

By Senator Detert

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1                                   A bill to be entitled  
2           An act relating to educator certification; amending s.  
3           39.202, F.S.; revising provisions relating to reports  
4           and records in cases of child abuse or neglect;  
5           requiring that employees or agents of the Department  
6           of Education who are responsible for the investigation  
7           or prosecution of misconduct by certified educators be  
8           granted access to such records; amending s. 1002.55,  
9           F.S.; requiring that a prekindergarten instructor  
10          complete a training course provided by the department  
11          which emphasizes the standards under the Voluntary  
12          Education Prekindergarten Program; amending s.  
13          1002.61, F.S.; revising the requirements for a  
14          prekindergarten instructor who is employed by a public  
15          school or private prekindergarten provider delivering  
16          a summer prekindergarten program; amending s. 1012.34,  
17          F.S.; revising provisions relating to the state  
18          appraisal system for increasing student achievement by  
19          improving the quality of instructional,  
20          administrative, and supervisory services in public  
21          schools; revising the conditions and criteria for the  
22          appraisal system; amending s. 1012.52, F.S.; requiring  
23          that the State Board of Education adopt rules  
24          incorporating the Florida Educator Accomplished  
25          Practices; requiring that the Commissioner of  
26          Education periodically review the educator-  
27          accomplished practices; requiring that the  
28          commissioner submit proposed revisions to the  
29          educator-accomplished practices to the Governor and

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30 the Legislature within a specified period; amending s.  
31 1012.56, F.S.; revising provisions relating to the  
32 professional preparation alternative certification and  
33 education competency program; authorizing the State  
34 Board of Education to adopt rules establishing  
35 requirements for educator competency and  
36 certification; amending s. 1012.98, F.S.; revising  
37 provisions relating to the School Community  
38 Professional Development Act to conform to changes  
39 made by the act; amending s. 1012.986, F.S.; providing  
40 guidelines for instructional leadership standards  
41 under the William Cecil Golden Professional  
42 Development Program for School Leaders; providing an  
43 effective date.

44  
45 Be It Enacted by the Legislature of the State of Florida:

46  
47 Section 1. Present paragraph (q) of subsection (2) of  
48 section 39.202, Florida Statutes, is redesignated as paragraph  
49 (r), and a new paragraph (q) is added to that section, to read:

50 39.202 Confidentiality of reports and records in cases of  
51 child abuse or neglect.—

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

56 (q) Employees or agents of the Department of Education who  
57 are responsible for the investigation or prosecution of  
58 misconduct by certified educators.

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59 Section 2. Paragraph (c) of subsection (3) and subsection  
60 (4) of section 1002.55, Florida Statutes, are amended to read:

61 1002.55 School-year prekindergarten program delivered by  
62 private prekindergarten providers.—

63 (3) To be eligible to deliver the prekindergarten program,  
64 a private prekindergarten provider must meet each of the  
65 following requirements:

66 (c) The private prekindergarten provider must have, for  
67 each prekindergarten class, at least one prekindergarten  
68 instructor who meets each of the following requirements:

69 1. The prekindergarten instructor must hold, at a minimum,  
70 one of the following credentials:

71 a. A child development associate credential issued by the  
72 National Credentialing Program of the Council for Professional  
73 Recognition; or

74 b. A credential approved by the Department of Children and  
75 Family Services as being equivalent to or greater than the  
76 credential described in sub-subparagraph a.

77  
78 The Department of Children and Family Services may adopt rules  
79 under ss. 120.536(1) and 120.54 which provide criteria and  
80 procedures for approving equivalent credentials under sub-  
81 subparagraph b.

82 2. The prekindergarten instructor must successfully  
83 complete:

84 a. An emergent literacy training course approved by the  
85 department as meeting or exceeding the minimum standards adopted  
86 under s. 1002.59. This requirement ~~subparagraph~~ does not apply  
87 to a prekindergarten instructor who successfully completes

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88 approved training in early literacy and language development  
89 under s. 402.305(2)(d)5., s. 402.313(6), or s. 402.3131(5)  
90 before the establishment of one or more emergent literacy  
91 training courses under s. 1002.59 or April 1, 2005, whichever  
92 occurs later; ~~and-~~

93 b. A training course provided by the department which  
94 emphasizes the standards under the Voluntary Prekindergarten  
95 Education Program, regardless of whether the prekindergarten  
96 instructor holds any of the educational credentials listed in  
97 subsection (4).

