

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 901 w/CS Educational Leadership

SPONSOR(S): Kilmer

TIED BILLS: **IDEN./SIM. BILLS:** SB 2418

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) Education K-20	18 Y, 8 N w/CS	Carlson	Bohannon
2) Education Appropriations (Sub)			
3) Appropriations			
4)			
5)			

SUMMARY ANALYSIS

The bill creates the BEST (Better Educated Students and Teachers) Florida Teaching Act of 2003.

The bill's goals are to empower teachers to teach; to maintain orderly classrooms; to be well compensated and retained for quality; well rewarded for student high performance; and supported by exemplary school administrators.

The bill:

- Empowers teachers and school bus drivers to maintain student discipline;
- Provides paperwork relief for teachers by providing for clerical OPS or volunteer personnel;
- Reduces pedagogy requirements for teacher training;
- Creates a teacher student loan reimbursement program;
- Provides for up to a \$10,000 signing bonus;
- Sets the minimum salary at \$31,000;
- Provides for financial rewards to top performing teachers;
- Reduces bureaucracy and obstacles to teacher certification;
- Enhances alternative certification routes;
- Provides for a statewide system of education leadership professional development; and
- Requires the State Board of Education to develop a principal leadership certification based on performance.

The Committee on Education adopted a Strike-Everything Amendment to the bill. This analysis is drawn to that amendment, which is summarized in Section IV below.

The bill, as amended, has an estimated first-year fiscal impact of \$235,179,000 to \$395,724,000.

This document does not reflect the intent or official position of the bill sponsor or House of Representatives.

STORAGE NAME: h0901a.edk.doc

DATE: March 26, 2003

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. DOES THE BILL:

- | | | | |
|--------------------------------------|------------------------------|--|---|
| 1. Reduce government? | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> | N/A <input type="checkbox"/> |
| 2. Lower taxes? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 3. Expand individual freedom? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 4. Increase personal responsibility? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 5. Empower families? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |

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

The bill provides for increased compensation to teachers and therefore will increase government spending to ensure such compensation. The bill’s total fiscal impact on state expenditures is approximately \$235,179,000 to \$395,724,000.

B. EFFECT OF PROPOSED CHANGES:

The bill creates the BEST Florida Teaching Act of 2003.

Legislative Intent – Guiding Principles

- The Legislature intends to empower teachers to teach; to maintain orderly classrooms; to be well compensated and retained for quality; well rewarded for student high performance; and supported by exemplary school administrators.
- The bill calls on teacher preparation programs, district school boards, district and school-based administrators to support and cooperate in the accomplishment of the Legislature’s purposes and principles.

Teacher Empowerment (Sections 3 – 6)

- The bill encourages each district school board, each school superintendent and each district and school-based administrator to cooperate to accomplish the guiding principles of the BEST Florida Teaching Act of 2003.
- The bill requires each district school board to employ clerical personnel or volunteers who are not classroom teachers to assist teachers in non-instructional activities such as paperwork and recordkeeping duties, and clarifies that the teacher remains responsible for all instructional activities, including classroom management and grading student performance; and encourages the support of the authority of each teacher, pursuant to s. 1003.32, and each school bus driver to remove disobedient, disrespectful, violent, abusive, uncontrollable or disruptive students from the classroom and school bus.
- The bill specifies that each district school superintendent and each school principal should fully support and cooperate in the accomplishment of the principles of the BEST Florida Teaching Act of 2003; and should fully support the authority of each teacher, pursuant to s. 1003.32, and each school bus driver to remove disobedient, disrespectful, violent, abusive, uncontrollable or disruptive students from the classroom and school bus.

Parental Responsibility and Student Rights (Sections 7, 9)

- The bill requires that public school students be in orderly, disciplined classrooms conducive to learning without the distraction caused by disobedient, disrespectful, violent, abusive, uncontrollable or disruptive students, in accordance with s. 1003.32.
- The bill requires each public K-12 student to comply with school attendance laws throughout the school year unless excused for illness or other good cause, and to comply fully with the school's code of conduct.
- The bill also requires the parent of each public K-12 student to cooperate with the authority of the student's school board, superintendent, principal, teachers and school bus drivers to remove the student from the classroom or the school bus pursuant to ss. 1003.31 and 1003.32 if the student is disobedient, disrespectful, violent, abusive, uncontrollable or disruptive.

Teacher Authority For Maintaining Discipline (Section 11)

- The bill provides that teachers and other instructional personnel shall have the authority to take actions to ensure that students have an opportunity to learn in an orderly and disciplined classroom, requires teachers and other instructional personnel to maintain an orderly and disciplined classroom and allows teachers and other instructional personnel to remove disobedient, disrespectful, violent, abusive, uncontrollable or disruptive students from the classroom for behavior management intervention.
- The bill broadens ability of teachers or instructional personnel to press charges if there is reason to believe that a crime has been committed on school property or during school activities.
- The bill empowers a teacher to send a student to the principal's office to maintain discipline in the classroom and to recommend an appropriate consequence consistent with the student code of conduct; and requires the principal to employ the teacher's recommended consequence or impose a more serious disciplinary action if the student's history of disruptive behavior warrants it; or if the principal determines that a different disciplinary action is appropriate, he or she should consult with the teacher prior to the final decision.
- The bill encourages each district school board, each district school superintendent and each school principal to support their teachers' authority to remove disobedient, disrespectful, violent, abusive, uncontrollable or disruptive students from the classroom, referencing s. 1003.32.
- The bill renames the committee created in each school to determine placement of a student when a teacher withholds consent to that student's return to the classroom as a "placement review" committee. It defines the membership of the placement review committee to include one teacher selected by the teacher that removed the student, and it gives the teacher who removed the student a right to appeal the decision of the placement review committee if that decision is contrary to the decision of the teacher to withhold consent to the return of the removed student.
- The bill requires a principal to report on a quarterly basis to the superintendent and the school board each incidence of a teacher's withholding consent for a removed student to return to the teacher's class and the disposition of the incident, and requires the superintendent to report these data to the department annually. It requires the Commissioner of Education to annually review each district's compliance with this section and success in achieving orderly classrooms, and requires the Commissioner to use all appropriate enforcement actions up to and including the withholding of disbursements from the Educational Enhancement Trust Fund until full compliance is verified.

