

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 education employees or agents in cases
5 of child abuse or neglect; amending ss. 120.81, 1002.36,
6 1003.62, and 1003.621, F.S., to conform to provisions in
7 the act; amending s. 1004.04, F.S.; requiring the
8 Department of Education to report to the State Board of
9 Education on the effectiveness of graduates of state-
10 approved teacher preparation programs; amending s.
11 1012.21, F.S.; conforming provisions; requiring the
12 department to notify the Legislature relating to school
13 district compliance with compensation and salary schedule
14 requirements; requiring the department to report to the
15 State Board of Education on educational insufficiency and
16 dismissal and termination related thereto; requiring
17 rulemaking to define educational insufficiency; amending
18 s. 1012.22, F.S.; deleting certain provisions relating to
19 district school board adoption of salary schedules and the
20 basis for an employee's compensation; requiring each
21 district school board to report to the department on its
22 adopted differentiated pay policy; requiring rulemaking
23 relating to school district implementation of compensation
24 and salary schedule requirements; amending s. 1012.2315,
25 F.S.; revising department reporting requirements relating
26 to the assignment of classroom teachers; amending s.
27 1012.28, F.S.; conforming provisions; creating s.
28 1012.335, F.S., relating to contracts with classroom

29 | teachers hired on or after July 1, 2009; providing intent,
30 | findings, and definitions; providing conditions for
31 | receipt of probationary, annual, and professional
32 | performance contracts; providing a penalty for violation
33 | of a contract; providing criteria and procedures for
34 | suspension or dismissal of classroom teachers on contract;
35 | providing procedures for hearings to contest charges;
36 | requiring rules to define just cause; amending s. 1012.34,
37 | F.S.; revising provisions to require a school district
38 | personnel appraisal system; specifying criteria and
39 | procedures for the appraisal process; requiring approval
40 | of appraisal instruments; requiring appraisals twice a
41 | year for first-year teachers; requiring evaluation of the
42 | appraisal system; conforming provisions; amending s.
43 | 1012.52, F.S.; requiring the State Board of Education to
44 | adopt by rule the Florida Educator Accomplished Practices;
45 | requiring periodic review and revision of the practices;
46 | amending s. 1012.56, F.S.; correcting cross-references;
47 | authorizing Voluntary Prekindergarten Education Program
48 | providers to meet certain requirements relating to
49 | educator certification; providing additional means of
50 | demonstrating mastery of professional preparation and
51 | education competence; authorizing State Board of Education
52 | rules for acceptance of certain teaching experience and
53 | course credits; providing for retroactive application;
54 | amending s. 1012.795, F.S.; conforming provisions;
55 | amending s. 1012.98, F.S.; authorizing certain
56 | organizations, including organizations of Voluntary

57 Prekindergarten Education Program providers, to develop a
 58 professional development system and a program for
 59 demonstration of education competence; amending s.
 60 1012.986, F.S.; specifying criteria for leadership
 61 standards under the William Cecil Golden Professional
 62 Development Program for School Leaders; authorizing the
 63 program to be offered through state-approved leadership
 64 programs; repealing s. 1012.33(3)(g), F.S., relating to
 65 acceptance of certain teaching service for purposes of pay
 66 for instructional staff, supervisors, and school
 67 principals; providing an effective date.

68

69 Be It Enacted by the Legislature of the State of Florida:

70

71 Section 1. This act may be cited as the "Quality Teachers
 72 for All Students Act."

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

75 39.202 Confidentiality of reports and records in cases of
 76 child abuse or neglect.--

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

81 (r) Employees or agents of the Department of Education and
 82 district school board employees responsible for the
 83 investigation or prosecution of misconduct by certified
 84 educators.

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85 Section 3. Paragraph (i) of subsection (1) of section
86 120.81, Florida Statutes, is amended to read:

87 120.81 Exceptions and special requirements; general
88 areas.--

89 (1) EDUCATIONAL UNITS.--

90 (i) For purposes of s. 120.68, a district school board
91 whose decision is reviewed under the provisions of s. 1012.33 or
92 s. 1012.335 and whose final action is modified by a superior
93 administrative decision shall be a party entitled to judicial
94 review of the final action.

