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DATE: March 28, 2001

**HOUSE OF REPRESENTATIVES
COMMITTEE ON
GENERAL EDUCATION
ANALYSIS**

BILL #: CS/HB 1193

RELATING TO: Education

SPONSOR(S): Committee on General Education and Representative Arza

TIED BILL(S):

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

- (1) GENERAL EDUCATION YEAS 12 NAYS 0
 - (2) STATE ADMINISTRATION
 - (3) COUNCIL FOR LIFELONG LEARNING
 - (4)
 - (5)
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I. SUMMARY:

HB 1193 contains provisions intended to get more, and better, teachers into the classroom. The bill:

- Allows certification by local school districts of adjunct educators. These "adjunct teachers" will be persons qualified by professional or life experience to teach in a certain narrow area, on a part-time basis. Examples: Ex-legislators teaching government or political science classes; ex-pro or college athletes coaching; ex-systems engineers teaching computer science; retired attorneys teaching practical law classes; or ex-NASA scientists teaching physics.
- Authorizes the use of an approved alternative certification program by a district other than that which developed the program.
- Requires each district school board to develop policies and procedures relating to the reporting (to DOE) of complaints against teachers; and provides for penalties for non-reporting.
- Authorizes the temporary suspension, if deemed necessary to protect the health, safety, and welfare of students, of a teacher from his or her regularly assigned duties, pending the completion of proceedings. Temporary suspension from direct student contact is with pay.
- Requires a school board, subject to applicable collective bargaining requirements, to recognize and accept years of service from other districts for purposes of pay. The purpose of this is to facilitate the movement of teachers from areas with a surplus of teachers to an area needing teachers.
- Requires the Department of Education to develop and implement a system for posting teacher vacancies, establish a database of teacher applicants, develop a long-range plan for educator recruitment and retention, and identify best practices for retaining high-quality teachers.
- Allows mentor teachers to mentor other teachers during planning time.
- Provides that the part-time certificate for coaches will no longer be just for part-time coaches. (An amendment is needed to meet the intent of this change; the phrase "or a certificate covering athletic coaching" was inadvertently left out of the bill. Coaches who currently qualify under a part-time certificate will, pursuant to forthcoming rulemaking, be considered qualified for an athletic coaching certificate that will be applicable to either part-time or full-time athletic coaches.)
- Deletes provisions relating to salary supplements provided to teachers selected to teach at certain low-performing schools. No money has been allocated in the state budget for these supplements this year. If these provisions were not removed from the statutes, each school district would be responsible for paying these supplements out of their regular budget.

This bill does not appear to have a significant fiscal impact upon state or local funds.

II. SUBSTANTIVE ANALYSIS:

A. DOES THE BILL SUPPORT THE FOLLOWING PRINCIPLES:

- | | | | |
|-----------------------------------|------------------------------|-----------------------------|---|
| 1. <u>Less Government</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 2. <u>Lower Taxes</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 3. <u>Individual Freedom</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 4. <u>Personal Responsibility</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 5. <u>Family Empowerment</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |

For any principle that received a "no" above, please explain:

B. PRESENT SITUATION:

Projected Teacher Shortage In Florida

A study by the Office of Economic and Demographic Research, of the Florida Legislature, projects that over the next 10 years there will be a need for 162,000 teachers to replace the teachers expected to retire or otherwise terminate their employment in Florida's public schools. Demographics indicate that the need for teachers will be remarkably steady, spread out over the ten years, with a projection of almost exactly 16,000 new teachers each year.

The figure of 16,000 teachers needed per year represents the number of *gross* vacancies (the number of teaching positions that will come open). Of these gross vacancies:

- 36% will be in elementary education
- 26% will be Exceptional Student Education (ESE)
- 9% will be in math or computer science
- 6% will be in vocational education
- 5% will be in science
- 1% will be in foreign language
- 26% will be in everything else

The report states that known sources (colleges and universities with teacher education programs, and out-of-state recruitment, primarily) will supply around 85% of the need, leaving only a 15% gap to be filled through other means. This gap is projected to be a need of around 2,400 teachers per year.

