

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: CS/HB 1411 Education Personnel
SPONSOR(S): PreK-12 Policy Committee; Stargel
TIED BILLS: **IDEN./SIM. BILLS:** SB 2458

	REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1)	PreK-12 Policy Committee	9 Y, 4 N, As CS	Duncan	Ahearn
2)	Full Appropriations Council on Education & Economic Development		Clark	Martin
3)				
4)				
5)				

SUMMARY ANALYSIS

This Committee Substitute for HB 1411 creates the “Quality Teachers for All Students Act” and:

- Changes the contractual requirements for classroom teachers hired beginning July 1, 2009.
- Revises the current assessment system and establishes an appraisal system and revises the appraisal procedures and criteria for instructional, administrative, and supervisory personnel.
- Requires, by March 1, 2010, and biennially thereafter, the Department of Education (DOE) to report to the State Board of Education (SBE) on the effectiveness of the graduates of state-approved teacher preparation programs.
- Adds successful completion of a professional education training program provided by Teach for America and achievement of a passing score on the professional education competency examination required by rule by the SBE as an option for demonstrating professional education competence.
- Authorizes the SBE to adopt rules to allow a person to use his or her teaching experience as a military instructor to verify occupational teaching experience for the same number of years of instruction provided in one of the branches of the United States Armed Forces.
- Requires each district school board to report to the DOE on its differentiated pay policy in the manner and format prescribed by the DOE. The SBE is directed to adopt rules with respect to compliance requirements for district salary schedules regarding individual performance and differentiated pay, reporting formats, and procedures for review of salary schedules.
- Requires the DOE to annually post on its Internet website the percentage of classroom teachers by school who are first-time teachers, temporarily certified teachers, teachers in need of improvement, or out-of-field teachers; and report by school district the number of classroom teachers whose students’ declining academic performance indicates educational insufficiency.
- Eliminates the mandate in existing law that, as of July 1, 2001, school districts must recognize and accept each year of public, full-time teaching service earned in Florida and outside the state for each employee who enters into a written contract. Eliminating the mandate does not, however, prohibit the school district from considering years of service when determining pay.
- Directs the SBE to adopt by rule the Florida Educator Accomplished Practices, which forms the basis for the state’s expectations for effective instructional practice. The Commissioner of Education must periodically review the Florida Educator Accomplished Practices based on contemporary educational research and analysis of student performance data and include associations representing teachers, principals, superintendents, and school boards.

The CS does not appear to have a fiscal impact on state or local governments.

HOUSE PRINCIPLES

Members are encouraged to evaluate proposed legislation in light of the following guiding principles of the House of Representatives

- Balance the state budget.
- Create a legal and regulatory environment that fosters economic growth and job creation.
- Lower the tax burden on families and businesses.
- Reverse or restrain the growth of government.
- Promote public safety.
- Promote educational accountability, excellence, and choice.
- Foster respect for the family and for innocent human life.
- Protect Florida's natural beauty.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

The Committee Substitute (CS) for HB 1411 creates the "Quality Teachers for All Students Act."

Teacher Preparation Programs

Current Law

The State Board of Education (SBE) is required to attain a system for development and approval of teacher preparation programs that allows postsecondary teacher preparation institutions to utilize varied and innovative teacher preparation techniques while being held accountable for producing graduates with the competencies and skills necessary to achieve the state's education goals.¹

Effect of Proposed Changes

The CS provides that by March 1, 2010, and biennially thereafter, the Department of Education (DOE) must report to the SBE on the effectiveness of the graduates of state-approved teacher preparation programs. The report must include an analysis of the public school learning gains on statewide assessments² by students who were taught by graduates of each state-approved teacher preparation program.

Educator Certification Requirements

Current Law

Classroom teachers and other public school employees serving in an instructional capacity must be certified.³ In addition to meeting other certification requirements, teachers must demonstrate mastery in three areas: general knowledge, subject area knowledge, and professional preparation and education competence.⁴

¹ Section 1004.04, F.S.