95 Section 4. Paragraph (g) of subsection (7) of section
96 1002.36, Florida Statutes, is amended to read:

97 1002.36 Florida School for the Deaf and the Blind.--

98 (7) PERSONNEL SCREENING.--

99 (g) For purposes of protecting the health, safety, or
100 welfare of students, the Florida School for the Deaf and the
101 Blind is considered a school district and must, except as
102 otherwise provided in this section, comply with ss. 1001.03,
103 1001.42, 1001.51, 1006.061, 1012.27, 1012.315, 1012.32, 1012.33,
104 1012.335, 1012.34, 1012.56, 1012.795, and 1012.796.

105 Section 5. Paragraph (a) of subsection (2) of section
106 1003.62, Florida Statutes, is amended to read:

107 1003.62 Academic performance-based charter school
108 districts.--The State Board of Education may enter into a
109 performance contract with district school boards as authorized
110 in this section for the purpose of establishing them as academic
111 performance-based charter school districts. The purpose of this
112 section is to examine a new relationship between the State Board

113 of Education and district school boards that will produce
 114 significant improvements in student achievement, while complying
 115 with constitutional and statutory requirements assigned to each
 116 entity.

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

118 (a) An academic performance-based charter school district
 119 shall operate in accordance with its charter and shall be exempt
 120 from certain State Board of Education rules and statutes if the
 121 State Board of Education determines such an exemption will
 122 assist the district in maintaining or improving its high-
 123 performing status pursuant to paragraph (1)(a). However, the
 124 State Board of Education may not exempt an academic performance-
 125 based charter school district from any of the following
 126 statutes:

127 1. Those statutes pertaining to the provision of services
 128 to students with disabilities.

129 2. Those statutes pertaining to civil rights, including s.
 130 1000.05, relating to discrimination.

131 3. Those statutes pertaining to student health, safety,
 132 and welfare.

133 4. Those statutes governing the election or compensation
 134 of district school board members.

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

137 6. Those statutes pertaining to financial matters,
 138 including chapter 1010.

139 7. Those statutes pertaining to planning and budgeting,
 140 including chapter 1011, except that ss. 1011.64 and 1011.69
 141 shall be eligible for exemption.

142 8. Sections 1012.22(1)(c) and 1012.27(2), relating to
 143 differentiated pay and performance-pay policies for school
 144 administrators and instructional personnel. Professional service
 145 contracts shall be subject to the provisions of ss. 1012.33 and
 146 1012.34. Professional performance contracts shall be subject to
 147 the provisions of ss. 1012.335 and 1012.34.

148 9. Those statutes pertaining to educational facilities,
 149 including chapter 1013, except as specified under contract with
 150 the State Board of Education. However, no contractual provision
 151 that could have the effect of requiring the appropriation of
 152 additional capital outlay funds to the academic performance-
 153 based charter school district shall be valid.

154 Section 6. Paragraph (h) of subsection (2) of section
 155 1003.621, Florida Statutes, is amended to read:

156 1003.621 Academically high-performing school
 157 districts.--It is the intent of the Legislature to recognize and
 158 reward school districts that demonstrate the ability to
 159 consistently maintain or improve their high-performing status.
 160 The purpose of this section is to provide high-performing school
 161 districts with flexibility in meeting the specific requirements
 162 in statute and rules of the State Board of Education.

163 (2) COMPLIANCE WITH STATUTES AND RULES.--Each academically
 164 high-performing school district shall comply with all of the
 165 provisions in chapters 1000-1013, and rules of the State Board

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166 of Education which implement these provisions, pertaining to the
167 following:

168 (h) Sections 1012.22(1)(c) and 1012.27(2), relating to
169 differentiated pay and performance-pay policies for school
170 administrators and instructional personnel. Professional service
171 contracts are subject to the provisions of ss. 1012.33 and
172 1012.34. Professional performance contracts are subject to the
173 provisions of ss. 1012.335 and 1012.34.

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

177 1004.04 Public accountability and state approval for
178 teacher preparation programs.--

179 (13) REPORT.--By March 1, 2010, and biennially thereafter,
180 the Department of Education shall report to the State Board of
181 Education on the effectiveness of the graduates of state-
182 approved teacher preparation programs. The report shall include
183 an analysis of the public school student learning gains on
184 statewide assessments, pursuant to s. 1008.22, by students who
185 were taught by graduates of each state-approved teacher
186 preparation program.