The figure of 2,400 represents the *net* vacancies (those positions which are expected to come open and *which are not projected to be filled by waiting candidates*). And, net vacancies present a different picture than gross vacancies. Because there appears to be a substantial number of persons who are projected to become qualified in the areas such as elementary education and ESE, other subject matter areas are the areas that will primarily need recruitment and development. Therefore, among the net vacancies:

- 29% will be in vocational education

- 13% will be in math
- 13% will be in ESE
- 9% will be in elementary education
- 8% will be in science
- 5% will be in foreign language
- 23% will be in everything else

This means that over the next 10 years, according to the projected *net* vacancies, each year Florida will need to find:

671 vocational education teachers
316 math teachers
300 ESE teachers
223 elementary teachers
200 science teachers
129 foreign language teachers
671 teachers in all other categories

Alternative Certification Of Teachers (In General)

A study produced by DOE, in "Review of Florida Educator Certification," discussed the "alternative certification" issue and debate at length. Alternative certification is a strategy to allow persons who have not graduated from an approved teacher preparation program, but who have sufficient knowledge in the subject matter area, to teach (example: math or science majors who took no courses in teaching).

As the study reports, proponents and positions within the debate over the efficacy of alternative certification are many. From one perspective, universities have a vested interest in maintaining their domain over the preparation of teachers, asserting that programs outside colleges of education dilute the base of knowledge that identifies teaching as a profession. However, as just discussed, *the universities have not been able to fill the need for teachers, and are not projected to be able to do so in the future.* Meanwhile, local school districts clamor for a workforce that is adequate in both number and caliber to meet the educational needs of their growing student populations, yet may be ambivalent about assuming the primary responsibility of training new teacher candidates. Wedged between those positions, state departments of education are pressured to respond to critical shortages of teachers, to assist school districts by supplying a cadre of employees who hold some type of state-issued certificate to teach, and to maintain rigorous state standards for entry into the teaching profession.

New Jersey took the lead in 1984 to bridge the divide between an inadequate supply of full-blown, university-trained teachers and the stopgap remedy of issuing emergency certificates. The state enacted a highly centralized alternative certification program, characterized by regional training centers with district-based supervision of all candidates. Other states have followed, with various plans and models. The questions remain:

- Do non-traditional methods of teacher training transform teaching from a profession into a craft that can be mastered through on-the-job training?
- Or do thoughtfully designed alternative routes to certification offer a valid means of attracting individuals whose grounding in a subject field is often greater than that of the traditional education major?

- Can alternative teacher certification “alleviate teacher shortages while maintaining educational quality?”

Alternative Certification Of Teachers In Florida

Florida offers a number of alternative routes to certification for applicants who have not graduated from an approved teacher preparation program. Florida's alternative routes provide a means by which an applicant can qualify for and hold a nonrenewable temporary certificate while completing professional preparation requirements in addition to satisfaction of the education competency demonstration, and the certification examinations.

Completion of the 20 semester hours or professional preparation required by State Board of Education Rule 6A-4.006(2), Florida Administrative Code, can be accomplished in one of two ways. The most frequently used avenue is to satisfy the six hour student teaching requirement by completing two years of full time teaching and to take whatever courses are available at the closest institution during employment with the temporary certificate. Section 231.17(6), F. S. permits these individuals to hold an additional two-year temporary certificate to afford them additional time for completion of the professional preparation coursework.

Section 231.17 (7)(b), Florida Statutes, provides another mechanism for satisfying the professional preparation. District school systems may develop a competency-based alternative certification program by which instructional staff may satisfy the required professional preparation without pursuing the "a la carte" college course work route.

The district-developed program must be approved by the Department of Education, must include methods of identifying each participant's entry-level teaching competencies, and must require each applicant to:

- Have expertise in the subject;
- Meet requirements for specialization in a subject area in which certification is offered in Florida;
- Complete training in only those competency areas in which deficiencies are identified; and
- Complete the program and demonstrate professional education competence within two years after initial employment.

Legislation was passed in 2000 (s. 231.17[7][a]), F.S.) which directed the DOE to develop an alternative certification program by July 1, 2002. At that date, the program developed by DOE shall supercede the programs developed by each individual district.

See Section-by-Section portion of this analysis for additional details on the present situation related to each section.

C. EFFECT OF PROPOSED CHANGES:

Provisions in the bill are designed to get more, and better, teachers into the classroom, thereby addressing the prospective shortage of teachers in Florida. These provisions:

- Allow each school district to create the position of adjunct teacher. These "adjunct teachers" will be persons qualified by professional experience to teach in a certain narrow area, on a

part-time basis. Examples: Ex-pro or college athletes coaching; ex-systems engineers teaching computer science; ex-NASA scientists teaching physics; or ex-legislators teaching government or political science classes.

