

By the Committee on Education Pre-K - 12; and Senators Altman and Wise

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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 education employees or
5 agents in cases of child abuse or neglect; amending
6 ss. 120.81, 1002.36, 1003.62, and 1003.621, F.S., to
7 conform to provisions in the act; amending s. 1004.04,
8 F.S.; requiring the Department of Education to report
9 to the State Board of Education on the effectiveness
10 of graduates of state-approved teacher preparation
11 programs; amending s. 1012.21, F.S.; conforming
12 provisions; requiring the department to notify the
13 Legislature relating to school district compliance
14 with compensation and salary schedule requirements;
15 requiring the department to report to the State Board
16 of Education on educational insufficiency and
17 dismissal and termination related thereto; requiring
18 rulemaking to define educational insufficiency;
19 amending s. 1012.22, F.S.; deleting certain provisions
20 relating to district school board adoption of salary
21 schedules and the basis for an employee's
22 compensation; requiring each district school board to
23 report to the department on its adopted differentiated
24 pay policy; requiring rulemaking relating to school
25 district implementation of compensation and salary
26 schedule requirements; amending s. 1012.2315, F.S.;
27 revising department reporting requirements relating to
28 the assignment of classroom teachers; amending s.
29 1012.28, F.S.; conforming provisions; creating s.

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30 1012.335, F.S., relating to contracts with classroom
31 teachers hired on or after July 1, 2009; providing
32 intent, findings, and definitions; providing
33 conditions for receipt of probationary, annual, and
34 professional performance contracts; providing a
35 penalty for violation of a contract; providing
36 criteria and procedures for suspension or dismissal of
37 classroom teachers on contract; providing procedures
38 for hearings to contest charges; requiring rules to
39 define just cause; amending s. 1012.34, F.S.; revising
40 provisions to require a school district personnel
41 appraisal system; specifying criteria and procedures
42 for the appraisal process; requiring approval of
43 appraisal instruments; requiring appraisals twice a
44 year for first-year teachers; requiring evaluation of
45 the appraisal system; conforming provisions; amending
46 s. 1012.52, F.S.; requiring the State Board of
47 Education to adopt by rule the Florida Educator
48 Accomplished Practices; requiring periodic review and
49 revision of the practices; amending s. 1012.56, F.S.;
50 correcting cross-references; authorizing Voluntary
51 Prekindergarten Education Program providers to meet
52 certain requirements relating to educator
53 certification; providing additional means of
54 demonstrating mastery of professional preparation and
55 education competence; authorizing State Board of
56 Education rules for acceptance of certain teaching
57 experience and course credits; providing for
58 retroactive application; amending s. 1012.795, F.S.;

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59 conforming provisions; amending s. 1012.98, F.S.;

60 authorizing certain organizations, including

61 organizations of Voluntary Prekindergarten Education

62 Program providers, to develop a professional

63 development system and a program for demonstration of

64 education competence; amending s. 1012.986, F.S.;

65 specifying criteria for leadership standards under the

66 William Cecil Golden Professional Development Program

67 for School Leaders; authorizing the program to be

68 offered through state-approved leadership programs;

69 repealing s. 1012.33(3)(g), F.S., relating to

70 acceptance of certain teaching service for purposes of

71 pay for instructional staff, supervisors, and school

72 principals; providing an effective date.

73

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

75

76 Section 1. This act may be cited as the "Quality Teachers

77 for All Students Act."

78 Section 2. Paragraph (r) is added to subsection (2) of

79 section 39.202, Florida Statutes, to read:

80 39.202 Confidentiality of reports and records in cases of

81 child abuse or neglect.—

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

83 records, excluding the name of the reporter which shall be

84 released only as provided in subsection (5), shall be granted

85 only to the following persons, officials, and agencies:

86 (r) Employees or agents of the Department of Education and

87 district school board employees responsible for the

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88 investigation or prosecution of misconduct by certified
89 educators.

