

By Senator Altman

24-01219A-09

20092458__

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

24-01219A-09

20092458__

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

24-01219A-09

20092458__

59 leadership standards under the William Cecil Golden
60 Professional Development Program for School Leaders;
61 authorizing the program to be offered through state-
62 approved leadership programs; providing an effective
63 date.

64

65 WHEREAS, Section 1 of Article IX of the State Constitution
66 requires that adequate provision shall be made by law for a
67 uniform, efficient, safe, secure, and high-quality system of
68 free public schools, and

69 WHEREAS, a high-quality system of free public schools is
70 one in which all students are provided with a highly effective
71 teacher, and

72 WHEREAS, there is inequity in the number of out-of-field
73 teachers, temporarily certified teachers, or teachers in need of
74 improvement assigned to students in schools across the state,
75 and

76 WHEREAS, research finds that the quality of the teacher is
77 the most important factor impacting the quality of education in
78 the classroom, and

79 WHEREAS, an effective teacher can produce student learning
80 gains far greater than those of an ineffective teacher, and

81 WHEREAS, the Legislature should enact policies that provide
82 district school superintendents and district school boards with
83 the flexibility to staff each school classroom with a highly
84 effective teacher, NOW, THEREFORE,

85

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

87

24-01219A-09

20092458__

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

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

92 39.202 Confidentiality of reports and records in cases of
93 child abuse or neglect.—

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

98 (r) Employees or agents of the Department of Education
99 responsible for the investigation or prosecution of misconduct
100 by certified educators.

101 Section 3. Paragraph (i) of subsection (1) of section
102 120.81, Florida Statutes, is amended to read:

103 120.81 Exceptions and special requirements; general areas.—

104 (1) EDUCATIONAL UNITS.—

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

110 Section 4. Paragraph (g) of subsection (7) of section
111 1002.36, Florida Statutes, is amended to read:

112 1002.36 Florida School for the Deaf and the Blind.—

113 (7) PERSONNEL SCREENING.—

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

24-01219A-09

20092458__

117 otherwise provided in this section, comply with ss. 1001.03,
118 1001.42, 1001.51, 1006.061, 1012.27, 1012.315, 1012.32, 1012.33,
119 1012.335, 1012.34, 1012.56, 1012.795, and 1012.796.

120 Section 5. Paragraph (a) of subsection (2) of section
121 1003.62, Florida Statutes, is amended to read:

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

132 (2) EXEMPTION FROM STATUTES AND RULES.—

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

142 1. Those statutes pertaining to the provision of services
143 to students with disabilities.

144 2. Those statutes pertaining to civil rights, including s.
145 1000.05, relating to discrimination.

24-01219A-09

20092458__

146 3. Those statutes pertaining to student health, safety, and
147 welfare.

148 4. Those statutes governing the election or compensation of
149 district school board members.

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

152 6. Those statutes pertaining to financial matters,
153 including chapter 1010.

154 7. Those statutes pertaining to planning and budgeting,
155 including chapter 1011, except that ss. 1011.64 and 1011.69
156 shall be eligible for exemption.

157 8. Sections 1012.22(1)(c) and 1012.27(2), relating to
158 differentiated pay and performance-pay policies for school
159 administrators and instructional personnel. Professional service
160 contracts shall be subject to the provisions of ss. 1012.33 and
161 1012.34. Professional performance contracts shall be subject to
162 the provisions of ss. 1012.335 and 1012.34.

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

169 Section 6. Paragraph (h) of subsection (2) of section
170 1003.621, Florida Statutes, is amended to read:

171 1003.621 Academically high-performing school districts.—It
172 is the intent of the Legislature to recognize and reward school
173 districts that demonstrate the ability to consistently maintain
174 or improve their high-performing status. The purpose of this

24-01219A-09

20092458__

175 section is to provide high-performing school districts with
176 flexibility in meeting the specific requirements in statute and
177 rules of the State Board of Education.

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

183 (h) Sections 1012.22(1)(c) and 1012.27(2), relating to
184 differentiated pay and performance-pay policies for school
185 administrators and instructional personnel. Professional service
186 contracts are subject to the provisions of ss. 1012.33 and
187 1012.34. Professional performance contracts are subject to the
188 provisions of ss. 1012.335 and 1012.34.