² The statewide program of educational assessment is titled the Florida Comprehensive Assessment Test and measures student achievement of the Sunshine State Standards in reading, writing, mathematics, and science. *See* s. 1008.22, F.S.

³ Section 1012.55(1), F.S.

⁴ Section 1012.56(2)(g)-(i), (3), (5), & (6), F.S.

The traditional way that teachers demonstrate professional preparation is through completion of a teacher preparation program offered by a college or university.⁵ Additional options for demonstrating professional education competence include:

- Holding a valid professional standard teaching certificate issued by another state.
- Holding a valid certificate issued by the National Board for Professional Teaching Standards or a national educator credentialing board approved by the SBE.
- Documenting two semesters of successful teaching at a college or university that awards an associate or higher degree and is an accredited institution of higher education.
- Completing professional preparation courses specified in rules adopted by the SBE.⁶

Effect of Proposed Changes

The CS adds successful completion of a professional education training program provided by Teach for America⁷ and achievement of a passing score on the professional education competency examination required by rule by the SBE as an option for demonstrating professional education competence.

As a means of demonstrating mastery of professional preparation and education competence through the completion of professional preparation courses, the CS authorizes the SBE to adopt rules to allow a person to use his or her teaching experience as a military instructor to verify occupational teaching experience for the same number of years of instruction provided in one of the branches of the United States Armed Forces. To demonstrate the completion of certification requirements, the SBE is authorized to allow for the acceptance of college course credits recommended by the American Council on Education.⁸

Contracts for Classroom Teachers

Current Law

Instructional employees hired on or after July 1, 1984, are classified as probationary employees. This probationary period lasts 3 years and may be extended to 4 years if the district school board and the employee have so agreed in writing. Each year of service is pursuant to an annual contract. The 3 years probation must be completed in the same school district during a period of time not in excess of 5 successive years, except for leave duly authorized and granted. An employee's annual contract is not required to be renewed during the probationary period of service.⁹

For instructional staff employed after June 30, 1997, the initial annual contract includes a 97-day period during which the employee's contract may be terminated without cause or the employee may resign without breach of contract.¹⁰

All contracts must contain provisions for dismissal during the term of the contract only for just cause. Just cause includes immorality, misconduct in office, incompetency, being convicted or found guilty of, or entering a plea of guilty to, regardless of adjudication of guilt, any crime involving moral turpitude, as defined SBE rule.¹¹

After an employee has completed the probationary period, that employee can then receive a professional service contract – provided he or she is recommended by the district school

⁵ See s 1012.56(6)(a) & (b), F.S.

⁶ Section 1012.56 (6)(c)-(f), F.S. See Rule 6A-4.006, F.A.C.

⁷ Teach for America is the national corps of recent college graduates and professionals of all academic majors and career interests who commit two years to teach in urban and rural public schools. See <http://www.teachforamerica.org/about/index.htm>.

⁸ The American Council on Education is a higher education organization and a coordinating body for all the nation's higher education institutions. See http://www.acenet.edu/AM/Template.cfm?Section=About_ACE.

⁹ Section 1012.33, F.S.

¹⁰ *Id.*

¹¹ Section 1012.33(1)(a), F.S. and Rule 6B-4.009, F.A.C.

superintendent for such contract and reappointed by the district school board based on successful performance of duties and demonstration of professional competence.¹² A professional service contract must be renewed each year unless the district school superintendent charges the employee with unsatisfactory performance and notifies the employee of performance deficiencies.¹³

As of July 1, 2001, for each employee who enters into a written contract, school districts must, for purposes of pay, recognize and accept each year of public, full-time teaching service earned in Florida and outside the state and for which the employee received a satisfactory performance evaluation.¹⁴

“Classroom teachers” means staff members assigned the professional activity of instructing students in courses in classroom situations, including basic instruction, exceptional student education, career education, and adult education, including substitute teachers.¹⁵

Effect of Proposed Changes

The CS replaces the term “instructional personnel” with “classroom teacher.” The definition of “classroom teachers” means the same as defined in current law, excluding substitute teachers.

