

1 A bill to be entitled
2 An act relating to education personnel; providing a short
3 title; amending s. 39.202, F.S.; providing for access to
4 records by certain Department of Education employees or
5 agents in cases of child abuse or neglect; amending ss.
6 120.81, 1002.36, 1003.62, and 1003.621, F.S., to conform
7 to provisions in the act; amending s. 1004.04, F.S.;
8 requiring the Department of Education to report on the
9 effectiveness of graduates of state-approved teacher
10 preparation programs; amending s. 1012.21, F.S.;
11 conforming provisions; requiring the department to report
12 on educational insufficiency and dismissal and termination
13 related thereto; requiring rulemaking to define
14 educational insufficiency; amending s. 1012.22, F.S.;
15 deleting certain provisions relating to district school
16 board adoption of salary schedules; requiring each
17 district school board to report to the department on its
18 adopted differentiated pay policy; amending s. 1012.2315,
19 F.S.; revising department reporting requirements relating
20 to the assignment of teachers; amending s. 1012.28, F.S.;
21 conforming provisions; creating s. 1012.335, F.S.,
22 relating to contracts with instructional personnel hired
23 on or after July 1, 2009; providing intent, findings, and
24 definitions; providing conditions for receipt of
25 probationary, annual, and professional performance
26 contracts; providing a penalty for violation of a
27 contract; providing criteria and procedures for suspension
28 or dismissal of instructional personnel on contract;

29 providing procedures for hearings to contest charges;
30 requiring rules to define just cause; amending s. 1012.34,
31 F.S.; revising provisions to require a school district
32 personnel appraisal system; specifying criteria and
33 procedures for the appraisal process; requiring approval
34 of appraisal instruments; requiring appraisals twice a
35 year for first-year teachers; requiring evaluation of
36 appraisal system; conforming provisions; amending s.
37 1012.52, F.S.; requiring the State Board of Education to
38 adopt by rule the Florida Educator Accomplished Practices;
39 requiring periodic review and revision of the practices;
40 amending s. 1012.56, F.S.; correcting cross-references;
41 authorizing Voluntary Prekindergarten Education Program
42 providers to meet certain requirements relating to
43 educator certification; providing additional means of
44 demonstrating mastery of professional preparation and
45 education competence; authorizing State Board of Education
46 rules for acceptance of certain teaching experience and
47 course credits; providing for retroactive application;
48 amending s. 1012.795, F.S.; conforming provisions;
49 amending s. 1012.98, F.S.; authorizing certain
50 organizations, including organizations of Voluntary
51 Prekindergarten Education Program providers, to develop a
52 professional development system and a program for
53 demonstration of education competence; amending s.
54 1012.986, F.S.; specifying criteria for leadership
55 standards under the William Cecil Golden Professional
56 Development Program for School Leaders; authorizing the

57 | program to be offered through state-approved leadership
58 | programs; providing an effective date.

60 | WHEREAS, Section 1 of Article IX of the State Constitution
61 | requires that adequate provision shall be made by law for a
62 | uniform, efficient, safe, secure, and high-quality system of
63 | free public schools, and

64 | WHEREAS, a high-quality system of free public schools is
65 | one in which all students are provided with a highly effective
66 | teacher, and

67 | WHEREAS, there is inequity in the number of out-of-field
68 | teachers, temporarily certified teachers, or teachers in need of
69 | improvement assigned to students in schools across the state,
70 | and

71 | WHEREAS, research finds that the quality of the teacher is
72 | the most important factor impacting the quality of education in
73 | the classroom, and

74 | WHEREAS, an effective teacher can produce student learning
75 | gains far greater than those of an ineffective teacher, and

76 | WHEREAS, the Legislature should enact policies that provide
77 | district school superintendents and district school boards with
78 | the flexibility to staff each school classroom with a highly
79 | effective teacher, NOW, THEREFORE,

81 | Be It Enacted by the Legislature of the State of Florida:

83 | Section 1. This act may be cited as the "Quality Teacher
84 | for All Students Act."

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85 Section 2. Paragraph (r) is added to subsection (2) of
 86 section 39.202, Florida Statutes, to read:

87 39.202 Confidentiality of reports and records in cases of
 88 child abuse or neglect.--

89 (2) Except as provided in subsection (4), access to such
 90 records, excluding the name of the reporter which shall be
 91 released only as provided in subsection (5), shall be granted
 92 only to the following persons, officials, and agencies:

93 (r) Employees or agents of the Department of Education
 94 responsible for the investigation or prosecution of misconduct
 95 by certified educators.

96 Section 3. Paragraph (i) of subsection (1) of section
 97 120.81, Florida Statutes, is amended to read:

98 120.81 Exceptions and special requirements; general
 99 areas.--

100 (1) EDUCATIONAL UNITS.--

101 (i) For purposes of s. 120.68, a district school board
 102 whose decision is reviewed under the provisions of s. 1012.33 or
 103 s. 1012.335 and whose final action is modified by a superior
 104 administrative decision shall be a party entitled to judicial
 105 review of the final action.

