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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/07/2009	.	
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The Committee on Education Pre-K - 12 (Wise) recommended the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause and insert:

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

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

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

(2) Except as provided in subsection (4), access to such



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12 records, excluding the name of the reporter which shall be  
13 released only as provided in subsection (5), shall be granted  
14 only to the following persons, officials, and agencies:

15 (r) Employees or agents of the Department of Education and  
16 district school board employees responsible for the  
17 investigation or prosecution of misconduct by certified  
18 educators.

19 Section 3. Paragraph (i) of subsection (1) of section  
20 120.81, Florida Statutes, is amended to read:

21 120.81 Exceptions and special requirements; general areas.-

22 (1) EDUCATIONAL UNITS.-

23 (i) For purposes of s. 120.68, a district school board  
24 whose decision is reviewed under the provisions of s. 1012.33 or  
25 s. 1012.335 and whose final action is modified by a superior  
26 administrative decision shall be a party entitled to judicial  
27 review of the final action.

28 Section 4. Paragraph (g) of subsection (7) of section  
29 1002.36, Florida Statutes, is amended to read:

30 1002.36 Florida School for the Deaf and the Blind.-

31 (7) PERSONNEL SCREENING.-

32 (g) For purposes of protecting the health, safety, or  
33 welfare of students, the Florida School for the Deaf and the  
34 Blind is considered a school district and must, except as  
35 otherwise provided in this section, comply with ss. 1001.03,  
36 1001.42, 1001.51, 1006.061, 1012.27, 1012.315, 1012.32, 1012.33,  
37 1012.335, 1012.34, 1012.56, 1012.795, and 1012.796.

38 Section 5. Paragraph (a) of subsection (2) of section  
39 1003.62, Florida Statutes, is amended to read:

40 1003.62 Academic performance-based charter school



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41 districts.—The State Board of Education may enter into a  
42 performance contract with district school boards as authorized  
43 in this section for the purpose of establishing them as academic  
44 performance-based charter school districts. The purpose of this  
45 section is to examine a new relationship between the State Board  
46 of Education and district school boards that will produce  
47 significant improvements in student achievement, while complying  
48 with constitutional and statutory requirements assigned to each  
49 entity.

50 (2) EXEMPTION FROM STATUTES AND RULES.—

51 (a) An academic performance-based charter school district  
52 shall operate in accordance with its charter and shall be exempt  
53 from certain State Board of Education rules and statutes if the  
54 State Board of Education determines such an exemption will  
55 assist the district in maintaining or improving its high-  
56 performing status pursuant to paragraph (1)(a). However, the  
57 State Board of Education may not exempt an academic performance-  
58 based charter school district from any of the following  
59 statutes:

60 1. Those statutes pertaining to the provision of services  
61 to students with disabilities.

62 2. Those statutes pertaining to civil rights, including s.  
63 1000.05, relating to discrimination.

64 3. Those statutes pertaining to student health, safety, and  
65 welfare.

66 4. Those statutes governing the election or compensation of  
67 district school board members.

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



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70           6. Those statutes pertaining to financial matters,  
71 including chapter 1010.

72           7. Those statutes pertaining to planning and budgeting,  
73 including chapter 1011, except that ss. 1011.64 and 1011.69  
74 shall be eligible for exemption.

75           8. Sections 1012.22(1)(c) and 1012.27(2), relating to  
76 differentiated pay and performance-pay policies for school  
77 administrators and instructional personnel. Professional service  
78 contracts shall be subject to the provisions of ss. 1012.33 and  
79 1012.34. Professional performance contracts shall be subject to  
80 the provisions of ss. 1012.335 and 1012.34.

81           9. Those statutes pertaining to educational facilities,  
82 including chapter 1013, except as specified under contract with  
83 the State Board of Education. However, no contractual provision  
84 that could have the effect of requiring the appropriation of  
85 additional capital outlay funds to the academic performance-  
86 based charter school district shall be valid.

87           Section 6. Paragraph (h) of subsection (2) of section  
88 1003.621, Florida Statutes, is amended to read:

89           1003.621 Academically high-performing school districts.—It  
90 is the intent of the Legislature to recognize and reward school  
91 districts that demonstrate the ability to consistently maintain  
92 or improve their high-performing status. The purpose of this  
93 section is to provide high-performing school districts with  
94 flexibility in meeting the specific requirements in statute and  
95 rules of the State Board of Education.

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



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99 of Education which implement these provisions, pertaining to the  
100 following:

101 (h) Sections 1012.22(1)(c) and 1012.27(2), relating to  
102 differentiated pay and performance-pay policies for school  
103 administrators and instructional personnel. Professional service  
104 contracts are subject to the provisions of ss. 1012.33 and  
105 1012.34. Professional performance contracts are subject to the  
106 provisions of ss. 1012.335 and 1012.34.