- Authorize the use of an approved alternative certification program by a district other than that which developed the program.
- Require the Department of Education to develop and implement a system for posting teacher vacancies, establish a database of teacher applicants, develop a long-range plan for educator recruitment and retention, and identify best practices for retaining high-quality teachers.
- Require a school board, subject to applicable collective bargaining requirements, to recognize and accept years of service from other districts for purposes of pay and retirement. The purpose of this is to facilitate the movement of teachers from areas with a surplus of teachers to an area needing teachers.
- Clarify requirements for mentor teachers, allowing them to mentor during planning time .
- Authorize the temporary suspension of a teacher's certificate, pending the completion of proceedings in order to protect the health, safety, and welfare of students.

D. SECTION-BY-SECTION ANALYSIS:

Adjunct Teachers

Section 1. Amends s. 228.041, F.S.

CURRENT SITUATION:

Official state estimates show that more than 162,000 new instructional personnel will be needed in Florida between now and 2110. According to DOE, in this year alone, more than 14,000 teachers are expected to resign or terminate their employment.

There are no current statutory provisions for persons who have subject area expertise but are not teacher trained to be certified and hired as instructors for Florida's public schools.

EFFECT OF PROPOSED CHANGES:

Places adjunct educators within the definition of "instructional personnel," making them a variety of "other instructional staff " in paragraph (d) of s. 228.041(9), F.S.

Removing Supplements For Teachers At "D" And "F" Schools

Section 2. Amends s. 230.23, F.S.

CURRENT SITUATION:

Currently, the section contains provisions:

- Giving a teacher who is assigned to a "D" or "F" school, or an alternative school for disruptive or violent youths, on the basis of his or her performance appraisal and student performance data, an annual supplement of between \$1,000 and \$3,500.
- Making a teacher who is deemed effective by positive leaning gains of his or her students, as measured by FCAT, and who chooses to teach at a "D" or "F" school, or an alternative school for disruptive or violent youths, eligible for an annual supplement of between \$1,000 and \$3,500.

- Providing that in the absence of FCAT assessment, learning gains shall be as provided in s. 229.57(12), F.S., and that any supplement received due to these provisions shall be in addition to any other local or state incentives based upon performance.

This year, no funds are in the House budget for the purpose of the supplements. If these provisions were not removed from the statutes, each school district would be responsible for paying these supplements out of their regular budget.

EFFECT OF PROPOSED CHANGES:

The section strikes statutory language that requiring supplements to be paid to teachers in "D" and "F" schools.

Part-Time Coaching Certificate

Section 3. Amends s. 231.15, F.S.

CURRENT SITUATION:

Currently, in order to be employed as an athletic coach in Florida, the person must hold either a valid (1) part-time, (2) temporary, or (3) professional certificate. In order to teach in the classroom, a person must hold a temporary certificate or a professional certificate. Some coaches hold a professional certificate as a teacher, and teach in the classroom, in addition to their teaching duties. However, it is possible for a coach to hold only the part-time (athletic coach) certificate, in which case he may not teach in the classroom.

Anecdotal evidence indicates that some persons employed as a high school coach are not considered by their districts to be qualified to be a head coach in their coaching specialty (i.e., baseball, football, etc.), simply *because they hold a part-time certificate*. This situation can impose an unintended and unwarranted barrier to their professional advancement.

EFFECT OF PROPOSED CHANGES:

Provides that the coaching certificate will no longer be just for a part-time certificate.

This is not intended to eliminate the ability of a school or district to hire a coach on a part-time *basis*. The intent is to replace the part-time athletic coaching certificate with an athletic coaching certificate that may be used for either part-time or full-time coaching positions. The new certificate will have the same eligibility criteria as the existing part-time coaching certificate.

Alternative Certification

Section 4. Amends s. 231.17, F.S.

CURRENT SITUATION:

Currently, school districts may develop an alternative certification program that is approved by the Department of Education, but no current statute specifically allows districts to accept other districts' alternative certification programs.

EFFECT OF PROPOSED CHANGES:

Allows a school to use an alternative certification program which has been developed by another school, provided they notify DOE of their action, and provided DOE approves of any modifications made to that other school's alternative certification plan.

Certification of Adjunct Educators

Section 5. Creates s. 231.1726, F.S.

CURRENT SITUATION:

Official state estimates show that more than 162,000 new instructional personnel will be needed in Florida between now and 2110. According to DOE, in this year alone, more than 14,000 teachers are expected to resign or terminate their employment.

