

**HOUSE OF REPRESENTATIVES  
AS FURTHER REVISED BY THE  
GENERAL EDUCATION  
FINAL ANALYSIS**

**BILL #:** CS/CS/HB 1193, 2nd ENG.

**RELATING TO:** Education

**SPONSOR(S):** Council for Lifelong Learning, Committee on General Education and Representatives Arza, Atwater, and Brutus

**TIED BILL(S):** None

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

- (1) GENERAL EDUCATION YEAS 12 NAYS 0
- (2) STATE ADMINISTRATION YEAS 4 NAYS 0
- (3) COUNCIL FOR LIFELONG LEARNING YEAS 10 NAYS 3
- (4)
- (5)

**I. SUMMARY:**

CS/CS/HB 1193, 2nd ENGROSSED, contains provisions intended to get more, and better, teachers into the classroom, and to retain these teachers for a longer period. The Council Substitute:

- Provides that instructional personnel may elect to participate in the Deferred Retirement Option Program (DROP) at *any time* after the person reaches normal retirement date.
- Requires the superintendent to consult with the appropriate school principal before transferring a teacher.
- Allows school districts to certify adjunct educators. These "adjunct teachers" will be persons qualified by professional or life experience to teach in a certain subject area, on a *part-time* basis.
- Authorizes districts to use approved alternative certification programs designed by other districts.
- 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 school districts to treat years of teaching experience outside the district the same as years of teaching experience within the district, for purposes of pay.
- Allows certain regional educational consortia to participate in the inservice professional development system.
- 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, identify best practices for retaining high-quality teachers.
- Provides for coordination between local and state education and workforce entities to identify resources.
- Allows mentor teachers to mentor other teachers during planning time.
- Provides that an athletic coaching certificate may be used for a full-time or part-time position.
- Allows a temporary certificate to be used until the end of the current school year even if the teacher has not demonstrated mastery of general knowledge (passed the CLAST) within the required one year
- Deletes provisions relating to supplements for teachers at certain low-performing schools.
- Provides that school board policy determines what demonstrates sufficient subject area expertise.
- Provides for teacher bonuses for those teachers for each student performing satisfactorily in an International Baccalaureate (IB) course, and an additional bonus for teachers teaching in "D" or "F" schools who have at least one student performing satisfactorily in an IB course.
- Establishes three teacher education pilot programs for high-achieving students.

CS/CS 1193, 2nd Engrossed, does not require an appropriation. However, \$75,000 is appropriated in the General Appropriations Act (SB 2000, proviso for Specific Appropriation 194) to fund an implementation study for the pilot program in section 22 of the bill.

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 approximately 2,400 teachers per year, on average across the ten years.

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  
535 teachers in all other categories

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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 CS/CS/HB 1193, 2nd Engrossed, are designed to get more, and better, teachers into the classroom, and to retain them longer, thereby addressing the prospective shortage of teachers in Florida. These provisions:

- Provide that instructional personnel may elect to participate in the Deferred Retirement Option Program (DROP) at *any time* after the person reaches normal retirement date, rather than having to elect to do so within 12 months of reaching normal retirement date.
- Allow each school district to create the position of "adjunct teacher." These "adjunct teachers" will be persons qualified by education or 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.
- Allow principals more input into teachers being transferred into their schools.
- Allow district school board policy to determine what demonstrates subject area expertise in the subject area to be taught.
- Allow a temporary certificate to be used until the end of the school year, even if the teacher has not demonstrated mastery of general knowledge (passed the CLAST) at the end of the allowed one calendar year timeframe
- Allow regional educational consortia serving rural areas of critical economic concern to receive grants, and be exempt from the matching funds requirement, as a part of the statewide system of inservice professional development to provide inservice training and create professional development academies.
- Create three teacher education pilot programs for high-achieving students at the University of Central Florida, the University of North Florida, and the University of South Florida. To be selected for the program, students must demonstrate mastery of general knowledge and have a 3.3 GPA. The student spends the first three years in the university program and the fourth year in a paid teaching assignment at a specified school site. The student in the paid teaching assignment will have a "support team" with at least one mentor teacher to assist

the student. Students chosen to participate in the program are required to teach at least one year after they receive their degree.