- The bill requires each teacher or other member of the staff who knows or has reason to believe that any person has committed or has made a credible threat to commit violence on school property to report that in accordance with s. 1006.13; requires the superintendent and principal to fully support good faith reporting; and provides civil and criminal immunity for those who make good faith reports.

Teacher Preparation Programs (Section 12)

- The intent of the Legislature is to require the State Board of Education to attain a system for development and approval of teacher preparation programs that allows postsecondary teacher preparation institutions to employ varied and innovative techniques and to help students who have substandard reading and computational skills.
- The bill defines the rules for a Uniform Core Curricula for each state-approved teacher preparation program, which must include, without limitation, a State Board of Education-identified foundation in scientifically-researched, knowledge-based reading-literacy and computational skills acquisition, classroom management, school safety, professional ethics, education law, human development and learning, and understanding of the Sunshine State Standards content measured by state achievement tests, reading and interpreting data, and using data to improve student achievement.
- The Uniform Core Curricula rules shall not require additional time-to-degree, but may be phased in to enable teacher preparation programs to supplant state board-identified pedagogy courses with the courses prescribed by the rules. The bill requires that any teacher preparation system developed by the Department of Education must accord with the rules.
- The bill requires state-approved teacher preparation programs to incorporate scientifically-researched, knowledge-based reading and computational skills instruction so that program graduates will be able to provide the necessary academic foundations for their students at whatever grade level they choose to teach.
- The bill grants to the State Board of Education authority to approve a student who graduates from a college or university approved by State Board rule for admission into a teacher preparation program.
- The bill requires each teacher preparation program to guarantee that its graduates will demonstrate core skills during their first two years immediately following graduation from the program or following initial certification, whichever occurs first. It requires the teacher preparation program to provide additional training, at no cost, to any educator who fails to demonstrate essential skills. The training shall consist of an individualized plan agreed upon by the school district and the postsecondary institution that includes specific learning outcomes. The bill provides that the postsecondary institution assumes no responsibility for the educator's employment contract with the employer.
- The bill includes as part of the annually administered survey of employer satisfaction a question about whether the educator maintains an orderly and disciplined classroom conducive to student learning.
- The bill authorizes district school boards to pay student teachers during their internships.
- The bill requires the State Board to review the standards and recommendations of the American Board for Certification of Teacher Excellence in addition to the National Board for Professional Teacher Standards in setting criteria for state program approval, standards of excellence and requirements for in-service education.
- The bill requires pilot teaching programs for high achieving students to give priority consideration to students obtaining academic degrees in math, science, engineering, reading or identified critical shortage areas, and requires each student in a pilot program to teach for at least 3 years after receiving a degree. It requires each pilot program to include a year-long paid teaching assignment at a low-performing school, and requires the assignment of a mentor teacher with specific education

requirements and training or certification by the National Board of Professional Teaching Standards or the American Board for Certification of Teacher Excellence.

Discipline and School Safety (Sections 10, 13 and 14)

- The bill encourages each district school board, each district school superintendent, and each school principal to fully support the authority of their teachers, pursuant to s. 1003.32, and school bus drivers to remove disobedient, disrespectful, violent, abusive, uncontrollable or disruptive students from the classroom and the school bus.
- The bill encourages each school district superintendent to fully support the authority of his or her principals, teachers, pursuant to s. 1003.32, and school bus drivers to remove disobedient, disrespectful, violent, abusive uncontrollable or disruptive students from the classroom and the school bus.
- The bill encourages each school principal to fully support the authority of his or her principals, teachers, pursuant to s. 1003.32, and school bus drivers to remove disobedient, disrespectful, violent, abusive uncontrollable or disruptive students from the classroom and the school bus. It also requires the principal or principal's designee to give full consideration to the recommendation for discipline made by a teacher or other member of the instructional staff or bus driver when making a decision regarding student referral or discipline.

Teacher Student Loan Reimbursement Program (Section 15)

- The bill renames the Critical Teacher Shortage Student Loan Forgiveness Program as the Teacher Student Loan Reimbursement Program.
- The bill provides that the program is established to encourage qualified personnel with undergraduate or graduate degrees in mathematics, science, engineering, reading or State-Board of Education-designated critical teacher shortage areas to seek employment as teachers in Florida publicly funded schools, and states that the primary purpose of the program is to enhance the quality of Florida's teacher workforce by making repayments toward loans received by the selected students.
- Under the program, repayments are intended to be made to qualified applicants who apply during their first full year. Repayment shall be prorated if the teacher teaches at least 90 days during the first year of teaching in a publicly funded school in Florida.
- The bill authorizes the Department of Education to make loan principal payments on behalf of persons with degrees in mathematics, science, engineering, reading or state board-designated critical teacher shortage areas who are certified to teach in Florida public schools.
- Repayments may be made of up to \$1,500 the first year the person is employed as a teacher in a publicly funded school in Florida; up to \$2,500 for the second year the person is employed as a teacher in a publicly funded school in Florida; up to \$3,500 for the third year the person is employed as a teacher in a publicly funded school in Florida; up to \$4,500 for the fourth year and each subsequent year, up to a maximum of 10 years, the person is employed as a teacher in a publicly funded school in Florida.
- The bill provides that all payments are contingent on continued proof of satisfactory employment in a teacher position in a publicly funded school and shall be made directly to the holder of the loan and/or applicant. A teacher shall remain eligible for loan reimbursement in accordance with the bill for up to the maximum of 10 years if he or she continues to teach in a critical shortage area at a publicly funded school in Florida.