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

189 1012.21 Department of Education duties; K-12 personnel.--

190 (2) COMPUTER DATABASE OF CERTAIN PERSONS WHOSE EMPLOYMENT
191 WAS TERMINATED.--

192 (a) The Department of Education shall establish a computer
193 database containing the names of persons whose employment is

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194 terminated under s. 1012.33(1)(a) or (4)(c) or under s.
195 1012.335(6) or (7), which information shall be available to the
196 district school superintendents and their designees.

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

203 (6) REPORTING.-- The Department of Education shall
204 annually:

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

209 (b) Notify the President of the Senate and the Speaker of
210 the House of Representatives of any school district that does
211 not comply with the requirements of s. 1012.22(1)(c).

212 (c) Report to the State Board of Education by school
213 district the number of classroom teachers whose students'
214 declining academic performance indicates educational
215 insufficiency. The State Board of Education shall adopt rules to
216 define educational insufficiency, which shall be based upon
217 multiyear, objective data on declines in student performance.

218 (d) Report to the State Board of Education by school
219 district the number of dismissals initiated based on educational
220 insufficiency as defined by state board rule and the number of

221 the initiated dismissals that resulted in termination of
 222 classroom teachers.

223 Section 9. Paragraph (c) of subsection (1) of section
 224 1012.22, Florida Statutes, is amended to read:

225 1012.22 Public school personnel; powers and duties of the
 226 district school board.--The district school board shall:

227 (1) Designate positions to be filled, prescribe
 228 qualifications for those positions, and provide for the
 229 appointment, compensation, promotion, suspension, and dismissal
 230 of employees as follows, subject to the requirements of this
 231 chapter:

232 (c) Compensation and salary schedules.--

233 ~~1. The district school board shall adopt a salary schedule~~
 234 ~~or salary schedules designed to furnish incentives for~~
 235 ~~improvement in training and for continued efficient service to~~
 236 ~~be used as a basis for paying all school employees and fix and~~
 237 ~~authorize the compensation of school employees on the basis~~
 238 ~~thereof.~~

239 1.2. A district school board, in determining the salary
 240 schedule for instructional personnel, must base a portion of
 241 each employee's compensation on performance demonstrated under
 242 s. 1012.34, ~~must consider the prior teaching experience of a~~
 243 ~~person who has been designated state teacher of the year by any~~
 244 ~~state in the United States, and must consider prior professional~~
 245 ~~experience in the field of education gained in positions in~~
 246 ~~addition to district level instructional and administrative~~
 247 ~~positions.~~

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248 ~~2.3.~~ In developing the salary schedule, the district
249 school board shall seek input from parents, teachers, and
250 representatives of the business community.

251 ~~3.4. Beginning with the 2007-2008 academic year,~~ Each
252 district school board shall adopt a salary schedule with
253 differentiated pay for both instructional personnel and school-
254 based administrators. The salary schedule is subject to
255 negotiation as provided in chapter 447 and must allow
256 differentiated pay based on district-determined factors,
257 including, but not limited to, additional responsibilities,
258 school demographics, critical shortage areas, and level of job
259 performance difficulties. Each district school board shall
260 annually report to the Department of Education on its adopted
261 differentiated pay policy in the manner and format prescribed by
262 the department.

263
264 The State Board of Education shall adopt rules pursuant to ss.
265 120.536(1) and 120.54 to implement this paragraph. Such rules
266 shall include compliance requirements for district salary
267 schedules regarding individual performance and differentiated
268 pay, reporting formats, and procedures for review of salary
269 schedules.

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

272 1012.2315 Assignment of teachers.--

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

274 (a) Post on its Internet website the percentage of
275 classroom teachers by school who are first-time teachers,

276 temporarily certified teachers, teachers in need of improvement,
 277 or out-of-field teachers.

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

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

286 1012.28 Public school personnel; duties of school
 287 principals.--

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

294 Section 12. Section 1012.335, Florida Statutes, is created
 295 to read:

296 1012.335 Contracts with classroom teachers hired on or
 297 after July 1, 2009.--

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

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

302 (a) The quality of the classroom teacher is the single
 303 most important factor impacting the quality of education in the
 304 state's public school classrooms.

305 (b) An effective classroom teacher can produce student
 306 learning gains far greater than those of an ineffective
 307 classroom teacher.

308 (c) An effective classroom teacher can increase student
 309 learning and thereby provide the student with the potential for
 310 greater future success and higher income over a lifetime.

311 (d) District school boards need flexibility to recruit and
 312 retain high-quality classroom teachers.

