

1 A bill to be entitled
2 An act relating to education; amending s.
3 121.091, F.S.; eliminating the requirement that
4 certain instructional personnel make an
5 election to participate in the Deferred
6 Retirement Option Program within 12 months
7 after reaching normal retirement date; amending
8 s. 228.041, F.S.; revising the definition of
9 "other instructional staff" to include adjunct
10 educators; amending s. 230.23, F.S.;
11 authorizing a review by a principal prior to
12 reassigning a teacher; deleting provisions
13 relating to salary supplements provided to
14 teachers selected to teach at certain
15 low-performing schools; amending s. 231.095,
16 F.S.; revising provisions relating to
17 assignment of teaching duties out-of-field;
18 amending s. 231.096, F.S.; requiring assistance
19 in accessing resources for teachers teaching
20 out-of-field; amending s. 231.15, F.S.;
21 deleting provision of part-time certificate for
22 athletic coach; creating an athletic coaching
23 certificate; amending s. 231.17, F.S.;
24 authorizing continued employment under
25 specified circumstances; authorizing the use of
26 an approved alternative certification program
27 by a school district other than the school
28 district that developed the program, upon
29 notification to the department and approval of
30 any modifications; creating s. 231.1726, F.S.;
31 providing for certification of adjunct

1 educators; amending s. 231.262, F.S.; requiring
 2 each district school board to develop policies
 3 and procedures relating to the reporting of
 4 complaints against teachers and administrators;
 5 providing criteria for policies and procedures;
 6 charging the superintendent of schools with
 7 knowledge of such policies and procedures;
 8 specifying conditions for penalty against
 9 superintendent; authorizing the temporary
 10 suspension of a teaching certificateholder
 11 pending the completion of proceedings in order
 12 to protect the health, safety, and welfare of
 13 students; correcting cross references to
 14 conform; amending s. 231.36, F.S.; including
 15 adjunct educators in provisions relating to
 16 contracts with instructional staff; requiring a
 17 school board to recognize and accept years of
 18 satisfactory performance for purposes of pay;
 19 providing an exemption; amending s. 231.6135,
 20 F.S.; exempting regional educational consortia
 21 from certain requirements to become eligible
 22 for grants to create professional development
 23 academies; amending s. 231.625, F.S.; requiring
 24 the Department of Education to develop and
 25 implement a system for posting teaching
 26 vacancies, establish a database of teacher
 27 applicants, develop a long-range plan for
 28 educator recruitment and retention, identify
 29 best practices for retaining high quality
 30 teachers, and develop a plan in consultation
 31 with Workforce Florida, Inc., and the Agency

1 for Workforce Innovation for teacher
2 recruitment and retention; deleting
3 requirements that the department develop
4 standardized resumes for teacher applicant data
5 and review and recommend to the Legislature and
6 school districts incentives for attracting
7 teachers to Florida; amending s. 231.700, F.S.;
8 revising the Florida Mentor Teacher School
9 Pilot Program to conform terminology;
10 clarifying requirements for mentor teachers;
11 amending s. 236.08106, F.S.; clarifying
12 requirements relating to the amount of required
13 mentoring or related services for receipt of an
14 Excellent Teaching Program bonus; amending s.
15 231.261, F.S.; correcting a cross reference;
16 amending ss. 230.2305, 231.045, 231.1725,
17 231.471, and 232.435, F.S., relating to
18 standards for staff of prekindergarten early
19 intervention programs, periodic criminal
20 history record checks, and employment of
21 specified teachers, part-time teachers, and
22 athletic trainers; revising provisions to
23 include adjunct educators; amending s. 240.529,
24 F.S.; establishing teacher education pilot
25 programs for high-achieving students; providing
26 an effective date.

27
28 Be It Enacted by the Legislature of the State of Florida:

29
30 Section 1. Paragraph (a) of subsection (13) of section
31 121.091, Florida Statutes, is amended to read:

1 121.091 Benefits payable under the system.--Benefits
 2 may not be paid under this section unless the member has
 3 terminated employment as provided in s. 121.021(39)(a) or
 4 begun participation in the Deferred Retirement Option Program
 5 as provided in subsection (13), and a proper application has
 6 been filed in the manner prescribed by the department. The
 7 department may cancel an application for retirement benefits
 8 when the member or beneficiary fails to timely provide the
 9 information and documents required by this chapter and the
 10 department's rules. The department shall adopt rules
 11 establishing procedures for application for retirement
 12 benefits and for the cancellation of such application when the
 13 required information or documents are not received.

14 (13) DEFERRED RETIREMENT OPTION PROGRAM.--In general,
 15 and subject to the provisions of this section, the Deferred
 16 Retirement Option Program, hereinafter referred to as the
 17 DROP, is a program under which an eligible member of the
 18 Florida Retirement System may elect to participate, deferring
 19 receipt of retirement benefits while continuing employment
 20 with his or her Florida Retirement System employer. The
 21 deferred monthly benefits shall accrue in the System Trust
 22 Fund on behalf of the participant, plus interest compounded
 23 monthly, for the specified period of the DROP participation,
 24 as provided in paragraph (c). Upon termination of employment,
 25 the participant shall receive the total DROP benefits and
 26 begin to receive the previously determined normal retirement
 27 benefits. Participation in the DROP does not guarantee
 28 employment for the specified period of DROP.