- The bill prohibits students who receive a state scholarship or fellowship loan from participating in the Teacher Student Loan Reimbursement Program.
- Provides that the Department shall advertise the availability of the program and must advise school districts, postsecondary institutions and the public of the criteria and application procedures.

Teaching Fellows Program (Section 16)

- The bill creates the Teaching Fellows Program to encourage graduate students in mathematics, science and engineering disciplines to enter the teaching profession in public schools in Florida, and provides that the program shall be administered by the Department of Education.
- The program provides an annual stipend of \$5,000 for each approved teaching fellow who is enrolled full-time in one of Florida's public or private universities in a graduate program in a mathematics, science or engineering discipline or state board-designated critical teacher shortage area and commits to teach in a publicly funded school in Florida for 5 consecutive years immediately following completion of the graduate program.
- The bill provides that the intent of the Legislature is that the total amount appropriated annually for the program be sufficient to provide 200 fellows with stipends of \$5,000 per year and to provide a \$5,000 signing bonus to each fellow upon initial employment as a teacher in a Florida public school graded A, B or C; or a \$10,000 signing bonus upon employment in a Florida public school graded D or F, \$5,000 at initial employment and \$5,000 upon completion of the first year of teaching.
- A student may receive a stipend from the program for up to 4 consecutive years if the student remains enrolled full-time in an eligible program and makes satisfactory progress toward a graduate degree in a program in mathematics, science or engineering discipline, or state board-designated critical teacher shortage area.
- A teaching fellow who receives a stipend pursuant to this section and attends a state university shall also receive a waiver of tuition and out-of-state fees, if applicable, at that university. If a teaching fellow graduates and is employed for 5 consecutive years in a Florida publicly funded school, the fellow is not obligated to repay the amount received as stipends, bonus or tuition and fee waivers pursuant to the program.
- If the fellow does not obtain a graduate degree within 4 years, or if the fellow graduates but does not teach in a Florida publicly funded school for 5 consecutive years following graduation, the fellow must repay the Department of Education, on a schedule to be determined by the department, the total amount awarded for stipends, bonus and tuition and fee waivers received pursuant to this program plus annual interest of 8 percent accruing from the date of the scholarship payment. Monies repaid are to be deposited into the State Student Financial Assistance Trust Fund.
- The bill provides that the department may provide additional time for repayment if the department finds that circumstances beyond the control of the recipient caused or contributed to the default.
- The bill prohibits fellows from participating in the Teacher Loan Reimbursement Program.
- The bill requires the department to advertise the availability of the program and advise school districts, postsecondary institutions and the public of the criteria and application procedures.
- The bill gives the State Board of Education rule making authority to implement the program.
- The bill requires that the section is to be implemented only to the extent as specifically funded and authorized by law.

BEST Florida Teaching Categorical Fund (Section 17)

- The bill establishes the Better Educated Students and Teachers (BEST) Florida teaching categorical fund for salary career ladder and performance pay reserve bonuses.
- The bill creates a categorical fund to fund differentiated teacher salaries pursuant to s. 1012.231(2) and requires school boards to access the fund by complying with s. 1012.22(1)(c)4. by rewarding each of their classroom teachers in the “career teacher” category pursuant to s. 1012.231(2)(b) whose students demonstrate more than a year’s worth of learning in one year as measured by the FCAT or local assessment in accordance with s. 1008.22(3) or (7) with an annual performance bonus of up to \$3,000.
- Beginning with the 2003-2004 academic year, categorical funds shall be allocated annually to each school district in the amount provided in the General Appropriations Act, which will be in addition to funds appropriated on the basis of full-time equivalent student membership in the Florida Education Finance Program and shall be included in the total potential funds of each school district. The bill requires that these funds be used only to fund a salary career ladder pursuant to s. 1012.231(2).
- Requires each district school board to use a portion of its performance pay reserve funds required pursuant to s. 1012.22(1)(c)4. to provide BEST Florida Teaching bonuses of up to \$3,000 to full-time K-12 classroom teachers in the “career teacher” category pursuant to s. 1012.231(2)(b) whose students demonstrate more than a year’s worth of learning in one year as measured by the FCAT or local assessment in accordance with s. 1008.22(3) or (7).
- The bill provides that to be eligible for categorical funds, each school superintendent must submit to the Education Commissioner and receive approval of a plan detailing the district’s salary career ladder for teacher salary levels and a plan detailing the district’s methodology for selecting the teachers in the “career teacher” category who will receive the performance bonus and how it will use a portion of its performance pay reserve funds required by s. 1012.22(1)(c)4. to fund the bonuses.
- The bill states that any teacher in the “career teacher” category under s. 1012.231(2)(b) who receives performance bonuses for 2 years in a 4-year period shall be considered for promotion to “lead teacher” pursuant to s. 1012.231(2)(c).