- Authorize districts to use an approved alternative certification program designed by another district.
- 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; identify best practices for retaining high-quality teachers; and develop, in consultation with Workforce Florida, Inc., and the Agency for Workforce Innovation, a plan for accessing and identifying available resources in the state's workforce system for the purpose of enhancing teacher recruitment and retention.
- Require a district school board to contact the regional workforce board to identify resources that may assist teachers who are teaching out-of-field and who are pursuing certification.
- Require a school district to treat years of teaching experience outside the district the same as years of teaching experience within the district, for purposes of pay.
- Clarify requirements for mentor teachers, allowing them to mentor during planning time .
- Provide for an athletic coaching certificate that may be used for either part-time or full-time positions. The part-time certificate for athletic coaching will no longer be issued; however, those currently holding the part-time certificate will be able to continue using it for a part-time position.
- Provide that districts distribute to International Baccalaureate (IB) teachers bonuses for each student performing satisfactorily in an IB course, and an additional bonus for IB teachers teaching in "D" or "F" schools who have at least one student performing satisfactorily in an IB course.
- Require each district school board to develop policies and procedures relating to the reporting to the Department of Education any complaints against teachers. The policies and procedures are required to include penalties for non-reporting.
- Authorize the temporary suspension, with pay, of a teacher from direct student contact, pending the completion of proceedings in order to protect the health, safety, and welfare of students.
- Delete provisions relating to monetary supplements provided to teachers selected to teach at certain low-performing schools.

D. SECTION-BY-SECTION ANALYSIS:

**Teacher Bonuses for Students Performing Satisfactorily in an International Baccalaureate Program**

Section 1. Amends s. 236.081, F.S.

**CURRENT SITUATION:**

Currently, paragraph (m) of s. 236.081(1), F.S., provides for a \$50 bonus to teachers for each student that they have in an Advanced Placement (AP) course who achieves a score of 3 or higher on the AP examination, and a \$500 bonus for each teacher who teaches an AP course at a poorly performing (a "D" or "F") school, and who has at least one student who achieves a score of 3 or higher on the AP examination.

There is currently no similar bonus program for teachers teaching students in International Baccalaureate courses.

**EFFECT OF PROPOSED CHANGES:**

The section establishes ( in paragraph [k] of s. 236.081[1], F.S.) a teacher bonus program similar to the one established in paragraph (m) for teachers teaching Advanced Placement courses. Teachers will receive a \$50 bonus for each student in an International Baccalaureate (IB) course who achieves a score of 4 or higher in the IB examination, and will receive a \$500 bonus if they

teach an IB course at a "D" or "F" school and they have at least one student who receives a score of 4 or higher on the IB examination.

### **Participation in Deferred Retirement Option Program (DROP)**

Section 2. Amends s. 121.091, F.S.

#### **CURRENT SITUATION:**

The Deferred Retirement Option Program (DROP) allows a member of the Florida Retirement System (FRS), upon reaching his or her normal retirement date (either age 62, or 30 years of service), to defer retirement benefits (payment of pension) for up to five years, while continuing employment. At the end of that time, the employee would receive his or her retirement benefits in a lump sum, and be required to terminate employment.

The employee has 12 months subsequent to his or her normal retirement date to decide whether to enter the DROP program. After the expiration of that time, the employee may not enter the DROP program.

#### **EFFECT OF PROPOSED CHANGES:**

The section provides a special-case scenario treating instructional personnel (teachers) differently than other members of FRS, with regard to DROP. It provides that instructional personnel may elect to participate in DROP at any time after the person reaches their normal retirement date. In other words, a teacher could reach his or her normal retirement date, work for several more years, and still be able to elect to enter DROP and have five years for his or her retirement to accrue and be drawn in a lump sum upon retirement. The provision has the effect of extending the period instructional personnel may work and still be able to utilize the DROP program from a maximum of five-years-from-the-date-the-teacher-becomes-eligible-to-retire, to (instead) five-years-from-the-date-the-teacher-enters-DROP.