The CS changes the contractual requirements for classroom teachers hired beginning July 1, 2009.

A new classroom teacher will receive a probationary contract. A probationary contract is defined as a contract for a period of no longer than 1 school year in which a classroom teacher may be dismissed without cause or may resign from the contractual position without breach of contract (in contrast to the 97-day period, as is current law).

After successful completion of the term of the probationary contract, the classroom teacher is then eligible for an annual contract. An annual contract is defined as a contract for a period of no longer than 1 school year which the district school board can choose to renew or not renew without cause.

If a classroom teacher successfully completes no fewer than 5 annual contracts in the same school district during a period of time not in excess of 7 successive years, except for leave duly authorized and granted, then he or she is eligible for a professional performance contract (in contrast to the 3 annual contracts required within 5 successive years to receive a professional service contract, as is current law). No classroom teacher can receive more than 7 consecutive annual contracts.

A professional performance contract is defined as a contract for a period of not longer than 5 school years which the district school board can choose to renew or not renew without cause (in contrast to a professional service contract which must be renewed, unless the employee is charged with unsatisfactory performance, as is current law). A professional performance contract may only be offered by a district school board to a teacher whose performance is satisfactory after a cumulative review of the teacher’s effectiveness in the classroom based on objective student learning gains.

A district school board may issue a professional performance contract after July 1, 2009, to any classroom teacher who has previously held a professional performance contract, a professional service contract, or a continuing contract¹⁶ in the same or another school district within this state. Any classroom teacher who holds a professional service contract or a continuing contract may, but is not required to, exchange such contract for a professional performance contract in the same district.¹⁷

¹² Section 1012.33((3)(a)3., F.S.

¹³ Section 1012.33(3)(e), F.S.

¹⁴ Section 1012.33(3)(g), F.S.

¹⁵ Section 1012.01(2)(a), F.S.

¹⁶ Continuing contracts are no longer issued. Instructional staff employed prior to July 1, 1984, could receive continuing contracts, provided the law and rule requirements at the time were met. *See s. 1012.33(3)(a), F.S.*

¹⁷ A similar provision exists in current law with regard to a professional service contract and a continuing contract: “A district school board may issue a continuing contract prior to July 1, 1984, and may issue a professional service contract subsequent to July 1, 1984, to any employee who has previously held a professional service contract or continuing contract in the same or another district within

The CS provides that any classroom teacher employed on the basis of a written offer of a specific position by a duly authorized agent of the district school board for a stated term of service at a specified salary, who accepted such offer by telegram or letter or by signing the regular contract form, and who violates the terms of such contract or agreement by leaving his or her position without first being released from his or her contract or agreement by the district school board of the district in which the person is employed will be subject to the jurisdiction of the Education Practices Commission. The district school board must take official action on such violation and shall furnish a copy of its official minutes to the Commissioner of Education. This exact same provision is found in current law with regard to the type of contracts currently entered into by the district school boards.¹⁸

The CS provides that classroom teachers with an annual contract or a professional performance contract may be suspended or dismissed at any time during the term of the contract for just cause. Like current law,¹⁹ just cause includes: immorality; misconduct in office; incompetency; gross insubordination; willful neglect of duty; and being convicted or found guilty of, or entering a plea of guilty to, regardless of adjudication of guilt, any crime involving moral turpitude. The CS adds an additional cause for termination or suspension: educational insufficiency. The SBE must, by rule, define the term “educational insufficiency,” which must be based upon multiyear, objective data on declines in student performance.