Teacher Recruitment and Retention (Section 18)

- The bill requires all departments of all public and nonpublic postsecondary institutions to cooperate with the Department of Education in the recruitment of qualified teachers.
- It requires the department to advertise in public and nonpublic postsecondary institutions as opposed to schools of education and to publish and distribute information pertaining to all routes toward teacher certification in Florida. The bill states that the purpose of the program is to recruit and prepare individuals who do not graduate from state-approved teacher education programs to teach in a Florida public school.
- The bill requires the department to develop and implement a First Response Center to provide educator candidates one stop shopping for information on teaching careers in Florida and establish the Teacher Lifeline Network to provide online support to beginning teachers and those needing assistance.
- The bill requires the department to include in its job fair in and out-of-state potential educators as well as current educators.
- The bill provides that subject to the proviso in the General Appropriations Act, the Commissioner may use funds appropriated by the Legislature and funds from federal grants and other sources to incentivize teacher recruitment and preparation programs.

- The bill provides that the Commissioner may contract with entities other than and including approved teacher preparation programs to provide intensive teacher training leading to passing the required certification exams for the desired subject area or coverage.
- The bill requires the Commissioner to survey school districts to evaluate the effectiveness of such programs.

Teacher Compensation (Section 19)

- The bill requires that beginning with the 2003-2004 academic year, each district school board shall develop, and shall present to the State Board of Education by June 30, 2004, a plan to be implemented beginning with the 2004-2005 academic year for compensation of classroom teachers at no less than \$31,000 in 2003 dollars, indexed to the Consumer Price Index thereafter, pursuant to legislative appropriations.
- These plans must provide for phased-in incremental implementation that maintains separation between years of service for each differentiated classroom teacher category.
- The bill provides that effective the 2005-2006 academic year, the minimum beginning salary shall be considered a statewide minimum standard just as minimum number of school days, designation of duties of instructional personnel and minimum certification standards, and as such will not be subject to collective bargaining under chapter 447.
- Beginning with the 2003-2004 academic year, each district school board shall use its share of the BEST Florida Teaching categorical to fund a salary career ladder for classroom teachers, with the highest salary level based on outstanding performance and assignment of additional duties. Performance shall be defined as designated in s. 1012.34(3)(a)1.-7. and shall also include local assessments as required by s. 1008.22(7) to determine learning gains in grades and classes not measured by the FCAT.
- The bill requires school boards to designate categories of classroom teachers reflecting specific salary career levels for "Associate Teacher," "Career Teacher," "Lead Teacher," and "Mentor Teacher."
- The bill defines "Associate Teacher" as a classroom teacher who has not yet fully validated all essential teaching competencies, including the educator accomplished practices as established in State Board of Education rule, or who have not qualified through reciprocal certification options identified in s. 1012.56, or who are low performing teachers. The school board is authorized to demote any chronically low performing teacher to associate teacher.
- The bill defines "Career Teacher" as a classroom teacher who has fully validated all essential teaching competencies, including the educator accomplished practices as established in state board rule or who has qualified through reciprocal certification options identified in s. 1012.56.
- The bill defines "Lead Teacher" as the highest performing 5 percent of classroom teachers in the district, after mentor teachers, who have demonstrated outstanding performance as evidenced by improved student achievement and who are responsible for leading others in the school as department chair, lead teacher, grade level teacher, intern coordinator or professional development coordinator. The bill requires lead teachers to participate on a regular basis with the direct instruction of students and serve as faculty for professional development activities as determined by the State Board of Education. Lead teachers shall be paid an additional annual salary supplement of \$5,000.
- The bill defines "Mentor Teacher" as the highest performing 3 percent of classroom teachers who have demonstrated sustained outstanding performance as evidenced by improved student achievement and other factors as defined by the State Board of Education, and who serve as regular mentors to other teachers who are either not performing satisfactorily or who strive to become more proficient. The bill

requires mentor teachers to serve as faculty-based professional development coordinators and regularly demonstrate and share their expertise with other teachers in order to remain mentor teachers. It also requires a mentor teacher to participate on a regular basis with the direct instruction of low-performing students. Mentor teachers shall be paid an additional salary supplement of \$10,000.

- The bill provides that a school district shall not assign a higher percentage than the district average of first-time teachers, temporarily certified teachers, teachers in need of improvement, or out-of-field teachers to schools with above the district average of minority and economically disadvantaged students or schools that are graded “D” or “F”. The bill authorizes school boards to provide salary incentives to meet this requirement. The bill prohibits any school board from signing a collective bargaining agreement that fails to provide sufficient incentives to meet this requirement.

Administrative Support (Sections 20 and 21)

- The bill clarifies that the school superintendent is responsible for and shall perform specified duties.
- The bill requires, beginning in the 2003-2004 academic year, each school superintendent to include in his recommendation to the school board for positions that need to be filled a provision for the employment of clerical personnel or volunteers who are not classroom teachers assist teachers in non-instructional activities such as paperwork and recordkeeping duties, and clarifies that the teacher remains responsible for all instructional activities, including classroom management and grading student performance.
- The bill also requires, beginning with the 2003-2004 academic year, that the school superintendent recommend a salary schedule for classroom teachers that is consistent with teacher compensation provisions of s. 1012.231.
- The bill requires school principals to apply the personnel assessment system established by s. 1012.231 beginning with the 2003-2004 academic year. It also requires the principal to ensure that clerical personnel or volunteers who are not classroom teachers to assist teachers in non-instructional activities such as paperwork and recordkeeping duties, and clarifies that the teacher remains responsible for all instructional activities, including classroom management and grading student performance.