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

110 1004.04 Public accountability and state approval for  
111 teacher preparation programs.—

112 (13) REPORT.—By March 1, 2010, and biennially thereafter,  
113 the Department of Education shall report to the State Board of  
114 Education on the effectiveness of the graduates of state-  
115 approved teacher preparation programs. The report shall include  
116 an analysis of the public school student learning gains on  
117 statewide assessments, pursuant to s. 1008.22, by students who  
118 were taught by graduates of each state-approved teacher  
119 preparation program.

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

122 1012.21 Department of Education duties; K-12 personnel.—

123 (2) COMPUTER DATABASE OF CERTAIN PERSONS WHOSE EMPLOYMENT  
124 WAS TERMINATED.—

125 (a) The Department of Education shall establish a computer  
126 database containing the names of persons whose employment is  
127 terminated under s. 1012.33(1)(a) or (4)(c) or under s.



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128 1012.335(6) or (7), which information shall be available to the  
129 district school superintendents and their designees.

130 (b) Each district school superintendent shall report to the  
131 Department of Education the name of any person terminated under  
132 s. 1012.33(1)(a) or (4)(c) or under s. 1012.335(6) or (7) within  
133 10 working days after the date of final action by the district  
134 school board on the termination, and the department shall  
135 immediately enter the information in the computer records.

136 (6) REPORTING.—The Department of Education shall annually:

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

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

144 (c) Report to the State Board of Education by school  
145 district the number of classroom teachers whose students'  
146 declining academic performance indicates educational  
147 insufficiency. The State Board of Education shall adopt rules to  
148 define educational insufficiency, which shall be based upon  
149 multiyear, objective data on declines in student performance. At  
150 a minimum, the State Board's rules shall be based upon 3 years  
151 of data showing at least a majority of the students taught by  
152 the teacher showing a lack of progress.

153 (d) Report to the State Board of Education by school  
154 district the number of dismissals initiated based on educational  
155 insufficiency as defined by state board rule and the number of  
156 the initiated dismissals that resulted in termination of



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157 classroom teachers.

158 Section 9. Paragraph (c) of subsection (1) of section  
159 1012.22, Florida Statutes, is amended to read:

160 1012.22 Public school personnel; powers and duties of the  
161 district school board.—The district school board shall:

162 (1) Designate positions to be filled, prescribe  
163 qualifications for those positions, and provide for the  
164 appointment, compensation, promotion, suspension, and dismissal  
165 of employees as follows, subject to the requirements of this  
166 chapter:

167 (c) *Compensation and salary schedules.*—

168 ~~1. The district school board shall adopt a salary schedule~~  
169 ~~or salary schedules designed to furnish incentives for~~  
170 ~~improvement in training and for continued efficient service to~~  
171 ~~be used as a basis for paying all school employees and fix and~~  
172 ~~authorize the compensation of school employees on the basis~~  
173 ~~thereof.~~

174 1. 2. A district school board, in determining the salary  
175 schedule for instructional personnel, must base a portion of  
176 each employee's compensation on performance demonstrated under  
177 s. 1012.34, ~~must consider the prior teaching experience of a~~  
178 ~~person who has been designated state teacher of the year by any~~  
179 ~~state in the United States, and must consider prior professional~~  
180 ~~experience in the field of education gained in positions in~~  
181 ~~addition to district level instructional and administrative~~  
182 ~~positions.~~

183 2. 3. In developing the salary schedule, the district school  
184 board shall seek input from parents, teachers, and  
185 representatives of the business community.



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186       ~~3.4. Beginning with the 2007-2008 academic year,~~ Each  
187 district school board shall adopt a salary schedule with  
188 differentiated pay for both instructional personnel and school-  
189 based administrators. The salary schedule is subject to  
190 negotiation as provided in chapter 447 and must allow  
191 differentiated pay based on district-determined factors,  
192 including, but not limited to, additional responsibilities,  
193 school demographics, critical shortage areas, and level of job  
194 performance difficulties. Each district school board shall  
195 annually report to the Department of Education on its adopted  
196 differentiated pay policy in the manner and format prescribed by  
197 the department.

198  
199 The State Board of Education shall adopt rules pursuant to ss.  
200 120.536(1) and 120.54 to implement this paragraph. Such rules  
201 shall include compliance requirements for district salary  
202 schedules regarding individual performance and differentiated  
203 pay, reporting formats, and procedures for review of salary  
204 schedules.

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

207       1012.2315 Assignment of teachers.-

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

209       (a) Post on its Internet website the percentage of  
210 classroom teachers by school who are first-time teachers,  
211 temporarily certified teachers, teachers in need of improvement,  
212 or out-of-field teachers.