Currently, there is no provision allowing persons with a single, strong area of expertise to enter the classroom as a teacher.

EFFECT OF PROPOSED CHANGES:

Provides for certification of adjunct (part-time) educators. Adjunct teachers will be persons whose life experience, or years of work, qualify them to teach, yet who may not have academic qualifications or meet other requirements of the normal teacher certification process.

Provides that an adjunct teacher may be certified without having complied with certain paragraphs of s. 231.17(2), F.S. These paragraphs require the prospective teacher to show, through either acceptable examination passage, through holding a teaching certificate from another state (along with other qualification requirements), or through passage of various educational coursework, that they are qualified in areas termed (1) Mastery of General Knowledge; (2) Mastery of Subject Area Knowledge; and (3) Mastery of Professional Preparation and Education Competence.

The effect of removing these areas of qualification from the qualifications required for adjunct teachers is that it will allow these adjunct teachers to serve prior to having to pass an examination or take numerous hours of education school class work.

The section also requires that the district must assign a "peer teacher" to assist these adjunct teachers in their first year of teaching, and shall also provide the adjunct teacher with an orientation in classroom management, prior to assignment.

The section also provides that the adjunct teacher certificate shall be good for five years, and may be renewed under specified circumstances relating to completion of certain college course work, and a satisfactory evaluation during each year of teaching as an adjunct teacher.

Finally, the section provides that the adjunct teacher shall have all the rights and protections as other teachers.

Complaints Against Teachers and Suspension of Teachers

Section 6. Amends s. 231.262, F.S.

CURRENT SITUATION:

(Reporting complaints against teachers)

School districts are required to file in writing all legally sufficient complaints within 30 days after the date the complaint comes to the attention of the school district. However, there are currently no penalties in place if the school districts and/or superintendents do not comply with this statute.

(Power to issue an "emergency" suspension)

Currently, the DOE (through its Office of Professional Practice Services) investigates complaints against certified teachers. It takes action against the teacher only if:

- Legal sufficiency is determined;
- Evidentiary sufficiency is present;
- Probable cause to proceed is found (by the Commissioner);
- The teacher doesn't surrender his license;
- The teacher defaults, is found guilty by informal or formal (DOAH) hearing; and
- The Education Practices Commission takes final action, issuing a Final Order.

Neither the Education Practices Commission, nor the Commissioner of Education has the power or authority to issue anything like an "emergency suspension," such as that available to other agencies (such as the Secretary of the Department of Business and Professional Regulation, in s. 455.225[8], F.S.).

EFFECT OF PROPOSED CHANGES:

(Reporting complaints against teachers)

Adds language that states that each district school board shall develop policies and procedures to comply with the reporting requirement for complaints against certified educators and to ensure that the superintendent is promptly informed of each legally sufficient complaint. The policies shall include appropriate penalties for non-reporting by any school board personnel. The superintendent is charged with knowledge of these policies and procedures and is presumed to have knowledge of each legally sufficient complaint. If the superintendent has knowledge of a legally sufficient complaint (or *should* have known), and does not report the complaint, or if the superintendent fails to enforce the policies and procedures of the school board, the superintendent is subject to withholding of salary or forfeiture of a year's salary, as set forth in s. 230.33(13), F.S.

(Power to issue an "emergency" suspension from regularly assigned duties)

In 231.262 (5), new language is added that provides that if it is deemed necessary to protect the protection of the health, safety, and welfare of a minor student, the school district superintendent (in consultation with the principal) may -- and, if requested by the Commissioner of Education, the superintendent *shall* -- temporarily suspend a certificateholder from his regularly assigned duties, with pay, pending the completion of the proceedings and determination of sanctions, if any. This action is intended to be precautionary only, and is not intended to be considered disciplinary, since there is no action taken against the person's certificate.

Transfer of years-of-service

Section 7. Amends s. 231.36, F.S.

CURRENT SITUATION:

Currently, some districts limit the use of teaching experience from other districts or states. That is to say, when a teacher comes from outside of a school district the district may limit the number of years it will "credit" the new employee with, in terms of salary and other benefits. This limit varies from district to district.

EFFECT OF PROPOSED CHANGES:

This section provides that beginning July 1, 2001, each employee who enters into a professional service contract in a school district in which the employee was not employed as of June 30, 2001, for purposes of pay, a school board must, subject to any applicable collective bargaining requirements, recognize and accept each year of full-time teaching service in Florida, as reported for purposes of the Florida Retirement System, for which an employee received a satisfactory performance evaluation.