Teacher Certification (Sections 22 – 25)

Certification Requirements

- The bill provides that a statement of status of eligibility for certification is valid for 3 (instead of 2) years after its date of issuance, except as otherwise provided by law. It also eliminates the provision allowing the reissue of a statement of status of eligibility for an additional 2 year period under certain circumstances.
- The bill clarifies that a “mastery of general knowledge” may be demonstrated by a valid professional standard teaching certificate issued by another state; a valid certificate issued by the National Board for Teaching Standards or other such nationally recognized organization as determined by the State Board of Education or documentation of two semesters of successful teaching in a community college, state university, or private college or university that awards an associate’s or higher degree and is an accredited institution or an institution of higher education identified by the Department of Education as having a quality program; or a valid teaching certificate issued by another state and documentation of 1 year of successful teaching experience.
- The bill broadens category of acceptable means of demonstrating mastery of subject area knowledge by removing completion of graduate level subject area specialization requirements; the requirement that a valid teaching certificate from another state include an examination of the mastery of subject

area; the requirement that a teacher provide a valid teaching certificate from another state combined with a valid certificate from a nationally recognized organization; and the requirement that a teacher have 2 years of continuous successful full-time teaching or administrative experience during the 5 year period immediately preceding the date of application for certification. It allows for demonstration of mastery of subject area knowledge with a valid teaching certificate issued by another state and documentation of 1 year of successful teaching experience.

- The bill broadens category of acceptable means of demonstrating mastery of professional preparation and education competence with a valid teaching certificate issued by another state and documentation of 1 year of successful teaching experience.
- The bill provides that demonstration of mastery of professional preparation and education competence by documentation of two semesters of successful teaching in a community college, state university or private college or university that awards and associate's or higher degree and is an accredited institution or an institution of higher education identified by the Department of Education as having a quality program.
- The bill also removes the requirement that a teacher demonstrates 2 years of continuous successful full-time teaching or administrative experience during the 5 year period immediately preceding the date of application for certification.
- The bill provides that state board rules relating to mastery of professional preparation and education competence shall be revised as necessary according to s. 1004.04(2).
- The bill removes the provision requiring a temporary certificate holder to meet the mastery of general knowledge eligibility requirement of paragraph (2)(g) within 1 calendar year of employment under the temporary certificate.
- The bill allows the extension of the temporary certificate for 2 years under certain circumstances, even if the requirements of paragraph (2)(g) are not met. It also allows the department to reissue a temporary certificate for 2 additional years based on emergency need, and requires a written request be submitted prior to any reassurance, stating the basis for the emergency need.

Adjunct Educators

- The bill requires district school boards to adopt rules to allow for the issuance of adjunct teaching certificates to eligible applicants and that adjunct certificates are to be issued to qualified applicants.
- It provides that an applicant who demonstrates sufficient subject area mastery through passage of a subject area test shall be considered to have expertise in the subject area to be taught.

Certificate Renewal

- The bill clarifies that district school boards are to renew professional certificates to persons who hold state-issued professional certificates according to law.
- It requires that a complete renewal application and fee be submitted and requires the Commissioner of Education to notify NBPTS certificate holders of the renewal requirements.
- The bill provides that, as authorized by state board rule, a teacher with a valid certificate issued by the American Board for Certification of Teacher Excellence is deemed to meet state renewal requirements for the life of the teacher's American Board certificate in the subject shown on the American Board certificate.

- The bill requires as a condition of renewal that a teacher receive education in clinical educator training pursuant to s. 1004.04(6)(b) and credits or points in the area of scientifically researched, knowledge-based reading literacy and computational skills acquisition.
- It corrects cross-references.

Additions or Changes to Certificates

- The bill provides that a school district may process via a Department of Education website certificates for applications of public school employees, including the addition of a subject coverage or endorsement to a valid Florida certificate on the basis of the completion of the appropriate subject area testing requirements of paragraph (4)(a) of s.1012.56, or the completion of the requirements of an approved district program or in-service components for an endorsement; a reissued certificate to reflect a name change; and a duplicate certificate to replace a lost or damaged certificate.
- The bill provides that the employing school district shall charge the individual a fee not to exceed the amount charged by the department for these services. It requires each school district to retain a portion of the fee as defined in the rules of the state board. It also requires that the portion of the fee sent to the department be used for maintenance of the technology system, the web application, and posting and mailing of the certificate.

Dale Hickam Excellent Teaching Program (Section 26)

- The bill amends the Dale Hickam Excellent Teaching Program to provide that, contingent upon approval from the State Board of Education, the incentives and privileges extended to the National Board of Professional Teaching Standards (NBPTS) and to a teacher who holds a valid certificate issued by the NBPTS shall be extended to the American Board for Certification of Teacher Excellence (ABCTE) and to a teacher who holds a valid master teacher certificate issued by the ABCTE.
- The bill provides that categorical funding for incentives and bonuses shall be distributed to the ABCTE as well as the school district or the NBPTS, if approved by the State Board of Education.
- It provides that a fee subsidy may be paid by the Department of Education to the ABCTE as well as the NBPTS, if approved by the State Board of Education, and includes the ABCTE certification program as an acceptable prerequisite for a teacher under the Dale Hickam program.
- The bill provides that a teacher who participates in the ABCTE master teacher certification program is eligible for the portfolio preparation incentive.
- It provides that the annual bonus paid to a person holding an NBPTS certification may also be paid to a person holding an ABCTE master teacher certificate, if approved by the State Board of Education.
- It provides that the annual bonus paid to teachers who agree to mentor teachers who do not hold NBPTS certificates applies for those teachers who mentor teachers who do not hold ABCTE certification, if approved by the State Board of Education.
- The bill provides that beginning with the 2003-2004 academic year, annual bonuses pursuant to this section shall be limited to teachers who demonstrate outstanding student performance in accordance with s. 1012.34(3)(a)1.-7. and demonstrate significant successful efforts in mentoring beginning teachers or those teachers needing assistance.
- A teacher who completes the certification program but fails to receive NBPTS or ABCTE master teacher certification, if approved by the State Board of Education, is not required to repay the amount of the certification fee paid by the state if the teacher teaches in a public school in Florida for 1 year.

