for
25 postsecondary teacher preparation programs, phased in
26 according to timelines determined by the Department of
27 Education, and fully implemented for all teacher preparation
28 programs in the state. Each program shall be approved ~~choose~~
29 ~~one of the following options:~~

30 1. ~~An approval process that incorporates those~~
31 ~~provisions and requirements necessary for recognition by the~~

1 ~~National Council for the Accreditation of Teacher Education~~
2 ~~and that provides for joint accreditation and program approval~~
3 ~~review by the state and the National Council for the~~
4 ~~Accreditation of Teacher Education for those units seeking~~
5 ~~initial or continuing accreditation. The approval process must~~
6 ~~be consistent with the intent set forth in subsection (1); or~~
7 ~~2. An alternative program approval process developed~~
8 ~~by the department, . This alternative approval process must be~~
9 ~~consistent with the intent set forth in subsection (1) and~~
10 ~~based primarily upon significant, objective, and quantifiable~~
11 ~~graduate performance measures. This approval process may not~~
12 ~~be based on National Council for the Accreditation of Teacher~~
13 ~~Education provisions and requirements.~~

14

15 ~~For purposes of this section, the term "unit" is defined by~~
16 ~~the National Association for the Accreditation of Teacher~~
17 ~~Education and means the college, school, department, or other~~
18 ~~administrative body within the institution that is primarily~~
19 ~~responsible for the preparation of teachers and other~~
20 ~~professional education personnel. The term "program" is~~
21 ~~defined by the State Board of Education and means a set of~~
22 ~~courses, activities, or other experiences designed to help~~
23 ~~individuals develop the competencies required for a specified~~
24 ~~type of certification coverage.~~

25 (4) CONTINUED PROGRAM APPROVAL.--Notwithstanding
26 subsection (3), failure by a public or nonpublic teacher
27 preparation program to meet the criteria for continued program
28 approval shall result in loss of program approval. The
29 Department of Education, in collaboration with the departments
30 and colleges of education, shall develop procedures for

31

1 continued program approval which document the continuous
2 improvement of program processes and graduates' performance.
3 (b) Additional criteria for continued program approval
4 for public institutions may be developed by the Education
5 Standards Commission and approved by the State Board of
6 Education. Such criteria must emphasize instruction in outcome
7 ~~measures of student performance in the areas of~~ classroom
8 management and must provide for the evaluation of the teacher
9 candidates' performance in this area. The criteria shall also
10 require instruction in working with underachieving students.
11 ~~improving the performance of students who have traditionally~~
12 ~~failed to meet student achievement goals and have been~~
13 ~~overrepresented in school suspensions and other disciplinary~~
14 ~~actions, and~~ Program evaluation procedures must include, but
15 are need not be limited to, program graduates' satisfaction
16 with instruction training and the program's unit's
17 responsiveness to local school districts. Additional criteria
18 for continued program approval for nonpublic institutions
19 shall be developed in the same manner as for public
20 institutions; however, such criteria must be based upon
21 significant, objective, and quantifiable graduate performance
22 measures. Responsibility for collecting data on outcome
23 measures through survey instruments and other appropriate
24 means shall be shared by the institutions of higher education,
25 the Board of Regents, the State Board of Independent Colleges
26 and Universities, and the Department of Education. By January
27 1 of each year, the Department of Education, in cooperation
28 with the Board of Regents and the State Board of Independent
29 Colleges and Universities, shall report this information for
30 each postsecondary institution that has state-approved
31 programs of teacher education to the Governor, the

1 Commissioner of Education, the Chancellor of the State
2 University System, the President of the Senate, the Speaker of
3 the House of Representatives, all Florida postsecondary
4 teacher preparation programs, and interested members of the
5 public. This report must analyze the data and make
6 recommendations for improving teacher preparation programs in
7 the state.

8 (e) Beginning July 1, 2000, continued approval of
9 teacher preparation programs is contingent upon compliance
10 with the student admission requirements of subsection (3) and
11 upon the receipt of at least a satisfactory rating from public
12 schools and nonpublic schools that employ graduates of the
13 program. Employer satisfaction shall be determined by an
14 annually administered survey instrument approved by the
15 Department of Education that, at a minimum, must include
16 employer satisfaction of the graduates' ability to do the
17 following:

18 1. Write and speak in a logical and understandable
19 style with appropriate grammar.

20 2. Recognize signs of students' difficulty with the
21 reading and computational process and apply appropriate
22 measures to improve students' reading and computational
23 performance.

24 3. Use and integrate appropriate technology in
25 teaching and learning processes.

26 4. Demonstrate knowledge and understanding of Sunshine
27 State Standards.

28 (f)1. Beginning with the 2000-2001 academic year, each
29 Florida public and private institution that offers a
30 state-approved teacher preparation program ~~in this state~~ must
31 annually report information regarding these programs to the

1 state and the general public. This information shall be
2 reported in a uniform and comprehensible manner that conforms
3 with definitions and methods proposed by the Education
4 Standards Commission, that is consistent with definitions and
5 methods approved by the Commissioner of the National Center
6 for Educational Statistics, and that is approved by the State
7 Board of Education. Beginning with the 2001-2002 academic
8 year, this information must include, at a minimum:

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

11 b. The average length of stay of graduates in their
12 full-time teaching positions.

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

14 2. Beginning with the 2001-2002 academic year, each
15 public and private institution offering training for school
16 readiness-related professions, including training in the
17 fields of child care and early childhood education, whether
18 offering vocational credit, associate in science degree
19 programs, or associate in arts degree programs, shall annually
20 report information regarding these programs to the state and
21 the general public in a uniform and comprehensible manner that
22 conforms with definitions and methods proposed by the
23 Education Standards Commission. This information must include,
24 at a minimum:

25 a. Average length of stay of graduates in their
26 positions.

27 b. Satisfaction ratings of graduates' employers.

28
29 This information shall be reported through publications,
30 including ~~such as~~ college and university catalogs and
31 promotional materials sent to potential applicants, secondary

1 school guidance counselors, and prospective employers of the
2 institution's program graduates.

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

6 Section 64. This act shall take effect July 1, 2000.

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