Under both the annual contract and the professional performance contract, the CS requires that the district school board notify the classroom teacher in writing whenever charges are made against the employee and allows the district to suspend that person without pay. However, if the charges are not sustained, the classroom teacher must be immediately reinstated and his or her back salary must be paid. This same provision exists in current law with respect to instructional employees under contract.²⁰

The CS further provides, with respect to charges brought against a classroom teacher under a professional performance contract, that if the classroom teacher wishes to contest the charges, the person must, within 15 days after receipt of the written notice, submit a written request for a hearing to the district school board. The district school board must choose between the following 2 options with regard to how the hearing is conducted:

- The hearing is conducted by the district school board within 60 days after receipt of the written appeal. The hearing must be conducted in accordance with the requirements of Chapter 120, F.S., governing administrative procedures, more particularly, sections 120.569 and 120.57, F.S.²¹ A majority vote of the membership of the district school board is required to sustain the district school superintendent’s recommendation. The determination of the district school board is final with regard to the sufficiency or insufficiency of the grounds for termination of employment; or
- The hearing is conducted by an administrative law judge assigned by the Division of Administrative Hearing. The hearing has to be conducted within 60 days after receipt of the written appeal, in accordance with Chapter 120, F.S. The recommendation of the administrative law judge is made to the district school board. A majority vote of the membership of the district school board is required to sustain or change the administrative law judge’s recommendation. The determination of the district school board is final as to the sufficiency or insufficiency of the grounds for termination of employment.

The above-described hearing options are the exact same options currently available for an employee who holds a professional service contract as of July 1, 1997.²²

this state. Any employee who holds a continuing contract may, but is not required to, exchange such continuing contract for a professional service contract in the same district.” See s. 1012.33(3)(d), F.S.

¹⁸ Section 1012.33(2), F.S.

¹⁹ Section 1012.33(1)(a), F.S.

²⁰ Section 1012.33(6)(a), F.S. This section does not, however, apply to continuing contract employees – staff hired before July 1, 1984 – because a separate section of law applies to those persons; i.e., s. 1012.33(4), F.S.

²¹ Section 120.569, F.S., deals with decisions which affect substantial interests and section 120.57, F.S., addresses procedures applicable to hearings involving disputed issues of material fact and hearings that do not involve disputed issues of material fact.

²² Section 1012.33(3)(f)4., F.S.

The CS further provides that any decision adverse to the classroom teacher may be appealed by the employee pursuant to s. 120.68, F.S.,²³ if the appeal is filed within 30 days after the decision of the district school board. This is current law as a result of the express, stand-alone provisions in s. 120.68, F.S.

The CS eliminates the mandate in existing law that, as of July 1, 2001, school districts must recognize and accept each year of public, full-time teaching service earned in Florida and outside the state for each employee who enters into a written contract. Current law provides an exception from this requirement for Florida retired teachers.²⁴ Accordingly, a retired teacher from out of the state gaining employment in Florida must be credited with years of service; whereas, retired teachers in Florida returning to the teaching profession do not have to receive credit for prior years of service. By eliminating the provision altogether, it puts retired teachers on an even playing field whether from in-state or out-of-state and allows the districts to negotiate salaries. Eliminating the mandate does not, however, prohibit the school district from considering years of service when determining pay.

Differentiated Pay

Current Law

Current law provides for the compensation and salary schedules of public school personnel and provides the requirements that the district school board must abide by in the determination and the development of the salary schedule.²⁵ Each district school board must adopt a salary schedule with differentiated pay for both school-based administrators and instructional personnel. The adopted salary schedule is subject to negotiation and must allow school administrators and instructional personnel to receive differentiated pay based upon a number of district-determined factors, including, but not limited to, additional responsibilities, school demographics, level of job performance difficulties, and critical shortage areas.²⁶

Effect of Proposed Changes

The CS eliminates the requirements in existing law that a school district, when determining salary, must consider the prior teaching experience of a person designated state teacher of the year by any state and must consider non-instructional and non-administrative experience in the field of education.

The CS requires each district school board to report to the DOE on its differentiated pay policy in the manner and format prescribed by the DOE. The SBE is directed to adopt rules with respect to compliance requirements for district salary schedules regarding individual performance and differentiated pay, reporting formats, and procedures for review of salary schedules.