- The bill provides that a person who receives a certification fee subsidy paid to the NBPTS or ABCTE, if approved by the State Board of Education, consents to the withholding of wages to repay the state the amount of the fee subsidy.

School Community Professional Development Act (Section 28)

- The bill amends the School Community Professional Development Act to define the “school community” to include students and parents.
- It removes authority of school district to identify and include additional members of the school community in the professional development activities required by the Act.
- The bill includes among activities designed to implement the Act the use of scientifically research-based educational activities to encourage students.
- The bill eliminates references to the system of professional development of school administrative personnel.
- The bill allows a school district to contract with a private entity for professional development services if the district can demonstrate to the Commissioner that a better product can be acquired or the district’s education goals can be better met.

Educational Leadership Development (Section 29)

- The bill requires the State Board of Education to make rules through which school principals may earn a principal leadership designation based on teacher retention, overall student performance and school grade.
- It requires the State Board of Education to designate incentives available to personnel who earn principal leadership designation including, but not limited to, merit pay, expanded discretionary spending flexibility, relaxed regulation or reporting requirements, additional professional development resources and public recognition.
- The bill requires the Department of Education to provide a system for the recruitment, preparation and education leadership development of school administrative personnel.
- The bill provides that standards for such a system, which shall be adopted by the State Board of Education, must include without limitation improved student achievement; increased emphasis on reading using the latest scientific knowledge-based research in reading and the administrator’s role as a successful school leader in reading reform efforts; instructional leadership; data analysis; school safety; community and family involvement; operational management; and school finance.
- The bill requires that each education leadership development program provide all participants full information on not less than an annual basis to update the participants on the status of, and rationale for changes to, state and federal law and funding policies.
- The bill requires that education leadership programs be consistent with adopted standards and be approved by the Department of Education. It provides that alternative education leadership programs that meet the standard of and are approved by the Department of Education may be offered by a school district or postsecondary institution.
- The bill authorizes the Commissioner of Education may conduct K-20 leadership institutes for the purpose of communicating the state’s education priorities, best practices and other related research and facilitating the formation of K-20 partnership.

Resignation of Principal and Teachers from Failing Schools

- The bill provides that, notwithstanding any other provision of law to the contrary, when a school is graded "F" or receives a second consecutive grade of "D," the elected superintendent or, if the superintendent is appointed, the district school board, may request the resignation of the principal and teachers.

Collective Bargaining Contracts (Section 31)

- Requires each school board to review and consider amending any collective bargaining contract that may hinder the implementation of the Act.

Classroom Teacher Survey (Section 32)

- The bill directs the Commissioner of Education to make an e-mail survey of classroom teachers to determine whether they have received improved support from school boards, superintendents and principals for paperwork reduction and classroom discipline and requires the Commissioner to use the enforcement authority of s. 1008.32, F.S. to ensure compliance with the BEST Florida Teaching Act of 2003.

Miscellaneous (Sections 8, 27)

- The bill corrects a cross reference in s. 1002.42(13), F.S., relating to private schools.
- The bill repeals s. 1012.73, F.S., relating to the Florida Mentor Teacher School Pilot Program.

Effective Date (Section 33)

- The bill provides that the bill will take effect upon becoming law.

C. SECTION DIRECTORY:

Section 1. Providing a title.

Section 2. Creates s. 1000.041, F.S., the Better Educated Students and Teachers (BEST) Florida Teaching Act of 2003.

Section 3. Amends s. 1001.33, F.S., relating to the authority of the school board and superintendent to control schools.

Section 4. Amends subsections (4) and (5) of s. 1001.42, F.S., relating to the powers and duties of the school board.

Section 5. Renumbers subsection (23) of s. 1001.51, F.S., as subsection (25) and creates new subsections (23) and (24), relating to the duties and responsibilities of district school superintendents.

Section 6. Amends s. 1001.54(1), F.S., relating to the duties of school principals.

Section 7. Creates s. 1002.20(22), F.S., relating to K-12 student and parent rights.

Section 8. Amends s. 1002.42(13), F.S., relating to private schools, to correct a cross reference.

Section 9. Amends s. 1003.34, F.S., relating to student conduct and parental involvement.

Section 10. Amends s. 1003.31(1), F.S., relating to school control of students.

- Section 11. Amends s. 1003.32, F.S., relating to teacher authority.
- Section 12. Amends s. 1004.04, F.S., relating to teacher program accountability and approval.
- Section 13. Amends s. 1006.08(1), F.S., relating to school superintendent duties regarding student discipline.
- Section 14. Amends s. 1006.09, F.S., relating to school principal duties regarding student discipline and school safety.
- Section 15. Amends s. 1009.59, F.S., relating to the Teacher Student Loan Reimbursement Program.
- Section 16. Creates s. 1009.591, F.S., relating to the Teaching Fellows Program.
- Section 17. Creates s. 1011.63, F.S., establishing the BEST Florida teaching categorical fund.
- Section 18. Amends s. 1012.05, F.S., relating to teacher recruitment and retention.
- Section 19. Creates s. 1012.231, F.S., relating to teacher compensation.
- Section 20. Amends s. 1012.27, F.S., relating to public school personnel.
- Section 21. Amends s. 1012.28, F.S., relating to duties of school principals.
- Section 22. Amends s. 1012.56, F.S., relating to educator certification requirements.
- Section 23. Amends 1012.57, F.S., relating to certification of adjunct educators.
- Section 24. Amends subsections (1) and (2) and paragraph (a) of s. 1012.585, F.S., relating to professional certificate renewal.
- Section 25. Creates s. 1012.586, F.S., relating to additions or changes to certificates.
- Section 26. Amends s. 1012.72, F.S., relating to the Dale Hickman Excellent Teaching Program.
- Section 27. Repeals s. 1012.73, relating to the Florida Mentor Teacher School Pilot Program.
- Section 28. Amends s. 1012.98, F.S., relating to the School Community Professional Development Act.
- Section 29. Creates s. 1012.987, F.S., relating to educational leadership development.
- Section 30. Provides for the request for resignation of principal and teachers under certain circumstances.
- Section 31. Provides for the review and amendment of collective bargaining contracts.
- Section 32. Provides for an e-mail survey of classroom teachers by the Commissioner of Education.
- Section 33. Provides that the bill will be effective on becoming law.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues: The bill authorizes a school board to impose an individual fee not to exceed the amount charged by the department for modifications to certificates of public school employees processed through the Department of Education website. This amount has not been determined.
2. Expenditures: The Department of Education prepared the following initial fiscal analysis of the effect of the bill on state expenditures. The bill's total fiscal impact is approximately \$235,179,000 to 395,724,000.