213       (b) Report to the President of the Senate and the Speaker  
214 of the House of Representatives any school district that does





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215 ~~not comply with this section. Schools graded "D" or "F" shall~~  
216 ~~annually report their teacher retention rate. Included in this~~  
217 ~~report shall be reasons listed for leaving by each teacher who~~  
218 ~~left the school for any reason.~~

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

221 1012.28 Public school personnel; duties of school  
222 principals.—

223 (3) Each school principal is responsible for the  
224 performance of all personnel employed by the district school  
225 board and assigned to the school to which the principal is  
226 assigned. The school principal shall faithfully and effectively  
227 apply the personnel appraisal ~~assessment~~ system approved by the  
228 district school board pursuant to s. 1012.34.

229 Section 12. Section 1012.335, Florida Statutes, is created  
230 to read:

231 1012.335 Contracts with classroom teachers hired on or  
232 after July 1, 2009.—

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

236 (2) FINDINGS.—The Legislature finds that:

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

240 (b) An effective classroom teacher can produce student  
241 learning gains far greater than those of an ineffective  
242 classroom teacher.

243 (c) An effective classroom teacher can increase student



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244 learning and thereby provide the student with the potential for  
245 greater future success and higher income over a lifetime.

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

248 (3) DEFINITIONS.—

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

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

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

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

261 (4) EMPLOYMENT.—

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

265 (b) Classroom teachers are eligible for an annual contract  
266 after successful completion of the term of a probationary  
267 contract. No classroom teacher shall receive more than 7  
268 consecutive annual contracts.

269 (c) Classroom teachers are eligible for a professional  
270 performance contract after completion of no fewer than 5 annual  
271 contracts in the same school district during a period not in  
272 excess of 7 successive years, except for leave duly authorized



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273 and granted. A professional performance contract may only be  
274 offered by a district school board to a classroom teacher:

275 1. Who holds a professional certificate as prescribed by s.  
276 1012.56 and rules of the State Board of Education.

277 2. Who has been recommended by the district school  
278 superintendent for such contract and approved by the district  
279 school board based on the successful performance of duties and  
280 demonstration of professional competence.

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

284 (d) A district school board may issue a professional  
285 performance contract on or after July 1, 2009, to any classroom  
286 teacher who has previously held a professional performance  
287 contract, a professional service contract, or a continuing  
288 contract in the same or another school district within this  
289 state. Any classroom teacher who holds a professional service  
290 contract or a continuing contract may, but is not required to,  
291 exchange such contract for a professional performance contract  
292 in the same district.

293 (5) VIOLATION OF CONTRACT.—Any classroom teacher who is  
294 employed on the basis of a written offer of a specific position  
295 by a duly authorized agent of the district school board for a  
296 stated term of service at a specified salary, who accepted such  
297 offer in writing or by signing the regular contract form, and  
298 who violates the terms of such contract or agreement by leaving  
299 his or her position without first being released from his or her  
300 contract or agreement by the district school board of the  
301 district in which the classroom teacher is employed shall be



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302 subject to the jurisdiction of the Education Practices  
303 Commission. The district school board shall take official action  
304 on such violation and shall furnish a copy of its official  
305 minutes to the Commissioner of Education.

306 (6) SUSPENSION OR DISMISSAL OF CLASSROOM TEACHERS ON ANNUAL  
307 CONTRACT.—Any classroom teacher with an annual contract may be  
308 suspended or dismissed at any time during the term of the  
309 contract for just cause as provided in subsection (8). The  
310 district school board must notify the classroom teacher in  
311 writing whenever charges are made against the classroom teacher  
312 and may suspend such person without pay. However, if the charges  
313 are not sustained, the classroom teacher shall be immediately  
314 reinstated and his or her back salary shall be paid.

315 (7) SUSPENSION OR DISMISSAL OF CLASSROOM TEACHERS ON  
316 PROFESSIONAL PERFORMANCE CONTRACT.—Any classroom teacher with a  
317 professional performance contract may be suspended or dismissed  
318 at any time during the term of the contract for just cause as  
319 provided in subsection (8). The district school board must  
320 notify the classroom teacher in writing whenever charges are  
321 made against the classroom teacher and may suspend such person  
322 without pay. However, if the charges are not sustained, the  
323 classroom teacher shall be immediately reinstated and his or her  
324 back salary shall be paid. If the classroom teacher wishes to  
325 contest the charges, the classroom teacher must, within 15 days  
326 after receipt of the written notice, submit a written request  
327 for a hearing to the district school board. Such hearing shall  
328 be conducted at the district school board's election in  
329 accordance with one of the following procedures:

330 (a) A direct hearing conducted by the district school board



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331 within 60 days after receipt of the written appeal. The hearing  
332 shall be conducted in accordance with the provisions of ss.  
333 120.569 and 120.57. A majority vote of the membership of the  
334 district school board shall be required to sustain the district  
335 school superintendent's recommendation. The determination of the  
336 district school board shall be final as to the sufficiency or  
337 insufficiency of the grounds for termination of employment; or