98 (4) A prekindergarten instructor, in lieu of the minimum  
99 credentials and courses required under subparagraph (3)(c)1. and  
100 sub-subparagraph (3)(c)2.a. ~~paragraph (3)(c),~~ may hold one of  
101 the following educational credentials:

102 (a) A bachelor's or higher degree in early childhood  
103 education, prekindergarten or primary education, preschool  
104 education, or family and consumer science;

105 (b) A bachelor's or higher degree in elementary education,  
106 if the prekindergarten instructor has been certified to teach  
107 children any age from birth through 6th grade, regardless of  
108 whether the instructor's educator certificate is current, and if  
109 the instructor is not ineligible to teach in a public school  
110 because his or her educator certificate is suspended or revoked;

111 (c) An associate's or higher degree in child development;

112 (d) An associate's or higher degree in an unrelated field,  
113 at least 6 credit hours in early childhood education or child  
114 development, and at least 480 hours of experience in teaching or  
115 providing child care services for children any age from birth  
116 through 8 years of age; or

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117 (e) An educational credential approved by the department as  
118 being equivalent to or greater than an educational credential  
119 described in this subsection. The department may adopt criteria  
120 and procedures for approving equivalent educational credentials  
121 under this paragraph.

122 Section 3. Subsection (4) of section 1002.61, Florida  
123 Statutes, as amended by section 5 of chapter 2009-3, Laws of  
124 Florida, is amended to read:

125 1002.61 Summer prekindergarten program delivered by public  
126 schools and private prekindergarten providers.—

127 (4) Notwithstanding ss. 1002.55(3)(c)1. and 1002.63(4),  
128 each public school and private prekindergarten provider must  
129 have, for each prekindergarten class, at least one  
130 prekindergarten instructor who has successfully completed a  
131 Voluntary Prekindergarten Education Program training course  
132 provided by the department and:

133 (a) Is a certified teacher; or

134 (b) Holds one of the educational credentials specified in  
135 s. 1002.55(4)(a) or (b).

136

137 As used in this subsection, the term "certified teacher" means a  
138 teacher holding a valid Florida educator certificate under s.  
139 1012.56 who has the qualifications required by the district  
140 school board to instruct students in the summer prekindergarten  
141 program. In selecting instructional staff for the summer  
142 prekindergarten program, each school district shall give  
143 priority to teachers who have experience or coursework in early  
144 childhood education.

145 Section 4. Section 1012.34, Florida Statutes, is amended to

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146 read:

147 1012.34 Appraisal ~~Assessment~~ procedures and criteria.—

148 (1) For the purpose of increasing student achievement by  
149 improving the quality of instructional, administrative, and  
150 supervisory services in ~~the public schools of the state~~, the  
151 district school superintendent shall establish procedures for  
152 evaluating ~~assessing~~ the performance of duties and  
153 responsibilities of all instructional, administrative, and  
154 supervisory personnel employed by the school district. The  
155 Department of Education must approve each district's  
156 instructional personnel appraisal ~~assessment~~ system.

157 (2) The following conditions must be considered in the  
158 design of the district's instructional personnel appraisal  
159 ~~assessment~~ system:

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

162 (b) The system must provide appropriate instruments,  
163 procedures, and criteria for continuous quality improvement of  
164 the professional skills of instructional personnel.

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

168 (d) In addition to addressing generic teaching  
169 competencies, districts must determine those teaching fields for  
170 which special procedures and criteria will be developed,  
171 including a process for determining professional education  
172 competence of a teacher who holds a temporary certificate as  
173 required under s. 1012.56.

174 (e) Each district school board may establish a peer

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175 assistance process. The plan may provide a mechanism for  
176 assistance of persons who are placed on performance probation as  
177 well as offer assistance to other employees who request it.

178 (f) Each ~~The~~ district school board shall provide training  
179 programs that are based upon guidelines provided by the  
180 Department of Education to ensure that all individuals who have  
181 ~~with~~ evaluation responsibilities understand the proper use of  
182 the appraisal assessment criteria and procedures.

183 (g) The system must include a process for monitoring the  
184 effective and consistent use of appraisal criteria by  
185 supervisors and administrators and evaluating the effectiveness  
186 of the system in improving the level of instruction and learning  
187 in the district's schools.