Increasing Minimum Salaries to \$31,000

Costs for salaries and benefits necessary to increase each teacher's salary to a minimum of \$31,000 in 2004-2005 are estimated to be \$76,867,767.

This annual amount should be considered a recurring cost for each subsequent year (with appropriate inflation adjustments). The estimate for 2003-2004, is based upon the actual number of teachers employed in 2002-03 with salaries less than \$31,000. The total amount of salaries and benefits (\$75,360,556) need to bring the teachers to \$31,000 was increased by the projected CPI (2%) for the 2003-2004 estimate of \$76,867,767. (Note: This assumes the bill will be changed to reflect an inflation adjustment in the first year.)

The bill was amended by the Committee on Education to make the \$31,000 salary increase a statewide minimum salary for all teachers. There will be teachers who are not beginning teachers who will benefit from the increase.

Teacher Student Loan Reimbursement Program

Costs in the first year of this program, 2003-2004, for the 1,705 teachers at \$1,500 each are estimated to be \$2,557,500.

The fiscal impact for the 1,705 teachers for the second, third, and fourth years would be \$4,262,500 (\$2,500 each), \$5,967,500 (\$3,500 each), and \$7,672,500 (\$4,500 each), respectively.

The number of teachers projected to participate in the Teacher Student Loan Reimbursement Program in 2003-2004 is based on the maximum number of teachers determined to be eligible in 2002-2003 in the Critical Teacher Shortage Student Loan Forgiveness (CTSSLF) Program. The Teacher Student Loan Reimbursement Program replaces the CTSSLF program. The current year expenditures for the CTSSLF Program are \$1.6M. Therefore, the expenditure impact for 2003-2004 would be \$1.6M in recurring dollars and \$957,500 in new dollars.

Teaching Fellows Program

Estimates of maximum annual stipends (and related payroll taxes) costs are \$1,076,500 for each of the four years of potential participation, totaling \$4,306,000 for the initial group of participants.

Upon employment, estimates of maximum annual costs associated with initial signing bonuses are \$1,186,013.

This is based upon a distribution of participants consistent with the current percentage of schools graded A, B, C, D, and F. However, if all 200 teaching fellows chose to be assigned to schools graded D or F, costs for initial signing bonuses would be \$2,153,000.

The provision related to establishment of a Teaching Fellows program involves costs for annual stipends to a maximum number of 200 participants of \$5,000 annually for up to four years. Additionally, tuition waivers are to be provided to each fellow attending a state university. Upon employment in a public school, signing bonuses for fellows assigned to A, B, or C schools of \$5,000 would be paid, and bonuses of \$10,000 would be paid to fellows assigned to D or F schools.

Although this program is for 200 participants only, the following information is provided if this cap were increased. For each additional teaching fellow, annual stipends (and related payroll taxes) costs of \$5,382.50 would be incurred in each of the four years of potential participation. If the teacher is assigned to a school graded A, B, or C, additional costs related to the initial signing bonus upon employment would be \$5,382.50. If the teacher is assigned to a school graded D or F, additional costs would be \$10,765 for each teacher.

It is also assumed there are no costs associated with tuition waivers provided at state universities.

BEST Categorical Fund

Allows career teachers to earn up to \$3,000 bonus based on student performance. Fiscal impact ranges from \$160,545,000 if 50% of all career teachers qualify to \$321,090,000 if 100% of career teachers qualify.

This assumes that 77% of teachers are career teachers (a total of 107,030).

Teacher Salary Career Ladder

\$70,000,000, based on an assumption that 3% of teachers will receive a \$10,000 salary supplement (3,500 teachers x \$10,000) and that %5 of teachers will receive a \$5,000 supplement (7,000 teachers x \$5,000).

Principal Executive Leadership

The Department of Education is to develop a plan to implement the leadership provisions of the bill, which are expected to cost \$1,000,000.

Rulemaking Costs

The bill provides for rulemaking with respect to sections 1004.04, 1012.56, 1012.57, 1012.585, 1012.586 and 1012.987, F.S. The State Board of Education or local school district will incur costs associated with publication of rulemaking notices and associated costs. These costs have not been determined.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues: None.
2. Expenditures: None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR: None.

D. FISCAL COMMENTS: The Department of Education has not evaluated the strike-everything amendment.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision: The bill has no fiscal impact on any city or county.
2. Other:

Collective Bargaining. The bill creates a salary “floor” for beginning teachers of \$31,000 beginning with the 2005-2006 academic year. The bill calls for each district school board to prepare a plan to provide for such compensation, pursuant to legislative appropriations. The plans must provide for phased-in incremental implementation that maintain separation between years of service for each differentiated classroom teacher category created by the bill. The bill provides that the minimum salary shall be considered a statewide minimum standard just as minimum number of school days, designation of duties of instructional personnel and minimum certification standards, and as such will not be subject to collective bargaining. The bill has no impact on the rights of parties to negotiate above the \$31,000 minimum or to negotiate other aspects of the employment relationship that are not impacted by the bill.

