

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

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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.

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

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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. At
218 a minimum, the state board's rules shall be based upon 3 years
219 of data showing at least a majority of the students taught by
220 the teacher showing a lack of progress.

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221 (d) Report to the State Board of Education by school
222 district the number of dismissals initiated based on educational
223 insufficiency as defined by state board rule and the number of
224 the initiated dismissals that resulted in termination of
225 classroom teachers.

226 Section 9. Paragraph (c) of subsection (1) of section
227 1012.22, Florida Statutes, is amended to read:

228 1012.22 Public school personnel; powers and duties of the
229 district school board.--The district school board shall:

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

235 (c) Compensation and salary schedules.--

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

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

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249 ~~addition to district level instructional and administrative~~
250 ~~positions.~~

251 ~~2.3.~~ In developing the salary schedule, the district
252 school board shall seek input from parents, teachers, and
253 representatives of the business community.

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

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

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

275 1012.2315 Assignment of teachers.--

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

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

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

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

289 1012.28 Public school personnel; duties of school
 290 principals.--

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

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

299 1012.335 Contracts with classroom teachers hired on or
 300 after July 1, 2009.--

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

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

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

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

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

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

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) "Classroom teacher" means the same as classroom
321 teacher as defined in s. 1012.01(2)(a), excluding substitute
322 teachers.

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

327 (d) "Professional performance contract" means a contract
328 for a period of no longer than 5 school years which the district
329 school board can choose to renew or not renew without cause.

330 (4) EMPLOYMENT.--

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

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

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

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

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

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

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

359 contract or a continuing contract may, but is not required to,
360 exchange such contract for a professional performance contract
361 in the same district.

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

375 (6) SUSPENSION OR DISMISSAL OF CLASSROOM TEACHERS ON
376 ANNUAL CONTRACT.--Any classroom teacher with an annual 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 classroom teacher in
380 writing whenever charges are made against the classroom teacher
381 and may suspend such person without pay. However, if the charges
382 are not sustained, the classroom teacher shall be immediately
383 reinstated and his or her back salary shall be paid.

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

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

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

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

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

418

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

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

426 (a) Immorality.

427 (b) Misconduct in office.

428 (c) Incompetency.

429 (d) Gross insubordination.

430 (e) Willful neglect of duty.

431 (f) Being convicted or found guilty of, or entering a plea
432 of guilty to, regardless of adjudication of guilt, any crime
433 involving moral turpitude.

434 (g) Educational insufficiency.

435

436 The rules shall include a definition of educational
437 insufficiency that is based upon multiyear, objective data on
438 declines in student performance. At a minimum, the state board's
439 rules shall be based upon 3 years of data showing at least a
440 majority of the students taught by the teacher showing a lack of
441 progress.

442 Section 13. Section 1012.34, Florida Statutes, is amended
 443 to read:

444 1012.34 Appraisal ~~Assessment~~ procedures and criteria.--

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

455 (2) The following conditions must be considered in the
 456 design of the district's instructional personnel appraisal
 457 ~~assessment~~ system:

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

460 (b) The system must provide appropriate appraisal
 461 instruments, procedures, and criteria for continuous quality
 462 improvement of the professional skills of instructional
 463 personnel.

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

467 (d) In addition to addressing generic teaching
 468 competencies, districts must determine those teaching fields for
 469 which special procedures and criteria will be developed,

470 including a process for determining the professional education
471 competence of a teacher who holds a temporary certificate as
472 required under s. 1012.56.

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

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

482 (g) The system must include a process for monitoring the
483 effective and consistent use of appraisal criteria by
484 supervisors and administrators and a process for evaluating the
485 effectiveness of the system itself in improving the level of
486 instruction and learning in the district's schools.

487 (3) The appraisal ~~assessment~~ procedure for instructional
488 personnel and school administrators must be primarily based on
489 the performance of students assigned to their classrooms or
490 schools, as appropriate. Pursuant to this section, a school
491 district's performance appraisal ~~assessment~~ is not limited to
492 basing unsatisfactory performance of instructional personnel and
493 school administrators upon student performance, but may include
494 other criteria approved to evaluate ~~assess~~ instructional
495 personnel and school administrators' performance, or any
496 combination of student performance and other approved criteria.

497 The procedures must comply with, but are not limited to, the
498 following requirements:

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

513 1. Performance of students. The appraisal must primarily
514 use data and indicators of improvement in student performance
515 assessed annually as specified in s. 1008.22 and by district-
516 determined assessments for subjects and grade levels not
517 measured by the state assessment program.

518 2. Instructional practice. For instructional personnel,
519 performance criteria must include indicators based on each of
520 the Florida Educator Accomplished Practices adopted by the State
521 Board of Education under s. 1012.52.