106 Section 4. Paragraph (g) of subsection (7) of section
 107 1002.36, Florida Statutes, is amended to read:

108 1002.36 Florida School for the Deaf and the Blind.--

109 (7) PERSONNEL SCREENING.--

110 (g) For purposes of protecting the health, safety, or
 111 welfare of students, the Florida School for the Deaf and the
 112 Blind is considered a school district and must, except as

113 otherwise provided in this section, comply with ss. 1001.03,
 114 1001.42, 1001.51, 1006.061, 1012.27, 1012.315, 1012.32, 1012.33,
 115 1012.335, 1012.34, 1012.56, 1012.795, and 1012.796.

116 Section 5. Paragraph (a) of subsection (2) of section
 117 1003.62, Florida Statutes, is amended to read:

118 1003.62 Academic performance-based charter school
 119 districts.--The State Board of Education may enter into a
 120 performance contract with district school boards as authorized
 121 in this section for the purpose of establishing them as academic
 122 performance-based charter school districts. The purpose of this
 123 section is to examine a new relationship between the State Board
 124 of Education and district school boards that will produce
 125 significant improvements in student achievement, while complying
 126 with constitutional and statutory requirements assigned to each
 127 entity.

128 (2) EXEMPTION FROM STATUTES AND RULES.--

129 (a) An academic performance-based charter school district
 130 shall operate in accordance with its charter and shall be exempt
 131 from certain State Board of Education rules and statutes if the
 132 State Board of Education determines such an exemption will
 133 assist the district in maintaining or improving its high-
 134 performing status pursuant to paragraph (1)(a). However, the
 135 State Board of Education may not exempt an academic performance-
 136 based charter school district from any of the following
 137 statutes:

138 1. Those statutes pertaining to the provision of services
 139 to students with disabilities.

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140 2. Those statutes pertaining to civil rights, including s.
141 1000.05, relating to discrimination.

142 3. Those statutes pertaining to student health, safety,
143 and welfare.

144 4. Those statutes governing the election or compensation
145 of district school board members.

146 5. Those statutes pertaining to the student assessment
147 program and the school grading system, including chapter 1008.

148 6. Those statutes pertaining to financial matters,
149 including chapter 1010.

150 7. Those statutes pertaining to planning and budgeting,
151 including chapter 1011, except that ss. 1011.64 and 1011.69
152 shall be eligible for exemption.

153 8. Sections 1012.22(1)(c) and 1012.27(2), relating to
154 differentiated pay and performance-pay policies for school
155 administrators and instructional personnel. Professional service
156 contracts shall be subject to the provisions of ss. 1012.33 and
157 1012.34. Professional performance contracts shall be subject to
158 the provisions of ss. 1012.335 and 1012.34.

159 9. Those statutes pertaining to educational facilities,
160 including chapter 1013, except as specified under contract with
161 the State Board of Education. However, no contractual provision
162 that could have the effect of requiring the appropriation of
163 additional capital outlay funds to the academic performance-
164 based charter school district shall be valid.

165 Section 6. Paragraph (h) of subsection (2) of section
166 1003.621, Florida Statutes, is amended to read:

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167 1003.621 Academically high-performing school
168 districts.--It is the intent of the Legislature to recognize and
169 reward school districts that demonstrate the ability to
170 consistently maintain or improve their high-performing status.
171 The purpose of this section is to provide high-performing school
172 districts with flexibility in meeting the specific requirements
173 in statute and rules of the State Board of Education.

174 (2) COMPLIANCE WITH STATUTES AND RULES.--Each academically
175 high-performing school district shall comply with all of the
176 provisions in chapters 1000-1013, and rules of the State Board
177 of Education which implement these provisions, pertaining to the
178 following:

179 (h) Sections 1012.22(1)(c) and 1012.27(2), relating to
180 differentiated pay and performance-pay policies for school
181 administrators and instructional personnel. Professional service
182 contracts are subject to the provisions of ss. 1012.33 and
183 1012.34. Professional performance contracts are subject to the
184 provisions of ss. 1012.335 and 1012.34.

185 Section 7. Subsection (13) of section 1004.04, Florida
186 Statutes, is renumbered as subsection (14), and a new subsection
187 (13) is added to that section to read:

188 1004.04 Public accountability and state approval for
189 teacher preparation programs.--

190 (13) REPORT.--By March 1, 2010, and biennially thereafter,
191 the Department of Education shall report to the State Board of
192 Education on the effectiveness of the graduates of state-
193 approved teacher preparation programs. Specifically, the report
194 shall include an analysis of the public school student learning

195 gains on statewide assessments, pursuant to s. 1008.22, by
 196 students who were taught by graduates of each state-approved
 197 teacher preparation program.

198 Section 8. Subsections (2) and (6) of section 1012.21,
 199 Florida Statutes, are amended to read:

200 1012.21 Department of Education duties; K-12 personnel.--

201 (2) COMPUTER DATABASE OF CERTAIN PERSONS WHOSE EMPLOYMENT
 202 WAS TERMINATED.--

203 (a) The Department of Education shall establish a computer
 204 database containing the names of persons whose employment is
 205 terminated under s. 1012.33(1)(a) or (4)(c) or under s.
 206 1012.335(6) or (7), which information shall be available to the
 207 district school superintendents and their designees.