### **Adjunct Teachers**

Section 3. Amends s. 228.041, F.S.

#### **CURRENT SITUATION:**

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; Input by Principal Regarding a Teacher Being Transferred to his or her School**

Section 4. 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 learning gains of his or her students, as measured by the Florida Comprehensive assessment Test (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 General Appropriations Act (GAA) 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.

Also, currently, the district superintendent may assign a teacher or transfer a teacher to any school the superintendent chooses, without necessarily conferring or consulting with the school's principal.

**EFFECT OF PROPOSED CHANGES:**

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

The section also requires the superintendent to consult with the principal of the receiving school when transferring a teacher. If, in the judgment of the principal, students would not benefit from the placement, an alternative placement may be sought.

**Teachers Assigned Teaching Duties Outside Field/Demonstration of Sufficient Subject Area Expertise**

Section 5. Amends s. 231.095, F.S.

**CURRENT SITUATION:**

Section 231.095, F.S., provides that when a teacher in a district school system is assigned teaching duties in a class dealing with subject matter that is outside the field in which the teacher is certified, outside the field that was the applicant's minor field of study, or outside the field in which the applicant has demonstrated sufficient subject area expertise, the parents or guardians of all students in the class shall be notified in writing of such assignment.

**EFFECT OF PROPOSED CHANGES:**

The section provides that what constitutes "sufficient subject area expertise" shall be determined by each district school board.

**Teacher Teaching out-of-field/Assistance from Regional Workforce Board**

Section 6. Amends s. 231.096, F.S.

**CURRENT SITUATION:**

Section 231.096, F.S., provides that each district school board shall adopt and implement a plan to assist any teacher teaching out-of-field, and priority consideration in professional development activities shall be given to teachers who are teaching out-of-field. The district school board shall require that such teachers participate in a certification or staff development program designed to provide the teacher with the competencies required for the assigned duties. The board-approved assistance plan must include duties of administrative personnel and other instructional personnel to provide students with high-quality instructional services.

Regional workforce boards are created in s. 445.007, F.S. In addition to the duties and functions specified by Workforce Florida, Inc., and by the interlocal agreement approved by the local county or city governing bodies, the regional workforce board shall have the following responsibilities:

- (a) Develop, submit, ratify, or amend the local plan pursuant to Pub. L. No. 105-220, Title I, s. 118, and the provisions of the section.
- (b) Conclude agreements necessary to designate the fiscal agent and administrative entity. A public or private entity, including an entity established pursuant to s. 163.01, F.S., which makes a majority of the appointments to a regional workforce board may serve as the board's administrative entity if approved by Workforce Florida, Inc., based upon a showing that a fair and competitive process was used to select the administrative entity.
- (c) Complete assurances required for the charter process of Workforce Florida, Inc., and provide ongoing oversight related to administrative costs, duplicated services, career counseling, economic development, equal access, compliance and accountability, and performance outcomes.
- (d) Oversee the one-stop delivery system in its local area.

**EFFECT OF PROPOSED CHANGES:**

The section provides that each district school board must contact its regional workforce board to identify and access resources that may assist teachers teaching out-of-field and pursuing certification.

**Part-Time Coaching Certificate**

Section 7. 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 employed as a full-time head coach in their coaching specialty (i.e., baseball, football, etc.), simply *because they hold a part-time certificate*. This situation appears to impose an unintended and unwarranted barrier to their professional advancement.

**EFFECT OF PROPOSED CHANGES:**

Provides that the coaching certificate will no longer be just 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. According to the DOE, the new certificate will have the same eligibility criteria as the existing part-time coaching certificate. Individuals holding a part-time certificate may continue to be employed on a part-time basis with that certificate.*

**Employment of a Teacher Holding a Temporary Certificate; Alternative Certification Plans**

Section 8. Amends s. 231.17, F.S.