522 3. Instructional leadership. For school-based
523 administrators, performance criteria must include indicators

524 based on each of the leadership standards adopted by the State
525 Board of Education under s. 1012.986.

526 4. Professional responsibilities. Such criteria must
527 include professional responsibilities and employment
528 requirements as established by the State Board of Education and
529 through policies of the district school board.

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

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

534 ~~4. Ability to plan and deliver instruction and the use of~~
535 ~~technology in the classroom.~~

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

537 ~~6. Ability to establish and maintain a positive~~
538 ~~collaborative relationship with students' families to increase~~
539 ~~student achievement.~~

540 ~~7. Other professional competencies, responsibilities, and~~
541 ~~requirements as established by rules of the State Board of~~
542 ~~Education and policies of the district school board.~~

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

546 (c) The individual responsible for supervising the
547 employee must evaluate ~~assess~~ the employee's performance. The
548 evaluator must submit a written report of the appraisal
549 ~~assessment~~ to the district school superintendent for the purpose
550 of reviewing the employee's contract. The evaluator must submit
551 the written report to the employee no later than 10 days after

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552 the appraisal ~~assessment~~ takes place. The evaluator must discuss
553 the written report of appraisal ~~assessment~~ with the employee.
554 The employee shall have the right to initiate a written response
555 to the appraisal ~~assessment~~, and the response shall become a
556 permanent attachment to his or her personnel file.

557 (d) If an employee is not performing his or her duties in
558 a satisfactory manner, the evaluator shall notify the employee
559 in writing of such determination. The notice must describe such
560 unsatisfactory performance and include notice of the following
561 procedural requirements:

562 1. Upon delivery of a notice of unsatisfactory
563 performance, the evaluator must confer with the employee, make
564 recommendations with respect to specific areas of unsatisfactory
565 performance, and provide assistance in helping to correct
566 deficiencies within a prescribed period of time.

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

580 the 90 calendar days, the employee who holds a professional
581 service contract or a professional performance contract may
582 request a transfer to another appropriate position with a
583 different supervising administrator; however, a transfer does
584 not extend the period for correcting performance deficiencies.

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

602 (I) A direct hearing conducted by the district school
603 board within 60 days after receipt of the written appeal. The
604 hearing shall be conducted in accordance with the provisions of
605 ss. 120.569 and 120.57. A majority vote of the membership of the
606 district school board shall be required to sustain the district
607 school superintendent's recommendation. The determination of the

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608 district school board shall be final as to the sufficiency or
609 insufficiency of the grounds for termination of employment; or

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

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

630 ~~(5) The district school superintendent shall develop a~~
631 ~~mechanism for evaluating the effective use of assessment~~
632 ~~criteria and evaluation procedures by administrators who are~~
633 ~~assigned responsibility for evaluating the performance of~~
634 ~~instructional personnel. The use of the assessment and~~
635 ~~evaluation procedures shall be considered as part of the annual~~

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636 ~~assessment of the administrator's performance. The system must~~
637 ~~include a mechanism to give parents and teachers an opportunity~~
638 ~~to provide input into the administrator's performance~~
639 ~~assessment, when appropriate.~~

640 (5)~~(6)~~ Nothing in this section shall be construed to grant
641 a probationary employee a right to continued employment beyond
642 the term of his or her contract.

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

652 (7)~~(8)~~ The State Board of Education shall adopt rules
653 pursuant to ss. 120.536(1) and 120.54, that establish uniform
654 guidelines for the submission, review, and approval of district
655 procedures for the annual appraisal ~~assessment~~ of instructional
656 personnel and that include criteria for evaluating professional
657 performance.

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

660 1012.52 Teacher quality; legislative findings; Florida
661 Educator Accomplished Practices.--

662 (3) The State Board of Education shall adopt by rule the
663 Florida Educator Accomplished Practices, which shall form the

664 basis for the state's expectations for effective instructional
 665 practice. The Commissioner of Education shall periodically
 666 review the Florida Educator Accomplished Practices based on
 667 contemporary educational research and analysis of student
 668 performance data. The commissioner shall include input from
 669 associations representing teachers, principals, superintendents,
 670 and school boards when reviewing the Florida Educator
 671 Accomplished Practices. Upon finalizing any resulting revisions
 672 to the Florida Educator Accomplished Practices, the commissioner
 673 shall submit the revised practices and supporting evaluation
 674 information to the Governor, the President of the Senate, and
 675 the Speaker of the House of Representatives at least 21 days
 676 before the State Board of Education considers adoption of the
 677 revised practices.