208 (b) Each district school superintendent shall report to
 209 the Department of Education the name of any person terminated
 210 under s. 1012.33(1)(a) or (4)(c) or under s. 1012.335(6) or (7)
 211 within 10 working days after the date of final action by the
 212 district school board on the termination, and the department
 213 shall immediately enter the information in the computer records.

214 (6) REPORTING.-- The Department of Education shall
 215 annually:

216 (a) Post online links to each school district's collective
 217 bargaining contracts and the salary and benefits of the
 218 personnel or officers of any educator association which were
 219 paid by the school district pursuant to s. 1012.22.

220 (b) Report by school district the number of classroom
 221 teachers whose students' declining academic performance
 222 indicates educational insufficiency. The State Board of

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223 Education shall adopt rules pursuant to ss. 120.536(1) and
 224 120.54 to define educational insufficiency, which shall be based
 225 upon multiyear, objective data on declines in student
 226 performance.

227 (c) Report by school district the number of dismissals
 228 initiated based on educational insufficiency as defined by state
 229 board rule and the number of these dismissals that resulted in
 230 termination of instructional personnel.

231 Section 9. Paragraph (c) of subsection (1) of section
 232 1012.22, Florida Statutes, is amended to read:

233 1012.22 Public school personnel; powers and duties of the
 234 district school board.--The district school board shall:

235 (1) Designate positions to be filled, prescribe
 236 qualifications for those positions, and provide for the
 237 appointment, compensation, promotion, suspension, and dismissal
 238 of employees as follows, subject to the requirements of this
 239 chapter:

240 (c) Compensation and salary schedules.--

241 ~~1. The district school board shall adopt a salary schedule~~
 242 ~~or salary schedules designed to furnish incentives for~~
 243 ~~improvement in training and for continued efficient service to~~
 244 ~~be used as a basis for paying all school employees and fix and~~
 245 ~~authorize the compensation of school employees on the basis~~
 246 ~~thereof.~~

247 1.2. A district school board, in determining the salary
 248 schedule for instructional personnel, must base a portion of
 249 each employee's compensation on performance demonstrated under
 250 s. 1012.34, must consider the prior teaching experience of a

251 person who has been designated state teacher of the year by any
 252 state in the United States, and must consider prior professional
 253 experience in the field of education gained in positions in
 254 addition to district level instructional and administrative
 255 positions.

256 ~~2.3.~~ In developing the salary schedule, the district
 257 school board shall seek input from parents, teachers, and
 258 representatives of the business community.

259 ~~3.4. Beginning with the 2007-2008 academic year,~~ Each
 260 district school board shall adopt a salary schedule with
 261 differentiated pay for both instructional personnel and school-
 262 based administrators. The salary schedule is subject to
 263 negotiation as provided in chapter 447 and must allow
 264 differentiated pay based on district-determined factors,
 265 including, but not limited to, additional responsibilities,
 266 school demographics, critical shortage areas, and level of job
 267 performance difficulties. Each district school board shall
 268 annually report to the Department of Education on its adopted
 269 differentiated pay policy in the manner and format prescribed by
 270 the department. The department shall annually notify the
 271 President of the Senate and the Speaker of the House of
 272 Representatives of any school district that does not comply with
 273 this subparagraph.

274 Section 10. Subsection (5) of section 1012.2315, Florida
 275 Statutes, is amended to read:

276 1012.2315 Assignment of teachers.--

277 (5) REPORT.--The Department of Education shall annually:

278 (a) Post on its Internet website the percentage of
 279 teachers by school who are first-time teachers, temporarily
 280 certified teachers, teachers in need of improvement, or out-of-
 281 field teachers.

282 (b) Report to the President of the Senate and the Speaker
 283 of the House of Representatives any school district that does
 284 not comply with this section. Schools graded "D" or "F" shall
 285 ~~annually report their teacher-retention rate. Included in this~~
 286 ~~report shall be reasons listed for leaving by each teacher who~~
 287 ~~left the school for any reason.~~

288 Section 11. Subsection (3) of section 1012.28, Florida
 289 Statutes, is amended to read:

290 1012.28 Public school personnel; duties of school
 291 principals.--

292 (3) Each school principal is responsible for the
 293 performance of all personnel employed by the district school
 294 board and assigned to the school to which the principal is
 295 assigned. The school principal shall faithfully and effectively
 296 apply the personnel appraisal ~~assessment~~ system approved by the
 297 district school board pursuant to s. 1012.34.

298 Section 12. Section 1012.335, Florida Statutes, is created
 299 to read:

300 1012.335 Contracts with instructional personnel hired on
 301 or after July 1, 2009.--

302 (1) LEGISLATIVE INTENT.--It is the intent of the
 303 Legislature to ensure that every student has a high-quality
 304 teacher in his or her classroom.

305 (2) FINDINGS.--The Legislature finds that:

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306 (a) The quality of the teacher is the single most
307 important factor impacting the quality of education in the
308 state's public school classrooms.

309 (b) An effective teacher can produce student learning
310 gains far greater than those of an ineffective teacher.