Covered persons will be teachers of public schools in FRS participating school districts. Teachers who purchase out-of-state service in the FRS will not be eligible, nor will teachers who claim service in nonpublic schools.

The intent is to give the same credit for the number of years of experience out of the district, as in the district. If the district uses "experience" as a part of their salary scale determinations, and/or collective bargaining, both teachers should be treated equally, whether experience is from within the district, or from another district in Florida.

Posting of teacher vacancies

Section 8. Amends s. 231.625, F.S.

CURRENT SITUATION:

Currently, there are no statutory requirements for the Department of Education to provide a system of posting teaching vacancies to keep a database of teacher applicants. The Department reports that it has established a web site called "TeachInFlorida.com" that does begin to address these issues, and posts such information; and that work on a long range plan for recruitment and retention has already begun.

EFFECT OF PROPOSED CHANGES:

This section provides that the Department of Education shall develop and implement a system for posting teaching vacancies and establish a database of teacher applicants which is accessible within and outside the state. It also requires the DOE to: (1) Develop a long-range plan for recruitment and retention of teachers; (2) Identify the best practices for keeping quality teachers, and (3) Establish, on a system available both inside and outside the state, a database of teacher vacancies and teacher applicants. Two criteria that are not specified in the committee substitute are: the due date of the plan and who receives the plan.

Florida Mentor Teacher School Pilot Program

Section 9. Amends section 231.700, F.S.

CURRENT SITUATION:

The Mentor Teacher School Pilot Program was established last year, and eight schools are currently participating in this pilot program. Currently, the law stipulates that participating teachers are required to hold professional certificates. According to the DOE, this language was added in error to the bill creating this pilot program last year.

EFFECT OF PROPOSED CHANGES:

Makes changes to requirements for the associate teacher of the five teacher career development positions in the Florida Mentor Teacher School Pilot Program. Whereas the associate teacher was previously required to hold a valid Florida professional certificate, this amendment would allow any valid Florida certificate, allowing an associate teacher to hold a temporary Florida certificate. Other changes to this section are technical.

Excellent Teaching Program

Section 10. Amends s. 236.08106, F.S.

CURRENT SITUATION:

Currently, mentoring time of the Excellent Teaching Program cannot be done during regular school hours so that the teachers will not be taken away from any of their teaching duties including time

not spent with students. Consequently, teachers cannot mentor another teacher during their planning time because planning time is during regular school hours.

EFFECT OF PROPOSED CHANGES:

This amendment changes language that disallowed the mentoring time during the regular school day for the Excellent Teaching Program bonus for mentoring. This language now states that the mentoring cannot be done during student contact time. This means that a teacher can mentor another teacher during planning time.

Technical changes relating to correcting references

Sections 11, 12, 13, 14, 15, and 16. Amends ss. 231.261, 230.2305, 231.045, 231.1725, 231.471, and 232.435, F.S., providing for technical changes regarding numbering of paragraphs; adding reference to s. 231.1726; requiring adjunct educators to meet the provisions relating to pre-k early intervention programs, background screening checks, minimum employment qualifications, teacher contracts, part-time teachers, and teacher apprentice trainer I.

Section 17. Provides that the bill shall take effect July 1, 2001.

III. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

See Fiscal Comments.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

See Fiscal Comments.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

The DOE offered the following comments:

Employment of Teachers with Prior Service

Section 7 dealing with employment of persons with teaching experience outside the district which would employ those persons as teachers after July 1, 2001 appears to need clarification. As

written, the bill would require school boards, for purposes of "pay and retirement"(but subject to applicable collective bargaining requirements) to recognize and accept each year of full-time teaching service, as reported for purposes of the Florida Retirement System (if the teacher received a satisfactory performance evaluation). This provision could discourage school districts from hiring teachers who would bring in significant years of service elsewhere and, therefore, add to a school and district budget for that higher salary and the applicable benefit costs.

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

A. APPLICABILITY OF THE MANDATES PROVISION:

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

B. REDUCTION OF REVENUE RAISING AUTHORITY:

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

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

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

V. COMMENTS:

A. CONSTITUTIONAL ISSUES:

None.

B. RULE-MAKING AUTHORITY:

None.

C. OTHER COMMENTS:

None.

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

None.

VII. SIGNATURES:

COMMITTEE ON COMMITTEE ON GENERAL EDUCATION:

Prepared by:

Staff Director:

Gip Arthur

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