678 Section 15. Subsection (1) and paragraphs (g) and (h) of
 679 subsection (6) of section 1012.56, Florida Statutes, are
 680 amended, paragraph (i) is added to subsection (6), and
 681 subsection (18) is added to that section, to read:

682 1012.56 Educator certification requirements.--

683 (1) APPLICATION.--Each person seeking certification
 684 pursuant to this chapter shall submit a completed application
 685 containing the applicant's social security number to the
 686 Department of Education and remit the fee required pursuant to
 687 s. 1012.59 and rules of the State Board of Education. Pursuant
 688 to the federal Personal Responsibility and Work Opportunity
 689 Reconciliation Act of 1996, each party is required to provide
 690 his or her social security number in accordance with this
 691 section. Disclosure of social security numbers obtained through

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692 | this requirement is limited to the purpose of administration of
693 | the Title IV-D program of the Social Security Act for child
694 | support enforcement. Pursuant to s. 120.60, the department shall
695 | issue within 90 calendar days after the stamped receipted date
696 | of the completed application:

697 | (a) If the applicant meets the requirements, a
698 | professional certificate covering the classification, level, and
699 | area for which the applicant is deemed qualified and a document
700 | explaining the requirements for renewal of the professional
701 | certificate;

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

710 | (c) If an applicant does not meet the requirements for
711 | either certificate, an official statement of status of
712 | eligibility.

713 |
714 | The statement of status of eligibility must advise the applicant
715 | of any qualifications that must be completed to qualify for
716 | certification. Each statement of status of eligibility is valid
717 | for 3 years after its date of issuance, except as provided in
718 | paragraph (2) (d). For purposes of this section, the term

719 "private school" includes an approved Voluntary Prekindergarten
 720 Education Program private prekindergarten provider.

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

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

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

731 (i) Successful completion of a professional education
 732 training program provided by Teach for America and achievement
 733 of a passing score on the professional education competency
 734 examination required by rule of the State Board of Education.

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

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

745 (b) For purposes of demonstrating the completion of
 746 certification requirements specified in state board rule, allow

747 for the acceptance of college course credits recommended by the
748 American Council on Education (ACE), which are posted on an
749 official ACE transcript.

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

753 Section 16. Paragraph (h) of subsection (1) of section
754 1012.795, Florida Statutes, is amended to read:

755 1012.795 Education Practices Commission; authority to
756 discipline.--

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

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774 relating to the payment of child support; or may impose any
 775 other penalty provided by law, if the person:

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

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

780 1012.98 School Community Professional Development Act.--

781 (6) An organization of private schools which has no fewer
 782 than 10 member schools in this state, which publishes and files
 783 with the Department of Education copies of its standards, and
 784 the member schools of which comply with the provisions of part
 785 II of chapter 1003, relating to compulsory school attendance, or
 786 an organization of approved Voluntary Prekindergarten Education
 787 Program providers with no fewer than 10 members in this state,
 788 may also develop a professional development system that includes
 789 a master plan for inservice activities and a program for
 790 demonstration of professional education competence under s.
 791 1012.56. The professional development system ~~and inservice plan~~
 792 must be submitted to the commissioner for approval pursuant to
 793 rules of the State Board of Education.

794 Section 18. Section 1012.986, Florida Statutes, is amended
 795 to read:

796 1012.986 William Cecil Golden Professional Development
 797 Program for School Leaders.--

798 (1) There is established the William Cecil Golden
 799 Professional Development Program for School Leaders to provide
 800 high standards and sustained support for principals as
 801 instructional leaders. The program shall consist of a

802 collaborative network of state and national professional
 803 leadership organizations to respond to instructional leadership
 804 needs throughout the state.

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

813 (a) Identify and promote effective instruction.

814 (b) Recruit and retain high-performing instructional
 815 personnel.

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

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

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

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

825 (c) Build the capacity to increase the quality of programs
 826 for preservice education for aspiring principals and inservice
 827 professional development for principals and principal leadership
 828 teams.

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

832 (4)~~(2)~~ The Department of Education shall coordinate
833 ~~through the network identified in subsection (1)~~ to offer the
834 program through multiple delivery systems, including:

835 (a) Approved school district training programs.

836 (b) Interactive technology-based instruction.

837 (c) Regional consortium service organizations pursuant to
838 s. 1001.451.

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

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

842 (5)~~(3)~~ The State Board of Education shall adopt rules
843 pursuant to ss. 120.536(1) and 120.54 to administer this
844 section.

845 Section 19. Paragraph (g) of subsection (3) of section
846 1012.33, Florida Statutes, is repealed.

847 Section 20. This act shall take effect upon becoming a
848 law.