311 (c) An effective teacher can increase student learning and
312 thereby provide the student with the potential for greater
313 future success and higher income over a lifetime.

314 (d) District school boards need flexibility to recruit and
315 retain high-quality instructional personnel.

316 (3) DEFINITIONS.--

317 (a) "Annual contract" means a contract for a period of no
318 longer than 1 school year which the district school board can
319 choose to renew or not renew without cause.

320 (b) "Probationary contract" means a contract for a period
321 of no longer than 1 school year in which an employee may be
322 dismissed without cause or may resign from the contractual
323 position without breach of contract.

324 (c) "Professional performance contract" means a contract
325 for a period of no longer than 5 school years which the district
326 school board can choose to renew or not renew without cause. A
327 professional performance contract may only be offered by a
328 district school board to a teacher whose performance is
329 satisfactory after a cumulative review of the teacher's
330 effectiveness in the classroom based on objective student
331 learning gains.

332 (4) EMPLOYMENT.--

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333 (a) Beginning July 1, 2009, each person newly hired as a
334 member of the instructional personnel by a Florida school
335 district shall receive a probationary contract.

336 (b) Instructional personnel are eligible for an annual
337 contract after successful completion of the term of a
338 probationary contract.

339 (c) Instructional personnel are eligible for a
340 professional performance contract after completion of no fewer
341 than 10 annual contracts in the same school district during a
342 period not in excess of 15 successive years, except for leave
343 duly authorized and granted.

344 (d) A district school board may issue a professional
345 performance contract after July 1, 2009, to any employee who has
346 previously held a professional performance contract, a
347 professional service contract, or a continuing contract in the
348 same or another school district within this state. Any employee
349 who holds a professional service contract or a continuing
350 contract may, but is not required to, exchange such contract for
351 a professional performance contract in the same district.

352 (5) VIOLATION OF CONTRACT.--Any person employed on the
353 basis of a written offer of a specific position by a duly
354 authorized agent of the district school board for a stated term
355 of service at a specified salary, who accepted such offer by
356 telegram or letter or by signing the regular contract form, and
357 who violates the terms of such contract or agreement by leaving
358 his or her position without first being released from his or her
359 contract or agreement by the district school board of the
360 district in which the person is employed shall be subject to the

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361 jurisdiction of the Education Practices Commission. The district
362 school board shall take official action on such violation and
363 shall furnish a copy of its official minutes to the Commissioner
364 of Education.

365 (6) SUSPENSION OR DISMISSAL OF INSTRUCTIONAL PERSONNEL ON
366 ANNUAL CONTRACT.--Any member of the instructional personnel with
367 an annual contract may be suspended or dismissed at any time
368 during the term of the contract for just cause as provided in
369 subsection (8). The district school board must notify the
370 employee in writing whenever charges are made against the
371 employee and may suspend such person without pay. However, if
372 the charges are not sustained, the employee shall be immediately
373 reinstated and his or her back salary shall be paid.

374 (7) SUSPENSION OR DISMISSAL OF INSTRUCTIONAL PERSONNEL ON
375 PROFESSIONAL PERFORMANCE CONTRACT.--Any member of the
376 instructional personnel with a professional performance contract
377 may be suspended or dismissed at any time during the term of the
378 contract for just cause as provided in subsection (8). The
379 district school board must notify the employee in writing
380 whenever charges are made against the employee and may suspend
381 such person without pay. However, if the charges are not
382 sustained, the employee shall be immediately reinstated and his
383 or her back salary shall be paid. If the employee wishes to
384 contest the charges, the employee must, within 15 days after
385 receipt of the written notice, submit a written request for a
386 hearing to the district school board. Such hearing shall be
387 conducted at the district school board's election in accordance
388 with one of the following procedures:

389 (a) A direct hearing conducted by the district school
 390 board within 60 days after receipt of the written appeal. The
 391 hearing shall be conducted in accordance with the provisions of
 392 ss. 120.569 and 120.57. A majority vote of the membership of the
 393 district school board shall be required to sustain the district
 394 school superintendent's recommendation. The determination of the
 395 district school board shall be final as to the sufficiency or
 396 insufficiency of the grounds for termination of employment; or

397 (b) A hearing conducted by an administrative law judge
 398 assigned by the Division of Administrative Hearings of the
 399 Department of Management Services. The hearing shall be
 400 conducted within 60 days after receipt of the written appeal in
 401 accordance with chapter 120. The recommendation of the
 402 administrative law judge shall be made to the district school
 403 board. A majority vote of the membership of the district school
 404 board shall be required to sustain or change the administrative
 405 law judge's recommendation. The determination of the district
 406 school board shall be final as to the sufficiency or
 407 insufficiency of the grounds for termination of employment.

408
 409 Any such decision adverse to the employee may be appealed by the
 410 employee pursuant to s. 120.68 if the appeal is filed within 30
 411 days after the decision of the district school board.

412 (8) JUST CAUSE.--The State Board of Education shall adopt
 413 rules pursuant to ss. 120.536(1) and 120.54 to define just
 414 cause. Just cause includes, but is not limited to:

415 (a) Immorality.