Assignment of Teachers

Current Law

In 2006, the Legislature determined that there is a disparity in the qualifications of teachers assigned to teach in a school with a grade of "A" versus those that are assigned to teach in a school with a grade of "F." This disparity can be found in the average years of experience, number of out-of field teachers, median salary, and teacher performance on certification examinations.²⁷

Current law prohibits school districts from assigning a higher percentage than the school district average of first-time teachers, temporarily certified teachers, teachers in need of improvement, or out-of-field teachers to schools that are graded "D" or "F" or schools with above school district average of

²³ Section 120.68, F.S., sets forth the process and requirements for judicial review of a case brought by a party adversely affected by final agency action. Judicial review is at the appellate district level (not circuit level) and notice of appeal must occur within 30 days after the rendition of the order being appealed. *See* s. 120.68 (2)(a), F.S.

²⁴ Section 121.091(9)(b)(3), F.S.

²⁵ Section 1012.22(1)(c), F.S.

²⁶ *Id.*

²⁷ Section 1012.2315, F.S. *See* chapter 2006-74, L.O.F.

minority and economically disadvantaged students. Each school district must certify to the Commissioner of Education that it has assigned teachers equitably. The commissioner must then notify the SBE if a school district is found not in compliance and the SBE may then exercise its power²⁸ to enforce school district compliance.²⁹

Effect of Proposed Changes

The CS requires the DOE to: 1) annually post on its Internet website the percentage of classroom teachers by school who are first-time teachers, temporarily certified teachers, teachers in need of improvement, or out-of-field teachers; and 2) report to the President of the Senate and the Speaker of the House of Representatives of any school district that does not comply with the provisions.

Assessment System and Criteria

Current Law

To improve the quality of instructional, administrative, and supervisory personnel, school district superintendents are required to establish procedures to assess the performance of the duties and responsibilities of all school district employees. The DOE must approve each school district's personnel assessment system.³⁰ The following conditions must be considered in the design of the assessment system:

- The system must be designed to support district and school level improvement plans.
- The system must provide appropriate instruments, procedures, and criteria for continuous quality improvement of the professional skills of instructional personnel.
- The system must include a mechanism to give parents an opportunity to provide input into employee performance assessments, when appropriate.
- In addition to addressing generic teaching competencies, districts must determine those teaching fields for which special procedures and criteria will be developed.
- District school boards may establish a peer assistance process, a mechanism for assisting persons placed on probation, and offer assistance to employees who request it.
- The district school boards must provide training programs that are based upon guidelines provided by the DOE to ensure that all individuals with evaluation responsibilities understand the proper use of the assessment criteria and procedures.³¹

For instructional personnel, the performance of students assigned to their classroom is the basis of the assessment procedure. The annual assessment must be based upon sound educational principles and contemporary research in effective educational practices. The assessment must primarily use data and indicators of improvement in student performance assessed annually³² and may consider results of peer reviews in evaluating an employee's performance. Student performance must be measured by state assessments and by local assessments for subjects and grade levels not measured by the state assessment program.³³ The assessment criteria must include, but are not limited to, indicators related to the following:

- Performance of students.
- Ability to maintain appropriate discipline.
- Knowledge of subject matter.

²⁸ Section 1008.32, F.S. The State Board of Education is required to oversee the performance of district school boards and community college boards of trustees in the enforcement of all laws and rules.

²⁹ Section 1012.2315, F.S.

³⁰ Section 1012.34(1), F.S.

³¹ Section 1012.34(2), F.S.

³² The state's assessment program for public schools is the Florida Comprehensive Assessment Test. *See* s. 1008.22, F.S.

³³ Section 1012.34(3), F.S.

- Ability to plan and deliver instruction and the use of technology in the classroom.
- Ability to evaluate instructional needs.
- Ability to establish and maintain a positive collaborative relationship with students' families to increase student achievement.
- Other professional competencies, responsibilities, and requirements established by the SBE and policies of the district school board.³⁴

Effect of Proposed Changes

The CS replaces the “assessment system” with an “appraisal system” and revises the appraisal procedures and criteria for instructional, administrative, and supervisory personnel. The CS clarifies that the purpose of an appraisal is to increase student achievement by providing quality instructional personnel.