338 (b) A hearing conducted by an administrative law judge  
339 assigned by the Division of Administrative Hearings of the  
340 Department of Management Services. The hearing shall be  
341 conducted within 60 days after receipt of the written appeal in  
342 accordance with chapter 120. The recommendation of the  
343 administrative law judge shall be made to the district school  
344 board. A majority vote of the membership of the district school  
345 board shall be required to sustain or change the administrative  
346 law judge's recommendation. The determination of the district  
347 school board shall be final as to the sufficiency or  
348 insufficiency of the grounds for termination of employment.

349  
350 Any such decision adverse to the classroom teacher may be  
351 appealed by the classroom teacher pursuant to s. 120.68 if the  
352 appeal is filed within 30 days after the decision of the  
353 district school board.

354 (8) JUST CAUSE.—The State Board of Education shall adopt  
355 rules to define just cause. Just cause includes, but is not  
356 limited to:

- 357 (a) Immorality.  
358 (b) Misconduct in office.  
359 (c) Incompetency.



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360 (d) Gross insubordination.

361 (e) Willful neglect of duty.

362 (f) Being convicted or found guilty of, or entering a plea  
363 of guilty to, regardless of adjudication of guilt, any crime  
364 involving moral turpitude.

365 (g) Educational insufficiency.

366  
367 The rules shall include a definition of educational  
368 insufficiency that is based upon multiyear, objective data on  
369 declines in student performance. At a minimum, the State Board's  
370 rule shall be based upon 3 years of data showing at least a  
371 majority of the students taught by the teacher showing a lack of  
372 progress.

373 Section 13. Section 1012.34, Florida Statutes, is amended  
374 to read:

375 1012.34 Appraisal ~~Assessment~~ procedures and criteria.-

376 (1) For the purpose of increasing student achievement by  
377 improving the quality of instructional, administrative, and  
378 supervisory services in the public schools of the state, the  
379 district school superintendent shall establish procedures for  
380 evaluating ~~assessing~~ the performance of duties and  
381 responsibilities of all instructional, administrative, and  
382 supervisory personnel employed by the school district. The  
383 Department of Education must approve each district's  
384 instructional personnel appraisal ~~assessment~~ system and  
385 appraisal instruments.

386 (2) The following conditions must be considered in the  
387 design of the district's instructional personnel appraisal  
388 ~~assessment~~ system:



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

391 (b) The system must provide appropriate appraisal  
392 instruments, procedures, and criteria for continuous quality  
393 improvement of the professional skills of instructional  
394 personnel.

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

398 (d) In addition to addressing generic teaching  
399 competencies, districts must determine those teaching fields for  
400 which special procedures and criteria will be developed,  
401 including a process for determining the professional education  
402 competence of a teacher who holds a temporary certificate as  
403 required under s. 1012.56.

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

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

413 (g) The system must include a process for monitoring the  
414 effective and consistent use of appraisal criteria by  
415 supervisors and administrators and a process for evaluating the  
416 effectiveness of the system itself in improving the level of  
417 instruction and learning in the district's schools.



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418           (3) The appraisal ~~assessment~~ procedure for instructional  
419 personnel and school administrators must be primarily based on  
420 the performance of students assigned to their classrooms or  
421 schools, as appropriate. Pursuant to this section, a school  
422 district's performance appraisal ~~assessment~~ is not limited to  
423 basing unsatisfactory performance of instructional personnel and  
424 school administrators upon student performance, but may include  
425 other criteria approved to evaluate ~~assess~~ instructional  
426 personnel and school administrators' performance, or any  
427 combination of student performance and other approved criteria.  
428 The procedures must comply with, but are not limited to, the  
429 following requirements:

430           (a) An appraisal ~~assessment~~ must be conducted for each  
431 employee at least once a year, except that an appraisal for each  
432 first-year teacher must be conducted at least twice a year. The  
433 appraisal ~~assessment~~ must be based upon sound educational  
434 principles and contemporary research in effective educational  
435 practices. ~~The assessment must primarily use data and indicators~~  
436 ~~of improvement in student performance assessed annually as~~  
437 ~~specified in s. 1008.22 and may consider results of peer reviews~~  
438 ~~in evaluating the employee's performance. Student performance~~  
439 ~~must be measured by state assessments required under s. 1008.22~~  
440 ~~and by local assessments for subjects and grade levels not~~  
441 ~~measured by the state assessment program.~~ The appraisal  
442 ~~assessment~~ criteria must include, but are not limited to,  
443 indicators that relate to the following:

444           1. Performance of students. The appraisal must primarily  
445 use data and indicators of improvement in student performance  
446 assessed annually as specified in s. 1008.22 and by district-





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447 determined assessments for subjects and grade levels not  
448 measured by the state assessment program.