**CURRENT SITUATION:**

Currently, a person may be issued a temporary certificate to teach, if that person meets certain qualifications, not including requiring them to meet s. 231.17(2)(g), F.S., "mastery of general knowledge." *However, the teacher holding such a certificate must meet the requirement for mastery of general knowledge within one calendar year of the date of employment.* The school district is prohibited from employing that person beyond that one calendar year, if the person has not demonstrated such mastery by that time. This requirement is currently requiring schools to dismiss some teachers in the middle of the school year, creating a difficult situation in finding a replacement.

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 employ a teacher holding a temporary certificate (but who has not demonstrated mastery of subject area) until the end of the school year in which they have been contracted.

Also 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 9. 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.

Pursuant to s. 231.17(2), F.S., teacher certification by DOE requires 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.

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 by district school boards. Adjunct teachers will be persons whose educational experience, life experience, or years of work, qualifies them to teach, yet who may not have academic qualifications or meet other requirements of the normal teacher certification process. Adjunct teachers shall be part-time. The section provides that adjunct teachers shall be used to supplement, not supplant (replace) state certified teachers.

Provides that an adjunct teacher may be certified by the district without having complied with certain paragraphs of s. 231.17(2), F.S. for certification by the Department of Education, but requires that the adjunct teacher shall be at least 18 years old; file a written statement, under oath, to uphold the



principles in the Constitution of the United States and the Constitution of the State of Florida, hold at least a bachelor's degree with a 2.5 GPA, submit to a fingerprint check, be of good moral character, and be competent and capable of performing the duties, functions, and responsibilities of a teacher. Additionally, they must demonstrate "expertise" in the subject area. Expertise in the subject area in which an adjunct teacher will be teaching shall be demonstrated by either: (1) A minor in the subject area; or (2) School board policy, which will establish what will constitute "demonstration" of subject area mastery.

*The effect of removing these areas of eligibility for (DOE) certification from the qualification criteria used by districts for adjunct teachers is that it will allow these adjunct teachers to teach part-time without having to pass a state-required 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 10. 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, 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. The teacher is moved to a position that does not require direct student contact. 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 11. 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, and indeed the entire policy on this matter, 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 recognize and accept each year of full-time teaching service for which an employee received a satisfactory performance evaluation. This provision is not intended to interfere with the operation of collective bargaining agreements except to the extent that it requires the agreement to treat years of teaching experience outside the district the same as years of teaching experience within the district.

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.

### **Statewide System for Inservice Professional Development/Regional Educational Consortia**

Section 12. Amends s. 231.6135, F.S.

#### **CURRENT SITUATION:**

*(Regional educational consortiums)*

Regional educational consortium service organizations, authorized in s. 228.0857, F.S., are designed to stimulate cooperation between school districts in order that resources of one school district may be available to other school districts. It is further the legislative intent that such

organizations provide a full range of programs to larger numbers of students, minimize duplication of services, and encourage the development of new programs and services. The statute provides that each regional consortium service organization shall provide, at a minimum, three of the following services: exceptional student education; teacher education centers; environmental education; federal grant procurement and coordination; data processing; health insurance; risk management insurance; staff development; purchasing; and planning and accountability.

Each regional consortium service organization which consists of four or more school districts is eligible to receive, through the Department of Education, an incentive grant of \$25,000 per school district to be used for the delivery of services within the participating school districts.

There are, to date, three educational consortiums: Northeast Florida Educational Consortium; Panhandle Area Educational Consortium; and Heartland Educational Consortium (serving central Florida districts).

*(Inservice training for teachers)*

Section 231.6135, F.S. establishes a statewide system of professional development that provides a wide range of targeted inservice training to teachers, managers, and administrative personnel designed to "upgrade skills and knowledge needed to reach world class standards in education." The system consists of a network of professional development academies in each region of the state that are operated in partnership with area business partners to develop and deliver high-quality training programs purchased by school districts. The academies shall be established to meet the human resource development needs of professional educators, schools, and school districts. Funds appropriated for the initiation of professional development academies shall be allocated by the Commissioner of Education, unless otherwise provided in an appropriations act.