The Florida Constitution guarantees the right of employees to bargain collectively through a labor organization. Art. I, s. 6, Fla. Const. Chapter 447, Part II, Florida Statutes, governs the collective bargaining process for public employees in Florida. Section 447.301(2), F.S., gives public employees the right to negotiate collectively with their public employer in the determination of the terms and conditions of their employment. The opportunity to bargain for wages falls within this right. *United Teachers of Dade, FEA/United AFT Local 1974, AFL-CIO v. Dade County School Board*, 500 So. 2d 508 (Fla. 1986).

The Florida Supreme Court has held that the Legislature may not interfere with a collectively-bargained-for contract once that contract has been funded, on grounds that such interference violates the constitutionally guaranteed right to collective bargaining and the right to contract. *Chiles v. United Faculty of Florida*, 615 So. 2d 671 (Fla. 1993). However, the Legislature has no legal obligation to fund a collectively-bargained-for contract between a public employer and public employees. *State of Florida v. Florida Police Benevolent Association, Inc.*, 613 So. 2d 415 (Fla. 1992).

However, section 447.309(3), F.S., renders ineffective any provision of a collective bargaining agreement that conflicts with any law, ordinance, rule or regulation over which the chief executive officer of the public employer has no amendatory power unless and until the Legislature amends the provision of law, etc., that is in conflict. Therefore, any collective bargaining agreement that contains terms in conflict with the bill (once enacted) will not be effective unless the terms of the law are amended to conform with the collective bargaining agreement. This would apply to the minimum salary and to other aspects of the bill that may otherwise be covered by a collective bargaining agreement.

B. RULE-MAKING AUTHORITY:

The bill provides for rulemaking with respect to the following sections of law:

Section 1004.04, F.S., which gives the State Board of Education the power to approve a student for admission to a teacher preparation program by rule.

Section 1012.56, F.S., which requires existing state board rules regarding mastery of professional preparation and education competence to be revised as necessary to comply with s. 1004.04(2), F.S.

Section 1012.57, F.S., which requires district school boards to adopt rules to allow for the issuance of adjunct teaching certificates to eligible applicants.

Section 1012.585, F.S., which requires that, as authorized by state board rule, a teacher with a valid certificate issued by ABCTE is deemed to meet state renewal requirements for the life of that certificate.

Section 1012.586, F.S., which requires the State Board of Education to define by rule what portion of the fee an employee is charged for changing a certificate online a school board can retain.

Section 1012.987, F.S., which gives the State Board of Education authority to make rules through which school principals may earn a principal leadership designation.

C. DRAFTING ISSUES OR OTHER COMMENTS:

IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES

Rep. Kilmer offered a strike-everything amendment, as amended, to the bill which was adopted by the Committee. The amendment makes the following changes to the bill, which are reflected in the preceding analysis:

- Provides that teachers “teach,” replacing the term “lead.”
- Provides that clerical personnel or volunteers be available to assist teachers in non-instructional activities and clarifies that teachers are still responsible for instructional activities and grading.
- Provides that school leaders “should” encourage implementation of the guiding principals instead of requiring such implementation.
- Provides that school leaders “should” support teachers, with respect to s. 1003.32, and bus drivers, in the removal of troublesome students from the classroom or school bus.
- Requires students to comply with attendance laws throughout the school year.
- Provides that when students are removed from the classroom or bus that they be placed in an alternative educational setting when appropriate and available.
- Removes reference to the permanent or temporary removal of students from the classroom, leaving that to the discretion of the teacher.
- Requires that a principal must notify teachers of the availability, procedures and criteria for the placement review committee.
- Requires state university or community college teacher preparation programs to guarantee that their graduates will be able to demonstrate specified core skills for 2 years following graduation or following initial certification.
- Requires the Commissioner of Education to notify certain certificate holders of the requirement for submitting an application and paying a fee for renewal.
- Requires each school board to review and consider amending a collective bargaining contract that may hinder the implementation of the Act.
- Allows for demonstration of mastery of general knowledge with a valid teaching certificate issued by another state and documentation of 1 year of successful teaching experience.
- Allows for demonstration of mastery of subject area knowledge with a valid teaching certificate issued by another state and documentation of 1 year of successful teaching experience.
- Allows for demonstration of mastery of professional preparation and educational competence with a valid teaching certificate issued by another state and documentation of 1 year of successful teaching experience and removes language that provided for demonstration by documentation of 2 semesters of successful teaching experience in a community college, state university or private college or university.
- Requires Teacher Lifeline Network to provide support to beginning teachers and those teachers needing assistance, removing a reference to “struggling” teachers.
- Provides for a salary career ladder for teachers, creating Associate, Career, Lead and Mentor teacher categories.
- Provides for \$5,000 and \$10,000 bonuses for Lead and Mentor teachers under certain circumstances.
- Provides for \$3,000 bonus for Career Teachers who demonstrate specified student improvement.
- Provides that beginning in 2004-2005, the \$31,000 salary shall be a statewide minimum salary for teachers.
- Provides that the Dale Hickam Excellent Teaching Program will apply to teachers who demonstrate outstanding student performance and who mentor beginning teachers or those teachers needing assistance.
- Confers on the American Board for Certification of Teacher Excellence the same benefits as are conferred on the National Board of Professional Teaching Standards.
- Requires the Commissioner of Education to survey teachers to determine whether they have received support from school leaders with respect to paperwork reduction and classroom discipline.
- Makes technical corrections.