449 2. Instructional practice. For instructional personnel,  
450 performance criteria must include indicators based on each of  
451 the Florida Educator Accomplished Practices adopted by the State  
452 Board of Education under s. 1012.52.

453 3. Instructional leadership. For school-based  
454 administrators, performance criteria must include indicators  
455 based on each of the leadership standards adopted by the State  
456 Board of Education under s. 1012.986.

457 4. Professional responsibilities. Such criteria must  
458 include professional responsibilities and employment  
459 requirements as established by the State Board of Education and  
460 through policies of the district school board.

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

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

465 ~~4. Ability to plan and deliver instruction and the use of~~  
466 ~~technology in the classroom.~~

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

468 ~~6. Ability to establish and maintain a positive~~  
469 ~~collaborative relationship with students' families to increase~~  
470 ~~student achievement.~~

471 ~~7. Other professional competencies, responsibilities, and~~  
472 ~~requirements as established by rules of the State Board of~~  
473 ~~Education and policies of the district school board.~~

474 (b) All personnel must be fully informed of the criteria  
475 and procedures associated with the appraisal assessment process



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476 before the appraisal ~~assessment~~ takes place.

477 (c) The individual responsible for supervising the employee  
478 must evaluate ~~assess~~ the employee's performance. The evaluator  
479 must submit a written report of the appraisal ~~assessment~~ to the  
480 district school superintendent for the purpose of reviewing the  
481 employee's contract. The evaluator must submit the written  
482 report to the employee no later than 10 days after the appraisal  
483 ~~assessment~~ takes place. The evaluator must discuss the written  
484 report of appraisal ~~assessment~~ with the employee. The employee  
485 shall have the right to initiate a written response to the  
486 appraisal ~~assessment~~, and the response shall become a permanent  
487 attachment to his or her personnel file.

488 (d) If an employee is not performing his or her duties in a  
489 satisfactory manner, the evaluator shall notify the employee in  
490 writing of such determination. The notice must describe such  
491 unsatisfactory performance and include notice of the following  
492 procedural requirements:

493 1. Upon delivery of a notice of unsatisfactory performance,  
494 the evaluator must confer with the employee, make  
495 recommendations with respect to specific areas of unsatisfactory  
496 performance, and provide assistance in helping to correct  
497 deficiencies within a prescribed period of time.

498 2.a. If the employee holds a professional service contract  
499 as provided in s. 1012.33 or a professional performance contract  
500 as provided in 1012.335, the employee shall be placed on  
501 performance probation and governed by the provisions of this  
502 section for 90 calendar days following the receipt of the notice  
503 of unsatisfactory performance to demonstrate corrective action.  
504 School holidays and school vacation periods are not counted when



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505 calculating the 90-calendar-day period. During the 90 calendar  
506 days, the employee who holds a professional service contract or  
507 a professional performance contract must be evaluated  
508 periodically and apprised of progress achieved and must be  
509 provided assistance and inservice training opportunities to help  
510 correct the noted performance deficiencies. At any time during  
511 the 90 calendar days, the employee who holds a professional  
512 service contract or a professional performance contract may  
513 request a transfer to another appropriate position with a  
514 different supervising administrator; however, a transfer does  
515 not extend the period for correcting performance deficiencies.

516       b. Within 14 days after the close of the 90 calendar days,  
517 the evaluator must evaluate ~~assess~~ whether the performance  
518 deficiencies have been corrected and forward a recommendation to  
519 the district school superintendent. Within 14 days after  
520 receiving the evaluator's recommendation, the district school  
521 superintendent must notify the employee who holds a professional  
522 service contract or a professional performance contract in  
523 writing whether the performance deficiencies have been  
524 satisfactorily corrected and whether the district school  
525 superintendent will recommend that the district school board  
526 continue or terminate his or her employment contract. If the  
527 employee wishes to contest the district school superintendent's  
528 recommendation, the employee must, within 15 days after receipt  
529 of the district school superintendent's recommendation, submit a  
530 written request for a hearing. The hearing shall be conducted at  
531 the district school board's election in accordance with one of  
532 the following procedures:

533       (I) A direct hearing conducted by the district school board



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534 within 60 days after receipt of the written appeal. The hearing  
535 shall be conducted in accordance with the provisions of ss.  
536 120.569 and 120.57. A majority vote of the membership of the  
537 district school board shall be required to sustain the district  
538 school superintendent's recommendation. The determination of the  
539 district school board shall be final as to the sufficiency or  
540 insufficiency of the grounds for termination of employment; or

541 (II) A hearing conducted by an administrative law judge  
542 assigned by the Division of Administrative Hearings of the  
543 Department of Management Services. The hearing shall be  
544 conducted within 60 days after receipt of the written appeal in  
545 accordance with chapter 120. The recommendation of the  
546 administrative law judge shall be made to the district school  
547 board. A majority vote of the membership of the district school  
548 board shall be required to sustain or change the administrative  
549 law judge's recommendation. The determination of the district  
550 school board shall be final as to the sufficiency or  
551 insufficiency of the grounds for termination of employment.