Among other requirements, the section provides (in subsection [5]) that to be eligible for startup funds, the academy must:

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

And, in subsection (6), the section provides that these academies must:

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

#### **EFFECT OF PROPOSED CHANGES:**

This section provides that regional educational consortia, as defined in s. 228.0857, F.S., satisfy the requirements set forth in s. 231.6135(5), F.S. It also provides that the regional educational consortia which serve rural areas of critical economic concern are exempt from the funding match required by s. 231.6135(6), F.S. The effect of this is that such regional educational consortia will not have to obtain matching funds from private industry for DOE grants to establish academies.

#### **Posting of teacher vacancies**

Section 13. 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) Establish, on a system available both inside and outside the state, a database of teacher vacancies and teacher applicants;
- (2) Develop, in consultation with school district staff, a long-range plan for recruitment and retention of teachers, and submit that plan by August 1, 2001, to the Legislature, Governor, and school districts;
- (3) Identify the best practices for keeping quality teachers; and
- (3) Develop, in consultation with Workforce Florida, Inc., and the Agency for Workforce Innovation a plan for accessing and identifying resources in the state's workforce system for the purpose of enhancing teacher recruitment and retention.

**Florida Mentor Teacher School Pilot Program**

Section 14. 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, the word *professional* 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. The associate teacher will be allowed to hold 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 15. 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:**

Allows the mentoring time during student contact time or the regular school day for the Excellent Teaching Program bonus for mentoring. This means that a teacher can mentor another teacher during planning time.

### **Technical changes relating to correcting references**

Sections 16, 17, 18, 19, 20, and 21. 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.

### **Program for High Achieving Students to Become Teachers**

Section 22. Creates s. 240.529, F.S.

#### **CURRENT SITUATION:**

Currently, there is no program for high achieving students in university teacher preparation programs to become teachers in a more timely manner than all other students in the teacher prep program at the university.

#### **EFFECT OF PROPOSED CHANGES:**

This amendment establishes a pilot program, at three universities (University of Central Florida, University of North Florida, and University of South Florida) for high-achieving students to become teachers.

It provides that:

- Students chosen to participate in the program shall teach at least one year after they receive their degree;
- The program shall consist of three years in the university teacher prep program, and one year of paid teaching at a specified school site, in the 4th year of the teacher prep program;
- The program shall include a "support team," trained in clinical education;
- A mentor teacher will be assigned to assist the student;
- The institutions participating in the program shall be given a waiver, allowing them to provide educational credits to these students during their 4th year, who are "learning by doing," rather than learning through classroom attendance; and
- Each student shall receive an individualized professional development plan which shall establish the methods and activities which shall gain the student these credits.

Each institution shall develop its own criteria for identifying "high-achieving" students, but the minimum requirement is a 3.3 grade point average, and demonstrating mastery of general knowledge, pursuant to s. 231.17(2)(g), F.S.

Beginning in July 2002, institutions participating in the pilot program shall submit an annual report to the Commissioner of Education, evaluating the effectiveness of the program.

The pilot programs shall be implemented to the extent specifically funded in the General Appropriations Act.

Section 23. Provides that the bill shall take effect July 1, 2001.

III. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

CS/CS/HB 1193, 2nd Engrossed., does not require an appropriation. However, as of this writing, \$75,000 is appropriated in the General Appropriations Act (SB 2000, proviso for Specific Appropriation 194) to fund an implementation study for the pilot program in section 22 of the bill. See Fiscal Comments section for further fiscal discussion.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

See Fiscal Comments.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

**DROP (section 2 of the bill)**

The state's consulting actuary has provided a letter which states that "if the FRS is amended to allow a participant to defer DROP participation to a date later than when he or she reaches normal retirement, the FRS will not be adversely impacted." That statement describes the operation of section 2 of this bill.