313 (3) DEFINITIONS.--

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

317 (b) "Classroom teacher" means the same as classroom
 318 teacher as defined in s. 1012.01(2)(a), excluding substitute
 319 teachers.

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

324 (d) "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.

327 (4) EMPLOYMENT.--

328 (a) Beginning July 1, 2009, each person newly hired as a
329 classroom teacher by a Florida school district shall receive a
330 probationary contract.

331 (b) Classroom teachers are eligible for an annual contract
332 after successful completion of the term of a probationary
333 contract. No classroom teacher shall receive more than 7
334 consecutive annual contracts.

335 (c) Classroom teachers are eligible for a professional
336 performance contract after completion of no fewer than 5 annual
337 contracts in the same school district during a period not in
338 excess of 7 successive years, except for leave duly authorized
339 and granted. A professional performance contract may only be
340 offered by a district school board to a classroom teacher:

341 1. Who holds a professional certificate as prescribed by
342 s. 1012.56 and rules of the State Board of Education.

343 2. Who has been recommended by the district school
344 superintendent for such contract and approved by the district
345 school board based on the successful performance of duties and
346 demonstration of professional competence.

347 3. Whose performance is satisfactory after a cumulative
348 review of the teacher's effectiveness in the classroom based on
349 objective student learning gains.

350 (d) A district school board may issue a professional
351 performance contract on or after July 1, 2009, to any classroom
352 teacher who has previously held a professional performance
353 contract, a professional service contract, or a continuing
354 contract in the same or another school district within this
355 state. Any classroom teacher who holds a professional service

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356 contract or a continuing contract may, but is not required to,
357 exchange such contract for a professional performance contract
358 in the same district.

359 (5) VIOLATION OF CONTRACT.--Any classroom teacher who is
360 employed on the basis of a written offer of a specific position
361 by a duly authorized agent of the district school board for a
362 stated term of service at a specified salary, who accepted such
363 offer by telegram or letter or by signing the regular contract
364 form, and who violates the terms of such contract or agreement
365 by leaving his or her position without first being released from
366 his or her contract or agreement by the district school board of
367 the district in which the classroom teacher is employed shall be
368 subject to the jurisdiction of the Education Practices
369 Commission. The district school board shall take official action
370 on such violation and shall furnish a copy of its official
371 minutes to the Commissioner of Education.

372 (6) SUSPENSION OR DISMISSAL OF CLASSROOM TEACHERS ON
373 ANNUAL CONTRACT.--Any classroom teacher with an annual contract
374 may be suspended or dismissed at any time during the term of the
375 contract for just cause as provided in subsection (8). The
376 district school board must notify the classroom teacher in
377 writing whenever charges are made against the classroom teacher
378 and may suspend such person without pay. However, if the charges
379 are not sustained, the classroom teacher shall be immediately
380 reinstated and his or her back salary shall be paid.

381 (7) SUSPENSION OR DISMISSAL OF CLASSROOM TEACHERS ON
382 PROFESSIONAL PERFORMANCE CONTRACT.--Any classroom teacher with a
383 professional performance contract may be suspended or dismissed

384 at any time during the term of the contract for just cause as
385 provided in subsection (8). The district school board must
386 notify the classroom teacher in writing whenever charges are
387 made against the classroom teacher and may suspend such person
388 without pay. However, if the charges are not sustained, the
389 classroom teacher shall be immediately reinstated and his or her
390 back salary shall be paid. If the classroom teacher wishes to
391 contest the charges, the classroom teacher must, within 15 days
392 after receipt of the written notice, submit a written request
393 for a hearing to the district school board. Such hearing shall
394 be conducted at the district school board's election in
395 accordance with one of the following procedures:

396 (a) A direct hearing conducted by the district school
397 board within 60 days after receipt of the written appeal. The
398 hearing shall be conducted in accordance with the provisions of
399 ss. 120.569 and 120.57. A majority vote of the membership of the
400 district school board shall be required to sustain the district
401 school superintendent's recommendation. The determination of the
402 district school board shall be final as to the sufficiency or
403 insufficiency of the grounds for termination of employment; or

404 (b) A hearing conducted by an administrative law judge
405 assigned by the Division of Administrative Hearings of the
406 Department of Management Services. The hearing shall be
407 conducted within 60 days after receipt of the written appeal in
408 accordance with chapter 120. The recommendation of the
409 administrative law judge shall be made to the district school
410 board. A majority vote of the membership of the district school
411 board shall be required to sustain or change the administrative

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412 law judge's recommendation. The determination of the district
413 school board shall be final as to the sufficiency or
414 insufficiency of the grounds for termination of employment.