29 (a) Eligibility of member to participate in the
 30 DROP.--All active Florida Retirement System members in a
 31 regularly established position, and all active members of

1 either the Teachers' Retirement System established in chapter
2 238 or the State and County Officers' and Employees'
3 Retirement System established in chapter 122 which systems are
4 consolidated within the Florida Retirement System under s.
5 121.011, are eligible to elect participation in the DROP
6 provided that:

7 1. The member is not a renewed member of the Florida
8 Retirement System under s. 121.122, or a member of the State
9 Community College System Optional Retirement Program under s.
10 121.051, the Senior Management Service Optional Annuity
11 Program under s. 121.055, or the optional retirement program
12 for the State University System under s. 121.35.

13 2. Except as provided in subparagraph 6., election to
14 participate is made within 12 months immediately following the
15 date on which the member first reaches normal retirement date,
16 or, for a member who reaches normal retirement date based on
17 service before he or she reaches age 62, or age 55 for Special
18 Risk Class members, election to participate may be deferred to
19 the 12 months immediately following the date the member
20 attains 57, or age 52 for Special Risk Class members. For a
21 member who first reached normal retirement date or the
22 deferred eligibility date described above prior to the
23 effective date of this section, election to participate shall
24 be made within 12 months after the effective date of this
25 section. A member who fails to make an election within such
26 12-month limitation period shall forfeit all rights to
27 participate in the DROP. The member shall advise his or her
28 employer and the division in writing of the date on which the
29 DROP shall begin. Such beginning date may be subsequent to the
30 12-month election period, but must be within the 60-month
31 limitation period as provided in subparagraph (b)1. When

1 establishing eligibility of the member to participate in the
2 DROP for ~~or~~ the 60-month maximum participation period, the
3 member may elect to include or exclude any optional service
4 credit purchased by the member from the total service used to
5 establish the normal retirement date. A member with dual
6 normal retirement dates shall be eligible to elect to
7 participate in DROP within 12 months after attaining normal
8 retirement date in either class.

9 3. The employer of a member electing to participate in
10 the DROP, or employers if dually employed, shall acknowledge
11 in writing to the division the date the member's participation
12 in the DROP begins and the date the member's employment and
13 DROP participation will terminate.

14 4. Simultaneous employment of a participant by
15 additional Florida Retirement System employers subsequent to
16 the commencement of participation in the DROP shall be
17 permissible provided such employers acknowledge in writing a
18 DROP termination date no later than the participant's existing
19 termination date or the 60-month limitation period as provided
20 in subparagraph (b)1.

21 5. A DROP participant may change employers while
22 participating in the DROP, subject to the following:

23 a. A change of employment must take place without a
24 break in service so that the member receives salary for each
25 month of continuous DROP participation. If a member receives
26 no salary during a month, DROP participation shall cease
27 unless the employer verifies a continuation of the employment
28 relationship for such participant pursuant to s.

29 121.021(39)(b).
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1 b. Such participant and new employer shall notify the
2 division on forms required by the division as to the identity
3 of the new employer.

4 c. The new employer shall acknowledge, in writing, the
5 participant's DROP termination date, which may be extended but
6 not beyond the original 60-month period provided in
7 subparagraph (b)1., shall acknowledge liability for any
8 additional retirement contributions and interest required if
9 the participant fails to timely terminate employment, and
10 shall be subject to the adjustment required in
11 sub-subparagraph (c)5.d.

12 6. Effective July 1, 2001, for instructional personnel
13 as defined in s. 228.041(9)(a)-(d), election to participate in
14 the DROP shall be made at any time following the date on which
15 the member first reaches normal retirement date. The member
16 shall advise his or her employer and the division in writing
17 of the date on which the Deferred Retirement Option Program
18 shall begin. When establishing eligibility of the member to
19 participate in the DROP for the 60-month maximum participation
20 period, as provided in subparagraph (b)1., the member may
21 elect to include or exclude any optional service credit
22 purchased by the member from the total service used to
23 establish the normal retirement date. A member with dual
24 normal retirement dates shall be eligible to elect to
25 participate in either class.

26 Section 2. Paragraph (d) of subsection (9) of section
27 228.041, Florida Statutes, is amended to read:

28 228.041 Definitions.--Specific definitions shall be as
29 follows, and wherever such defined words or terms are used in
30 the Florida School Code, they shall be used as follows:

1 (9) INSTRUCTIONAL PERSONNEL.--"Instructional
2 personnel" means any staff member whose function includes the
3 provision of direct instructional services to students.
4 Instructional personnel also includes personnel whose
5 functions provide direct support in the learning process of
6 students. Included in the classification of instructional
7 personnel are:

8 (d) Other instructional staff.--Other instructional
9 staff are staff members who are part of the instructional
10 staff but are not classified in one of the categories
11 specified in paragraphs (a)-(c). Included in this
12 classification are primary specialists, learning resource
13 specialists, instructional trainers, adjunct educators
14 certified pursuant to s. 231.1726, and similar positions.