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

192 1004.04 Public accountability and state approval for
193 teacher preparation programs.—

194 (13) REPORT.—By March 1, 2010, and biennially thereafter,
195 the Department of Education shall report to the State Board of
196 Education on the effectiveness of the graduates of state-
197 approved teacher preparation programs. Specifically, the report
198 shall include an analysis of the public school student learning
199 gains on statewide assessments, pursuant to s. 1008.22, by
200 students who were taught by graduates of each state-approved
201 teacher preparation program.

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

24-01219A-09

20092458__

204 1012.21 Department of Education duties; K-12 personnel.—

205 (2) COMPUTER DATABASE OF CERTAIN PERSONS WHOSE EMPLOYMENT
206 WAS TERMINATED.—

207 (a) The Department of Education shall establish a computer
208 database containing the names of persons whose employment is
209 terminated under s. 1012.33(1) (a) or (4) (c) or under s.
210 1012.335(6) or (7), which information shall be available to the
211 district school superintendents and their designees.

212 (b) Each district school superintendent shall report to the
213 Department of Education the name of any person terminated under
214 s. 1012.33(1) (a) or (4) (c) or under s. 1012.335(6) or (7) within
215 10 working days after the date of final action by the district
216 school board on the termination, and the department shall
217 immediately enter the information in the computer records.

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

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

223 (b) Report by school district the number of classroom
224 teachers whose students' declining academic performance
225 indicates educational insufficiency. The State Board of
226 Education shall adopt rules pursuant to ss. 120.536(1) and
227 120.54 to define educational insufficiency, which shall be based
228 upon multiyear, objective data on declines in student
229 performance.

230 (c) Report by school district the number of dismissals
231 initiated based on educational insufficiency as defined by state
232 board rule and the number of these dismissals that resulted in

24-01219A-09

20092458__

233 termination of instructional personnel.

234 Section 9. Paragraph (c) of subsection (1) of section
235 1012.22, Florida Statutes, is amended to read:

236 1012.22 Public school personnel; powers and duties of the
237 district school board.—The district school board shall:

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

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

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

250 1.2. A district school board, in determining the salary
251 schedule for instructional personnel, must base a portion of
252 each employee's compensation on performance demonstrated under
253 s. 1012.34, must consider the prior teaching experience of a
254 person who has been designated state teacher of the year by any
255 state in the United States, and must consider prior professional
256 experience in the field of education gained in positions in
257 addition to district level instructional and administrative
258 positions.

259 2.3. In developing the salary schedule, the district school
260 board shall seek input from parents, teachers, and
261 representatives of the business community.

24-01219A-09

20092458__

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

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

279 1012.2315 Assignment of teachers.-

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

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

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

24-01219A-09

20092458__

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

293 1012.28 Public school personnel; duties of school
294 principals.—

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

301 Section 12. Section 1012.335, Florida Statutes, is created
302 to read:

303 1012.335 Contracts with instructional personnel hired on or
304 after July 1, 2009.—

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

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

309 (a) The quality of the teacher is the single most important
310 factor impacting the quality of education in the state's public
311 school classrooms.

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

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

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

319 (3) DEFINITIONS.—

24-01219A-09

20092458

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

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

327 (c) "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. A
330 professional performance contract may only be offered by a
331 district school board to a teacher whose performance is
332 satisfactory after a cumulative review of the teacher's
333 effectiveness in the classroom based on objective student
334 learning gains.

335 (4) EMPLOYMENT.—

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

339 (b) Instructional personnel are eligible for an annual
340 contract after successful completion of the term of a
341 probationary contract.

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

347 (d) A district school board may issue a professional
348 performance contract after July 1, 2009, to any employee who has

24-01219A-09

20092458__

349 previously held a professional performance contract, a
350 professional service contract, or a continuing contract in the
351 same or another school district within this state. Any employee
352 who holds a professional service contract or a continuing
353 contract may, but is not required to, exchange such contract for
354 a professional performance contract in the same district.