552 (4) The district school superintendent shall notify the  
553 department of any instructional personnel who receive two  
554 consecutive unsatisfactory evaluations and who have been given  
555 written notice by the district that their employment is being  
556 terminated or is not being renewed or that the district school  
557 board intends to terminate, or not renew, their employment. The  
558 department shall conduct an investigation to determine whether  
559 action shall be taken against the certificateholder pursuant to  
560 s. 1012.795(1)(e).

561 ~~(5) The district school superintendent shall develop a~~  
562 ~~mechanism for evaluating the effective use of assessment~~



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563 ~~criteria and evaluation procedures by administrators who are~~  
564 ~~assigned responsibility for evaluating the performance of~~  
565 ~~instructional personnel. The use of the assessment and~~  
566 ~~evaluation procedures shall be considered as part of the annual~~  
567 ~~assessment of the administrator's performance. The system must~~  
568 ~~include a mechanism to give parents and teachers an opportunity~~  
569 ~~to provide input into the administrator's performance~~  
570 ~~assessment, when appropriate.~~

571 ~~(5)(6)~~ Nothing in this section shall be construed to grant  
572 a probationary employee a right to continued employment beyond  
573 the term of his or her contract.

574 ~~(6)(7)~~ The district school board shall establish a  
575 procedure annually reviewing instructional personnel appraisal  
576 ~~assessment~~ systems to determine compliance with this section.  
577 All substantial revisions to an approved system must be reviewed  
578 and approved by the district school board before being used to  
579 evaluate ~~assess~~ instructional personnel. Upon request by a  
580 school district, the department shall provide assistance in  
581 developing, improving, or reviewing an appraisal ~~assessment~~  
582 system.

583 ~~(7)(8)~~ The State Board of Education shall adopt rules  
584 pursuant to ss. 120.536(1) and 120.54, that establish uniform  
585 guidelines for the submission, review, and approval of district  
586 procedures for the annual appraisal ~~assessment~~ of instructional  
587 personnel and that include criteria for evaluating professional  
588 performance.

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

591 1012.52 Teacher quality; legislative findings; Florida



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592 Educator Accomplished Practices.—

593       (3) The State Board of Education shall adopt by rule the  
594 Florida Educator Accomplished Practices, which shall form the  
595 basis for the state's expectations for effective instructional  
596 practice. The Commissioner of Education shall periodically  
597 review the Florida Educator Accomplished Practices based on  
598 contemporary educational research and analysis of student  
599 performance data. The commissioner shall include input from  
600 associations representing teachers, principals, superintendents,  
601 and school boards when reviewing the Florida Educator  
602 Accomplished Practices. Upon finalizing any resulting revisions  
603 to the Florida Educator Accomplished Practices, the commissioner  
604 shall submit the revised practices and supporting evaluation  
605 information to the Governor, the President of the Senate, and  
606 the Speaker of the House of Representatives at least 21 days  
607 before the State Board of Education considers adoption of the  
608 revised practices.

609       Section 15. Subsection (1) and paragraphs (g) and (h) of  
610 subsection (6) of section 1012.56, Florida Statutes, are  
611 amended, paragraph (i) is added to subsection (6), and  
612 subsection (18) is added to that section, to read:

613       1012.56 Educator certification requirements.—

614       (1) APPLICATION.—Each person seeking certification pursuant  
615 to this chapter shall submit a completed application containing  
616 the applicant's social security number to the Department of  
617 Education and remit the fee required pursuant to s. 1012.59 and  
618 rules of the State Board of Education. Pursuant to the federal  
619 Personal Responsibility and Work Opportunity Reconciliation Act  
620 of 1996, each party is required to provide his or her social



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621 security number in accordance with this section. Disclosure of  
622 social security numbers obtained through this requirement is  
623 limited to the purpose of administration of the Title IV-D  
624 program of the Social Security Act for child support  
625 enforcement. Pursuant to s. 120.60, the department shall issue  
626 within 90 calendar days after the stamped receipted date of the  
627 completed application:

628 (a) If the applicant meets the requirements, a professional  
629 certificate covering the classification, level, and area for  
630 which the applicant is deemed qualified and a document  
631 explaining the requirements for renewal of the professional  
632 certificate;

633 (b) If the applicant meets the requirements and if  
634 requested by an employing school district or an employing  
635 private school with a professional education competence  
636 demonstration program pursuant to paragraphs (6) (f) ~~(5) (f)~~ and  
637 (8) (b) ~~(7) (b)~~, a temporary certificate covering the  
638 classification, level, and area for which the applicant is  
639 deemed qualified and an official statement of status of  
640 eligibility; or

641 (c) If an applicant does not meet the requirements for  
642 either certificate, an official statement of status of  
643 eligibility.