90 Section 3. Paragraph (i) of subsection (1) of section
91 120.81, Florida Statutes, is amended to read:

92 120.81 Exceptions and special requirements; general areas.—

93 (1) EDUCATIONAL UNITS.—

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

99 Section 4. Paragraph (g) of subsection (7) of section
100 1002.36, Florida Statutes, is amended to read:

101 1002.36 Florida School for the Deaf and the Blind.—

102 (7) PERSONNEL SCREENING.—

103 (g) For purposes of protecting the health, safety, or
104 welfare of students, the Florida School for the Deaf and the
105 Blind is considered a school district and must, except as
106 otherwise provided in this section, comply with ss. 1001.03,
107 1001.42, 1001.51, 1006.061, 1012.27, 1012.315, 1012.32, 1012.33,
108 1012.335, 1012.34, 1012.56, 1012.795, and 1012.796.

109 Section 5. Paragraph (a) of subsection (2) of section
110 1003.62, Florida Statutes, is amended to read:

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

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117 of Education and district school boards that will produce
118 significant improvements in student achievement, while complying
119 with constitutional and statutory requirements assigned to each
120 entity.

121 (2) EXEMPTION FROM STATUTES AND RULES.—

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

131 1. Those statutes pertaining to the provision of services
132 to students with disabilities.

133 2. Those statutes pertaining to civil rights, including s.
134 1000.05, relating to discrimination.

135 3. Those statutes pertaining to student health, safety, and
136 welfare.

137 4. Those statutes governing the election or compensation of
138 district school board members.

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

141 6. Those statutes pertaining to financial matters,
142 including chapter 1010.

143 7. Those statutes pertaining to planning and budgeting,
144 including chapter 1011, except that ss. 1011.64 and 1011.69
145 shall be eligible for exemption.

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146 8. Sections 1012.22(1)(c) and 1012.27(2), relating to
147 differentiated pay and performance-pay policies for school
148 administrators and instructional personnel. Professional service
149 contracts shall be subject to the provisions of ss. 1012.33 and
150 1012.34. Professional performance contracts shall be subject to
151 the provisions of ss. 1012.335 and 1012.34.

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

158 Section 6. Paragraph (h) of subsection (2) of section
159 1003.621, Florida Statutes, is amended to read:

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

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

172 (h) Sections 1012.22(1)(c) and 1012.27(2), relating to
173 differentiated pay and performance-pay policies for school
174 administrators and instructional personnel. Professional service

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175 contracts are subject to the provisions of ss. 1012.33 and
176 1012.34. Professional performance contracts are subject to the
177 provisions of ss. 1012.335 and 1012.34.

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

181 1004.04 Public accountability and state approval for
182 teacher preparation programs.—

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

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

193 1012.21 Department of Education duties; K-12 personnel.—

194 (2) COMPUTER DATABASE OF CERTAIN PERSONS WHOSE EMPLOYMENT
195 WAS TERMINATED.—

196 (a) The Department of Education shall establish a computer
197 database containing the names of persons whose employment is
198 terminated under s. 1012.33(1)(a) or (4)(c) or under s.
199 1012.335(6) or (7), which information shall be available to the
200 district school superintendents and their designees.

201 (b) Each district school superintendent shall report to the
202 Department of Education the name of any person terminated under
203 s. 1012.33(1)(a) or (4)(c) or under s. 1012.335(6) or (7) within

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204 10 working days after the date of final action by the district
205 school board on the termination, and the department shall
206 immediately enter the information in the computer records.

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

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

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

215 (c) Report to the State Board of Education by school
216 district the number of classroom teachers whose students'
217 declining academic performance indicates educational
218 insufficiency. The State Board of Education shall adopt rules to
219 define educational insufficiency, which shall be based upon
220 multiyear, objective data on declines in student performance. At
221 a minimum, the State Board's rules shall be based upon 3 years
222 of data showing at least a majority of the students taught by
223 the teacher showing a lack of progress.