416 (b) Misconduct in office.

- 417 (c) Incompetency.
- 418 (d) Gross insubordination.
- 419 (e) Willful neglect of duty.
- 420 (f) Being convicted or found guilty of, or entering a plea
- 421 of guilty to, regardless of adjudication of guilt, any crime
- 422 involving moral turpitude.
- 423 (g) Educational insufficiency.

424

425 The rules shall include a definition of educational

426 insufficiency that is based upon multiyear, objective data on

427 declines in student performance.

428 Section 13. Section 1012.34, Florida Statutes, is amended

429 to read:

430 1012.34 Appraisal ~~Assessment~~ procedures and criteria.--

431 (1) For the purpose of increasing student achievement by

432 improving the quality of instructional, administrative, and

433 supervisory services in the public schools of the state, the

434 district school superintendent shall establish procedures for

435 evaluating ~~assessing~~ the performance of duties and

436 responsibilities of all instructional, administrative, and

437 supervisory personnel employed by the school district. The

438 Department of Education must approve each district's

439 instructional personnel appraisal ~~assessment~~ system and

440 appraisal instruments.

441 (2) The following conditions must be considered in the

442 design of the district's instructional personnel appraisal

443 ~~assessment~~ system:

444 (a) The system must be designed to support district and
 445 school level improvement plans.

446 (b) The system must provide appropriate appraisal
 447 instruments, procedures, and criteria for continuous quality
 448 improvement of the professional skills of instructional
 449 personnel.

450 (c) The system must include a mechanism to give parents an
 451 opportunity to provide input into employee performance
 452 appraisals ~~assessments~~ when appropriate.

453 (d) In addition to addressing generic teaching
 454 competencies, districts must determine those teaching fields for
 455 which special procedures and criteria will be developed,
 456 including a process for determining the professional education
 457 competence of a teacher who holds a temporary certificate as
 458 required under s. 1012.56.

459 (e) Each district school board may establish a peer
 460 assistance process. The plan may provide a mechanism for
 461 assistance of persons who are placed on performance probation as
 462 well as offer assistance to other employees who request it.

463 (f) Each ~~The~~ district school board shall provide training
 464 programs that are based upon guidelines provided by the
 465 Department of Education to ensure that all individuals with
 466 evaluation responsibilities understand the proper use of the
 467 appraisal ~~assessment~~ criteria and procedures.

468 (g) The system must include a process for monitoring the
 469 effective and consistent use of appraisal criteria by
 470 supervisors and administrators and a process for evaluating the

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471 effectiveness of the system itself in improving the level of
472 instruction and learning in the district's schools.

473 (3) The appraisal ~~assessment~~ procedure for instructional
474 personnel and school administrators must be primarily based on
475 the performance of students assigned to their classrooms or
476 schools, as appropriate. Pursuant to this section, a school
477 district's performance appraisal ~~assessment~~ is not limited to
478 basing unsatisfactory performance of instructional personnel and
479 school administrators upon student performance, but may include
480 other criteria approved to evaluate ~~assess~~ instructional
481 personnel and school administrators' performance, or any
482 combination of student performance and other approved criteria.
483 The procedures must comply with, but are not limited to, the
484 following requirements:

485 (a) An appraisal ~~assessment~~ must be conducted for each
486 employee at least once a year, except that an appraisal for each
487 first-year teacher must be conducted at least twice a year. The
488 appraisal ~~assessment~~ must be based upon sound educational
489 principles and contemporary research in effective educational
490 practices. ~~The assessment must primarily use data and indicators~~
491 ~~of improvement in student performance assessed annually as~~
492 ~~specified in s. 1008.22 and may consider results of peer reviews~~
493 ~~in evaluating the employee's performance. Student performance~~
494 ~~must be measured by state assessments required under s. 1008.22~~
495 ~~and by local assessments for subjects and grade levels not~~
496 ~~measured by the state assessment program.~~ The appraisal
497 ~~assessment~~ criteria must include, but are not limited to,
498 indicators that relate to the following:

499 1. Performance of students. The appraisal must primarily
 500 use data and indicators of improvement in student performance
 501 assessed annually as specified in s. 1008.22 and by district-
 502 determined assessments for subjects and grade levels not
 503 measured by the state assessment program.

504 2. Instructional practice. For instructional personnel,
 505 performance criteria must include indicators based on each of
 506 the Florida Educator Accomplished Practices adopted by the State
 507 Board of Education under s. 1012.52.

508 3. Instructional leadership. For school-based
 509 administrators, performance criteria must include indicators
 510 based on each of the leadership standards adopted by the State
 511 Board of Education under s. 1012.986.

512 4. Professional responsibilities. Such criteria must
 513 include professional responsibilities and employment
 514 requirements as established by the State Board of Education and
 515 through policies of the district school board.