The CS modifies the conditions that must be considered in the design of an instructional personnel appraisal system by adding that school districts must include a process for determining the professional education competence of a teacher that holds a temporary certificate.³⁵ A condition is added to this provision requiring the appraisal system to include a process for monitoring the effective and consistent use of appraisal criteria by supervisors and administrators and a process for evaluating the effectiveness of the system itself in improving the level of instruction and learning in the district's schools.

Appraisals must occur annually; however, each first year teacher must have an appraisal twice a year. This will ensure that the principal and the teacher are clear about expectations and will permit the teacher to receive feedback on his or her performance. The appraisal criteria are revised to provide that such criteria must include, but are not limited to, the following:

- Performance of students. The appraisal must primarily use data and indicators of improvement in student performance assessed annually and by district-determined assessments for subjects and grade levels not measured by the state assessment program.
- Instructional practice. For instructional personnel, performance criteria must include indicators based on each of the Florida Educator Accomplished Practices adopted by the SBE.
- Instructional leadership. For school-based administrators, performance criteria must include indicators based on each of the leadership standards adopted by the SBE.³⁶
- Professional responsibilities. Such criteria must include professional responsibilities and employment requirements as established by the SBE and through policies of the school district board.

The CS conforms the provisions regarding the appraisal system, procedures, and criteria to the provisions applicable to classroom teachers hired on or after July 1, 2009, and who hold a professional performance contract.

³⁴ Section 1012.34(3)(a), F.S.

³⁵ Classroom teachers and other public school employees serving in an instructional capacity must be certified. The professional certificate is the highest type of full-time educator certification. It is valid for 5 years and is renewable. The temporary certificate is valid for 3 school fiscal years and is nonrenewable. The DOE also issues a nonrenewable temporary certificate that is valid for 2 school fiscal years for an applicant that holds a bachelor's degree in speech-language impairment. *See* s. 1012.55(1), F.S., s. 1012.56(7), F.S., Rule 6A-4.004(1)(a), F.A.C., and Rule 6A-4.004(3)(a), F.A.C.

³⁶ The William C. Golden Professional Development Program for School Leaders provides high standards and sustained support for principals as instructional leaders. *See* s. 1012.986, F.S.

Teacher Quality

Current Law

The Legislature intends to implement a comprehensive approach to increase students' academic achievement and improve teaching quality.³⁷ To this end, the Legislature has identified the abilities of effective educators.

The Florida Educator Accomplished Practices is prepared by the Bureau of Educator Recruitment, Development, and Retention within the DOE and establishes the competencies for teachers at three benchmark levels: Preprofessional, Professional, and Accomplished.³⁸

Effect of Proposed Changes

The CS directs the SBE to adopt by rule the Florida Educator Accomplished Practices, which forms the basis for the state's expectations for effective instructional practice. The Commissioner of Education must periodically review the Florida Educator Accomplished Practices based on contemporary educational research and analysis of student performance data and include associations representing teachers, principals, superintendents, and school boards. The commissioner is required to include input from associations representing teachers, principals, superintendents, and school boards when reviewing the Florida Educator Accomplished Practices. The commissioner must submit the revised practices and supporting evaluation information to the Governor, the President of the Senate, and the Speaker of the House of Representatives at least 21 days before the SBE considers adoption of the revised practices.

Professional Development

Current Law

School Community Professional Development Act

The School Community Professional Development Act directs the DOE, public post secondary educational institutions, public school districts, public schools, and professional organizations to establish a coordinated system of professional development which must:

- Support and increase the success of educators through collaboratively developed school improvement plans.
- Assist the school community in providing stimulating, scientifically research-based educational activities that encourage and motivate students to achieve at the highest levels and to participate as active learners and that prepare students for success as subsequent education levels and the workforce.
- Provide continuous support for all education professionals as well as temporary intervention for education professionals who need improvement in knowledge, skills, and performance.³⁹

William Cecil Golden Professional Development Program for School Leaders

The William Cecil Golden Professional Development Program for School Leaders was established to provide high standards and sustained support for principals as instructional leaders. The program is required to consist of a collaborative network of state and national professional leadership organizations to respond to statewide instructional leadership needs.⁴⁰

³⁷ Section 1012.52, F.S.