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

229 Section 9. Paragraph (c) of subsection (1) of section
230 1012.22, Florida Statutes, is amended to read:

231 1012.22 Public school personnel; powers and duties of the
232 district school board.—The district school board shall:

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

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

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

245 1. ~~2.~~ A district school board, in determining the salary
246 schedule for instructional personnel, must base a portion of
247 each employee's compensation on performance demonstrated under
248 s. 1012.34, ~~must consider the prior teaching experience of a~~
249 ~~person who has been designated state teacher of the year by any~~
250 ~~state in the United States, and must consider prior professional~~
251 ~~experience in the field of education gained in positions in~~
252 ~~addition to district level instructional and administrative~~
253 ~~positions.~~

254 2.3. In developing the salary schedule, the district school
255 board shall seek input from parents, teachers, and
256 representatives of the business community.

257 3.4. ~~Beginning with the 2007-2008 academic year,~~ Each
258 district school board shall adopt a salary schedule with
259 differentiated pay for both instructional personnel and school-
260 based administrators. The salary schedule is subject to
261 negotiation as provided in chapter 447 and must allow

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262 differentiated pay based on district-determined factors,
263 including, but not limited to, additional responsibilities,
264 school demographics, critical shortage areas, and level of job
265 performance difficulties. Each district school board shall
266 annually report to the Department of Education on its adopted
267 differentiated pay policy in the manner and format prescribed by
268 the department.

269

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

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

278 1012.2315 Assignment of teachers.—

279 (5) REPORT.—The Department of Education shall annually:

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

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

290 Section 11. Subsection (3) of section 1012.28, Florida

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291 Statutes, is amended to read:

292 1012.28 Public school personnel; duties of school
293 principals.-

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

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

302 1012.335 Contracts with classroom teachers hired on or
303 after July 1, 2009.-

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

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

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

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

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

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

319 (3) DEFINITIONS.-

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

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

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

332 (4) EMPLOYMENT.—

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

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

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

346 1. Who holds a professional certificate as prescribed by s.
347 1012.56 and rules of the State Board of Education.

348 2. Who has been recommended by the district school

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349 superintendent for such contract and approved by the district
350 school board based on the successful performance of duties and
351 demonstration of professional competence.

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

355 (d) A district school board may issue a professional
356 performance contract on or after July 1, 2009, to any classroom
357 teacher who has previously held a professional performance
358 contract, a professional service contract, or a continuing
359 contract in the same or another school district within this
360 state. Any classroom teacher who holds a professional service
361 contract or a continuing contract may, but is not required to,
362 exchange such contract for a professional performance contract
363 in the same district.

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

377 (6) SUSPENSION OR DISMISSAL OF CLASSROOM TEACHERS ON ANNUAL

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378 CONTRACT.—Any classroom teacher with an annual contract may be
379 suspended or dismissed at any time during the term of the
380 contract for just cause as provided in subsection (8). The
381 district school board must notify the classroom teacher in
382 writing whenever charges are made against the classroom teacher
383 and may suspend such person without pay. However, if the charges
384 are not sustained, the classroom teacher shall be immediately
385 reinstated and his or her back salary shall be paid.

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

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

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

409 (b) A hearing conducted by an administrative law judge
410 assigned by the Division of Administrative Hearings of the
411 Department of Management Services. The hearing shall be
412 conducted within 60 days after receipt of the written appeal in
413 accordance with chapter 120. The recommendation of the
414 administrative law judge shall be made to the district school
415 board. A majority vote of the membership of the district school
416 board shall be required to sustain or change the administrative
417 law judge's recommendation. The determination of the district
418 school board shall be final as to the sufficiency or
419 insufficiency of the grounds for termination of employment.

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

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

428 (a) Immorality.

429 (b) Misconduct in office.

430 (c) Incompetency.

431 (d) Gross insubordination.

432 (e) Willful neglect of duty.

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

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436 (g) Educational insufficiency.

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

444 Section 13. Section 1012.34, Florida Statutes, is amended
445 to read:

446 1012.34 Appraisal ~~Assessment~~ procedures and criteria.—

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

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

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

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

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465 personnel.