516 ~~2. Ability to maintain appropriate discipline.~~

517 ~~3. Knowledge of subject matter. The district school board~~
 518 ~~shall make special provisions for evaluating teachers who are~~
 519 ~~assigned to teach out-of-field.~~

520 ~~4. Ability to plan and deliver instruction and the use of~~
 521 ~~technology in the classroom.~~

522 ~~5. Ability to evaluate instructional needs.~~

523 ~~6. Ability to establish and maintain a positive~~
 524 ~~collaborative relationship with students' families to increase~~
 525 ~~student achievement.~~

526 ~~7. Other professional competencies, responsibilities, and~~
527 ~~requirements as established by rules of the State Board of~~
528 ~~Education and policies of the district school board.~~

529 (b) All personnel must be fully informed of the criteria
530 and procedures associated with the appraisal ~~assessment~~ process
531 before the appraisal ~~assessment~~ takes place.

532 (c) The individual responsible for supervising the
533 employee must evaluate ~~assess~~ the employee's performance. The
534 evaluator must submit a written report of the appraisal
535 ~~assessment~~ to the district school superintendent for the purpose
536 of reviewing the employee's contract. The evaluator must submit
537 the written report to the employee no later than 10 days after
538 the appraisal ~~assessment~~ takes place. The evaluator must discuss
539 the written report of appraisal ~~assessment~~ with the employee.
540 The employee shall have the right to initiate a written response
541 to the appraisal ~~assessment~~, and the response shall become a
542 permanent attachment to his or her personnel file.

543 (d) If an employee is not performing his or her duties in
544 a satisfactory manner, the evaluator shall notify the employee
545 in writing of such determination. The notice must describe such
546 unsatisfactory performance and include notice of the following
547 procedural requirements:

548 1. Upon delivery of a notice of unsatisfactory
549 performance, the evaluator must confer with the employee, make
550 recommendations with respect to specific areas of unsatisfactory
551 performance, and provide assistance in helping to correct
552 deficiencies within a prescribed period of time.

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553 2.a. If the employee holds a professional service contract
554 as provided in s. 1012.33 or a professional performance contract
555 as provided in 1012.335, the employee shall be placed on
556 performance probation and governed by the provisions of this
557 section for 90 calendar days following the receipt of the notice
558 of unsatisfactory performance to demonstrate corrective action.
559 School holidays and school vacation periods are not counted when
560 calculating the 90-calendar-day period. During the 90 calendar
561 days, the employee who holds a professional service contract or
562 a professional performance contract must be evaluated
563 periodically and apprised of progress achieved and must be
564 provided assistance and inservice training opportunities to help
565 correct the noted performance deficiencies. At any time during
566 the 90 calendar days, the employee who holds a professional
567 service contract or a professional performance contract may
568 request a transfer to another appropriate position with a
569 different supervising administrator; however, a transfer does
570 not extend the period for correcting performance deficiencies.

571 b. Within 14 days after the close of the 90 calendar days,
572 the evaluator must evaluate ~~assess~~ whether the performance
573 deficiencies have been corrected and forward a recommendation to
574 the district school superintendent. Within 14 days after
575 receiving the evaluator's recommendation, the district school
576 superintendent must notify the employee who holds a professional
577 service contract or a professional performance contract in
578 writing whether the performance deficiencies have been
579 satisfactorily corrected and whether the district school
580 superintendent will recommend that the district school board

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581 continue or terminate his or her employment contract. If the
582 employee wishes to contest the district school superintendent's
583 recommendation, the employee must, within 15 days after receipt
584 of the district school superintendent's recommendation, submit a
585 written request for a hearing. The hearing shall be conducted at
586 the district school board's election in accordance with one of
587 the following procedures:

588 (I) A direct hearing conducted by the district school
589 board within 60 days after receipt of the written appeal. The
590 hearing shall be conducted in accordance with the provisions of
591 ss. 120.569 and 120.57. A majority vote of the membership of the
592 district school board shall be required to sustain the district
593 school superintendent's recommendation. The determination of the
594 district school board shall be final as to the sufficiency or
595 insufficiency of the grounds for termination of employment; or

596 (II) A hearing conducted by an administrative law judge
597 assigned by the Division of Administrative Hearings of the
598 Department of Management Services. The hearing shall be
599 conducted within 60 days after receipt of the written appeal in
600 accordance with chapter 120. The recommendation of the
601 administrative law judge shall be made to the district school
602 board. A majority vote of the membership of the district school
603 board shall be required to sustain or change the administrative
604 law judge's recommendation. The determination of the district
605 school board shall be final as to the sufficiency or
606 insufficiency of the grounds for termination of employment.

607 (4) The district school superintendent shall notify the
608 department of any instructional personnel who receive two

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609 consecutive unsatisfactory evaluations and who have been given
610 written notice by the district that their employment is being
611 terminated or is not being renewed or that the district school
612 board intends to terminate, or not renew, their employment. The
613 department shall conduct an investigation to determine whether
614 action shall be taken against the certificateholder pursuant to
615 s. 1012.795(1)(e).

616 ~~(5) The district school superintendent shall develop a~~
617 ~~mechanism for evaluating the effective use of assessment~~
618 ~~criteria and evaluation procedures by administrators who are~~
619 ~~assigned responsibility for evaluating the performance of~~
620 ~~instructional personnel. The use of the assessment and~~
621 ~~evaluation procedures shall be considered as part of the annual~~
622 ~~assessment of the administrator's performance. The system must~~
623 ~~include a mechanism to give parents and teachers an opportunity~~
624 ~~to provide input into the administrator's performance~~
625 ~~assessment, when appropriate.~~

626 (5)(6) Nothing in this section shall be construed to grant
627 a probationary employee a right to continued employment beyond
628 the term of his or her contract.