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

18 230.23 Powers and duties of school board.--The school
19 board, acting as a board, shall exercise all powers and
20 perform all duties listed below:

21 (5) PERSONNEL.--Designate positions to be filled,
22 prescribe qualifications for those positions, and provide for
23 the appointment, compensation, promotion, suspension, and
24 dismissal of employees as follows, subject to the requirements
25 of chapter 231:

26 (a) Positions, qualifications, and appointments.--Act
27 upon written recommendations submitted by the superintendent
28 of schools for positions to be filled and for minimum
29 qualifications for personnel for the various positions and act
30 upon written nominations of persons to fill such positions.
31 The superintendent of schools' recommendations for filling

1 instructional ~~institutional~~ positions at the school level must
2 consider nominations received from school principals of the
3 respective schools. Before transferring a teacher who holds a
4 professional teaching certificate from one school to another,
5 the superintendent shall consult with the principal of the
6 receiving school and allow the principal to review the
7 teacher's records and interview the teacher. If, in the
8 judgment of the principal, students would not benefit from the
9 placement, an alternative placement may be sought.The
10 district school board may reject for good cause any employee
11 nominated. If the third nomination by the superintendent of
12 schools for any position is rejected for good cause, if the
13 superintendent of schools fails to submit a nomination for
14 initial employment within a reasonable time as prescribed by
15 the district school board, or if the superintendent of schools
16 fails to submit a nomination for reemployment within the time
17 prescribed by law, the district school board may proceed on
18 its own motion to fill such position. The district school
19 board's decision to reject a person's nomination does not give
20 that person a right of action to sue over the rejection and
21 may not be used as a cause of action by the nominated
22 employee.

23 (16) IMPLEMENT SCHOOL IMPROVEMENT AND
24 ACCOUNTABILITY.--Maintain a system of school improvement and
25 education accountability as provided by statute and State
26 Board of Education rule. This system of school improvement and
27 education accountability shall be consistent with, and
28 implemented through, the district's continuing system of
29 planning and budgeting required by this section and ss.
30 229.555 and 237.041. This system of school improvement and
31

1 education accountability shall include, but is not limited to,
2 the following:

3 (c) Assistance and intervention.--

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

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

13 ~~3.a.~~ Each district school board shall develop a plan
14 to encourage teachers with demonstrated mastery in improving
15 student performance to remain at or transfer to a school
16 designated as performance grade category "D" or "F" or to an
17 alternative school that serves disruptive or violent youths.
18 If a classroom teacher, as defined by s. 228.041(9)(a), who
19 meets the definition of teaching mastery developed according
20 to the provisions of this paragraph, requests assignment to a
21 school designated as performance grade category "D" or "F" or
22 to an alternative school that serves disruptive or violent
23 youths, the district school board shall make every practical
24 effort to grant the request.

25 ~~b. For initial implementation in 2000-2001 and until~~
26 ~~full implementation of an annual assessment of learning gains,~~
27 ~~a classroom teacher who is selected by the school principal~~
28 ~~based on his or her performance appraisal and student~~
29 ~~achievement data to teach at a school designated as~~
30 ~~performance grade category "D" or "F" or at an alternative~~
31 ~~that serves disruptive or violent youths shall receive a~~

1 ~~supplement of at least \$1,000, not to exceed \$3,500, as~~
2 ~~provided for annually in the General Appropriations Act, each~~
3 ~~year he or she teaches at a school designated as performance~~
4 ~~grade category "D" or "F" or at an alternative school that~~
5 ~~serves disruptive or violent youths.~~

6 ~~c. Beginning with the full implementation of an annual~~
7 ~~assessment of learning gains, a classroom teacher whose~~
8 ~~effectiveness has been proven based upon positive learning~~
9 ~~gains of his or her students as measured by annual FCAT~~
10 ~~assessments pursuant to s. 229.57, is eligible for an annual~~
11 ~~supplement of at least \$1,000, not to exceed \$3,500, as~~
12 ~~provided for annually in the General Appropriations Act, each~~
13 ~~year he or she teaches at a school designated as performance~~
14 ~~grade category "D" or "F" or at an alternative school that~~
15 ~~serves disruptive or violent youths.~~

16 ~~d. In the absence of an FCAT assessment, measurement~~
17 ~~of learning gains of students shall be as provided in s.~~
18 ~~229.57(12). The supplement received under this paragraph shall~~
19 ~~be in addition to any supplement or bonus received as a result~~
20 ~~of other local or state pay incentives based on performance.~~

21 ~~e. The Commissioner of Education shall adopt rules to~~
22 ~~determine the measures that define "teaching mastery" for~~
23 ~~purposes of this subparagraph.~~

24 4. District school boards are encouraged to prioritize
25 the expenditures of funds received from the supplemental
26 academic instruction categorical fund under s. 236.08104 to
27 improve student performance in schools that receive a
28 performance grade category designation of "D" or "F."