415
416 Any such decision adverse to the classroom teacher may be
417 appealed by the classroom teacher pursuant to s. 120.68 if the
418 appeal is filed within 30 days after the decision of the
419 district school board.

420 (8) JUST CAUSE.--The State Board of Education shall adopt
421 rules to define just cause. Just cause includes, but is not
422 limited to:

423 (a) Immorality.

424 (b) Misconduct in office.

425 (c) Incompetency.

426 (d) Gross insubordination.

427 (e) Willful neglect of duty.

428 (f) Being convicted or found guilty of, or entering a plea
429 of guilty to, regardless of adjudication of guilt, any crime
430 involving moral turpitude.

431 (g) Educational insufficiency.

432
433 The rules shall include a definition of educational
434 insufficiency that is based upon multiyear, objective data on
435 declines in student performance.

436 Section 13. Section 1012.34, Florida Statutes, is amended
437 to read:

438 1012.34 Appraisal ~~Assessment~~ procedures and criteria.--

439 (1) For the purpose of increasing student achievement by
440 improving the quality of instructional, administrative, and
441 supervisory services in the public schools of the state, the
442 district school superintendent shall establish procedures for
443 evaluating ~~assessing~~ the performance of duties and
444 responsibilities of all instructional, administrative, and
445 supervisory personnel employed by the school district. The
446 Department of Education must approve each district's
447 instructional personnel appraisal ~~assessment~~ system and
448 appraisal instruments.

449 (2) The following conditions must be considered in the
450 design of the district's instructional personnel appraisal
451 ~~assessment~~ system:

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

454 (b) The system must provide appropriate appraisal
455 instruments, procedures, and criteria for continuous quality
456 improvement of the professional skills of instructional
457 personnel.

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

461 (d) In addition to addressing generic teaching
462 competencies, districts must determine those teaching fields for
463 which special procedures and criteria will be developed,
464 including a process for determining the professional education
465 competence of a teacher who holds a temporary certificate as
466 required under s. 1012.56.

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

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

476 (g) The system must include a process for monitoring the
477 effective and consistent use of appraisal criteria by
478 supervisors and administrators and a process for evaluating the
479 effectiveness of the system itself in improving the level of
480 instruction and learning in the district's schools.

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

493 (a) An appraisal ~~assessment~~ must be conducted for each
494 employee at least once a year, except that an appraisal for each

495 first-year teacher must be conducted at least twice a year. The
496 appraisal assessment must be based upon sound educational
497 principles and contemporary research in effective educational
498 practices. ~~The assessment must primarily use data and indicators~~
499 ~~of improvement in student performance assessed annually as~~
500 ~~specified in s. 1008.22 and may consider results of peer reviews~~
501 ~~in evaluating the employee's performance. Student performance~~
502 ~~must be measured by state assessments required under s. 1008.22~~
503 ~~and by local assessments for subjects and grade levels not~~
504 ~~measured by the state assessment program.~~ The appraisal
505 ~~assessment~~ criteria must include, but are not limited to,
506 indicators that relate to the following:

507 1. Performance of students. The appraisal must primarily
508 use data and indicators of improvement in student performance
509 assessed annually as specified in s. 1008.22 and by district-
510 determined assessments for subjects and grade levels not
511 measured by the state assessment program.

512 2. Instructional practice. For instructional personnel,
513 performance criteria must include indicators based on each of
514 the Florida Educator Accomplished Practices adopted by the State
515 Board of Education under s. 1012.52.

516 3. Instructional leadership. For school-based
517 administrators, performance criteria must include indicators
518 based on each of the leadership standards adopted by the State
519 Board of Education under s. 1012.986.

520 4. Professional responsibilities. Such criteria must
521 include professional responsibilities and employment

522 requirements as established by the State Board of Education and
 523 through policies of the district school board.