629 (6)(7) The district school board shall establish a
630 procedure annually reviewing instructional personnel appraisal
631 ~~assessment~~ systems to determine compliance with this section.
632 All substantial revisions to an approved system must be reviewed
633 and approved by the district school board before being used to
634 evaluate ~~assess~~ instructional personnel. Upon request by a
635 school district, the department shall provide assistance in

636 developing, improving, or reviewing an appraisal ~~assessment~~
 637 system.

638 ~~(7)(8)~~ The State Board of Education shall adopt rules
 639 pursuant to ss. 120.536(1) and 120.54, that establish uniform
 640 guidelines for the submission, review, and approval of district
 641 procedures for the annual appraisal ~~assessment~~ of instructional
 642 personnel and that include criteria for evaluating professional
 643 performance.

644 Section 14. Subsection (3) is added to section 1012.52,
 645 Florida Statutes, to read:

646 1012.52 Teacher quality; legislative findings; Florida
 647 Educator Accomplished Practices.--

648 (3) The State Board of Education shall adopt by rule the
 649 Florida Educator Accomplished Practices, which shall form the
 650 basis for the state's expectations for effective instructional
 651 practice. The Commissioner of Education shall periodically
 652 review the Florida Educator Accomplished Practices based on
 653 contemporary educational research and analysis of student
 654 performance data. Upon finalizing any resulting revisions to the
 655 Florida Educator Accomplished Practices, the commissioner shall
 656 submit the revised practices and supporting evaluation
 657 information to the Governor, the President of the Senate, and
 658 the Speaker of the House of Representatives at least 21 days
 659 before the State Board of Education considers adoption of the
 660 revised practices.

661 Section 15. Subsection (1) and paragraphs (g) and (h) of
 662 subsection (6) of section 1012.56, Florida Statutes, are

663 amended, paragraph (i) is added to subsection (6), and
 664 subsection (18) is added to that section, to read:

665 1012.56 Educator certification requirements.--

666 (1) APPLICATION.--Each person seeking certification
 667 pursuant to this chapter shall submit a completed application
 668 containing the applicant's social security number to the
 669 Department of Education and remit the fee required pursuant to
 670 s. 1012.59 and rules of the State Board of Education. Pursuant
 671 to the federal Personal Responsibility and Work Opportunity
 672 Reconciliation Act of 1996, each party is required to provide
 673 his or her social security number in accordance with this
 674 section. Disclosure of social security numbers obtained through
 675 this requirement is limited to the purpose of administration of
 676 the Title IV-D program of the Social Security Act for child
 677 support enforcement. Pursuant to s. 120.60, the department shall
 678 issue within 90 calendar days after the stamped receipted date
 679 of the completed application:

680 (a) If the applicant meets the requirements, a
 681 professional certificate covering the classification, level, and
 682 area for which the applicant is deemed qualified and a document
 683 explaining the requirements for renewal of the professional
 684 certificate;

685 (b) If the applicant meets the requirements and if
 686 requested by an employing school district or an employing
 687 private school with a professional education competence
 688 demonstration program pursuant to paragraphs (6) (f) ~~(5) (f)~~ and
 689 (8) (b) ~~(7) (b)~~, a temporary certificate covering the
 690 classification, level, and area for which the applicant is

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691 deemed qualified and an official statement of status of
 692 eligibility; or

693 (c) If an applicant does not meet the requirements for
 694 either certificate, an official statement of status of
 695 eligibility.

696
 697 The statement of status of eligibility must advise the applicant
 698 of any qualifications that must be completed to qualify for
 699 certification. Each statement of status of eligibility is valid
 700 for 3 years after its date of issuance, except as provided in
 701 paragraph (2) (d). For purposes of this section, the term
 702 "private school" includes an approved Voluntary Prekindergarten
 703 Education Program provider.

704 (6) MASTERY OF PROFESSIONAL PREPARATION AND EDUCATION
 705 COMPETENCE.--Acceptable means of demonstrating mastery of
 706 professional preparation and education competence are:

707 (g) Successful completion of a professional preparation
 708 alternative certification and education competency program,
 709 outlined in paragraph (8) (a) ~~(7) (a)~~; ~~or~~

710 (h) Successful completion of an alternative certification
 711 program pursuant to s. 1004.85 and achievement of a passing
 712 score on the professional education competency examination
 713 required by rule of the State Board of Education; or

714 (i) Successful completion of a professional education
 715 training program provided by Teach for America and achievement
 716 of a passing score on the professional education competency
 717 examination required by rule of the State Board of Education.