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

469 (d) In addition to addressing generic teaching
470 competencies, districts must determine those teaching fields for
471 which special procedures and criteria will be developed,
472 including a process for determining the professional education
473 competence of a teacher who holds a temporary certificate as
474 required under s. 1012.56.

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

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

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

489 (3) The appraisal ~~assessment~~ procedure for instructional
490 personnel and school administrators must be primarily based on
491 the performance of students assigned to their classrooms or
492 schools, as appropriate. Pursuant to this section, a school
493 district's performance appraisal ~~assessment~~ is not limited to

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494 basing unsatisfactory performance of instructional personnel and
495 school administrators upon student performance, but may include
496 other criteria approved to evaluate ~~assess~~ instructional
497 personnel and school administrators' performance, or any
498 combination of student performance and other approved criteria.
499 The procedures must comply with, but are not limited to, the
500 following requirements:

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

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

520 2. Instructional practice. For instructional personnel,
521 performance criteria must include indicators based on each of
522 the Florida Educator Accomplished Practices adopted by the State

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523 Board of Education under s. 1012.52.

524 3. Instructional leadership. For school-based
525 administrators, performance criteria must include indicators
526 based on each of the leadership standards adopted by the State
527 Board of Education under s. 1012.986.

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

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

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

536 ~~4. Ability to plan and deliver instruction and the use of~~
537 ~~technology in the classroom.~~

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

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

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

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

548 (c) The individual responsible for supervising the employee
549 must evaluate ~~assess~~ the employee's performance. The evaluator
550 must submit a written report of the appraisal ~~assessment~~ to the
551 district school superintendent for the purpose of reviewing the

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552 employee's contract. The evaluator must submit the written
553 report to the employee no later than 10 days after the appraisal
554 ~~assessment~~ takes place. The evaluator must discuss the written
555 report of appraisal ~~assessment~~ with the employee. The employee
556 shall have the right to initiate a written response to the
557 appraisal ~~assessment~~, and the response shall become a permanent
558 attachment to his or her personnel file.

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

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

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

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

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

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

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

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

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

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

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639 ~~include a mechanism to give parents and teachers an opportunity~~
640 ~~to provide input into the administrator's performance~~
641 ~~assessment, when appropriate.~~

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

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

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

660 Section 14. Section 1012.52, Florida Statutes, is amended
661 to read:

662 1012.52 Teacher quality; legislative findings; Florida
663 Educator Accomplished Practices.-

664 (1) The Legislature intends to implement a comprehensive
665 approach to increase students' academic achievement and improve
666 teaching quality. The Legislature recognizes that professional
667 educators play an important role in shaping the future of this

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668 state and the nation by developing the knowledge and skills of
669 our future workforce and laying the foundation for good
670 citizenship and full participation in community and civic life.
671 The Legislature also recognizes its role in meeting the state's
672 educational priorities so as to provide opportunity for all
673 students to achieve at the levels set by the Sunshine State
674 Standards.

675 (2) The Legislature further finds that effective educators
676 are able to do the following:

677 (a) Write and speak in a logical and understandable style,
678 using appropriate grammar and sentence structure, and
679 demonstrate a command of standard English, enunciation, clarity
680 of oral directions, and pace and precision in speaking.

681 (b) Read, comprehend, and interpret professional and other
682 written material.

683 (c) Compute, think logically, and solve problems.

684 (d) Recognize signs of students' difficulty with the
685 reading and computational process and apply appropriate measures
686 to improve students' reading and computational performance.

687 (e) Recognize patterns of physical, social, emotional, and
688 intellectual development in students, including exceptional
689 students in the regular classroom.

690 (f) Recognize and demonstrate awareness of the educational
691 needs of students who have limited proficiency in English and
692 employ appropriate teaching strategies.

693 (g) Use and integrate appropriate technology in teaching
694 and learning processes and in managing, evaluating, and
695 improving instruction.

696 (h) Use assessment and other diagnostic strategies to

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697 assist the continuous development and acquisition of knowledge
698 and understanding of the learner.