**Repeal of the bonuses for teachers successfully teaching at "D" and "F" schools**

This provision simply conforms the substantive statutory provision relating to such bonuses to the provisions (or lack thereof) in the budget. The GAA does not contain funding for such bonuses this year. If this statutory provision were not removed by this bill, the districts would have to pay the bonuses out of their operating funds.

**Long-range plan for teacher recruitment and retention; data base requirement (section 12 of the bill)**

The DOE indicates that there will be some minimal cost to develop the long-range plan for teacher recruitment and retention required in section 13. They also indicated that their website already contains elements which meet (or can be easily expanded to meet) the section's requirement for a data base of teacher openings.

**Pilot programs for high-achieving students (section 22 of the bill)**

The General Appropriations Act (SB 2000), in the proviso for Specific Appropriation 194, provides \$75,000 for use by the University of Central Florida (in cooperation with the University of South Florida and the University of North Florida) to develop a feasibility study and implementation plan for the program.

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:

On March 28, 2001, the Committee on General Education adopted a "strike everything" amendment, and one amendment to the amendment. The bill was then made a Committee Substitute (CS). The CS continued the goals and purpose of the original bill, while removing some provisions, adding others, and modifying some that remain. Provisions that were removed would have:

- Allowed teachers who have been retired for at least one month to be reemployed, drawing a salary as well as retirement benefits;
- Provided a waiver of nine semester hours of professional education course requirements for certain teacher preparation program participants;
- Repealed provisions relating to bonuses for schools offering IB and AP courses and re-inserts the language for the advanced placement instruction bonus program to teachers into another section of the Florida Statutes; and
- Allowed principals veto power over assignment of teachers to their school.

Two provisions were added that:

- Provide that coaching certificates shall no longer be considered a "part-time" certificate; and

- Provide that a person employed as a teacher, and who holds a temporary certificate (which currently require the person to demonstrate "mastery of general knowledge" [currently: through examination] within the first year of employment) may remain employed through the end of the calendar year in which he or she has a contract. *The purpose of this provision is to not force a teacher out in the middle of the school year.*

And other provisions were modified in the following fashion:

- Removed specific \$1,000 fine authority against the superintendent, as well as the provision that would have authorized the withholding of discretionary funds from a school district, and instead provides that penalties that are already in law (s. 230.33[13], F.S., allowing the withholding or forfeiture of the superintendent's salary) may be applied against the superintendent for failure to forward information on any legally sufficient complaint to the DOE, or for failure to follow policy and procedures. It also provides each district shall develop policies and procedures that include appropriate penalties for any district personnel that have failed to report a legally sufficient complaint.
- Provided that when the school district temporarily suspends a teacher (in order to protect the health, safety and welfare of a student), the teacher is suspended from his or her *regular duties* and reassigned to duties that do not involve direct contact with students, rather than having the *certificate* suspended. In other words, the suspension is *precautionary* rather than *punitive*, and will not show on his or her disciplinary record.

On April 12, 2001, the Committee on State Administration heard CS/HB 1193, and adopted eight amendments.

- Amendment # 1 Requires that superintendent consult with principal before transferring teacher into principal's school, and allows principal to review teacher's records and interview the teacher. If in the judgment of the principal the students would not benefit from that teacher's placement, other placement may be sought.
- Amendment # 2 Adds that each district school board must contact its regional workforce board to identify and access resources that may assist teachers teaching out-of-field and pursuing certification.
- Amendment # 3 Clarifying amendment; explains intent that persons currently holding the part-time athletic coach certificate will qualify for the athletic coaching certificate without need for further application or fee (*this provision was subsequently removed*), that such certificate can be used for either full-time or part-time positions; and that the requirements for the athletic coaching certificate will be the same as for the current part-time athletic coaching certificate.
- Amendment # 4 Requires that applicant for an adjunct teaching certificate have expertise in the subject area to be taught, which shall be either a minor in the subject or demonstration of sufficient subject areas mastery as determined by the school board.
- Amendment # 5 Removes the provision that would have made the superintendent liable for punishment for failure to report a legally sufficient complaint he did not know of, but *should have known of.*
- Amendment #6 Clarifies that, for purposes of pay, if a district uses years of teaching experience in their salary determinations, a teacher with out-of-district experience must be treated equally with the teacher with in-district experience.
- Amendment # 7:
  - (1) Specifies that long range-plan is due no later than August 1, 2001, and to be received by the Governor, Legislature, and school districts;
  - (2) Requires DOE to conduct quarterly communications with Workforce Florida, Inc., and requires workforce boards to access available federal, state and local resources to improve teacher recruitment and retention; and