29 Section 4. Section 231.095, Florida Statutes, is
30 amended to read:

31

1 231.095 Teachers assigned teaching duties outside
2 field; notification requirements.--When a teacher in a
3 district school system is assigned teaching duties in a class
4 dealing with subject matter that is outside the field in which
5 the teacher is certified, outside the field that was the
6 applicant's minor field of study, or outside the field in
7 which the applicant has demonstrated sufficient subject area
8 expertise, as determined by district school board policy in
9 the subject area to be taught, the parents or guardians of all
10 students in the class shall be notified in writing of such
11 assignment.

12 Section 5. Section 231.096, Florida Statutes, is
13 amended to read:

14 231.096 Teacher teaching out-of-field;
15 assistance.--Each district school board shall adopt and
16 implement a plan to assist any teacher teaching out-of-field,
17 and priority consideration in professional development
18 activities shall be given to teachers who are teaching
19 out-of-field. The district school board shall require that
20 such teachers participate in a certification or staff
21 development program designed to provide the teacher with the
22 competencies required for the assigned duties. The
23 board-approved assistance plan must include duties of
24 administrative personnel and other instructional personnel to
25 provide students with high-quality instructional services.
26 Each district school board shall contact its regional
27 workforce board, created pursuant to s. 445.007, to identify
28 resources that may assist teachers who are teaching
29 out-of-field and who are pursuing certification.

30 Section 6. Subsection (2) of section 231.15, Florida
31 Statutes, is amended to read:

1 231.15 Positions for which certificates required.--

2 (2) Each person who is employed and renders service as
3 an athletic coach in any public school in any district of this
4 state shall hold a valid ~~part-time, temporary, or professional~~
5 certificate or an athletic coaching certificate. The athletic
6 coaching certificate may be used for either part-time or
7 full-time positions. The provisions of this subsection do not
8 apply to any athletic coach who voluntarily renders service
9 and who is not employed by any public school district of this
10 state.

11 Section 7. Subsection (6) and paragraph (b) of
12 subsection (7) of section 231.17, Florida Statutes, are
13 amended to read:

14 231.17 Teacher certification requirements.--

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

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

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

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

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

29 (c) The department shall issue one nonrenewable 2-year
30 temporary certificate and one nonrenewable 5-year professional
31 certificate to a qualified applicant who holds a bachelor's

1 degree in the area of speech-language impairment to allow for
2 completion of a master's degree program in speech-language
3 impairment.

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

30 (7) PROFESSIONAL PREPARATION AND EDUCATION COMPETENCY
31 PROGRAM.--

1 (b) Until July 1, 2002, each school district may use
2 ~~develop and maintain~~ an alternative certification program by
3 which members of the district's instructional staff may
4 satisfy the professional education course requirements
5 specified in rules of the state board for issuance of a
6 professional certificate. The state board must adopt, by rule,
7 standards and guidelines for the approval of alternative
8 certification programs. Any program approved for use in a
9 school district may be adopted and implemented by a school
10 district other than the school district that developed the
11 program. A district school board choosing to adopt an
12 alternative certification program approved for another school
13 district shall provide written notification of such action to
14 the department. However, any modifications to an approved
15 program shall be submitted to the department for approval.
16 Each approved program must include methods for identifying
17 each applicant's entry-level teaching competencies and must
18 require each applicant to:

- 19 1. Have expertise in the subject and meet requirements
20 for specialization in a subject area for which a professional
21 certificate may be issued under this chapter and rules of the
22 state board.
- 23 2. Complete training in only those competency areas in
24 which deficiencies are identified.
- 25 3. Complete the program within 2 years after initial
26 employment as a member of the district's instructional staff.
- 27 4. Achieve passing scores on the professional
28 education competency examination required by state board rule.

29
30 Each district school board may expend educational training
31 funds provided under ss. 231.600 and 236.081 to implement the

1 provisions of this paragraph. The department must approve
 2 programs and systems developed to demonstrate professional
 3 preparation and education competence authorized by this
 4 paragraph.

5 Section 8. Section 231.1726, Florida Statutes, is
 6 created to read:

7 231.1726 Certification of adjunct educators.--

8 (1) Notwithstanding the provisions of ss. 231.02,
 9 231.15, and 231.17, or any other provision of law or rule to
 10 the contrary, district school boards may issue an adjunct
 11 teaching certificate to any applicant who fulfills the
 12 requirements of s. 231.17(2)(a)-(f) and who has expertise in
 13 the subject area to be taught. An applicant shall be
 14 considered to have expertise in the subject area to be taught
 15 if the applicant has at least a minor in the subject area or
 16 demonstrates sufficient subject area mastery as determined by
 17 school board policy. The adjunct teaching certificate shall be
 18 used for part-time teaching positions. The intent of this
 19 provision is to allow school districts to tap the wealth of
 20 talent and expertise represented in Florida's citizens who may
 21 wish to teach part-time in a Florida public school by
 22 permitting school districts to issue adjunct certificates.
 23 Adjunct certificateholders should be used as a strategy to
 24 reduce the teacher shortage, thus, adjunct certificateholders
 25 should supplement a school's instructional staff, not supplant
 26 it. Each school principal shall assign an experienced peer
 27 mentor to assist the adjunct teaching certificateholder during
 28 the certificateholder's first year of teaching and an adjunct
 29 certificateholder may participate in a district's new teacher
 30 training program. District school boards shall provide the
 31 adjunct teaching certificateholder an orientation in classroom

1 management prior to assigning the certificateholder to a
2 school. Each adjunct teaching certificate is valid for 5
3 school years and is renewable if:

4 (a) The applicant completes a minimum of 60 inservice
5 points or 3 semester hours of college credit. The earned
6 credits must include instruction in classroom management,
7 district school board procedures, school culture, and other
8 activities that enhance the professional teaching skills of
9 the certificateholder.