644  
645 The statement of status of eligibility must advise the applicant  
646 of any qualifications that must be completed to qualify for  
647 certification. Each statement of status of eligibility is valid  
648 for 3 years after its date of issuance, except as provided in  
649 paragraph (2) (d). For purposes of this section, the term



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650 "private school" includes an approved Voluntary Prekindergarten  
651 Education Program private prekindergarten provider.

652 (6) MASTERY OF PROFESSIONAL PREPARATION AND EDUCATION  
653 COMPETENCE.—Acceptable means of demonstrating mastery of  
654 professional preparation and education competence are:

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

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

662 (i) Successful completion of a professional education  
663 training program provided by Teach for America and achievement  
664 of a passing score on the professional education competency  
665 examination required by rule of the State Board of Education.

666 (18) MILITARY INSTRUCTOR EXPERIENCE AND AMERICAN COUNCIL ON  
667 EDUCATION TRANSCRIPTS; RULES.—The State Board of Education may  
668 adopt rules that:

669 (a) For purposes of demonstrating mastery of professional  
670 preparation and education competence through the completion of  
671 professional preparation courses as specified in state board  
672 rule, allow a person to use his or her teaching experience as a  
673 military instructor to verify occupational teaching experience  
674 for the same number of years of instruction provided in one of  
675 the branches of the United States Armed Forces.

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





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679 American Council on Education (ACE), which are posted on an  
680 official ACE transcript.

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

684 Section 16. Paragraph (h) of subsection (1) of section  
685 1012.795, Florida Statutes, is amended to read:

686 1012.795 Education Practices Commission; authority to  
687 discipline.—

688 (1) The Education Practices Commission may suspend the  
689 educator certificate of any person as defined in s. 1012.01(2)  
690 or (3) for up to 5 years, thereby denying that person the right  
691 to teach or otherwise be employed by a district school board or  
692 public school in any capacity requiring direct contact with  
693 students for that period of time, after which the holder may  
694 return to teaching as provided in subsection (4); may revoke the  
695 educator certificate of any person, thereby denying that person  
696 the right to teach or otherwise be employed by a district school  
697 board or public school in any capacity requiring direct contact  
698 with students for up to 10 years, with reinstatement subject to  
699 the provisions of subsection (4); may revoke permanently the  
700 educator certificate of any person thereby denying that person  
701 the right to teach or otherwise be employed by a district school  
702 board or public school in any capacity requiring direct contact  
703 with students; may suspend the educator certificate, upon an  
704 order of the court or notice by the Department of Revenue  
705 relating to the payment of child support; or may impose any  
706 other penalty provided by law, if the person:

707 (h) Has breached a contract, as provided in s. 1012.33(2)



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708 or s. 1012.335(5).

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

711 1012.98 School Community Professional Development Act.—

712 (6) An organization of private schools which has no fewer  
713 than 10 member schools in this state, which publishes and files  
714 with the Department of Education copies of its standards, and  
715 the member schools of which comply with the provisions of part  
716 II of chapter 1003, relating to compulsory school attendance, or  
717 an organization of approved Voluntary Prekindergarten Education  
718 Program providers with no fewer than 10 members in this state,  
719 may also develop a professional development system that includes  
720 a master plan for inservice activities and a program for  
721 demonstration of professional education competence under s.  
722 1012.56. The professional development system ~~and inservice plan~~  
723 must be submitted to the commissioner for approval pursuant to  
724 rules of the State Board of Education.

725 Section 18. Section 1012.986, Florida Statutes, is amended  
726 to read:

727 1012.986 William Cecil Golden Professional Development  
728 Program for School Leaders.—

729 (1) There is established the William Cecil Golden  
730 Professional Development Program for School Leaders to provide  
731 high standards and sustained support for principals as  
732 instructional leaders. The program shall consist of a  
733 collaborative network of state and national professional  
734 leadership organizations to respond to instructional leadership  
735 needs throughout the state.

736 (2) The network shall support the human-resource



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737 development needs of principals, principal leadership teams, and  
738 candidates for principal leadership positions using the  
739 framework of leadership standards adopted by the State Board of  
740 Education, the Southern Regional Education Board, and the  
741 National Staff Development Council. Leadership standards adopted  
742 under this section must focus on instructional leadership and  
743 include the ability to:

744 (a) Identify and promote effective instruction.