718 (18) MILITARY INSTRUCTOR EXPERIENCE AND AMERICAN COUNCIL

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719 ON EDUCATION TRANSCRIPTS; RULES.--The State Board of Education
 720 may adopt rules that:

721 (a) For purposes of demonstrating mastery of professional
 722 preparation and education competence through the completion of
 723 professional preparation courses as specified in state board
 724 rule, allow a person to use his or her teaching experience as a
 725 military instructor to verify occupational teaching experience
 726 for the same number of years of instruction provided in one of
 727 the branches of the United States Armed Forces.

728 (b) For purposes of demonstrating the completion of
 729 certification requirements specified in state board rule, allow
 730 for the acceptance of college course credits recommended by the
 731 American Council on Education (ACE), which are posted on an
 732 official ACE transcript.

733 (c) This subsection applies to credit for instruction
 734 performed, or course credits awarded, prior to and after July 1,
 735 2009.

736 Section 16. Paragraph (h) of subsection (1) of section
 737 1012.795, Florida Statutes, is amended to read:

738 1012.795 Education Practices Commission; authority to
 739 discipline.--

740 (1) The Education Practices Commission may suspend the
 741 educator certificate of any person as defined in s. 1012.01(2)
 742 or (3) for up to 5 years, thereby denying that person the right
 743 to teach or otherwise be employed by a district school board or
 744 public school in any capacity requiring direct contact with
 745 students for that period of time, after which the holder may
 746 return to teaching as provided in subsection (4); may revoke the

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747 educator certificate of any person, thereby denying that person
 748 the right to teach or otherwise be employed by a district school
 749 board or public school in any capacity requiring direct contact
 750 with students for up to 10 years, with reinstatement subject to
 751 the provisions of subsection (4); may revoke permanently the
 752 educator certificate of any person thereby denying that person
 753 the right to teach or otherwise be employed by a district school
 754 board or public school in any capacity requiring direct contact
 755 with students; may suspend the educator certificate, upon an
 756 order of the court or notice by the Department of Revenue
 757 relating to the payment of child support; or may impose any
 758 other penalty provided by law, if the person:

759 (h) Has breached a contract, as provided in s. 1012.33(2)
 760 or s. 1012.335(5).

761 Section 17. Subsection (6) of section 1012.98, Florida
 762 Statutes, is amended to read:

763 1012.98 School Community Professional Development Act.--

764 (6) An organization of private schools which has no fewer
 765 than 10 member schools in this state, which publishes and files
 766 with the Department of Education copies of its standards, and
 767 the member schools of which comply with the provisions of part
 768 II of chapter 1003, relating to compulsory school attendance, or
 769 an organization of approved Voluntary Prekindergarten Education
 770 Program providers with no fewer than 10 members in this state,
 771 may also develop a professional development system that includes
 772 a master plan for inservice activities and a program for
 773 demonstration of professional education competence under s.
 774 1012.56. The professional development system ~~and inservice plan~~

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775 must be submitted to the commissioner for approval pursuant to
 776 rules of the State Board of Education.

777 Section 18. Section 1012.986, Florida Statutes, is amended
 778 to read:

779 1012.986 William Cecil Golden Professional Development
 780 Program for School Leaders.--

781 (1) There is established the William Cecil Golden
 782 Professional Development Program for School Leaders to provide
 783 high standards and sustained support for principals as
 784 instructional leaders. The program shall consist of a
 785 collaborative network of state and national professional
 786 leadership organizations to respond to instructional leadership
 787 needs throughout the state.

788 (2) The network shall support the human-resource
 789 development needs of principals, principal leadership teams, and
 790 candidates for principal leadership positions using the
 791 framework of leadership standards adopted by the State Board of
 792 Education, the Southern Regional Education Board, and the
 793 National Staff Development Council. Leadership standards adopted
 794 under this section must focus on instructional leadership and
 795 include the ability to:

796 (a) Identify and promote effective instruction.

797 (b) Recruit and retain high-performing instructional
 798 personnel.

799 (c) Manage resources so as to maximize their use for
 800 improving student achievement.

801 (3) The goals ~~goal~~ of the network leadership program are
 802 ~~is~~ to:

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803 (a) Provide resources to support and enhance the
 804 principal's role as the instructional leader.

805 (b) Maintain a clearinghouse and disseminate data-
 806 supported information related to enhanced student achievement,
 807 based on educational research and best practices.

808 (c) Build the capacity to increase the quality of programs
 809 for preservice education for aspiring principals and inservice
 810 professional development for principals and principal leadership
 811 teams.

812 (d) Support best teaching and research-based instructional
 813 practices through dissemination and modeling at the preservice
 814 and inservice levels for both teachers and principals.

815 ~~(4)-(2)~~ The Department of Education shall coordinate
 816 ~~through the network identified in subsection (1)~~ to offer the
 817 program through multiple delivery systems, including:

818 (a) Approved school district training programs.

819 (b) Interactive technology-based instruction.

820 (c) Regional consortium service organizations pursuant to
 821 s. 1001.451.

822 (d) State, regional, or local leadership academies.

823 (e) State-approved educational leadership programs in
 824 public and nonpublic colleges and universities.

825 ~~(5)-(3)~~ The State Board of Education shall adopt rules
 826 pursuant to ss. 120.536(1) and 120.54 to administer this
 827 section.

828 Section 19. This act shall take effect upon becoming a
 829 law.