188 (3) The appraisal assessment procedure for instructional  
189 personnel and school administrators must be primarily based on  
190 the performance of students assigned to their classrooms or  
191 schools, as appropriate. Pursuant to this section, a school  
192 district's performance appraisal assessment is not limited to  
193 basing unsatisfactory performance of instructional personnel and  
194 school administrators upon student performance, but may include  
195 other criteria approved to evaluate assess instructional  
196 personnel and school administrators' performance, or any  
197 combination of student performance and other approved criteria.  
198 The procedures must comply with, but are not limited to, the  
199 following requirements:

200 (a) An appraisal assessment must be conducted for each  
201 employee at least once a year. The appraisal assessment must be  
202 based upon sound educational principles and contemporary  
203 research in effective educational practices. ~~The assessment must~~

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204 ~~primarily use data and indicators of improvement in student~~  
205 ~~performance assessed annually as specified in s. 1008.22 and may~~  
206 ~~consider results of peer reviews in evaluating the employee's~~  
207 ~~performance. Student performance must be measured by state~~  
208 ~~assessments required under s. 1008.22 and by local assessments~~  
209 ~~for subjects and grade levels not measured by the state~~  
210 ~~assessment program. The appraisal assessment criteria must~~  
211 ~~include, but are not limited to, ~~indicators that relate to the~~~~  
212 ~~following:~~

213 1. Data and indicators demonstrating an improvement in  
214 student performance as specified in s. 1008.22, including  
215 district-determined assessments for subjects and grade levels  
216 that are not measured by the state assessment system;

217 2. Educator-accomplished practices adopted by the State  
218 Board of Education under s. 1012.52;

219 3. Instructional leadership standards adopted by the State  
220 Board of Education under s. 1012.986 for school-based  
221 administrators; and

222 4. Professional responsibilities and employment  
223 requirements as established by the State Board of Education and  
224 the policies of the district school board.

225 ~~1. Performance of students.~~

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

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

230 ~~4. Ability to plan and deliver instruction and the use of~~  
231 ~~technology in the classroom.~~

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



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233 ~~6. Ability to establish and maintain a positive~~  
234 ~~collaborative relationship with students' families to increase~~  
235 ~~student achievement.~~

236 ~~7. Other professional competencies, responsibilities, and~~  
237 ~~requirements as established by rules of the State Board of~~  
238 ~~Education and policies of the district school board.~~

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

242 (c) The individual responsible for supervising the employee  
243 must evaluate ~~assess~~ the employee's performance. The evaluator  
244 must submit a written report of the appraisal ~~assessment~~ to the  
245 district school superintendent for the purpose of reviewing the  
246 employee's contract. The evaluator must submit the written  
247 report to the employee no later than 10 days after the appraisal  
248 ~~assessment~~ takes place. The evaluator must discuss the written  
249 report of appraisal ~~assessment~~ with the employee. The employee  
250 shall have the right to initiate a written response to the  
251 appraisal ~~assessment~~, and the response shall become a permanent  
252 attachment to his or her personnel file.

253 (d) If an employee is not performing his or her duties in a  
254 satisfactory manner, the evaluator shall notify the employee in  
255 writing of such determination. The notice must describe such  
256 unsatisfactory performance and include notice of the following  
257 procedural requirements:

258 1. Upon delivery of a notice of unsatisfactory performance,  
259 the evaluator must confer with the employee, make  
260 recommendations with respect to specific areas of unsatisfactory  
261 performance, and provide assistance in helping to correct

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262 deficiencies within a prescribed period of time.

263       2.a. If the employee holds a professional service contract  
264 as provided in s. 1012.33, the employee shall be placed on  
265 performance probation and governed by the provisions of this  
266 section for 90 calendar days following the receipt of the notice  
267 of unsatisfactory performance to demonstrate corrective action.  
268 School holidays and school vacation periods are not counted when  
269 calculating the 90-calendar-day period. During the 90 calendar  
270 days, the employee who holds a professional service contract  
271 must be evaluated periodically and apprised of progress achieved  
272 and must be provided assistance and inservice training  
273 opportunities to help correct the noted performance  
274 deficiencies. At any time during the 90 calendar days, the  
275 employee who holds a professional service contract may request a  
276 transfer to another appropriate position with a different  
277 supervising administrator; however, a transfer does not extend  
278 the period for correcting performance deficiencies.