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

525 ~~3. Knowledge of subject matter. The district school board~~
 526 ~~shall make special provisions for evaluating teachers who are~~
 527 ~~assigned to teach out of field.~~

528 ~~4. Ability to plan and deliver instruction and the use of~~
 529 ~~technology in the classroom.~~

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

531 ~~6. Ability to establish and maintain a positive~~
 532 ~~collaborative relationship with students' families to increase~~
 533 ~~student achievement.~~

534 ~~7. Other professional competencies, responsibilities, and~~
 535 ~~requirements as established by rules of the State Board of~~
 536 ~~Education and policies of the district school board.~~

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

540 (c) The individual responsible for supervising the
 541 employee must evaluate ~~assess~~ the employee's performance. The
 542 evaluator must submit a written report of the appraisal
 543 ~~assessment~~ to the district school superintendent for the purpose
 544 of reviewing the employee's contract. The evaluator must submit
 545 the written report to the employee no later than 10 days after
 546 the appraisal ~~assessment~~ takes place. The evaluator must discuss
 547 the written report of appraisal ~~assessment~~ with the employee.
 548 The employee shall have the right to initiate a written response

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549 to the appraisal ~~assessment~~, and the response shall become a
550 permanent attachment to his or her personnel file.

551 (d) If an employee is not performing his or her duties in
552 a satisfactory manner, the evaluator shall notify the employee
553 in writing of such determination. The notice must describe such
554 unsatisfactory performance and include notice of the following
555 procedural requirements:

556 1. Upon delivery of a notice of unsatisfactory
557 performance, the evaluator must confer with the employee, make
558 recommendations with respect to specific areas of unsatisfactory
559 performance, and provide assistance in helping to correct
560 deficiencies within a prescribed period of time.

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

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577 different supervising administrator; however, a transfer does
578 not extend the period for correcting performance deficiencies.

579 b. Within 14 days after the close of the 90 calendar days,
580 the evaluator must evaluate ~~assess~~ whether the performance
581 deficiencies have been corrected and forward a recommendation to
582 the district school superintendent. Within 14 days after
583 receiving the evaluator's recommendation, the district school
584 superintendent must notify the employee who holds a professional
585 service contract or a professional performance contract in
586 writing whether the performance deficiencies have been
587 satisfactorily corrected and whether the district school
588 superintendent will recommend that the district school board
589 continue or terminate his or her employment contract. If the
590 employee wishes to contest the district school superintendent's
591 recommendation, the employee must, within 15 days after receipt
592 of the district school superintendent's recommendation, submit a
593 written request for a hearing. The hearing shall be conducted at
594 the district school board's election in accordance with one of
595 the following procedures:

596 (I) A direct hearing conducted by the district school
597 board within 60 days after receipt of the written appeal. The
598 hearing shall be conducted in accordance with the provisions of
599 ss. 120.569 and 120.57. A majority vote of the membership of the
600 district school board shall be required to sustain the district
601 school superintendent's recommendation. The determination of the
602 district school board shall be final as to the sufficiency or
603 insufficiency of the grounds for termination of employment; or

604 (II) A hearing conducted by an administrative law judge
605 assigned by the Division of Administrative Hearings of the
606 Department of Management Services. The hearing shall be
607 conducted within 60 days after receipt of the written appeal in
608 accordance with chapter 120. The recommendation of the
609 administrative law judge shall be made to the district school
610 board. A majority vote of the membership of the district school
611 board shall be required to sustain or change the administrative
612 law judge's recommendation. The determination of the district
613 school board shall be final as to the sufficiency or
614 insufficiency of the grounds for termination of employment.

615 (4) The district school superintendent shall notify the
616 department of any instructional personnel who receive two
617 consecutive unsatisfactory evaluations and who have been given
618 written notice by the district that their employment is being
619 terminated or is not being renewed or that the district school
620 board intends to terminate, or not renew, their employment. The
621 department shall conduct an investigation to determine whether
622 action shall be taken against the certificateholder pursuant to
623 s. 1012.795(1)(e).

624 ~~(5) The district school superintendent shall develop a~~
625 ~~mechanism for evaluating the effective use of assessment~~
626 ~~criteria and evaluation procedures by administrators who are~~
627 ~~assigned responsibility for evaluating the performance of~~
628 ~~instructional personnel. The use of the assessment and~~
629 ~~evaluation procedures shall be considered as part of the annual~~
630 ~~assessment of the administrator's performance. The system must~~
631 ~~include a mechanism to give parents and teachers an opportunity~~

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632 ~~to provide input into the administrator's performance~~
 633 ~~assessment, when appropriate.~~

634 ~~(5)(6)~~ Nothing in this section shall be construed to grant
 635 a probationary employee a right to continued employment beyond
 636 the term of his or her contract.