- (3) Requires DOE to seek waivers or reductions in matching contributions that may be required of district school boards to access workforce funding.
- Amendment #8 Establishes a pilot program for high achieving students who successfully complete first 3 years of teacher education program.

The CS, as amended, was reported favorably (with the eight amendments traveling with the CS).

On April 17, 2001, the Council for Lifelong Learning heard CS/HB 1193, and passed several amendments. The amendments:

- Provided a special-case scenario treating instructional personnel (teachers) differently than other members of FRS, with regard to DROP. It provided that instructional personnel may elect to participate in DROP at any time after the person reaches their normal retirement date.
- Provided that each school district shall determine what constitutes a demonstration of "sufficient subject area expertise" for out-of-field teachers.
- Clarified and corrected an inadvertent error in the provision creating an athletic coaching certificate to replace the part-time athletic certificate, *and removed the provision (adopted as part of amendment #3 by the Committee on State Administration) that had indicated that there would be no need for an application or fee to convert the part-time athletic coaching certificate to an athletic coaching certificate.*
- Clarified that the provision allowing a teacher working on a temporary certificate who has not demonstrated "mastery of general knowledge" may nevertheless be employed through the end of the school year (*two amendments clarifying this provision were adopted*).
- Provided that regional education consortiums shall be allowed to participate in the statewide system for inservice professional development for teachers, and that these consortiums are exempt from the funding match otherwise required to receive grants.
- Removed two provisions relating to regional workforce boards and workforce funding that were in Amendment #7 adopted by the Committee on State Administration.

The Council then passed the bill as a CS/CS (Council Substitute for the Committee Substitute).

On April 27, three amendments were adopted on the House Floor on 2nd reading. On April 30, 2001, two more amendments were adopted, on third reading. These amendments:

- Clarified that the provision requiring cooperative activity between the local school boards and their regional workforce boards did not specifically provide for cooperative "access" to the regional workforce boards' funding sources;
- Clarified that adjunct teachers are intended to supplement, not supplant, state certified teachers;
- Required the DOE to develop, in consultation with Workforce Florida, Inc., and the Agency for Workforce Innovation a plan for accessing and identifying resources in the state's workforce system for the purpose of enhancing teacher recruitment and retention;
- Provided that the regional educational consortia which serve rural areas of critical economic concern are exempt from the funding match required by s. 231.6135(6), F.S.; and
- Provided that teachers will receive a \$50 bonus for each student in an International Baccalaureate (IB) course who achieves a score of 4 or higher in the IB examination, and will receive a \$500 bonus if they teach an IB course at a "D" or "F" school and they have at least one student who receives a score of 4 or higher on the IB examination.

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VII. SIGNATURES:

COMMITTEE ON COMMITTEE ON GENERAL EDUCATION:

Prepared by:

Gip Arthur

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Staff Director:

Ouida Ashworth

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AS REVISED BY THE COMMITTEE ON STATE ADMINISTRATION:

Prepared by:

Jennifer D. Krell, J.D.

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Staff Director:

J. Marleen Ahearn, Ph.D., J.D.

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AS FURTHER REVISED BY THE COUNCIL FOR LIFELONG LEARNING:

Prepared by:

Gip Arthur

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Staff Director:

Patricia Levesque

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**FINAL ANALYSIS PREPARED BY THE COMMITTEE ON GENERAL EDUCATION:**

Prepared by:

Gip Arthur

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Staff Director:

Ouida Ashworth

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