279       b. Within 14 days after the close of the 90 calendar days,  
280 the evaluator must evaluate ~~assess~~ whether the performance  
281 deficiencies have been corrected and forward a recommendation to  
282 the district school superintendent. Within 14 days after  
283 receiving the evaluator's recommendation, the district school  
284 superintendent must notify the employee who holds a professional  
285 service contract in writing whether the performance deficiencies  
286 have been satisfactorily corrected and whether the district  
287 school superintendent will recommend that the district school  
288 board continue or terminate his or her employment contract. If  
289 the employee wishes to contest the district school  
290 superintendent's recommendation, the employee must, within 15

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291 days after receipt of the district school superintendent's  
292 recommendation, submit a written request for a hearing. The  
293 hearing shall be conducted at the district school board's  
294 election in accordance with one of the following procedures:

295 (I) A direct hearing conducted by the district school board  
296 within 60 days after receipt of the written appeal. The hearing  
297 shall be conducted in accordance with the provisions of ss.  
298 120.569 and 120.57. A majority vote of the membership of the  
299 district school board shall be required to sustain the district  
300 school superintendent's recommendation. The determination of the  
301 district school board shall be final as to the sufficiency or  
302 insufficiency of the grounds for termination of employment; or

303 (II) A hearing conducted by an administrative law judge  
304 assigned by the Division of Administrative Hearings of the  
305 Department of Management Services. The hearing shall be  
306 conducted within 60 days after receipt of the written appeal in  
307 accordance with chapter 120. The recommendation of the  
308 administrative law judge shall be made to the district school  
309 board. A majority vote of the membership of the district school  
310 board shall be required to sustain or change the administrative  
311 law judge's recommendation. The determination of the district  
312 school board shall be final as to the sufficiency or  
313 insufficiency of the grounds for termination of employment.

314 (4) The district school superintendent shall notify the  
315 department of any instructional personnel who receive two  
316 consecutive unsatisfactory evaluations and who have been given  
317 written notice by the district that their employment is being  
318 terminated or is not being renewed or that the district school  
319 board intends to terminate, or not renew, their employment. The

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320 department shall conduct an investigation to determine whether  
321 action shall be taken against the certificateholder pursuant to  
322 s. 1012.795 ~~s. 1012.795(1)(c)~~.

323 ~~(5) The district school superintendent shall develop a~~  
324 ~~mechanism for evaluating the effective use of assessment~~  
325 ~~criteria and evaluation procedures by administrators who are~~  
326 ~~assigned responsibility for evaluating the performance of~~  
327 ~~instructional personnel. The use of the assessment and~~  
328 ~~evaluation procedures shall be considered as part of the annual~~  
329 ~~assessment of the administrator's performance. The system must~~  
330 ~~include a mechanism to give parents and teachers an opportunity~~  
331 ~~to provide input into the administrator's performance~~  
332 ~~assessment, when appropriate.~~

333 ~~(5)(6) Nothing in This section does not shall be construed~~  
334 ~~to grant a probationary employee a right to continued employment~~  
335 ~~beyond the term of his or her contract.~~

336 ~~(6)(7) The district school board shall establish a~~  
337 ~~procedure annually reviewing instructional personnel appraisal~~  
338 ~~assessment systems to determine compliance with this section.~~  
339 All substantial revisions to an approved system must be reviewed  
340 and approved by the district school board before being used to  
341 evaluate assess instructional personnel. Upon request by a  
342 school district, the department shall provide assistance in  
343 developing, improving, or reviewing an appraisal assessment  
344 system.

345 ~~(7)(8) The State Board of Education shall adopt rules~~  
346 ~~pursuant to ss. 120.536(1) and 120.54 which, that establish~~  
347 ~~uniform guidelines for the submission, review, and approval of~~  
348 ~~district procedures for the annual appraisal assessment of~~

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349 instructional personnel and ~~that~~ include criteria for evaluating  
350 professional performance.

351 Section 5. Subsection (3) is added to section 1012.52,  
352 Florida Statutes, to read:

353 1012.52 Teacher quality; legislative findings.—

354 (3) The State Board of Education shall adopt rules  
355 incorporating the Florida Educator Accomplished Practices on  
356 which the state shall base its expectations for effective  
357 instructional practice. The Commissioner of Education shall  
358 periodically review the educator-accomplished practices based on  
359 contemporary educational research and analysis of student  
360 performance data. The commissioner shall submit any proposed  
361 revisions to the educator-accomplished practices and supporting  
362 documentation to the Governor, the President of the Senate, and  
363 the Speaker of the House of Representatives at least 21 days  
364 before the State Board of Education considers the proposed  
365 revisions for adoption.