10 (b) The applicant has received satisfactory
11 performance evaluations during each year of teaching under
12 adjunct teaching certification.

13 (2) Individuals who are certified and employed
14 pursuant to this section shall have the same rights and
15 protection of laws as teachers certified pursuant to s.
16 231.17.

17 Section 9. Paragraphs (a) and (c) of subsection (1)
18 and subsection (4) of section 231.262, Florida Statutes, are
19 amended, a new subsection (5) is added to said section,
20 present subsection (5) of said section is renumbered and
21 amended, and present subsections (6) through (8) of said
22 section are renumbered as subsections (7) through (9),
23 respectively, to read:

24 231.262 Complaints against teachers and
25 administrators; procedure; penalties.--

26 (1)(a) The Department of Education shall cause to be
27 investigated expeditiously any complaint filed before it or
28 otherwise called to its attention which, if legally
29 sufficient, contains grounds for the revocation or suspension
30 of a certificate or any other appropriate penalty as set forth
31 in subsection ~~(7)~~(6). The complaint is legally sufficient if

1 it contains the ultimate facts which show a violation has
2 occurred as provided in s. 231.2615. The department may
3 investigate or continue to investigate and take appropriate
4 action in a complaint even though the original complainant
5 withdraws the complaint or otherwise indicates a desire not to
6 cause it to be investigated or prosecuted to completion. The
7 department may investigate or continue to investigate and take
8 action on a complaint filed against a person whose teaching
9 certificate has expired if the act or acts which are the basis
10 for the complaint were allegedly committed while that person
11 possessed a teaching certificate.

12 (c) Each school district shall file in writing with
13 the department all legally sufficient complaints within 30
14 days after the date on which subject matter of the complaint
15 comes to the attention of the school district. The school
16 district shall include all information relating to the
17 complaint which is known to the school district at the time of
18 filing. Each district school board shall develop policies and
19 procedures to comply with this reporting requirement. The
20 district school board policies and procedures shall include
21 appropriate penalties for all personnel of the district school
22 board for nonreporting and procedures for promptly informing
23 the superintendent of schools of each legally sufficient
24 complaint. The superintendent of schools is charged with
25 knowledge of these policies and procedures. If the
26 superintendent of schools has knowledge of a legally
27 sufficient complaint and does not report the complaint, or
28 fails to enforce the policies and procedures of the district
29 school board, and fails to comply with the requirements of
30 this subsection, in addition to other actions against
31 certificateholders authorized by law, the superintendent of

1 schools shall be subject to penalties as specified in s.
2 230.33(13).This paragraph does not limit or restrict the
3 power and duty of the department to investigate complaints as
4 provided in paragraphs (a) and (b), regardless of the school
5 district's untimely filing, or failure to file, complaints and
6 followup reports.

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

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

3 (5) When deemed necessary to protect the health,
 4 safety, and welfare of a minor student, the superintendent of
 5 schools in consultation with the school principal may, and
 6 upon the request of the Commissioner of Education shall,
 7 temporarily suspend a certificateholder from the
 8 certificateholder's regularly assigned duties, with pay, and
 9 reassign the suspended certificateholder to a position that
 10 does not require direct contact with students in the district
 11 school system. Such suspension shall continue until the
 12 completion of the proceedings and the determination of
 13 sanctions, if any, pursuant to this section and s. 231.2615.

14 (6)~~(5)~~ Upon the finding of probable cause, the
 15 commissioner shall file a formal complaint and prosecute the
 16 complaint pursuant to the provisions of chapter 120. An
 17 administrative law judge shall be assigned by the Division of
 18 Administrative Hearings of the Department of Management
 19 Services to hear the complaint if there are disputed issues of
 20 material fact. The administrative law judge shall make
 21 recommendations in accordance with the provisions of
 22 subsection (7)~~(6)~~ to the appropriate Education Practices
 23 Commission panel which shall conduct a formal review of such
 24 recommendations and other pertinent information and issue a
 25 final order. The commission shall consult with its legal
 26 counsel prior to issuance of a final order.

27 Section 10. Paragraph (a) of subsection (1) of section
 28 231.36, Florida Statutes, is amended, and paragraph (g) is
 29 added to subsection (3) of said section, to read:

30 231.36 Contracts with instructional staff,
 31 supervisors, and principals.--

1 (1)(a) Each person employed as a member of the
2 instructional staff in any district school system shall be
3 properly certificated pursuant to s. 231.17 or s. 231.1726 or
4 employed pursuant to s. 231.1725 and shall be entitled to and
5 shall receive a written contract as specified in chapter 230.
6 All such contracts, except continuing contracts as specified
7 in subsection (4), shall contain provisions for dismissal
8 during the term of the contract only for just cause. Just
9 cause includes, but is not limited to, the following
10 instances, as defined by rule of the State Board of Education:
11 misconduct in office, incompetency, gross insubordination,
12 willful neglect of duty, or conviction of a crime involving
13 moral turpitude.