³⁸ <http://www.fl DOE.org/dpe/publications.asp>.

³⁹ Section 1012.98, F.S.

⁴⁰ Section 1012.986, F.S.

Effect of Proposed Changes

The CS authorizes an organization of approved Voluntary Prekindergarten Education Program providers with no fewer than 10 members to develop a professional development system that includes a master plan for inservice activities and a program for demonstration of professional education competence.

The CS provides that the leadership standards adopted under the William Cecil Golden Professional Development Program for School Leaders must focus on instructional leadership and include the ability to:

- Identify and promote effective instruction.
- Recruit and retain high-performing instructional personnel.
- Manage resources so as to maximize their use for improving student achievement.

The DOE must offer the program through state-approved educational leadership programs in public and nonpublic colleges and universities.

Computer Database of Certain Persons Whose Employment Was Terminated

Current Law

The DOE is required to establish a computer database containing the names of persons whose employment is terminated. This information must be available to school district superintendents and their designees.

Effect of Proposed Changes

The CS requires the DOE to annually report by school district:

- The number of classroom teachers whose students' declining academic performance indicates educational insufficiency. The SBE must adopt rules to define educational insufficiency, which must be based on multiyear, objective data on declines in student performance.
- The number of teacher dismissals initiated based on educational insufficiency as defined by state board rule and the number of the initiated dismissals that resulted in termination.

Confidentiality of Reports and Records in Cases of Child Abuse or Neglect

Current Law

To protect the rights of the child, the child's parents or other persons responsible for the child's welfare, all records held by the Department of Children and Family Services (DCF) concerning reports of child abandonment, abuse, or neglect are confidential and exempt from inspection, copying, and photographing⁴¹ and are prohibited from being disclosed except if specifically authorized by law. However, the DCF is required to release such reports and records to specific persons, officials, and agencies.⁴²

Effect of Proposed Changes

The CS includes employees or agents of the DOE and school district employees responsible for the investigation or prosecution of misconduct by certified educators as a person or official required to be granted access to child abandonment, abuse, or neglect records and reports held by the DCF.

⁴¹ Current law provides that every person who has custody of a public record must permit the record to be inspected and examined by any person, at any reasonable time, under reasonable conditions, and under supervision by the custodian of the public record. Unless specifically exempted, all agency records are to be available for public inspection. *See* s. 119.07(1)(a), F.S.

⁴² Section 39.202, F.S.

Cross-References and Conforming Provisions

Several provisions in the CS are conforming provisions to reflect the provisions establishing the contracts required for instructional personnel hired on or after July 1, 2009, and the appraisal system. The CS also corrects statutory cross-references.

B. SECTION DIRECTORY:

Section 1: Creates the “Quality Teachers for All Students Act.”

Section 2: Amends s. 39.202, F.S., relating to confidentiality of reports and records in cases of child abuse and neglect.

Section 3: Amends s. 120.81, F.S., relating to exceptions and special requirements; and general areas, to conform the section to the provisions regarding contracts with classroom teachers hired on or after July 1, 2009.

Section 4: Amends s. 1002.36, F.S., relating to the Florida School for the Deaf and Blind, to conform the section to the provisions regarding the appraisal system for instructional personnel and contracts with classroom teachers hired on or after July 1, 2009.

Section 5: Amends s. 1003.62, F.S., relating to academic performance-based charter school districts, to conform the section to the provisions regarding the appraisal system for instructional personnel and professional performance contracts with classroom teachers hired on or after July 1, 2009.

Section 6: Amends s. 1003.621, relating to academically high-performing school districts, to conform the section to the provisions regarding the appraisal system for instructional personnel and professional performance contracts with classroom teachers hired on or after July 1, 2009.

Section 7: Amends s. 1004.04, F.S., relating to public accountability and state approval for teacher preparation programs.