366 Section 6. Paragraph (b) of subsection (8) of section  
367 1012.56, Florida Statutes, is amended, and subsection (18) is  
368 added to that section, to read:

369 1012.56 Educator certification requirements.—

370 (8) PROFESSIONAL PREPARATION ALTERNATIVE CERTIFICATION AND  
371 EDUCATION COMPETENCY PROGRAM.—

372 (b) Each school district must and a state supported public  
373 school or a private school may develop and maintain a system by  
374 which members of the instructional staff may demonstrate mastery  
375 of professional education competence as required by law. Each  
376 program must be based on classroom application and instructional  
377 performance and must include a performance evaluation plan for

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378 documenting the demonstration of required professional education  
379 competence. For purposes of this subsection, a private school  
380 includes a private prekindergarten provider eligible to deliver  
381 the Voluntary Prekindergarten Education Program.

382 (18) RULES.—The State Board of Education may adopt rules  
383 that:

384 (a) For purposes of demonstrating mastery of professional  
385 preparation and education competence through the completion of  
386 professional preparation courses as specified in state board  
387 rule, allow a person to use his or her teaching experience as a  
388 military instructor to verify occupational teaching experience  
389 for the same number of years of instruction provided in one of  
390 the branches of the United States Armed Forces; and

391 (b) For purposes of demonstrating the completion of  
392 certification requirements specified in state board rule, allow  
393 for the acceptance of college course credits recommended by the  
394 American Council on Education (ACE), which are posted on an  
395 official ACE transcript.

396  
397 This subsection applies to credit for instruction or course  
398 credits awarded before July 1, 2009.

399 Section 7. Subsection (6) of section 1012.98, Florida  
400 Statutes, is amended to read:

401 1012.98 School Community Professional Development Act.—

402 (6) An organization of private schools which has no fewer  
403 than 10 member schools in the ~~this~~ state, which publishes and  
404 files with the Department of Education copies of its standards,  
405 and the member schools of which comply with ~~the provisions of~~  
406 part II of chapter 1003, relating to compulsory school

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407 attendance, or an organization of private prekindergarten  
408 providers eligible to deliver the Voluntary Prekindergarten  
409 Education Program which has no fewer than 10 members in the  
410 state may also develop a professional development system that  
411 includes a master plan for inservice activities and a program  
412 for demonstrating professional education competence under s.  
413 1012.56. The professional development system ~~and inservice plan~~  
414 must be submitted to the commissioner for approval pursuant to  
415 rules of the State Board of Education.

416 Section 8. Section 1012.986, Florida Statutes, is amended  
417 to read:

418 1012.986 William Cecil Golden Professional Development  
419 Program for School Leaders.—

420 (1) There is established the William Cecil Golden  
421 Professional Development Program for School Leaders to provide  
422 high standards and sustained support for principals as  
423 instructional leaders. The program shall consist of a  
424 collaborative network of state and national professional  
425 leadership organizations to respond to instructional leadership  
426 needs throughout the state.

427 (2) The network shall support the human-resource  
428 development needs of principals, principal leadership teams, and  
429 candidates for principal leadership positions using the  
430 framework of leadership standards adopted by the State Board of  
431 Education, the Southern Regional Education Board, and the  
432 National Staff Development Council. The leadership standards  
433 adopted under this section must focus on instructional  
434 leadership and include the ability to:

435 (a) Identify and promote effective instruction;

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436 (b) Recruit and retain high-performing teachers and other  
 437 school staff; and

438 (c) Manage resources to maximize the use of such standards  
 439 for improving student achievement.

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

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

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

447 (c) Build the capacity to increase the quality of programs  
 448 for preservice education for aspiring principals and inservice  
 449 professional development for principals and principal leadership  
 450 teams.

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

454 (4) ~~(2)~~ The Department of Education shall coordinate ~~through~~  
 455 the network ~~identified in subsection (1)~~ to offer the program  
 456 through multiple delivery systems, including:

457 (a) Approved school district training programs.

458 (b) Interactive technology-based instruction.

459 (c) Regional consortium service organizations pursuant to  
 460 s. 1001.451.

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

462 (e) State-approved educational leadership programs in  
 463 public and private colleges and universities.

464 (5) ~~(3)~~ The State Board of Education shall adopt rules



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465 pursuant to ss. 120.536(1) and 120.54 to administer this  
466 section.

467 Section 9. This act shall take effect July 1, 2009.