14 (3)

15 (g) Beginning July 1, 2001, for each employee who
16 enters into a written contract, pursuant to this section, in a
17 school district in which the employee was not employed as of
18 June 30, 2001, for purposes of pay a school board must
19 recognize and accept each year of full-time teaching service
20 for which the employee received a satisfactory performance
21 evaluation. This provision is not intended to interfere with
22 the operation of a collective bargaining agreement except to
23 the extent it requires the agreement to treat years of
24 teaching experience out of the district the same as years of
25 teaching experience within the district. Instructional
26 personnel employed pursuant to s. 121.091(9)(b)3. are exempt
27 from the provisions of this paragraph.

28 Section 11. Subsections (5) and (6) of section
29 231.6135, Florida Statutes, are amended to read:

30 231.6135 Statewide system for inservice professional
31 development.--The intent of this section is to establish a

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

16 (5) Be operated under contract with its public
17 partners and governed by an independent board of directors,
18 which should include at least one superintendent of schools
19 and one district school board chair from the participating
20 school districts, the president of the collective bargaining
21 unit that represents the majority of the region's teachers,
22 and at least three individuals who are not employees or
23 elected or appointed officials of the participating school
24 districts. Regional educational consortia as defined in s.
25 228.0857 satisfy the requirements of this subsection.

26 (6) Be financed during the first year of operation by
27 an equal or greater match from private funding sources and
28 demonstrate the ability to be self-supporting within 1 year
29 after opening through fees for services, grants, or private
30 contributions. Regional educational consortia as defined in s.

31

1 228.0857 are exempt from the funding match required by this
2 subsection.

3 Section 12. Subsection (2) of section 231.625, Florida
4 Statutes, is amended to read:

5 231.625 Teacher recruitment and retention.--

6 (2) The Department of Education shall:

7 (a) Develop and implement a system for posting
8 teaching vacancies and establish a database of teacher
9 applicants that is accessible within and outside the state
10 ~~Advertise teacher positions in targeted states.~~

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

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

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

17 ~~(d)(e)~~ (d) Conduct periodic communications with district
18 personnel directors regarding applicants.

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

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

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

26 ~~(h)(i)~~ (h) Provide information related to certification
27 procedures.

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

30 (j) Develop, in consultation with school district
31 staff including, but not limited to, superintendents, school

1 board members, and district human resources personnel, a
2 long-range plan for educator recruitment and retention. The
3 plan shall be submitted to the Legislature, the Governor, and
4 school districts no later than August 1, 2001.

5 (k) Identify best practices for retaining high-quality
6 teachers ~~Review and recommend to the Legislature and school~~
7 ~~districts incentives for attracting teachers to this state.~~

8 (l) Develop, in consultation with Workforce Florida,
9 Inc., and the Agency for Workforce Innovation, created
10 pursuant to ss. 445.004 and 20.50, respectively, a plan for
11 accessing and identifying available resources in the state's
12 workforce system for the purpose of enhancing teacher
13 recruitment and retention. The plan shall be submitted to the
14 Governor, the President of the Senate, the Speaker of the
15 House of Representatives, and each school district no later
16 than August 1, 2001.

17 Section 13. Paragraphs (b) through (e) of subsection
18 (3) of section 231.700, Florida Statutes, are amended to read:

19 231.700 Florida Mentor Teacher School Pilot Program.--

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

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

26 (c) Teacher.--A teacher must hold a bachelor's degree
27 or higher from an institution of higher learning and a valid
28 Florida ~~professional~~ teaching certificate, have a minimum of 3
29 years' full-time teaching experience, document satisfactory
30 teaching performance, and document evidence of positive
31

1 student learning gains, when ~~that~~ data become ~~becomes~~
2 available.

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

12 (e) Mentor teacher.--A mentor teacher must:

13 1. Hold a bachelor's degree or higher from an
14 institution of higher learning and a valid Florida
15 professional teaching certificate.†

16 2. Have a minimum of 5 years' full-time teaching
17 experience.†

18 3. Document exemplary teaching performance.†

19 4. Document evidence of significant positive student
20 learning gains, when ~~that~~ data become ~~becomes~~ available.†

21 5. Hold a valid National Board for Professional
22 Teaching Standards certificate; have been selected as a
23 school, district, or state teacher of the year;†~~or hold an~~
24 equivalent status as determined by the commissioner.†~~and~~

25 6. Demonstrate expertise as a staff developer.