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

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

377 (7) SUSPENSION OR DISMISSAL OF INSTRUCTIONAL PERSONNEL ON

24-01219A-09

20092458__

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

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

400 (b) A hearing conducted by an administrative law judge
401 assigned by the Division of Administrative Hearings of the
402 Department of Management Services. The hearing shall be
403 conducted within 60 days after receipt of the written appeal in
404 accordance with chapter 120. The recommendation of the
405 administrative law judge shall be made to the district school
406 board. A majority vote of the membership of the district school

24-01219A-09

20092458__

407 board shall be required to sustain or change the administrative
408 law judge's recommendation. The determination of the district
409 school board shall be final as to the sufficiency or
410 insufficiency of the grounds for termination of employment.

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

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

418 (a) Immorality.

419 (b) Misconduct in office.

420 (c) Incompetency.

421 (d) Gross insubordination.

422 (e) Willful neglect of duty.

423 (f) Being convicted or found guilty of, or entering a plea
424 of guilty to, regardless of adjudication of guilt, any crime
425 involving moral turpitude.

426 (g) Educational insufficiency.

427
428 The rules shall include a definition of educational
429 insufficiency that is based upon multiyear, objective data on
430 declines in student performance.

431 Section 13. Section 1012.34, Florida Statutes, is amended
432 to read:

433 1012.34 Appraisal ~~Assessment~~ procedures and criteria.—

434 (1) For the purpose of increasing student achievement by
435 improving the quality of instructional, administrative, and

24-01219A-09

20092458__

436 supervisory services in the public schools of the state, the
437 district school superintendent shall establish procedures for
438 evaluating ~~assessing~~ the performance of duties and
439 responsibilities of all instructional, administrative, and
440 supervisory personnel employed by the school district. The
441 Department of Education must approve each district's
442 instructional personnel appraisal ~~assessment~~ system and
443 appraisal instruments.

444 (2) The following conditions must be considered in the
445 design of the district's instructional personnel appraisal
446 ~~assessment~~ system:

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

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

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

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

462 (e) Each district school board may establish a peer
463 assistance process. The plan may provide a mechanism for
464 assistance of persons who are placed on performance probation as

24-01219A-09

20092458__

465 well as offer assistance to other employees who request it.

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

471 (g) The system must include a process for monitoring the
472 effective and consistent use of appraisal criteria by
473 supervisors and administrators and a process for evaluating the
474 effectiveness of the system itself in improving the level of
475 instruction and learning in the district's schools.

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

488 (a) An appraisal ~~assessment~~ must be conducted for each
489 employee at least once a year, except that an appraisal for each
490 first-year teacher must be conducted at least twice a year. The
491 appraisal ~~assessment~~ must be based upon sound educational
492 principles and contemporary research in effective educational
493 practices. ~~The assessment must primarily use data and indicators~~

24-01219A-09

20092458__

494 ~~of improvement in student performance assessed annually as~~
495 ~~specified in s. 1008.22 and may consider results of peer reviews~~
496 ~~in evaluating the employee's performance. Student performance~~
497 ~~must be measured by state assessments required under s. 1008.22~~
498 ~~and by local assessments for subjects and grade levels not~~
499 ~~measured by the state assessment program. The appraisal~~
500 ~~assessment~~ criteria must include, but are not limited to,
501 indicators that relate to the following:

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

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

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

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

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

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

24-01219A-09

20092458

523 ~~4. Ability to plan and deliver instruction and the use of~~
524 ~~technology in the classroom.~~

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

526 ~~6. Ability to establish and maintain a positive~~
527 ~~collaborative relationship with students' families to increase~~
528 ~~student achievement.~~

529 ~~7. Other professional competencies, responsibilities, and~~
530 ~~requirements as established by rules of the State Board of~~
531 ~~Education and policies of the district school board.~~

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

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

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

551 1. Upon delivery of a notice of unsatisfactory performance,

24-01219A-09

20092458__

552 the evaluator must confer with the employee, make
553 recommendations with respect to specific areas of unsatisfactory
554 performance, and provide assistance in helping to correct
555 deficiencies within a prescribed period of time.

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

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

24-01219A-09

20092458__

581 writing whether the performance deficiencies have been
582 satisfactorily corrected and whether the district school
583 superintendent will recommend that the district school board
584 continue or terminate his or her employment contract. If the
585 employee wishes to contest the district school superintendent's
586 recommendation, the employee must, within 15 days after receipt
587 of the district school superintendent's recommendation, submit a
588 written request for a hearing. The hearing shall be conducted at
589 the district school board's election in accordance with one of
590 the following procedures:

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

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

24-01219A-09

20092458__

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

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

629 (5)(6) Nothing in this section shall be construed to grant
630 a probationary employee a right to continued employment beyond
631 the term of his or her contract.