637 ~~(6)(7)~~ The district school board shall establish a
 638 procedure annually reviewing instructional personnel appraisal
 639 ~~assessment~~ systems to determine compliance with this section.
 640 All substantial revisions to an approved system must be reviewed
 641 and approved by the district school board before being used to
 642 evaluate ~~assess~~ instructional personnel. Upon request by a
 643 school district, the department shall provide assistance in
 644 developing, improving, or reviewing an appraisal ~~assessment~~
 645 system.

646 ~~(7)(8)~~ The State Board of Education shall adopt rules
 647 pursuant to ss. 120.536(1) and 120.54, that establish uniform
 648 guidelines for the submission, review, and approval of district
 649 procedures for the annual appraisal ~~assessment~~ of instructional
 650 personnel and that include criteria for evaluating professional
 651 performance.

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

654 1012.52 Teacher quality; legislative findings; Florida
 655 Educator Accomplished Practices.--

656 (3) The State Board of Education shall adopt by rule the
 657 Florida Educator Accomplished Practices, which shall form the
 658 basis for the state's expectations for effective instructional
 659 practice. The Commissioner of Education shall periodically

660 review the Florida Educator Accomplished Practices based on
 661 contemporary educational research and analysis of student
 662 performance data. The commissioner shall include input from
 663 associations representing teachers, principals, superintendents,
 664 and school boards when reviewing the Florida Educator
 665 Accomplished Practices. Upon finalizing any resulting revisions
 666 to the Florida Educator Accomplished Practices, the commissioner
 667 shall submit the revised practices and supporting evaluation
 668 information to the Governor, the President of the Senate, and
 669 the Speaker of the House of Representatives at least 21 days
 670 before the State Board of Education considers adoption of the
 671 revised practices.

672 Section 15. Subsection (1) and paragraphs (g) and (h) of
 673 subsection (6) of section 1012.56, Florida Statutes, are
 674 amended, paragraph (i) is added to subsection (6), and
 675 subsection (18) is added to that section, to read:

676 1012.56 Educator certification requirements.--

677 (1) APPLICATION.--Each person seeking certification
 678 pursuant to this chapter shall submit a completed application
 679 containing the applicant's social security number to the
 680 Department of Education and remit the fee required pursuant to
 681 s. 1012.59 and rules of the State Board of Education. Pursuant
 682 to the federal Personal Responsibility and Work Opportunity
 683 Reconciliation Act of 1996, each party is required to provide
 684 his or her social security number in accordance with this
 685 section. Disclosure of social security numbers obtained through
 686 this requirement is limited to the purpose of administration of
 687 the Title IV-D program of the Social Security Act for child

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688 support enforcement. Pursuant to s. 120.60, the department shall
 689 issue within 90 calendar days after the stamped receipted date
 690 of the completed application:

691 (a) If the applicant meets the requirements, a
 692 professional certificate covering the classification, level, and
 693 area for which the applicant is deemed qualified and a document
 694 explaining the requirements for renewal of the professional
 695 certificate;

696 (b) If the applicant meets the requirements and if
 697 requested by an employing school district or an employing
 698 private school with a professional education competence
 699 demonstration program pursuant to paragraphs (6) (f) ~~(5) (f)~~ and
 700 (8) (b) ~~(7) (b)~~, a temporary certificate covering the
 701 classification, level, and area for which the applicant is
 702 deemed qualified and an official statement of status of
 703 eligibility; or

704 (c) If an applicant does not meet the requirements for
 705 either certificate, an official statement of status of
 706 eligibility.

707

708 The statement of status of eligibility must advise the applicant
 709 of any qualifications that must be completed to qualify for
 710 certification. Each statement of status of eligibility is valid
 711 for 3 years after its date of issuance, except as provided in
 712 paragraph (2) (d). For purposes of this section, the term
 713 "private school" includes an approved Voluntary Prekindergarten
 714 Education Program private prekindergarten provider.

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

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

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

725 (i) Successful completion of a professional education
 726 training program provided by Teach for America and achievement
 727 of a passing score on the professional education competency
 728 examination required by rule of the State Board of Education.