26 Section 14. Paragraph (d) of subsection (2) of section
27 236.08106, Florida Statutes, is amended to read:

28 236.08106 Excellent Teaching Program.--

29 (2) The Excellent Teaching Program is created to
30 provide categorical funding for monetary incentives and
31 bonuses for teaching excellence. The Department of Education

1 shall distribute to each school district or to the NBPTS an
2 amount as prescribed annually by the Legislature for the
3 Excellent Teaching Program. For purposes of this section, the
4 Florida School for the Deaf and the Blind shall be considered
5 a school district. Unless otherwise provided in the General
6 Appropriations Act, each distribution shall be the sum of the
7 amounts earned for the following incentives and bonuses:

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

24
25 A teacher for whom the state pays the certification fee and
26 who does not complete the certification program or does not
27 teach in a public school of this state for at least 1 year
28 after completing the certification program must repay the
29 amount of the certification fee to the state. However, a
30 teacher who completes the certification program but fails to
31 be awarded NBPTS certification is not required to repay the

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

7 Section 15. Subsection (10) of section 231.261,
8 Florida Statutes, is amended to read:

9 231.261 Education Practices Commission;
10 organization.--

11 (10) The commission shall be financed from the
12 following: certification fees; fines, penalties, and costs
13 collected pursuant to s. 231.262(9)~~(8)~~; and general revenue.

14 Section 16. Paragraph (f) of subsection (3) of section
15 230.2305, Florida Statutes, is amended to read:

16 230.2305 Prekindergarten early intervention program.--

17 (3) STANDARDS.--

18 (f) All staff must meet the following minimum
19 requirements:

20 1. The minimum level of training is to be the
21 completion of a 30-clock-hour training course planned jointly
22 by the Department of Education and the Department of Children
23 and Family Services to include the following areas: state and
24 local rules that govern child care, health, safety, and
25 nutrition; identification and report of child abuse and
26 neglect; child growth and development; use of developmentally
27 appropriate early childhood curricula; and avoidance of
28 income-based, race-based, and gender-based stereotyping.

29 2. When individual classrooms are staffed by certified
30 teachers, those teachers must be certified for the appropriate
31 grade levels under s. 231.17 and State Board of Education

1 rules. Teachers who are not certified for the appropriate
2 grade levels must obtain proper certification within 2 years.
3 However, the commissioner may make an exception on an
4 individual basis when the requirements are not met because of
5 serious illness, injury, or other extraordinary, extenuating
6 circumstance.

7 3. When individual classrooms are staffed by
8 noncertified teachers, there must be a program director or
9 lead teacher who is eligible for certification or certified
10 for the appropriate grade levels pursuant to s. 231.17 and
11 State Board of Education rules in regularly scheduled direct
12 contact with each classroom. Notwithstanding s. 231.15, such
13 classrooms must be staffed by at least one person who has, at
14 a minimum, a child development associate credential (CDA) or
15 an amount of training determined by the commissioner to be
16 equivalent to or to exceed the minimum, such as an associate
17 in science degree in the area of early childhood education.

18 4. Principals and other school district administrative
19 and supervisory personnel with direct responsibility for the
20 program must demonstrate knowledge of prekindergarten
21 education programs that increase children's chances of
22 achieving future educational success and becoming productive
23 members of society in a manner established by the State Board
24 of Education by rule.

25 5. All personnel who are not certified under s. 231.17
26 or s. 231.1726 must comply with screening requirements under
27 s. 231.02.

28 Section 17. Section 231.045, Florida Statutes, is
29 amended to read:

30 231.045 Periodic criminal history record checks.--In
31 cooperation with the Florida Department of Law Enforcement,

1 the department may periodically perform a criminal history
2 record check on individuals who hold a certificate pursuant to
3 s. 231.17 or s. 231.1726.

4 Section 18. Subsection (1) of section 231.1725,
5 Florida Statutes, is amended to read:

6 231.1725 Employment of substitute teachers, teachers
7 of adult education, nondegreed teachers of career education,
8 and career specialists; students performing clinical field
9 experience.--

10 (1) Notwithstanding ss. 231.02, 231.15, ~~and~~ 231.17,
11 and 231.1726, or any other provision of law or rule to the
12 contrary, each district school board shall establish the
13 minimal qualifications for:

14 (a) Substitute teachers to be employed pursuant to s.
15 231.47. The qualifications shall require the filing of a
16 complete set of fingerprints in the same manner as required by
17 s. 231.02.

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

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

31

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

5 2. Documentation of education and successful
6 occupational experience including documentation of:

7 a. A high school diploma or the equivalent.

8 b. Completion of 6 years of full-time successful
9 occupational experience or the equivalent of part-time
10 experience in the teaching specialization area. Alternate
11 means of determining successful occupational experience may be
12 established by the district school board.

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

15 d. For full-time teachers, completion of professional
16 education training in teaching methods, course construction,
17 lesson planning and evaluation, and teaching special needs
18 students. This training may be completed through coursework
19 from a standard institution or an approved district teacher
20 education program.

21 e. Demonstration of successful teaching performance.

22 Section 19. Subsection (1) of section 231.471, Florida
23 Statutes, is amended to read:

24 231.471 Part-time teachers.--

25 (1) District school boards may hire certified and
26 qualified personnel as provided in ~~ss. s-~~231.1725 and
27 231.1726 to teach a specified number of periods, which may be
28 less than a full school day or less than a full school year.