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

24-01219A-09

20092458__

639 developing, improving, or reviewing an appraisal ~~assessment~~
640 system.

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

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

649 1012.52 Teacher quality; legislative findings; Florida
650 Educator Accomplished Practices.-

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

664 Section 15. Subsection (1) and paragraphs (g) and (h) of
665 subsection (6) of section 1012.56, Florida Statutes, are
666 amended, paragraph (i) is added to subsection (6), and
667 subsection (18) is added to that section, to read:

24-01219A-09

20092458__

668 1012.56 Educator certification requirements.—

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

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

688 (b) If the applicant meets the requirements and if
689 requested by an employing school district or an employing
690 private school with a professional education competence
691 demonstration program pursuant to paragraphs (6) (f) ~~(5) (f)~~ and
692 (8) (b) ~~(7) (b)~~, a temporary certificate covering the
693 classification, level, and area for which the applicant is
694 deemed qualified and an official statement of status of
695 eligibility; or

696 (c) If an applicant does not meet the requirements for

24-01219A-09

20092458__

697 either certificate, an official statement of status of
698 eligibility.

699

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

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

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

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

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

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

724 (a) For purposes of demonstrating mastery of professional
725 preparation and education competence through the completion of

24-01219A-09

20092458__

726 professional preparation courses as specified in state board
727 rule, allow a person to use his or her teaching experience as a
728 military instructor to verify occupational teaching experience
729 for the same number of years of instruction provided in one of
730 the branches of the United States Armed Forces.

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

736 (c) This subsection applies to credit for instruction
737 performed, or course credits awarded, prior to and after July 1,
738 2009.

739 Section 16. Paragraph (h) of subsection (1) of section
740 1012.795, Florida Statutes, is amended to read:

741 1012.795 Education Practices Commission; authority to
742 discipline.—

743 (1) The Education Practices Commission may suspend the
744 educator certificate of any person as defined in s. 1012.01(2)
745 or (3) for up to 5 years, thereby denying that person the right
746 to teach or otherwise be employed by a district school board or
747 public school in any capacity requiring direct contact with
748 students for that period of time, after which the holder may
749 return to teaching as provided in subsection (4); may revoke the
750 educator certificate of any person, thereby denying that person
751 the right to teach or otherwise be employed by a district school
752 board or public school in any capacity requiring direct contact
753 with students for up to 10 years, with reinstatement subject to
754 the provisions of subsection (4); may revoke permanently the

24-01219A-09

20092458__

755 educator certificate of any person thereby denying that person
756 the right to teach or otherwise be employed by a district school
757 board or public school in any capacity requiring direct contact
758 with students; may suspend the educator certificate, upon an
759 order of the court or notice by the Department of Revenue
760 relating to the payment of child support; or may impose any
761 other penalty provided by law, if the person:

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

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

766 1012.98 School Community Professional Development Act.—

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

780 Section 18. Section 1012.986, Florida Statutes, is amended
781 to read:

782 1012.986 William Cecil Golden Professional Development
783 Program for School Leaders.—

24-01219A-09

20092458__

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

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

799 (a) Identify and promote effective instruction.

800 (b) Recruit and retain high-performing instructional
801 personnel.

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

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

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

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

811 (c) Build the capacity to increase the quality of programs
812 for preservice education for aspiring principals and inservice

24-01219A-09

20092458__

813 professional development for principals and principal leadership
814 teams.

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

818 (4)~~(2)~~ The Department of Education shall coordinate ~~through~~
819 the network ~~identified in subsection (1)~~ to offer the program
820 through multiple delivery systems, including:

821 (a) Approved school district training programs.

822 (b) Interactive technology-based instruction.

823 (c) Regional consortium service organizations pursuant to
824 s. 1001.451.

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

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

828 (5)~~(3)~~ The State Board of Education shall adopt rules
829 pursuant to ss. 120.536(1) and 120.54 to administer this
830 section.

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