Section 8: Amends s. 1012.21, F.S., relating to Department of Education duties; and K-12 personnel.

Section 9: Amends s. 1012.22, F.S., relating to public school personnel; powers and duties of the district school board.

Section 10: Amends s. 1012.2315, F.S., relating assignment of teachers.

Section 11: Amends s. 1012.28, F.S., relating public school personnel; and duties of school principals.

Section 12: Creates s. 1012.335, F.S., relating to contracts with classroom teachers hired on or after July 1, 2009.

Section 13: Amends s. 1012.34, F.S., relating to appraisal procedures and criteria.

Section 14: Amends s. 1012.52, F.S., relating to teacher quality; legislative findings, and Florida Educator Accomplished Practices.

Section 15: Amends s. 1012.56, F.S., relating to educator certification requirements.

Section 16: Amends s. 1012.795, F.S., relating to the Education Practices Commission,

Section 17: Amends s. 1012.98, F.S., relating to the School Community Professional Development Act.

Section 18: Amends s. 1012.986, F.S., relating to the William C. Golden Professional Development Program for School Leaders.

Section 19: Repeals s. 1012.33(3)(g), F.S., to reflect the establishment of the new contract provisions for instructional personnel hired on or after July 1, 2009.

Section 20: Provides an effective date of upon becoming a law.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

This CS does not appear to have a fiscal impact on state government revenues.

2. Expenditures:

This CS does not appear to have a fiscal impact on state government expenditures.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

This CS does not appear to have a fiscal impact on local government revenues.

2. Expenditures:

This CS does not appear to have a fiscal impact on local government expenditures.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

The CS does not appear to require a city or county to expend funds or take any action requiring the expenditure of funds. The CS does not appear to reduce the authority that municipalities or counties have to raise revenues in the aggregate. The CS does not appear to reduce the percentage of state tax shared with counties or municipalities.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

The State Board of Education is granted rule-making authority to:

- Define “just cause” and “educational insufficiency”, which must be based on multiyear, objective data on declines in student performance.
- Administer the requirements for district salary schedules regarding individual performance and differentiated pay, reporting formats, and procedures for review of salary schedules.
- Allow military experience to be used to meet the educator certification requirements.
- Adopt the Florida Educator Accomplished Practices.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/COUNCIL OR COMMITTEE SUBSTITUTE CHANGES

On March 18, 2009, the PreK-12 Policy committee adopted one amendment to HB 1411 and reported the bill favorably as a Committee Substitute (CS). The differences between the CS and the House Bill are as follows:

- The CS corrects an error in the title of the act: from “Quality Teacher for All Students Act” to “Quality Teachers for All Students Act.”
- The CS eliminates the requirements in existing law that a school district, when determining salary, must consider the prior teaching experience of a person designated state teacher of the year by any state and must consider non-instructional and non-administrative experience in the field of education.
- HB 1411 required the DOE to notify the President of the Senate and the Speaker of the House of Representatives of any school district that does not annually report on its differentiated pay policy. The CS eliminates this requirement.
- The CS requires the State Board of Education to adopt rules with respect to compliance requirements for district salary schedules regarding individual performance and differentiated pay, reporting formats, and procedures for review of salary schedules.
- The CS corrects references in HB 1411 from “instructional personnel” to “classroom teacher.”
- The CS provides that no classroom teacher can receive more than 7 consecutive annual contracts.
- The CS defines “classroom teacher.”
- The CS reduces, from 10 to 5, the number of annual contracts required for a classroom teacher hired on or after July 1, 2009, to receive in order to be eligible for a professional performance contract.
- The CS adds a requirement that the commissioner include input from associations representing teachers, principals, superintendents, and school boards when reviewing the Florida Educator Accomplished Practices.
- The CS eliminates the mandate in existing law that as of July 1, 2001, school districts must, for purposes of pay, recognize each year of public, full-time teaching service earned in Florida and outside the state. Eliminating the mandate does not, however, prohibit the school district from considering years of service when determining pay.