29 Section 20. Paragraph (a) of subsection (3) of section
30 232.435, Florida Statutes, is amended to read:

31

1 232.435 Extracurricular athletic activities; athletic
2 trainers.--

3 (3)(a) To the extent practicable, a school district
4 program should include the following employment classification
5 and advancement scheme:

6 1. Teacher apprentice trainer I.--To qualify as a
7 teacher apprentice trainer I, a person must possess a
8 professional, temporary, part-time, adjunct, or substitute
9 certificate pursuant to s. 231.17 or s. 231.1726, be certified
10 in first aid and cardiopulmonary resuscitation, and have
11 earned a minimum of 6 semester hours or the equivalent number
12 of inservice education points in the basic prevention and care
13 of athletic injuries.

14 2. Teacher apprentice trainer II.--To qualify as a
15 teacher apprentice trainer II, a person must meet the
16 requirements of teacher apprentice trainer I and also have
17 earned a minimum of 15 additional semester hours or the
18 equivalent number of inservice education points in such
19 courses as anatomy, physiology, use of modalities, nutrition,
20 counseling, and other courses approved by the Commissioner of
21 Education.

22 3. Teacher athletic trainer.--To qualify as a teacher
23 athletic trainer, a person must meet the requirements of
24 teacher apprentice trainer II, be certified by the Department
25 of Education or a nationally recognized athletic trainer
26 association, and perform one or more of the following
27 functions: preventing athletic injuries; recognizing,
28 evaluating, managing, treating, and rehabilitating athletic
29 injuries; administering an athletic training program; and
30 educating and counseling athletes.

31

1 Section 21. Subsection (10) of section 240.529,
2 Florida Statutes, is renumbered as subsection (11) and a new
3 subsection (10) is added to said section to read:

4 240.529 Public accountability and state approval for
5 teacher preparation programs.--

6 (10) TEACHER EDUCATION PILOT PROGRAMS FOR
7 HIGH-ACHIEVING STUDENTS.--Pilot teacher preparation programs
8 shall be established at the University of Central Florida, the
9 University of North Florida, and the University of South
10 Florida. These programs shall include a year-long paid
11 teaching assignment and competency-based learning experiences
12 and shall be designed to encourage high-achieving students, as
13 identified by the institution, to pursue a career in
14 education. Students chosen to participate in the pilot
15 programs shall agree to teach for at least 1 year after they
16 receive their degrees. Criteria for identifying
17 high-achieving students shall be developed by the institution
18 and shall include, at a minimum, requirements that the student
19 have a 3.3 grade point average or above and that the student
20 has demonstrated mastery of general knowledge pursuant to s.
21 231.17(2)(g). The year-long paid teaching assignment shall
22 begin after completion of the equivalent of 3 years of the
23 university teacher preparation program.

24 (a) Each pilot program shall be designed to include:

25 1. A year-long paid teaching assignment at a specified
26 school site during the fourth year of the university teacher
27 preparation program, which includes intense supervision by a
28 support team trained in clinical education. The support team
29 shall include a university supervisor and experienced
30 school-based mentors. A mentor teacher shall be assigned to
31 each fourth year employed teacher to implement an

1 individualized learning plan. This mentor teacher will be
 2 considered an adjunct professor for purposes of this program
 3 and may receive credit for time spent as a mentor teacher in
 4 the program. The mentor teacher must have a master's degree
 5 or above, a minimum of 3 years of teaching experience, and
 6 clinical education training or certification by the National
 7 Board of Professional Teaching Standards. Experiences and
 8 instruction may be delivered by other mentors, assigned
 9 teachers, professors, individualized learning, and
 10 demonstrations. Students in this paid teaching assignment
 11 shall assume full responsibility of all teaching duties.

12 2. Professional education curriculum requirements that
 13 address the educator-accomplished practices and other
 14 competencies specified in state board rule.

15 3. A modified instructional delivery system that
 16 provides onsite training during the paid teaching assignment
 17 in the professional education areas and competencies specified
 18 in this subsection. The institutions participating in this
 19 pilot program shall be given a waiver to provide a modified
 20 instructional delivery system meeting criteria that allows
 21 earned credit through nontraditional approaches. The modified
 22 system may provide for an initial evaluation of the
 23 candidate's competencies to determine an appropriate
 24 individualized professional development plan and may provide
 25 for earned credit by:

26 a. Internet learning and competency acquisition.
 27 b. Learning acquired by observing demonstrations and
 28 being observed in application.

29 c. Independent study or instruction by mentor teachers
 30 or adjunct teachers.

31

1 4. Satisfactory demonstration of the
2 educator-accomplished practices and content area competencies
3 for program completion.

4 5. For program completion, required achievement of
5 passing scores on all tests required for certification by
6 State Board of Education rules.

7 (b) Beginning in July 2003, each institution
8 participating in the pilot program shall submit to the
9 Commissioner of Education an annual report evaluating the
10 effectiveness of the program. The report shall include, but
11 shall not be limited to, the number of students selected for
12 the pilot program, the number of students successfully
13 completing the pilot program, the number of program
14 participants who passed all required examinations, the number
15 of program participants who successfully demonstrated all
16 required competencies, and a followup study to determine the
17 number of pilot program completers who were employed in a
18 teaching position and employers' satisfaction with the
19 performance of pilot program completers.

20 (c) This subsection shall be implemented to the extent
21 specifically funded in the General Appropriations Act.

22 Section 22. This act shall take effect July 1, 2001.