729 (18) MILITARY INSTRUCTOR EXPERIENCE AND AMERICAN COUNCIL
 730 ON EDUCATION TRANSCRIPTS; RULES.--The State Board of Education
 731 may adopt rules that:

732 (a) For purposes of demonstrating mastery of professional
 733 preparation and education competence through the completion of
 734 professional preparation courses as specified in state board
 735 rule, allow a person to use his or her teaching experience as a
 736 military instructor to verify occupational teaching experience
 737 for the same number of years of instruction provided in one of
 738 the branches of the United States Armed Forces.

739 (b) For purposes of demonstrating the completion of
 740 certification requirements specified in state board rule, allow
 741 for the acceptance of college course credits recommended by the

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742 American Council on Education (ACE), which are posted on an
743 official ACE transcript.

744 (c) This subsection applies to credit for instruction
745 performed, or course credits awarded, prior to, on, and after
746 July 1, 2009.

747 Section 16. Paragraph (h) of subsection (1) of section
748 1012.795, Florida Statutes, is amended to read:

749 1012.795 Education Practices Commission; authority to
750 discipline.--

751 (1) The Education Practices Commission may suspend the
752 educator certificate of any person as defined in s. 1012.01(2)
753 or (3) for up to 5 years, thereby denying that person the right
754 to teach or otherwise be employed by a district school board or
755 public school in any capacity requiring direct contact with
756 students for that period of time, after which the holder may
757 return to teaching as provided in subsection (4); may revoke the
758 educator certificate of any person, thereby denying that person
759 the right to teach or otherwise be employed by a district school
760 board or public school in any capacity requiring direct contact
761 with students for up to 10 years, with reinstatement subject to
762 the provisions of subsection (4); may revoke permanently the
763 educator certificate of any person thereby denying that person
764 the right to teach or otherwise be employed by a district school
765 board or public school in any capacity requiring direct contact
766 with students; may suspend the educator certificate, upon an
767 order of the court or notice by the Department of Revenue
768 relating to the payment of child support; or may impose any
769 other penalty provided by law, if the person:

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

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

774 1012.98 School Community Professional Development Act.--

775 (6) An organization of private schools which has no fewer
 776 than 10 member schools in this state, which publishes and files
 777 with the Department of Education copies of its standards, and
 778 the member schools of which comply with the provisions of part
 779 II of chapter 1003, relating to compulsory school attendance, or
 780 an organization of approved Voluntary Prekindergarten Education
 781 Program providers with no fewer than 10 members in this state,
 782 may also develop a professional development system that includes
 783 a master plan for inservice activities and a program for
 784 demonstration of professional education competence under s.
 785 1012.56. The professional development system ~~and inservice plan~~
 786 must be submitted to the commissioner for approval pursuant to
 787 rules of the State Board of Education.

788 Section 18. Section 1012.986, Florida Statutes, is amended
 789 to read:

790 1012.986 William Cecil Golden Professional Development
 791 Program for School Leaders.--

792 (1) There is established the William Cecil Golden
 793 Professional Development Program for School Leaders to provide
 794 high standards and sustained support for principals as
 795 instructional leaders. The program shall consist of a
 796 collaborative network of state and national professional

797 leadership organizations to respond to instructional leadership
 798 needs throughout the state.

799 (2) The network shall support the human-resource
 800 development needs of principals, principal leadership teams, and
 801 candidates for principal leadership positions using the
 802 framework of leadership standards adopted by the State Board of
 803 Education, the Southern Regional Education Board, and the
 804 National Staff Development Council. Leadership standards adopted
 805 under this section must focus on instructional leadership and
 806 include the ability to:

807 (a) Identify and promote effective instruction.

808 (b) Recruit and retain high-performing instructional
 809 personnel.

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

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

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

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

819 (c) Build the capacity to increase the quality of programs
 820 for preservice education for aspiring principals and inservice
 821 professional development for principals and principal leadership
 822 teams.

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

826 (4)~~(2)~~ The Department of Education shall coordinate
 827 ~~through the network identified in subsection (1)~~ to offer the
 828 program through multiple delivery systems, including:

829 (a) Approved school district training programs.

830 (b) Interactive technology-based instruction.

831 (c) Regional consortium service organizations pursuant to
 832 s. 1001.451.

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

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

836 (5)~~(3)~~ The State Board of Education shall adopt rules
 837 pursuant to ss. 120.536(1) and 120.54 to administer this
 838 section.

839 Section 19. Paragraph (g) of subsection (3) of section
 840 1012.33, Florida Statutes, is repealed.

841 Section 20. This act shall take effect upon becoming a
 842 law.