699 (i) Use teaching and learning strategies that include
700 consideration of each student's learning styles, needs, and
701 background.

702 (j) Demonstrate the ability to maintain a positive,
703 collaborative relationship with students' families to increase
704 student achievement.

705 (k) Recognize signs of tendency toward violence and severe
706 emotional distress in students and apply techniques of crisis
707 intervention.

708 (l) Recognize signs of alcohol and drug abuse in students
709 and know how to appropriately work with such students and seek
710 assistance designed to prevent future abuse.

711 (m) Recognize the physical and behavioral indicators of
712 child abuse and neglect and know rights and responsibilities
713 regarding reporting.

714 (n) Demonstrate the ability to maintain a positive
715 environment in the classroom while achieving order and
716 discipline.

717 (o) Demonstrate the ability to grade student performance
718 effectively.

719 (p) Demonstrate knowledge and understanding of the value
720 of, and strategies for, promoting parental involvement in
721 education.

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

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726 review the Florida Educator Accomplished Practices based on
727 contemporary educational research and analysis of student
728 performance data. The commissioner shall include input from
729 associations representing teachers, principals, superintendents,
730 and school boards when reviewing the Florida Educator
731 Accomplished Practices. Upon finalizing any resulting revisions
732 to the Florida Educator Accomplished Practices, the commissioner
733 shall submit the revised practices and supporting evaluation
734 information to the Governor, the President of the Senate, and
735 the Speaker of the House of Representatives at least 21 days
736 before the State Board of Education considers adoption of the
737 revised practices.

738 Section 15. Subsection (1) and paragraphs (g) and (h) of
739 subsection (6) of section 1012.56, Florida Statutes, are
740 amended, paragraph (i) is added to subsection (6), and
741 subsection (18) is added to that section, to read:

742 1012.56 Educator certification requirements.—

743 (1) APPLICATION.—Each person seeking certification pursuant
744 to this chapter shall submit a completed application containing
745 the applicant's social security number to the Department of
746 Education and remit the fee required pursuant to s. 1012.59 and
747 rules of the State Board of Education. Pursuant to the federal
748 Personal Responsibility and Work Opportunity Reconciliation Act
749 of 1996, each party is required to provide his or her social
750 security number in accordance with this section. Disclosure of
751 social security numbers obtained through this requirement is
752 limited to the purpose of administration of the Title IV-D
753 program of the Social Security Act for child support
754 enforcement. Pursuant to s. 120.60, the department shall issue

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755 within 90 calendar days after the stamped receipted date of the
756 completed application:

757 (a) If the applicant meets the requirements, a professional
758 certificate covering the classification, level, and area for
759 which the applicant is deemed qualified and a document
760 explaining the requirements for renewal of the professional
761 certificate;

762 (b) If the applicant meets the requirements and if
763 requested by an employing school district or an employing
764 private school with a professional education competence
765 demonstration program pursuant to paragraphs (6) (f) ~~(5) (f)~~ and
766 (8) (b) ~~(7) (b)~~, a temporary certificate covering the
767 classification, level, and area for which the applicant is
768 deemed qualified and an official statement of status of
769 eligibility; or

770 (c) If an applicant does not meet the requirements for
771 either certificate, an official statement of status of
772 eligibility.

773
774 The statement of status of eligibility must advise the applicant
775 of any qualifications that must be completed to qualify for
776 certification. Each statement of status of eligibility is valid
777 for 3 years after its date of issuance, except as provided in
778 paragraph (2) (d). For purposes of this section, the term
779 "private school" includes an approved Voluntary Prekindergarten
780 Education Program private prekindergarten provider.

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

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

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

791 (i) Successful completion of a professional education
792 training program provided by Teach for America and achievement
793 of a passing score on the professional education competency
794 examination required by rule of the State Board of Education.