745 (b) Recruit and retain high-performing instructional  
746 personnel.

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

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

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

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

756 (c) Build the capacity to increase the quality of programs  
757 for preservice education for aspiring principals and inservice  
758 professional development for principals and principal leadership  
759 teams.

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

763 (4) ~~(2)~~ The Department of Education shall coordinate ~~through~~  
764 the network ~~identified in subsection (1)~~ to offer the program  
765 through multiple delivery systems, including:



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- 766 (a) Approved school district training programs.
- 767 (b) Interactive technology-based instruction.
- 768 (c) Regional consortium service organizations pursuant to
- 769 s. 1001.451.
- 770 (d) State, regional, or local leadership academies.
- 771 (e) State-approved educational leadership programs in
- 772 public and nonpublic colleges and universities.

773 (5)~~(3)~~ The State Board of Education shall adopt rules  
774 pursuant to ss. 120.536(1) and 120.54 to administer this  
775 section.

776 Section 19. Paragraph (g) of subsection (3) of section  
777 1012.33, Florida Statutes, is repealed.

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

779  
780  
781  
782 ===== T I T L E A M E N D M E N T =====

783 And the title is amended as follows:

784 Delete everything before the enacting clause  
785 and insert:

786 A bill to be entitled  
787 An act relating to education personnel; providing a  
788 short title; amending s. 39.202, F.S.; providing for  
789 access to records by certain education employees or  
790 agents in cases of child abuse or neglect; amending  
791 ss. 120.81, 1002.36, 1003.62, and 1003.621, F.S., to  
792 conform to provisions in the act; amending s. 1004.04,  
793 F.S.; requiring the Department of Education to report  
794 to the State Board of Education on the effectiveness



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795 of graduates of state-approved teacher preparation  
796 programs; amending s. 1012.21, F.S.; conforming  
797 provisions; requiring the department to notify the  
798 Legislature relating to school district compliance  
799 with compensation and salary schedule requirements;  
800 requiring the department to report to the State Board  
801 of Education on educational insufficiency and  
802 dismissal and termination related thereto; requiring  
803 rulemaking to define educational insufficiency;  
804 amending s. 1012.22, F.S.; deleting certain provisions  
805 relating to district school board adoption of salary  
806 schedules and the basis for an employee's  
807 compensation; requiring each district school board to  
808 report to the department on its adopted differentiated  
809 pay policy; requiring rulemaking relating to school  
810 district implementation of compensation and salary  
811 schedule requirements; amending s. 1012.2315, F.S.;  
812 revising department reporting requirements relating to  
813 the assignment of classroom teachers; amending s.  
814 1012.28, F.S.; conforming provisions; creating s.  
815 1012.335, F.S., relating to contracts with classroom  
816 teachers hired on or after July 1, 2009; providing  
817 intent, findings, and definitions; providing  
818 conditions for receipt of probationary, annual, and  
819 professional performance contracts; providing a  
820 penalty for violation of a contract; providing  
821 criteria and procedures for suspension or dismissal of  
822 classroom teachers on contract; providing procedures  
823 for hearings to contest charges; requiring rules to



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824 define just cause; amending s. 1012.34, F.S.; revising  
825 provisions to require a school district personnel  
826 appraisal system; specifying criteria and procedures  
827 for the appraisal process; requiring approval of  
828 appraisal instruments; requiring appraisals twice a  
829 year for first-year teachers; requiring evaluation of  
830 the appraisal system; conforming provisions; amending  
831 s. 1012.52, F.S.; requiring the State Board of  
832 Education to adopt by rule the Florida Educator  
833 Accomplished Practices; requiring periodic review and  
834 revision of the practices; amending s. 1012.56, F.S.;  
835 correcting cross-references; authorizing Voluntary  
836 Prekindergarten Education Program providers to meet  
837 certain requirements relating to educator  
838 certification; providing additional means of  
839 demonstrating mastery of professional preparation and  
840 education competence; authorizing State Board of  
841 Education rules for acceptance of certain teaching  
842 experience and course credits; providing for  
843 retroactive application; amending s. 1012.795, F.S.;  
844 conforming provisions; amending s. 1012.98, F.S.;  
845 authorizing certain organizations, including  
846 organizations of Voluntary Prekindergarten Education  
847 Program providers, to develop a professional  
848 development system and a program for demonstration of  
849 education competence; amending s. 1012.986, F.S.;  
850 specifying criteria for leadership standards under the  
851 William Cecil Golden Professional Development Program  
852 for School Leaders; authorizing the program to be



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853 offered through state-approved leadership programs;  
854 repealing s. 1012.33(3)(g), F.S., relating to  
855 acceptance of certain teaching service for purposes of  
856 pay for instructional staff, supervisors, and school  
857 principals; providing an effective date.