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

798 (a) For purposes of demonstrating mastery of professional
799 preparation and education competence through the completion of
800 professional preparation courses as specified in state board
801 rule, allow a person to use his or her teaching experience as a
802 military instructor to verify occupational teaching experience
803 for the same number of years of instruction provided in one of
804 the branches of the United States Armed Forces.

805 (b) For purposes of demonstrating the completion of
806 certification requirements specified in state board rule, allow
807 for the acceptance of college course credits recommended by the
808 American Council on Education (ACE), which are posted on an
809 official ACE transcript.

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

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813 Section 16. Paragraph (h) of subsection (1) of section
814 1012.795, Florida Statutes, is amended to read:

815 1012.795 Education Practices Commission; authority to
816 discipline.—

817 (1) The Education Practices Commission may suspend the
818 educator certificate of any person as defined in s. 1012.01(2)
819 or (3) for up to 5 years, thereby denying that person the right
820 to teach or otherwise be employed by a district school board or
821 public school in any capacity requiring direct contact with
822 students for that period of time, after which the holder may
823 return to teaching as provided in subsection (4); may revoke the
824 educator certificate of any person, thereby denying that person
825 the right to teach or otherwise be employed by a district school
826 board or public school in any capacity requiring direct contact
827 with students for up to 10 years, with reinstatement subject to
828 the provisions of subsection (4); may revoke permanently the
829 educator certificate of any person thereby denying that person
830 the right to teach or otherwise be employed by a district school
831 board or public school in any capacity requiring direct contact
832 with students; may suspend the educator certificate, upon an
833 order of the court or notice by the Department of Revenue
834 relating to the payment of child support; or may impose any
835 other penalty provided by law, if the person:

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

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

840 1012.98 School Community Professional Development Act.—

841 (6) An organization of private schools which has no fewer

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842 than 10 member schools in this state, which publishes and files
843 with the Department of Education copies of its standards, and
844 the member schools of which comply with the provisions of part
845 II of chapter 1003, relating to compulsory school attendance, or
846 an organization of approved Voluntary Prekindergarten Education
847 Program providers with no fewer than 10 members in this state,
848 may also develop a professional development system that includes
849 a master plan for inservice activities and a program for
850 demonstration of professional education competence under s.
851 1012.56. The professional development system ~~and inservice plan~~
852 must be submitted to the commissioner for approval pursuant to
853 rules of the State Board of Education.

854 Section 18. Section 1012.986, Florida Statutes, is amended
855 to read:

856 1012.986 William Cecil Golden Professional Development
857 Program for School Leaders.—

858 (1) There is established the William Cecil Golden
859 Professional Development Program for School Leaders to provide
860 high standards and sustained support for principals as
861 instructional leaders. The program shall consist of a
862 collaborative network of state and national professional
863 leadership organizations to respond to instructional leadership
864 needs throughout the state.

865 (2) The network shall support the human-resource
866 development needs of principals, principal leadership teams, and
867 candidates for principal leadership positions using the
868 framework of leadership standards adopted by the State Board of
869 Education, the Southern Regional Education Board, and the
870 National Staff Development Council. Leadership standards adopted

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871 under this section must focus on instructional leadership and
872 include the ability to:

873 (a) Identify and promote effective instruction.

874 (b) Recruit and retain high-performing instructional
875 personnel.

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

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

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

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

885 (c) Build the capacity to increase the quality of programs
886 for preservice education for aspiring principals and inservice
887 professional development for principals and principal leadership
888 teams.

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

892 (4) ~~(2)~~ The Department of Education shall coordinate ~~through~~
893 the network ~~identified in subsection (1)~~ to offer the program
894 through multiple delivery systems, including:

895 (a) Approved school district training programs.

896 (b) Interactive technology-based instruction.

897 (c) Regional consortium service organizations pursuant to
898 s. 1001.451.

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

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

902 ~~(5)(3)~~ The State Board of Education shall adopt rules
903 pursuant to ss. 120.536(1) and 120.54 to administer this
904 section.

905 Section 19. Paragraph (g) of subsection (3) of section
906 1012.33, Florida Statutes, is repealed.

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